

City of Hyattsville

Hyattsville Municipal Building
4310 Gallatin Street, 3rd Floor
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org



Agenda Regular Meeting

Monday, March 16, 2020

7:00 PM

Council Chambers

City Council

Mayor Candace B. Hollingsworth
Kevin Ward, Council President, Ward 1
Carrianna Suiter, Council Vice President, Ward 3
Bart Lawrence, Ward 1
Robert S. Croslin, Ward 2
Danny Schaible, Ward 2
Ben Simasek, Ward 3
Edouard Haba, Ward 4
Daniel Peabody, Ward 4
Joseph Solomon, Ward 5
Erica Spell Wolf, Ward 5

ADMINISTRATION

Tracey E. Douglas, City Administrator
Laura Reams, City Clerk, 301-985-5009, cityclerk@hyattsville.org

WELCOME TO THE CITY OF HYATTSVILLE CITY COUNCIL MEETING!**Your participation at this public meeting is valued and appreciated.**

AGENDA/PACKET: The Agenda/Packet is available for review at the Hyattsville Municipal Building and online at www.hyattsville.org prior to the scheduled meeting (generally available no later than the Friday prior to the scheduled Monday meeting). Please note, times given for agenda items are estimates only. Matters other than those indicated on the agenda may also be considered at Council discretion.

AMERICANS WITH DISABILITY ACT: In compliance with the ADA, if you need special assistance to participate in this meeting or other services in conjunction with this meeting, please contact the City Clerk's Office at (301) 985-5009. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

AUDIBLE DEVICES: Please ensure all audible devices are turned off or otherwise not audible when the City Council is in session. Thank you.

PUBLIC INPUT: If you wish to address the Council during the Public Comment period, please submit an Audience Participation Form to the City Clerk prior to the beginning of the meeting. Matters identified during Public Comment that are not on that meeting's agenda will be referred to staff for follow-up or considered on a future agenda. Issues that require a response will be addressed publically at the next regular Council meeting. Speakers are requested to keep their comments to no more than two (2) minutes per speaker. Written comments or supporting documents may be turned in to the City Clerk for distribution to the Mayor and Council.

WAYS TO WATCH THE MEETING LIVE: City Council meetings are broadcast live on cable television channel 71 (Comcast) and channel 12 (Verizon). You may also view meetings live online at hyattsville-md.granicus.com/MediaPlayer.php?camera_id=2

REPLAY SCHEDULE: The meetings will be re-broadcast on cable television, channel 71 (Comcast) and channel 12 (Verizon) daily at 7:00 a.m., 1 p.m., and 8 p.m. Meetings are also able for replay online at www.hyattsville.org/meetings.

CITY INFORMATION: Sign up to receive text and email notifications about Hyattsville events, government, police and programs at www.hyattsville.org/list.aspx

INCLEMENT WEATHER: In the event of inclement weather, please call 301-985-5000 to confirm the status of the Council meeting.

1. Call to Order and Council Roll Call**2. Pledge of Allegiance to the Flag****3. Approval of Agenda****4. Approval of the Minutes****4.a Approval of the Minutes**[HCC-250-FY20](#)**Approval of the Minutes**

I move that the Mayor and Council approve the minutes of the City Council Meeting of February 18 and March 2, 2020.

Sponsors: Douglas

Department: City Clerk

Attachments: [Minutes Feb 18 2020 FINAL](#)
[Minutes Mar 2 FINAL](#)

5. Motion to Close (7:10 p.m. - 8:10 p.m.)**5.a Motion to Close (60 minutes)**[HCC-248-FY20](#)**Motion to Close (60 minutes)**

I move that the Mayor and Council close the Council Meeting of March 16, 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.

Sponsors: Douglas

Department: City Clerk

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

7. City Administrator Update (8:20 p.m. - 8:30 p.m.)**8. Presentations (8:30 p.m. - 8:50 p.m.)****8.a Hyattsville Complete Count Committee Update**[HCC-265-FY20](#)**Hyattsville Complete Count Committee Update**

Presentation only

Sponsors: City Administrator**Department:** City Clerk**Attachments:** [City Council Presentation March 16 CCC](#)**8.b Treasurer's Update**[HCC-266-FY20](#)**Treasurer's Update**

Presentation Only

Sponsors: City Administrator**Department:** Finance**9. Proclamations****9.a Proclamation Celebrating March 19, 2020 as Women in Public Office Day in the City of Hyattsville**[HCC-249-FY20](#)**Proclamation Celebrating March 19, 2020 as Women in Public Office Day in the City of Hyattsville**

I move that the Mayor and Council proclaim March 19, 2020 as Women in Public Office Day in the City of Hyattsville

Sponsors: Douglas**Department:** City Clerk**Attachments:** [Women in Public Office Day 2020](#)**10 Appointments****10.a Appointments to the Education Advisory Committee**[HCC-267-FY20](#)**Appointments to the Education Advisory Committee**

I move that the Mayor and Council appoint Michelle Thornton (Ward 1) and Candida Garcia (Ward 5) to the Education Advisory Committee for a term of 2 years to expire on March 16,

2022.

Sponsors: Haba, Schaible and Ward

Department: City Clerk

Attachments: [EAC Thornton W1 Redacted](#)
[EAC Garcia W5 Redacted](#)

10.b Appointment to the Health, Wellness, and Recreation Advisory [HCC-270-FY20](#)
Committee

Appointment to the Health, Wellness, and Recreation Advisory Committee

I move that the Mayor and Council appoint Micah Morgan (Ward 5) to the Health, Wellness, and Recreation Advisory Committee for a term of 2 years to expire on March 16, 2022.

Sponsors: Schaible and Simasek

Department: City Clerk

Attachments: [HWRAC Morgan W5 Redacted](#)

11. Consent Items (8:50 p.m. - 8:55 p.m.)

Items listed on the Consent Agenda are considered routine in nature, and are approved in one motion. There will be no separate discussion of these items unless the Mayor/Council request specific items be removed from the Consent agenda for separate action.

11.a Resolution 2020-04: State of Maryland Enterprise Zone Program [HCC-255-FY20](#)
Re-Designation

Resolution 2020-04: State of Maryland Enterprise Zone Program Re-Designation

I move that the Mayor and Council introduce and adopt Resolution 2020-04, a resolution of the Mayor and City Council of the City of Hyattsville, Maryland, supporting the re-designating of the State of Maryland Enterprise Zone program which provides County and municipal real property, and County and municipal business personal property tax credits that could be instrumental in attracting new business investment to communities that have been targeted for revitalization (INTRODUCTION & ADOPTION).

Sponsors: City Administrator

Department: Community & Economic Development

Attachments: [EZ Municipal Ltr Hyattsville](#)
[Resolution 2020-04 Re-Designate PG County's Enterprise](#)
[Zone Program](#)
[Enterprise Zone Brochure](#)
[Enterprise Zones - Municipality Map Series 14](#)

11.b 2020 Anniversary Carnival Contract: Snyder Amusements [HCC-256-FY20](#)

2020 Anniversary Carnival Contract: Snyder Amusements

I move that the Mayor and Council authorize the City Administrator to negotiate a contract with Snyder Amusements to provide carnival services for the 2020 City Anniversary Carnival, upon the review and approval of the City Attorney for legal sufficiency.

Sponsors: City Administrator

Department: City Clerk

Attachments: [Hyattsville 2020 Carnival](#)

11.c Cancel Budget Work Session of March 25, 2020 [HCC-273-FY20](#)

Cancel Budget Work Session of March 25, 2020

I move that the Mayor and Council cancel the Council Budget Work Session scheduled for Wednesday, March 25, 2020.

Sponsors: Douglas

Department: City Clerk

12. Action Items (8:55 p.m. - 9:15 p.m.)

12.a Zoning Variance Request V-2-20 - 3900 Jefferson Street, [HCC-253-FY20](#)
Hyattsville

Zoning Variance Request V-2-20 - 3900 Jefferson Street, Hyattsville

I move that the City Council authorize the Mayor to send correspondence to the Prince George's County Board of Zoning Appeals stating the City of Hyattsville's support for Variance Request V-2-20, a request of 11 feet front building line width, 3 feet front street line width, 5 feet front yard depth, and 7% net lot coverage for subject property located at 3900 Jefferson Street, Hyattsville.

Sponsors: City Administrator

Department: Community & Economic Development

Attachments: [Memo - V-2-20](#)
[Hughes Variance Application](#)
[Stone 6Fifty](#)
[SOJ Jefferson Street](#)
[Variance Letter Jefferson](#)

12.b Backyard Chicken Act

[HCC-252-FY20](#)

Backyard Chicken Act

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.

Sponsors: Schaible

Department: City Clerk

13. Council Dialogue (9:15 p.m. - 9:25 p.m.)

14. Community Notices and Meetings

14.a Main City Calendar: March 17 - April 6, 2020

[HCC-274-FY20](#)

Main City Calendar: March 17 - April 6, 2020

Sponsors: City Administrator

Attachments: [Main City Calendar Mar 17-Apr 6](#)

15. Motion to Adjourn



City of Hyattsville

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Agenda Item Report

File #: HCC-250-FY20

3/16/2020

4.a

Submitted by: Laura Reams

Submitting Department: City Clerk

Agenda Section: Approval of the Minutes

Item Title:

Approval of the Minutes

Suggested Action:

I move that the Mayor and Council approve the minutes of the City Council Meeting of February 18 and March 2, 2020.

Summary Background:

Action summaries for Council Meetings are posted to the City website within 48 hours of the meeting. Staff is in the process of reviewing records to ensure all previous meeting minutes have been approved by Council. Please see attached minutes.

Next Steps:

Upon approval, approved minutes will be posted on the City's website.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Approval

Community Engagement:

Minutes are posted on the City's website.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?

N/A



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD FEBRUARY 18, 2020 – 8:00 p.m.

Present: Candace Hollingsworth, Mayor
Kevin Ward, W1 (Council President)
Bart Lawrence, W1
Robert Croslin, W2
Danny Schaible, W2
Ben Simasek, W3
Edouard Haba, W4 (departed at 11:29 p.m.)
Daniel Peabody, W4
Joseph A. Solomon, W5 (departed at 11:29 p.m.)
Erica Spell Wolf, W5

Absent: Carrianna Suiter, W3 (Council Vice President)

Also present were the following City staff members:

Tracey E. Douglas, City Administrator
Jim Chandler, Assistant City Administrator
Ron Brooks, City Treasurer
Lesley Riddle, Director of Public Works
Laura Reams, City Clerk
Sean Corcoran, Deputy City Clerk
Deputy Chief Scott Dunklee, City of Hyattsville Police Department

1) Call to Order and Council Roll Call

Mayor Candace Hollingsworth called the meeting to order at 8:05 p.m.

2) Pledge of Allegiance to the Flag

3) Approval of Agenda

Amendments to the Agenda

1. ADD Motion #HCC-229-FY20 to the CONSENT agenda:

Letter of Support: SB0737/HB1520 Sustainable Maryland Program Fund - Establishment

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 Appropriations Committee in support of bills SB0737/HB1520 to establish the Sustainable Maryland Program Fund. The Fund may be used for educating communities in the development of strategies to achieve green community certification; requiring, beginning with fiscal year 2022, for the Governor to include in the annual budget bill an appropriation of \$750,000 to the Fund.



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD
FEBRUARY 18, 2020 – 8:00 p.m.

2. REMOVE Motion #HCC-210-FY20 (Item 10.a) “Magruder Pointe PPS-4-18001 Correspondence to M-NCPPC Legal Counsel” from the Agenda.

3. ADD Motion # HCC-225-FY20 Magruder Pointe Development – Preliminary Plan of Subdivision 4-18001 to the DISCUSSION agenda.

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

4) Approval of the Minutes

4.a) Approval of the Minutes

HCC-221-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

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

[Minutes Feb 3 2020 FINAL.pdf](#)

[Minutes March 4 2019 CM FINAL.docx](#)

[Minutes March 18 2019 PH FINAL.docx](#)

[Minutes March 18 2019 CM FINAL.docx](#)

I move that the Mayor and Council approve the Council Meeting Minutes of March 4 and March 18, 2019, the Public Hearing of March 18, 2019, and the Council Meeting of February 3, 2020.

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

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

Ward 5 resident, Kurt Brintzenhofe, addressed the Mayor and Council in opposition of the Backyard Chickens Act and provided documentation that cited potential concerns of domesticated chickens within urban areas. Mr. Brintzenhofe stated that he was providing the studies and reports to Council so that they could make their own determinations from the data and commended **Ward 4 Councilmember Edouard Haba** on his preference of working with the County on the issue. He suggested requiring a special license or permit for ownership and encouraged all to review the information provided.



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD FEBRUARY 18, 2020 – 8:00 p.m.

Ward 2 resident, Daniel Broder, addressed the Mayor and Council with remarks regarding Magruder Pointe stating that he opposed moving forward on the conceptual site plan (CSP) for the upper lot and sending correspondence related to the project until litigation had completed. Mr. Broder stated that there were more allies and benefits for developers and equivalent attention and involvement was given to residents and the environment and urged Council to continue to work for the community.

Ward 1 resident, Greg Smith, addressed the Mayor and Council in opposition to the Magruder Pointe project stating that the project had been a subject of discussion for over two (2) years and that items that Werrlein promised to address had still not been addressed. Mr. Smith recalled several meetings that took place during planning and cited details in the plan and that were not consistent with City regulations. He opined that the developers had no intention of addressing any of the concerns they agreed to review.

Ward 1 resident, Sandra Rodriguez, addressed the Mayor and Council with comments regarding Sacred Heart home redevelopment stating that communication from the developers to residents had been extremely limited leaving residents unaware of any details regarding the project or its timeline. Ms. Rodriguez spoke specifically about utility infrastructure and how it would impact her property and identified potential code violations.

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

City Administrator Tracey Douglas addressed the Mayor and Council with an update of happenings in the City. Ms. Douglas noted the continued work of the Department of Public Works in maintaining the streets keeping them clear of leaves and debris and announced that April 4th would be Census Day which would entail events throughout the day designed to bring attention and participation to the 2020 Census and reach hard to count areas. She invited residents and staff to join the Mayor and Council at the Black History Month panel discussion and art event that would highlight the achievements and impact of African Americans. City Administrator Douglas noted areas of needed improvement on City roadways and explained while it was the responsibility of the County and State, the City would be recording the incidents and transferring them to the appropriate body.

7) Presentations (8:30 p.m. – 9:00 p.m.)

7.a) Dewey Property - Parcel 5: Detailed Site Plan (DSP) 19050 (15 minutes)

HCC-222-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 \(15 minutes\)](#)
[Memo - DSP-19050 - Dewey Parcel 5 - Presentation and Discussion.docx](#)
[Presentation DSP 19050.pdf](#)



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD FEBRUARY 18, 2020 – 8:00 p.m.

Assistant City Administrator Jim Chandler provided an introduction and brief history of the Dewey Property project stating that the item would be revisited at the following Council meeting and introduced Thomas Haller; counsel for the developers of the project: Fairfield Residential. Mr. Haller addressed the Mayor and Council by introducing members of his team and providing an overview and update of the project. He gave a short history of Fairfield Residential and detailed the changes in the project since the last presentation including adjustments to the roadways and sidewalks, installation of traffic signals and signage, cyclist and pedestrian considerations, and how the plan complies with the Transit District Development Plan (TDDP). He elaborated on other components of the project stating that upon completion there would be more parking available, street access points, and a courtyard on the interior of the structures.

Fairfield Residential representative, Brian Condley, addressed the Mayor and Council presenting details regarding the proposed facades of the structures, the locations of retail and corporate offices, and the incorporation and regulations of the loading zones of the buildings. Mr. Condley stated that the team addressed most of the concerns that were identified and was confident that they would resolve any other issues brought forward.

Thomas Haller recalled the issue of power transformers and explained that they attempted to address the recommendations of Council to limit their visibility by housing the transformers just outside the building shielded by metal screening. Mr. Haller stated that it was not feasible to bury the transformers and that the alternative was to design an aesthetically pleasing metal fencing around the units.

Ward 3 Councilmember Ben Simasek inquired as to whether there were any considerations for improvements for cyclists on any of the adjacent or through streets to which Mr. Haller responded that the conceptual site plan does not include any adjustments and that the roads were under State jurisdiction and he was not aware of any from another entity.

Ward 1 Councilmember Bart Lawrence requested details as to the dimensions of a side of the building and where crosswalks would be instituted to which Mr. Haller provided the specifics of the dimensions and stated that it was not included in the plan but confirmed that they would be required for safety before completion.

Mayor Hollingsworth raised a series of questions regarding the types of dwellings to be included, potential noise pollution in the courtyard area of the buildings, accessibility and American Disabilities Act (ADA) compliance, and how the determination of types of dwellings was made. She expressed her contentment for certain amenities including outdoor stoops on the first level of the structure. Mr. Condley responded that there would be 321 units consisting of 30 two-bedroom apartments, nine (9) three-bedroom apartments, 47 studio apartments, and 162 one-bedroom apartments determined by the site lying in an urban area and reflective of the demographic of the region. He stated that the materials used for the interior courtyard are the same materials used for the exterior to quell the sound of vehicles, construction, and the like and that they were required by law to make aspects of the construction ADA compliant, but noted that the company made every effort to allow individuals of varying capability restrictions.



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD FEBRUARY 18, 2020 – 8:00 p.m.

7.b) Sacred Heart Home Redevelopment Project Update (15 minutes)

HCC-198-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Sacred Heart Home Redevelopment Project Update \(15 minutes\)](#)

Assistant City Administrator Jim Chandler provided background and summary regarding the Sacred Heart Home Redevelopment Project and introduced Larry Taub, attorney for Sacred Heart. Mr. Taub introduced himself, provided a short synopsis of the work of his firm and their partnership and history with Sacred Heart, and introduced the administrator for the property and Joe Welke, construction manager for the project. Mr. Taub stated that a grading permit had been issued the previous November, but they were still awaiting a building contract which was proving to be a lengthy process.

Mr. Welke addressed the Mayor and Council stating that they expected to be approved for the issuance of a building permit in the following few days and upon receipt they will begin construction on the convent; once completed they will begin construction on a nursing home, both of which were scheduled to be completed by the Spring of 2021. He addressed resident comments citing the flooding of sediment into the street as a result of heavy rains and explained that all of the required regulations for the mitigation of stormwater were in place and, in this case, the regulations were unable to accommodate the volume of stormwater produced. Mr. Welke assured the Body that the contractor of the project was diligent in addressing the necessary rehabilitation after the overwhelming influx of sediment runoff.

Mr. Taub announced the ceremonial groundbreaking of the project and invited the Mayor and Council to attend requesting their assistance in reaching out to community residents.

Mayor Hollingsworth raised the issue of communications expressing concern that residents were not regularly, adequately apprised of instances that could potentially impact nearby properties to which Mr. Taub replied that they attempted to establish lines of communications but were unable to reach a satisfactory population. He acknowledged that, previously, a number was provided to offer an outlet where residents could share comments and questions and committed to working with staff to establish a more effective means of communication.

Ward 2 Councilmember Robert Croslin relayed that there were concerns from many about the project and stated that a visual aid should have been prepared to aid the description of the subject area and its characteristics. He referenced large mounds of earth on the site and inquired to their purpose to which Mr. Welke answered that a portion was due to the mass grading on the site and a significant portion would be used to backfill retaining walls. He added that the mounds were temporary and would not be evident early into the construction of the convent.



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD

FEBRUARY 18, 2020 – 8:00 p.m.

Ward 2 Councilmember Danny Schiabe cited the concerns of which he had been made aware from long-time residents and expressed the importance of being sympathetic to their interests and to providing them information as it became available. He adduced the sediment runoff as an example of an instance in which it was imperative to provide information to the community and offered to be the point of contact for outreach and updates provided to adjacent and nearby occupants.

8) Appointments (9:00 p.m. - 9:05 p.m.)

8.a) Appointment to the Hyattsville Environment Committee

HCC-219-FY20

Lead Sponsor: Simasek

Co-Sponsor(s): Schaible

Cover Page: [Appointment to the Hyattsville Environment Committee
HEC Application Messenger W1 redacted.pdf](#)

I move that the Mayor and Council appoint Jared Messenger (Ward 1) to the Hyattsville Environment Committee for a term of 2 years to expire on February 18, 2022.

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

9) Consent Items (9:00 pm. - 9:05 p.m.)

9.a) Letter of Support: SB0737/HB1520 Sustainable Maryland Program Fund - Establishment

HCC-229-FY20

Lead 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 Appropriations Committee in support of bills SB0737/HB1520 to establish the Sustainable Maryland Program Fund. The Fund may be used for educating communities in the development of strategies to achieve green community certification; requiring, beginning with fiscal year 2022, for the Governor to include in the annual budget bill an appropriation of \$750,000 to the Fund.



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD
FEBRUARY 18, 2020 – 8:00 p.m.

9.b) Allocate Ward 3 Funds in Support of Kirwan Commission Community Engagement Meeting

HCC-207-FY20

Lead Sponsor: Suiter

Co-Sponsor(s): Simasek

Cover Page: [Allocate Ward 3 Funds in Support of Kirwan Commission Community Engagement Meeting](#)

I move that the Mayor and Council authorize the expenditure of \$200 in Ward 3 funds in support of a community meeting to update the community on the status of the recommendations of the Kirwan Commission, and next steps. The funds may be used to cover costs associated with providing childcare, refreshments, and printing materials.

9.c) Adirondack Tree Experts - Contract Amendment

HCC-208-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Adirondack Tree Experts - Contract Amendment](#)

I move that the Mayor and Council authorize the City Administrator to approve an increase in an amount not to exceed \$25,000 to the current contract with Adirondack Tree Expert for tree work in the City.

9.d) Zoning Variance Request (V-170-19): 5225 42nd Place, Hyattsville

HCC-211-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Zoning Variance Request \(V-170-19\): 5225 42nd Place, Hyattsville Memo - V-170-19.docx](#)
[Application V-170-19.pdf](#)
[Site Plan V-170-19.pdf](#)

I move that the City Council authorize the Mayor to send correspondence to the Prince George's County Board of Zoning Appeals stating the City's support for variance request V-170-19, requests of 567 square feet net lot area, 3.34 feet front building line width, 12 feet front yard depth, and 10% net lot coverage, to permit a validation of existing conditions and allow the applicant obtain a building permit for the proposed construction of a driveway at the subject property at 5225 42nd Place, Hyattsville.

9.e) FY20 Budget Appropriation: MNCPPC Grant for Recreation Activities

HCC-220-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [FY20 Budget Appropriation: MNCPPC Grant for Recreation Activities](#)



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD
FEBRUARY 18, 2020 – 8:00 p.m.

I move that the Mayor & Council amend the FY20 Special Revenues Funds Budget to accept and appropriate the grant award in the amount of \$19,000 from the Maryland National Capital Park and Planning Commission and authorize the City Administrator to sign the contract, upon the review and approval by the City Attorney for legal sufficiency.

9.f) FY20 Grant Award & Budget Amendment: Accept 2020 Census Grant Award and Amend the FY20 Special Revenues Funds Budget

HCC-213-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [FY20 Grant Award & Budget Amendment: Accept 2020 Census Grant Award and Amend the FY20 Special Revenues Funds Budget](#)
[2020 CENSUS GRANT PROGRAM AGREEMENT \(1\).pdf](#)

I move that the Mayor and Council accept the 2020 Census Grant award and amend the FY20 Special Revenues Funds Budget to appropriate an amount not to exceed \$19,000 to support the City of Hyattsville's efforts in facilitating the accurate counting of the population and the collection of basic demographic and housing information and to fund the activities exclusively for outreach efforts that focus on promoting and facilitating responses to the 2020 Census as required in Exhibit A of the grant agreement.

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

10) Action Items (9:05 p.m. – 10:30 p.m.)

10.a) Magruder Pointe Development – Preliminary Plan of Subdivision 4-18001: Communication to the Chairman and Counsel (45 minutes)

HCC-227-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Magruder Pointe Development – Preliminary Plan of Subdivision 4-18001: Communication to the Chairman and Counsel \(45 minutes\)](#)

I move the Mayor and Council authorize the City Attorney to send correspondence to Maryland-National Capital Park & Planning Chairman Elizabeth Hewlett and legal counsel advising that the Conceptual Site Plan for the Magruder Pointe project includes the subject parcel within application PPS 4-18001 and that the entirety of the CSP is the subject of a petition for judicial review and requesting the public hearing be postponed until judicial review has concluded.



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD

FEBRUARY 18, 2020 – 8:00 p.m.

RESULT:	APPROVED [9 - 1]
MOVER:	Ward
SECONDER:	Lawrence
AYES:	Hollingsworth, Ward, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon
NAYS	Spell Wolf
ABSENT	Suiter

10.b) 5600 Ager Road: Amendment to the West Hyattsville TDDP Table of Uses: CSP-19009-001 and DSP-19053-001 (15 minutes)

HCC-212-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [5600 Ager Road: Amendment to the West Hyattsville TDDP Table of Uses: CSP-19009-001 and DSP-19053-001 \(15 minutes\)](#)

[Memo - DSP-19053 - 5600 Ager Road.docx](#)

[A-SOJ-CSP-19009.pdf](#)

[CSP-19009-001.pdf](#)

[DSP-19053-001.pdf](#)

I move the City Council authorize the Mayor to send correspondence to the Maryland-National Capital Park & Planning Commission regarding CSP-19009-001 and DSP-19053-001, a request to amend the West Hyattsville TDDP Table of Uses: CSP-19009-001 and DSP-19053-001. The correspondence shall state the City's concerns regarding the long-term use and its alignment with the City's Sustainability Plan, transit-oriented development and West Hyattsville Transit District Development Plan. The correspondence shall also request that the Planning Board limit the permitted uses of the site to the following:

1. Eating or drinking establishment without drive-thru uses;
2. Food or beverage goods preparation on the premises of a food and beverage store;
3. Barber/hair salon and beauty shop;
4. Hardware store, clothing, dry goods;
5. Offices;
6. Pet grooming shop;

A use of 'Repair shop' shall be limited to small electronics and/or appliances **and a use of banks savings and loan association or other savings and lending institutions** and shall be limited to approval through a 'Special Permit'.

Assistant City Administrator Jim Chandler introduced the measure and provided background stating that the property had been vacant for some time and the applicant wanted to amend the table of uses to permit a wider array of commercial uses proposing minor changes to the site including updated signage, lighting, and pavement treatment intended as an interim use until the West Hyattsville Transit District was redeveloped. Mr. Chandler noted that until the uses for the property are officially authorized it is difficult to obtain tenants for the building which prompted the variety of uses specified in the motion. He elaborated on the details regarding right-by-use and circumstances that would require a special permit and explained that Council had the option to table the motion and address it at the following Council meeting should they so choose.



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Councilmember Haba and **Ward 5 Councilmember Erica Spell Wolf** expressed their support of the motion and the uses proposed.

Ward 5 Councilmember Joseph Solomon inquired as to whether the TDDP was undergoing a revision to which Mr. Chandler stated that he believed that was the case, but they had not received any notification and updates were expected in late spring or early summer.

Mayor Hollingsworth raised questions regarding item “5” and expressed concerns about definitions of terms in the language to which Mr. Chandler confirmed that a requirement could be invoked that businesses categorized as “lending institutions” would have to apply for a special permit that would spur a more public process that could be closely scrutinized to prevent the approval of unwanted businesses at the site.

Councilmember Solomon expressed concerns with the lack of specificity of “offices” and stated that vendors could simply change their terminology to project that an undesirable business was classified as an “office” thereby making it permissible to which Mr. Chandler clarified that there was discerning language in place that would prevent that type of instance and reiterated requiring a special permit as due diligence to prevent any unforeseen obstacles.

Mayor Hollingsworth stated that item “5” should be struck from the motion and included in the final sentence to reflect that “...a use of banks savings and loan association or other savings and lending institutions shall be limited to approval through...a 'Special Permit'”.

Councilmember Lawrence sought clarity regarding the reason for the inclusion of “repair shops” to which Mr. Chandler explained that the repair shop requested by the applicant was not specific and staff wanted to request that it was only pertinent to items that could be carried by pedestrians and of a certain scale to remain within the scope of the vision for the developing area. He added that the City’s suggestion was appropriate and that it was exercised to secure site control and monetize the investment.

Councilmember Solomon asked whether a bike shop would be permitted to which Mr. Chandler clarified that it would likely be classified as retail which was not requested by the applicant and cautioned that using a category of “retail” would be too broad.

Mayor Hollingsworth moved to amend the motion in accordance with her comments which was seconded by **Councilmember Spell Wolf** and passed unanimously.

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



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD

FEBRUARY 18, 2020 – 8:00 p.m.

10.c) Letter to Board of License Commissions: Transfer of Class B+ License from Lee's Liquors and Restaurant to Hyattsville Fine Wine & Spirits (15 minutes)

HCC-224-FY20

Lead Sponsor: Hollingsworth

Co-Sponsor(s): Solomon, Spell

Cover Page: [Letter to Board of License Commissions: Transfer of Class B+ License from Lee's Liquors and Restaurant to Hyattsville Fine Wine & Spirits \(15 minutes\)](#)
[Letter from BLC re Liquor Hut.pdf](#)

[Liquor Hut Application - date stamped.pdf](#)

[Report Hamilton Street Area 162020 Mayor and Council \(1\).pdf](#)

[Hyattsville Fine Wine & Spirits response letter.PDF](#)

I move the City Council authorize the Mayor to send a letter to the Prince George's County Board of License Commissioners acknowledging the applicant's revisions to its Application for Transfer of Location of Class B+, BWL License and Special Sunday Off-Sale Permit for Lee's Liquors and Restaurant, 2903 Hamilton Street, Hyattsville Restaurant LLC to Liquor Hut, 5350 Queens Chapel Road, Hyattsville.

The letter shall state the City remains concerned that the applicant has not made adequate progress regarding public safety, specifically violations of Maryland Law, such as public intoxication, assaults in the first and second degree and disorderly conduct, in-part due to the applicant's lack of proactive management and inability to responsibly manage point of sale.

The letter shall state the City of Hyattsville's reaffirmation of the request to deny the transfer location of Class B+, BWL License and Special Sunday Off-Sale Permit for Lee's Liquors and Restaurant and attach supporting documentation for justification.

Ward 4 Councilmember Daniel Peabody sought clarification regarding the proposed opening hours of the store stating that there was a nearby business with the same type of inventory in which the same time parameters were not applied to which Assistant City Administrator Jim Chandler explained that the business referenced by the Councilmember was a continuing unchanging business whereas the proprietors of Lee's Liquor were pursuing a new license, location, ownership, and business structure changing what was being requested by the City.

Mayor Hollingsworth requested that the representatives from the establishment move to the presentation podium to address Council comments and questions.

General Manager of Lee's Liquor, Nathaniel Hicks, stated that they did not adhere to the proposed time change due to the demands of the market.

Councilmember Haba recalled that the revised letter included commercial fencing to which Mr. Hicks explained that the fencing would be used to help show and accentuate the property lines and to help contain the elements of the business. Mr. Hicks welcomed the comments and suggestions of Council and City staff regarding the specifics of the proposed fence.



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Councilmember Croslin expressed support for changing the name of the establishment and asked whether the quality of inventory would improve to better reflect “fine wine and spirits” to which Mr. Hicks responded that the inventory would feature more specialized items and stated that Lee’s staff was willing to work with local police to minimize loitering and public intoxication.

Mayor Hollingsworth clarified that the name “Hyattsville Fine Wine and Spirits” was not suggested by the Mayor’s office, rather, she previously expressed that the original proposed name did not “convey a luxury retail experience” and the name was proposed by Lee’s ownership in response.

Councilmember Peabody relayed that a quick search indicated that similar establishments in the area opened between 8:00 a.m. and 10:00 a.m. and sought clarity regarding staff’s rationale for a later opening hour. City Administrator Douglas referred the inquiry to Deputy Chief of Police Scott Dunklee who provided details of previous analyses performed regarding crime in association with the store but stated that the time of day was not a factor considered or recorded in any of the observations.

Councilmember Solomon reiterated the purpose for the motion and stressed that the time change was part of a bigger effort to clean up the area and rid it of as many instances of unfavorable activities and businesses as possible. He stated that he did not agree with allowing a place that caters to loitering and public intoxication to continue to operate in the same fashion without imposing new regulations as they sought a new business model and location.

Councilmember Peabody stated that the responsibility of the behavior of the clientele did not rest solely on the owners of the business and while changing the type of business is important, it would take more than changing the hours of business to make a significant improvement.

Mayor Hollingsworth noted that the previous correspondence directed Council to disapprove the application. She reiterated the City’s position further detailed the original correspondence and explained that the establishment’s representatives had not made changes in compliance with the requests of the City.

Councilmember Solomon posed a response to **Councilmember Peabody** expressing that the clientele contributed to additional problems outside of public intoxication and loitering such as increased litter and vagrancy.

Councilmember Simasek sought clarity regarding the motion stating that there were other liquor stores in the area that opened as early as 8:00 a.m. and asked whether the compliance of all issues stated in the motion was required for approval by Council to which **Mayor Hollingsworth** reiterated the purpose of the motion.

Councilmember Haba recalled that in previous conversations the requirements were not clear and asked for Council to clarify whether the language was intended to deny the application or if it was requesting further changes. He expressed that the language should be discernable and declared that to be the reason for abstention from previous votes on the matter.



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Mayor Hollingsworth read a portion of the previous letter sent by Council to the Liquor Board and explained the original intention and how it was applicable to the language provided for that day's Council meeting.

Councilmember Simasek stated contentment with the language that was provided in the motion and his potential support, but expressed confusion explaining that some of the requests could not be fulfilled until after the approval of the correspondence and there is an opportunity to fulfill them.

Councilmember Lawrence expressed that the application was wholly inadequate and made a number of promises that, if gone unfulfilled, invoked no real consequence to the applicant to which Mr. Chandler responded that several conversations were held with the applicant requesting the details of a plan of operation and efforts to mitigate issues deemed problematic by Council, but the response from the applicant was vague. He stated that the hours of operation were important to the Board because it was under their purview and allowed them some control over how the business was operated.

Mayor Hollingsworth stated that she was receptive to the varying perspective and reminded colleagues that the proposal was for a new business in a new location and it should be treated in the same manner and held to the same standards of any new business in the City.

Councilmember Peabody thanked the Mayor for her comments and expressed his inclination to oppose two liquor stores in such close proximity and would support a letter expressing the concerns of Council, but also stated that there was value in being in business with an entity that was willing to address the concerns and make augmentations in line with the position of the City.

Councilmember Haba noted that the business resided in Ward 5 and the item was of interest to him, but stated that he did not feel as though he had enough clarity to formulate an adequate opinion. He reiterated that he was not interested in accommodating an unwanted business, but he would like more information.

Councilmember Solomon responded to the comments of **Councilmember Haba** and stated that the business and similar businesses do not fit with the vision of the City and if were simply a vote of whether or not have an additional liquor store in Hyattsville that he would oppose and sought the comments of his colleagues.

Councilmember Schaible stated that he had witnessed evidence of the concerns described in the motion and expressed his opposition to a simplified version of the motion explaining that he was content with a direct disapproval.

Ward 5 Councilmember Erica Spell Wolf agreed with the prior comments and expressed her support for denial of the application.



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Mayor Hollingsworth addressed Council to evaluate if Council should make a motion to add a sentence to the language requesting denial of the application for the transfer of the Class B license to which **Councilmember Solomon** offered to make the motion which was seconded by **Councilmember Spell Wolf**. The amendment to the motion was passed by a vote of 7-0-2 with abstentions from **Councilmember Croslin** and **Councilmember Haba**.

Council discussed the way in which the denial would be administered citing an option to state either specific conditions or broad and the importance of determining a collective opinion of the whole Body to project in the new motion.

Councilmember Haba opined that the approach would not address the root cause of the concerns of Council and that if the establishment was prohibited to build in the area, the customers would patronize the closest liquor store. He expressed that Council would be better served by working with the business to mitigate the core issues.

Mayor Hollingsworth cited the newly implemented Clean and Safe team stating that it was a \$240K annual investment that would be undermined by allowing establishments to conduct business as usual rather than making proactive changes to further improve the cleanliness and security of Hyattsville.

Councilmember Solomon responded to the comments of **Councilmember Haba** stating that addressing the underlying issues had always been an aspect of addressing the larger problem as a whole and disagreed with the statement that should the liquor store become unavailable patrons would simply move to another store. He continued describing instances in which the applicant was not putting forth the communicative efforts requested by Council. Assistant City Administrator Jim Chandler referenced a meeting that was requested by the City that resulted in a brief conversation with the applicant's hired lobbyist that did not result in any productive discussion or actions.

Mayor Hollingsworth returned the discussion to the specifics of the language of the intended correspondence requesting that staff provide comments to whether it was preferred to cite specific items or frame the language from a broader perspective.

Councilmember Peabody questioned the value and benefit of softening the City's position on the business inquiring as to what the difference of impact would be stating opposition to the semantics of the way in which the business was run or the nature of the business itself.

Councilmember Simasek provided clarity regarding **Councilmember Peabody's** inquiry stating that the language was not necessarily a "softening" of the language but a recognition that the City has no authority over licensing and were making an attempt to identify the best method to communicate opposition to the continuance of the business unless said business shows progress in resolving issues that concern Council.



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Councilmember Peabody explored other approaches to the language suggesting that the major concerns were being direct about the intent for the type of community envisioned for the future and explained that it would be more prudent to cite that the City held serious concerns regarding safety and security and to ask the Board to direct the applicant to collaborate with City officials to establish an agreement regarding regulations invoked by the retailer itself.

Councilmember Solomon and **Councilmember Croslin** agreed that the conversation was cyclical; becoming repetitive and it was imperative to come to a decision on the matter.

Mayor Hollingsworth stated that she understood all of the perspectives and suggested creating correspondence that stated support for the denial of the license with an attached addendum that provided a timeline of events that would provide a clear history the interaction between the City and the applicant. Mr. Chandler provided logistics about the process and Council agreed with the Mayor's proposal.

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

11) Discussion Items (10:30 p.m. – 11:00 p.m.)

11.a) Magruder Pointe Development – Preliminary Plan of Subdivision 4-18001

HCC-225-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Memo - PPS 4-18001 - Magruder Pointe - Action - Final .docx](#)

[Magruder Pointe Lot Pattern.pptx](#)

[Magruder Pointe Density Upper Parcel.pptx](#)

[Planning Committee - Jan 28, 2020 - Minutes Draft.doc](#)

[City Staff Exhibit_Revised Plans_Feb18.pptx](#)

[Magruder Pointe Presentation .pptx](#)

[Gateway Arts District Sector Plan - Min. Lot Size TRN.pdf](#)

[1-10-20. SDRS Comments.pdf](#)

I move the City Council authorize the Mayor to provide correspondence to the Maryland National Capital Park & Planning Commission regarding Preliminary Plan of Subdivision 4 18001. The correspondence shall express that, if the Planning Board chooses to proceed with consideration of this subdivision application, the City requests the Planning Board incorporate and adopt in its resolution the following conditions:

1. The applicant shall eliminate Lot 26 from the application, reducing the number of proposed single-family homes from sixteen to fifteen. All lots shall meet the minimum lot size standard of 5,000 SF.



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2. The applicant shall align the property borders of Lots 21 and 22 and the property borders of Lots 19 and 20 to allow for a more uniform lotting pattern.
3. The applicant shall use Lots 11 & 12 for open green space and/or supplemental stormwater management. Lots 11 & 12 shall not contain townhouse units.
4. All townhouse units shall front Parcel A1 without obstruction.
5. The upper parcel of the Magruder Pointe project shall contain no more than ten (10) single family attached (townhouse) units total. The applicant's proposed townhouse density exceeds that which has been approved by the District Council. The reduction in unit count will bring the development into compliance with the District Council's decision, as well as allow for wider townhouses and increased interior parking.
6. The internal alleyway shall be designed and constructed to a public standard and dedicated to the City as a public right-of-way. The site plans and any future dedication of plat shall incorporate language stating that the alleyway shall be publicly dedicated to the City of Hyattsville.
7. Overhead lighting shall be designed and constructed to Pepco standards for acceptance into the public utility system. The lighting shall be placed at the entrance/exit of the site at Hamilton Street, at the corner closest to lot 11, and at the entrance/exit of the site on Gallatin Street.
8. The applicant shall provide adequate Public Utility Easements (PUEs) for the provision of public utilities to ensure all proposed lots receive both wet and dry utility services. If public utility services can be provided through the existing utility systems and/or within the existing public utility easement, no additional land dedication or easement is required.
9. The stormwater management plan for the upper parcel of the Magruder Pointe Project shall be limited to the boundaries of the upper parcel and not reliant upon compensatory storage on the lower parcel.
10. The applicant shall include the replacement of a current Magruder Park bridge as an off-site facility improvement within their Bicycle and Pedestrian Impact Statement.

Mayor Hollingsworth acknowledged the challenge of receiving information on a motion only hours before discussion and introduced the changes to the language.

Assistant City Administrator Jim Chandler provided background and summary of the measure stating that the memo was designed to provide updates to Council and the intention was to respond to all concerns in their entirety. Mr. Chandler explained that the City of Hyattsville is exempt from the R55 standard under the Gateway Arch District Site Plan, but regarding the development in question, the R55 standards were applied and they would have to rely on what was previously adopted in the Conceptual Site Plan (CSP). He continued that for the purposes of the application the publicly dedicated areas were included in the density calculation and they were confident they resolve all the issues that could be resolved, but stated that some unsolvable issues remained.

City Planner Kate Powers relayed that the applicant provided a revised site plan removing one of the single-family lots leaving 15 units that all met the required minimum square footage. Ms. Powers stated that the applicant did not address the boundaries of three (3) lots and did not remove Lot 11 from the plan which had been previously requested by staff. She continued that the applicant did not calculate density, however City staff had done so and detailed the method of calculation. City Planner Powers reported that the applicant met the regulation for single-family



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homes, but exceeded regulations for townhouses and she recommended decreasing the number of townhomes from 15 to 10 in order to comply with density standards.

Mr. Chandler stated that the staff report was due the following day and if a decision was made by Council at any point beyond that evening the recommendation would have to be submitted as an exhibit instead of being included in the report which was the preferred outcome. He provided available options for moving forward and explained that staff had simplified the language and appeased the concerns of Council.

Councilmember Lawrence referenced an earlier Council meeting in which he requested the minimum lot size for the development to which Mr. Chandler responded that in that instance there was no standard because it was a townhouse in an R55 zone for which a standard did not exist, therefore, regulations reverted back to City code requirements. He added that they were functioning under an old code which was proving problematic but confirmed confidence that the recommendations were well thought out and were supported by strong reasoning that would be included with the recommendations.

Mayor Hollingsworth confirmed with Mr. Chandler that the density calculation determined by planning staff was the same method of calculation being applied throughout the project and stated that it was important to specify that in the correspondence offering recommendations.

Councilmember Haba asked whether a table within the plan was made before the plan had been updated to which Ms. Powers explained that there was no change regarding townhouses in the updated version and the changes only applied to single-family homes. She added that all of the lots met the minimum standard.

Councilmember Simasek cited language in the application asking if it was implied that a plan would be submitted with the Conceptual Site Plan (CSP) to which Mr. Chandler replied that it did not and it provides direction and options regarding compliance.

Councilmember Schaible questioned whether the language was too confusing and should be augmented for clarity and to state disapproval for continuance to which Mr. Chandler commented that it would be problematic should the language be overturned and it was in the best interest to move forward rather than experience a lengthy waiting period. He expressed that it was the staff's intention to communicate the position of approving previous language and being more specific in that position.

Councilmember Schaible inquired as to whether the stormwater management would require a method of on-site retention to allow water to drain naturally instead of treating and whether the site was meeting requirements to which Mr. Chandler stated that it appeared to meet regulation and that communication to the Board states the preference to minimize the impacts of the stormwater effect and prohibit use of off-site facilities. **Councilmember Schaible** stated that he expected to see a retention facility or some sort of improvement to which Mr. Chandler explained that the site was using a method that was approved by the County.



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Councilmember Croslin expressed his understanding that the requirement for stormwater was to capture and release water at the same rate to which Ms. Powers commented that the applicant's revised site plan provides micro retention and bioretention, but nothing further.

Mayor Hollingsworth stated that it was important to recognize that it was an unusual situation with a great number of influential variables. She relayed that the next action would be at the following Council meeting unless the Body chose to pass the measure that evening in order for the language to be included in the staff report.

Note for the Record: Councilmembers Haba and Solomon departed at 11:29 p.m.

Councilmember Lawrence expressed his preference to move the legislation and made a motion to amend the second sentence of the language to read that until the appeal of the CSP is resolved the Planning Board not consider the subdivision. The motion was seconded by **Councilmember Schaible** and approved unanimously.

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

11.b) Dewey Property - Parcel 5: Detailed Site Plan (DSP) 19050: Discussion Item (15 minutes) HCC-223-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: Discussion Item \(15 minutes\)](#)

[Memo - DSP-19050 - Dewey Parcel 5 - Presentation and Discussion.docx](#)

[1 CIVP-DSP-19050.pdf](#)

[2 A-SOJ-DSP-19050.pdf](#)

[3 A-SOJ-DDS-660.pdf](#)

[4 ARCH Plan-DSP-19050.pdf](#)

[5 BPIS DSP-19050.pdf](#)

[6 Recreational Facilities.pdf](#)

[7 UTC Parking Memo 11-05-2019.pdf](#)

[8 Illustrative Renderings.pdf](#)

[9 Relevant TDDP pages.pdf](#)

Assistant City Administrator Jim Chandler reported that the application brought forth only a few concerns stating that there were some lingering issues that the applicant would address and apply changes for the Council's review.



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Mayor Hollingsworth apologized to representatives of the Dewey Property development and expressed that it was Council's intention to give the matter proper attention and that they would have to discuss the matter further at a later date. She thanked the representatives for their patience and willingness to work with City officials.

11.c) Backyard Chicken Act (15 minutes)

HCC-226-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.

Discussion of item 11.c, the Backyard Chicken Act, was postponed due to time constraints.

12) Council Dialogue (9:35 p.m. - 9:45 p.m.)

13) Community Notices and Meetings

13.a) Main City Calendar: February 4 - 18, 2020

HCC-205-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Main City Calendar: February 4 - 18, 2020](#)

[Main City Calendar_Feb 4-Feb 18.docx](#)

14) Motion to Adjourn

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

The meeting adjourned at 11:48 p.m.

ATTEST:

Laura Reams, City Clerk



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.



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD

MARCH 2, 2020 – 7:00 PM

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).



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD

MARCH 2, 2020 – 7:00 PM

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



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Co-Sponsor(s): N/A

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 to which Mr. Chandler responded that 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.

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



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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 stated lingering concerns regarding 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.

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.



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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

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](#)



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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.

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.



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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 and asked whether it would be contractual to which City Administrator Tracey Douglas responded that discussions had taken place and two vendors were being considered.

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

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.



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD

MARCH 2, 2020 – 7:00 PM

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 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

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.



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD

MARCH 2, 2020 – 7:00 PM

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.

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.



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD

MARCH 2, 2020 – 7:00 PM

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](#)

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



City of Hyattsville

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Agenda Item Report

File #: HCC-248-FY20

3/16/2020

5.a

Submitted by: Laura Reams
Submitting Department: City Clerk
Agenda Section: Motion to Close

Item Title:
Motion to Close (60 minutes)

Suggested Action:

I move that the Mayor and Council close the Council Meeting of March 16, 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.

Summary Background:

N/A

Next Steps:

N/A

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Approval.

Community Engagement:

N/A

Strategic Goals:

Goal 2 - Ensure the Long-Term Economic Viability of the City

Legal Review Required?

Complete



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Agenda Item Report

File #: HCC-265-FY20

3/16/2020

8.a

Submitted by: Sean Corcoran
Submitting Department: City Clerk
Agenda Section: Proclamation

Item Title:
Hyattsville Complete Count Committee Update

Suggested Action:
Presentation only

Summary Background:

The 2020 Census will be conducted for the first time in 10 years and the population data collected will determine the amount of federal funding provided to the City of Hyattsville for additional resources and assistance to residents of the community. It is imperative that extensive outreach be conducted to gather information for undercounted demographics such as children, seniors, and non-U.S. City residents.

The Hyattsville Complete Count Committee will update Council and residents on their efforts to encourage residents to complete the Census. During the presentation, the City Council will take the online census.

Next Steps:
Hyattsville Census Day is scheduled for April 4, 2020.

Fiscal Impact:
N/A

City Administrator Comments:
N/A

Community Engagement:
Residents will be informed about all aspects of the 2020 Census through advertisements, community outreach, and community events and be encouraged to participate.

Strategic Goals:
Goal 2 - Ensure the Long-Term Economic Viability of the City

Legal Review Required?
N/A

Census

HYATTSVILLE COUNTS

2020

The logo features the word "Census" in a large, bold, red sans-serif font. Below it, the words "HYATTSVILLE COUNTS" are written in a smaller, bold, black sans-serif font, set against a yellow brushstroke background. At the bottom, the year "2020" is displayed in a large, bold, red sans-serif font, with the final zero replaced by a red checkmark icon.

Campaign Components

Bus Shelter ads

Big Belly posters

Flyers

Event materials

Giveaways – Stickers,

T-shirts

School/Biz posters

-\$18,250

For each resident who does not complete the Census
**HYATTSVILLE LOSES THIS
AMOUNT IN FEDERAL FUNDING**

Take the Census online, on-site, by phone or mail
Hyattsville is Counting on YOU!

Census
HYATTSVILLE COUNTS
2020

EASY | SAFE
IMPORTANT

#HVLCounts • hyattsville.org/HVLCounts

Census Maryland
This Project has been financed in part with State funds from Maryland's 2020 Census Grant Program. Project content/opinions do not necessarily reflect the views/policies of the State of Maryland or any of its instrumentalities.

-\$18,250

For each resident who does not complete the Census
**HYATTSVILLE LOSES THIS
AMOUNT IN FEDERAL FUNDING**

EASY
The Census form can be completed online,
by mail, phone, or at a Census event.

SAFE
All information collected from a U.S.
Census form is confidential.

IMPORTANT
Census data is used to determine the
level of federal funding for our schools,
hospitals, roads, local programs and
community initiatives.

*Everyone
counts —
Hyattsville's
counting
on you!*

Census
HYATTSVILLE COUNTS
2020

#HVLCounts • hyattsville.org/HVLCounts

Census Maryland
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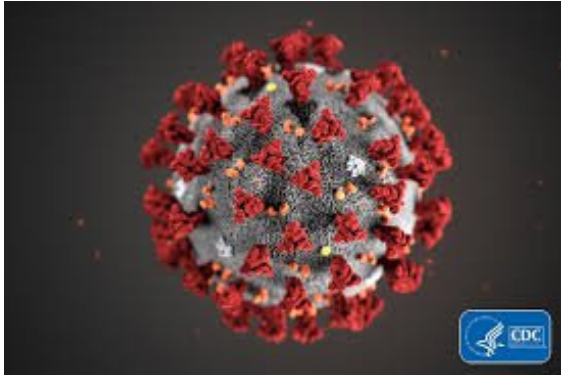
Complete Count Campaign Events/Activities

- January 21 – City Business Roundtable
- February 14 – City Senior Valentine Social
- February 20 – Meeting with Hyattsville Chaplains
- February 26 – City African Americans and the Vote
- March 9 – Citywide Advertising Kicked-Off
- April 1 – “Take 10” City Employee Break for Census Completion



Hyattsville Census Day – – Postponed



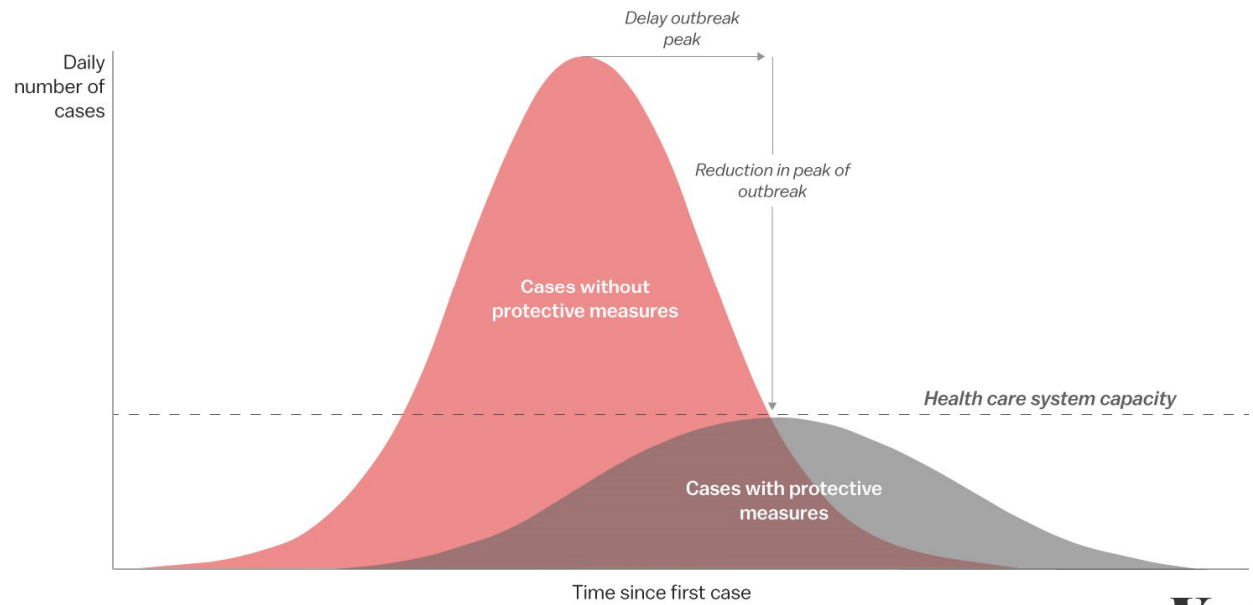


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Flattening the curve



Source: CDC

Vox

Hyattsville Census Day Preparations To Date

- Set Goals
- 9-11 a.m. kickoff at Egg Hunt/Pancake Breakfast
- Created form to register volunteers
- Coordinated with CASA de Maryland Canvassers to assist
- Recruited volunteers
- 12-4 p.m. event at City Building for Census taking and volunteer canvassers
- Training materials for volunteers (in progress)
- Using data to target hard-to-count Hyattsville households residents (in progress)
- 4-5 p.m. wrap-up party for volunteer hub (in progress)



#HVLCounts Census Day Canvass!

The Hyattsville Complete Count Committee needs your help! On April 4th, 2020, we are organizing a volunteer canvass from noon-4pm at the City Building to help reach hard-to-count Hyattsville residents and encourage them to complete their Census forms. #HVLCounts

Event Timing: Saturday April 4th, Noon-4pm Canvass; 4-5pm volunteer wrap party
Venue: City Building; 4310 Gallatin Street. Hyattsville, MD 20781 -- Multipurpose Room
Contact census@hyattsville.org for additional information.

* Required

Email address *

Your email

Contingency Plan – Moving Hyattsville Census Day – Tentatively May 16th

Moving Canvass Day & All Activities

- CASA de Maryland is on board for 5/16
- Desire to recast day-long event
- We will continually monitor progress and give updates
- Need to recruit more volunteers

Shifting Strategy Online March-April

- The Complete Count Committee will strategize ways to reach hard-to-reach residents online
- Webinars for classes
- Virtual training for senior living facilities
- Participation w/Adult Education ESL, Transition ESL, Refugee Training Program ESL, Bridge to High School Diploma pushed to later TBD date

As the situation develops, we will take cues and best practices from Federal, State, and County officials.



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Agenda Item Report

File #: HCC-266-FY20

3/16/2020

8.b

Submitted by: Ron Brooks
Submitting Department: Finance
Agenda Section: Presentation

Item Title:
Treasurer's Update

Suggested Action:
Presentation Only

Summary Background:

The FY18 audit is complete and to be filed by 3/31. The FY19 audit started in late October with completion now slated for May 2020. In other financial matters, introduction of the Fiscal Year 2021 budget is now slated for Monday April 6th, 2020 and Council's review of the budget is scheduled for Saturday, April 18th, 2020. Filing of continuing disclosure financial statements for FY19 bond issue to MSRB "Municipal Securities Rulemaking Board" will be completed by 3/31/2020.

Next Steps:
Continue to work through audits until completion.

Fiscal Impact:
Late audit filings can result in loss of State grants and loss of revenues from the State of Maryland.

City Administrator Comments:
See summary above.

Community Engagement:
N/A

Strategic Goals:
Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?
N/A



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Agenda Item Report

File #: HCC-249-FY20

3/16/2020

9.a

Submitted by: Laura Reams
Submitting Department: City Clerk
Agenda Section: Consent

Item Title:

Proclamation Celebrating March 19, 2020 as Women in Public Office Day in the City of Hyattsville

Suggested Action:

I move that the Mayor and Council proclaim March 19, 2020 as Women in Public Office Day in the City of Hyattsville

Summary Background:

Proclaiming March 19, 2020 as Women in Public Office Day, along with March being Women's History Month, allows us to celebrate all impact contributions women have made not only to the City of Hyattsville, but to this world.

Next Steps:

Proclaim March 19, 2020 as Women in Public Office Day.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Support

Community Engagement:

Recognition of March 19, 2020 as Women in Public Office Day has been planned.

Strategic Goals:

Goal 5 - Strengthen the City's Identity as a Diverse, Creative, and Welcoming Community

Legal Review Required?

N/A

CITY OF HYATTSVILLE

PROCLAMATION

**CELEBRATING MARCH 19, 2020 AS WOMEN IN PUBLIC OFFICE DAY IN THE CITY OF
HYATTSVILLE**

WHEREAS, the month of March is nationally recognized as Women's History Month and allows us to celebrate the impactful contributions all women have made to this world; and

WHEREAS, women play a determinant role in the vitality and diversity of our communities, and are essential to ensuring the City of Hyattsville is well-represented; and

WHEREAS, while the twentieth century was a pivotal time of growth for women entering politics, women remain underrepresented in male-dominated fields, and thus, providing opportunities to support women in public office is imperative; and

WHEREAS, it is imperative that we support women in public office; and

WHEREAS, recognizing women in public office will bring awareness to the need of their work as well as inspire future young women to serve in their communities;

NOW, THEREFORE BE IT RESOLVED, that Mayor and Council do hereby proclaim that Tuesday, March 19, 2020, to be Women in Public Office Day and call upon all residents of Hyattsville to support and celebrate the success of women in public office.

Candace B. Hollingsworth
Mayor, City of Hyattsville

March 16, 2020





City of Hyattsville

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Agenda Item Report

File #: HCC-267-FY20

3/16/2020

10.a

Submitted by: Sean Corcoran
Submitting Department: City Clerk
Agenda Section: Appointment

Item Title:

Appointments to the Education Advisory Committee

Suggested Action:

I move that the Mayor and Council appoint Michelle Thornton (Ward 1) and Candida Garcia (Ward 5) to the Education Advisory Committee for a term of 2 years to expire on March 16, 2022.

Summary Background:

See attached applications.

Next Steps:

Upon appointment, the staff liaison will reach out to the appointee to inform them of their appointment. Please note all meetings of the Committee are open to the public.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Support.

Community Engagement:

Agendas for the Education Advisory Committee will be posted on the City's website. Meetings are open to the public and all are encouraged to attend.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Action 1.1 - Provide information and opportunities for resident participation in civic endeavors.

Legal Review Required?

N/A

Profile

Michelle

Thornton

First Name

Last Name

Email Address

Street Address

Suite or Apt

City

State

Postal Code

To find your City Ward, click on this link! <http://www.hyattsville.org/538/Residency-Verification-Page>

*

☒ Ward 1

Primary Phone

Alternate Phone

Which Boards would you like to apply for?

Education Advisory Committee: Submitted

Referred By:

Please provide a brief background statement including why you want to serve on a committee. This statement may be posted on the City's website.

"We have a powerful potential in our youth, and we must have the courage to change old ideas and practices so that we may direct their power toward good ends." - Mary Mcleod Bethune. I, Michelle Thornton, am a lifelong resident of Hyattsville and I believe it to be a duty and honor to play my part in impacting the next generation. I had the opportunity to work in the Prince George's County government and I've seen the need for education at all levels. I've seen the results of a strong academic foundation in my life and I've seen the shortcomings of those who lack education. There is a need for education inside and outside of the classroom for all residents of Prince George's County. We here in Prince George's County have to import other technological people to come in because we do not have educational technology training in its entirety. I am also a product of the Hyattsville public school system. This too has given me a first-hand look at the education system in Hyattsville. I have seen that many of our young people are left behind and do not have solid foundations in science and math. We need to tackle these types of issues to better our community. I am a mother and I have a young daughter and I want to make sure that the structure and community resources are available for her and her peers from preschool to college. The sense of responsibility and urgency is what calls me to serve. I believe this is what calls me to serve the people of Prince George's county. In the 21st century, the transmission of information outpaces the rate at which education policy is developed. The mandate to meet these needs is not moving as fast. I think it is our responsibility as people of this Hyattsville community to look at our condition and our situation and to further position ourselves for the future. I have desired to awaken in us all of the opportunities for preparing the next generation with a foundational education. Dr. Charlene Duke the President of Prince George's Community College believes education is a major social justice issue and stated, "We can't talk about a great economy if we cannot talk about education and what that does to support that. We cannot talk about a talented workforce if we cannot talk about how education supports that." Education supports the economy. We need to take a stronger look at our preschool system, I think the kindergarten may be too late to start but we should be looking at earlier opportunities and growth for our babies and toddlers. Dr. Alvin Thornton, Chair of the Board of Education for Prince George's County, is a member of the Kirwan Commission. As a result of that commission, Maryland recently approved a 10-year education plan that includes full-day prekindergarten for low-income families to provide a foundation in academics to prepare the future children in our community. The purpose of the bill is to improve education access for all Marylanders pre-k-12. I want to continue to foster the programs implemented already in Hyattsville, while also bringing back vocational training in the same vein as the great Mary Mcleod Bethune when she founded schools. I think technical and vocational education should be stressed because there needs to be more on the job training and one should be able to better themselves either through college or technical schools. I think that a committee such as this should find ways to make this happen, with budgeted legislation. Education should be an opportunity for all whether we are challenged or not. I am fascinated by the educational structure of Gallaudet in Washington, DC where challenges do not prohibit people from being educated. Also, I admire Freeman A Hrabowski III the President of the University of Maryland Baltimore County, not only because it is my alma mater, but because he implemented the UMBC'S SUCCESS program. This program offered opportunities for adults with intellectual disabilities to have a chance to attend college in an inclusive environment. The program taught individuals independence and job skills. After completing the program they were able to retain a job. I do understand that a degreed person is important however education should not only include the degreed but also the non-degreed. I would like the opportunity to be on the education committee because I have always been interested in education, it is the road map to greater opportunities for oneself. I am writing this letter to express my interest in serving on the Education Advisory Committee. I want to be able to serve the residents of Hyattsville and develop solutions and implement programs that affect the children being raised in Hyattsville and future children. Wilkins, Tracee. "Prince George's Will Need \$360M to Fund Education Equity Plan." NBC4 Washington, NBC4 Washington, 13 Jan. 2020, www.nbcwashington.com/news/local/prince-georges-must-find-360m-to-fund-education-equity-plan/2198919/.

Board, Committee and Commission Application

Profile

Candida

First Name

Garcia

Last Name

Email Address

Street Address

City

Suite or Apt

State

Postal Code

To find your City Ward, click on this link! <http://www.hyattsville.org/538/Residency-Verification-Page>

*

☒ Ward 5

Primary Phone

Alternate Phone

Which Boards would you like to apply for?

Education Advisory Committee: Submitted

Referred By:

Mirna Flores

Please provide a brief background statement including why you want to serve on a committee. This statement may be posted on the City's website.

Me gustaria ayudar en la Educacion de la ciudad de Hyattsville para que pueda tener muchos exitos y avances educativos y puedan ser beneficiadas nuestros vecindarios .



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Agenda Item Report

File #: HCC-270-FY20

3/16/2020

10.b

Submitted by: Sean Corcoran
Submitting Department: City Clerk
Agenda Section: Appointment

Item Title:

Appointment to the Health, Wellness, and Recreation Advisory Committee

Suggested Action:

I move that the Mayor and Council appoint Micah Morgan (Ward 5) to the Health, Wellness, and Recreation Advisory Committee for a term of 2 years to expire on March 16, 2022.

Summary Background:

See attached application.

Next Steps:

Upon appointment, the staff liaison will reach out to the appointee to inform them of their appointment. Please note all meetings of the Committee are open to the public.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Support

Community Engagement:

Agendas for the Health, Wellness, and Recreation Task Force will be posted on the City's website. Meetings are open to the public and all are encouraged to attend.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Action 1.1 - Provide information and opportunities for resident participation in civic endeavors.

Legal Review Required?

N/A

Board, Committee and Commission Application

Profile

Micah

First Name

Morgan

Last Name

Email Address

Street Address

City

Suite or Apt

State

Postal Code

To find your City Ward, click on this link! <http://www.hyattsville.org/538/Residency-Verification-Page>

*

☒ Ward 5

Primary Phone

Alternate Phone

Which Boards would you like to apply for?

Health, Wellness and Recreation Advisory Committee: Submitted

Referred By:

Please provide a brief background statement including why you want to serve on a committee. This statement may be posted on the City's website.

I believe the factors dictating health, wellness, and recreation are backbones to a quality life in any community. I'm grateful to be once again living in Ward 5 where I was born, and I look forward to using my skills as an artist, software developer, and communications specialist to help my community thrive. I'm a consultant working as the digital marketing subject matter expert at the Future is Health Campaign.



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Agenda Item Report

File #: HCC-255-FY20

3/16/2020

11.a

Submitted by: Jim Chandler

Submitting Department: Community & Economic Development

Agenda Section: Consent

Item Title:

Resolution 2020-04: State of Maryland Enterprise Zone Program Re-Designation

Suggested Action:

I move that the Mayor and Council introduce and adopt Resolution 2020-04, a resolution of the Mayor and City Council of the City of Hyattsville, Maryland, supporting the re-designating of the State of Maryland Enterprise Zone program which provides County and municipal real property, and County and municipal business personal property tax credits that could be instrumental in attracting new business investment to communities that have been targeted for revitalization (INTRODUCTION & ADOPTION).

Summary Background:

The Enterprise Zone is a State designation that provides 10-year tax credit incentives for businesses to locate and expand within the Zone. Enterprise Zone benefits provide 10 year Real Property Tax Credit for increases to real property assessment resulting from qualified new construction or improvement to real property. 80% tax credit in the first 5 years and 70% to 30% tax credit in the next 5 years. State Income Tax Credits are also provided for disadvantaged employees (\$6,000) and non-disadvantaged employees (\$1,000). Businesses located in an Enterprise Zone Focus Area will receive a credit for 80% of the property tax on the eligible assessment for each of the 10 years.

The Prince George's County Economic Development Corporation has been designated to administer Enterprise Zone applications for the State of Maryland. A resolution by the local governing body is required to be included with the application materials submitted to the State of Maryland.

Next Steps:

A signed resolution will be submitted to the Prince George's County Economic Development Corporation for its application to the State of Maryland.

Fiscal Impact:

Businesses located in an Enterprise Zone Focus Area will receive a credit for 80% of the property tax on the eligible assessment for each of the 10 years, consistent with the terms of the previous EZ credit.

City Administrator Comments:

Recommend Support.

Community Engagement:

N/A

Strategic Goals:

Goal 2 - Ensure the Long-Term Economic Viability of the City

65

Legal Review Required?

Complete

February 28, 2020

The Hon. Candace Hollingsworth,
Mayor of Hyattsville
4310 Gallatin St
Hyattsville, Maryland 20781

Dear Mayor Hollingsworth:

Prince George's County is submitting an application to re-designate the Enterprise Zone and Focus Areas, and the Prince George ' s County Economic Development Corporation (EDC) is coordinating the application process. As such, the EDC will need each affected municipality to submit a signed resolution concurring with the new designation by March 13, 2020.

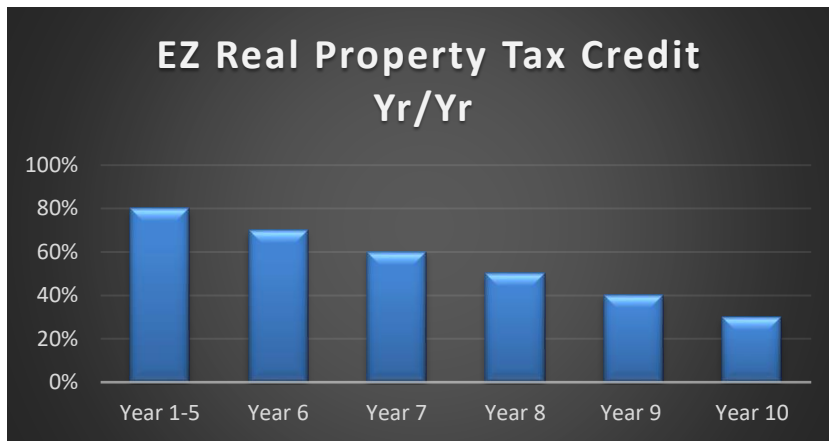
The Enterprise Zone is a State designation that provides 10-year tax credit incentives for businesses to locate and expand within the Zone. The Focus Areas are locations within the Enterprise Zone that offer even more valuable tax credit incentives for businesses. The enclosed summary explains the incentives for the regular Enterprise Zone and the Focus Areas.

The re-designation of the Enterprise Zone is for 10 years, and the re-designation of the Focus Areas is for five years. A part of your municipality is in the current Enterprise Zone or Focus Area, and the County may wish to include part of your municipality in the application for re-designation of the Enterprise Zone. The inclusion of any part of a municipality in the Enterprise Zone requires a resolution of support from the municipality.

Please see the enclosed map that identifies the part of your town inside the current Enterprise Zone. The new proposed Enterprise Zone that the County Council will discuss, approve, and submit to the State may be similar (or identical) in terms of the areas identified within the municipalities. Enterprise Zone and Focus Areas that are no longer eligible for the designation will automatically become an Enterprise Zone. Only commercial properties are eligible for the program.

The Enterprise Zone program provides businesses and property owners tax incentives to encourage investment and employment in certain areas. By passing the resolution of support, the municipality agrees to provide the company the same tax credits that the County provides.

How is the Real Property Tax Credit Applied?



Businesses located in an Enterprise Zone Focus Area will receive a credit for 80% of the property tax on the eligible assessment for each of the 10 years.

I have enclosed a brochure of the program and a sample resolution. Please review these items and the map provided and send a copy of the resolution approved by your council before March 13, 2020. Your immediate response is much appreciated, as State deadline is rapidly approaching. Please contact Andre Plummer (301-883-5067; aplummer@co.pg.md.us) if you have any questions.

Sincerely,

Ebony Stocks
Vice President
Prince George's Economic Development Corporation

Enclosures: Enterprise Zone brochure
Sample Resolution
Map

Cc: David Iannucci, President/CEO of PGCEDC
Ola Hill, Municipal Liaison, Prince George's County Executive
Lori Valentine, V.P. of Policy & Public Affairs PGCEDC

1 **CITY OF HYATTSVILLE, MARYLAND**

2
3 **RESOLUTION 2020-04**

4
5 **A Resolution of the City of Hyattsville, Maryland to support Prince**
6 **George’s County’s application for re-designation of its Enterprise Zone**
7 **Program, which is in part comprised of three geographical areas**
8 **located in the City, namely: the Gateway Arts and Entertainment**
9 **District, the West Hyattsville Transit District Overlay Zone, and the**
10 **University Town Center.**

11
12 **WHEREAS,** Prince George’s County’s Enterprise Zone Program, hereinafter referred to
13 as “the Program,” offers state and local incentives to encourage the expansion of existing
14 businesses and to attract new business investment and jobs; and

15 **WHEREAS,** the Program is administered by Prince George’s County’s Economic
16 Development Corporation; and

17 **WHEREAS,** the Program is comprised in part of three (3) geographical areas located in
18 the City, namely: the Gateway Arts and Entertainment District, the West Hyattsville Transit
19 District Overlay Zone, and the University Town Center; and

20 **WHEREAS,** the City believes the Program to be a vehicle of economic development for
21 the City and for Prince George’s County; and

22 **WHEREAS,** the City concurs with Prince George’s County’s Economic Development
23 Corporation that re-designation of the Program would provide county and municipal tax credits
24 that could be instrumental in attracting new business investment to communities that have been
25 targeted for revitalization; and

26 **WHEREAS,** Maryland Code, Section 5-703(a)(2) of the Economic Development Article
27 provides that a Maryland county may apply to the Secretary of Maryland’s Department of
28 Commerce to designate an enterprise zone on behalf of a municipal corporation; and

1 **WHEREAS**, Maryland Regulation, Title 24, Subtitle 5, Chapter 1.09 provides that a
2 Maryland county may apply to the Secretary of Maryland’s Department of Commerce to re-
3 designate an enterprise zone on behalf of a municipal corporation.

4 **NOW, THEREFORE, BE IT RESOLVED**, that the City of Hyattsville, Maryland,
5 hereby supports Prince George’s County’s application to the Secretary of Maryland’s Department
6 of Commerce to re-designate said county’s Enterprise Zone Program.

7 **INTRODUCED** by the Mayor and City Council of the City of Hyattsville, Maryland at a
8 regular meeting on March 13, 2020, at which meeting copies were available to the public for
9 inspection, and at which time a public hearing took place.

10 **ADOPTED** by the Mayor and City Council of the City of Hyattsville, Maryland at a
11 regular meeting on March 13, 2020, at which meeting copies were available to the public for
12 inspection.

ATTEST/WITNESS:

City of Hyattsville, Maryland

Date

Laura Reams
City Clerk

APPROVED:

City of Hyattsville, Maryland

Date

Candace B. Hollingsworth
Mayor

THE PRINCE GEORGE'S COUNTY ENTERPRISE ZONE PROGRAM

The Enterprise Zone is an area of a county, city or town in which state and local incentives are offered to encourage the expansion of existing businesses and the attraction of new business investment and jobs. The County's Enterprise Zone program is administered by the Prince George's County Economic Development Corporation.

APPLICATION PROCESS

Step 1: Business completes the EZ Certification form and submits it to the Prince George's County EDC.

Step 2: The EZ Administrator will review the application and send certification letters to the applicant, the County Office of Finance, and the Tax Incentives Group at MD Commerce.

Step 3a: For Real Property Tax Credit: The State will revise the eligible assessment after the improvements are done. The County will calculate the credit based on the revised assessment and send a letter to the property owner indicating the credit amount.

Step 3b: For State Income Tax Credit: Simply fill out the Maryland Tax Form 500 CR and include it with your state income tax return. Also include certification you have received if you have hired 'economically disadvantaged employees:

Step 3c: For Business Personal Property Tax: A personal property tax return must be filed by April 15th. After the property is assessed, the business may take the credit against applicable county or municipal personal property tax liability.

For more information, please read the Enterprise Zone Application Guide, available on our website at www.pgcedc.com/enterprise-zone-program.

Mail / Fax / Email the completed application to:

The Prince George's County Economic Development Corporation
1801 McCormick Drive Upper Marlboro, Maryland 20774

Phone: 301-583-4650 | Fax: 301-772-8540

Email: info@pgcedc.com

Website: <https://www.pgcedc.com/enterprise-zone-program>

ENTERPRISE ZONE BENEFITS

State Income Tax Credit over a three year period

Disadvantaged Employee: \$6,000/employee

Non-disadvantaged Employee : \$1,000/employee

Prince George's County Real Property Tax Credit

10 year Real Property Tax Credit for increases to real property assessment resulting from qualified new construction or improvement to real property. 80% tax credit in the first 5 years and 70% to 30% tax credit in the next 5 years.

FOCUS AREA BENEFITS

State Income Tax Credit over a three year period

Disadvantaged Employee: \$9,000/employee

Non-disadvantaged Employee: \$1,500/employee

Prince George's County Real Property Tax Credit

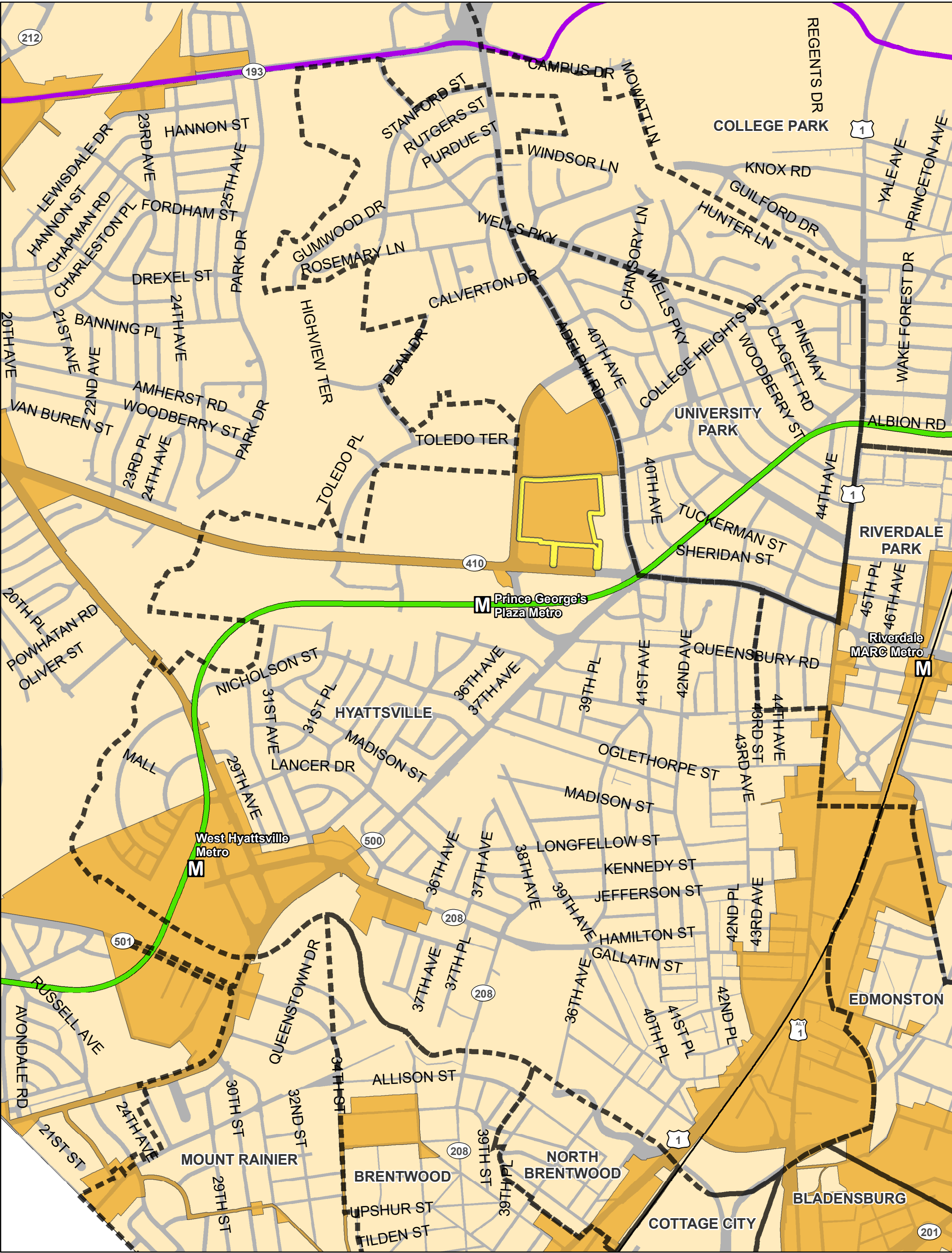
10 year 80% Real Property Tax Credit for increases to real property assessment resulting from qualified new construction or improvements.

Business Personal Property Tax Credit

10 year Business Personal Property Tax Credit for 80% of the amount of tax otherwise due on new (or transferred from out-of-state) qualified business personal property.



Enterprise Zone Updates - Hyattsville



Enterprise Zone

- Proposed for redesignation - Expired 2019
- Expired 2019
- Proposed for new designation or expansion

Metro Lines & Stations

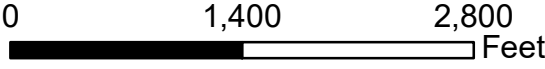
- Proposed Purple Line
- Green Line
- Orange Line
- Blue Line

M Existing Metro Stations

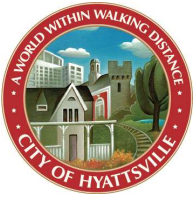
Focus Area

- Proposed for redesignation - Expired 2019
- Expired 2019 - Redesignated as Enterprise Zone
- Proposed for new designation or expansion

- Municipal Boundary
- Roads
- County Boundary



This map may not be reproduced in a retrieval system, or transmitted in any form, including electronic or by reproduction, without the express written permission of The Maryland-National Capital Park and Planning Commission. For more information, contact the Prince George's County Planning Department in Upper Marlboro, Maryland.
Date Created: 2/24/2020



City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-256-FY20

3/16/2020

11.b

Submitted by: Laura Reams
Submitting Department: Community Services
Agenda Section: Consent

Item Title:

2020 Anniversary Carnival Contract: Snyder Amusements

Suggested Action:

I move that the Mayor and Council authorize the City Administrator to negotiate a contract with Snyder Amusements to provide carnival services for the 2020 City Anniversary Carnival, upon the review and approval of the City Attorney for legal sufficiency.

Summary Background:

The City's 134th Anniversary will be celebrated this spring and staff seeks authorization to contract with Snyder Amusements for carnival services, including rides, games, and food vendors. This is the same company the City worked with last year and they provided a high-quality carnival. The company has offered the same contract terms as the City has received in past years.

The City does not pay for carnival services. Rather the carnival company compensates the City for the opportunity. For accounting purposes, we will record all the revenue generated at the Carnival, as well as the percentage retained by the City.

The City earns the following:

- * 20% of ride gross for ticket sales
- * 10% of sales from food stands
- * \$25 per game booth

Next Steps:

Authorization to negotiate an agreement with Snyder Amusements.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Approval.

Community Engagement:

The City Carnival is scheduled for April 23-26.

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

Pending



SNYDER'S AMUSEMENTS

3435 Sportsman Road

Greencastle, Pa 17225

Phone: 717-597-4871

Fax: 717-597-5024

Cell: 301-998-4871

AGREEMENT

THIS AGREEMENT, made and entered into this __, day of ____ A.D. 2020, by and between the above named, herein after referred to as the party of the first part, and the organization the City of Hyattsville (COH) herein after referred to as the party of the second part.

Both parties hereby acknowledge & mutually agree to as follows:

1. The party of the first part agrees to present their Amusement Rides, & Concessions, in the City of Hyattsville in the state of Maryland for a period of 4 days & nights. Commencing, April 23rd & ending April 26th, 2020 both dates inclusive.
2. The party of the second part agrees to furnish all licenses & permits that may be required by law to operate for the period above stated within the municipality hosting said event.
3. The party of the second part further agrees to furnish water, public restroom facility, police protection, electric for trailers & suitable location of grounds known as Magruder Park & located at 3939 Hamilton Street Hyattsville, Maryland. Party of the first part agrees to furnish electric current for operating hours.
4. Party of the first part shall operate all rides, shows & concessions exclusively, unless otherwise stated herein during the life of this contract.
5. Party of the Second Part to furnish all ticket sellers
6. Party of the first part to have free space for concession trailers & exclusive selling rights on Popcorn, Caramel Corn, Cotton Candy, Candy & Caramel Apples, and Funnel Cakes without exceptions by the party of the first part. The party of the second part agrees to prohibit the sale on part of the grounds the items listed in this paragraph by anyone except the party of the first part.

7. Terms:

- Hours of operation and Pay one price (pop) pricing will be as follows:

Thursday April 23, 5-9 p.m. \$20 pop, Friday April 24, 5-10 p.m. \$22 pop, Saturday April 25, \$25 pop, and Sunday April 26, 12-5 p.m. \$20 pop. Tickets will be \$1.25 each or 20 for \$20 or 40 for \$38

-We will be equipped to take credit cards as well as cash at the ticket booth windows.

-After 10% is deducted for amusement tax, Snyder's will receive 80% and COH shall receive 20% of the gross ride ticket sales.

-Snyder's will pay to COH \$25 per game concession and 10% from the food concessions operated at the event

8. First party shall police carnival area for debris nightly, but is not responsible for final cleanup of grounds. However, we shall make every effort to leave the property in the condition it was found in or better.
9. Second party further agrees to use their influence to prevent other like attractions from exhibiting in or near city until after termination of this agreement.
10. Both parties agree that in case of accident or delay, strikes, labor or cancellation of insurance, fire, flood, cyclone, epidemics, or state ride inspection, and any other unforeseen occurrences over which the party of the first part has no control, the party of the first part is not held for damages by the party of the second.
11. The party of the first part agrees to furnish a certificate of insurance, showing evidence of protection against personal injury due to any fault or negligence on the part of the party of the first part.
12. Both parties mutually agree that this contract cannot be cancelled or extended due to the reason of inclement weather, unless agreed upon by both parties.
13. The first party will settle up on all ticket sales nightly with the second party.

In witness whereof the parties hereto set their hands and seals in the city of _____ the state of Maryland.
This the _____ day of _____ A.D., 20____, by the duly authorized personnel of the parties hereto.

ORGANIZATION

By _____

Party of second part

SNYDER'S AMUSEMENTS INC

By _____

Party of the first part

COMMITTEE CHAIRMAN

NAME _____

ADDRESS _____

CITY _____

PHONE _____

EMAIL _____

WEBSITE: SNYDERSAMUSEMENTS.COM



City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-273-FY20

3/16/2020

11.c

Submitted by: Laura Reams
Submitting Department: City Clerk
Agenda Section: Consent

Item Title:

Cancel Budget Work Session of March 25, 2020

Suggested Action:

I move that the Mayor and Council cancel the Council Budget Work Session scheduled for Wednesday, March 25, 2020.

Summary Background:

Staff recommends cancelling the Budget Work Session scheduled for March 25.

An updated Budget schedule is listed below.

This year, the departmental budget presentations will occur on Saturday, April 18 from 10 AM to 2 PM. The City will offer childcare in the Prangely Room for the duration of the meeting. The agenda will be structured so residents can attend the presentations they are most interested in hearing and will allow time for a lunch break. The City hopes the Saturday meeting will allow more residents to participate in the budget process.

Revised FY-21 Budget Schedule

- Wednesday, March 25 Work Session - CANCELLED
- Monday, April 6, 8 PM - Presentation - Introduction & Overview of Draft FY21 Budget
- Saturday, April 18, 10 AM - 2 PM - Council Budget Work Session - FY21 Departmental Budget Review
- Monday, April 27 - Deadline for Council Budget Amendments
- Monday, May 4 - 7:30 PM - Public Hearing on FY21 Real Property Tax Rate
- Monday, May 4 - 8 PM - Discussion on Council Budget Amendments
- Monday, May 18 - Introduction/First Reading - FY21 Budget
- Monday, June 1 - Adoption of FY21 Budget

Next Steps:

The City will publish notice of the meeting cancellation and the revised schedule.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Support.

Community Engagement:

77

Notice of the meeting cancellation and revised scheduled will be shared on all City communication mediums.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?

N/A



City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-253-FY20

3/16/2020

12.a

Submitted by: Jim Chandler

Submitting Department: Community & Economic Development

Agenda Section: Action

Item Title:

Zoning Variance Request V-2-20 - 3900 Jefferson Street, Hyattsville

Suggested Action:

I move that the City Council authorize the Mayor to send correspondence to the Prince George's County Board of Zoning Appeals stating the City of Hyattsville's support for Variance Request V-2-20, a request of 11 feet front building line width, 3 feet front street line width, 5 feet front yard depth, and 7% net lot coverage for subject property located at 3900 Jefferson Street, Hyattsville.

Summary Background:

The applicant, 6Fifty Realty Group, has applied to the Prince George's County Board of Zoning Appeals for a zoning variance to validate existing conditions (front yard building line, lot width-building, and lot width-street) and obtain a building permit for a proposed two-story dwelling with basement, two-car garage, balcony and deck on a R-55 zone (One-Family Detached Residential) property. Specific violations of the Zoning Ordinance are outlined below:

- Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 65 feet measured along the front building line and 45 feet measured along the front street line.
- Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth.
- Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking.

Variances of 11 feet front building line width, 3 feet front street line width, 5 feet front yard depth, and 7% net lot coverage are requested.

Next Steps:

No additional action is required.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend support of V-2-20, consistent with the City's Variance Policy.

Community Engagement:

The Prince George's County Board of Zoning Appeals has scheduled a public hearing on March 25, 2020 to consider this variance request. The applicant requested, and was granted, a continuance in order for the City Council to comment on this application.

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

N/A



Memo

To: Jim Chandler, Assistant City Administrator and Director, Community & Economic Development

From: Kate Powers, City Planner

CC: Tracey Nicholson, City Administrator

Date: March 6, 2020

Re: Zoning Variance Request V-2-20 – 3900 Jefferson Street, Hyattsville

Attachments: Application for Variance (Appeal No. V-2-20)
City of Hyattsville Variance Policy

The purpose of this memorandum is to provide the Director of Community & Economic Development with a briefing on the Zoning Variance request V-2-20, for the property located at 3900 Jefferson Street, Hyattsville 20781.

Summary of Variance Conditions:

The applicant, 6Fifty Realty Group, has applied to the Prince George's County Board of Zoning Appeals for a zoning variance to validate existing conditions (front yard building line, lot width-building, and lot width-street) and obtain a building permit for a proposed two-story dwelling with basement, two-car garage, balcony and deck on a R-55 zone (One-Family Detached Residential) property. Specific violations of the Zoning Ordinance are outlined below:

- Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 65 feet measured along the front building line and 45 feet measured along the front street line.
- Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth.
- Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking.

Variances of 11 feet front building line width, 3 feet front street line width, 5 feet front yard depth, and 7% net lot coverage are requested.

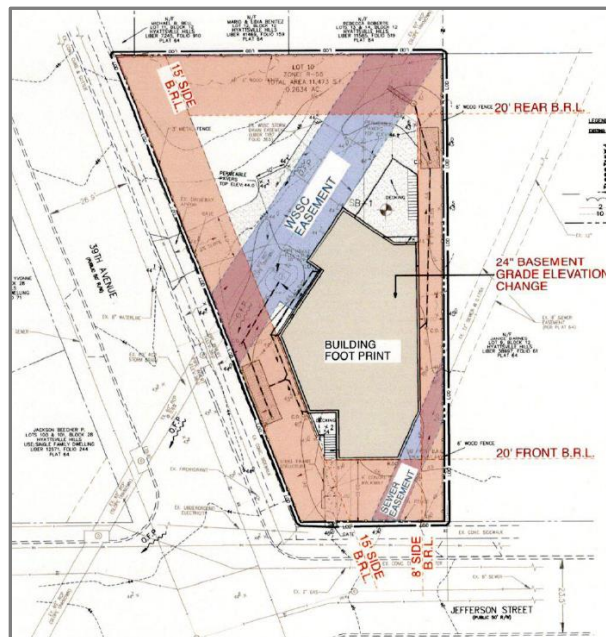
The property resides in a R-55 (One-Family Detached Residential) Property Zone. It is within the Gateway Arts Development District Overlay and part of the Traditional Residential Neighborhood Character Area. The subject property is located within Residential Parking Zone 13. The applicant, K.J. Hughes, currently lives

in the Hyattsville Arts District and is proposing a new construction single-family two-story house with basement, two-car garage, balcony and deck on the subject property. This will be the applicant's new primary residence. The home and access to the first floor is specifically designed to accommodate Mr. Hughes' daughter, who is disabled. The driveway and garage have been designed to be handicap accessible and provide safe access to the home.

Recommendation:

Staff recommends the City Council support the applicant's variance requests of 11 feet front building line width, 3 feet front street line width, 5 feet front yard depth, and 7% net lot coverage.

The applicant requires these variances due to both the unique lot shape and pre-existing building constraints. The subject property is a corner lot fronting both Jefferson and 39th Avenue, with the narrowest part of the lot facing Jefferson and the widest part of the lot facing 39th Street. The front lot line of the property front Jefferson Street, the narrowest side of the lot. In addition, the subject property contains two pre-existing easements, a sewer easement and a WSSC easement, both running northeast to southwest through the site. The sewer easement runs through the front lot line, while the WSSC easement runs through the middle of the site. They can be seen in blue on the image below.



Staff recommends the City Council support the applicant's variance request of 3 feet front street line width as there is no feasible way for the applicant to add frontage to this lot. Also, Staff recommends the City Council support the applicant's variance requests of 11 feet front building line width and 5 feet front yard depth because the building cannot be moved further back (north) on the site due to the restriction of the WSSC easement to the north.

Staff recommends the City Council support the applicant's variance request of 7% net lot coverage as the applicant will mitigate any potential stormwater issues associated with the increase net lot coverage by using permeable materials for both the proposed driveway and patio.



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF HEARING

Date: February 18, 2020

Petitioner: 6Fifty Reality Group

Appeal No.: V-2-20

Hearing Date: WEDNESDAY, MARCH 4, 2020, AT 6:00 P.M. **EVENING**

Place: Zoning Hearing Room #L 205
County Administration Building, Upper Marlboro, Md.

Appeal has been made to this Board for permission to validate existing conditions (front yard building line, lot width-building and lot width-street) and obtain a building permit for a proposed two-story dwelling with basement, two-car garage, balcony and deck on R-55 zone (One-Family Detached Residential) property known as Lot 10, block 12, Hyattsville Hills Subdivision, being 3900 Jefferson Street, Hyattsville, Prince George's County, Maryland, contrary to the requirements of the Zoning Ordinance.

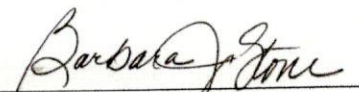
The specific violation resides in the fact that Zoning Ordinance Section 27-442(d)(Table III) prescribes that each lot shall have a minimum width of 65 feet measured along the front building line and 45 feet measured along the front street line. Section 27-442(e)(Table IV) prescribes that each lot shall have a front yard at least 25 feet in depth. Section 27-442(c)(Table II) prescribes that not more than 30% of the net lot area shall be covered by buildings and off-street parking. Variances of 11 feet front building line width, 3 feet front street line width, 5 feet front yard depth and 7% net lot coverage are requested.

Public hearing on this Appeal is set for the time and place stated above. **Petitioner, or counsel representing Petitioner, should be present at the hearing. A Petitioner which is a corporation, limited liability company, or other business entity MUST be represented by counsel, licensed to practice in the State of Maryland, at any hearing before the Board. Any non-attorney representative present at the hearing on behalf of the Petitioner (or any other person or entity) shall not be permitted to advocate.**

Adjoining property owners, who are owners of premises either contiguous to or opposite the property involved, are notified of this hearing in order that they may express their views if they so desire. However, their presence is not required unless they have testimony to offer the Board.

If inclement weather exists on hearing date, please contact the office to ascertain if hearing is still scheduled.

BOARD OF ZONING APPEALS

By: 
Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
Park and Planning Commission
City of Hyattsville
Tom Haller, Esq
Capitol Development Design Inc.

3/4/2020

APPEAL NO. V-2-20



BOARD of APPEALS

Zoning and Administrative

County Administration Building, Room L-200
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
(301) 952-3220



Received Stamp

(USE BLACK INK ONLY)

PLEASE READ ALL INSTRUCTIONS

BEFORE FILLING OUT APPLICATION

APPLICATION FOR A VARIANCE

(If variance is being applied for due to receipt of a Violation Notice, a copy of the notice is required.)

For assistance in completing questions below, see corresponding paragraphs on *Instructions to Applicants*, which is designed to help you fill out this form.

Owner(s) of Property 6FIFTY REALITY GROUP

(AS SHOWN ON DEED)

Address of Owner(s) 80 M STREET, SE SUITE 100

City WASHINGTON State DC Zip Code 20003

Telephone Number (home) (202) 318-5570 (cell) (202) 413-1955 (work) _____

E-mail address: kj_hughe@hotmail.com

Location of Property involved:

Street Address 3900 JEFFERSON STREET

City HYATTSVILLE

Lot(s) 10 Block 12 Parcel _____

Subdivision Name HYATTSVILLE HILLS

Professional Service:

► Engineer ► Contractor ► Architect: (if different from above): (circle one)

Name:

CAPITOL DEVELOPMENT DESING INC.

Phone Number: (301) 937-3501

Address:

4600 POWDER MILL ROAD, BELTSVILLE MD 20705

Email Address: massoud@cddi.net

Attorney representing applicant: (If applicable)

Name:

Tom Haller

Phone Number: (301)306-0033

Address:

1300 Caraway Court, Suite 102, Largo MD. 20774

Email Address: thaller@gibbshaller.com

Association Name(s) & Address(es) (Homeowners/Citizens/Civic and/or Community):

Name: N/A

Address: _____

Municipality (Incorporated City/Town)

Name Hyattsville

What will be or has been constructed on the property which has required a variance? _____

Single Family Dwelling Unit.

7-442 (e) Yards. 25 FEET FRONT YARD SETBACKS. Please see Variance Justification which will be submitted in few days.

Has a Violation Notice / Stop Work Order /Correction Notice been issued to the Property Owner regarding this property?

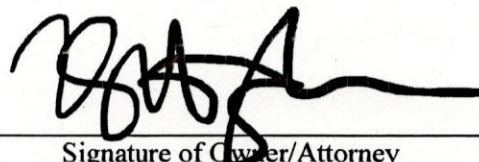
No X Yes _____ Date Issued: _____ Violation Notice No. # _____

Inspector's Name: _____

Do you need the services of a foreign language interpreter at your hearing? (\$30.00 fee required)

Yes _____ No X

Foreign Language: _____



Signature of Owner/Attorney

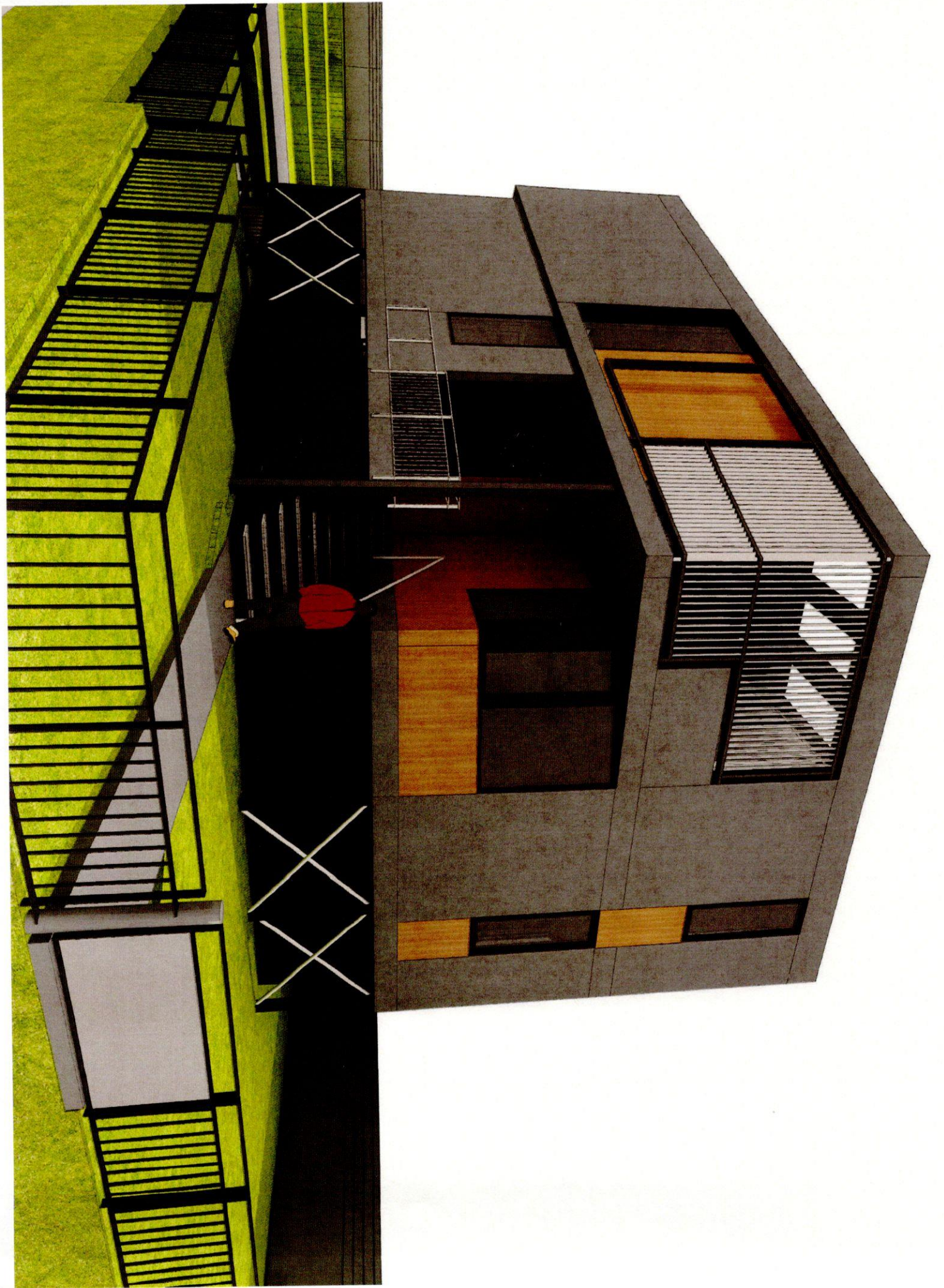
Kibwe Hughes

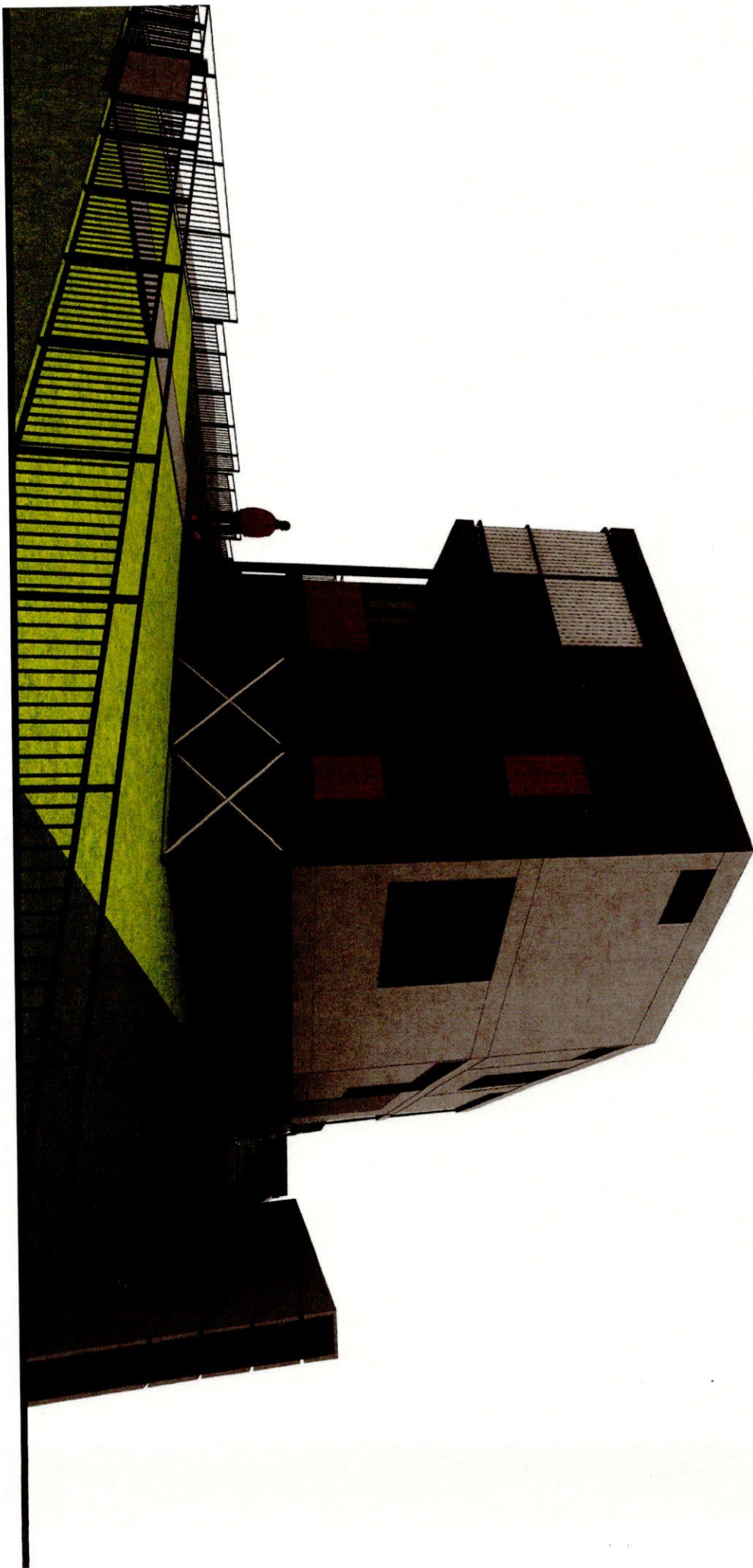
Printed Name

IMPORTANT:

Failure to provide complete and accurate information on this application may delay or jeopardize consideration of the request. Applications on which all required information is not furnished will be returned for completion before processing.

Approval of a variance is not a guarantee that further review will not be necessary by other governmental authorities. For further information regarding Board of Zoning Appeals policies and procedures, see Sections 27-229 through 27-234 of the County Zoning Ordinance and/or the Board's website at <http://pgccouncil.us/>.









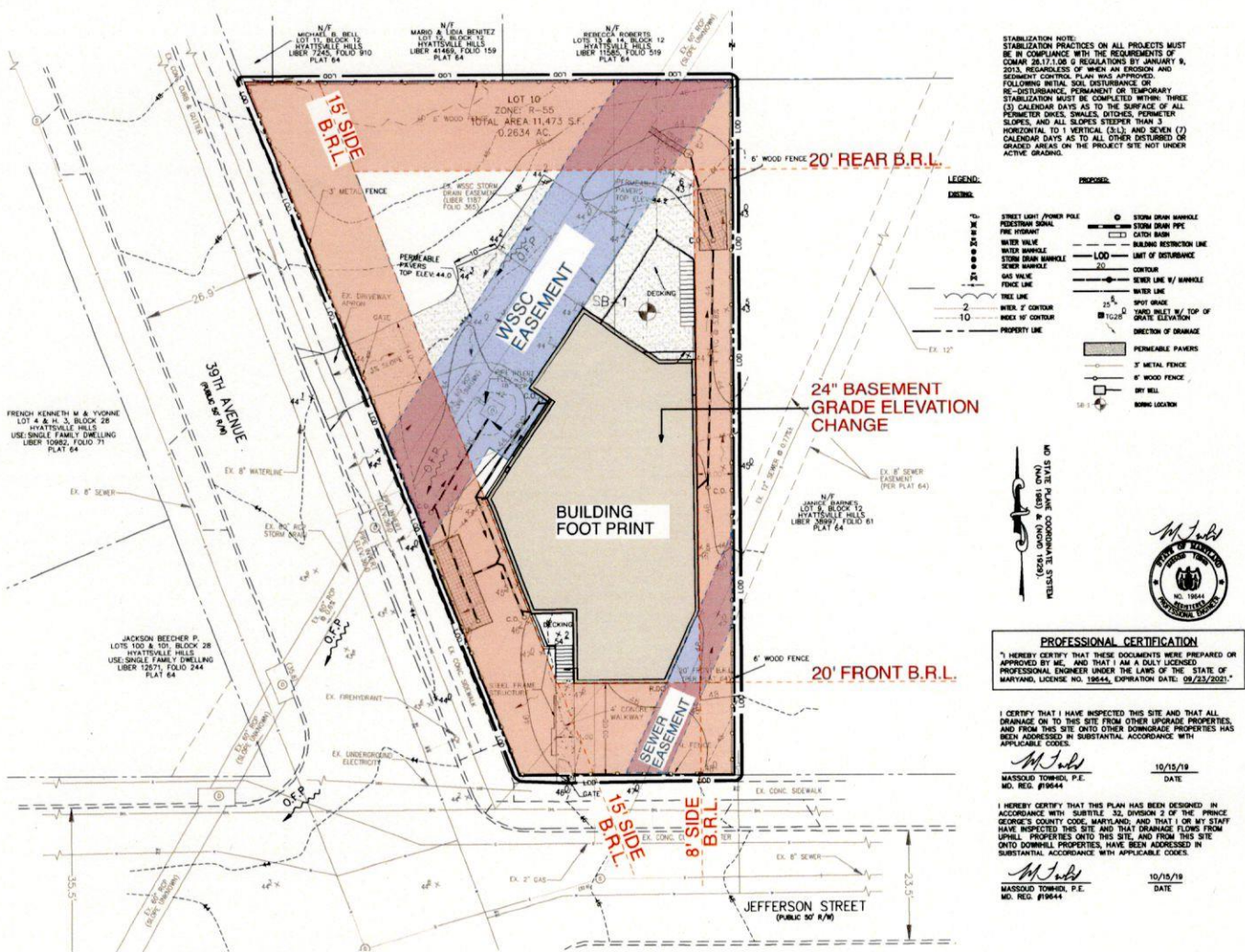
01/03/20

HOUSE OF HUGHES

VARIANCE PACKAGE



01/03/20



HOUSE OF HUGHES- SITE RESTRICTION DIAGRAM

01/03/20



HOUSE OF HUGHES- SET BACK BLOCK

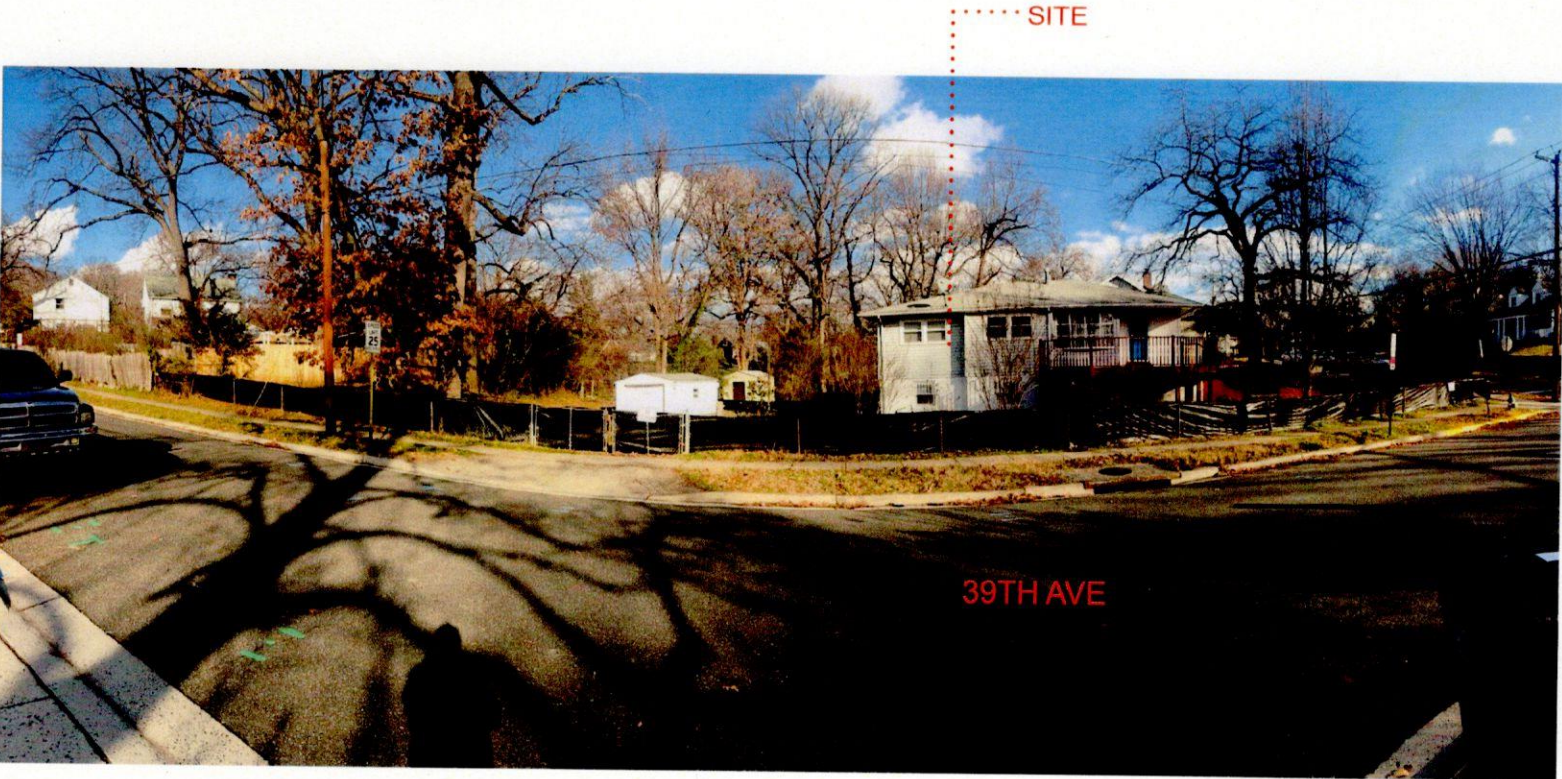
01/03/20

..... SITE



HOUSE OF HUGHES- VIEW FROM 39TH AVE. AND JEFFERSON ST.

01/03/20



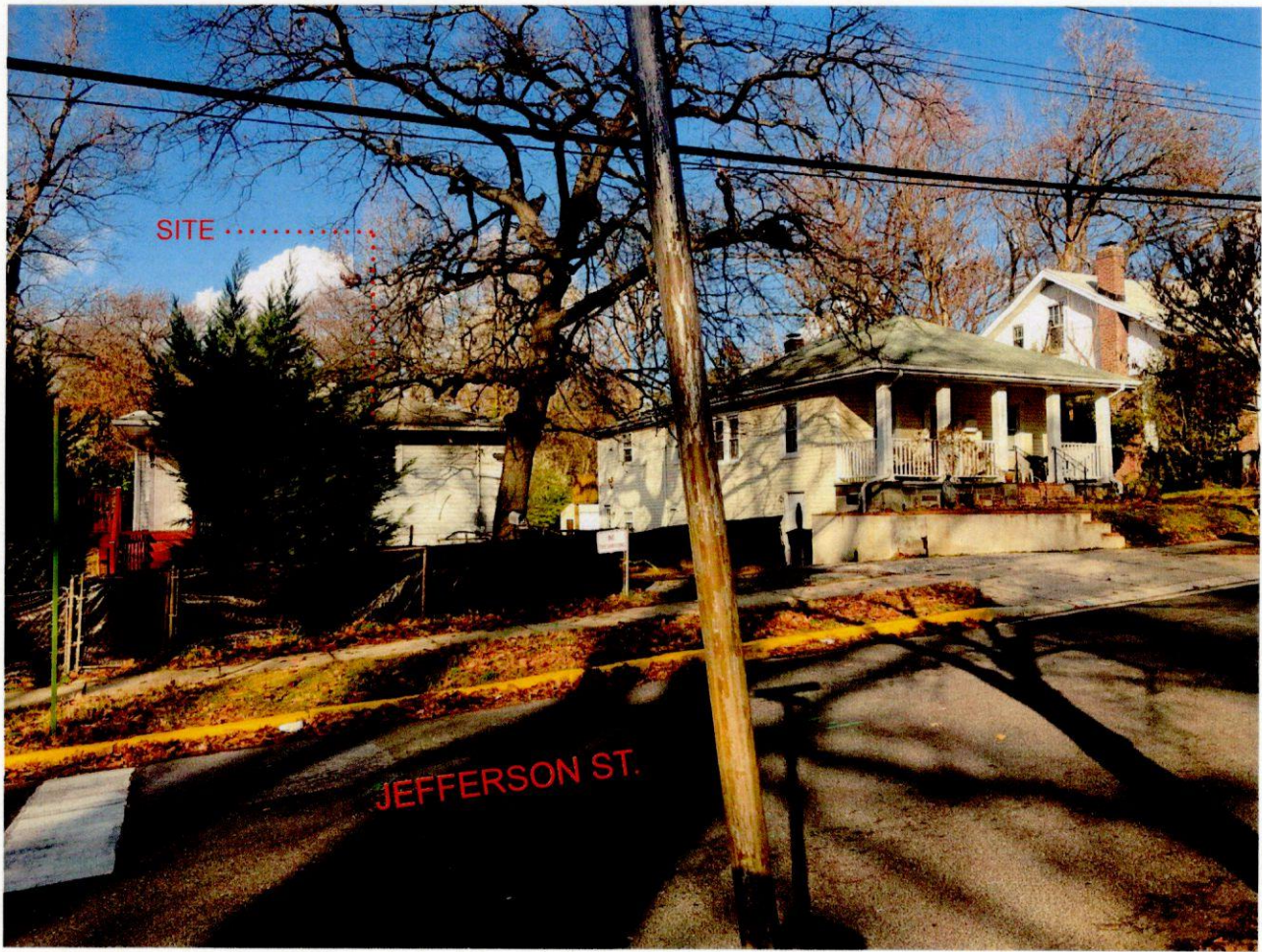
HOUSE OF HUGHES- VIEW FROM 39TH AVE.

01/03/20



HOUSE OF HUGHES- VIEW FROM JEFFERSON ST.

01/03/20



HOUSE OF HUGHES- VIEW FROM JEFFERSON ST.



01/03/20

SITE



HOUSE OF HUGHES- VIEW FROM FRONT YARD

LOT COVERAGE WORKSHEET

NET LOT SIZE 11,473 SQUARE FEET

30 % LOT COVERAGE ALLOWED 3,442 SQUARE FEET

<u>STRUCTURE/PARKING</u>	<u>MEASUREMENTS</u>	<u>SQUARE FOOTAGE</u>
HOUSE	<div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div>	<u>2,597</u> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div>
GARAGE/CARPORT	<div></div> <div></div> <div></div>	<div></div> <div></div> <div></div>
DRIVEWAY	<div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div>	<u>1,258</u> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div>
PORCH/SUNROOM	<div></div> <div></div> <div></div>	<div>① <u>350</u></div> <div>② <u>55</u></div> <div></div>
SHED(S)	<div></div> <div></div>	<div></div> <div></div>
ADDITION(S)	<div></div> <div></div> <div></div>	<div></div> <div></div> <div></div>
OTHER: <div></div> <div></div> <div></div>	<div></div> <div></div> <div></div>	<div></div> <div></div> <div></div>
TOTAL LOT COVERAGE		<u>4,260</u>
TOTAL % NET LOT COVERAGE		<u>37</u> %
TOTAL % OVER NET LOT COVERAGE		<u>7</u> % (<u>818</u> S.F.)

LAW OFFICES
GIBBS AND HALLER
1300 CARAWAY COURT, SUITE 102
LARGO, MARYLAND 20774

EDWARD C. GIBBS, JR.
THOMAS H. HALLER
JUSTIN S. KORENBLATT

(301) 306-0033
FAX (301) 306-0037
gibbshaller.com

February 26, 2020

Ms. Barbara J. Stone
Administrator
Board of Zoning Appeals
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: Request for Continuance in V-2-20

Dear Ms. Stone,

The purpose of this letter is to request that the public hearing for V-2-20, currently scheduled for March 4, 2020, be continued to March 25, 2020. The property forming the subject matter of V-2-20 is located at 3900 Jefferson Street in Hyattsville and is presently improved with a single-family home. It is owned by the applicant, 6Fifty Realty Group. The applicant wishes to raze the existing home and construct a new one. However, the property itself is an irregularly shaped corner lot and is encumbered by two easements - one for stormwater and one for sewer. These conditions have created an awkward building envelope which makes it nearly impossible to develop the property in accordance with all development standards. Despite these conditions, the applicant has requested a variance which would permit redevelopment of the property. I have been retained to represent the applicant at the public hearing.

The Notice of Hearing indicates that the public hearing is scheduled to occur on Wednesday, March 4. The applicant had initially requested a variance only from the building setback requirement. However, the Notice of Hearing indicates that three other variances are needed - front building line width, front street line width, and net lot coverage. Per my discussions with you and staff, it is my understanding that variances from front building line width and front street line width are in fact not needed. Therefore, the applicant will be seeking a variance only

from the setback and net lot coverage standards. A statement of justification in support of the required variances will be filed with your office shortly.

The City of Hyattsville has been notified of this variance application. However, the City Council cannot consider the application until its next public hearing which is not until March 16. For this reason, the applicant requests a continuance in V-2-20 to March 25, which is the next scheduled public hearing following the City of Hyattsville's March 16 hearing.

Please contact me if you have any questions.

Very truly yours,

GIBBS AND HALLER

A handwritten signature in blue ink, appearing to read 'THH', with a long horizontal flourish extending to the right.

Thomas H. Haller

STATEMENT OF JUSTIFICATION IN SUPPORT OF VARIANCE APPLICATION

APPLICANT AND PROPERTY

The property forming the subject matter of this variance application is located at 3900 Jefferson Street in Hyattsville (the "property"). It is owned by the Applicant, 6Fifty Realty Group. The property comprises approximately 0.265 acres (11,547± sq. ft.) and is situated in the northeast quadrant of the intersection of Jefferson Street and 39th Avenue. More particularly, the property consists of Lot 10, Block 12, as depicted in the Subdivision entitled "Hyattsville Hills" as recorded among the Land Records of Prince George's County at Plat Book 2, Plat 64. A copy of said plat is marked "Exhibit "A" and attached hereto. It is also described in a deed dated October 4, 2018, which is recorded among the Land Records of Prince George's County in Liber 41469, Folio 159. A copy of this deed is marked Exhibit "B" and attached hereto.

There are two easements encumbering the property. The first is an eight-foot sewer easement crossing the southeast portion of the lot. That easement is depicted on the Final Record Plat (see Exhibit "A"). The second is a WSSC stormwater easement, which was recorded in 1950 at Liber 1187 Folio 365, a copy of which is marked Exhibit "C" and attached hereto. This WSSC easement runs diagonally and bisects the property almost evenly in two.

The property is presently improved with a single-family home which was constructed in 1966. There is a small parking pad in the front yard of the home on Jefferson Street which appears to utilize the neighboring driveway for access. A copy of a photograph depicting the current driveway is marked Exhibit "D" and attached hereto. There is also an existing curb cut along 39th Avenue. The curb cut serves a walkway leading to the rear of the home. An aerial photograph depicting the home and the subject property is marked Exhibit "E" and attached hereto. As this photograph illustrates, the home on the subject property is setback further from Jefferson Street than every other home in the vicinity. This is significant because the note on the Final Plat states that "all building restriction lines along front of lots are located 20 feet back from street lines, and 15 feet along side of lots." The other homes appear to be setback 20 feet and 15 feet respectively in accord with the plat.

DEVELOPMENT PROPOSAL

The applicant proposes to raze the existing single-family home and construct a new home. While the applicant is 6Fifty, LLC, this entity is owned by Mr. K.J. Hughes. Mr. Hughes currently resides in the City of Hyattsville and is constructing this house to be his primary residence. A Site Plan depicting the layout of the proposed home has been filed with this application. Architectural renderings of the home have also been provided. As

can be seen from the Site Plan, the Applicant is proposing to establish a new driveway which will utilize the existing curb cut on 39th Avenue and lead into a two-car garage that is attached and internal to the rear of the home. This driveway also provides access to a patio which is covered by a deck. The home and access to the first floor was specifically designed to accommodate Mr. Hughes' daughter, who is disabled. The driveway and garage have been design to accommodate an accessible van and to provide safe access to the home, which is also intentionally designed to be handicap accessible.

Notwithstanding the size of the lot, siting the house is extremely difficult given that the two easements and the setback requirements of the Zoning Ordinance have created a small, trapezoidal-shaped building envelope. Consequently, the Applicant proposes to construct a home which will conform to the unusually shaped building envelope. The front of the home will have a small porch and stairs leading to a concrete walkway which will connect to the sidewalk along Jefferson Street. The rear of the home will have a deck and patio.

NEED FOR VARIANCE

The property is in the R-55 Zone. First, it is worth addressing that in its Notice of Hearing, the Board of Zoning Appeals states that four variances are required. The four variances listed in the Notice are as follows: (1) 11 feet from front

building line width; (2) 3 feet front street line width; (3) 5 feet front yard depth; and (4) 7% net lot coverage. The Applicant submits that it does not need a variance from the front building line width or the front street line width.

For determining minimum front building line width and front street line width, the Notice cites Section 27-442(d) (Table III). Generally speaking, for one-family detached dwellings in the R-55 Zone, Table III indicates that the minimum front building line width is 65 feet and the minimum front street line width is 45 feet. These are the figures which were referenced in the Notice. However, in Table III, those figures are each accompanied by a reference to Footnote 4. Footnote 4 states that, for lots platted prior to April 17, 1928, the minimum front building line width is 50 feet, and the minimum front street line width is 25 feet. The Property in this case was platted prior to 1928 (see Exhibit "A"). Therefore, the Applicant asserts that it is subject to the minimum widths of Footnote 4.

A review of the Applicant's Site Plan confirms that the proposed home conforms to Footnote 4. The front street line width of the subject property is 47 feet, which exceeds *both* the 25-foot minimum in Footnote 4 and the general minimum of 45 feet. The proposed home also conforms to the 50-foot minimum front building line width of Footnote 4, whether measured 20 feet behind the street line (where the lot is 55 feet wide) or measured 25 feet

behind the street line (where the lot is 55 feet wide. Thus, no variance is required for either the lot width at the front street line or the lot width at the building.

The applicant also asserts that a variance for side yard depth is not needed. Typically, corner lots in the R-55 Zone require a minimum side yard depth of 25 feet from the street line (see Table IV). However, in Table IV the 25-foot requirement is accompanied by reference to Footnotes 5, 6, and 20. Footnotes 6 and 20 do not apply to the subject property. Footnote 5 does apply, and reads as follows:

**If the lot adjoining the corner lot along its rear line
does not front on the side street of the corner lot . .
the minimum side yard shall be . . . fifteen (15) feet
. . . in the R-55 Zone**

The lot adjoining the subject property along its rear line is Lot 11 (see Exhibit "E"). Lot 11 is a corner lot as well, located in the southeast corner of the intersection of 39th Avenue and Kennedy Street. For corner lots, the Zoning Ordinance defines "front of lot" as "the shortest lot line that abuts a street." Lot 11 legally fronts on Kennedy Street because its shortest lot line abuts Kennedy Street rather than 39th Avenue. In other words, Lot 11 "does not front on the side street (39th Avenue) of the corner lot (Lot 12)." Therefore, the applicant submits that the minimum side yard depth is 15 feet from the street line rather than 25 feet. It is also worth addressing the fact that, although Lot 11 fronts on

Kennedy Street, the existing home on Lot 11 faces 39th Avenue. The applicant submits that this does not impact the application of Footnote 5 because Footnote 5 specifically refers to the front of "lots" rather than the front of "dwellings," "buildings," "structures," etc.

Based upon the above analysis, the Applicant does request variances from two provisions of the Zoning Ordinance—lot coverage and the front yard setback from Jefferson Street. Regarding the lot coverage variance, Section 27-442(c) (Table II) states that not more than 30% of the net lot area may be covered by buildings and off-street parking. The Applicant's initial Site Plan was developed with the understanding that, excluding all deck and patio space, the net lot coverage was approximately 29.9%. The engineer created the plan and arrived at this figure in reliance upon email correspondence with staff. In those emails, staff advised the engineer that no portion of decks and patios are included in calculating net lot coverage. A copy of this email exchange is marked Exhibit "F" and attached hereto. As it turns out, the deck covers the patio area underneath and, when such a condition exists, constitutes lot coverage. In that case, the deck should have been considered as well. When considering this area, the net lot coverage is 32%. Based on this calculation, the applicant is requesting a variance of 2% from the maximum net lot coverage.

Regarding the front yard setback, Section 27-442(e) (Table IV) requires a front yard setback of 25 feet. The Applicant is proposing a 20 foot front yard setback. Thus, a five foot variance is requested.

AUTHORITY OF BOARD OF ZONING APPEALS TO GRANT THIS VARIANCE

The general powers and duties of the Board of Zoning Appeals are set forth in Section 27-229 of the Zoning Ordinance. Section 27-229(a) (1) states in relevant part that the Board of Appeals has the power "to hear and decide appeals involving variances from the strict application of this Subtitle." Over the years, the District Council has added restrictions to the Board's variance authority. Those restrictions are set forth in Section 27-229(b). There are 39 individual restrictions, none of which apply to the instant case. Therefore, there is no limit on the Board's authority to consider and approve this variance application.

COMPLIANCE WITH ZONING ORDINANCE VARIANCE CRITERIA

Decisions regarding variances must conform to the criteria set forth in Section 27-230 of the Zoning Ordinance. The Applicant submits the variances in this case conform to all legislative requirements. Section 27-230 provides as follows:

- (a) A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:
 - (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exception topographic conditions, or other extraordinary situations or conditions;

The subject property is extraordinarily unique. Even without the two easements, the property is still an awkward, trapezoid-shaped corner lot. When the shape of the lot is viewed in conjunction with the two easements, what is left is a clearly unusual building area. Attached hereto as Exhibit "G" is a depiction of the building envelope of the lot based on the required setbacks and the easement. Indeed, while the net lot area is approximately 11,547 square feet, the buildable area outside the required setbacks and outside the easements is only 3,278 square feet. As noted, the WSSC easement divides the property in half, resulting in a building area that stretches diagonally across the property between the two easements.

- (2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

It is important to note that the Maryland Court of Special Appeals has held a distinction exists between use variances and area variances. The variance application being considered in this case is in fact an area variance as it deals with development regulations concerning setbacks and lot coverage. A lower burden of proof is required of an applicant seeking an area variance. Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d. 220 (1974). Further, the Court in Anderson also held that where an area variance is being requested, an applicant

is not required to prove the existence of both practical difficulty and undue hardship. Instead, when requesting an area variance pursuant to an ordinance such as that contained in the Prince George's County Zoning Ordinance, in Section 27-422, an applicant is only required to show the existence of practical difficulty. In Anderson, the Court of Special Appeals opined that in proving practical difficulty, an applicant need only show that requiring strict conformance with the terms of the restriction in question (1) "would unreasonably prevent an owner from using the property from a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;" (2) whether grant of the variance applied for would do substantial justice to all involved; and (3) whether relief can be granted so that the spirit of the ordinance in question can be observed (See Anderson, page 39).

The variances requested in this case far exceed the practical difficulty standard. If the variances are not approved, then conformity with the restrictions would be not just unnecessarily burdensome, but prohibitively burdensome. The applicant has gone to great lengths already to propose a site design that will conform with most regulations. But for the unusual building envelope, the applicant would conform with all regulations and would not require these variances. Conforming to all regulations at this property would require the applicant to either radically reduce or entirely

eliminate certain components of the home such as the decking, patio, and driveway.

As it relates to lot coverage, a substantial portion of the 32% calculation is attributable to the driveway. Because of the easements, the proposed two-car garage is internal to the rear of the home. The location of the garage requires the driveway to be moved to 39th Avenue, which creates more lot coverage in that respect. Again, these are all accommodations which the applicant must make in order to build the home within the building envelope. Put simply, there is nowhere else for the driveway or the home to go. Moreover, if the driveway is not moved to 39th Avenue, then the existing driveway will remain in use. As illustrated by Exhibit "D", this would require the applicant to continue using the neighbor's driveway. Thus, strictly conforming to the regulations would certainly and unnecessarily burden the applicant.

Conversely, granting the variances would do substantial justice for all. Single-family detached homes are permitted by right in the R-55 Zone. It is worth reiterating the setback requirements which apply to the property. In general, the R-55 Zone would require 25-foot front yard and 25-foot front side yard setbacks. However, all homes in the area are setback 20 feet from the front streets and, where applicable, 15 feet from side streets. The actual setbacks are the result of the Final Record Plat. The existing home on the property does *not* conform to the setbacks in

the record plat. If these variance requests are granted, the applicant will be bringing the new home into conformity with the other houses in the neighborhood. Granting this request therefore represents an opportunity to foster a uniform scheme of development related to setbacks in the neighborhood.

Finally, it must be emphasized that the applicant did not create the need for these variances. Rather, the need for the variances is primarily the result of two easements which serve public utilities. The sewer easement was created almost a century ago, whereas the WSSC stormwater easement was created seventy years ago. The applicant merely wishes to build a new home on the property, which is permitted by right in the R-55 Zone and which will not disturb the public utilities served by the two easements.

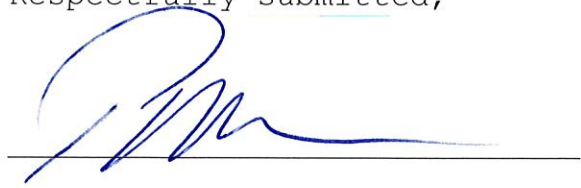
(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

The Master Plan recommends that the property be developed with a residential use. Therefore, the grant of this variance would not substantially impair the intent, purpose, or integrity of the Master Plan or the General Plan.

CONCLUSION

Based on the foregoing, the applicant submits that the criteria for the grant of the variances are met and satisfied and therefore requests that the variances be granted as requested.

Respectfully submitted,



Thomas H. Haller
GIBBS AND HALLER
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306-0033

NOTE
All building restriction lines along front of lots
6 are located 20 ft. back from street lines, and
15 ft. along side of lots.

APPROVED: DEC. 29, 1922

RECORD NAME

HYATTSVILLE HILLS
HYATTSVILLE MD.

Being a resubdivision of
Blocks 3-8; 12-15; 17-18 & 22-27
of JOHNSON & WINEY 3rd.
Addition to HYATTSVILLE.
O. D. ZANTZINGER

Resurveyed by
J. SPENCE HOWARD
Civil & Consulting Engr
Scale 1"=120'
DALLON MD.
May, 1922.
816 Evans Bldg
Washington Office
R.H. DEMBROKE
Engr in charge.

PROPERTY OF O.B. ZANTZINGER

PROPERTY OF THE SISTERS OF THE HOLY GHOST.
 N-24°58'30"-W
 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 104

[illegible][illegible]

1. The undersigned, J. SPENCE, Notary Public, do hereby certify that the last Block and Public Highways, indicated on the attached map, are correctly and accurately surveyed and that they are a subdivision of the parcels conveyed as herein noted.

All of that tract of land conveyed from William M. Lewis, trustee, dated January 13, 1912, and recorded among the records of the office of the County Clerk, January 17, 1912 in Liber 31 of folio 142, and a part of the same, as conveyed to the said Lewis, Executor and Trustee, of and dated April 22, 1932, and recorded among the records of said office, of and dated May 2, 1932 in Liber 75 folio 297.

2. That the lines of this subdivision do not conflict with any other subdivision of the same.

3. That monuments designated on the plat as stones No. 1, 2, 3 have been set in the ground on the surface and extend into the ground not less than six inches in diameter.

4. That there is no other than said reference locations on the

Filed Aug-2, 1923

Exhibit "A"

Cardinal Title Group, LLC
 File No. MD-18S-7150-DM
 Tax ID # 16-1791664

This Deed, made this 7th day of October, 2018, by and between **Mario J. Benitez** and **Lidia M. Benitez**, GRANTORS, and **6FIFTY REALTY GROUP**, GRANTEE.

Witnesseth —

That in consideration of the sum of Four Hundred Thirty-Five Thousand and 00/100 Dollars (\$435,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantors do hereby grant and convey to the said Grantee, in fee simple, all that lot of ground situate in the County of Prince George's, State of Maryland and described as follows, that is to say:

Being known and designated as Lot Numbered Ten (10) in Block Numbered Twelve (12) in a subdivision known as "HYATTSVILLE HILLS", as per plat thereof recorded in Plat Book RNR 2 at Plat no. 64 among the Land Records of Prince George's County, Maryland.

BEING the fee simple property which, by Deed dated December 4, 2003, and recorded in the Land Records of the County of Prince George's, Maryland, in Liber 18802, Folio 594, was granted and conveyed by MARIO J. BENITEZ unto MARIO J. BENITEZ AND LIDIA M. BENITEZ.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said 6FIFTY REALTY GROUP, in fee simple.

And the Grantors hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant Specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

PRINCE GEORGE'S COUNTY, MD
 APPROVED BY: # 52
 DATE: 10-25-18
 \$ 7792.00 TRANSFER TAX PAID
 \$ 6090.00 TRANSFER TAX PAID

LR - Deed (w/
 Recording only)
 Name: 6FIFTY
 GROUP
 Ref:
 LR - Deed (w/
 Surcharge 40.00
 LR - Deed State
 Transfer Tax 2,175.00
 LR - NR Tax - 1kd 0.00
 SubTotal: 2,235.00
 Total: 2,235.00
 10/31/2018 02:39
 #11210352 CC0703 -
 CC16-PP
 Prince George's
 County/CC07.03.01 -
 Register 01

Exhibit "B"

In Witness Whereof, Grantors have caused this Deed to be properly executed and sealed the day and year first above written.

Mario J. Benitez (SEAL)
Mario J. Benitez

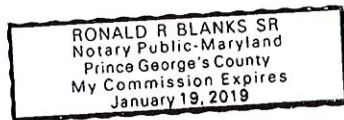
Lidia Benitez (SEAL)
Lidia M. Benitez

STATE OF MARYLAND
COUNTY OF PRINCE GEORGE'S

} ss

I hereby certify that on this 4th day of October, 2018, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Mario J. Benitez and Lidia M. Benitez, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

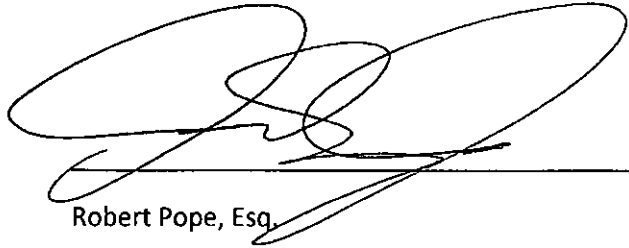
IN WITNESS WHEREOF, I hereunto set my hand and official seal.



[Signature]
Notary Public
My Commission Expires: 1/19/2019

AFTER RECORDING, PLEASE RETURN TO:
Cardinal Title Group, LLC
6710 Oxon Hill Road
Suite 460
Oxon Hill, Maryland 20745

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a series of loops and a long horizontal stroke extending to the right. The signature is written over a solid horizontal line.

Robert Pope, Esq.

MARYLAND
FORM
WH-AR

**Certification of Exemption from Withholding Upon
Disposition of Maryland Real Estate Affidavit of
Residence or Principal Residence**

2018

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor Mario J. Benitez

2. Reasons for Exemption

Resident Status



As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.



Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence



Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Mario J. Benitez

Name

10-24-18

**Date

Signature

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

**Date

Title

** Form must be dated to be valid.

Note: Form is only valid if recordation occurs within 60 days of execution of this form.

MARYLAND
FORM

WH-AR

**Certification of Exemption from Withholding Upon
Disposition of Maryland Real Estate Affidavit of
Residence or Principal Residence****2018**

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor Lidia M. Benitez

2. Reasons for Exemption

Resident Status



As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.



Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence



Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Lidia M. Benitez

Name

10-4-18

**Date

Signature

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

**Date

Title

** Form must be dated to be valid.

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<div>BOOK: 41469 - PAGE: 164</div> <div>State of Maryland Land Instrument Intake Sheet</div> <div> <input type="checkbox"/> Baltimore City <input checked="" type="checkbox"/> County: Prince George's </div> <div> <i>Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.</i> (Type or Print in Black Ink Only--All Copies Must Be Legible) </div>																																																																																																																											
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Space Reserved for County Validation

Adm. to
Hyattsville, Maryland
January 17, 1950

RECORDED

1950 JAN-4 AM 11:45

W. Waverly Webb
CLERK CIRCUIT COURT

365

THIS RIGHT OF WAY

Made this 24th day of October, in the year of our Lord one thousand nine hundred and forty-nine, by and between ZANTZINGER PROPERTIES, INCORPORATED, a corporation organized and existing under the laws of the State of Maryland, party of the first part, and the Washington Suburban Sanitary Commission, a public corporation of the State of Maryland, organized and existing under the laws of said state, party of the second part.

WITNESSETH: That in consideration of the sum of ONE HUNDRED 00/100**** Dollars (\$100.00****) to it in hand paid by the party of the second part, the receipt of which is hereby acknowledged, the said party of the first part does hereby grant and convey unto the said party of the second part, its successors and assigns, the easements and rights of way hereinafter described for the installation, construction, reconstruction, maintenance, repair, operation and inspection of a storm drain and a sewer within said easements and rights of way, together with the right of ingress and egress along and over said rights of way, for any and all of such purposes; the said rights of way and easements being described as follows:

PART 1. FOR A STORM DRAIN:

Being a strip or parcel of land hereinafter described, in, through, over and across Lot 1, Block 28, "Hyattsville Hills", as shown on a Plat thereof recorded among the Land Records of Prince George's County, Maryland, in Plat Book R.N.R. 2 at Folio 64.

Beginning for the said strip or parcel of land at the southeast corner of said Lot 1, Block 28, and running thence South $86^{\circ}35'30''$ West, 21.5 feet with and along the south line of said Lot 1, and the north line of Franklin Avenue (Jefferson Street) as shown on the aforesaid Plat to a point thereon, thence North $28^{\circ}29'$ East, 24.9 feet to a point on the east line of said

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Lot 1 and the west line of McKinley Avenue (39th Street) as shown on the aforesaid Plat, thence South $24^{\circ} 58' 30''$ East, 22.7 feet with and along said west line of McKinley Avenue (39th Street) to the point of beginning.

PART 2. FOR A STORM DRAIN:

Being a strip or parcel of land, in, through, over and across Lot 10, Block 12, "Hyattsville Hills", as shown on a Plat thereof, recorded among the aforesaid Land Records in Plat Book R.N.R. 2, at Folio 64.

Beginning for the said strip or parcel of land at a point on the west line of said Lot 10, Block 12, said west line being the east line of McKinley Avenue (39th Street) as shown on the aforesaid plat, 53.5 feet north of the southwest corner of said Lot 10, and running thence

North $24^{\circ} 58' 30''$ West, 24.4 feet with and along the aforesaid west line of Lot 10 to a point thereon, thence

North $30^{\circ} 15'$ East, 93.1 feet to a point on the north line of said Lot 10, thence

North $86^{\circ} 35' 30''$ East, 24.3 feet with and along said north line of Lot 10, to the northeast corner thereof, thence

South $30^{\circ} 15'$ West, 80.2 feet to a point, thence

South $59^{\circ} 45'$ East, 5.0 feet to a point, thence

South $30^{\circ} 15'$ West, 15.5 feet to a point, thence

North $59^{\circ} 45'$ West, 5.0 feet to a point, thence

South $30^{\circ} 15'$ West, 24.8 feet to the point of beginning.

PART 3. FOR A STORM DRAIN:

Being a strip or parcel of land, twenty (20) feet wide, ten (10) feet on each side of the centerline hereinafter described in, through, over and across Lot 15, Block 12, "Hyattsville Hills", as shown on a Plat thereof recorded among the aforesaid Land Records in Plat Book R.N.R. 2, at Folio 64.

Beginning for the said centerline of the said strip or parcel of land at a point on the west line of said Lot 15, Block 12, 62.0

feet south of the northwest corner of said Lot 15, and running thence

North $32^{\circ} 16'$ East, 76.3 feet to a point on the north line of said Lot 15, 5.5 feet west of the northeast corner thereof, said north line of Lot 15, being the south line of Swope Avenue (Kennedy Street) as shown on the aforesaid Plat.

PART 4. FOR A SEWER AND A STORM DRAIN:

Being a strip or parcel of land thirty (30) feet wide, fifteen (15) feet on each side of the centerline hereinafter described, in, through, over and across Lot 7, Block 14, "Hyattsville Hills", as shown on a Plat thereof, recorded among the aforesaid Land Records in Plat Book R.N.R. 2 as Plat 64.

Beginning for the said centerline of the said strip or parcel of land at a point on the south line of said Lot 7, Block 14, 10.3 feet east of the southwest corner thereof, said south line being the north line of Swope Avenue (Kennedy Street) as shown on the aforesaid Plat, and running thence North $26^{\circ} 32'$ East, 79.6 feet to a point on the east line of said Lot 7.

69.0 feet north of the southeast corner thereof.

PART 5. FOR A SEWER AND A STORM DRAIN:

Being a strip or parcel of land twenty-five (25) feet wide, twelve and one-half (12-1/2) feet on each side of the centerline, hereinafter described in, through, over and across Lots 24 and 25, Block 14, "Hyattsville Hills", as shown on a Plat thereof, recorded among the aforesaid Land Records in Plat Book R.N.R. 2 at Folio 64.

Beginning for the said centerline of the said strip or parcel of land at a point on the west line of said Lot 24, Block 14, 60.0 feet north of the southwest corner thereof and running thence North $37^{\circ} 20'$ East, 118.7 feet to a point on the north line of said Lot 25, 22.5 feet west of the northeast corner thereof, said north line being the south line of Bayly Avenue (Longfellow Street) as shown on the

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aforesaid Plat.

PART 6. FOR A STORM DRAIN:

Being a strip or parcel of land, in, through, over and across the property of the party of the first part as obtained in a deed from Frances L. Balluff, dated November 20, 1944, and recorded among the aforesaid Land Records, in Liber 759 at Folio 389; which deed refers for a more complete description to a deed from the County Commissioners of Prince George's County, Maryland, to said Frances L. Balluff, dated October 17, 1944, recorded among the aforesaid Land Records in Liber 759 at Folio 387; the said strip or parcel of land hereinafter described being in, through, over and across Lot 1-A, 1-B, 1-C, Block 22, "Hyattsville Hills", as described in the aforesaid deed from County Commissioners of Prince George's County.

Beginning for the said strip or parcel of land at a point on the south line of said Lot 1-C, said south line being the north line of Bayly Avenue (Longfellow Street) as shown on the aforesaid Plat, 56.0 feet west of the southeast corner thereof and running thence

North 28° 40' East, 16.0 feet to a point, thence

North 61° 20' West, 5.0 feet to a point, thence

North 28° 40' East, 97.2 to a point on the west line of Oakwood Road, (40th Avenue) 1.5 feet south of the northeast corner of said Lot 1-B, thence

North 3° 24' 30" West, 37.7 feet with and along said west line of Oakwood Road, (40th Avenue), to a point thereon, thence

South 28° 40' West, 133.2 feet to a point, thence,

North 61° 20' West, 5.0 feet to a point, thence

South 28° 40' West, 14.0 feet to a point, thence

South 61° 20' East, 5.0 feet to a point, thence

South 28° 40' West, 13.5 feet to a point on the aforesaid south line of said Lot 1-C, Thence

-4-

South 86° 35' 30" West; 29.4 feet with and along said south line of Lot 1-C to the point of beginning.

TO HAND AND TO HOLD said easements and rights of way for a storm drain and for a sewer and storm drain above described or mentioned and hereby intended to be granted and conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the only proper use, benefit and behoof forever of the said Washington Suburban Sanitary Commission, its successors and assigns.

AND the party of the first part, for itself, its successors and assigns, covenants and agrees with the party of the second part, its successors and assigns, as follows: FIRST: That it will never erect nor permit to be erected any building or structure of any nature whatsoever within the above described easements and rights of way for a storm drain and for a sewer and storm drain. SECOND: that the party of the second part, its successors and assigns, shall at all times have right of ingress and egress over said easements and rights of way for the purpose of installing, constructing, reconstructing, maintaining, repairing, operating and inspecting the said storm drain and sewer and storm drain within said easements and rights of way, said ingress and egress to be along the line herein designated and along such other lines as the party of the first part may designate. THIRD: that it will warrant specially said easements and rights of way and will execute such further assurances thereof as may be requisite.

IN TESTIMONY WHEREOF, the said Zantzinger Properties, Incorporated, a corporation, has caused these presents to be signed by Richard C. Zantzinger, its President, attested by Alvina B. Zantzinger, its Secretary, and its corporate seal to be hereunto affixed the day and year first hereinabove written.

ZANTZINGER PROPERTIES, INCORPORATED

By Richard C. Zantzinger

-5- Richard C. Zantzinger (President)

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ATTEST:

By Oliver B. Zantinger
Oliver B. Zantinger, (Secretary)

STATE OF Maryland :
COUNTY OF Prince George's : SS

On this 24th day of October, 1949,
before me, A Notary Public, the
undersigned officer, personally appeared, _____

Richard C. Zantinger, President of Zantinger Properties,
Incorporated, a corporation, known to me to be the person
whose name is subscribed to the within instrument and acknow-
ledged that he executed the same for the purposes herein
contained.

IN WITNESS WHEREOF, I hereunto set my hand and
seal.

Louise F. Redmond
Notary Public
Louise F. Redmond





Exhibit "D"

Google

Hyattsville, Maryland



Google

Street View



8.5X11_Landscape



Fwd: site plan

Jorge Concepcion <jorge@kube-arch.com>

Thu 2/27/2020 11:45 AM

To: Massoud Towhidi <Massoud@cddi.net>; Milton Perez <perez@cddi.net>

See below for the conversation with the county official. I highlighted the sentence where she mentions what counts as lot coverage. It is the same person regarding the setbacks. This is just so you are aware.

Thanks,

Jorge Concepcion

Design Associate

e: jorge@kube-arch.com

c: [787-378-1697](tel:787-378-1697)

o: [202-986-0573](tel:202-986-0573)

NEW ADDRESS:

KUBE architecture

818 18th Street NW - Suite 600

Washington, DC. 20006

www.KUBE-arch.com

----- Forwarded message -----

From: **Isenberg, Lisa** <Lisa.Isenberg@ppd.mncppc.org>

Date: Wed, Nov 14, 2018 at 1:46 PM

Subject: RE: site plan

To: Jorge Concepcion <jorge@kube-arch.com>

Please see my answers next to each of your questions.

Lisa K. Isenberg

Principal Planning Technician

Planning Information Services

Maryland-National Capital Park and Planning Commission

14741 Governor Oden Bowie Drive

Room L-2

Upper Marlboro, Maryland 20772

301-952-3208

301-952-3295 (fax)

lisa.isenberg@ppd.mncppc.org

[How am I doing? Email my supervisor](#)

From: Jorge Concepcion <jorge@kuba-arch.com>
Sent: Wednesday, November 14, 2018 11:51 AM
To: Isenberg, Lisa <Lisa.Isenberg@ppd.mncppc.org>
Subject: Re: site plan

Hey Lisa,

Thanks again for providing this. I wanted to verify a few things or hoping if you can direct me to the right person who could do so. I have searched the questions below online and just wanted to get a verification from any county official

01- Lot Coverage in PG County includes every previous surface or does it exclude driveways or patios? Lot coverage is everything under roof and the driveway (drive/parkable surface)/ It does not include patios or decks. Does not matter if pervious/impervious surfaces.

02- The max lot coverage for R-55 is 30%, correct? Yes, that is correct.

03- Front and side setbacks' are at 20'-0", correct? The setbacks in the R-55 zone is 25' from the front, 20' from the rear, 8/9' from the sides. There is no zero lot line development in Prince George's County.

Thanks,

Jorge Concepcion

Design Associate

e: jorge@kuba-arch.com

c: [787-378-1697](tel:787-378-1697)

o: [202-986-0573](tel:202-986-0573)

KUBE architecture
1700 Connecticut Ave NW - Suite 301
Washington, DC. 20009
www.KUBE-arch.com

On Thu, Oct 25, 2018 at 11:57 AM Isenberg, Lisa <Lisa.Isenberg@ppd.mncppc.org> wrote:

Attached please find a copy of the site plan you requested. If you have any additional questions, please let me know.

Lisa K. Isenberg

Principal Planning Technician

Planning Information Services

Maryland-National Capital Park and Planning Commission

14741 Governor Oden Bowie Drive

Room L-2

Upper Marlboro, Maryland 20772

301-952-3208

301-952-3295 (fax)

lisa.isenberg@ppd.mncppc.org

[How am I doing? Email my supervisor](#)

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

March 12, 2020

To whom it may concern,

I apologize for my absence in these proceedings. I wanted to share some brief information on my family and our plans for 3900 Jefferson Street.

I moved to EYA Arts District Hyattsville West neighborhood in 2007—one of the first 3 lots sold. Over the past 13 years, I've become a husband and a father of two daughters. My wife, Ashley teaches kindergarten in Washington, DC. My daughters, Knox (4) and Harlow (3) love Magruder park—one of the reasons we choose this site for our forever home.

We have the choice of making our home anywhere in the DC metro region. Our family loves Hyattsville. Our unique family dynamic makes building a home versus buying, a priority. Our daughter, Knox, was born dangerously premature. As a result of her prematurity, she was diagnosed with severe Cerebral Palsy. Knox is completely immobile. As much as we love Arts District, the row home style and the 4 flights of stairs no longer fit our family's needs. Not to mention the inaccessibility of parking (nurses, therapists, doctors who visit our home weekly) and handicap accommodations.

We have endured several setbacks with our plans to build on the 3900 Jefferson site. Our intention was to build a 1 story home, completely accessible for Knox. Part way through the design process we learned of the easement issues that made it impossible. After months more of redesign we came up with a concept that allowed Knox and the army of caregivers and therapists the flexibility and safety that would make our daughters quality of life much better.

I hope you're able to take a look at the due diligence that was done and consider my variance request with all of our family needs.

Thank you for your time and consideration.

Best,

A handwritten signature in black ink, appearing to read 'Kibwe J. Hughes', with a stylized, flowing script.

Kibwe J. Hughes



City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-252-FY20

3/16/2020

12.b

Submitted by: Danny Schaible
Submitting Department: Legislative
Agenda Section: Action

Item Title:

Backyard Chicken Act

Suggested Action:

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.

Summary Background:

This modification will eliminate the City prohibition on raising chickens in Hyattsville. Chicken raising is an enjoyable recreational activity that provides a healthy food source, high-quality fertilizer, fosters community building, and, with proper regulations, does not result in unsanitary or noisy conditions. Many jurisdictions allow responsible chicken raising, including our neighbors in Anne Arundel, Baltimore, Howard, and Montgomery Counties, and nearby municipalities like Annapolis, Baltimore, and Rockville. NOTE: The Prince George's County Ordinance that restricts raising chickens, Section 27-441, will remain in effect, so raising chickens in Hyattsville will remain prohibited by County Ordinance.

Next Steps:

The City Attorney and Director of Community and Economic Development will draft the ordinance for discussion and action by the Mayor and Council. If the motion passes, Hyattsville will write a letter to the Prince George's County Council, informing them of the change to our municipal code, and requesting that Section 27-441 be modified to allow for responsible chicken raising within Prince George's County. The City should tie this request to the recent County Code change to support urban farming within Prince George's County.

An initial discussion was held on January 21, 2020, with follow up Council discussion on March 2, 2020.

Fiscal Impact:

N/A

City Administrator Comments:

The Community & Economic Development staff met with Councilman Schaible to discuss the intent of the motion. The elimination of the “domestic fowl” and “poultry and game birds” language will result in the City Code Compliance staff no longer enforcing this as a City violation. Incidents may still be referred to Prince George's County Department of Permits, Licensing and Inspections (DPIE) and it would be incumbent upon Prince George's County to enforce any “domestic fowl”, and “poultry and game birds' violations of County Code if the County does not agree to a modification.

Community Engagement:

The draft ordinance will be scheduled for Council discussion/action at a future Council Meeting.

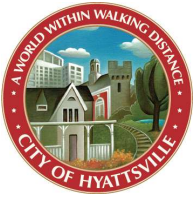
135

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

Pending



City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-274-FY20

3/16/2020

14.a

Submitted by: Sean Corcoran
Submitting Department: City Clerk
Agenda Section: Community Notices and Meetings

Item Title:

Main City Calendar: March 17 - April 6, 2020

Suggested Action:

Summary Background:

N/A

Next Steps:

N/A

Fiscal Impact:

None

City Administrator Comments:

N/A

Community Engagement:

N/A

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?

N/A

City Calendar: March 17 – April 6, 2020

City Council Meeting: FY-21 Budget Introduction

April 6, 2020, 8:00 PM - 10:00 PM, City Municipal Building (3rd Floor Council Chambers)

City Council meetings will continue as scheduled and will remain open to the public; however, residents are encouraged to use electronic methods to submit public comment and view meetings on cable television or web stream. For more information visit: www.hyattsville.org/meetings

The following weekly program offerings and City events are canceled through Saturday, April 4, 2020:

- Boards and Committee Meetings
- Teen Tutoring and Mentoring
- Ageless Grace Exercise Classes
- Community Yoga
- Senior Bus Trips
- Police Ride-Alongs
- Coffee with a Cop (previously scheduled for Thursday, March 19th)
- Invasive Plant Removals (previously scheduled for Saturday, March 21st)
- Ward 1 Check-in (previously scheduled for Wednesday, March 25th)
- Ward 2 Community Wellness Walk (previously scheduled for Wednesday, March 25th)
- Pancake Breakfast and Easter Egg Hunt (previously scheduled for Saturday, April 4th)

The following City events are postponed until an alternate date to be determined:

- **Hyattsville 2020 Census Day**
Previously scheduled for April 4, 2020
- **Arbor Day at McClanahan**
Previously scheduled for April 5, 2020

The following services will be suspended or limited through April 4, 2020:

- Notary and Fingerprint Services
- Licensing and Permitting
- Call-a-Bus for Seniors Transportation Services will continue for essential trips only such as medical appointments and grocery store trips.

The following services and activities will continue as scheduled:

- Police patrols and emergency response
- Solid waste, recycling, and compost collections
- Parking enforcement