

City Council of Hyattsville, Maryland

AGENDA

City Council Regular Meeting

Monday, December 4, 2017

8:00 PM



Council Chambers

Hyattsville Municipal Building

4310 Gallatin Street, 3rd Floor

Hyattsville, MD 20781

(301) 985-5000 www.hyattsville.org

CITY COUNCIL

[Mayor Candace B. Hollingsworth](#)

[Bart Lawrence, Ward 1](#)

[Kevin Ward, Ward 1](#)

[Robert S. Croslin, Ward 2](#)

[Shani N. Warner, Ward 2](#)

[Carrianna Suiter, Ward 3](#)

[Thomas Wright, Ward 3](#)

[Edouard Haba, Ward 4](#)

[Paula J. Perry, Ward 4](#)

[Joseph Solomon, Ward 5](#)

[Erica Spell, Ward 5](#)

ADMINISTRATION

Tracey E. Nicholson, City Administrator

Laura Reams, City Clerk, 301-985-5009, lreams@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 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 Disabilities 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.

Consent Agenda: Items listed on the Consent agenda are considered to be routine in nature, and are normally approved by one motion. Please note that most items on the Consent agenda have been discussed at a previous meeting. If a Councilmember wishes to comment on a particular item, that item shall be removed from the Consent agenda to "action" to allow for additional discussion.

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 Meetings 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 daily at 7:00 a.m., 1 p.m., and 8 p.m. Meetings are also able for replay online at www.hyattsville.org/councilagendas.

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.



[Twitter](#)



[Facebook](#)



[Instagram](#)



[Vimeo](#)

1. Call to Order and Council Roll Call

2. Pledge of Allegiance to the Flag

3. Approval of Agenda

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

5. Presentations (8:20 p.m. - 8:35 p.m.)

5.a) FY-2016 and FY-2017 Audit Update (5 minutes)
HCC-104-FY18

Lead: At the Request of the City Administrator
Co Sponsors: N/A

5.b) Bigbelly Waste and Recycling System Review (10 minutes)
HCC-133-FY18

Lead: At the Request of the City Administrator
Co Sponsors: N/A

6. Consent Items (8:35 p.m. - 8:40 p.m.)

6.a) Re-Appointments to Police and Public Safety Citizens' Advisory Committee
HCC-131-FY18

I move that the Mayor and Council re-appoint Thomas Tucker (Ward 2), Laura Usher (Ward 2), and Shirley Fisher (Ward 5) to the Police and Public Safety Citizens' Advisory Committee for a term of 2 years, ending on December 31, 2019.

Lead: Spell
Co Sponsors: Croslin, Perry

[Re-Appointment L. Usher.pdf](#)

[Re-Appointment T. Tucker.pdf](#)

[Re-Appointment S. Fisher.pdf](#)

6.b) Re-Appointment to Hyattsville Environment Committee
HCC-132-FY18

I move that the Mayor and Council re-appoint Brie Welzer (Ward 1) to the Hyattsville Environment Committee for a term of 2 years, ending on December 31, 2019.

Lead: Ward

Co Sponsors: Lawrence

[Re-Appointment B. Welzer.pdf](#)

7. Action Items (8:40 p.m. - 8:55 p.m.)

7.a) Hyattsville Ordinance 2017-06: Payment in Lieu of Taxes (PILOT) Montgomery Housing Partnership (5 minutes)

HCC-124-FY18

I move that the Mayor and Council introduce Hyattsville Ordinance 2017-06, Ordinance whereby the City of Hyattsville establishes a payment in lieu of taxes for Parkview Manor Apartments in order to secure affordable housing within the City of Hyattsville. (FIRST READING)

Lead: Hollingsworth

Co Sponsors: Spell, Solomon, Haba, Ward

[HO-2017-06 MHP Parkview Manor Ordinance 7-506.1 - 1st Reading.docx](#)

7.b) Prince George's County Zoning Ordinance & Subdivision Regulations Comprehensive Review Draft (10 minutes)

HCC-123-FY18

I move that the Mayor and Council adopt the recommendations of Staff and authorize the City Administrator to submit to the Maryland-National Capital Park & Planning Commission (M-NCPPC) a letter expressing the opinion of the City of Hyattsville. The letter should express the City of Hyattsville's opinion specific to the following sections of the Prince George's County Zoning Ordinance & Subdivision Regulations Comprehensive Review Draft as detailed in the attached memorandum:

Building Restriction Lines

Private Streets and Easements

District Council 'Call-Up' Provision

Transportation Adequacy

Mandatory Dedication of Parkland

Definitions to include Building Restriction Line

Measurements and Exceptions of Intensity and Dimensional Standards

Commercial Use Classifications (Drive-through Use)

Required Public Notice

Lead: At the Request of the City Administrator

Co Sponsors: N/A

[Memo - Zoning Ordinance & Subdivision 11.29.2017.docx](#)

8. Discussion Items (8:55 p.m. - 9:30 p.m.)

8.a) Bigbelly Waste and Recycling System Expansion (10 minutes)
HCC-130-FY18

Lead: At the Request of the City Administrator
Co Sponsors: N/A

8.b) Hyattsville Ordinance 2017-07: Updating the City Code Section - 114-6. School Zones (10 minutes)
HCC-29-FY18

I move that the Mayor and Council introduce Hyattsville Ordinance 2017-07, an ordinance whereby the City of Hyattsville establishes a school zone around Edward M. Felegy Elementary School within the City of Hyattsville, eliminates two school zones that are no longer necessary, and adjusts the codification accordingly (FIRST READING).

Lead: Spell
Co Sponsors: N/A

[HO-2017-07 Edward M. Felegy School Zone Ordinance.docx](#)

8.c) Public Wifi Hotspots (15 minutes)
HCC-28-FY18

I move the Mayor and Council direct the City Administrator to explore Public Wifi Hotspots options in Hyattsville for the purpose of supporting efforts to increase access to internet service in public spaces in Hyattsville, and calling for the development of City policies to advance these efforts as well as a comprehensive Public Wifi Hotspot development and implementation plan for Hyattsville.

Lead: Spell
Co Sponsors: N/A

9. Council Dialogue

10. Community Notices and Meetings

10.a) City Calendar: December 5 - December 11, 2017
HCC-134-FY18

Lead: At the Request of the City Administrator
[Main City Calendar December 5 - December 11, 2017.docx](#)

11. Motion to Close (Please note the Council will not return to open session)

11.a) Motion to Close
Please note that the Council Meeting will not return to open session.
HCC-121-FY18

I move that the Mayor and Council close the Council Meeting of December 4, 2017 in order to discuss contract negotiations.

This session will be closed under the authority of the Annotated Code of Maryland State Government General Provisions Article Section 3-305(b) (14) to discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

Lead: At the Request of the City Administrator

Co Sponsors: N/A



Hyattsville City Council Agenda Item Report

Meeting Date: December 4, 2017

Submitted by: Ron Brooks

Submitting Department: Finance

Item Type: Audit

Agenda Section: Presentations (8:20 p.m. - 8:35 p.m.)

SUBJECT

FY-2016 and FY-2017 Audit Update (5 minutes)

HCC-104-FY18

Recommendation:

Sponsor(s):

At the Request of the City Administrator

Co-Sponsor(s):

N/A

ATTACHMENTS

Summary Background:

The FY-2016 audit is still proceeding through the review and analysis stage. The second update of timeline goals for completion are as follows:

- * Finish the administrative review and analysis of all funds by the last week of December 2017 - no change from previous report.
- * Complete the Financial Statements for the document by the second week of January 2018 - no change from previous report.
- * Final 2016 audit report signed off by CohnReznick, management letter and all closing documents to City Council by the third week of January 2018 - no change from previous report.
- * File the final 2016 audit with the State of Maryland Department of Administrative Services by the January 26th, 2018 - no change from previous report.

Additionally, we expect to begin the FY-2017 audit track work the second or third week of January 2018.

Next Steps:

Continue to work through all of the audit stages until final 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 background above.

Community Engagement:

N/A

Strategic Goals:

Goal 1 – Ensure Transparent and Accessible Governance

Legal Review Required?

N/A



Hyattsville City Council Agenda Item Report

Meeting Date: December 4, 2017

Submitted by: Lesley Riddle

Submitting Department: Public Works

Item Type: Presentation

Agenda Section: Presentations (8:20 p.m. - 8:35 p.m.)

SUBJECT

Bigbelly Waste and Recycling System Review (10 minutes)

HCC-133-FY18

Recommendation:

Sponsor(s):

At the Request of the City Administrator

Co-Sponsor(s):

N/A

ATTACHMENTS

Summary Background:

On October 10, 2015, representatives from Bigbelly presented the Mayor and Council with an overview of their products and services. Bigbelly is a solar powered, rubbish-compacting bin for use in public spaces. They leverage renewable solar energy and information technology to improve waste and recycling operations in many cities throughout the U.S. and over 47 countries worldwide.

Currently the City has 16 Bigbelly duo stations locations that provide recycling and waste units at various locations throughout the City. The pilot program has been very successful providing the City savings in vehicle usage, staff hours, and also mitigating trash on our streets. Rob Kutner, the Vice President of Bigbelly will present an overview of the City of Hyattsville Bigbelly program.

Next Steps:

A discussion item is scheduled for this meeting, December 4th 2017, to propose the expansion of the existing Bigbelly program.

Fiscal Impact:

The current Bigbelly program is in the operating budget of DPW.

City Administrator Comments:

N/A

Community Engagement:

None at this point.

Strategic Goals:

Promote a Safe and Vibrant Community

Legal Review Required?

N/A



Hyattsville City Council Agenda Item Report

Meeting Date: December 4, 2017

Submitted by: Laura Reams

Submitting Department: Legislative

Item Type: Appointment

Agenda Section: Consent Items (8:35 p.m. - 8:40 p.m.)

SUBJECT

Re-Appointments to Police and Public Safety Citizens' Advisory Committee

HCC-131-FY18

Recommendation:

I move that the Mayor and Council re-appoint Thomas Tucker (Ward 2), Laura Usher (Ward 2), and Shirley Fisher (Ward 5) to the Police and Public Safety Citizens' Advisory Committee for a term of 2 years, ending on December 31, 2019.

Sponsor(s):

Spell

Co-Sponsor(s):

Croslin, Perry

ATTACHMENTS

[Re-Appointment L. Usher.pdf](#)

[Re-Appointment T. Tucker.pdf](#)

[Re-Appointment S. Fisher.pdf](#)

Summary Background:

See attached application.

Next Steps:

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

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Approval.

Community Engagement:

Agendas for the Police and Public Safety Advisory Committee Meetings 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

Laura

First Name

Usher

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 *

☒ Ward 2

Primary Phone

Alternate Phone

Which Boards would you like to apply for?

Police & Public Safety Citizens' Advisory Committee: Reapplying

Referred By:

Biographical Statement

I am an 11-year resident of Hyattsville and a parent to second grader at Hyattsville Elementary School. Serving on the Police and Public Safety Citizens' Advisory Committee is one way I can contribute to the community. Professionally, I work in mental health advocacy and I partner with national law enforcement agencies and federal agencies on a range of health and justice issues. Most importantly, I work specifically on law enforcement responses to people in mental health crisis, and the important partnerships needed in local communities to make sure that police aren't responsible for solving all social problems. When possible, I bring the resources and relationships from my professional life to serve Hyattsville's needs. I think Hyattsville PD and the Committee have done good work over the last two years and I would like to continue to be part of that.

Board, Committee and Commission Application

Profile

Thomas

First Name

Tucker

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 *☒ Ward 2

Primary Phone

Alternate Phone

Which Boards would you like to apply for?

Police & Public Safety Citizens' Advisory Committee: Reapplying

Councilwoman Warner

Referred By:

Biographical Statement

Biographical information should be on file with my original appointment. I am currently serving as Chairman of the Committee and would like to continue to serve.

Board, Committee and Commission Application

Profile

Shirley

First Name

Fisher

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 *

☒ Ward 5

Primary Phone

Alternate Phone

Which Boards would you like to apply for?

None Selected

Referred By:

Biographical Statement



Hyattsville City Council Agenda Item Report

Meeting Date: December 4, 2017

Submitted by: Laura Reams

Submitting Department: Legislative

Item Type: Appointment

Agenda Section: Consent Items (8:35 p.m. - 8:40 p.m.)

SUBJECT

Re-Appointment to Hyattsville Environment Committee

HCC-132-FY18

Recommendation:

I move that the Mayor and Council re-appoint Brie Welzer (Ward 1) to the Hyattsville Environment Committee for a term of 2 years, ending on December 31, 2019.

Sponsor(s):

Ward

Co-Sponsor(s):

Lawrence

ATTACHMENTS

[Re-Appointment B. Welzer.pdf](#)

Summary Background:

See attached application.

Next Steps:

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

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Approval.

Community Engagement:

Agendas for the Hyattsville Environment Committee Meetings 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

Brielle

First Name

Welzer

Last Name

Email Address

Street Address

Suite or Apt

State

City

Postal Code

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

Ward *

☒ Ward 1

Primary Phone

Alternate Phone

Which Boards would you like to apply for?

Hyattsville Environment Committee: Submitted

Referred By:

Biographical Statement

Requesting a second term.



Hyattsville City Council Agenda Item Report

Meeting Date: December 4, 2017

Submitted by: Jim Chandler

Submitting Department: Community & Economic Development

Item Type: Ordinance

Agenda Section: Action Items (8:40 p.m. - 8:55 p.m.)

SUBJECT

Hyattsville Ordinance 2017-06: Payment in Lieu of Taxes (PILOT) Montgomery Housing Partnership (5 minutes)

HCC-124-FY18

Recommendation:

I move that the Mayor and Council introduce Hyattsville Ordinance 2017-06, Ordinance whereby the City of Hyattsville establishes a payment in lieu of taxes for Parkview Manor Apartments in order to secure affordable housing within the City of Hyattsville. (FIRST READING)

Sponsor(s):

Hollingsworth

Co-Sponsor(s):

Spell, Solomon, Haba, Ward

ATTACHMENTS

[HO-2017-06 MHP_Parkview_Manor_Ordinance_7-506.1_-_1st_Reading.docx](#)

Summary Background:

At the City Council meeting on October 16, 2017, the City Council adopted HCC-78-FY18 - Payment in Lieu of Taxes (PILOT) Ordinance a motion directing the City Attorney, in consultation with the City Treasurer and Director of Community & Economic Development, to draft an enabling ordinance authorizing the City Council to consider a Payment in Lieu of Taxes (PILOT) to support a request by Montgomery Housing Partnership (MHP) the renovation of Parkview Manor Apartments, an affordable housing property, located at 5040 38th Avenue, Hyattsville, Maryland 20782.

The cost of these renovations is estimated at just over \$73,000 per unit, for a total direct investment of over \$3.88 million into the complex. MHP has provided a full list of the necessary renovations, which is attached to this memo.

Units in Parkview Manor are structured as follows:

- Six (6) units are set aside for residents making less than 30% AMI (\$32,400);
- Forty (40) units are reserved for residents making less than 50% AMI (\$54,000);
- Seven (7) units are reserved for residents making less than 60% AMI (\$64,800).

After the renovation is complete, rents for residents qualifying with 60% AMI will be \$875/month for a one-bedroom unit, \$950/month for a two-bedroom unit and \$1,040/month for a two-bedroom townhouse. Rents for the 30% and 50% AMI groups would be lower to account for their lower income.

The City Attorney has provided the attached ordinance for adoption by the City Council.

Next Steps:

A second reading and adoption of the ordinance is scheduled for consideration at the City Council meeting on December 18, 2017.

Fiscal Impact:

Approval of this item will create a annual fiscal impact of \$15,000 for a 15-year term, not to exceed a total value of \$225,000.

City Administrator Comments:

Recommend approval.

Community Engagement:

The City of Hyattsville conducted a public hearing for this item Payment in Lieu of Taxes (PILOT) Request: Montgomery Housing Partnership HCC-78-FY18' on October 2, 2017 at 7:30 PM. This ordinance was discussed by the City Council at the meeting on November 20, 2017.

Strategic Goals:

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

Legal Review Required?

Complete

**CITY OF HYATTSVILLE
ORDINANCE 2017-06**

An Ordinance whereby the City of Hyattsville establishes a payment in lieu of taxes for Parkview Manor Apartments in order to secure affordable housing within the City of Hyattsville.

WHEREAS, MHP Parkview Manor LLC, a Maryland limited Liability Company, is the current owner of Parkview Manor Apartments, a 53-unit rental property located at 5040 38th Avenue Hyattsville, Maryland (hereinafter the “Property”); and

WHEREAS, MHP Parkview Manor LLC, represents that it is a Maryland limited liability company consisting of a managing member and an investor member; and

WHEREAS, MHP Parkview Manor LLC, represents that it is managed by MHP Art LLC, a Maryland limited liability company, consisting of Montgomery Housing Partnership, Inc., a Maryland nonstock nonprofit corporation and Carlyn Springs/Foxcroft Terrace Development Corporation a Virginia nonstock nonprofit corporation; and

WHEREAS, MHP Parkview Manor represents that its investor member is Wincopin Circle LLLP, which is controlled by Wincopin GP, LLC; and

WHEREAS, MHP Parkview Manor LLC intends to renovate the Property and convert it into affordable rental housing; and

WHEREAS, MHP Parkview Manor LLC represents to the City that it is a qualifying entity under Maryland Code, section 7-506.1 of the Tax-Property Article for a payment in lieu of taxes (“PILOT”) because it is engaged in constructing or operating housing structures or projects, the Property is used for a housing structure or project that is constructed or substantially rehabilitated under a federal, State, or local government program that funds construction, insures financing in

1 whole or in part, or provides interest subsidy, rent subsidy, or rent supplements, and MHP
2 Parkview Manor LLC, has entered into or is in the process of entering into a PILOT with Prince
3 George's County for the Property; and

4 **WHEREAS**, MHP Parkview Manor LLC, represents that it intends to maintain the
5 Property as rental housing for lower income persons, comply with all governmental program
6 requirements, and agrees to renew any annual contributions contract or other agreement for rental
7 subsidy or supplement; and

8 **WHEREAS**, MHP Parkview Manor LLC, represents that it does not intend to utilize the
9 Property for service facilities as that term is used in section 7-506.1; and

10 **WHEREAS**, MHP Parkview Manor LLC, requests that the City approve a PILOT
11 Agreement worth \$225,000 allocated over fifteen years equaling \$15,000 per year; and

12 **WHEREAS**, the Council support the provision and protection of affordable housing in the
13 City, and

14 **WHEREAS**, the Council finds that a PILOT Agreement with MHP Parkview Manor LLC
15 for, 5040 38th Avenue Hyattsville, Maryland, serves a public purpose and promotes the peace,
16 health, and general welfare of the City and its residents by preserving affordable housing for
17 residents with low and moderate incomes.

18 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hyattsville
19 in regular session assembled that Article III be added to Chapter 108 of the City of Hyattsville
20 Code and read as follows:

21

ARTICLE III

Payments in Lieu of Taxes

§ 108-5 Parkview Manor Apartments Payment in Lieu of Taxes.

A. For Tax Levy Years 2018 (tax period 7/1/2018 to 6/30/19) through 2033 (tax period 7/1/33 to 6/30/34), MHP Parkview Manor LLC shall have a \$15,000 abatement of City real property taxes for Parkview Manor Apartments located at 5040 38th Avenue Hyattsville, Maryland; and

B. A minimum of 100% of the rental units at Parkview Manor Apartments, located at 5040 38th Avenue Hyattsville, Maryland, shall be occupied by low or moderate income households (*i.e.*, households with incomes at or below 60% of the Washington Metropolitan Statistical Area (“WMASA”) median income).

C. The City Administrator is authorized to enter into a PILOT Agreement on behalf of the City with MHP Parkview Manor LLC under the provisions of Maryland Code, section 7-506.1 of the Tax Property Article, and to take such actions and execute such documents as are necessary in order to carry out the purposes of this Ordinance.

AND BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable;

AND BE IT FURTHER ORDAINED that this Ordinance shall take effect twenty (20) days from the date of its adoption;

AND BE IT FURTHER ORDAINED that a fair summary of this ordinance shall forthwith be published twice in a newspaper having general circulation in the City and otherwise be made available to the public.

INTRODUCED by the City Council of the City of Hyattsville, Maryland, at a regular public meeting on December 4, 2017.

ADOPTED by the City Council of the City of Hyattsville, Maryland, at a regular public meeting on _____, 2017.

Adopted: _____

Attest:

Laura Reams, City Clerk

Candace B. Hollingsworth, Mayor

⌈⌋ indicate deletions

Underline indicates additions

Asterisks * * * Indicate matter retained in existing law but omitted herein



Hyattsville City Council Agenda Item Report

Meeting Date: December 4, 2017

Submitted by: Jim Chandler

Submitting Department: Community & Economic Development

Item Type: Planning & Development

Agenda Section: Action Items (8:40 p.m. - 8:55 p.m.)

SUBJECT

Prince George's County Zoning Ordinance & Subdivision Regulations Comprehensive Review Draft (10 minutes)

HCC-123-FY18

Recommendation:

I move that the Mayor and Council adopt the recommendations of Staff and authorize the City Administrator to submit to the Maryland-National Capital Park & Planning Commission (M-NCPPC) a letter expressing the opinion of the City of Hyattsville. The letter should express the City of Hyattsville's opinion specific to the following sections of the Prince George's County Zoning Ordinance & Subdivision Regulations Comprehensive Review Draft as detailed in the attached memorandum:

- Building Restriction Lines
- Private Streets and Easements
- District Council 'Call-Up' Provision
- Transportation Adequacy
- Mandatory Dedication of Parkland
- Definitions to include Building Restriction Line
- Measurements and Exceptions of Intensity and Dimensional Standards
- Commercial Use Classifications (Drive-through Use)
- Required Public Notice

Sponsor(s):

At the Request of the City Administrator

Co-Sponsor(s):

N/A

ATTACHMENTS

[Memo - Zoning Ordinance & Subdivision 11.29.2017.docx](#)

Summary Background:

On October 25, 2017, staff attended the latest Prince George's County Zoning Rewrite Municipal Workgroup meeting. During this meeting, Maryland-National Capital Park and Planning Commission (M-NCPPC) staff introduced the Comprehensive Review Draft of the Zoning Ordinance and Subdivision Regulations. During their presentation, M-NCPPC staff highlighted frequent comments received from the previous draft of the ordinance, as well as the key changes that have been made to the Comprehensive Review Draft in response to those comments.

City of Hyattsville staff reviewed the changes and the Comprehensive Review Draft. Suggestions and comments were presented to the Council and Planning Committee earlier this month.

The Staff recommends that a final set of comments be submitted to M-NCPPC on behalf of the City of Hyattsville.

The document is available to review on-line at: <http://zoningpgc.pgplanning.com/2017/09/26/compreview/>

Next Steps:

Staff will prepare a letter to submit to M-NCPPC on behalf of the City of Hyattsville. All comments are due by December 15, 2017.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Approval

Community Engagement:

After nearly three years and more than 300 community meetings, the Prince George's County Planning Department has released the Comprehensive Review Draft of the of the new Zoning Ordinance and Subdivision Regulations. The language has been released as part of three (3) modules, which have been reviewed and comments have been provided by City staff, the Planning Committee and City Council.

The Hyattsville Planning Committee reviewed the final set of Staff comments at its meeting on Tuesday, November 21, 2017. The Committee's comments are included in the Staff memorandum. The Committee was in agreement with Staff comments and offered additional language to be considered with respect to the following sections:

Mandatory Dedication of Parkland: M-NCPPC should consider including Floor Area Ratio (FAR) as a count triggering parkland instead of just dwelling units per acre.

Measurements and Exceptions of Intensity and Dimensional Standards: There needs to be discussion of a grandfathering provision, or how this change would impact existing property owners. There should also be a reference to pervious surfaces.

Commercial Uses Classification (Drive-through use): The majority of the Committee members agree with Staff recommendation. A Committee Member stated their that the City may be hampering itself, as a drive through on the mall property would not have as many issues with traffic backups as a drive through that fronted the street.

Strategic Goals:

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

Legal Review Required?

N/A



Memo

To: Mayor and Council

CC: Tracey Nicholson, City Administrator

From: Jim Chandler, Asst. City Administrator, Director, Community and Economic Development
Katie Gerbes, Community Planner

Date: November 29, 2017

Re: Prince George's County Zoning Ordinance & Subdivision Regulations Comprehensive Review Draft

As discussed at the November 20, 2017 City Council meeting, the Maryland-National Capital Park and Planning Commission (M-NCPPC) is in the process of rewriting the County's Zoning Ordinance and Subdivision Regulations. Staff have reviewed the proposed revisions to the Zoning Ordinance and Subdivision Regulations and have included in this memorandum professional opinions regarding specific areas of concern for consideration by the Hyattsville City Council to adopt and transmit to M-NCPPC for consideration.

On November 21, 2017, Staff discussed the Zoning Ordinance and Subdivision Regulations at the Hyattsville Planning Committee meeting. Comments from the Hyattsville Planning Committee, as well as City Staff recommendations, are detailed in the sections below.

24-1.705 Building Restriction Lines

Language: "Any building lines shown on a plat recorded on or before November 29, 1949 are extinguished. Buildings and structures that may have been affected by such building restriction lines may be altered, enlarged, or extended, if the alteration, enlargement or extension conforms to the dimensional standards of the zone in which it is located, and all other relevant requirements of these regulations and the zoning ordinance."

Staff Comment: Property owners in the City have, at times, experienced land-use issues where older/historic housing stock is subject to 'pre-1949 zoning code' setbacks and Building Restriction Lines (BRL's) that were established at the time of construction, as they were not in compliance

with the current zoning code. Many of these regulations are considered outdated, and prevented homeowners from being permitted 'by-right' to make relatively simple, non-intrusive modifications to their homes, such as the addition or reconstruction of a porch. As a result, property owners are required to go through the cumbersome process of a variance review and approval. Through this Zoning rewrite update, this issue is being addressed by allowing any alteration or enlargement of a home, even if it was built before 1949, to be permitted by-right, provided that the modifications meet the modern zoning code.

Planning Committee Comment: Agree with Staff recommendation.

24-3.204 Private Streets and Easements

Language: "Unless exempted in accordance with Sec. 24-3.208 B below, no subdivision shall be approved with a private street, right-of-way, or easement as the means of vehicular access to any lot, unless the private street, right-of-way or easement is built to County street standards."

Staff Comment: Staff is supportive of the proposed language. It is a 'best practice' for the municipality to control roadways to ensure that maintenance and replacement are properly managed, as well as to provide City sanitation related services to residences. Hyattsville accepts responsibility for roadways that meet the County's public roadway standard, so that we can ensure the roadway is constructed to a public standard for public utilities layout, roadway materials specifications, depth and widths. The language included in the Zoning rewrite would provide the City with greater control over street infrastructure for all new development in the City.

Planning Committee Comment: Agree with Staff recommendation.

Language: "Points of access to public streets shall be approved by the Planning Board, or the Planning Director for a minor subdivision, and by the DPIE Director, the State Highway Administration, the Department of Public Works and Transportation, the Public Works Department of the municipality in which the property is located, or other appropriate roadway authority as applicable."

Staff Comment: Staff is supportive of this language, which provides the City with greater control over points of access on local streets.

Planning Committee Comment: Agree with Staff recommendation.

24-2.303 District Council

Comment: In the previous draft for this section of the Subdivision Regulations, Clarion Associates provided language removing the District Council's ability to "call up" development applications after they have been decided on by the Planning Board. The Comprehensive Review Draft removes that language, keeping the system in place that currently exists. It is not a best practice to allow the District Council to call up developments after the Planning Board has already made a decision on the application. This process is

unpredictable and leads to longer time frames and higher costs for a development to get approved within the County. As was recommended in the first draft of the rewrite, Staff believe that power should be removed from the District Council.

Planning Committee Comment: Agree with Staff recommendation; at a minimum, there should be parameters around what can and cannot be called up.

24-3.505 Transportation Adequacy

Language: “Adequate transportation facilities shall be available to accommodate or offset (through alternative trip capture) the vehicular trips within the Impact Area surrounding the development subject to the requirements of the Section, as defined by the Transportation Review Guidelines. This standard is met if: ...the applicant reduces project impacts to a level so that the adopted LOS standard is maintained by any combination of the following:

- a. Reducing the number of dwelling units or floor area
- b. Incorporating alternative trip capture
- c. Incorporating a mix of uses that reduces trips through internal capture, as defined in the Transportation Review Guidelines.”

Staff Comment: Staff is supportive of this language and as it takes into consideration multiple methods to address the level of service, including the addition of multimodal elements.

Planning Committee Comment: Agree with Staff recommendation.

Language: Any transportation improvements within the Impact Area that are counted as available capacity shall be: ... incorporated in a specific County of State Public Facilities Financing and Implementation Program, including the County CIP or State CTP with construction scheduled with 100 percent of the construction funds allocated...”

Staff Comment: Staff is recommending the addition of language noting improvements within the municipality’s CIP scheduled with 50 percent of the construction funds allocated. This ensures that City projects can also be included in the count of available capacity.

Planning Committee Comment: Agree with Staff recommendation.

24-3.601 Mandatory Dedication of Parkland

Language: “The amount of land to be dedicated shall be ... 15 percent of land on which a density exceeding 12 dwelling units per net acre is permissible.”

Staff Comment: The language ensures that all developments must provide onsite recreational amenities, and ensures that the space dedicated to recreation grows in accordance to the size of the development. Large scale developments will now be responsible for more onsite parkland.

Planning Committee Comment: M-NCPPC should consider including Floor Area Ratio (FAR) as a count triggering parkland instead of just dwelling units per acre.

24-6.300 Definitions

Staff Comment: M-NCPPC should consider incorporating the term “Building Restriction Line” into the glossary, as it is referenced throughout the document.

Planning Committee Comment: Agree with Staff recommendation.

27-2.200 Measurements and Exceptions of Intensity and Dimensional Standards

Language: Lot coverage (expressed as a percentage of net lot area) shall be determined by measuring the total horizontal land area of the lot (in acres or square feet) covered by all buildings, covered structures, areas used for vehicular access and parking, patios and walkways; dividing that coverage area by the net lot area (see Sec. 27-2.201.A above); and multiplying the result by 100.”

Staff Comment: This section should include language that pervious surfaces are to be ‘exempt’ from the lot coverage calculation. Staff is also concerned that by including sidewalks and primary walkways in the calculation, existing homes may be out of conformance with the lot coverage requirements, requiring the need for additional variance(s).

Planning Committee Comment: There needs to be discussion of a grandfathering provision, or how this change would impact existing property owners. There should also be a reference to pervious surfaces.

27-2.300. F Commercial Uses Classification

Language: “The Eating or Drinking Establishment Uses category consists of establishments primarily engaged in the preparation and serving of food or beverages for on or off premises consumption. Use types include: brewpubs or microbreweries; restaurants; fast food restaurants; and establishments primarily engaged in selling food or beverages for on-site consumption that also provide live entertainment on a limited basis, and similar uses. Accessory uses many include areas for outdoor seating, drive-through service facilities, facilities for live entertainment, and valet parking services.”

Staff Comment: “Drive-through” as an accessory use should not be permitted in the Town Activity Center, Local Transit Oriented or Regional Transit Oriented zones.

Planning Committee Comment: The majority of the Committee members agree with Staff recommendation. A Committee Member stated their concern that the City may be hampering itself, as a drive through on the property of the mall would not have as many issues with traffic backups as if it fronted a street.

27-3.407.B Required Public Notice

Language: “15 days prior to the hearing [for a variance], notice required to the appellant; owners of all lands contiguous to or opposite the land subject to the application and any municipality in whose boundaries the property is located.”

Staff Comment: Public notice to municipality should be expanded from 15-calendar days to 30-calendar days to allow for the matter to be scheduled on the City Council agenda.

Planning Committee Comment: Agree with Staff recommendation.

Next Steps

The City Council is scheduled to take action on transmitting comments to M-NCPPC at the December 4, 2017 meeting. Upon direction of the Council, Staff will prepare a letter to submit to M-NCPPC on behalf of the City of Hyattsville. All comments are due by December 15, 2017.



Hyattsville City Council Agenda Item Report

Meeting Date: December 4, 2017

Submitted by: Lesley Riddle

Submitting Department: Public Works

Item Type: Purchase

Agenda Section: Discussion Items (8:55 p.m. - 9:30 p.m.)

SUBJECT

Bigbelly Waste and Recycling System Expansion (10 minutes)

HCC-130-FY18

Recommendation:

Sponsor(s):

At the Request of the City Administrator

Co-Sponsor(s):

N/A

ATTACHMENTS

Summary Background:

Bigbelly is a solar powered, rubbish-compacting bin for use in public spaces. They leverage renewable solar energy and information technology to improve waste and recycling operations in many cities throughout the U.S. and over 47 countries worldwide.

The City of Hyattsville currently has 16 Bigbelly duo stations (recycling and waste units) at various locations throughout the City. The pilot program has been very successful providing the City a expanded capacity, a savings in vehicle usage, staff hours, and mitigating trash in our parks and on City streets. The staff, based on the units performance, recommends the City expand the existing program to include an additional 22 duo-stations with recycling and waste units.

The continued success of the pilot program, coupled with our ongoing and future Litter Campaign efforts makes the expansion of the existing program both fiscally and environmentally beneficial. The cost to expand this program is a one-time fee of \$10,551 and a monthly service fee increase of \$3,168. Annually, the cost of the program will increase by \$34,536, making the total annual investment a cost NTE \$73,000.

Next Steps:

With Council approval Bigbelly will continue to provide service to the existing 16 Bigbelly units and 22 additional duo-stations will be added at various locations around the City. The locations on the attached diagram are proposed based on current volumes and will be reviewed and coordinated prior to final placement decisions.

Fiscal Impact:

The FY 18 Capital Improvements Budget has funding for the current program and funds for expanding the existing program.

City Administrator Comments:

Recommend Approval

Community Engagement:

The installation of additional Bigbelly units will continue to support the City's community environmental initiatives, reduce costs and assist with keeping our streets and neighborhoods free of litter.

Strategic Goals:

Promote a Safe and Vibrant Community

Legal Review Required?

Pending



Hyattsville City Council Agenda Item Report

Meeting Date: December 4, 2017

Submitted by: Erica Spell

Submitting Department: Legislative

Item Type: Ordinance

Agenda Section: Discussion Items (8:55 p.m. - 9:30 p.m.)

SUBJECT

Hyattsville Ordinance 2017-07: Updating the City Code Section - 114-6. School Zones (10 minutes)

HCC-29-FY18

Recommendation:

I move that the Mayor and Council introduce Hyattsville Ordinance 2017-07, an ordinance whereby the City of Hyattsville establishes a school zone around Edward M. Felegy Elementary School within the City of Hyattsville, eliminates two school zones that are no longer necessary, and adjusts the codification accordingly (FIRST READING).

Sponsor(s):

Spell

Co-Sponsor(s):

N/A

ATTACHMENTS

[HO-2017-07 Edward M. Felegy School Zone Ordinance.docx](#)

Summary Background:

The current list of schools in the City Charter Section 114-6. School zones does not include Felegy Elementary School. Concordia Lutheran School at 3799 East West Highway and Concordia Lutheran School 3705 Longfellow Street are no longer in operation and can now be removed from the ordinance.

Next Steps:

A draft ordinance is attached with a first reading scheduled for December 18.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Support.

Community Engagement:

N/A

Strategic Goals:

Goal 4 – Foster Excellence in all City Operations

Legal Review Required?

N/A

**CITY OF HYATTSVILLE
ORDINANCE 2017-07**

An Ordinance whereby the City of Hyattsville establishes a school zone around Edward M. Felegy Elementary School within the City of Hyattsville, eliminates two school zones that are no longer necessary, and adjusts the codification accordingly.

WHEREAS, the Council has the power to pass all such ordinances it may deem necessary for the preservation of peace and good order, for securing persons and property from violence, danger or destruction, and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the City and visitors thereto; and

WHEREAS, the City of Hyattsville is authorized pursuant to Maryland Code, section 28-803.1 of the Transportation Article to establish school zones within the City's boundaries; and

WHEREAS, pursuant to section 114-6 of the City of Hyattsville Code, there are currently eleven designated school zones within the City limits; and

WHEREAS, two schools no longer exist within the City of Hyattsville's municipal boundaries: Concordia Lutheran School at East West Highway and Concordia Lutheran School at Longfellow Street, and

WHEREAS, Edward M. Felegy Elementary School is within the City of Hyattsville's municipal boundaries, but is not currently one of the eleven designated school zones; and

WHEREAS, the Council finds that there is no longer a need to maintain a school zone around schools that do not exist within the City limits and it also finds that establishing a school zone around Edward M. Felegy Elementary School will help preserve peace and good order, secure

persons and property from danger or destruction, and protect and promote the health, safety, comfort, convenience, welfare and happiness of the residents of the City and the visitors thereto.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hyattsville in regular session assembled that section 114-6 of the City of Hyattsville Code be amended to eliminate both Concordia Lutheran school zones, designate a school zone for Edward M. Felegy School, and adjust the subparagraphs to reflect the amendments:

§ 114-6. School zones.

The following areas in the City and all roadways within a one half mile radius of the named schools or campuses are designated as school zones:

- A. The University of Maryland at College Park,
- B. Northwestern High School at 7000 Adelphia Road,
- C. Prince George's Community College at University Town Center at 6505 Belcrest Road,
- D. Rosa Parks Elementary School at 6111 Ager Road,
- E. Nicholas Orem Middle School at 6100 Editors Park Drive,
- ~~F. Concordia Lutheran School at 3799 East West Highway,~~
- ~~G. Concordia Lutheran School 3705 Longfellow Street,~~
- ~~H.F.~~ Hyattsville Middle School at 6001 42nd Avenue,
- ~~I.G.~~ Dematha Catholic High School at 4313 Madison Avenue,
- ~~J.H.~~ St. Jeromes School at 5207 42nd Place,
- ~~K.I.~~ Hyattsville Elementary School at 5311 43rd Avenue.
- ~~L.J.~~ Edward M. Felegy Elementary School.

1 K. Any other areas designated by a resolution of the City Council as a school zone
2 pursuant to State law (currently §21-803.1 of the Transportation Article).

3 **AND BE IT FURTHER ORDAINED** that if any provision of this Ordinance or the
4 application thereof to any person or circumstance is held invalid for any reason, such invalidity
5 shall not affect the other provisions or any other applications of the Ordinance which can be given
6 effect without the invalid provision or applications, and to this end, all the provisions of this
7 Ordinance are hereby declared to be severable;

8 **AND BE IT FURTHER ORDAINED** that this Ordinance shall take effect twenty (20)
9 days from the date of its adoption;

10 **AND BE IT FURTHER ORDAINED** that a fair summary of this ordinance shall
11 forthwith be published twice in a newspaper having general circulation in the City and otherwise
12 be made available to the public.

13 **INTRODUCED** by the City Council of the City of Hyattsville, Maryland, at a regular
14 public meeting on _____, 2017.

15 **ADOPTED** by the City Council of the City of Hyattsville, Maryland, at a regular public
16 meeting on _____, 2017.

Adopted: _____

Attest: _____

Laura Reams, City Clerk

Candace B. Hollingsworth, Mayor

17
18 { } indicate deletions

19 Underline indicates additions

20 Asterisks * * * Indicate matter retained in existing law but omitted herein

DRAFT



Hyattsville City Council Agenda Item Report

Meeting Date: December 4, 2017

Submitted by: Erica Spell

Submitting Department: Legislative

Item Type: Legislative

Agenda Section: Discussion Items (8:55 p.m. - 9:30 p.m.)

SUBJECT

Public Wifi Hotspots (15 minutes)

HCC-28-FY18

Recommendation:

I move the Mayor and Council direct the City Administrator to explore Public Wifi Hotspots options in Hyattsville for the purpose of supporting efforts to increase access to internet service in public spaces in Hyattsville, and calling for the development of City policies to advance these efforts as well as a comprehensive Public Wifi Hotspot development and implementation plan for Hyattsville.

Sponsor(s):

Spell

Co-Sponsor(s):

N/A

ATTACHMENTS

Summary Background:

An essential element of SMART city development is the accessibility of Public Wifi Hotspots in public parks and recreation center.

Next Steps:

The motion is tentatively scheduled to return to Council for action on December 18, 2017.

Fiscal Impact:

N/A

City Administrator Comments:

The staff will conduct preliminary research for Council consideration.

Community Engagement:

N/A

Strategic Goals:

Goal 3 – Promote a Safe and Vibrant Community

Legal Review Required?

N/A

Main City Calendar: December 5 – December 11, 2017

Weekly Program Offerings

Ageless Grace Senior Exercise Classes

Wednesdays and Fridays, 10:00 AM @ City Municipal Building

Creative Minds

Tuesdays and Thursdays, 10:00 AM @ Magruder Park Recreation Center

Call-A-Bus Grocery Trips

Our Call-a-Bus takes seniors and residents with disabilities to grocery stores located in the City of Hyattsville each week. Call (301) 985-5000 to join a trip or add yourself to our Call-A-Bus calendar mailing list.

City Calendar: December 5 – December 11, 2017

Police and Public Safety Citizens' Advisory Committee Meeting

December 6, 2017, 7:30 PM @ City Municipal Building

Claus Applause Award Nominations Close

December 11, 2017, 5:00 PM

FY-2019 Council Budget Work Session: Council Budget Priorities

December 11, 2017, 8:00 PM – 10:00 PM @ City Municipal Building, 3rd Floor Council Chambers



Hyattsville City Council Agenda Item Report

Meeting Date: December 4, 2017

Submitted by: Laura Reams

Submitting Department: Community & Economic Development

Item Type: Legislative

Agenda Section: Motion to Close (Please note the Council will not return to open session)

SUBJECT

Motion to Close

Please note that the Council Meeting will not return to open session.

HCC-121-FY18

Recommendation:

I move that the Mayor and Council close the Council Meeting of December 4, 2017 in order to discuss contract negotiations.

This session will be closed under the authority of the Annotated Code of Maryland State Government General Provisions Article Section 3-305(b) (14) to discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

Sponsor(s):

At the Request of the City Administrator

Co-Sponsor(s):

N/A

ATTACHMENTS

Summary Background:

N/A

Next Steps:

N/A

Fiscal Impact:

N/A

City Administrator Comments:

N/A

Community Engagement:

N/A

Strategic Goals:

N/A

Legal Review Required?

Complete