



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MAY 18, 2020 7:00 PM

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

Absent: Candace Hollingsworth, Mayor

Also present were the following City staff members:

Tracey E. Douglas, City Administrator
Jim Chandler, Assistant City Administrator
Ron Brooks, City Treasurer
Chief Amal Awad, City of Hyattsville Police Department
Lesley Riddle, Director of Public Works
Vivian Snellman, Director of Human Resources
Laura Reams, City Clerk
Sean Corcoran, Deputy City Clerk
Cheri Everhart, Recreation, Programs, and Events Manager
Hal Metzler, Project Manager, Department of Public Works

MEETING NOTICE:

As we continue to take precautions due to the COVID-19 (Coronavirus) pandemic, the Hyattsville City Council will hold its meeting on Monday, May 18, 2020 remotely via video conference. The Council meeting will be conducted entirely remotely, there will be no in person meeting attendance.

The meeting will be broadcast live on cable television channel 71 (Comcast), channel 12 (Verizon) and available via live stream at hyattsville.org/meetings.

PUBLIC PARTICIPATION:

Public Comment may be made using the e-comment feature at hyattsville.org/meetings or emailing cityclerk@hyattsville.org. All electronic comments must be submitted by 5 PM on May 18, 2020. Comments received will be read by City staff during the public comment portion of the meeting.

1. Call to Order

Council President Kevin Ward called the meeting to order at 7:07 p.m.

2. Pledge of Allegiance to the Flag



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3. Motion to Close (7:10 p.m. – 8:10 p.m.)

3.a) Motion to Close (60 minutes)

HCC-362-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

I move that the Mayor and Council close the Council Meeting of May 18, 2020 to consult with staff to discuss confidential commercial or financial information related to a proposed development in the City.

This session will be closed under the authority of the Annotated Code of Maryland State Government General Provisions Article Section 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).

The reason for closing the meeting under this exception is to protect the City’s bargaining position and to maintain legally required confidentiality in regard to commercial and/or financial information.

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

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 7:12 p.m. on Monday, May 18, 2020, through virtual means.

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, City Clerk Laura Reams, and Deputy City Clerk Sean Corcoran.**

The authority under which the session was closed was the Annotated Code of Maryland State Government General Provisions Article Section 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: The Council discussed the terms of a potential construction project and revitalization tax credit with Republic Land Development.



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Action Taken: None taken.

Ward 4 Councilmember Edouard Haba made a motion to adjourn the closed session at 8:51 p.m. which was seconded by **Ward 5 Councilmember Joseph Solomon** and approved unanimously by the Council. Council returned to open session at 9:01 p.m.

4. Approval of the Agenda

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

5. Approval of the Minutes

5.a) Approval of the Minutes

HCC-363-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Minutes May 4 PH FINAL](#)

[Minutes April 22 FINAL](#)

[Minutes Mar 23 FINAL](#)

[Minutes Oct 21 2019 FINAL](#)

[Minutes July 15 2019 CM FINAL](#)

I move that the Mayor and Council approve the minutes of the Public Hearing of May 4, 2020 and the Council Meetings of April 22, 2020, March 23, 2020, October 21, 2019, and July 15, 2019.

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

6. Public Comment (8:10 p.m. – 8:20 p.m.) Limit 2 minutes per speaker

City Clerk Laura Reams commenced the reading of public comments received electronically into the record.

Rodney Green addressed the Mayor and Council in opposition of the reinstatement of the Hyattsville police officers involved in the September 2019 shooting incident expressing discontent for the response given from Council and the authorization granted by the Chief of Police.



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Karyn Pomerantz addressed the Mayor and Council in opposition of the reinstatement of the Hyattsville police officers involved in the September 2019 shooting incident expressing the need for training and programming pertaining to mental health and a reassessment of response methods.

Kenneth Clark addressed the Mayor and Council in opposition of the reinstatement of the Hyattsville police officers involved in the September 2019 shooting incident opining that excessive force was used and that the Chief of Police and the Mayor of Hyattsville should reexamine the decisions that have been made regarding response to the incident.

Sarah Harper addressed the Mayor and Council in opposition of the reinstatement of the Hyattsville police officers involved in the September 2019 shooting incident citing the protest demonstrations that had taken place outside the City Municipal building and expressing discontent for the response of Council and the actions of the Chief of Police.

Linda Green addressed the Mayor and Council in opposition of the reinstatement of the Hyattsville police officers involved in the September 2019 shooting incident stating that the COVID-19 pandemic was not a justification for reinstatement and requested a more thorough response from City officials.

Cheryl Conner addressed the Mayor and Council in opposition of the reinstatement of the Hyattsville police officers involved in the September 2019 shooting incident expressing her disappointment in the lack of response from the City Council and requesting that the officers be relieved of their employment.

Katherine Conner addressed the Mayor and Council in opposition of the reinstatement of the Hyattsville police officers involved in the September 2019 shooting incident demanding the removal and prosecution of the officers and stating that if such events did not take place, blame should be placed on the City Council.

Beverly John addressed the Mayor and Council in opposition of the reinstatement of the Hyattsville police officers involved in the September 2019 shooting incident and inquired as to which individuals reviewed the incident and which policies were referenced in justifying the officers' reinstatements. Ms. John requested that the reinstatements be rescinded until the completion of the investigation.

Amity Pope addressed the Mayor and Council in opposition of the reinstatement of the Hyattsville police officers involved in the September 2019 shooting incident stating that under the Hyattsville City Charter and Code the City Council had an obligation to ensure the safety of its residents and visitors and requested that the officers not be reinstated until the completion of the investigation.

Tracy and Paul Shand addressed the Mayor and Council in opposition of the reinstatement of the Hyattsville police officers involved in the September 2019 shooting incident citing remarks made in periodicals and from the American Civil Liberties Union (ACLU) regarding the use of flash bangs and whether this was an acceptable method under the Hyattsville Police Department policies.



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The Community Justice Coalition addressed the Mayor and Council in opposition of the reinstatement of the Hyattsville police officers involved in the September 2019 shooting incident. It was stated that they believed the Chief of Police cited the COVID-19 pandemic unjustly and provided sources that contained information and direction for best de-escalation practices and adjusted approaches for response to individuals who are mentally unwell.

Ward 2 resident Kristen Wares addressed the Mayor and Council in opposition to the Magruder Pointe Detailed Site Plan (DSP) agreeing with the Planning Board's disapproval of the applicant's Conceptual Site Plan (CSP) and the transition of the lower parcel from open space to R55 standard housing. Ms. Wares disagreed with the density of the site, the prices of the homes, stormwater facility management and expressed concerns for the negative effects of the project to the community.

Victoria Boucher addressed the Mayor and Council in opposition to the Magruder Pointe DSP agreeing with the Planning Board's disapproval of the applicant's CSP and the transition of the lower parcel from open space to R55 standard housing. Ms. Boucher disagreed with the density of the site, the prices of the homes, stormwater facility management and expressed concerns for the negative effects of the project to the community.

Marc Imlay addressed the Mayor and Council in opposition to the Magruder Pointe DSP and expressed support for the Gateway Arts District Sector Plan. Mr. Imlay disagreed with the density of the site, stormwater facility management, and the repurposing of open space.

Timothy Davis addressed the Mayor and Council in opposition to the Magruder Pointe DSP agreeing with the Planning Board's disapproval of the applicant's CSP and the transition of the lower parcel from open space to R55 standard housing. Mr. Davis disagreed with the density of the site, the prices of the homes, stormwater facility management and expressed concerns for the negative effects of the project to the community.

Janine Wilson addressed the Mayor and Council in opposition to the Magruder Pointe DSP agreeing with the Planning Board's disapproval of the applicant's CSP and the transition of the lower parcel from open space to R55 standard housing. Ms. Wilson disagreed with the density of the site, the prices of the homes, stormwater facility management and expressed concerns for the negative effects of the project to the community.

Cliff Mayo addressed the Mayor and Council in opposition to the Magruder Pointe DSP stating that it was irresponsible to move forward with planning the development while it was still subject to ongoing litigation and questioned the intentions of the applicant citing contrast between the context of discussions and the resulting actions. Mr. Mayo expressed concerns regarding adjustments to the floodplain, the pricing and density of homes in the development, and the negative impact to the community.

Sherry Wilder addressed the Mayor and Council in opposition to the Magruder Pointe DSP agreeing with the Planning Board's disapproval of the applicant's CSP and the transition of the lower parcel from open space to R55 standard housing. Ms. Wilder disagreed with the density



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of the site, the prices of the homes, stormwater facility management and expressed concerns for the negative effects of the project to the community.

Kandra Strauss-Riggs addressed the Mayor and Council in opposition to the Magruder Pointe DSP agreeing with the Planning Board's disapproval of the applicant's CSP and the transition of the lower parcel from open space to R55 standard housing. Ms. Strauss-Riggs disagreed with the density of the site, the prices of the homes, stormwater facility management and expressed concerns for the negative effects of the project to the community.

Marialis Zmuda addressed the Mayor and Council in opposition to the Magruder Pointe DSP agreeing with the Planning Board's disapproval of the applicant's CSP and the transition of the lower parcel from open space to R55 standard housing. Ms. Zmuda disagreed with the density of the site, the prices of the homes, stormwater facility management and expressed concerns for the negative effects of the project to the community.

Catherine Anderton addressed the Mayor and Council in opposition to the Magruder Pointe DSP stating that the diversity of the City was one of the primary contributing factors in her decision to make her home in Hyattsville and that Werrlein projects were eroding income diversity and available green space throughout the City.

Ward 1 resident Greg Smith addressed the Mayor and Council in opposition to the Magruder Pointe DSP stating that it was the applicant's attempt to make an unlawful act lawful retroactively. Mr. Smith expressed concerns regarding the development's density noting that it was in excess of R55 standards and sided with the Planning Committee's position on the development earlier that February.

Ward 2 resident David Marshall addressed the Mayor and Council in opposition of any money being directed to COVID-19, several items included in the Fiscal Year 2021 (FY21) budget; specifically, any funding provided to the Hyattsville Fire Department, and the omission of tax relief for residents. Mr. Marshall stated that he did not support any further delay in the Planning Board's decision on the Magruder Pointe site plan and that he supported Chief Awad's decision to reinstate the officers involved in the shooting incident of September 2019.

7. City Administrator Update (8:20 p.m. - 8:30 p.m.)

City Administrator Tracey Douglas addressed the Mayor and Council with an update of occurrences and events in the City citing National Public Works week and thanking Hyattsville's Public Works team for their endless efforts especially in such a challenging time. City Administrator Douglas reported that Prince George's County received direct allocation of funds to be used for to support relief during the COVID-19 pandemic and appropriated \$1.1M to the City of Hyattsville to provide assistance through the end of 2020. Ms. Douglas stated that staff were reviewing City expenditures to lessen costs in certain areas while using funds to improve health and safety throughout the City.

She announced that the second business round table meeting would take place the following day in an effort to share information about funding and grants and measures being taken to help small



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businesses during a time of financial uncertainty. Ms. Douglas relayed that staff and volunteers would be providing food to residents in need and provided details. She stated that staff continued to work with State and County entities to keep the community advised as to any new guidelines or information pertaining to COVID-19 and cited the hiring of Reggie Bagley to help coordinate those efforts. Ms. Douglas relayed the intention to slowly integrate staff into the Municipal Building with the hope of fully reopening to the public, but that any advancement would be contingent upon the statistics of infections.

City Administrator Douglas reported on the status of resident services including waste removal and reported that a reassessment of what would be provided by Camp Magruder was ongoing. Ms. Douglas reported that the participation in the 2020 Census was gradually increasing with a rate of that time of 53.6% and the Complete Count Committee were still improving methods of outreach.

8. Presentations (8:30 p.m. - 8:35 p.m.)

8.a) Treasurer's Update (5 minutes)

HCC-355-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

City Treasurer Ron Brooks addressed the Mayor and Council with an update regarding the financial position of the City stating that the audit for FY19 was progressing well with completion expected at the end of August 2020. Treasurer Brooks reported that the FY20 audit was scheduled and that he expected it to be completed in early 2021.

9. Consent Items (8:35 p.m. – 8:45 p.m.)

9.a) FY20 Budget Amendment: Accept and Appropriate the Smart Energy Communities Grant Award for Electric Trash Truck

HCC-351-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Please DocuSign Maryland Smart Energy Commun - trash truck](#)

I move that the Mayor and Council amend the FY 20 budget to accept and appropriate the Maryland Smart Energy Communities Grant in the amount of \$50,000 toward the purchase of an electric trash truck, and authorize the City Administrator to enter into an agreement to receive such funds.

9.b) FY20 Budget Amendment: Accept and Appropriate the Smart Energy Communities Grant Award for Solar Panels at the new Public Works Building

HCC-352-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Please DocuSign Maryland Smart Energy Commun - solar](#)



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I move that the Mayor and Council amend the FY20 budget to accept and appropriate the Maryland Smart Energy Communities Grant in the amount of \$50,000 toward the design and installation of a roof top solar photovoltaic system on the new Public Works building, and authorize the City Administrator to enter into an agreement to receive such funds.

9.c) Road Repairs on Farragut Street and 40th Place

HCC-353-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Proposal Farragut Street Resurfacing proposal 40th Pl Base Repair - Washington Gas Surface Course](#)

I move that the Mayor and Council authorize an expenditure not to exceed \$118,000 for the repair of 40th Place and Farragut Streets by NZI Construction under their existing contract.

9.d) Acceptance of Pandemic Relief Funding Received from Prince George's County

HCC-356-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[County Executive Letter to MunFunding 5 6 2020 - Hyattsville](#)

I move that the Mayor and Council authorize the City Administrator to enter into an agreement with Prince Georges County to receive a direct allocation of funding from their Coronavirus Relief Fund (CRF) to cover necessary expenditures directly related to the Coronavirus Disease 2019 (COVID-19).

9.e) Donation of Ward 3 Discretionary Funds to Mark's Food Pantry

HCC-357-FY20

Lead Sponsor: Suiter

Co-Sponsor(s): Simasek

I move that the Mayor and Council authorize the disbursement of \$1,179 from the Ward 3 Discretionary funds to support food security in Hyattsville by donating to the St. Mark's food pantry.

9.f) Memorandum of Understanding: CAPABLE Program

HCC-358-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Capable MOU HAP and HHMM 5-2019](#)

I move that the Mayor and Council authorize the City Administrator to negotiate a one-year extension to the Memorandum of Understanding between the City, Habitat for Humanity, and Hyattsville Aging in Place (HAP) to promote the CAPABLE home modification program. The MOU will be extended through May 31, 2021.



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MOVER:	Suiter
SECONDER:	Solomon
AYES:	Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon, Spell Wolf
ABSENT:	Hollingsworth

10. Action Items (8:45 p.m. – 9:45 p.m.)

10.a) Hyattsville Ordinance 2020-03: Fiscal Year 2021 Budget

HCC-361-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Revised Budget Memo, May 15 2020](#)

[Hyattsville Ordinance 2020-03 FY 2021 Budget \(1\) Revised 5 13 20](#)

[University Town Center Special Tax Report \(2020\) \(1\) 5 14 2020](#)

I move that the Mayor and Council approve Hyattsville Ordinance 2020-03, adopting an annual budget for fiscal Year 2021 beginning July 1, 2020 through June 30, 2021, for the General Purpose; fixing the tax rates for the Fiscal Year beginning July 1, 2020; authorizing collection of taxes herein levied; and appropriating funds for the Fiscal Year (FIRST READING).

I further move to add \$100K to the budget to cover the Cost of Living Adjustment (COLA) for Hyattsville City staff.

Councilmember Solomon requested that the item be explained in more detail for the benefit of residents to which City Administrator Douglas recalled that the FY21 budget that was submitted the prior April accounted for a \$2.4M decrease in revenue due to the COVID-19 pandemic as well as an increase in expenditures related to the construction of a new police headquarters and new Department of Public Works (DPW) building. Ms. Douglas continued that staff had reviewed the budget at length to identify any areas in which savings could occur and adjusted the budget accordingly resulting in an additional \$600K of savings. She detailed some of the vital areas that would continue to be funded including the Community Sustainability Plan, transportation study, and the Age-Friendly Action Plan. She cited that the Cost of Living Adjustment (COLA), a hold on new hires, delay of proposed projects, and delays in other projects as actions taken to limit spending.

Councilmember Solomon sought clarity regarding the hiring freeze asking if it was also applied to police personnel to which City Administrator Douglas responded that there would be delay of two (2) to three (3) officers, but expressed the importance of a full police staff due to the need in schools and some businesses.

Councilmember Solomon asked whether the COLA omission was for the entire staff and requested details as to the financial impact to which City Treasurer Brooks answered that the amount was approximately \$100K out of the entire budget.



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Ward 4 Councilmember Edouard Haba stated that he had no concerns with the initial budget proposal but given the current state he was in support of measures to limit spending such as hiring freezes. He was in support of planning for hires but opposed any additional personnel or salary cost until there was a significant decrease in pandemic activity and a more accurate projection of revenues and the City's financial position.

Ward 2 Councilmember Danny Schaible relayed questions regarding the University Town Center's special tax district and requested a timeframe in which the \$18M bond would be repaid to which City Treasurer Ron Brooks responded that the bond was the responsibility of University Town Center and that he would provide an answer in writing with details reflective of the bond term.

Councilmember Schaible inquired about National Ask Day and recalled previous events to which it was related requesting the status of the availability of locking bags that could be offered to residents to safely secure any firearms and safety inspections from police personnel to ensure any firearm was securely stored to which Chief Amal Awad replied that she recalled the Councilmember's inquiry and confirmed that they were able to provide protective bags and that the police department did conduct home safety surveys and could adjust the elements of the program after a discussion with the City attorney.

Ward 3 Councilmember Ben Simasek asked whether a hiring freeze would occur for FY21, which departments would be affected, and for how long the freeze would continue to which City Administrator Douglas detailed positions that would be frozen and hiring that would be delayed.

Councilmember Simasek asked whether any consideration had been taken in the review of non-lethal weapons for use by the police department or whether any similar spending was factored into future budgets to which Chief Awad replied that the department had explored additional non-lethal options and possessed almost all that was available and that further training was being considered for crisis response in coordination with experts in the area.

Councilmember Solomon requested that the COLA for staff be reconsidered stating that much effort had been put into bringing the Cost of Living Adjustment to an adequate level and expressed the importance of providing sound compensation to the individuals who were responsible for maintaining City business each day. **Councilmember Solomon** offered an amendment to the motion to return \$100K to the budget to cover the COLA which was seconded by **Ward 1 Councilmember Bart Lawrence**.

Ward 4 Councilmember Daniel Peabody requested further clarity regarding the COLA line item to which City Administrator Douglas recalled several instances in which studies were conducted and decisions were made to ensure that staff received compensation at a competitive level. Treasurer Brooks added that staff would still receive merit and other standard increases, but it was internally decided to delay the COLA.

Councilmember Solomon stated that he did not believe that a merit increase and a COLA increase should be treated equally as COLA is a necessary increase that, if not adjusted annually, only makes the adjustment larger when it is finally implemented in accordance with its purpose. City



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Administrator Douglas reiterated the difficulty in choosing which areas to cut from the budget and stated that the removing the COLA for FY21 was a decision that was not easily made and if the Council voted to see it reinstated, she would not oppose. Director of Human Resources Vivian Snellman concurred with the statements of her colleagues and stated that the hiring freeze and delays would require current staff to expand their respective workloads.

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

10.b) West Hyattsville Road Reconstruction Project – Phase 1

HCC-325-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Proposal Hyattsville's West Side Resurfacing Phase 1 \(1\)](#)

I move that the Mayor and Council authorize an expenditure of \$545,000.00 to NZI Construction for the first phase of the West Hyattsville Road Reconstruction Project under their current contract.

Department of Public Works Project Manager Hal Metzler addressed the Mayor and Council with background and a summary of the item stating that this was a multi-year project that would be entering its first phase and City staff were eager to get started.

Councilmember Haba sought clarity regarding differences in the two (2) tables provided to Council to which Project Manager Metzler responded that in working with the contractor, NZI, they developed an approach that would maximize the number of improvements that could be performed while staying within budget restraints. He stated that the first table was the cost of repair for each area and the second was a summary of each potential construction area.

Councilmember Schaible speculated that the project would be approximately three (3) years to which Director of Public Works Lesley Riddle responded that the entire project would more likely be four (4) to five (5) years and that the phase being discussed were the simplest to address. Mr. Metzler concurred that it would take about five (5) years to complete due to the extensive lane miles. **Councilmember Schaible** requested a meeting with Mr. Metzler and Ms. Riddle to discuss the roadway and materials inventory.

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



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10.c) Magruder Pointe Development – Detailed Site Plan Discussion and Action HCC-343-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Memo - DSP 18005 - Magruder Pointe - Action FINAL](#)

[Magruder Pointe Presentation 2 4.17.20-pages-1-6](#)

[Magruder Pointe Presentation 2 4.17.20-pages-7-12](#)

[ARCP-DSP-18005-Updated-pages-1-3](#)

[ARCP-DSP-18005-Updated-pages-4-6](#)

[ARCP-DSP-18005-Updated-pages-7-9](#)

[A-SOJ-DSP-18005](#)

[Driveway Details for Hyattsville](#)

[Planning Committee Draft Minutes - April 21, 2020 \(1\)](#)

I move the Mayor and Council submit the following correspondence to the Planning Board in regard to the Magruder Pointe Detailed Site Plan.

Consistent with past correspondence with the Planning Board and M-NCPPC Staff, the Hyattsville City Council respectfully requests the applicant and the Planning Board to delay its consideration of the detailed site plan application until the City's legal appeal of the parent CSP application has been resolved. Any action taken regarding this application may be reversed in the future depending on the outcome of the appeal. Despite great opposition by the City, if the applicant and the Planning Board is to proceed with consideration of DSP-18005, the City requests the Planning Board consider the following revisions to the application as conditions for approval:

- (1) All single family attached units present on the upper lot of the site shall incorporate pitched roofs (as opposed to low-slope roofs), consistent with the architecture of the single family detached dwelling units.
- (2) The shared driveway area between Lots 20 and 22, which does not reside on private property, shall be entrusted to the site's HOA for ownership and maintenance, as proposed in the City's Exhibit 1, submitted for the record. OR All lots shall have separate dedicated driveway aprons as proposed in the City's Exhibit 2, submitted for the record.
- (3) All **single-family detached** lots shall meet the minimum lot area standard **of 5,000 square feet**, without exception.
- (4) Three-foot side-yards of adjacent houses shall not abut.
- (5) Buyers of single-family detached homes that are not outfitted with a wraparound porch shall have an option to include a separate side porch in the design and construction of the dwelling.
- (6) The applicant shall ensure all walkways and entrances can accommodate individuals with accessibility and mobility issues.
- (7) For those units without rooftop decks, the roof of the garage shall match the pitch and style of the accompanying dwelling unit.
- (8) In order to mirror a more natural egress, a structured pathway shall be included on the west side of the site to give individuals a direct pathway from Hamilton Street to Magruder Park.



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City Planner Kate Powers provided a background and summary of the Magruder Pointe development stating that the focus would be predominantly on recommendations and noted that a discussion on the Preliminary Plan for Subdivision (PPS) was approved in March including lots and dwelling units. Ms. Powers reiterated the recommendations in the motion such as the associated roof types for each model of home stating that staff recommended that the roofs stay consistent with those of the single-family detached dwellings.

She reported on an area in the communal space of the site in which two (2) homes shared an entrance to their respective driveways and stated that it was an item of concern due to the lack of clarity regarding responsibility for maintenance with a scenario that the responsibility fall on the Department of Public Works. Ms. Powers explained that staff suggested that the area be entrusted to the Homeowner Association or that each lot have their own apron and extend the alley further east.

City Planner Powers stated that staff recommended that each lot meet the minimum lot area standard without exception and referenced that two (2) of the single-family detached lots were below the minimum of 5,000 square feet and staff saw no reason that the applicant could not adhere to the standard.

Ms. Powers reported that staff were amenable to the incorporation of side lots for each of the single-family detached homes under the caveat that no two (2) adjacent homes had abutting three (3) foot side yards as they determined the homes would then be too close to one another.

She referenced the staff recommendation that homes that did not have wrap around porches be allowed the option for a side porch and that it would be an adequate use of the side area. She continued that the applicant was requesting that the lead walks width be reduced from five (5) feet to three (3) feet to which staff were amenable as long as easy access would be granted to those with mobility deficiencies or similar disabilities.

Ms. Powers continued that for homes without rooftop decks the roof of the garage shall meet the pitch and style of the dwelling unit but maintained that each homeowner should retain the option for a rooftop deck.

City Planner Powers concluded her presentation citing the recommendation of staff requested that a mirrored egress on the west side of the site should be evident to allow connection from Hamilton Street to Magruder Park. She stated that staff determined that a direct path would provide a safe passageway between the areas and deter residents from using the internal alleyways for passage. She presented the body with the formal report of recommendations from the Planning Committee.

Council President Ward requested that the City Planner or Assistant City Administrator elaborate on the issues of contention with the development and what pertinent questions still remained to which Assistant City Administrator Jim Chandler explained that a legal track existed that challenged the Detailed Site Plan (DSP) and recalled that the City appealed the decision to allow the development. Mr. Chandler added that there were inevitable delays in court proceedings due to the COVID-19 pandemic and that staff are only responding to the DSP and the language



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provided does not endorse the application, rather, it communicates the City's position to the Planning Board. He stated that staff had the capability to state the City's position but were addressing the applicants request beyond the DSP in the case that the applicant is granted approval.

Councilmember Schaible cited a drainage area contained on the lower lot in the DSP and inquired as to why it had been excluded from the illustrative documents presented that night to which Assistant City Administrator Chandler responded that there were other elements of the documents provided that were confusing and deduced that segments of the plan were parsed out at different times and may have been similar to other projects that had phased their approvals for construction.

Councilmember Simasek posed questions regarding recommendation (8) in the motion and asked whether that part of the site would support an American Disabilities Act (ADA) compliant ramp and sought clarity regarding the specific location of the crossing to which Mr. Chandler replied that the intention was to not limit the pedestrian sight line and that the applicant would be required to make an ADA compliant sidewalk that would include switchbacks. Mr. Chandler confirmed that the sidewalk would be extended past the houses and that there was an accessible transit stop.

Councilmember Schaible reiterated his previous question referencing inconsistencies with the drawings of the upper and lower lots to which Mr. Chandler stated that he believed it to be an error on the part of the applicant in which certain schematics were inadvertently included.

Councilmember Schaible stated that there was an omission of the property boundaries in the provided documents and asked whether the land that the applicant has contracted to sell back to the City included the stormwater mitigation facility to which Mr. Chandler explained that a stormwater facility concept was available but that the details and architecture of the facility would not be provided until the approval of the DSP.

Councilmember Schaible expressed frustration with the condition of the lower lot after the initial construction citing debris piles as high as 10 feet and the absence of fencing and erosion protection stating that the area was unsafe and should have since been addressed.

Ward 2 Councilmember Robert Croslin commented that the stormwater management facility will potentially be on the parcel of land that will be sold back to the City and argued that the facility should be contained on the property of the developer to which Mr. Chandler clarified that a stormwater pond was not being proposed and that the stormwater management would be in the privately owned property.

Councilmember Lawrence relayed that the applicant must first provide a DSP before building permits were issued and sought clarity as to why the applicant would submit a DSP that only included the upper lot of the property to which Mr. Chandler responded that it was uncommon, but referenced other projects in which a sequence of similar steps had taken place and explained that, in this case, it was based on a varying degree of certainty of the upper and lower lot.



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Councilmember Lawrence asked whether the other projects referenced by Mr. Chandler were provided building permits without having supplied a DSP in its entirety and reiterated his question regarding the Magruder Pointe DSP to which Assistant City Administrator Chandler responded that an applicant can do almost everything they wish with the exception of vertical construction with the absence of a building permit.

Councilmember Lawrence stated that in the preamble to their application, the applicant acknowledged that they would provide a DSP, however when a condition listed on their application it was stated that the applicant shall provide a DSP the response given states that the submission of a partial DSP was legal and complied with all requirements therein to which Mr. Chandler replied that the conditions were proffered by the applicant and the development could continue without including the lower lot altogether.

Councilmember Lawrence quoted language from the application that requested clarity regarding the District Council's Order of Approval to which Mr. Chandler confirmed that it was a document that was passed by vote by the District Council and explained that when the District Council approves a project at a hearing, they are approving the order to be drafted. He continued that the order would return to the Body to be voted on and the adoption of the order, initially, is a formality.

Councilmember Lawrence sought confirmation that documents pertaining to the stormwater management had not been made available to which Mr. Chandler responded that few details had been discussed but would be indeterminable until the DSP for the lower lot had been developed and any details at that time relied on the County's conceptual plan which is subject to substantial changes.

Councilmember Lawrence suggested that one could not state that the stormwater mitigation facility would not be on the 1.8 acres of the lower lot with any certainty to which Mr. Chandler stated that under the requirements assigned by the Prince George's County Department of Public Works and Transportation a stormwater management facility could not be within 20 feet of the 100-year floodplain, therefore given the size of the lower parcel, it would be very difficult and unlikely that a stormwater facility would there be placed.

Councilmember Solomon requested that the applicant respond to the proposed conditions and identify any concerns to which attorney for the applicant, Andre Gingles, responded that several discussions had been held with staff that returned acceptable recommendations, but stated that due to the layout of the development increasing the square footage of the two (2) lots that were smaller than the standard minimum was not a condition they felt necessary or viable.

Councilmember Solomon referenced the comments of **Councilmember Simasek** regarding sidewalk accessibility and ADA compliance to which Mr. Gingles reiterated that those were standards that were required on every development and that there would be no issue with accommodating walkways that were accessible by those of all abilities.

Councilmember Solomon inquired as to the specific location of the stormwater management facility within the development to which Mr. Gingles replied that the stormwater management



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facility would be a phased project and, while he was unsure as to the exact location, he deduced that the facility would be restricted to only one parcel.

Councilmember Solomon requested further explanation of the initial concerns regarding the roof pitches throughout the development. Assistant City Administrator Jim Chandler addressed earlier comments regarding square footage requirements stating that it was a specific recommendation from City Council during the Preliminary Plan of Subdivision (PPS) and staff determined it was an item of priority. Mr. Chandler continued that the recommendations regarding the roofs were based on maintaining a consistency in style throughout the project and in accordance with neighboring areas.

Mr. Gingles sought justification for the two (2) lots that did not meet the minimum standard explaining that the applicant deemed the units to be only a small percentage of the development that did not comply with standards and that there was no negative aspect aesthetically. He continued that lot size would not be apparent from a spectator point of view and that the focus would remain on the streetscape, structure, and details of each home.

Councilmember Solomon inquired as to the Planning Committee's position regarding lot sizes to which Assistant City Administrator Chandler stated that the Committee was silent on the item and City Planner Powers added that the focus of the Committee was primarily on a timeline, but referenced the language in the motion stating that all lot sizes should meet the required minimum without exception. Mr. Gingles interjected that there were several lots in the area that did not meet the required square footage minimum and that it was not uncommon.

Councilmember Lawrence confirmed that condition 3 in the motion was determined by staff and expressed opposition to striking the condition stating that the County originally approved 6.7 units per acre and that the development in question was projected to contain over 8 units per acre. He continued by seeking confirmation that the Planning Committee had recommended adherence to the minimum square footage requirement for lot sizes to which Mr. Chandler answered in the affirmative and responded that the language requesting condition 3 was included in the Council's correspondence to the Planning Board under the application for subdivision.

Councilmember Lawrence questioned the validity of statements made by developer committing to finding solutions to disagreements that would be amenable to all pertinent parties to which Mr. Gingles retorted that it was stated that, in general, they would do what they could to adhere to all recommendations, but regarding condition 3, they determined that it was an unreasonable request and reiterated the justifications therein.

Councilmember Lawrence recalled the earlier statements of **Councilmember Simasek** regarding condition 8 and a walkway on the west side of the site and requested further details to which Mr. Chandler explained that it was preferred by the Police Department and the Department of Public Works that there be a deterrence of pedestrian access.

Councilmember Lawrence clarified his inquiry asking whether a sidewalk was intended for the west side of the property to continue south toward Gallatin Street and 40th Street and subsequently retracted his question.



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Councilmember Solomon asked whether it was possible to accommodate conditions 3 and 4 given the proposed number of units to which Mr. Gingles replied that they were able to accommodate condition 4 with the proposed units. Mr. Chandler intervened stating that the intent of condition 4 was to ensure that the units maintained an adequate distance from one another and condition 3 issued a minimum size requirement and that the two (2) conditions should not be viewed in combination.

Councilmember Solomon restructured his question asking if the lot sizes all met the minimum requirement would it then cause any adjacent units to abut to which Mr. Chandler responded that the conditions were independent of each other and that the structures on each lot could be repositioned to allow for the side yard requirements. Mr. Gingles supplemented that there were other aspects of the development that took priority over a small number of lots being slightly below 5,000 square feet.

Councilmember Peabody expressed support for adhering to the minimum lot size standard stating that it was unfair to compare both sides of Hamilton Street as they layouts significantly differed. He continued that the plan should meet the standard and expressed opposition to removing condition 3. Mr. Gingles commented that prior discussions and recommendations had resulted in adjustments made by the applicant to reach a middle ground and reiterated the justifications for the response to all recommendations.

Councilmember Lawrence referenced the notes of City Planner Powers from a February 3, 2020 meeting that stated that the proposed density of the development was approved by the District Council at the Conceptual Site Plan (CSP) phase and asked when the designation of 5,000 square feet was determined to which Mr. Chandler responded that the standard was determined at the CSP phase for the single family detached homes and the attached homes are governed by a specified amount of units per acre which can be defined by the District Council. Ms. Powers added that the District Council also set the total number of units for the entirety of the site.

Councilmember Lawrence identified that some of the language in the item was vague and contradictory and suggested amending the motion to specify that the single-family detached units meet the square footage standard to which Assistant City Administrator Chandler supported the clarification.

Councilmember Lawrence offered an amendment to the motion to revise condition three to read “all single-family detached lots shall meet the minimum lot area standard of 5,000 square feet without exception”. The motion to amend the language was seconded by **Councilmember Simasek** and approved unanimously.

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



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11. Discussion Items (9:45 p.m. – 10:15 p.m.)

11.a) Pandemic Fund MOU Criteria Discussion

HCC-365-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Memo - COVID Grant - Businesses](#)

[COVID Relief Fund Grant CDC](#)

[COVID Relief Fund Grant CASA](#)

[COVID Relief Fund Grant EPG](#)

City Administrator Tracey Douglas addressed the Mayor and Council with a background and summary of the item stating that Council discussed grant funding with an expectation to distribute applications by the beginning of June and that staff had been coordinating directly with the agencies to establish the criteria that will be contained in each of the Memoranda of Understanding (MOU).

Ms. Douglas described the agreement with Hyattsville Community Development Corporation (CDC) stating that they would be granted \$300K for cash assistance to individuals in the City for rent and mortgage relief, utilities, and demonstrable living needs. She cited the qualifying criteria and methods in which the funds would be distributed.

Councilmember Haba posed several questions regarding the intentions of each grantee seeking details regarding any instituted mechanism that would prevent abuse of procuring funds from multiple sources, the communication between charitable entities, and a minimum residency requirement to which Ms. Douglas responded that there would be an indemnification clause, an applicable law clause, and other procedures put in place to prevent waste, fraud, and abuse which are all legally reviewed and required for an MOU.

Executive Director of Hyattsville CDC, Stuart Eisenberg, addressed the Councilmember's concerns stating that there were required fields in the application that will identify any other grants received or applied for by a resident and that the grant agreement would determine the destination of funds.

Councilmember Haba inferred that the City would be entrusting that each applicant be honest and forthcoming in the information they provide in the application and expressed concerns stating that it would be an insufficient and easily manipulated process to which Mr. Eisenberg responded that oversight could be conducted simply among the three (3) distributing entities and lists and actions could be regularly audited to prevent any individual from receiving any funding beyond the allowable amount.

Councilmember Haba stressed the importance of making the relief funding available to undocumented residents reiterating the City's inclusive nature stating that all residents should be afforded the same opportunities.



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Council Vice President Carrianna Suiter stated that she did not want to restrict residents from receiving aid from all three (3) of the charitable organizations to which Mr. Eisenberg responded that there were legal restrictions that prevented an individual from receiving funds from two (2) or more organizations for the same purpose. **Council Vice President Suiter** argued that each of the charities were set up in such a way that the criteria required to receive funds from each varied substantially and all served a separate purpose. Mr. Eisenberg added that any funds received by residents would not be categorized as taxable income.

Councilmember Lawrence expressed concerns regarding a residency requirement stating that Council should be mindful of limiting bureaucracy and administrative burdens and opined that he did not believe that anyone in need of funds would be actively changing their residence on a frequent basis. City Administrator Douglas stated that, at that time, there were no such requirements included in any of the applications and that the discussion was preliminary. She added that all of the comments and recommendations would be taken into consideration and reviewed by the City attorney prior to finalizing the MOU.

City Administrator Douglas provided a background and summary regarding Casa de Maryland stating that \$100K would be allocated to the organization for pandemic relief and would serve residents who were ineligible for assistance from the State or County and described the group's prioritization and distribution methods.

Councilmember Haba posed questions to Ms. Douglas regarding Casa de Maryland's processes to which the City Administrator confirmed that no membership was required and that many of the details, including any insurance clauses and definitions, would be finalized after review by the City attorney and the items presented at the Council meeting were to serve as a foundation going forward.

City Administrator Douglas provided background and summary regarding Employ Prince George's (EPG) stating that \$100K would be allocated to the organization for pandemic relief and would serve the immediate needs of hourly workers earning \$19 per hour or less, hourly workers who have been laid off, and would conduct criteria, requirements, and processes similarly to Casa de Maryland.

Councilmember Schaible expressed his appreciation for each of the distribution entities and his gratitude for their work and inquired as to how the opportunity would be communicated to residents noting that there would be residents who are delayed in being made aware and expressed his preference to make an announcement for a future date in which applications would be accepted allowing ample time for residents to be contacted. Ms. Douglas replied that Casa de Maryland incorporated a panel to review all applications and its processes were in accordance with the Councilmember's wishes. She continued that she would be following up with EPG to confirm their communication practices and that CDC would be using a Board that collected the applications and made determinations thereafter.

Councilmember Haba reiterated his concerns that to receive funding from EPG you must be a documented citizen to which Ms. Douglas responded that she would research the question and return with a definitive answer.



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Councilmember Solomon sought clarity regarding the relief for rents and mortgages and how they would be applied specifically for COVID-19 pandemic related challenges as opposed to those who had existing outstanding debts to which City Administrator Douglas reported that Mr. Eisenberg was in the process of developing such guidelines and was very specific in ensuring that the eligibility requirements in place were directed toward those being directly negatively affected by the health crisis. Mr. Eisenberg addressed the Councilmember's concerns explaining several ways in which they can associate needs with being caused by COVID-19 and described the funding distribution.

Councilmember Solomon inquired as to the hiring freeze that was cited in the Fiscal Year 2021 (FY21) budget to which Ms. Douglas confirmed that the Department of Public Works (DPW) Clean and Safe team currently had seven (7) members with four (4) active due to decreased business activity and that they were funded by EPG and would be delayed full function until the following December or January.

Councilmember Solomon acknowledged the funding from EPG and noted that there were no budget reductions to the Clean and Safe Team and sought an explanation for their limited capacity and likelihood for the team's expansion to additional areas of the City. Ms. Douglas explained that the grant funding and application process were unrelated and did not involve investigating employment opportunities.

Assistant City Administrator Jim Chandler addressed the Mayor and Council stating that the City was prepared to receive applications beginning at 10:00 a.m. on June 1st and would be holding a briefing roundtable to discuss the current events with the business community by instituting a robocall notification system and other means. He stated that staff anticipated many participants and that they expected to issue notices to applicants within 30 days of receipt. Mr. Chandler reported that staff intended to develop a GIS map that would reflect the recipients and details therein.

Councilmember Simasek referenced that there was language regarding grants that acknowledges costs incurred from the continuation of regular business and asked whether costs incurred for the adaptation to the newly compromised environment would also be included to which Mr. Chandler confirmed that criteria existed that would allow staff to monitor any movement or destination of funds.

Councilmember Haba asked whether there was any discrimination regarding what funds could be applied for to which Mr. Chandler responded that there was a set of criteria, determined and approved by Council, that would provide the parameters in which a business could approach their relief requests. He added that there were separate applications for each categorization of potential recipients.

Councilmember Schaible cited a letter received by the City from County Executive Angela Alsobrooks in which it was stated that the City could be reimbursed up to over \$1M in spending intended for pandemic relief and noted that Council had allocated money in the FY21 budget for COVID-19 relief and expressed concerns that they would no longer be eligible for County reimbursement to which City Administrator Douglas clarified that they had reached out to the



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County and it was determined that a portion of the funds would be eligible for reimbursement. She added that there were explanations and justification for each of the costs and that a formal communication would be made to County officials with full transparency and also suggested a caveat in which unspent funds from other municipalities and areas could be reallocated to Hyattsville as its expenses would inevitably exceed \$1M.

Council Vice President Suiter requested clarity regarding the specific requirements for businesses not being applicable to grants for artists to which Mr. Chandler confirmed that certain aspects were not applicable to some artists as they may not occupy a residency and would therefore not be susceptible to occupancy taxes and other incurred fees.

12. Council Dialogue (10:15 p.m. – 10:25 p.m.)

Councilmember Peabody thanked staff for their prompt response to the needs of residents and their continued efforts amid the challenging times.

Councilmember Haba provided details regarding the 2020 Maryland Municipal League Summer conference and future food distribution dates, times, and locations.

Council Vice President Suiter expressed her appreciation for all of the work conducted by the City staff and the quick response regarding pandemic relief.

Councilmember Schaible echoed the comments of his colleagues and highlighted DPW for their efforts and continuing City services while navigating the challenges brought by the global pandemic.

Councilmember Solomon thanked the staff and Council for all of their work and specifically the development of the City budget and the efforts of Hyattsville Aging in Place.

13. Community Notices and Meetings

**13.a) Main City Calendar: May 19 - June 1, 2020
HCC-366-FY20**

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Main City Calendar May 19-June 1, 2020 051320](#)

14. Motion to Adjourn

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



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The meeting adjourned at 12:48 a.m.

ATTEST:

August 13, 2020

A blue ink signature of Laura Reams, consisting of a stylized 'L' followed by a series of loops and a horizontal stroke.

Laura Reams, City Clerk

A black ink signature of Sean Corcoran, featuring a large, stylized 'S' and 'C' followed by a horizontal stroke.

Sean Corcoran, Deputy City Clerk