



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MARCH 2, 2020 – 7:00 PM

Candace Hollingsworth, Mayor
Carrianna Suiter, W3 (Council Vice President)
Bart Lawrence, W1
Robert Croslin, W2
Danny Schaible, W2
Ben Simasek, W3
Edouard Haba, W4
Daniel Peabody, W4
Joseph A. Solomon, W5

Absent: Kevin Ward, W1 (Council President)
Erica Spell Wolf, W5

Also present were the following City staff members:

Tracey E. Douglas, City Administrator
Jim Chandler, Assistant City Administrator
Ron Brooks, City Treasurer
Vivian Snellman, Director of Human Resources
Laura Reams, City Clerk
Sean Corcoran, Deputy City Clerk
E. I. Cornbrooks, IV, City Attorney

1) Call to Order and Council Roll Call

Mayor Candace Hollingsworth called the meeting to order at 7:06 p.m.

2) Pledge of Allegiance to the Flag

3) Approval of Agenda

Amendment to the Agenda

1. ADD Letter of Support: SB835/HB1034 County and Municipal Street Lighting Investment Act to CONSENT.

HCC-247-FY20

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

I move the City Council authorize the Mayor to send a letter to the City's Maryland Delegation, the Maryland Senate Education, Health, and Environmental Affairs Committee, and the Maryland House Economic Matters Committee in support of bills SB835/HB1034 entitled the County and Municipal Street Lighting Investment Act.

2. MOVE 9.b) Disbursement of FY20 Thrive Grant Funds from Consent to Action.



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RESULT:	APPROVED, AS AMENDED [UNANIMOUS]
MOVER:	Suiter
SECONDER:	Croslin
AYES:	Hollingsworth, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon
ABSENT:	Ward, Spell Wolf

4) Approval of the Minutes

4.a) Approval of the Minutes

HCC-241-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Approval of the Minutes](#)

[Minutes Feb 18 2020 FINAL.docx](#)

I move that the Mayor and Council approve the Council Meeting Minutes of the Public Hearing of February 18, 2020.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Suiter
SECONDER:	Simasek
AYES:	Hollingsworth, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon
ABSENT:	Ward, Spell Wolf

5) Motion to Close (7:15 p.m. - 8:30 p.m.)

5.a) Motion to Close (60-90 minutes)

HCC-239-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Motion to Close \(60-90 minutes\)](#)

I move that the Mayor and Council close the Council Meeting of March 2, 2020 to consult with the City Attorney to discuss confidential commercial or financial information related to a proposed development in the City, to receive legal advice, and discuss possible litigation. The reason for closing the meeting under these exceptions is to protect the City's bargaining position and to maintain legally required confidentiality in regard to commercial and/or financial information and to protect attorney/client privilege.

This session will be closed under the authority of the Annotated Code of Maryland State Government General Provisions Article Section 3-305(b)(7) consult with counsel to obtain legal advice; 3-305(b)(8) consult with staff, consultants, or other individuals about pending or potential litigation, and 3-305(b) (13) to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter - specifically Maryland Code, § 4-335 of the General Provisions Article (protecting from disclosure confidential commercial information).



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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Suiter
SECONDER:	Haba
AYES:	Hollingsworth, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon
ABSENT:	Ward, Spell Wolf

Pursuant to the requirement of the Annotated Code of Maryland State Government Article 3-306(C)(2); this statement is included in these minutes:

A closed session of the Council of the City of Hyattsville was held at 7:08 p.m. on Monday, March 2, 2020, in the City of Hyattsville Municipal Building, Third Floor Council Chambers.

In addition to the City Council, the following staff members were present: **City Administrator Tracey E. Douglas, Assistant City Administrator Jim Chandler, City Treasurer Ron Brooks, and City Clerk Laura Reams.**

Councilmembers Ward and Wolf were absent.

The authority under which the session was closed was the Annotated Code of Maryland State Government General Provisions Article Section 3-305(b)(7) consult with counsel to obtain legal advice; 3-305(b)(8) consult with staff, consultants, or other individuals about pending or potential litigation, and 3-305(b) (13) to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter - specifically Maryland Code, § 4-335 of the General Provisions Article (protecting from disclosure confidential commercial information).

Topics Discussed: Urban Investment Partners (UIP) request for modification to the Revitalization Tax Credit; legal briefing regarding the potential renaming of Magruder Park

Action Taken: None taken.

Ward 2 Councilmember Robert Croslin made a motion to adjourn the closed session, which was seconded by **Ward 1 Councilmember Bart Lawrence** and approved unanimously by the Council. The closed session adjourned at 7:59 p.m.

6) **Public Comment (8:30 p.m. – 8:40 p.m.) Limit 2 minutes per speaker**

Ward 2 resident, Daniel Broder, addressed the Mayor and Council in support of backyard chicken legislation and the Pay-as-You-Throw program stating that he understood the concerns about having fowl in an urban neighborhood regarding waste and maintenance, but expressed his opinion that the outcome would vary depending on the location in which the measure was implemented and encouraged Council to use the legislation to endorse farm-to-table food. Mr. Broder referenced Kristen Brown from Waste Zero stating that he relied on her expertise and data collection to determine his position. He cited statistics showing a decrease of 49% of waste in more than 100 cities that had implemented a similar program.



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Ward 1 resident, Greg Smith, addressed the Mayor and Council in support of Pay-as-You-Throw, backyard chicken legislation, the Summer Literacy Program, and a letter of support for a climate action plan stating the he was also familiar with the work of Waste Zero stating that they conducted thorough, accurate, research and they have proven that programs similar to Pay-as-You-Throw could be extremely cost effective. He expressed his support for a feasibility study, but cautioned that a competent firm, such as Waste Zero, must first be identified.

Ward 2 resident, David Marshall, addressed the Mayor and Council with comments regarding backyard chickens, Pay-as-You-Throw, the Race and Equity Task Force, and Magruder Pointe. Mr. Marshall stated that he was not against the backyard chicken legislation, but that he held reservation regarding poor ownership practices that could negatively reflect an otherwise unremarkable legislation. He expressed disappointment in programs like Pay-as-You-Go stating that the program, studies, and many other initiatives taken by the City was transforming the community into something that was not aligned with the vision of most residents. Mr. Marshall expressed the need for more Black American male members of the Race and Equity task force to provide perspective and addressed Magruder Pointe in support of name change and suggested that decisions being made about the area should not be left to the Planning Committee.

7) **City Administrator Update (8:40 p.m. - 8:50 p.m.)**

City Administrator Tracey Douglas noted that it was Read Across America Day and observed the birthday of Theodor Seuss Geisel; Dr. Seuss. Ms. Douglas relayed that officers from the Hyattsville Police Department worked with two local schools and spent time reading to students and they intended to include more schools in the coming years. She recognized March 2020 as Women's Month and described that the City would highlight successful women of leadership throughout the month. City Administrator Douglas cited the spread COVID-19 (Coronavirus) and ensured that the City was doing everything possible to prevent further instances including providing sanitizer dispensers and close monitoring of guidance from the Centers for Disease Control (CDC).

8) **Presentations (8:50 p.m. - 9:05 p.m.)**

8.a) Presentation of FY20 Thrive Grant Fund Program (10 minutes)

HCC-233-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Presentation of FY20 Thrive Grant Fund Program \(10 minutes\)](#)

Chair of the Health, Wellness, and Recreation Advisory Committee, Don Berger, addressed the Mayor and Council regarding the Thrive Grant Program reporting on the process and actions over the past year stating that it was very successful and they had received 14 applications from a diverse population. Mr. Berger relayed that through extensive research they discovered 12 grants that were suitable for funding; all of which provided some benefit in the field of health, wellness, and recreation such as yoga classes for low-income residents, installation of bicycle racks, parent groups, and groups associated with Northwestern High School. He expressed his satisfaction with the Committee and stated that he felt it was deserving of the same funding in Fiscal Year 2021



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(FY21). Mr. Berger informed Council that the Committee was currently working on an art commissioning project that would display health and wellness related art within the City and cited that applications for the project were soon to close. He described plans for the Committee's mental health training and requested funds be reprogrammed to support the effort.

Mayor Hollingsworth expressed her gratitude for the Committee's efforts regarding first aid for mental health and other partnerships being forged. She recalled her skepticism when the Thrive Grants were initially proposed and stated that she her opinion changed as she witnessed the broad spectrum of applicants, the scope of providers, and the potential for future City programming. She thanked the Committee and all those associated for their hard work and successful results.

Ward 5 Councilmember Joseph Solomon thanked the Committee and commended **Ward 2 Councilmember Robert Croslin** for his support of the original proposal to which **Councilmember Croslin** expressed his appreciation for and satisfaction with the actions and work of the Committee.

8.b) Proclamation in Recognition of Nevilla E. Ottley (5 minutes)

HCC-235-FY20

Lead Sponsor: Hollingsworth

Co-Sponsor(s): N/A

Cover Page: [Proclamation in Recognition of Nevilla E. Ottley \(5 minutes\)](#)

Mayor Hollingsworth invited Ms. Nevilla Ottley to join her in front of the dais for the presentation of a proclamation celebrating her birthday and her years of contributions to the community in the way of music and the humanities. Ms. Ottley addressed the Mayor, Council, and attendees with a message of the importance of music and the benefits of having a focus in the arts that keeps the mind active and provides a path for young people.

9) Consent Items (9:05 p.m. - 9:10 p.m.)

9.a) Resolution 2020: Planning Assistance to Municipalities and Communities Application

HCC-230-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Resolution 2020: Planning Assistance to Municipalities and Communities Application](#)

[Memo - PMAC Application for CPTED Training.doc](#)

[Resolution 2020-02 CPTED.docx](#)

I move that the Mayor and Council adopt Hyattsville Resolution 2020-02, a resolution supporting the City of Hyattsville FY2020 Planning Assistance to Municipalities and Communities Application (INTRODUCTION AND ADOPTION).

9.b) Disbursement of FY20 Thrive Grant Funds was moved from Consent to Action.



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9.c) Proclamation in Recognition of Nevilla E. Ottley

HCC-236-FY20

Lead Sponsor: Hollingsworth

Co-Sponsor(s): N/A

Cover Page: [Proclamation in Recognition of Nevilla E. Ottley](#)
[Proclamation 2020 Nevilla Ottley.docx](#)

I move that the Mayor and Council adopt a proclamation in recognition of the 75th birthday of Ms. Nevilla E. Ottley, founder of the Ottley Music School, and in celebration of her 32 years of service to the City of Hyattsville.

9.d) Traffic Calming - 4500 Block Emerson Street

HCC-231-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Traffic Calming - 4500 Block Emerson Street](#)

I move that the Mayor and Council approve the petition for traffic calming on the 4500 Block of Emerson Street.

9.e) Proclamation Celebrating March 2020 as Women's History Month in the City of Hyattsville

HCC-237-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Proclamation Celebrating March 2020 as Women's History Month in the City of Hyattsville](#)
[Womens_History_Month_2020.docx](#)

I move that the Mayor and Council proclaim March 2020 to be Women's History Month in the City of Hyattsville.

9.f) Letter to Prince Georges County Officials to request Climate Action Plan

HCC-240-FY20

Lead Sponsor: Simasek

Co-Sponsor(s): Schiabile, Suiter

Cover Page: [Letter to Prince Georges County Officials to request Climate Action Plan](#)
[PGC Climate Change Letter.docx](#)

I move that the Council authorize the Mayor to send a letter to the Prince George's County Council, the Prince George's County Executive, Director of Department of the Environment, Director of Public Works and Transportation, and Energy Manager requesting that the county adopt an action plan to proactively respond to the threats posed by climate change.

9.g) Hyattsville Resolution 2020-03: Enhanced Mobility Grant Program

HCC-242-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A



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Cover Page: [Hyattsville Resolution 2020-03: Enhanced Mobility Grant Program Resolution 2020-03 COG Mobility Grant.docx](#)

I move that the Mayor and Council adopt Hyattsville Resolution 2020-03, a Resolution of the City Council of Hyattsville, Maryland, whereby the City Authorizes the Submission of a Grant Application to the Federal Transit Administration's Enhanced Mobility Program (INTRODUCTION & ADOPTION).

9.h) Appointment to the Shade Tree Board

HCC-245-FY20

Lead Sponsor: Hollingsworth

Co-Sponsor(s): N/A

Cover Page: [Appointment to the Shade Tree Board Shade Tree Board Immordino W1 redacted.pdf](#)

I move that the Mayor, with Council approval, appoint Theresa Immordino (Ward 1) to the Shade Tree Board for a term of 3 years to expire on March 2, 2023.

9.i) Appointment to Race and Equity Task Force

HCC-246-FY20

Lead Sponsor: Haba

Co-Sponsor(s): N/A

Cover Page: [Appointment to Race and Equity Task Force RETF Brown-Grier W1 Redacted.pdf](#)

I move that the Mayor and Council appoint Ashleigh Brown-Grier (Ward 1) to the Race and Equity Task Force for a term of two years to expire on March 2, 2022.

9.j) Letter of Support: SB835/HB1034 County and Municipal Street Lighting Investment Act

HCC-247-FY20

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

I move the City Council authorize the Mayor to send a letter to the City's Maryland Delegation, the Maryland Senate Education, Health, and Environmental Affairs Committee, and the Maryland House Economic Matters Committee in support of bills SB835/HB1034 entitled the County and Municipal Street Lighting Investment Act.

RESULT:	APPROVED, AS AMENDED [UNANIMOUS]
MOVER:	Suiter
SECONDER:	Solomon
AYES:	Hollingsworth, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon
ABSENT:	Ward, Spell Wolf



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10) Action Items (9:10 p.m. - 9:40 p.m.)

9.b) Disbursement of FY20 Thrive Grant Funds

HCC-232-FY20

Co-Sponsor(s): N/A

Lead Sponsor: At the Request of the City Administrator

Cover Page: [Disbursement of FY20 Thrive Grant Funds](#)

[02.01 - Grant Letter-R1.pdf](#)

[02.02 - HWRAC Thrive Grants 2020-R1.pdf](#)

[2020 Thrive Grant Applications Redacted.pdf](#)

I move that the Mayor and Council authorize the expenditure of \$5,738 to support the grant proposals recommended from the Health, Wellness, and Recreation Advisory Committee and listed in the attached memo for the dissemination of the FY20 Thrive Grants and reallocate the remaining \$3,262 to the committee for conducting mental health awareness training **and additional programming through the Health, Wellness, and Recreation Advisory Committee speaker series.**

Council Vice President Carrianna Suiter made a motion to add language to the end of the motion that was seconded by **Councilmember Solomon.**

RESULT:	APPROVED, AS AMENDED [UNANIMOUS]
MOVER:	Suiter
SECONDER:	Solomon
AYES:	Hollingsworth, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon
ABSENT:	Ward, Spell Wolf

10.a) Adoption of Title VI Plan for the City of Hyattsville (10 minutes)

HCC-243-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Adoption of Title VI Plan for the City of Hyattsville \(10 minutes\)](#)

[HVL Attachment B 2019 Draft Title VI Plan 2-27-20 rev 022820.docx](#)

I move that the Mayor and Council adopt the Hyattsville Title VI of the Civil Rights Act of 1964 2020 – 2023 Implementation Plan.

City Administrator Tracey Douglas introduced the lead of the Age-Friendly Initiative and cited her extensive efforts in the improvement of resources for senescent residents. Ms. Douglas explained that the adoption of the Title VI Plan was a requirement of the Enhanced Mobility Grant program and provided background and information on the grant that resulted in increased public transportation for seniors and other mobility services. She stated that familiarity with the program and the process was new and areas of improvement had been identified and may return for discussion among Council.



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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Suiter
SECONDER:	Lawrence
AYES:	Hollingsworth, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon
ABSENT:	Ward, Spell Wolf

10.b) Dewey Property - Parcel 5: Detailed Site Plan (DSP) 19050 (20 minutes)

HCC-234-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Dewey Property - Parcel 5: Detailed Site Plan \(DSP\) 19050 \(20 minutes\)](#)

[Memo - DSP-19050 - Dewey Parcel 5 - Action - FINAL.docx](#)

[Dewey Parcel 5 - Mar 2 2020 Materials.pdf](#)

[PC Presentation DSP 19050.pdf](#)

[DSP FirstComment Response 10-11-19.pdf](#)

I move the City Council authorize the Mayor to provide correspondence to the Maryland-National Capital Park & Planning Commission in support of Detailed Site Plan 19050, subject to the following conditions:

- ~~Transformers associated with this development be installed subgrade, consistent with policy guidance per the Prince George's Plaza TDDP. It is preferable that transformers along Public Road B are required.~~ Consistent with policy guidance per the Prince George's Plaza TDDP, transformers along Public Road B shall be installed subgrade. The City is supportive of the applicant's request to place transformers above-grade, screened from the public view, along the east side of the property due to a reduced impact and no impact on the urban streetscape.
- The proposed retail space shall have a fenestration height of ~~14'~~ 10' and a façade treatment of 14' and build-to-line within the 25' maximum depth and 20' minimum depth required in the Transit District Development Plan.
- The applicant shall dedicate space for regular loading and delivery services within the structured parking garage.
- The applicant shall improve of the western leg of the existing crosswalk on Toledo Terrace adjacent to America Boulevard, as this right-of-way improvement is imperative to maintaining the connection between the proposed development and the Prince George's Plaza Metro Station, as well as the amenities present in University Town Center.
- The applicant shall install at least two (2) inverted-U shaped bike racks in front of the leasing office and at least two (2) inverted-U shaped bike racks in front of the retail space. The applicant shall accommodate a 1:1 ratio of bicycle parking spaces to vehicle parking spaces.
- The applicant shall utilize a more vibrant architectural color palette and integrate public art into the development.

The City supports the applicant's request for the following modifications:

- The City supports of the applicant's request for a departure from the design standards, specifically the request for 9' x 18' universal sized parking spaces within the proposed parking garage structure.



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2. The City supports the applicant's requested build-to-line extensions, except for the proposed retail space.
3. The City supports the applicant's proposed location for the lobby entrance at the corner of Toledo Road and Public Road B.

Assistant City Administrator Jim Chandler introduced documentation distributed to Council and provided background and a summary on the measure stating that staff were content with most of the items in the proposal, but there were areas of disagreement outside of their scope that they asked to be addressed by the applicant.

City Planner Kate Powers presented details of the Dewey Property Parcel 5 proposal including location and specifications and cited requested variations including a set standard for parking spaces in the parking garage, the placement of power transformers, building area parameters, and the implementation of retail space. Ms. Powers relayed that the applicant requested that the retail space have a fenestration of 10 feet instead of the required 14 feet to which staff determined 14 feet would be necessary to allow for a standard height for retail and more tenants. Additionally, staff were opposed to the retraction of the building line for retail and preferred that regulations of the Transit District Development Plan (TDDP) be the standard. Ms. Powers reported that the staff were receptive to proposed changes regarding building entrances, crosswalks for increased accessibility and bicycle parking in the garage.

Councilmember Lawrence expressed concern regarding the pedestrian walkways stating that they were in very bad condition and in dire need of upgrade. He made a motion to amend the language to state that consistent with policy guidance per the Prince George's Plaza TDDP, transformers along Public Road B shall be required subgrade.

Ward 3 Councilmember Ben Simasek inquired as to why all of the transformers were not installed in the same way to which Assistant City Administrator Jim Chandler responded that the eastern side of the structure faced green space, a stormwater processing facility, and potentially a trail and that there was great expense in burying the transformers. He stated that the added expense was substantial and that City staff was making efforts to compromise.

Councilmember Solomon stated that he would have expected stronger reasoning to justify a subgrade requirement, but he was open to hear comments from Council.

Ward 4 Councilmember Edouard Haba sought clarity regarding the specifics of the language and ultimately agreed with the motion.

The motion to amend was seconded by **Councilmember Solomon** and passed unanimously.

Councilmember Solomon requested an explanation regarding the deviation from a larger parking space standard to which Mr. Chandler replied that the standard was consistent with several other counties and municipalities and it provided for a more standard template and improved circulation.



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Councilmember Lawrence interjected that he was aware of a member of the Planning Committee who could confirm that the standard was common in many areas outside of Hyattsville. Mr. Chandler added that examples could be provided to Council.

Ward 2 Councilmember Danny Schaible stated that he would have liked to have seen more color incorporated into the exterior of the development and have art displayed on the exterior as opposed to the interior. He expressed concern regarding the electric car charging stations within the parking garage and inquired about the possibility of being able to reach two legally parked vehicles to be charged from one charger.

Councilmember Lawrence recalled an earlier discussion in which it was determined that the art could be placed on the exterior that could be something like a bike rack, to which Mr. Chandler confirmed that there could be functional art, such as a bench, but there was not enough exterior area to incorporate any artistic structures.

Mayor Hollingsworth referenced the Planning Committee's recommendation and asked whether the 14 feet regulation was to be applied to both the interior and the exterior to which Mr. Chandler replied that it was discussed in regard to retail space and that it was the opinion of the Committee that a height of 10 feet would put the location at a disadvantage for future occupancy and limit the types of retail that can use the space. He stated that the height of the fenestration on the exterior would be contingent on the intentions for the outdoor space.

Mayor Hollingsworth requested further details regarding the retail space to which Mr. Chandler explained that what was being proposed was giving the aesthetic of the standard retail specifications but not the functionality of an average retail space. Thomas Haller, attorney for the applicant, was asked to come forward and provide context to the conversation.

Thomas Haller addressed the Mayor and Council expressing disappointment with the recommendations of the planning committee stating that the applicant had made every sincere effort in good faith to address each comment and comply with TDDP regulations. He continued that there were 90 to 100 requirements under the TDDP that the applicant sought to satisfy and asked for adjustments to only six (6). Mr. Haller stated that the retail space was compliant with TDDP regulations and the outdoor seating allowed for a 10 feet high interior fenestration and they purposely employed it in their plan to promote pedestrian traffic and retail patronage.

Mayor Hollingsworth provided comments regarding the 10 feet interior stating that the consequences of unequal heights did not seem to make a significant difference and suggested moving forward with the recommendations of the Planning Committee. Ward 2 resident, David Marshall, addressed the Mayor and Council recollecting that discussions among the Planning Committee pertained to the interior of the development and how it would affect the floors above. Mr. Marshall relayed that the Committee supported the developer's request for setbacks but there was no discussion regarding pulling the building closer to the street.

Councilmember Simasek recalled earlier conversations about the asymmetry of the exterior and was content with the idea of outdoor seating but was not clear on for which type of retail it would be applicable or beneficial.



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Mayor Hollingsworth requested that **Council Vice President Suiter** make a motion to revise item 2 in the language to read: the proposed retail space should have a fenestration height of 10 feet and a façade treatment of 14 feet; leaving the following language unchanged which was seconded by **Councilmember Lawrence**. The Mayor moved the discussion to City staff for their assessment to which Assistant City Administrator Jim Chandler described that it was a space that would be working from a competitive disadvantage due to several aspects including the omission of delivery space. Mr. Chandler added that the list of retail that was provided for the space was optimistic and staff inquired about removing all retail within the plan to which the developers would not agree.

Mr. Haller stated that the intention was to have commercial space and be able to provide commercial amenities and expressed his confidence that the space had longevity noting discussions with the property owner in which it was relayed that maintaining a tenant for the space would not be a challenge. **Mayor Hollingsworth** asked Mr. Haller if there was a prepared plan in the case that the property did not have a tenant to which Mr. Haller answered in the negative and stated that adjustments could be made if faced with the scenario.

Councilmember Solomon inquired further about the competitive disadvantage of the space to which Mr. Chandler clarified that regardless of the ceiling and fenestration height, the space had multiple challenges including a single delivery bay that would make the retailer single use and would make it less attractive to future investors and the limited square footage.

The amendment passed by a vote of 8-1.

RESULT:	APPROVED, AS AMENDED [UNANIMOUS]
MOVER:	Suiter
SECONDER:	Lawrence
AYES:	Hollingsworth, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon
ABSENT:	Ward, Spell Wolf

11) Discussion Items (9:40 p.m. - 10:40 p.m.)

11.a) Backyard Chicken Act (15 minutes)

HCC-238-FY20

Lead Sponsor: Schaible

Co-Sponsor(s): N/A

Cover Page: [Backyard Chicken Act \(15 minutes\)](#)

I move that the Mayor and Council direct the City Attorney to draft an ordinance amending Chapter 52 of the Hyattsville Charter and Code to amend section §52-10 by striking the inclusion of “domestic fowl”, and “poultry and game birds” from the list of prohibited animals. Roosters will remain on the list of prohibited animals in the Code.



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Councilmember Schaible opened the discussion expressing optimism that the legislation would progress to action in a future meeting and stated that he would like to reiterate some of the pertinent points of previous discussions. He stated that citations relevant to chickens are not prevalent in the City of Hyattsville and that animal control and code enforcement focus on several other issues that take priority over fowl related complaints. He recalled conversations with City Counsel that determined that Council could not create a regulatory framework for the legislation because the authority for zoning was held by the County and relayed that the remaining options were few and ineffective. **Councilmember Schaible** cited the differences between County and City code and noted several instances where the City did not adhere to the regulations of the County.

Councilmember Lawrence expressed general support for the measure but noted the potential public health risk, asking if the legislation would make the City more vulnerable to liability. He noted that changes in the R55 zoning regulations would allow for urban farming, but that there the associated lot size requirements would virtually eliminate any home in Hyattsville from being eligible to house chickens. He stated that he has lingering concerns regarding public health and safety.

Councilmember Croslin stated that he had received several phone calls from residents who were displeased with the proposal expressing that it would attract more wildlife. He referenced research from the Center for Disease Control (CDC) that cautioned about the health hazards of maintaining chickens in an urban environment and was not confident that, should the legislation pass, there was no guarantee that safety for residents could be ensured.

Councilmember Haba expressed support for the concept of the legislation stating that it would have to be implemented in the correct way and could jeopardize existing chicken owners. He suggested lobbying the County for amendments to their laws.

Ward 4 Councilmember Daniel Peabody stated that the residents he had talked to hold concerns regarding public health and expressed that Ward 4 residents would likely not be in support due to the Ward's density issues.

Mayor Hollingsworth stated that, initially, she did not hold a strong opinion regarding the proposal, but she was reexamining her position after hearing the strong opinions from both sides. She opined that the public health issue was of the most concern. The Mayor suggested that **Councilmember Schaible** craft language to address the City's obligation to the safekeeping and wellbeing of chickens and humans.

Councilmember Solomon relayed the details of a conversation he participated in with **Councilmember Schaible** and the City attorney in which they explored ideas about adopting zoning regulations, but were unsuccessful because the County assumes all zoning authority. He expressed concerns about removing an existing ban and the message that it would portray and the possible negative consequences.



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Mayor Hollingsworth requested that **Councilmember Schaible** provide insight as to why the legislation was important to which he responded that the City was an outlier regarding this legislation, and it was supported in several neighboring regions. He continued that he did not believe that the areas that were allowing the ownership of chickens were experiencing any of the concerns that were voiced and stated that he has heard a lot of positive feedback and feels the legislation could be beneficial to the community.

Councilmember Haba stated that exercising the approach may provide a false confidence for owners and lead to more complicated issues. He expressed support for a letter to the County requesting they lift the ban on domesticated fowl and stated that it would be a more sound approach.

Councilmember Schaible stated it was his intention to move the item to action at a future Council meeting making it subject to a vote and, depending on the result, may provide an amended version of the legislation that would include a letter to the County, but was not confident that it would have a substantial effect.

11.b) FY21 Budget Request: Hyattsville Summer Literacy Program (10 minutes)

HCC-215-FY20

Lead Sponsor: Solomon

Co-Sponsor(s): N/A

Cover Page: [FY21 Budget Request: Hyattsville Summer Literacy Program \(10 minutes\)](#)
[Proposed Budget Summer Literacy Program](#)

I move that the City of Hyattsville include \$3,500 in its FY21 legislative budget in support of the Hyattsville Summer Literacy Program.

Councilmember Lawrence provided background on the item stating that it was the fourth year of the program and that this legislation would ease the worry about the timing of the issuance of grants they relied upon. He explained that funding provided by the City in a timelier manner would allow the program to continue with the confidence that they would be adequately funded.

Council Vice President Suiter inquired as to whether they would still pursue a grant from their previous source and what areas the funding would be applied. **Councilmember Lawrence** replied that they would still pursue the regular grant and that funding would be used to purchase books and supplies as they deem necessary.

Councilmember Croslin expressed his support for the legislation.

Mayor Hollingsworth requested that items 11.d and 11.e be discussed before item 11.c.

11.d) FY21 Budget Request: Pay-As-You-Throw Trash Disposal Study (15 minutes)

HCC-217-FY20

Lead Sponsor: Schaible

Co-Sponsor(s): N/A



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Cover Page: [FY21 Budget Request: Pay-As-You-Throw Trash Disposal Study \(15 minutes\)](#)
[Curbside Compost Container Schaible.docx](#)
[General Public Fact Sheet Pay-As-You-Throw US EPA.pdf](#)
[Pay as you throw - Wikipedia.pdf](#)
[PAYT– WasteZero.pdf](#)

I move that the Mayor and Council authorize a feasibility study to assess transitioning our municipal trash collection services from the current flat-rate approach to a Pay-As-You Throw (PAYT) approach. Under the current approach, residents pay a flat rate for trash collection from their property tax assessment regardless of how much or how little trash they generate. Under a PAYT approach, property taxes would be decreased to offset the new fees associated with metered trash collection, typically metered either by weight or by volume. This would bring trash collection into alignment with other metered utilities like water and electricity, where consumers are charged for what they use, creating financial incentives to conserve, recycle, and compost.

This feasibility study will provide guidance to help the City assess the relative benefits and potential drawbacks of switching to a PAYT approach, including:

- Expected decrease in municipal trash tonnage driven by increases in recycle and compost participation rates, and possible changes in consumer behavior
- An assessment of the various models of PAYT trash collection, considering their relative strengths and weaknesses
- A review of other comparable municipalities that have switched to PAYT, exploring the impacts associated with the switch including resident satisfaction, cost impacts, and overall changes in trash, recycle, and compost collection rates.
- A review of the possible drawbacks or unintended consequences of switching to PAYT, based off of actual data from other jurisdictions that have switched to PAYT.

For increased cost-efficiency and to expedite procurement, I recommend that this study be incorporated into the existing trash study authorized by the City of Hyattsville that explores trash collection services for single family and multi-family Hyattsville residents, if appropriate. This could be done by modifying the contract for the existing trash study, once awarded. If not appropriate, then this would be a standalone study.

Councilmember Schaible summarized the motion citing successful implementation among thousands of communities in the United States and explained the process for which trash was picked up in the City stating that the legislation would allow residents to be charged for disposal by the amount of waste rather than paying a flat fee for waste services. He stated that the legislation would result in a dramatic decrease in trash generated, improve landfill conditions, and reduce greenhouse gases. He explained that the proposal included a request for a modification to the current waste study to include the program and ensure that it could function in the City of Hyattsville.



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Councilmember Joseph Solomon asked whether one would opt in to the program to which **Councilmember Schaible** responded that the way in which the proposal was written it would be the standard practice for all residents.

Councilmember Simasek questioned how the legislation would apply to multi-family homes and expressed the importance of equity and how the plan could be implemented fairly and deter manipulation by homeowners to serve their interests to which **Mayor Hollingsworth** responded that the logistics could be determined from the study.

Council Vice President Suiter expressed her preference for the study to look at family size dynamics and variations thereof.

Councilmember Haba expressed support for the legislation and stated that it should include a portion of the focus on low-income households.

Councilmember Lawrence relayed that he had met representatives from Zero Waste previously and suggested inviting them to make a presentation regarding the program. He expressed support for the measure. He asked City Administrator Tracey Douglas if the City had signed a contract for the sanitation services study. Ms. Douglas replied that we had yet to, but that they're considering two vendors, both of which are capable of including pay-as-you-throw in their study. She added that there would need to be a modification to the scope of work to include the item.

Mayor Hollingsworth expressed opposition to conducting the study in the current fiscal year and preferred to delay a study on the PAYT program until the current waste study had concluded.

Councilmember Solomon inquired as to the scope of the current study and next steps to which Ms. Douglas responded that staff decided that expenses should be reviewed Citywide to determine where costs could be reduced and the waste study was under that initiative and that staff would return to Council with recommendations.

Mayor Hollingsworth stated that she would like to explore the possibility of having the PAYT included in the current study.

Councilmember Simasek expressed support for the concept and requested details regarding the potential contract to which Ms. Douglas explained that they would negotiate a contract for a consultant on the implementation and effect of the program. Department of Public Works Project Manager, Hal Metzler, added that a contract would traditionally have a six (6) month term but can be modified as needed.

11.e) FY21 Budget Request: Upgrade Hyattsville Curbside Compost Collection Containers
(10 minutes)
HCC-216-FY20
Lead Sponsor: Schaible
Co-Sponsor(s): N/A



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Cover Page: [FY21 Budget Request: Upgrade Hyattsville Curbside Compost Collection Containers \(10 minutes\)](#)

[Curbside Compost Container Schaible.docx](#)

I move that the Mayor and Council direct the Director of Public Works to procure additional curbside compost containers to accommodate the expanded number of participants, and to upgrade and replace existing curbside compost containers. An ideal container would have clear lettering indicating that it is a City of Hyattsville compost container, have a secure lid to prevent animal access, be adequately sturdy to sustain heavy loads and usage, have wheels for ease of movement, and have a capacity in the 10-20 gallon range.

The purchase should be at least 15% more than the current number of participants in the voluntary curbside compost collection program, to allow the program to grow and provide replacement containers as needed.

Councilmember Schaible provided a summary and explanation of the legislation stating that that the supply of compost containers was decreasing and the legislation would address procuring more receptacles of a better quality. He stated that, while funds were limited, he did not believe this action to be expensive.

Department of Public Works Project Manager, Hal Metzler, detailed that the containers proposed would be approximately \$20K for the first year and additional funding would be required for annual replacement due to damage and wear. Mr. Metzler explained that it was difficult to determine an exact amount of compost containers that could be afforded from \$20K because the mixing of different types of waste could vary weights considerably. He stated that the estimate was based on the purchase of 400 containers and wheeled receptacles.

Mayor Hollingsworth expressed that the cost was consistent with the need and suggested including the measure in the fiscal year budget.

Councilmember Peabody and **Council Vice President Suiter** expressed support for the legislation and speculated that it would encourage more residents to participate in composting.

Councilmember Haba stated that the containers currently used were five (5) gallons and suggested finding an accurate average that could positively affect the cost to residents to which Mr. Metzler responded that it would be included in the waste study and agreed that determining an average size would be helpful.

Mayor Hollingsworth detailed the budget process for new members and City Administrator Douglas informed Council that industrial size containers were cited in the budget and that funding was available for varying sizes if needed.

11.c) FY21 Budget Request: Legislative Aide for Mayor & Council (10 minutes)

HCC-214-FY20

Lead Sponsor: Solomon

Co-Sponsor(s): N/A



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Cover Page: [FY21 Budget Request: Legislative Aide for Mayor & Council \(10 minutes\)](#)

I move that the Mayor and Council include funding in the FY-2021 budget to augment the Clerk's Office with a legislative assistant for the Mayor and Council.

Councilmember Solomon provided details regarding the budget request stating that he saw the need to employ an additional staff member in the City Clerk's office to conduct research and motion tracking. He explained that there were always several events and issues to be addressed and support in that area could be beneficial to Council.

Councilmember Croslin inquired as to the responsibilities of the position and salary to which **Councilmember Solomon** replied that the individual would assist with research and coordination for the entirety of Council who continually navigate ever evolving issues. **Councilmember Croslin** noted that in hiring an employee the entity's cost for the position is heightened annually.

Councilmember Lawrence expressed a challenge in justifying the proposal.

Councilmember Schaible responded that it was difficult to deem the proposal as a priority when compared to other budget items, but was supportive of the concept stating that it could be helpful to have a designated employee to address the more complicated issues.

Council Vice President Suiter agreed that there was much work to be done and stated that an added staff member could contribute to the productivity of Council. She expressed interest in receiving more detail.

Mayor Hollingsworth was appreciative of the proposal as it invited conversation and stated that Council did not have the support that was required, but expressed the importance of further discussion and the determination of responsibilities and other aspects. She expressed legal concerns stating that there could be issue with an employee receiving more compensation than their employer and other possible issues in a political environment.

Councilmember Solomon agreed that further discussion was available and logistics would need to be addressed. He stated that he originally placed the position under the purview of the Clerk's office because it was charter-driven that the office was responsible for Council support and could not be used as a political tool.

Mayor Hollingsworth sought clarity regarding the responsibilities, nature or the position, required skillset, and suggested that the decision should be made as a group and reflect how Council would do their job given the additional support.

Councilmember Lawrence asked whether there was opinion that Council was not being served by staff and that the position would help lessen their workload to which **Councilmember Solomon** retorted that it would help staff and provide further resources for different types of tasks from Council and stated that he would like to garner the support of his colleagues and then develop a job description.



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Councilmember Haba cited that adequate time to address motions was an issue for Council and it sometimes resulted in hastened decision making.

City Administrator Douglas reiterated the current process and recalled efforts to implement a similar system. Ms. Douglas noted that if there were needs not being addressed by staff they should be included in the motion language.

Councilmember Lawrence and **Council Vice President** discussed specific issues in which an additional staff member could be beneficial such as scheduling and event venue procurement.

Mayor Hollingsworth assessed that there were varying opinions regarding support or opposition to the measure and stated that further discussion would take place in which more information would be available.

12) Council Dialogue (10:45 p.m. - 10:55 p.m.)

13) Community Notices and Meetings

Councilmember Simasek cited Census Day and encouraged all to participate.

Councilmember Croslin cautioned about the ongoing COVID-19 (Coronavirus) epidemic and provided information and safety measures.

Councilmember Haba noted the nearing Maryland Municipal League annual conference and expressed its importance.

Councilmember Schaible cited events including a Ward 2 check-in and the District 22 listening session.

Councilmember Peabody thanked residents for participation at the recent Ward 4 check-in.

13.a) Main City Calendar: March 3 - 16, 2020

HCC-244-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Main City Calendar: March 3 - 16, 2020](#)

[Main City Calendar Mar 3-Mar 16.pdf](#)



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14) Motion to Adjourn

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Croslin
SECONDER:	Suiter
AYES:	Hollingsworth, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon
ABSENT:	Ward, Spell Wolf

The meeting adjourned at 11:53 p.m.

ATTEST:

March 12, 2020
