

City Council of Hyattsville, Maryland

AGENDA

**City Council Regular Meeting
Monday, November 21, 2016
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](#)
[Edouard Haba, Council President, Ward 4](#)
[Bart Lawrence, Council Vice President, Ward 1](#)
[Kevin Ward, Ward 1](#)
[Robert S. Croslin, Ward 2](#)
[Shani N. Warner, Ward 2](#)
[Patrick A. Paschall, Ward 3](#)
[Thomas Wright, Ward 3](#)
[Paula J. Perry, Ward 4](#)
[Ruth Ann Frazier, Ward 5](#)
[Joseph Solomon, 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.



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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. – 8:30 p.m.)**
 - 5.a) **Introduction of New Hyattsville Environment Committee Chair, Brie Welzer (5 minutes)**
Motion #: Presentation Only
Sponsor(s): At the Request of the City Administrator
 - 5.b) **FY-2015 Audit Update (5 minutes)**
Motion #: Presentation Only
Sponsor(s): At the Request of the City Administrator
6. **Consent Items (8:30 p.m. – 8:35 p.m.)**
 - 6.a) **2017 Council Regular & Budget Meeting Calendar**
I move that the Mayor and Council adopt the 2017 Council Meeting Schedule and the FY-2018 Budget Meeting Schedule, as presented.
Motion #: 80-11-FY17
Sponsor(s): At the Request of the City Administrator
[2017 Council Meeting Calendar DRAFT.docx](#)
 - 6.b) **Appointment to the Health, Wellness and Recreation Advisory Committee**
I move that the Mayor and Council appoint Alison Mendoza Walters (Ward 3) to the Health, Wellness and Recreation Advisory Committee for a term of 2 years to expire on November 21, 2018.
Motion #: 81-11-FY17
Sponsor(s): Warner
[Alison Mendoz Walters HWRAC Application redacted.pdf](#)
 - 6.c) **Appointments to the Hyattsville Environment Committee**
I move that the Mayor and Council appoint Yohannes Bennehoff (Ward 3) and Daniel Broder (Ward 2) to the Hyattsville Environment Committee for a term of 2 years to expire on November 21, 2018.
Motion #: 82-11-FY17
Sponsor(s): Paschall
[Yohannes Bennehoff HEC Application redacted.pdf](#)
[Daniel Broder HEC Application redacted.pdf](#)
7. **Action Items (8:35 p.m. – 9:10 p.m.)**

7.a) Johnson, Mirmiran, and Thompson, Inc. Contract – FY17 Appropriation of Funds (10 minutes)

I move that the Mayor and Council authorize the City Administrator to execute an amended contract with Johnson, Mirmiran, and Thompson, Inc. in an amount not to exceed \$1,500,000 for the purposes of conducting building evaluation and assessments, cost estimates, programming projections in support of facility management and planning efforts. In addition, should the Council approve the renovation and redesign of 3505 Hamilton Street, remaining funds will be used to support the pre-design, environmental and architectural engineering services, construction management, third party inspection, testing, commissioning, acceptance and renovation planning. Funds for this contract have been appropriated in the approved FY-2017 Capital Improvements Project Fund. The contract execution is subject to the review and approval by the City Attorney for legal sufficiency.

Motion #: 83-11-FY17

Sponsor(s): At the Request of the City Administrator

[Memo - JMT Contract \(2\).docx](#)

7.b) Hyattsville Charter Amendment 2016-01: Reclassification of Department Director Positions (5 minutes)

I move that the Mayor and Council adopt Hyattsville Charter Amendment 2016-02, a Resolution of the Mayor and City Council of the City of Hyattsville, Maryland, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of Maryland (2013 Edition, as amended), to amend the Charter of the said City, said Charter being a part of the public local laws of Maryland (1963 Edition, as amended), which Article contains in whole or in part the Charter of the City of Hyattsville, Maryland, whereby the Mayor and City Council rename the positions of Department Heads as Department Directors and reclassify all Department Directors positions, except that of the City Administrator, as classified positions subject to the authority of the City Administrator as to hiring, discipline and termination in the same manner as are other classified employees of the City (SECOND READING).

Motion #: 84-11-FY17

Sponsor(s): Hollingsworth

[Charter Amendment Articles V C5-1 and VI - Personnel C6-1 through C6-5 FINAL 111716.docx](#)

[Background Information Charter Amendment 2016-02.pdf](#)

7.c) Hyattsville Ordinance 2016-02: Update to City Code Sections for Reclassification of Department Director Positions (5 minutes)

I move that the Mayor and Council adopt Hyattsville Ordinance 2016-02, an Ordinance whereby the City Council updates the City Code to conform to a Charter Amendment that restructures the City's chain of command so that Department Directors are classified employees subject to the direct supervision of the City Administrator as to hiring, discipline and termination (SECOND READING).

Motion #: 85-11-FY17

Sponsor(s): Hollingsworth

[Ordinance 2016-02 Sections changing Head to Director FINAL 111716.docx](#)

[Background Information Charter Amendment 2016-02.pdf](#)

7.d) Remove Motion # 74-11-FY17: Charter Amendment Resolution 2016-02 from the Table

I move that the Mayor and Council remove from the table Motion # 74-11-FY17 and re-open this item for additional Council discussion and action.

Motion #: N/A

Sponsor(s): Haba, Lawrence, Paschall, Solomon

7.e) Hyattsville Charter Amendment Resolution 2016-02: Qualifications of Voters and Same Day Voter Registration for City Elections (10 minutes)

I move that the Mayor and Council introduce and adopt Hyattsville Charter Amendment 2016-02, a Resolution of the Mayor and City Council of the City of Hyattsville, Maryland, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of Maryland (2013 Edition, as amended), to amend the Charter of the said City, said Charter being a part of the public local laws of Maryland (1963 Edition, as amended), which Article contains in whole or in part the Charter of the City of Hyattsville, Maryland, whereby the Mayor and City Council amend the City Charter to change the qualifications for registering as a voter in City elections so that (1) being a citizen of the United States is no longer a requirement to be a voter or a member of the Board of Elections and (2) residency for thirty (30) days is sufficient provided the individual does not claim the right and vote elsewhere in the United States, or has not been found by a Court to be unable to communicate a desire to vote. The amendment further establishes a voter registry separate from the State and County voter registry and further allows for same day registration of voters in City elections which will be effective on or before January 1, 2019 and further extending the time for the Board of Supervisors of Elections to certify an election until ten (10) calendar days after the election (FIRST READING).

Motion #: 74-11-FY17

Sponsor(s): Haba, Lawrence, Paschall, Solomon

[Charter Amendment Article IV FINAL 111716.docx](#)

[Motion Voter Qualifications 7-21-2016 Clean.doc](#)

8. Discussion Items (9:10 p.m. – 10:05 p.m.)

8.a) Hyattsville Ordinance 2016-03: Revisions to Chapter 8, Elections Code (25 minutes)

Motion #: Discussion Only, Scheduled for Action on 12/5/16

Sponsor(s): At the Request of the City Administrator

[Chapter 8 Elections FINAL 111716.pdf](#)

8.b) SP-160000: Saint Mary Eritrean Church at the former Lutheran Concordia Site (10 minutes)

Motion #: Discussion Only, Scheduled for Action on 12/5/16

Sponsor(s): At the Request of the City Administrator

[SOJ-SP-160000.pdf](#)

[CIVP-SP-160000.pdf](#)

[Lutheran Concordia SP Memo - Final.docx](#)

8.c) Sidewalk Construction Kimberly Road, Kelliher Road, 31st Avenue, and Nicholson Street (10 minutes)

Motion #: Discussion Only, Scheduled for Action on 12/5/16

Sponsor(s): At the Request of the City Administrator

8.d) Use of Ward 2 Discretionary Funds (10 minutes)

I move that the Mayor and Council approve the use of \$225 of Ward 2 discretionary funds for the purchase of prizes to be awarded to winners of a Black History Month writing contest.

Motion #: Discussion Only, Scheduled for Action on 12/5/16

Sponsor(s): Croslin

9. Council Dialogue (10:05 p.m. – 10:15 p.m.)

10. Community Notices and Meetings

10.a) City Calendar: November 22 - December 5, 2016

Motion #: N/A

Sponsor(s): At the Request of the City Administrator

[Main City Calendar Nov 22 to Dec 5.pdf](#)

11. Motion to Adjourn



Hyattsville City Council Agenda Item Report

Meeting Date: November 21, 2016

Submitted by: Laura Reams

Submitting Department: City Clerk

Item Type: Presentation

Agenda Section: Presentations (8:20 p.m. – 8:30 p.m.)

SUBJECT

Introduction of New Hyattsville Environment Committee Chair, Brie Welzer (5 minutes)

Motion #

Presentation Only

Recommendation:

Sponsor(s):

At the Request of the City Administrator

ATTACHMENTS

Summary Background:

Introduction of new Hyattsville Environment Committee Chair, Brie Welzer to City Council.

Next Steps:

N/A

Fiscal Impact:

N/A

City Administrator Comments:

N/A

Community Engagement:

Agendas for the HEC Meetings are 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



Hyattsville City Council Agenda Item Report

Meeting Date: November 21, 2016

Submitted by: Ron Brooks

Submitting Department: Finance

Item Type: Audit

Agenda Section: Presentations (8:20 p.m. – 8:30 p.m.)

SUBJECT

FY-2015 Audit Update (5 minutes)

Motion #

Presentation Only

Recommendation:

Sponsor(s):

At the Request of the City Administrator

ATTACHMENTS

Summary Background:

The FY-2015 audit is still at mid-point. Team auditors should be completing the previous track review of receivables and expenditures in GF and SRF Funds this week. The analytical review of the Debt Service and Capital Funds started last week. We project closing out this audit the second week of January 2017.

Next Steps:

As we closeout each phase of the audit we transfer the closeout information into the current draft of the FY-2015 financial statements until completed.

Fiscal Impact:

Late audit filings with the Department of Administrative Services can result in the loss of various State Grant, loss of revenues from State Highway Fund and limited opportunities to secure funding for current and future capital improvement needs.

City Administrator Comments:

See summary background above.

Community Engagement:

N/A

Strategic Goals:

Goal 1 - Ensure Transparent & Accessible Governance.

Legal Review Required?

N/A



Hyattsville City Council Agenda Item Report

Meeting Date: November 21, 2016

Submitted by: Laura Reams

Submitting Department: City Clerk

Item Type: Legislative

Agenda Section: Consent Items (8:30 p.m. – 8:35 p.m.)

SUBJECT

2017 Council Regular & Budget Meeting Calendar

Motion #

80-11-FY17

Recommendation:

I move that the Mayor and Council adopt the 2017 Council Meeting Schedule and the FY-2018 Budget Meeting Schedule, as presented.

Sponsor(s):

At the Request of the City Administrator

ATTACHMENTS

[2017 Council Meeting Calendar_DRAFT.docx](#)

Summary Background:

Please see attached draft meeting schedule.

Next Steps:

Upon adoption, the Council Meeting calendar will be published on the City's website and posted in the Municipal Building.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Support

Community Engagement:

Council meeting agendas are posted a minimum of 48 hours in advance of each meeting. Subscribers to the City's Notify Me system also receive email and text alerts when meeting agendas are posted.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?

Complete



CITY OF HYATTSVILLE, MD

2017 COUNCIL REGULAR & BUDGET MEETING SCHEDULE

This schedule may be subject to change. The first and third Monday of the month are reserved for City Council Meetings per City Charter. Meetings & Work Sessions begin at 8:00 p.m. unless otherwise noted. Adopted by the Mayor & Council on TBD.

<u>JANUARY</u>		<u>JUNE</u>	
January 9	Council Meeting	June 5	Council Meeting
January 18 (Wednesday)	Council Work Session – Council Budget Priorities	June 25-June 28	MML Convention
January 23	Council Meeting	<u>JULY</u>	
		July 17	Council Meeting
<u>FEBRUARY</u>			
February 1 (Wednesday)	Council Work Session – Council Budget Priorities	<u>AUGUST</u>	
February 6	Council Meeting	August 7	Council Meeting
February 21 (Tuesday)	Council Meeting		
		<u>SEPTEMBER</u>	
<u>MARCH</u>		September 18	Council Meeting
March 1 (Wednesday)	Council Work Session – Introduction of Draft FY18 Budget. <i>Presentation of Departmental Budgets for Administration, Legislative, Finance, HR, IT & Elections</i>		
March 6	Council Meeting	<u>OCTOBER</u>	
March 15 (Wednesday)	7:30 PM: Public Hearing on the Proposed Budget 8 PM: Council Work Session – Budget (<i>Police & Community Services</i>)	October 2	Council Meeting
March 20	Council Meeting	October 16	Council Meeting
<u>APRIL</u>		<u>NOVEMBER</u>	
April 3	Council Meeting	November 6	Council Meeting
April 12 (Wednesday)	Council Work Session – Budget (<i>DPW & Community & Economic Development</i>)	November 20	Council Meeting
April 17	Council Meeting	<u>DECEMBER</u>	
April 26 (Wednesday)	7:30 PM : Public Hearing on Tax Rate 8 PM: Special Council Meeting – Deadline for Council Budget Amendments	December 4	Council Meeting
		December 18	Council Meeting
<u>MAY</u>			
May 1	Council Meeting		
May 2	<i>City Election</i>		
May 10 (Wednesday)	Special Council Meeting – Budget Ordinance, First Reading		
May 15	Council Meeting, 7 PM: Budget Adoption 8 PM: Newly Elected City Council Member Oath of Office Ceremony		



Hyattsville City Council Agenda Item Report

Meeting Date: November 21, 2016

Submitted by: Laura Reams

Submitting Department: City Clerk

Item Type: Appointment

Agenda Section: Consent Items (8:30 p.m. – 8:35 p.m.)

SUBJECT

Appointment to the Health, Wellness and Recreation Advisory Committee

Motion #

81-11-FY17

Recommendation:

I move that the Mayor and Council appoint Alison Mendoza Walters (Ward 3) to the Health, Wellness and Recreation Advisory Committee for a term of 2 years to expire on November 21, 2018.

Sponsor(s):

Warner

ATTACHMENTS

[Alison Mendoz Walters_HWRAC Application_redacted.pdf](#)

Summary Background:

Please see attached application.

Next Steps:

Staff liaisons for HWRAC Committee will reach out to the new appointee to invite them to attend the next meeting.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Support

Community Engagement:

Agendas for the HWRAC Meetings are posted on the City's website. Meetings are open to the public and all are encouraged to attend.

Strategic Goals:

Goal 1 - Ensure Transparent & 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

Status: submitted

Profile

Alison

First Name

Mendoza-Walters

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 3

Ward

Primary Phone

Alternate Phone

Which Boards would you like to apply for?

Health, Wellness and Recreation Advisory Committee

Referred By:

Biographical Statement

I have over 10 years of experience in the public health sector. My previous work includes research on state health agencies to inform national health policy, training community health workers in the US and the Philippines, and designing evaluation plans for public health programs. I received my Bachelor of Science from the University of Maryland, College Park, my Master of Public Health from the University of North Carolina, Chapel Hill, and will receive my Master of Business Administration from the University of the District of Columbia in 2016. I would like to contribute my knowledge and skills in public health and strategic planning to improve the health of my own community.

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Hyattsville City Council Agenda Item Report

Meeting Date: November 21, 2016

Submitted by: Laura Reams

Submitting Department: City Clerk

Item Type: Appointment

Agenda Section: Consent Items (8:30 p.m. – 8:35 p.m.)

SUBJECT

Appointments to the Hyattsville Environment Committee

Motion

82-11-FY17

Recommendation:

I move that the Mayor and Council appoint Yohannes Bennehoff (Ward 3) and Daniel Broder (Ward 2) to the Hyattsville Environment Committee for a term of 2 years to expire on November 21, 2018.

Sponsor(s):

Paschall

ATTACHMENTS

[Yohannes Bennehoff_HEC Application_redacted.pdf](#)

[Daniel Broder_HEC Application_redacted.pdf](#)

Summary Background:

Please see attached application.

Next Steps:

Staff liaisons for HEC Committee will reach out to the new appointees to invite them to attend the next meeting.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Support

Community Engagement:

Agendas for the HEC Meetings are 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

Status: submitted

Profile

Yohannes

First Name

Bennehoff

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 3

Ward

Primary Phone

Alternate Phone

Which Boards would you like to apply for?

Hyattsville Environment Committee

Jim Groves

Referred By:

Biographical Statement

As a new member of the Hyattsville community I am interested in bringing my leadership and commitment to community service as a member of the Hyattsville Environment Committee. I am interested in sustainable development, supporting sustainable business practices, protecting the environment, and creating community involvement to enhance the natural beauty of our city. My time as a Naval Officer has taught me valuable lessons on how to manage diverse teams and get the job done. I look forward to serving on the Hyattsville Environment Committee. I appreciate your consideration.

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Board, Committee and Commission Application

Status: submitted

Profile

Daniel

First Name

Broder

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 2

Ward

Primary Phone

Alternate Phone

Which Boards would you like to apply for?

Education Advisory Committee, Hyattsville Environment Committee

Referred By:

Biographical Statement

My name is Daniel Broder and my wife and I moved to Hyattsville in the summer of 2016. We are expecting our first child early next year. I am eager to utilize my professional skills that I have acquired in cyber security, solar power and technical writing to make contributions to the community. It would be a privilege and an honor to serve on these committees and I would be a flexible, positive, hard-worker if given the opportunity. Please let me know if you have any additional questions.



Hyattsville City Council Agenda Item Report

Meeting Date: November 21, 2016

Submitted by: Laura Reams

Submitting Department: Public Works

Item Type: Contract

Agenda Section: Action Items (8:35 p.m. – 9:10 p.m.)

SUBJECT

Johnson, Mirmiran, and Thompson, Inc. Contract – FY17 Appropriation of Funds (10 minutes)

Motion

83-11-FY17

Recommendation:

I move that the Mayor and Council authorize the City Administrator to execute an amended contract with Johnson, Mirmiran, and Thompson, Inc. in an amount not to exceed \$1,500,000 for the purposes of conducting building evaluation and assessments, cost estimates, programming projections in support of facility management and planning efforts. In addition, should the Council approve the renovation and redesign of 3505 Hamilton Street, remaining funds will be used to support the pre-design, environmental and architectural engineering services, construction management, third party inspection, testing, commissioning, acceptance and renovation planning. Funds for this contract have been appropriated in the approved FY-2017 Capital Improvements Project Fund. The contract execution is subject to the review and approval by the City Attorney for legal sufficiency.

Sponsor(s):

At the Request of the City Administrator

ATTACHMENTS

[Memo_-_JMT_Contract \(2\).docx](#)

Summary Background:

In the 2016 through 2020, Capital Improvements Plan, funding was approved to support the renovation project for 3505 Hamilton Street and Capital planning, in the amounts of \$500,000 in FY-2016, \$1,500,000 in FY-2017 and \$1,500,000 in FY-2018. In February 2016 the City entered into a contract for \$500,000 with Johnson, Mirmiran, and Thompson, Inc. (JMT) for capital planning, predesign, environmental and architectural and engineering services, procurement support, construction management, third party inspection, testing, commissioning, and acceptance and renovation of 3505 Hamilton Street, City infrastructure projects and facility planning efforts. The administration is seeking approval to amend the current JMT contract to include the approved FY17 amount of \$1.5M to pay for professional engineering and other professional services in support of our continued facility planning efforts.

Next Steps:

Upon approval, the City Administrator will execute the FY17 contract with JMT. The City will schedule a Facility Management Council Work Session to present the results of the building assessments and evaluations, review additional options to de-scope 3505 Hamilton St, and make recommendations on the way ahead for City owned facilities and building utilization planning.

Fiscal Impact:

\$1,500,000.00

City Administrator Comments:

Recommend Support

Community Engagement:

N/A

Strategic Goals:

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

Action 2.2 - Invest in, and manage City infrastructure including streets, sidewalks and public facilities.

Legal Review Required?

Pending



City of Hyattsville

Memo

To: Tracey Nicholson, City Administrator
From: Lesley Riddle, Director of Public Works
Date: November 15, 2016
Re: Johnson, Mirmiran, and Thompson, Inc. Contract

On February 4, 2016 the City signed a three-year contract with Johnson, Mirmiran, and Thompson, Inc. (JMT) for professional services. This request is to amend the contract and appropriate funds for professional services for FY17 as approved in the FY17 CIP budget.

Background

In September of 2015 the City solicited a RFP for professional engineering and site specific services. Johnson, Mirmiran, and Thompson, Inc. (JMT) was awarded the contract. The City entered into a contract with JMT in February 2016 for the following services: capital planning, predesign, environmental engineering services, architectural and engineering services, procurement support, construction management, third party inspection, testing, commissioning, and acceptance and renovation of 3505 Hamilton Street and the assessment and evaluation of other projects and facility planning requirements as needed.

Next Steps

With Council approval, the City Administer will increase the contract with JMT to include the approved FY17 budgeted amount of \$1.5M. JMT will resume their work on 3505 Hamilton Street Project (if approved), conduct an evaluation of 4310 Gallatin St, assess other potential property locations, building conditions and projected costs as well as support various projects throughout the City.



Hyattsville City Council Agenda Item Report

Meeting Date: November 21, 2016

Submitted by: Laura Reams

Submitting Department: Legislative

Item Type: Charter Amendment

Agenda Section: Action Items (8:35 p.m. – 9:10 p.m.)

SUBJECT

Hyattsville Charter Amendment 2016-01: Reclassification of Department Director Positions (5 minutes)

Motion

84-11-FY17

Recommendation:

I move that the Mayor and Council adopt Hyattsville Charter Amendment 2016-02, a Resolution of the Mayor and City Council of the City of Hyattsville, Maryland, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of Maryland (2013 Edition, as amended), to amend the Charter of the said City, said Charter being a part of the public local laws of Maryland (1963 Edition, as amended), which Article contains in whole or in part the Charter of the City of Hyattsville, Maryland, whereby the Mayor and City Council rename the positions of Department Heads as Department Directors and reclassify all Department Directors positions, except that of the City Administrator, as classified positions subject to the authority of the City Administrator as to hiring, discipline and termination in the same manner as are other classified employees of the City (SECOND READING).

Sponsor(s):

Hollingsworth

ATTACHMENTS

[Charter Amendment Articles V C5-1 and VI - Personnel C6-1 through C6-5_FINAL 111716.docx](#)

[Background Information_Charter Amendment 2016-02.pdf](#)

Summary Background:

On February 2, 2016, the Council adopted Motion # 20-02-16, directing the City Attorney to draft legislation to amend Article II - Administration of Government and Article VI - Personnel to reflect transition of all contracted personnel with the exception of the City Administrator to a pay scale. The motion further directed the City Attorney to amend all references to Department Heads to Department Directors in the Hyattsville City Charter and Code and authorized the Director of Human Resources to develop a transition plan for the movement of all department director who are currently contract personnel (except the City Administrator) to an appropriate pay scale.

Please see attached background information that was included in the February 2, 2016 Council Packet. The Council discussed the proposed Charter Amendment and corresponding Ordinance on October 17. A first reading was held on November 7, 2016.

Next Steps:

Evergreen Solutions LLC. is currently surveying local municipalities for relevant comparisons and programs for the development of an executive pay scale. The Director of Human Resources and City Administrator will present a recommendation for the transition of department directors currently on contract to become classified employees when Evergreen Solutions has completed their study.

Legal notices for the Charter Amendment and Ordinance will be completed by the Clerk's office upon adoption.

Fiscal Impact:

Staff time as identified, Legal fees for drafting of legislation, consulting fees with Evergreen Solutions, LLC for development of a payscale

City Administrator Comments:

N/A

Community Engagement:

N/A

Strategic Goals:

Goal 4 - Foster Excellence in all City Operations

Legal Review Required?

Complete

CHARTER AMENDMENT RESOLUTION 2016-01

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HYATTSVILLE, MARYLAND, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of Maryland (2013 Edition, as amended), to amend the Charter of the said City, said Charter being a part of the public local laws of Maryland (1963 Edition, as amended), which Article contains in whole or in part the Charter of the City of Hyattsville, Maryland, whereby the Mayor and City Council rename the positions of Department Heads as Department Directors and reclassify all Department Directors positions, except that of the City Administrator, as classified positions subject to the authority of the City Administrator as to hiring, discipline and termination in the same manner as are other classified employees of the City.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Hyattsville, Maryland, in regular session assembled:

Section 1: That Sections C5-1 and C6-1 through C6-5 of the Charter of the City of Hyattsville, Maryland, be amended as follows:

ARTICLE V - Finance

§ C5-1. Appointment of Treasurer; compensation. [Amended 5-5-80 by HR No. 2-80, Amended 5-8-06 by HR No. 2006-04, Amended 1-27-14 by HR 2014-02]

There shall be a Treasurer ~~HIRE~~**appointed** by the City ~~ADMINISTRATOR Council~~ who shall ~~serve at the pleasure of the City Council, unless other written terms are agreed to by the City~~ **BE A DEPARTMENT DIRECTOR**. The Treasurer shall ~~ordinarily~~ report to the City Administrator. ~~THE TREASURER'S~~**His/her** compensation shall be determined by the ~~ADMINISTRATOR Council~~. The Treasurer shall be the Chief Financial Officer of the City. The financial powers of the City, except as otherwise provided by this Charter, shall be exercised by the Treasurer under the direction of the City Administrator and the City Council.

ARTICLE VI – Personnel

§ C6-1. Administration. [Added 5-8-06 by HR 2006-05, Amended 3-5-12 by HR 2012-01]

The City Council ~~SHALL~~**may** appoint a City Administrator who shall report directly to the Mayor and to the City Council. ~~In addition to the City Administrator, the City Council may appoint~~ **SHALL HIRE** Department Heads **DIRECTORS PURSUANT TO THE CITY BUDGET APPROPRIATIONS ENACTED BY THE CITY COUNCIL** and Officials, including a Chief of Police, a Director of Public Works, a Director of Recreation and the Arts, Director of Code Enforcement, a Director of Human Resources, a Treasurer and a City Clerk, who shall all serve at the pleasure of the City Council, unless other written terms are agreed to by the City Council. **THE CITY ADMINISTRATOR MAY ALSO HIRE SUCH OTHER OFFICIAL EMPLOYEES AS HE OR SHE DEEMS APPROPRIATE AND AS AUTHORIZED BY THE CITY BUDGET APPROPRIATIONS.** ~~Ordinarily all such~~**ALL** Department Heads **DIRECTORS**, and **OTHER** Officials **IF SO DIRECTED**, shall report to the City

Administrator who shall be their immediate supervisor. However, one (1) individual may also serve as ~~head~~**DIRECTOR** of more than one (1) department if the City Administrator shall so organize and direct. Only the City Administrator, the Mayor and the appointed Department ~~Heads~~**DIRECTORS** and those officials or designees or employees in the chain of command may give direct orders to City employees. The City **COUNCIL** shall have the power to **ORGANIZE, REORGANIZE, DISSOLVE, MERGE OR CREATE DEPARTMENTS AND SYSTEMS OF DEVELOPING SERVICES** ~~employ such officers and employees,~~ or to enter into contracts for services with independent contractors or employees, as the City deems necessary, to execute the powers and duties provided by this Charter or other state law and to operate the City Government.

§ C6-2. City Administrator. [Added 8-6-79 by HR No. 7-79, Amended 5-8-06 by HR 2006-05, Amended 3-5-12 by HR 2012-01, Amended 1-27-14 by HR 2014-01]

A. General powers. The City Council shall appoint a City Administrator, who shall serve at the pleasure of the City Council, unless other written terms are agreed to by the City, and who shall be responsible for the proper administration of all day-to-day affairs of the City, ~~h.~~ **THE CITY ADMINISTRATOR** ~~He/she~~ shall be vested with the powers and authority necessary to perform such duties, except where they may be inconsistent with other provisions of this Charter. The City Administrator shall have general administrative supervision of **ALL OF** the ~~several~~ departments of the City and the authority, through the Department ~~heads~~**DIRECTORS** to direct the proper execution of this Charter, the City Code and such resolutions, regulations and policies as the Council shall adopt. In addition, **THE CITY ADMINISTRATOR** ~~he/she~~ shall perform such other duties as the Council may lawfully require.

B. Specific duties and responsibilities. The duties and responsibilities of the City Administrator include the following: under the supervision of the Mayor and City Council. **THE CITY ADMINISTRATOR** ~~He/she~~, unless otherwise directed, shall:

(1) Organize, direct and supervise the administration of all departments, offices and agencies of the City, ~~including the Police Department, the Department of Public Works, the Treasurer, the Recreation and the Arts Department, the Code Enforcement Department, the Department of Human Resources and the City Clerk, and such departments and agencies which the City Council, from time to time, shall place under his/her supervision.~~

(2) **HIRE, DIRECT, ADVISE, DISCIPLINE AND TERMINATE THE DEPARTMENT DIRECTORS, AS WELL AS** ~~appoint~~ **HIRE** and when he/she deems it necessary and in the best interest of the City, discipline, demote, dismiss, suspend or remove any City employee pursuant to this Charter, the Code and/or the Personnel Regulations of the City. The City Administrator may authorize any Department ~~head~~**DIRECTOR** to exercise these powers with respect to subordinates in **THEIR** ~~his/HER~~ department as provided for in the personnel rules of the City. ~~The City Administrator may not demote or dismiss any City Department head or official appointed by the Mayor and/or the City Council without the authorization of the City Council.~~ **THE CITY ADMINISTRATOR SHALL REGULARLY AND PROMPTLY INFORM THE CITY COUNCIL OF THE HIRING, DISCIPLINE OR TERMINATION OF ANY DEPARTMENT DIRECTOR.** [Amended 12-19-83 by HR No. 31-83]

(3) See that all laws, provisions of the City Charter and acts of the City Council are faithfully executed.

- (4) Prepare and submit to the City Council, ordinarily by the first meeting in April of each year and no later than sixty (60) days before the beginning of the fiscal year, a proposed budget for the City, the same to include both revenue and expenditure estimates for the coming fiscal year.
- (5) Attend all public meetings of the City Council and shall have the right to participate in discussion at such meetings.
- (6) Arrange for the taking of minutes of all City Council meetings and keep a full and accurate account of the proceedings of the City Council.
- (7) Undertake such research and make reports and recommendations as the City Council may direct or which he/she may deem desirable and in the best interests of the City of Hyattsville.
- (8) Keep the City Council fully informed as to the financial condition and future needs of the City. He/she shall submit to the City Council an annual report on the finances and administrative activities of the City at the end of each fiscal year.
- (9) Purchase materials, equipment, supplies and services when not in excess of the dollar amount prescribed by the City Council.
- (10) Ascertain that all taxable property within the City is assessed for taxation.
- (11) Collect all taxes, special assessments, license fees, liens and all other revenues, including utility revenues, of the City and all other revenues for whose collection the City is responsible and receive any funds receivable by the City.
- (12) Have custody of all public moneys belonging to or under the control of the City, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the City.
- (13) Do such other things in relation to the fiscal or financial affairs of the City as the City Council directs.

§ C6-3. City Clerk. [Amended 5-5-80 by HR No. 3-80, Amended 5-8-06 by HR 2006-05]

The Clerk shall serve as Clerk to the Council and shall be **HIRED BY THE CITY ADMINISTRATOR AND SHALL BE** ~~appointed by and serve at the pleasure of the City Council, unless other written terms are agreed to by the City~~ **A DEPARTMENT DIRECTOR.** ~~THE CLERK~~ He/she shall attend all meetings of the Council and keep a full and accurate account of the proceedings of the Council. ~~THE CLERK~~ He/she shall keep such other records and perform such other duties as may be required by this Charter, the Mayor, Council and the City Administrator, including maintaining an updated Charter, Personnel Manual, City Code and maintaining City public documents.

§ C6-4. City Attorney. [Amended 5-8-06 by HR 2006-05]

Within sixty (60) days after the Mayor and Council just elected are ~~qualified~~ sworn in the City Attorney's position shall be subject to review by the City Council for appointment or reappointment. [Amended 3-17-03 by HR 2003-09]

The Mayor, with the approval of the Council, may appoint a City Attorney who shall serve at the pleasure of the Mayor and the City Council. The City Attorney shall be a member of the bar of the Maryland Court of Appeals. The City Attorney shall be the legal adviser of the City and shall

perform such duties in this connection as may be required by the Council or the Mayor. ~~THE ATTORNEY'S~~ His/her compensation shall be determined by the Council. The City shall have the power to employ such legal consultants as it deems necessary from time to time.

§ C6-5. Civil service. [Amended 1-21-92 by HR No. 3-91, Amended 5-8-06 by HR 2006-05]

The civil service of the City shall be divided into the unclassified and classified service.

A. Unclassified service. Employees in the unclassified service shall serve at the pleasure of the City Council or their designee and shall comprise the following offices and positions:

- (1) The Mayor, the Council members and persons appointed to fill vacancies in these positions.
- (2) Members of all Boards, Commissions and Committees created and appointed by the City Council to advise the City Council or staff and/or to perform a specific function.
- (3) The City Attorney, Auditor and Engineer and such other independent contractors that provide ongoing services to the City pursuant to a contract with, or appointment by, the City.
- (4) The City Administrator, ~~the City Clerk, the Treasurer and the heads of all departments including the Chief of Police, the Director of Public Works, the Director of Code Enforcement, and the Director of Recreation and the Arts.~~
- (5) Board of Election Supervisors.
- (6) Other positions as designated by the City Council.

B. Classified service. The classified service shall comprise **ALL** those permanent employment positions designated by the City Council as classified **INCLUDING THE DEPARTMENT DIRECTORS**. After the probationary period employees included in the classified service shall ordinarily be dismissed only for cause or for general governmental reasons, including but not limited to budget enactments or the organization or reorganization of City services, as determined in the discretion of the City Council.

Section 2: That the date of the adoption of this Resolution is _____, and that the amendment to the Charter of the City of Hyattsville hereby proposed by this enactment shall be and become effective on [50 days], unless a proper petition for a referendum hereon shall be filed by [40 days], and a fair summary of the Amendment shall be published in a newspaper having general circulation in the City not less than four (4) times at weekly intervals by [40 days].

Section 3: That as soon as the Charter Amendment hereby enacted becomes effective, either as herein provided or following a referendum, the Clerk shall send separately to the Department of Legislative Services, the following information concerning the Charter Amendment: (1) the complete text of this Resolution; (2) the date of referendum election, if any, held with respect thereto; (3) the number of votes cast for and against this Resolution by the Mayor and City Council of the City of Hyattsville or in a referendum; and (4) the effective date of the Charter Amendment.

Section 4: That the Clerk be, and he/she is specifically enjoined and instructed to carry out the provisions of Sections 2 and 3, and as evidence of compliance herewith the said Clerk shall cause to be affixed to the Minutes of this meeting (1) an appropriate certificate of

publication of the newspaper in which the fair summary of the Amendment shall have been published; and (2) records of mailing referred to in Section 3, and shall further complete and execute a Certificate of Compliance.

INTRODUCED by the Mayor and City Council of the City of Hyattsville, Maryland, at a Regular Meeting on November 7, 2016, at which meeting copies were available to the public for inspection.

ADOPTED by the Mayor and City Council of the City of Hyattsville, Maryland, at a Regular Meeting on November 21, 2016, at which meeting copies were available to the public for inspection.

Adopted: _____

Attest: _____
Laura Reams, City Clerk

Candace B. Hollingsworth, Mayor

[] indicate deletions
CAPS/**BOLD** indicate additions



Action Items: MOTION #20-02-16 Amend Article II – Administration of Government and Article VI (Contract Personnel)

SUBJECT: Amend Article II – Administration of Government and Article VI (Contract Personnel)

SECTION: Action Items

RECOMMENDED ACTION:

Motion #20-02-16

I move that the Mayor and Council direct the City Attorney to draft legislation to amend Article II - Administration of Government and Article VI - Personnel to reflect transition of all contracted personnel with the exception of the City Administrator to a pay scale. I further direct the City Attorney to draft legislation to amend all references to Department Heads to Department Directors in the Hyattsville City Charter and Code and authorize the Director of Human Resources to develop a transition plan for movement of all contract personnel (except the City Administrator) to an appropriate pay scale.

BACKGROUND:

Please see attached motion submitted by Mayor Hollingsworth and staff memo. This item was discussed during the Council Meeting of January 19, 2016.

NEXT STEPS:

Upon Council approval, the City Attorney will draft a Charter Amendment/Ordinance per the motion. The Charter Amendment/Ordinance will come back to Council for approval at a later date.

ANTICIPATED STAFF RESOURCES REQUIRED TO IMPLEMENT:

Please see attached motion submitted by Mayor Hollingsworth.

STRATEGIC GOALS

Goal: Goal 4 - Foster Excellence in All City Operations

FISCAL IMPACT:

Staff time as identified. Legal fees for review of charter amendments up to 10 hours (\$1,450.00). Possible consulting fees for the development of a payscale: TBD.



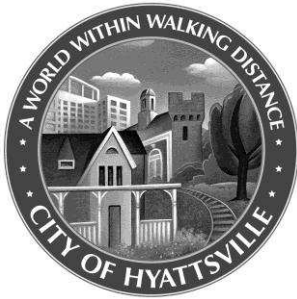
Hyattsville City Council
4310 Gallatin Street, 3rd floor
Hyattsville, MD 20781

Meeting: 2/1/2016 8:00 PM
Department: Clerk's Office
Prepared by: Laura Reams
Sponsors: Hollingsworth
DOC ID: (ID # 1423)

9.2

**Action Items: MOTION #20-02-16 Amend Article II – Administration of Government and Article VI
(Contract Personnel)**


Tracey Nicholson, City Administrator 1/28/2016



Council Agenda Form

MOTION # 20-02-16		DRAFT #
DATE SUBMITTED: August 31, 2015	DATE TO GO BEFORE COUNCIL: 1/19/2016 (Discussion), 2/1/16 (Action)	
SUBMITTED BY: Hollingsworth		
DEPARTMENT: Human Resources, Legislative		

TITLE OF MOTION: Amend Article II – Administration of Government and Article VI - Personnel and Authorize Development of Transition Procedures for Contract Personnel

RECOMMENDATION:

I move that the Mayor and Council amend Article II – Administration of Government as follows:

ADDITIONS

~~Deletions~~

§ 4-6. Department of Public Works.

A. Director of Public Works. The Director of Public Works shall be hired by the Mayor and Council and shall attend all regular meetings of the City Council and committee meetings when called upon to attend.

B. Duty hours. The regular duty hours of the Director shall be the same as those of the Department's labor force.

C. Prerequisite for employment; exception. To be eligible for appointment or for temporary employment on the Department labor force, an applicant must pass a physical examination by competent medical authority, showing the applicant's ability to perform sustained and arduous work, provided that in lieu of such examination, the Director may hire men on the Department labor force based on their previous experience and ability and personal interview.

D. Duty hours for labor force. The Department labor force shall operate on a forty-hours-a week basis, and the time for coming to work and the number of hours' work per day shall be controlled by the Director under the direction of the ~~Mayor~~ **CITY ADMINISTRATOR**.

I move that the Mayor and Council amend Article VI – Personnel as follows:

ADDITIONS

~~Deletions~~

§ C6-1 – Administration

The City Council may appoint a City Administrator who shall report directly to the Mayor and to the City Council. ~~In addition to the City Administrator, the City Council may appoint Department Heads and Officials, including a Chief of Police, Director of Public Works, Director of Recreation and the Arts, Director of Code Enforcement, a Director of Human Resources, Treasurer and a City Clerk, who shall all serve at the pleasure of the City Council, unless other written terms are agreed to by the City Council.~~ Ordinarily all such Department **DIRECTORS** ~~Heads and Officials~~ shall report to the City Administrator who shall be their immediate supervisor. However, one (1) individual may also serve as head of more than one (1) department if the City Administrator shall so organize and direct. Only the City Administrator, the Mayor and the appointed Department **DIRECTORS** ~~Heads~~ and those officials or designees or employees in the chain of command may give direct orders to

Attachment: City Administrator Authority_rev (1423 : Amend Article II – Administration of Government and Article VI (Contract Personnel))

31

City employees. The City **ADMINISTRATOR** shall have the power to employ such officers and employees, or to enter into contracts for services with independent contractors or employees, as the City **ADMINISTRATOR** deems necessary, to execute the powers and duties provided by this Charter or other state law and to operate the City Government.

§ C6-5. Civil service. [Amended 1-21-92 by HR No. 3-91, Amended 5-8-06 by HR 2006-05]

The civil service of the City shall be divided into the unclassified and classified service.

A. Unclassified service. Employees in the unclassified service shall serve at the pleasure of the City Council or their designee and shall comprise the following offices and positions:

- (1) The Mayor, the Council members and persons appointed to fill vacancies in these positions.
- (2) Members of all Boards, Commissions and Committees created and appointed by the City Council to advise the City Council or staff and/or to perform a specific function.
- (3) The City Attorney, Auditor and Engineer and such other independent contractors that provide ongoing services to the City pursuant to a contract with, or appointment by, the City.
- (4) The City Administrator, ~~the City Clerk, the Treasurer and the heads of all departments including the Chief of Police, the Director of Public Works, the Director of Code Enforcement, and the Director of Recreation and the Arts.~~
- (5) Board of Election Supervisors.
- (6) Other positions as designated by the City Council.

I further move that the Mayor and Council amend all references to Department Heads to Department Directors in the Hyattsville City Charter and Code.

I further move that the Mayor and Council authorize the Director of Human Resources to develop a transition plan for movement of all contract personnel (except the City Administrator) to an appropriate pay scale.

BACKGROUND:

The Mayor and Council currently have responsibility for the hiring and firing of the City Administrator and all department directors through employment contracts ratified by the Mayor and Council. This revision gives the Mayor and City Council responsibility for the hiring and firing of only one (1) employee, the City Administrator. The City Administrator will have sole day-to-day responsibility and accountability of all employees and the administration of City government.

Since all department directors (except one) are under employment contracts with varying terms. The Director of Human Resources will be required to establish a pay scale for executive level employees and propose a plan to transition existing contract personnel to appropriate pay grades. This function may be done in consultation with an outside firm.

ANTICIPATED STAFF RESOURCES REQUIRED TO IMPLEMENT:

Charter amendments require review by the City Attorney. The Director of Human Resources will be required to devote time to developing and implementing a transition plan.

CITY ADMINISTRATOR / DEPARTMENT DIRECTOR COMMENT: (must be approved by City Administrator):

Staff supports the recommendation.

Tracey E. Nicholson, City Administrator

STRATEGIC GOALS AND ACTIONS:

Goal 4: Foster Excellence in All City Operations

SUPPORTING DOCUMENTATION: N/A

CURRENT YEAR BUDGET IMPACT: Staff time as identified. Legal fees for review of charter amendments up to 10 hours (\$1,450.00). Possible consulting fees for the development of a payscale: TBD.



City of Hyattsville

Memo

To: Mayor and Council
 From: Vivian Snellman, Director Human Resources
 Thru: Tracey Nicholson, City Administrator
 Date: January 13, 2016
 Re: Contract Personnel Transition

The City Attorney, City Administrator, and Human Resource Director evaluated the Mayor's request to transition the department heads (excluding the Director of Public Works (DPW)) from "contract"/unclassified employees to the status of "classified" employees. The department heads and the City Administrator are currently under employment contracts which are renewable at various intervals. The DPW Director at time of hire requested to be hired in a "classified" status and was approved as such. All other City employees are "classified" employees.

Employees operating under a "classified" status are not required to renegotiate contracts, terms and conditions, or compensation annually or as dictated by contract terms. They are placed in an appropriate pay grade and corresponding salary range and are considered for step increases annually. This status usually gives "classified" employees additional protections such as perceived job security and the option to grieve personnel actions.

The HR Director conducted a review of 7 surrounding municipalities. The vast majority of department heads at these locations are hired in a "classified" status. The City Managers/Administrators in all cases are hired as "contract personnel" or in appointed positions.

If this motion is approved, the Director of Human Resources will develop a transition plan to move the directors to an appropriate pay scale as contracts come up for renewal, but no later than December 2016. Details of the transition plan will be outlined in a separate communication and at a minimum will include:

- The current status of each Director under contract.
- The salary range and grade schedule validated by a survey of comparable municipalities.
- The position grade and salary range after the transition.
- The specific details of the employment status as previously negotiated

We do not anticipate any loss of pay in the transition.



Hyattsville City Council Agenda Item Report

Meeting Date: November 21, 2016

Submitted by: Laura Reams

Submitting Department: Legislative

Item Type: Ordinance

Agenda Section: Action Items (8:35 p.m. – 9:10 p.m.)

SUBJECT

Hyattsville Ordinance 2016-02: Update to City Code Sections for Reclassification of Department Director Positions (5 minutes)

Motion

85-11-FY17

Recommendation:

I move that the Mayor and Council adopt Hyattsville Ordinance 2016-02, an Ordinance whereby the City Council updates the City Code to conform to a Charter Amendment that restructures the City's chain of command so that Department Directors are classified employees subject to the direct supervision of the City Administrator as to hiring, discipline and termination (SECOND READING).

Sponsor(s):

Hollingsworth

ATTACHMENTS

[Ordinance 2016-02 Sections changing Head to Director_FINAL 111716.docx](#)

[Background Information_Charter Amendment 2016-02.pdf](#)

Summary Background:

On February 2, 2016, the Council adopted Motion # 20-02-16, directing the City Attorney to draft legislation to amend Article II - Administration of Government and Article VI - Personnel to reflect transition of all contracted personnel with the exception of the City Administrator to a pay scale. The motion further directed the City Attorney to amend all references to Department Heads to Department Directors in the Hyattsville City Charter and Code and authorized the Director of Human Resources to develop a transition plan for the movement of all department director who are currently contract personnel (except the City Administrator) to an appropriate pay scale.

Please see attached background information that was included in the February 2, 2016 Council Packet. The Council discussed the proposed Ordinance and corresponding Charter Amendment on October 17. A first reading was held on November 7, 2016.

Next Steps:

Evergreen Solutions LLC. is currently surveying local municipalities for relevant comparisons and programs for the development of an executive pay scale. The Director of Human Resources and City Administrator will present a recommendation for the transition of department directors currently on contract to become classified employees when Evergreen Solutions has completed their study.

Legal notices for the Charter Amendment and Ordinance will be completed by the Clerk's office upon adoption.

Fiscal Impact:

Staff time for legal fees for drafting legislation and consulting fees with Evergreen Solutions, LLC for development of a pay scale

City Administrator Comments:

N/A

Community Engagement:

N/A

Strategic Goals:

Goal 4 - Foster Excellence in all City Operations

Legal Review Required?

Complete

**CITY OF HYATTSVILLE
ORDINANCE 2016-02**

An Ordinance whereby the City Council updates the City Code to conform to a Charter Amendment that restructures the City's chain of command so that Department Directors are classified employees subject to the direct supervision of the City Administrator as to hiring, discipline and termination.

WHEREAS, Maryland Annotated Code, The Local Government Article, Section 5-202 grants to municipal corporations of the State of Maryland, including the City of Hyattsville, the power to protect the health, comfort and convenience of their citizens; and

WHEREAS, the Mayor and City Council deem it in the best interest of its citizens to update the Code to conform to current usage of the term Department Directors and to conform all Code references to reflect a restructuring of the City Department Heads so that they are classified employees rather than employees serving at the pleasure of the City Council and making other technical changes to reflect current departments.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hyattsville in regular session assembled that sections 4-6(A), 4-7(A), 10-1, 10-10, 30-1.1, 48-6, 65-16(E), 65-22.1(C), 65-26(D), 68-5(A), 90-1, 90-2, 90-33, 90-6, 114-8(B), 114-49(A) and 114-73(a) of the Hyattsville Code are hereby amended to read as follows:

**Chapter 4
ADMINISTRATION OF GOVERNMENT**

* * *

§ 4-6. Department of Public Works.

A. Director of Public Works. The Director of Public Works shall be ~~hired by the Mayor and Council~~ **HIRED BY THE CITY ADMINISTRATOR, SHALL BE A DEPARTMENT DIRECTOR** and shall attend all regular meetings of the City Council and committee meetings when called upon to attend.

B. Duty hours. The regular duty hours of the Director shall be the same as those of the Department's labor force.

C. Prerequisite for employment; exception. To be eligible for appointment or for temporary employment on the Department labor force, an applicant must pass a physical examination by competent medical authority, showing the applicant's ability to perform sustained and arduous work, provided that in lieu of such examination, the ~~CITY Director~~ may hire ~~men~~ **EMPLOYEES** on the Department labor force based on their previous experience and ability and personal interview.

D. Duty hours for labor force. The Department labor force shall operate on a forty-hours-a week basis, and the time for coming to work and the number of hours' work per day shall be **DETERMINED** ~~controlled~~ by the Director under the direction of the **CITY ADMINISTRATOR** ~~Mayor~~.

§ 4-7. Department of Human Resources. [Added 3-5-12 by HO-46-03-12]

A. Position. The Director of Human Resources shall be hired by the **CITY ADMINISTRATOR, SHALL BE A** ~~Mayor and Council~~ **DEPARTMENT DIRECTOR** and shall attend all regular meetings of the City Council and Committee meetings when called upon to attend.

Chapter 10

CODE OF ETHICS

* * *

§ 10-1. Applicability.

Except as provided in § 10-9, the provisions of this chapter shall apply to the Mayor, City Council members, City Administrator, Treasurer, Clerk, Department head **DIRECTORS**, members of City boards and commissions, all City employees, candidates for elective City office and persons lobbying under section 10-11 before City officials, boards or commissions.

* * *

§ 10-10. Filing of Financial Disclosure Statements by Non-Elected Officials.

A. All officials, including, but not limited to the Administrator, Treasurer, Clerk, Department head **DIRECTORS** and any appointed official on a board with decision-making authority, such as the election supervisors and the members of the Ethics Commission shall:

1. File a financial disclosure statement when the personal interest of the official will present a potential conflict with the public interest in connection with an anticipated public action of the local official. The content of the financial disclosure statement shall be limited to the areas of potential conflict and shall be filed no less than seven days in advance of the action to allow for adequate public disclosure.
2. File a financial disclosure statement by April 30 of each year to report on gifts received by the local official disclosing gifts during the preceding calendar year from any person that contracts with or is regulated by the City of Hyattsville, including the name of the donor of the gift and the approximate retail value at the time of receipt.

B. The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in § 10-12 of this chapter.

Chapter 30

POLICE DEPARTMENT

* * *

§ 30-1.1 Police Officers; Powers and Duties. [Added on 11-16-98 by HB 98-03]

A. The Chief of Police is the commanding officer and administrative head ~~head~~**DIRECTOR** of the Police Department. By virtue of authority vested in **THE CHIEF OF POLICE**~~him~~, **THE CHIEF**~~he~~ shall issue from time to time orders setting forth the authority, responsibilities and duties of various ranks and positions established within the Department.

B. Members of the Department shall exercise full police authority under the Annotated Code of Maryland on all land, water and air within the territorial limits of the City.

C. The Chief of Police shall be responsible for the preservation of the peace, the maintenance of order, the prevention and detection of crime and the enforcement, within the City, of all laws, regulations and ordinances over which the police department has jurisdiction.

D. The Chief of Police shall ensure that members of the force properly perform their police duties, that their rules and regulations of the Department are strictly enforced and that discipline in the Department is rigidly maintained.

Chapter 48

BUSINESS LICENSES

* * *

§ 48-6. Appeals; fee. [Amended 4-5-04 by HO-2004-08, Amended 4-21-14 by HO 2014-03]

A. Any persons aggrieved by an action of a Code Enforcement Officer under this Chapter may appeal such an action by filing a fifty dollar (\$50.00) appeal fee and a written notice thereof with the head of Code Enforcement within fifteen (15) calendar days of the action complained of. The head of the Code Enforcement shall promptly schedule a conference with the Appellant and any other party the head of Code Enforcement may choose. After such conference, the head of Code Enforcement shall promptly issue a written opinion to the Appellant.

B. In the event the Appellant is dissatisfied with the opinion of the head of Code Enforcement, the Appellant may further appeal the finding of the head of Code Enforcement to the City Administrator by filing a written appeal along with payment of the proper appeal fee in the amount established by the Mayor and City Council. Any such appeal must be filed with the City Administrator within fifteen (15) calendar days of the written opinion of the head of Code Enforcement. Within fifteen (15) days of such filing, a hearing shall be conducted before the City Administrator or ~~THEIR~~~~his or her~~ designee(s). The hearing shall be open to the public, records and minutes shall be maintained and the person aggrieved and ~~the~~ Code Enforcement ~~Department~~ shall be given an opportunity to present evidence. The person(s) hearing the appeal shall, within ten (10) days, either reverse, modify or affirm the action complained of and cause a written copy of the decision to be sent to the person aggrieved. This decision shall be final.

C. An appeal shall not operate to stay any of the provisions or requirements of this Chapter unless the head of Code Enforcement or City Administrator as applicable shall otherwise order.

Chapter 65

HEALTH AND SANITATION

* * *

§ 65-16. Use of special refuse containers. [Amended 12-19-83 by HB 15-83; 5-5-86 by HB 5-86; 6-1-98 by HR 98-03, 1-3-2000 by HB 99-05, Amended 4-16-07 by HO-2007-06; Amended 12-14-09 by HO-2009-10]

* * *

E. Appeals.

(1) Any person aggrieved by any action of the City under this Article except for the issuance of a municipal infraction citation, may appeal such action by filing a written notice thereof with the Head of Code Enforcement within ten (10) days of the action complained of. The Head of Code Enforcement or ~~THEIR~~^{his/her} designee shall promptly schedule a conference with the appellant and any other person the Head of Code Enforcement may choose. After such conference the Head of Code Enforcement shall promptly issue a written opinion to the appellant. The decision shall be based upon the factors in subsection B (3) above.

(2) In the event the appellant is dissatisfied with the opinion of the Head of Code Enforcement the appellant may further appeal the finding of the Head of Code Enforcement to the City Administrator by filing a written appeal. Any such appeal must be filed with the City Administrator within ten (10) calendar days of the written opinion of the Head of Code Enforcement.

(3) Any appeal, whether to the Head of Code Enforcement or to the City Administrator, shall not operate to stay any of the provisions or requirements of this chapter unless the Head of Code Enforcement or City Administrator shall otherwise order.

(4) The City Administrator or ~~THEIR~~^{his/her} designee shall conduct a hearing as soon as possible. The hearing shall be open to the public and records and minutes shall be maintained and the person aggrieved and ~~the code enforcement department~~ shall be given an opportunity to present evidence.

(5) The Hearing Officer shall within ten (10) days either reverse modify or affirm the action complained of and cause a written copy of the decision to be sent to the person aggrieved. Any decision shall be based upon the factors outlined in subsection b (3) above. The decision of the Hearing Officer shall be final.

* * *

§ 65-22.1. Commercial and Industrial Properties. [Amended 2-17-04 by HO-2004-01; 2007-05; Amended 4-16-07 by HO-2007-05]

* * *

C. Appeals.

(1) Any person aggrieved by any action of the City under this Article except for the issuance of a municipal infraction citation, may appeal such action by filing a written notice thereof with the Head of Code Enforcement within ten (10) days of the action complained of. The Head of Code Enforcement or ~~THEIR~~^{his/her} designee shall promptly schedule a conference with the appellant and any other person the Head of Code Enforcement may choose. After such conference the Head of Code Enforcement shall promptly issue a written opinion to the appellant. The decision shall be based upon the factors outlined in subsection B (4)(b) above.

(2) In the event the appellant is dissatisfied with the opinion of the Head of Code Enforcement the appellant may further appeal the finding of the Head of Code Enforcement to the City Administrator by filing a written appeal. Any such appeal must be filed with the City Administrator within ten (10) calendar days of the written opinion of the Head of Code Enforcement.

(3) Any appeal, whether to the Head of Code Enforcement or to the City Administrator, shall not operate to stay any of the provisions or requirements of this chapter unless the Head of Code Enforcement or City Administrator shall otherwise order.

(4) The City Administrator or ~~THEIR~~^{his/her} designee (the hearing officer) shall conduct a hearing as soon as possible. The hearing shall be open to the public and records and minutes shall be maintained and the person aggrieved and ~~the code enforcement department~~ shall be given an opportunity to present evidence.

(5) The hearing officer shall within ten (10) days either reverse modify or affirm the action complained of and cause a written copy of the decision to be sent to the person aggrieved. Any decision shall be based upon the factors outlined in subsection b (4) (b) above. The decision of the hearing officer shall be final.

* * *

§ 65-26. Procedure for abatement of violation. [Amended 7-20-70; 6-28-76, and 11-4-91 by HB No. 6-91, Amended 3-3-08 by HO-2008-04, Amended 4-7-08 by HO-2008-05, Amended 12-14-09 by HO-2009-10]

* * *

D. If the City of Hyattsville shall have the work performed or shall employ persons to perform said work and if the cost thereof as so assessed shall not be paid within thirty (30) days after a request for payment has been given to the owner or occupant of the property; such cost, as contained in a statement provided to the Treasurer by the ~~h~~Head of Code Enforcement, showing the cost and expense incurred for the work, the date the work was done and the location of the property on which said work was done, shall be charged to the owner of such property by issuance of a supplemental tax bill. Such tax bill shall constitute a lien on such property and shall be collected in such manner as the City may establish.

Chapter 68

HOUSING STANDARDS

* * *

§ 68-5. Appeals. [Amended 5-3-05 by HR 05-06]

A. Any person affected by any notice or order which has been issued in connection with the enforcement of any provision of this chapter may request and shall be granted a hearing on the matter before the ~~h~~Head of eCode eEnforcement or ~~THEIR~~^{his/her} designee, or the ~~head of the public works department~~ **DIRECTOR OF THE PUBLIC WORKS DEPARTMENT** when appropriate, who shall in either case be the hearing officer. Provided, however that such person requesting the hearing (the “appellant”) must file in the office of the City Administrator a signed written notice of appeal, requesting a hearing and setting forth a brief statement of the reasons therefore, within ten (10) days after service of a notice or order.

Chapter 90

PEDDLING AND SOLICITING

* * *

§ 90-1. Definitions. [Amended 09-15-08 by HO-2008-08]

When used in this Chapter, the following words, terms, and phrases, and their derivations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

* * *

Pushcart means any wheeled vehicle approved by the Department of Code Enforcement in accordance with this Chapter, designed for carrying property and for being pushed by a person without the assistance of a motor or motor vehicle.

* * *

§ 90-2. License Required. [Amended 09-15-08 by HO-2008-08]

It shall be unlawful for any person to engage in vending unless the person has first obtained a license from the Department of Code Enforcement. All licenses shall be issued according to regulations established by the Department.

* * *

§ 90-33. Claims of Exemption.

Any person claiming to be legally exempt from the regulations set forth in this ordinance, or from the payment of a permit fee, shall cite to the department the statute or other legal authority under which exemption is claimed and shall present proof of qualification for such exemption.

Chapter 96

LICENSING OF RENTAL UNITS

* * *

§ 96-6. Appeals procedure. [Amended by HO-2006-03, 4-24-06; Amended 4-24-06 by HO-2006-03]

A. Any persons aggrieved by an action of a Code Enforcement Officer under this chapter may appeal such an action by filing a written notice thereof with the Head of Code Enforcement within fifteen (15) calendar days of the action complained of. The Head of the Code Enforcement shall promptly schedule a conference with the appellant and any other party the Head of Code Enforcement may choose. After such conference the Head of Code Enforcement shall promptly issue a written opinion to the appellant.

B. In the event the appellant is dissatisfied with the opinion of the Head of Code Enforcement, the appellant may further appeal the finding of the Head of Code Enforcement to the City Administrator and Mayor by filing a written appeal along with payment of the proper appeal fee in the amount established by the Mayor and City Council. Any such appeal must be filed with the City Administrator within fifteen (15) calendar days of the written opinion of the Head of

Code Enforcement. Within fifteen (15) days of such filing, a hearing shall be conducted before such person(s) as the City Administrator and Mayor designate for such purpose. The hearing shall be open to the public, records and minutes shall be maintained and the person aggrieved and ~~the Code Enforcement Department~~ shall be given an opportunity to present evidence. The person(s) hearing the appeal shall, within ten (10) days, either reverse, modify or affirm the action complained of and cause a written copy of their decision to be sent to the person aggrieved. This decision shall be final.

C. An appeal shall not operate to stay any of the provisions or requirements of this chapter unless the Head of Code Enforcement or City Administrator as applicable shall otherwise order.

Chapter 114

VEHICLES AND TRAFFIC

* * *

§ 114-8. Traffic calming devices. [Added 8-1-94 by HB No. 8-94, Amended 2-21-95 by HB No. 8-94, 2-21-95 by HB No. 01-95, Amended on 3-27-11 by HO-2011-01]

B. REQUEST FOR TRAFFIC CALMING DEVICE INSTALLATION.

* * *

(3) The City Clerk will validate petitions submitted to the City Administrator to determine that said petitions are in compliance with applicable provision of this Article. The City Clerk shall inform the City Council, petitioners, the City Administrator, Director of Public Works and the Police Chief, as to whether the petition complies with this Article. If the petition is in compliance, the ~~CITY department heads~~ will ~~jointly~~ undertake ~~AN~~ **ASSESSMENT OF** the location of the request and determine if a traffic calming device is in the interests of both best traffic engineering practice and public safety; and the Mayor who will schedule a public hearing in accordance with subsection C, below.

(4) The City Clerk shall develop and distribute a standardized “request for traffic calming device” petition form sufficient for use in accordance with this subsection.

* * *

§ 114-49. Notification of right to stand trial; maximum fine. [Amended 3-5-14 by HO 2014-02]

A. Notification of right of trial. Upon notification or attachment to the vehicle of said notice of violation, said notice shall notify the defendant that if ~~THEY~~~~he/she~~ desires to stand trial ~~THEY~~~~he/she~~ may notify the Hyattsville Police Department or other designated City department **OR AGENCY** at least five (5) days prior to the payment date set forth in the citation, and said department will obtain a trial date within fifteen (15) days of the date of notification by the defendant of ~~THEIR~~~~his~~ desire to stand trial. Further, said notice shall notify the defendant of the right to stand trial.

* * *

§ 114-73. Violations and penalties. [Amended 10-4-04 by Ord. 2004-14, Amended 3-5-14 by HO 2014-02]

A. Election. Unless a separate procedure is provided for in this Chapter, the following procedures apply to violations of this chapter:

(1) Election by person receiving citation.

(a) Within fifteen (15) days after the date of the citation, the person receiving a citation under this chapter shall:

(i) Pay the amount indicated on the violation directly to the city police department; or

(ii) Choose to stand trial for the violation.

(b) A choice to stand trial shall be made by sending a notice of intention to stand for trial to the City police department **OR OTHER DESIGNATED CITY DEPARTMENT OR AGENCY** within fifteen (15) days after the date on the citation.

(c) Upon the failure of the person cited to elect within fifteen (15) days after the date of the citation, the fine for the violation shall double.

(d) Upon the failure of the person to act within thirty (30) days after the date of the citation, the fine for the violation shall double again.

* * *

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 November 7, 2016.

ADOPTED by the City Council of the City of Hyattsville, Maryland, at a regular public meeting on November 21, 2016.

Adopted: _____

Attest: _____
Laura Reams, City Clerk

Candace B. Hollingsworth, Mayor

{-} indicate deletions

CAPS/**BOLD** indicate additions

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



Action Items: MOTION #20-02-16 Amend Article II – Administration of Government and Article VI (Contract Personnel)

SUBJECT: Amend Article II – Administration of Government and Article VI (Contract Personnel)

SECTION: Action Items

RECOMMENDED ACTION:

Motion #20-02-16

I move that the Mayor and Council direct the City Attorney to draft legislation to amend Article II - Administration of Government and Article VI - Personnel to reflect transition of all contracted personnel with the exception of the City Administrator to a pay scale. I further direct the City Attorney to draft legislation to amend all references to Department Heads to Department Directors in the Hyattsville City Charter and Code and authorize the Director of Human Resources to develop a transition plan for movement of all contract personnel (except the City Administrator) to an appropriate pay scale.

BACKGROUND:

Please see attached motion submitted by Mayor Hollingsworth and staff memo. This item was discussed during the Council Meeting of January 19, 2016.

NEXT STEPS:

Upon Council approval, the City Attorney will draft a Charter Amendment/Ordinance per the motion. The Charter Amendment/Ordinance will come back to Council for approval at a later date.

ANTICIPATED STAFF RESOURCES REQUIRED TO IMPLEMENT:

Please see attached motion submitted by Mayor Hollingsworth.

STRATEGIC GOALS

Goal: Goal 4 - Foster Excellence in All City Operations

FISCAL IMPACT:

Staff time as identified. Legal fees for review of charter amendments up to 10 hours (\$1,450.00). Possible consulting fees for the development of a payscale: TBD.



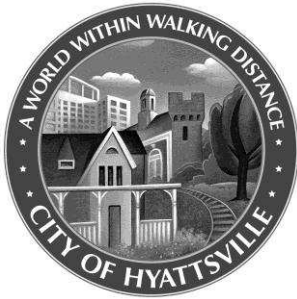
Hyattsville City Council
4310 Gallatin Street, 3rd floor
Hyattsville, MD 20781

Meeting: 2/1/2016 8:00 PM
Department: Clerk's Office
Prepared by: Laura Reams
Sponsors: Hollingsworth
DOC ID: (ID # 1423)

9.2

**Action Items: MOTION #20-02-16 Amend Article II – Administration of Government and Article VI
(Contract Personnel)**


Tracey Nicholson, City Administrator 1/28/2016



Council Agenda Form

MOTION # 20-02-16		DRAFT #
DATE SUBMITTED: August 31, 2015	DATE TO GO BEFORE COUNCIL: 1/19/2016 (Discussion), 2/1/16 (Action)	
SUBMITTED BY: Hollingsworth		
DEPARTMENT: Human Resources, Legislative		

TITLE OF MOTION: Amend Article II – Administration of Government and Article VI - Personnel and Authorize Development of Transition Procedures for Contract Personnel

RECOMMENDATION:

I move that the Mayor and Council amend Article II – Administration of Government as follows:

ADDITIONS

~~Deletions~~

§ 4-6. Department of Public Works.

A. Director of Public Works. The Director of Public Works shall be hired by the Mayor and Council and shall attend all regular meetings of the City Council and committee meetings when called upon to attend.

B. Duty hours. The regular duty hours of the Director shall be the same as those of the Department's labor force.

C. Prerequisite for employment; exception. To be eligible for appointment or for temporary employment on the Department labor force, an applicant must pass a physical examination by competent medical authority, showing the applicant's ability to perform sustained and arduous work, provided that in lieu of such examination, the Director may hire men on the Department labor force based on their previous experience and ability and personal interview.

D. Duty hours for labor force. The Department labor force shall operate on a forty-hours-a week basis, and the time for coming to work and the number of hours' work per day shall be controlled by the Director under the direction of the ~~Mayor~~ **CITY ADMINISTRATOR**.

I move that the Mayor and Council amend Article VI – Personnel as follows:

ADDITIONS

~~Deletions~~

§ C6-1 – Administration

The City Council may appoint a City Administrator who shall report directly to the Mayor and to the City Council. ~~In addition to the City Administrator, the City Council may appoint Department Heads and Officials, including a Chief of Police, Director of Public Works, Director of Recreation and the Arts, Director of Code Enforcement, a Director of Human Resources, Treasurer and a City Clerk, who shall all serve at the pleasure of the City Council, unless other written terms are agreed to by the City Council.~~ Ordinarily all such Department **DIRECTORS** ~~Heads and Officials~~ shall report to the City Administrator who shall be their immediate supervisor. However, one (1) individual may also serve as head of more than one (1) department if the City Administrator shall so organize and direct. Only the City Administrator, the Mayor and the appointed Department **DIRECTORS** ~~Heads~~ and those officials or designees or employees in the chain of command may give direct orders to

City employees. The City **ADMINISTRATOR** shall have the power to employ such officers and employees, or to enter into contracts for services with independent contractors or employees, as the City **ADMINISTRATOR** deems necessary, to execute the powers and duties provided by this Charter or other state law and to operate the City Government.

§ C6-5. Civil service. [Amended 1-21-92 by HR No. 3-91, Amended 5-8-06 by HR 2006-05]

The civil service of the City shall be divided into the unclassified and classified service.

A. Unclassified service. Employees in the unclassified service shall serve at the pleasure of the City Council or their designee and shall comprise the following offices and positions:

- (1) The Mayor, the Council members and persons appointed to fill vacancies in these positions.
- (2) Members of all Boards, Commissions and Committees created and appointed by the City Council to advise the City Council or staff and/or to perform a specific function.
- (3) The City Attorney, Auditor and Engineer and such other independent contractors that provide ongoing services to the City pursuant to a contract with, or appointment by, the City.
- (4) The City Administrator, ~~the City Clerk, the Treasurer and the heads of all departments including the Chief of Police, the Director of Public Works, the Director of Code Enforcement, and the Director of Recreation and the Arts.~~
- (5) Board of Election Supervisors.
- (6) Other positions as designated by the City Council.

I further move that the Mayor and Council amend all references to Department Heads to Department Directors in the Hyattsville City Charter and Code.

I further move that the Mayor and Council authorize the Director of Human Resources to develop a transition plan for movement of all contract personnel (except the City Administrator) to an appropriate pay scale.

BACKGROUND:

The Mayor and Council currently have responsibility for the hiring and firing of the City Administrator and all department directors through employment contracts ratified by the Mayor and Council. This revision gives the Mayor and City Council responsibility for the hiring and firing of only one (1) employee, the City Administrator. The City Administrator will have sole day-to-day responsibility and accountability of all employees and the administration of City government.

Since all department directors (except one) are under employment contracts with varying terms. The Director of Human Resources will be required to establish a pay scale for executive level employees and propose a plan to transition existing contract personnel to appropriate pay grades. This function may be done in consultation with an outside firm.

ANTICIPATED STAFF RESOURCES REQUIRED TO IMPLEMENT:

Charter amendments require review by the City Attorney. The Director of Human Resources will be required to devote time to developing and implementing a transition plan.

CITY ADMINISTRATOR / DEPARTMENT DIRECTOR COMMENT: (must be approved by City Administrator):

Staff supports the recommendation.

Tracey E. Nicholson, City Administrator

STRATEGIC GOALS AND ACTIONS:

Goal 4: Foster Excellence in All City Operations

SUPPORTING DOCUMENTATION: N/A

CURRENT YEAR BUDGET IMPACT: Staff time as identified. Legal fees for review of charter amendments up to 10 hours (\$1,450.00). Possible consulting fees for the development of a payscale: TBD.



City of Hyattsville

Memo

To: Mayor and Council
 From: Vivian Snellman, Director Human Resources
 Thru: Tracey Nicholson, City Administrator
 Date: January 13, 2016
 Re: Contract Personnel Transition

The City Attorney, City Administrator, and Human Resource Director evaluated the Mayor's request to transition the department heads (excluding the Director of Public Works (DPW)) from "contract"/unclassified employees to the status of "classified" employees. The department heads and the City Administrator are currently under employment contracts which are renewable at various intervals. The DPW Director at time of hire requested to be hired in a "classified" status and was approved as such. All other City employees are "classified" employees.

Employees operating under a "classified" status are not required to renegotiate contracts, terms and conditions, or compensation annually or as dictated by contract terms. They are placed in an appropriate pay grade and corresponding salary range and are considered for step increases annually. This status usually gives "classified" employees additional protections such as perceived job security and the option to grieve personnel actions.

The HR Director conducted a review of 7 surrounding municipalities. The vast majority of department heads at these locations are hired in a "classified" status. The City Managers/Administrators in all cases are hired as "contract personnel" or in appointed positions.

If this motion is approved, the Director of Human Resources will develop a transition plan to move the directors to an appropriate pay scale as contracts come up for renewal, but no later than December 2016. Details of the transition plan will be outlined in a separate communication and at a minimum will include:

- The current status of each Director under contract.
- The salary range and grade schedule validated by a survey of comparable municipalities.
- The position grade and salary range after the transition.
- The specific details of the employment status as previously negotiated

We do not anticipate any loss of pay in the transition.



Hyattsville City Council Agenda Item Report

Meeting Date: November 21, 2016

Submitted by: Laura Reams

Submitting Department: City Clerk

Item Type: Legislative

Agenda Section: Action Items (8:35 p.m. – 9:10 p.m.)

SUBJECT

Remove Motion # 74-11-FY17: Charter Amendment Resolution 2016-02 from the Table

Motion #

N/A

Recommendation:

I move that the Mayor and Council remove from the table Motion # 74-11-FY17 and re-open this item for additional Council discussion and action.

Sponsor(s):

Haba, Lawrence, Paschall, Solomon

ATTACHMENTS

Summary Background:

Motion # 74-11-FY17 was tabled on November 7, 2016.

Next Steps:

Upon removal from the table the Council may reopen this item for additional discussion and action.

Fiscal Impact:

N/A

City Administrator Comments:

N/A

Community Engagement:

N/A

Strategic Goals:

N/A

Legal Review Required?

N/A



Hyattsville City Council Agenda Item Report

Meeting Date: November 21, 2016

Submitted by: Laura Reams

Submitting Department: Legislative

Item Type: Charter Amendment

Agenda Section: Action Items (8:35 p.m. – 9:10 p.m.)

SUBJECT

Hyattsville Charter Amendment Resolution 2016-02: Qualifications of Voters and Same Day Voter Registration for City Elections (10 minutes)

Motion

74-11-FY17

Recommendation:

I move that the Mayor and Council introduce and adopt Hyattsville Charter Amendment 2016-02, a Resolution of the Mayor and City Council of the City of Hyattsville, Maryland, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of Maryland (2013 Edition, as amended), to amend the Charter of the said City, said Charter being a part of the public local laws of Maryland (1963 Edition, as amended), which Article contains in whole or in part the Charter of the City of Hyattsville, Maryland, whereby the Mayor and City Council amend the City Charter to change the qualifications for registering as a voter in City elections so that (1) being a citizen of the United States is no longer a requirement to be a voter or a member of the Board of Elections and (2) residency for thirty (30) days is sufficient provided the individual does not claim the right and vote elsewhere in the United States, or has not been found by a Court to be unable to communicate a desire to vote. The amendment further establishes a voter registry separate from the State and County voter registry and further allows for same day registration of voters in City elections which will be effective on or before January 1, 2019 and further extending the time for the Board of Supervisors of Elections to certify an election until ten (10) calendar days after the election (FIRST READING).

Sponsor(s):

Haba, Lawrence, Paschall, Solomon

ATTACHMENTS

[Charter Amendment Article IV_FINAL 111716.docx](#)

[Motion_Voter Qualifications_7-21-2016_Clean.doc](#)

Summary Background:

On November 13, 2015, Council President Haba, Vice President Lawrence and Councilmembers Paschall and Solomon submitted a motion to amend the Hyattsville City Charter to change the qualifications for registering as a voter in City elections so that being a citizen of the United States is no longer a requirement. The motion also authorized the City Attorney to amend the Charter to allow for the implementation of same day voter registration, to be effective on or before January 1, 2019.

The Council discussed the proposal on January 4, February 10, and September 19, 2016. The motion authorizing the City Attorney to draft the Charter Amendment was adopted by the Mayor and Council on September 19. A copy of this motion is included as background information.

The Council discussed the proposed legislation drafted by the City Attorney during the Council Meeting of October 17. A public hearing was held on October 26. On November 2, the Charter Amendment was modified per the motion

makers request to change the residency requirement to register to vote in City Elections from fourteen (14) days to thirty (30) days. The motion, # 74-11-FY17 was tabled during the Council Meeting of November 7 to allow for the City Attorney to make additional changes to the ordinance per the Council's discussion on November 7.

**** A motion to remove this item from the table must be adopted prior to the Council voting on this action item ****

The ordinance has been amended to: (1) add a stipulation that being citizen of the United States is no longer a requirement to serve as a member of the City's Board of Elections, and (2) remove the reference regarding registration by affidavit only. Please note that the portion of the ordinance pertaining to qualifications for members of the City's Board of Elections was included in the original motion but was accidentally omitted from the most recent version of the ordinance presented to Council.

Next Steps:

A first reading of the Charter Amendment Resolution will be held on November 21. A second reading and adoption of the Amendment Resolution is scheduled for December 5. The Charter Amendment will be effective 50 days after adoption.

Upon adoption, the Election Board will make necessary modifications to the Board of Elections Rules and Regulations, develop a Hyattsville only City Voter Registration Form and Database. The Election Board will work with City staff on outreach and education to the community as well as logistical operations pertaining to implementation. A part-time Elections Coordinator position is recommended to provide personnel support for assisting in the implementation of the new initiatives for the May 2017 election.

Fiscal Impact:

Budget Amendment of Estimated \$25,000 for a Part-Time Elections Coordinator Position

City Administrator Comments:

If approved by the Mayor and Council, the City will submit a budget amendment for approximately \$25K prior to the 2017 City Election for contracted services and personnel support.

Community Engagement:

The Election Board will coordinate with City staff on outreach and education for these initiatives.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Action 1.1 - Encourage resident participation in City committees, meetings and elections

Legal Review Required?

Complete - Proposed Charter Amendment is attached. The City Attorney will be present at the Council Meeting of November 21, 2016 to answer questions and provide legal advice.

CHARTER AMENDMENT RESOLUTION 2016-02

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HYATTSVILLE, MARYLAND, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of Maryland (2013 Edition, as amended), to amend the Charter of the said City, said Charter being a part of the public local laws of Maryland (1963 Edition, as amended), which Article contains in whole or in part the Charter of the City of Hyattsville, Maryland, whereby the Mayor and City Council amend the City Charter to change the qualifications for registering as a voter in City elections so that (1) being a citizen of the United States is no longer a requirement to be a voter or a member of the Board of Elections and (2) residency for thirty (30) days is sufficient provided the individual does not claim the right and vote elsewhere in the United States, or has not been found by a Court to be unable to communicate a desire to vote. The amendment further establishes a voter registry separate from the State and County voter registry and further allows for same day registration of voters in City elections which will be effective on or before January 1, 2019 and further extending the time for the Board of Supervisors of Elections to certify an election until ten (10) calendar days after the election.

WHEREAS, the Mayor and City Council deem it appropriate to allow to vote in City elections those who are not United States citizens if their primary residence is in the City for more than thirty (30) days; and

WHEREAS, the Mayor and City Council to accomplish this goal, establish a City only voter registry and allow such registration by affidavit in order to extend the voting franchise in the City; and

WHEREAS, the Mayor and City Council deem it appropriate to allow same day registration for the City and to extend to ten (10) days the deadline for the vote in any City election to be certified.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Hyattsville, Maryland, in regular session assembled:

Section 1: That Section C4-1, C4-6 and C4-11 of the Charter of the City of Hyattsville, Maryland, be amended as follows:

ARTICLE IV - Legislation, Nominations and Elections

§ C4-1. Qualifications of voters. [Amended 2-24-71; 5-1-72, Amended 1-20-15 by HR 2015-01]

Every person who ~~is a citizen of the United States, (1) is at least sixteen (16) years of age, resides in the State of Maryland, resides within the corporate limits of the City~~ **(2) HAS THE CITY OF HYATTSVILLE AS THEIR HIS OR HER PRIMARY RESIDENCE, (3) HAS RESIDED WITHIN THE CORPORATE LIMITS OF THE CITY FOR THIRTY (30) DAYS, (4) DOES NOT CLAIM THE RIGHT TO VOTE ELSEWHERE IN THE UNITED STATES, (5) HAS NOT BEEN FOUND BY A COURT TO BE UNABLE TO COMMUNICATE A**

DESIRE TO VOTE and (6) is registered in accordance with the provisions of this Charter shall be a qualified voter of the City. Every qualified voter of the City shall be entitled to vote at any or all City elections.

§ C4-2. Board of Supervisors of Elections. [Amended 12-19-83 by HR No. 17-83; Amended 2-9-09 by HR 2009-01]

There shall be a Board of Supervisors of Elections consisting of five (5) members, who shall be appointed by the Mayor with the approval of the Council. Three (3) of the members shall be appointed and approved on or before the second Monday in January of 2011 and thereafter in every second odd-numbered year. Two (2) members shall be appointed and approved on or before the second Monday in January of 2013 and thereafter in every second odd-numbered year. Upon the effective date of this Charter provision, the current three members of the Board shall retain their membership on the Board and the Mayor with the approval of the Council may appoint an additional two (2) members, one (1) member whose term of office shall be until January of 2011, and the other member whose term of office shall be until January 2013. The terms of members of the Board of Supervisors of Elections shall begin on the second Monday in January in the year in which they are appointed and shall run for four (4) years. Members of the Board of Supervisors of Elections ~~shall be qualified voters of the City and~~ shall not hold or be candidates for any elective office during their term of office. The Board shall appoint one (1) of its members as Chairman. Vacancies on the Board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Council.

* * *

§ C4-6. Registration. [Amended 1-30-89 by HR No. 1-89]

A. In accordance with the State Universal Registration Act, as contained in Article 33, Section 3-2 of the Annotated Code of Maryland, as amended, any person residing in the City who is registered with the Board of Supervisors of Elections of Prince George's County shall be deemed to be registered to vote in City elections.

B. ~~The Board of Supervisors of Elections shall maintain any list of voters, and shall restrict its activities with respect to the registration of voters to the circulation of applications for registration with the Board of Supervisors of Elections of Prince George's County and otherwise cooperating with the County Board~~ **A SUPPLEMENTAL VOTER REGISTRY, SEPARATE FROM THE LIST OF REGISTERED VOTERS GENERATED BY THE PRINCE GEORGE'S COUNTY BOARD OF ELECTIONS, WHICH SHALL INCLUDE THE NAMES OF THOSE WHO ARE REGISTERED TO VOTE IN CITY ELECTIONS PURSUANT TO C4-1 OF THIS CHARTER AND ARE NOT ON THE LIST OF REGISTERED VOTERS GENERATED BY THE PRINCE GEORGE'S COUNTY BOARD OF ELECTIONS.**

C. VOTER REGISTRATION FOR THE SUPPLEMENTAL VOTER REGISTRY SHALL BE ACCOMPLISHED BY THE BOARD OF SUPERVISORS OF ELECTIONS' ACCEPTANCE OF A COMPLETED AND SIGNED REGISTRATION APPLICATION AS OUTLINED IN THE CITY ELECTIONS CODE.

D. SAME DAY VOTER REGISTRATION. NO LATER THAN JANUARY 1, 2019, THE BOARD OF SUPERVISORS OF ELECTIONS SHALL INSTITUTE A SAME

DAY REGISTRATION PROGRAM SO THAT CITY RESIDENTS WHO ARE ELIGIBLE TO VOTE IN CITY ELECTIONS PURSUANT TO THIS CHARTER, BUT WHO ARE NOT REGISTERED TO VOTE, MAY, WHEN THEY ARRIVE TO VOTE, REGISTER TO VOTE IN A CITY ELECTION BY SUBMITTING AND COMPLETING A SIGNED REGISTRATION APPLICATION AND THEN HAVE THE OPPORTUNITY TO VOTE THAT SAME DAY. SAME DAY REGISTRATION SHALL OCCUR AT A MINIMUM ON ANY DAY DURING THE TIME THE POLLS ARE OPEN IN THE CITY.

* * *

§ C4-11. Vote count. [Amended 12-19-83 by HR No. 10-83, Amended 12-1-14 by HR 2014-03]

Within ~~forty-eight (48) hours~~ **TEN CALENDAR DAYS** after the closing of the polls, the Board of Supervisors of Elections shall determine the votes cast for each person, candidate or question and shall certify the results of the election to the Clerk of the City, who shall record the results in the minutes of the Council. Write-in votes for individuals not registered as candidates shall be counted. The individual who meets the qualifications outlined in C2-2 of the City Charter and who has the highest number of votes in the at large mayoral election shall be declared elected as Mayor. The individual who meets the qualifications outlined in C2-2 of the City Charter and who has the highest number of votes in each ward shall be declared elected as Councilmember for that ward.

Section 2: That the date of the adoption of this Resolution is _____, and that the amendment to the Charter of the City of Hyattsville hereby proposed by this enactment shall be and become effective on [50 days], unless a proper petition for a referendum hereon shall be filed by [40 days], and a fair summary of the Amendment shall be published in a newspaper having general circulation in the City not less than four (4) times at weekly intervals by [40 days].

Section 3: That as soon as the Charter Amendment hereby enacted becomes effective, either as herein provided or following a referendum, the Clerk shall send separately to the Department of Legislative Services, the following information concerning the Charter Amendment: (1) the complete text of this Resolution; (2) the date of referendum election, if any, held with respect thereto; (3) the number of votes cast for and against this Resolution by the Mayor and City Council of the City of Hyattsville or in a referendum; and (4) the effective date of the Charter Amendment.

Section 4: That the Clerk be, and ~~he/she~~ is specifically enjoined and instructed to carry out the provisions of Sections 2 and 3, and as evidence of compliance herewith the said Clerk shall cause to be affixed to the Minutes of this meeting (1) an appropriate certificate of publication of the newspaper in which the fair summary of the Amendment shall have been published; and (2) records of mailing referred to in Section 3, and shall further complete and execute a Certificate of Compliance.

INTRODUCED by the Mayor and City Council of the City of Hyattsville, Maryland, at a Regular Meeting on November 21, 2016, at which meeting copies were available to the public

for inspection.

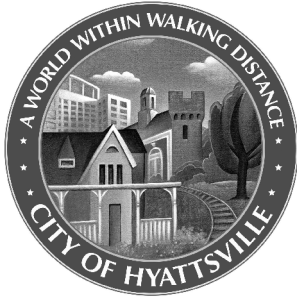
ADOPTED by the Mayor and City Council of the City of Hyattsville, Maryland, at a Regular Meeting on December 5, 2016, at which meeting copies were available to the public for inspection.

Adopted: _____

Attest: _____
Laura Reams, City Clerk

Candace B. Hollingsworth, Mayor

{} indicate deletions
CAPS/**BOLD** indicate additions



Council Agenda Form

MOTION #		DRAFT # 5	
DATE SUBMITTED: June 24, 2016	DATE TO GO BEFORE COUNCIL: TBD		
SUBMITTED BY: Haba, Lawrence, Paschall, Solomon			
DEPARTMENT: Legal, City Clerk, Legislative			

TITLE OF MOTION: Hyattsville Charter Amendment 2015-03 (Qualifications of Voters)

RECOMMENDATION:

I move that the Mayor and Council direct the City Attorney to draft a Hyattsville Charter Amendment changing voter qualifications for Municipal Elections. Hyattsville residents who meet the following qualifications shall be eligible to register and to vote in all City elections, starting in 2017:

- Have the City of Hyattsville, Maryland as your primary residence;
- Have resided within the City of Hyattsville for at least 14 days;
- Not claim the right to vote elsewhere in the United States;
- Be at least 16 years old to vote;
- Not be under guardianship for mental disability or if you are, you have not been found by a court to be unable to communicate a desire to vote.

The City shall provide a voter registration application, and the Board of Supervisors of Elections of the City of Hyattsville shall maintain a supplemental voter registry, separate from the list of registered voters in the City generated by the Prince George's County Board of Elections. This supplemental voter registry shall include the names of residents who are registered to vote in City elections only. Residents who are not registered to vote with the State of Maryland may register to vote in Municipal elections up to and on the day of an election. Residents who register on the day of an election shall cast a provisional ballot, contingent on application approval by the City's Board of Election Supervisors. Implementation of election-day registration shall take place no later than the 2019 Hyattsville municipal elections. Henceforth, the Board shall be required to certify the results of the election to the City Clerk within 10 days of the closing of the polls. The voter registration application shall contain an affidavit, which shall set forth the following information under penalty of perjury: (1) The voter's name and residence address, including the street and number, (2) That the person is a qualified voter at the residence address given, (3) That his or her Hyattsville address is his or her primary residence, (4) That the person has lived in Hyattsville for at least 14 days, and (5) That the person is not an active voter elsewhere in the United States. By signing the voter registration application, the applicant swears that all the information on the form is true. Anyone determined by the Board to have willfully signed any false application shall face similar penalties as those listed in § 8-13 of the Hyattsville Charter and Code, and the Board may remove such violators from the City's list of registered voters. Applicants shall also be required to provide proof of residency, including name and address of habitation, in an official form such as, but not limited to, the following: pay stub, bank statement, or utility bill that verifies his or her residency; a Maryland Vehicle Administration identification number; an affidavit of cohabitation, or other forms of proof of residency determined to be acceptable by the Board. Board-approved forms of proof of residency shall, in the absence of evidence proving an applicant's ineligibility to register with the City, meet the City's proof of residency requirement. Anyone determined by the Board to have willfully signed any false affidavit of cohabitation on behalf of an applicant shall face similar penalties as those listed in § 8-13 of the Hyattsville Charter and Code. All Hyattsville residents who meet the City's voter qualifications shall be eligible to serve as an election judge and serve on the City's Board of Election Supervisors.

BACKGROUND:

Many of Hyattsville's new and long-time residents are currently disenfranchised from voting in local elections. Of these residents, some are pursuing a legal path to citizenship, some have opted to retain their foreign citizenship, while others find themselves embroiled in an ineffective and unsettled Federal immigration system. According to CASA de Maryland,

approximately 15% of the City's residents are immigrants, most of whom remain voiceless in municipal elections, despite sharing similar day-to-day experiences as their neighbors, such as paying taxes, relying on City services, supporting local businesses, and some having children who attend our local public schools.

Though Maryland ended noncitizen voting rights for state and federal elections in 1851, our state's constitution recognizes the autonomy of local municipalities and localities to grant suffrage in local elections. As of 2012, six Maryland municipalities (Barnesville, Garrett Park, Glen Echo, Martin's Additions, Takoma Park, and Somerset) allow noncitizens to vote in local elections. Hyattsville can join these municipalities by extending the vote to all of its residents who meet the qualifications listed in the motion language above. Such a change in voter eligibility will increase representation and civic involvement in the City, and it will demonstrate that the City of Hyattsville values the day-to-day lives of all of its residents.

ANTICIPATED STAFF RESOURCES REQUIRED TO IMPLEMENT:

The Board of Supervisors of Elections of the City of Hyattsville will need to maintain a supplemental voter registry and address same-day voting applications.

CITY ADMINISTRATOR / DEPARTMENT DIRECTOR COMMENT: (must be approved by City Administrator):

Tracey Nicholson, City Administrator

STRATEGIC GOALS AND ACTIONS:

Goal 1 – Ensure transparent and accessible governance

Action 1.1 – Encourage resident participation in City committees, meetings, and elections

SUPPORTING DOCUMENTATION:

CURRENT YEAR BUDGET IMPACT: There is no current year budget impact. However, due to the Board's recommendations, it is likely that the City will need to budget to hire a part-time Registrar in the 2017 budget.



Hyattsville City Council Agenda Item Report

Meeting Date: November 21, 2016

Submitted by: Laura Reams

Submitting Department: City Clerk

Item Type: Ordinance

Agenda Section: Discussion Items (9:10 p.m. – 10:05 p.m.)

SUBJECT

Hyattsville Ordinance 2016-03: Revisions to Chapter 8, Elections Code (25 minutes)

Motion #

Discussion Only, Scheduled for Action on 12/5/16

Recommendation:

Sponsor(s):

At the Request of the City Administrator

ATTACHMENTS

[Chapter 8 Elections_FINAL 111716.pdf](#)

Summary Background:

On January 4 and February 10, the Council held initial discussions on proposed changes to Chapter 8, Elections Code. Further discussions and action were held until a determination was made regarding the proposed Charter Amendment for qualifications of voters.

The proposed updates to Chapter 8 of the Code reflect changes in the Charter regarding qualifications to vote and to make explicit the authority of the Board of Supervisors of Elections, to provide for a Supplemental Voting Registry, to add a list of definitions and duties so as to clarify the elections law, to specify minimum times for the polls to be open, to adjust campaign finance reporting deadlines to reflect early voting dates, to specify certain rules and regulations and limitations regarding campaign finance and to outline a complaints procedure for elections law violations.

Additionally the proposed ordinance recommends a change in terminology from Absentee Ballot to Vote-by-Mail. The City has allowed voters to apply for absentee ballots with no excuse for many election cycles. The change in terminology to Vote-by-Mail more accurately describes the process, clarifying for voters who may believe the term "absentee" requires them to be out of town on Election Day to use this form of voting. The Election Board utilized the Vote-by-Mail term for the 2015 election and experienced a 47% increase in absentee ballot applications from the 2013 Election.

Next Steps:

The item is tentatively scheduled for action on December 5, 2016. Upon adoption, the Election Board will make the necessary modifications to the Board of Elections Rules and Regulations and work with City staff to update election materials for the upcoming 2017 City Election.

Fiscal Impact:

TBD

City Administrator Comments:

Recommend Support

Community Engagement:

The Board of Elections will publish updated elections materials reflecting adopted changes in advance of the 2017 election.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?

Complete

**CITY OF HYATTSVILLE
ORDINANCE 2016-03**

An Ordinance whereby the City Council An ordinance whereby the City Council updates chapter 8 of the Code to reflect changes in the charter regarding qualifications to vote and to make explicit the authority of the Board of Supervisors of Elections, to provide for a Supplemental Voting Registry, to add a list of definitions and duties so as to clarify the elections law, to specify minimum times for the polls to be open, to adjust campaign finance reporting deadlines to reflect early voting dates, to specify certain rules and regulations and limitations regarding campaign finance and to outline a complaints procedure for elections law violations.

WHEREAS, Maryland Annotated Code, The Local Government Article, Section 5-202 grants to municipal corporations of the State of Maryland, including the City of Hyattsville, the power to protect the health, comfort and convenience of their citizens; and

WHEREAS, the Mayor and City Council deem it in the best interest of its citizens to update the elections law to reflect early voting, non-citizen registration, voting and participation in elections and define the powers of the Board of Supervisors of Elections.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hyattsville in regular session assembled that Chapter 8 of the Hyattsville Code is hereby amended to read as follows:

**Chapter 8
ELECTIONS
ARTICLE I**

General Election Procedures

- § 8-1. Definitions, and Powers and Duties of Board.
- § 8-2. Election Day, Advance Voting Day, ~~VOTE-BY-MAIL~~ Absentee voting.
- § 8-4. Qualifications for Registration Officers, Clerks and Judges of Elections; oath of office and Applicability.
- § 8-8. Contests and appeals.
- § 8-9. Runoff elections.
- § 8-10. Campaign materials; authority line; penalty.
- § 8-11. Provisional voting.
- § 8-12. Registration of Voters for City/Only Supplemental Voter Registry.

**ARTICLE II
Campaign Finance**

- § 8-15 Reports Required.
- § 8-16 Deadline for filing reports.
- § 8-17 Form; Affirmation of report.
- § 8-18 Special reporting requirements.
- § 8-19 Appointment of Campaign Treasurer.
- § 8-20 Failure to appoint a treasurer or file reports.
- § 8-21 Restrictions on Campaign Contributions.
- § 8-22 Restrictions on Use of Campaign Funds.
- § 8-23 Penalties.

ARTICLE III

VOTE-BY-MAIL Absentee Ballots

- § 8-27 Application Form for **VOTE-BY-MAIL Absentee** Ballot.
- § 8-28 Contents of Application for **VOTE-BY-MAIL Absentee** Ballot.
- § 8-29 **VOTE-BY-MAIL Absentee** Ballots; Review of Applications, Delivery and Maintenance of Records.
- § 8-30 Form and Contents of **VOTE-BY-MAIL Absentee** Ballots.
- § 8-31 Instructions to voters.
- § 8-32 **VOTE-BY-MAIL Absentee** Ballots; Procedure for Assistance.
- § 8-33 Procedure for Counting and Canvassing **VOTE-BY-MAIL Absentee** Ballots.
- § 8-13 Penalty.

ARTICLE IV

Complaints

- § 8-40 Filing Procedure for Complaints.
- § 8-41 Investigation of Complaints.
- § 8-42 Procedure When Violation of Chapter Not Found.
- § 8-43 Procedure When Violation of Chapter is Found.
- § 8-44 Board Hearings Generally.
- § 8-45 Board Action When Violation of Chapter Not Found.
- § 8-46 Board Action When Violation of Chapter Found.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Section 8-7C amended at time of adoption of Code; see Ch. 1, amended 02-20-07 by HO-2007-03]

General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Registration, nominations and elections - See Charter, Art. IV.

Administration of government - See Ch. 4.

Code of Ethics - See Ch. 10.

ARTICLE I

General Election Procedures

§ 8-1. Definitions, and Powers and Duties of Board.

A. As used in this chapter, the following terms shall have the meanings indicated unless a contrary meaning is clearly intended from the context in which the term appears:

Board: Board of Supervisors of Elections for the City.

Candidate: Individual who seeks nomination for election, or seeks election, to city office.

Contribution: A gift, in-kind, contribution, or promise of gift of money, donated to any candidate or representative or political committee.

Contributor: Any person who makes a contribution or expenditure of cash or in-kind contribution to or on behalf of a candidate or political committee.

Election: General or special elections, referenda or other questions at any election held by the City.

Expenditure: Any transfer, disbursement or promise of money or valuable thing (in-kind contribution), by a candidate, treasurer, or other agent of such candidate, or political committee to promote or assist in the promotion of the success or defeat of a candidate or proposition submitted to a vote at any election.

Foreign National: A foreign government, foreign political party, foreign corporation, foreign association or partnership. A United States citizen living abroad and an immigrant with a green card shall not be considered a foreign national.

In-kind contribution: Anything of value, other than a gift or promise of money, donated to any candidate or representative, or a representative of any political committee, to promote or assist any candidate, political committee or proposition submitted to a vote of any election.

Person: A corporation, business, other legal entity or an individual.

Political committee or “committee”: Any combination of two (2) or more persons formed in any manner, which independently collects or expends a cumulative amount of one hundred dollars (\$100.00) or more to assist in the promotion of the success or defeat of any candidate or slate of candidates for City elective office or any cause to be submitted to the voters.

Report: A report of expenditures, loans, and contributions (in-kind or cash) received by any candidate or political committee.

Surplus campaign funds: Funds left in a candidate’s account after the election is certified and all campaign debts, including all loans, have been paid.

Treasurer: Any person appointed by a candidate or political committee to receive or disburse money or other things of value to promote or assist in the promotion of any candidate or proposition.

VOTE-BY-MAIL: SHALL INCLUDE THE PROCESS WHEREBY VOTERS MAKE APPLICATION FOR AND SUBMIT COMPLETED BALLOTS BY EITHER MAIL OR IN PERSON DROP OFF AT A LOCATION AUTHORIZED BY THE BOARD OF SUPERVISORS OF ELECTIONS.

B. Powers and Duties of the Board of Supervisors of Elections.

In addition to any power, duty or responsibility provided in the City Charter, the Board of Supervisors of Elections shall be in charge of all City elections. The Board shall:

- (1) Issue and maintain all election records in a separate filing system provided by the City.**
- (2) Provide for the nominations for elected City officers and verify the eligibility of election candidates, which includes reviewing and certifying petitions for office as outlined in this chapter, and verifying that such candidates are residents of the City.**
- (3) Provide, receive, review and certify that campaign reports from candidates are timely and complete as outlined in the Elections Code.**
- (4) Coordinate Ceity staff, with the approval of the City Administrator, to assist and support the Board in its official duties.**
- (5) Provide for VOTE-BY-MAIL~~voting by absentee~~ ballot and provisional ballot.**
- (6) Validate the authenticity of returned VOTE-BY-MAIL~~absentee~~ ballots and completed provisional ballots.**
- (7) Provide a form for the certificate of polling place challengers and watchers.**
- (8) Select and train election judges to assist in the operation of the polling places on Election Day. The Board shall also oversee the operations of the polling places.**
- (9) Issue the official election ballot.**
- (10) Keep, maintain, administer and update the City Supplemental Voter Registry and accept, examine and, as appropriate, approve registration applications for the Supplemental Voter Registry.**
- (11) Certify all election results.**
- (12) Provide for recount of ballots.**
- (13) Administer and enforce all election laws.**
- (14) Administrative review. The Board shall investigate and/or conciliate any written complaints and shall hold hearings and make determination on any alleged violations of the elections provisions of the Charter or elections ordinance of the City Code. The Board shall promptly inform the City Administrator of any hearing. The Board, when conducting administrative review, shall be granted the following powers to:**
 - a. Investigate complaints filed with the Board of matters of election practices or other matters within the jurisdiction of the Board.**
 - b. Dismiss complaints.**
 - c. Conciliate complaints.**

- d. Summons concerned parties to hearings.
- e. Conduct hearings.
- f. Adopt rules and procedures for the conduct of hearings.
- g. Implement enforcement actions, which include cease and desist orders, and the ability to make recommendations to the City Administrator to impose civil penalties not to exceed one thousand dollars (\$1,000.00). The Board shall have the power to seek judicial enforcement of its decisions by application to courts of competent jurisdiction for injunctions, mandamus and other appropriate judicial review when conducting an administrative review. The Board may also refer complaints to the Office of the State's Attorney for prosecution as the circumstance may warrant.
- h. Hearings conducted by the Board shall be open to the public. Unless otherwise provided the City Attorney shall advise the Board. Either the complaining party or the respondent may request, in writing, a closed hearing. However, unless the Board finds a compelling reason to close the hearing (and closing is allowed by State law), the request shall ordinarily be denied. The deliberations of the Board shall not be public. The Board shall have the power to summon all witnesses it deems necessary. The hearing shall be held not less than seven (7) days, unless the Board determines that emergency circumstances require an earlier hearing, and not more than thirty (30) days after service of the statement of charges and summons. The summons so issued must be signed by the chairperson of the Board or a designee and shall require the attendance of named persons and the production of relevant documents and records. Failure to comply with a summons shall constitute violation of this chapter and subject to penalty pursuant to §8-34 of this chapter. The complaining party or parties and the respondent may, at their option, appear before the Board in person or by duly authorized representative(s) and may have the assistance of an attorney. The parties may present testimony and evidence which shall be given under oath, or by affirmation. The Board shall keep a full record of the hearing. If the hearing is public, the record shall be open to inspection by any person, and, upon request by any principal party to the proceeding, the Board shall furnish such party a copy of the hearing record, if any, at such charges as are necessary to meet costs. The Board may extend the time for any hearing and the issuance of any finding, opinion and orders. The Board has the power to adopt rules and procedures with reference to the conduct and manner of these proceedings.

§ 8-2. Election Day, Advance Voting Day, Absentee voting. [Amended 2-9-09 by HO-2009-04]

- A. Election Day for Special Elections and referenda shall ordinarily be done on a Tuesday as set by the City Council.
- B. If the City Council **or Board of Supervisors of Elections** provides for an advance voting day in any referendum or Election, **ORDINARILY**~~unless otherwise directed~~, the Saturday immediately before Election Day shall be an advance voting day when the polls shall be open to qualified voters at the times and places specified and advertised by the Board of Supervisors of

Elections. The polls shall be open for a minimum of eight (8) hours on any advance voting day **that occurs on a weekend and at least four (4) hours on advance voting days on a week day. In no event will an advance voting date be set more than fifteen (15) days before Election Day.**

C. Any person qualified to vote in the Election may **UTILIZE A vote-by-MAIL** absentee ballot, but only pursuant to the provisions of this Article I.

§ 8-4. Qualifications for Registration Officers, Clerks and Judges of Elections; oath of office and Applicability. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89]

A. Registration Officers and Judges and Clerks of Elections appointed by the City Council or by the Board shall be registered voters of the City ~~and citizens of the United States~~. They shall, before entering upon their duties, take the oath required by law for all registration and election officials.

B. This chapter applies to elections as defined in this chapter.

§ 8-8. Contests and appeals. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89]

Contests concerning voting or the validity of any ballot under this chapter shall be decided by the Board of Supervisors of Elections. No ballot shall be rejected except by the unanimous vote of the entire Board. Any candidate or **VOTE-BY-MAIL** ~~absentee~~ voter aggrieved by any decision or action of such Board shall have the right of appeal to the Circuit Court for Prince George's County, Maryland. Such appeals shall be taken by way of petition filed with the court within five (5) days from the date of the completion of the official canvass by the Board of all the votes cast at any election and shall be heard de novo and without a jury by said court as soon as possible. There shall be a further right of appeal to the Court of Appeals, provided that such appeal shall be taken within forty-eight (48) hours from the entry of the decision of the lower court complained of, and all such appeals shall be heard and decided on the original papers, including a typewritten transcript of the testimony taken in such cases, by the Court of Appeals, as soon as possible after the same have been transmitted to said court. Said original papers, including the testimony, shall be transmitted to the Court of Appeals within five (5) days from the taking of the appeal.

§ 8-9. Runoff elections. [Added 5-5-86 by HB No. 3-86]

A. If, at any election directed by the Charter, any two (2) or more candidates for the office of Mayor or Councilmember who have received the highest number of votes shall have received an equal number of votes, or the vote upon any referendum shall result in a tie, a special election shall be ordered by the Board of Election Supervisors.

B. The special election shall be held within three (3) months of the election at which the tie vote occurred, shall be only for those offices for which the equal number of votes was cast or referendum questions which resulted in a tie vote and shall be conducted in the same manner as provided in the relevant sections of Article IV of the Charter.

§ 8-10. Campaign materials; authority line; penalty. [Added 2-20-2007 by HO-2007-03]

A. For the purposes of this Code, "campaign material" means any material that:

- (1) Contains text, graphics, or other images;
- (2) Relates to a candidate, a prospective candidate, or the approval or rejection of a question; and

(3) Is published or distributed to anyone by, at the request of, or under the authority of, a candidate.

B. Except as otherwise provided in this section, each item of campaign material shall contain, set apart from any other message, an authority line that states the name and address of the person, treasurer, or campaign manager responsible for the publication or distribution of the same.

C. The authority line need state only the name and title of the responsible person if:

(1) The name and address of the responsible person has been filed with the City Clerk; or

(2) The campaign material item is too small to include all the information specified in paragraph (B) of this section in a legible form.

D. Any material that is published or distributed in support of or in opposition to a candidate without being directly or indirectly authorized by the candidate as provided above in Subsection (A)(3) may and ordinarily should include the following statement: “this message has been authorized and paid for by (name of payer or any organization affiliated with the payer). This message has not been authorized or approved by any candidate.”

E. It shall be unlawful for any person to knowingly publish or distribute for the purpose of influencing votes any materials with a false or incorrect authority line. Any person who violates this section shall be guilty of a misdemeanor and subject to the penalties including a five hundred dollar (\$500.00) fine and/or imprisonment for thirty (30) days.

§ 8-11. Provisional Voting. [Added 12-1-14 by HO 2014-09]

A. Eligibility. An individual is eligible to cast a provisional ballot if:

(1) The individual declares in a written affirmation under oath submitted with the provisional ballot that the individual is a registered voter in the State **or the City** and is eligible to vote in that election, and

(2)

(i) The individual’s name does not appear on the City’s election register or list of voters; or

(ii) An election official asserts the individual is not eligible to vote.

B. Application. Before an individual casts a provisional ballot,

(1) The individual shall complete and sign the provisional ballot application prescribed by the Board of Elections Supervisors, and

(2) The individual shall be given a data sheet on how the voter may obtain information on whether the vote was counted or not counted and the reasons therefore.

C. Locations and procedure.

An eligible voter shall be issued and may cast a provisional ballot at a polling location on Election Day or at an early voting location during early voting.

D. Special envelopes.

When voted, a provisional ballot shall either be enclosed in an envelope designated for such ballots or stored in an electronic format as specified by the Board of Elections.

E. Penalties.

Any person who is convicted of violation of any of the provisions of this section or of making a false statement pursuant to an application for a provisional ballot shall be guilty of a misdemeanor and subject to a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for no more than six (6) months, or both.

F. Canvass of provisional ballots.

- (1) The Board of Elections shall adopt regulations regarding the handling and canvassing of provisional ballots.
- (2) An envelope of a provisional ballot shall not be opened until the Board of Elections has approved the provisional ballot application.
- (3) The Board of Elections may not reject a provisional ballot except by unanimous vote.
- (4) The Board of Elections shall reject a provisional ballot if:
 - (i) The individual is not qualified to vote in the election;
 - (ii) The individual failed to sign the oath on the provisional ballot application;
 - (iii) The individual cast more than one (1) ballot for the same election; or
 - (iv) The provisional ballot is marked by an identifying mark that is clearly evident and can be used to identify the ballot.
- (5) The Board of Elections shall establish a system that any individual who casts a provisional ballot may access whether the ballot was counted.

§ 8-12. Registration of Voters for City Only Supplemental Voter Registry.

A. Pursuant to the City Charter, the Board shall maintain a supplemental voter registry of those voters who are not registered to vote under the State Universal Registration Act. Any such voter qualified under C4-1, who is at least 16 years of age, has the City of Hyattsville as ~~THEIR~~~~his or her~~ primary residence, has resided within the corporate limits of the City for thirty (30) days, does not claim the right to vote elsewhere in the United States and has not been found by a Court to be unable to communicate a desire to vote, is eligible to register for the City Supplemental Voter Registry.

B. Procedures. Any person qualified to register to vote shall complete a City Registration Application, which shall be under oath and signed by the applicant. The applicant shall submit to the Board documentary proof acceptable to the Board that the applicant meets the above qualifications to be on the City Supplemental Voter Registry. Upon approval of the documentation, the Board shall register the applicant on the City Supplemental Registry.

C. Required identification and proof of residence. The following documents shall be considered acceptable to establish the qualifications for registration:

- (1) Current photo identification or an identification card issued by a federal state or local government entity of the United States or any foreign country or school provided**

the identification document contains a photograph and/or identifying information such as name, date of birth, gender, height or eye color. Examples of acceptable documentation include a United States or foreign passport, visa, alien registration card, driver's license, Motor Vehicle Administration identification card, military identification or school ID with photo.

(2) Documents that establish current residency, if not already established by the documents above. Examples include a copy of a deed, house or apartment lease, utility bill, paycheck, bank statement, school record or other official or government document that shows name current address in the City.

(3) If the applicant is unable to provide the required identification and proof of residence as recited above, it shall be acceptable proof if the applicant submits an affidavit on a form provided by the City Clerk attesting to the qualifications. The affidavit shall contain the following information:

- (i) the applicant's name and residence address including street and number;
- (ii) a statement that the applicant meets the registration requirements of the City Charter to be a qualified voter in the City;
- (iii) that the address on the application is ~~THEIR~~~~his or her~~ primary residence;
- (iv) the applicant has lived in the City of Hyattsville for at least thirty (30) days; and
- (v) the applicant does not claim the right to vote elsewhere in the United States.

The affidavit shall be executed under the penalties of perjury.

ARTICLE II

Campaign Finance

[Added 4-9-07 by HO-2007-07]

§ 8-15. Reports required. [Amended 12-1-14 by HO 2014-10]

A. Each candidate for the Office of Council or Mayor and the candidate's designated campaign treasurer shall file with the City Clerk reports as specified below which shall list individually each and every contribution and expenditure **as defined in this chapter** in furtherance of the candidate's nomination and election. The reports shall also include a total amount of all contributions.

B. Any political committee making expenditures in excess of one hundred dollars (\$100.00) to assist in the promotion of the success or defeat of any candidate or slate of candidates for elective office or to advocate a position on any cause to be submitted to the voters, shall file reports in accordance with this Article.

C. Unless otherwise provided, any report shall include contributions received or expenditures made by the candidate or, made by any other person with the knowledge of the candidate or the candidate's treasurer. Reportable contributions and expenditures shall include cash, campaign signs, brochures, postage, advertisements, professional services (*i.e.*, the entity or person is or has been compensated for similar services regularly on a full or part-time basis outside of the campaign) and any other material used for the campaign.

D. All reports filed shall be available for examination by any member of the public during normal office hours of the City Clerk.

E. **All candidates/committees shall file their campaign finance reports as herein provided as well as with the State Board of Elections.**

F. In this Article II the term “candidate” shall include any individual who has not registered as a candidate, but is actively running for elected office in a City election, or any individual who shall be declared as elected by the Board of Supervisors of Elections. **The Board shall determine the applicant’s campaign finance report(s) to be filed by such a “candidate.”**

§ 8-16. Deadline for filing reports; Review by Board.

A. **When there is no advance voting day the following deadlines for campaign reports shall apply:**

1. **Initial Report** - An initial report shall be filed on the 15th day preceding the election day including all reportable contributions and expenditures made since the last preceding election.

2. **Second Report** - A second report shall be filed on the 7th day preceding the election day and shall include reportable contributions and expenditures made since the last preceding election.

3. **Third Report** - A third report shall be filed on the 7th day following the election day and shall include all reportable contributions and expenditures made since the last preceding election.

B. **When there are advance voting days, the following deadlines for campaign reports shall apply:**

1. **Initial Report** - An initial report shall be filed on the 5th day preceding the first advance voting day and shall include reportable contributions and expenditures made since the last preceding election.

2. **Second Report** - A second report shall be filed on the 7th day preceding the election day and shall include reportable contributions and expenditures made since the last preceding election.

3. **Third Report** - A third report shall be filed on the 7th day following the election and shall include reportable contributions and expenditures made since the last preceding election.

C. **Further Reports** - if a final report reflects a cash balance, unpaid bills or a deficit greater than five hundred dollars (\$500.00), an annual report shall be filed on or before December 31 of each year, until the cash balance, unpaid bill(s) or deficit is eliminated and a report reflecting such is filed with the City Clerk’s Office. Each report filed shall include all contributions and expenditures made or received since the previous report.

D. Reports must be filed by 5:00 p.m. of the day they are due.

E. **The Board shall appoint an individual or individuals with some expertise in reading financial statements to promptly review all reports filed, which person shall notify the**

Board of any irregularities, discrepancies or errors, recommend action to the Board; and attempt to assist the persons reporting to correct any deficiencies.

§ 8-17. Form; affirmation of report.

A. The reports shall be made on forms or in a format provided by the City Clerk and approved by the City Attorney. The reports shall be subscribed and sworn to (or affirmed) by the candidate and by the candidate's treasurer **and shall include the receipts for all expenditures, dates, amounts and information to identify each contributor and recipient of funds.**

B. Each report shall include any balance remaining from the last reporting period (including prior elections), as well as all contributions received and expenditures made from the day of the filing of the last report (if any) through the day preceding the filing of the report.

§ 8-18. Special reporting requirements.

A. **Family contributions** - a report need not identify separately the campaign contributions made by the candidate or the candidate's spouse or domestic partner but may aggregate such under one line or total.

B. In a case where the total contributions for the campaign (excluding contributions by the candidate, or the candidate's spouse/domestic partner) are less than fifteen hundred (\$1,500.00) dollars for a Councilmember candidate or five thousand (\$5,000.00) dollars for mayoral candidate, the candidate may file an abbreviated report that attests under oath that the contribution limits outlined herein were not exceeded, and states the total contributions, the contributions outlined in subsection (a) above, and the contributions outlined in section 8-15. **Nothing in this section 8-18 waives the requirements of reporting all expenses.**

§ 8-19. Appointment of Treasurer.

A. Each candidate or political shall appoint one treasurer and shall file the name and address of the treasurer, together with the treasurer's acceptance of the appointment in writing, on a form provided by, and returned to, the City Clerk, no less than thirty (30) days prior to the election. **In the event of the resignation of an appointed treasurer, the candidate or committee must immediately inform the Board and shall within seventy-two (72) hours appoint a new treasurer and so inform the Board in writing.**

B. A candidate **or member of the political committee** may serve as the treasurer so long as the candidate **or committee** has not received and does not intend to receive a total of reportable contributions more than fifteen hundred dollars (\$1,500.00) excluding contributions **to a candidate's campaign if made** by a candidate or the candidate's spouse.

C. In the event the contributions exceed the amount in subsection (b) immediately above, the candidate **or committee** must report such to the clerk, and appoint a treasurer and file the appropriate form within two (2) days.

§ 8-20. Failure to appoint a treasurer or file reports.

A. The Board of Election Supervisors or the Clerk shall promptly send a written notice to any candidate **or committee** who fails to appoint a treasurer or to file timely campaign finance reports. Such notice shall be posted on the City's website and on the City's bulletin board.

B. The Board of Election supervisors is responsible for ensuring that all forms and campaign finance reports are in substantial compliance with this chapter. If the Board identifies a reporting inaccuracy or deficiency, they shall notify the candidate and candidate's treasurer in writing. A corrected report shall be filed within seven (7) days of such notice, unless the Board waives such inaccuracy or deficiency for good cause, with or without a hearing.

C. Failure to file a corrected report within seven (7) days after a notice from the Board or the Clerk is sent shall render the report overdue.

§ 8-21. Restrictions on Campaign Contributions.

A. Maximum contribution. The maximum contribution per contributor for any one candidate or committee shall be no more than fifteen hundred dollars (\$1,500.00) for any City election. No candidate or political committee may accept money from any contributor if the contributor has previously contributed fifteen hundred dollars (\$1,500.00) to the election or issue.

B. Maximum contribution. No candidate or political committee or any person acting on behalf of a candidate or political committee may accept a contribution in excess of fifteen hundred dollars (\$1,500.00) from any one person (or entity) in any election.

C. Prohibitions. No candidate or political committee shall accept any contribution from a(n) (1) anonymous contributor or (2) foreign national. Any such contribution shall be promptly paid over to the City to be used for any public purpose.

D. Candidate and spouse contributions. The contributions of a candidate or the candidate's spouse to the candidate's own campaign shall not be subject to the limitations of this Section 8-21, but monetary contributions must pass through the candidate's campaign account and be reported.

E. Separate campaign account. When the contributions received by a candidate or political committee exceed a total of two hundred dollars (\$200.00), all funds must be deposited in a campaign account opened with a financial institution and such funds must not be commingled with any other funds or accounts.

F. Loans for a campaign.

(1) A loan to a candidate is considered a contribution unless: (a) the loan is from a financial institution or other entity in the business of making loans or (b) the loan is to the candidate and repayment is personally guaranteed by the candidate and is due within one year of the date of the loan.

(2) A loan by the candidate or ~~THEIR~~his or her spouse is exempt from the requirements of this subsection.

(3) The total amount of all loans to a candidate or committee for any election shall not exceed five thousand dollars (\$5,000.00). Amounts spent by candidate of ~~THEIR~~his/her own money shall not be limited by this subsection.

§ 8-22. Restrictions on Use of Campaign Funds.

A. No cash withdrawals shall be allowed.

B. Campaign funds shall not be used to pay a fine for a violation of this Chapter.

C. No person other than a candidate, treasurer, political committee or other agent with specific written authorization by the candidate or political committee, shall make an expenditure from the campaign account.

D. Disposition of surplus funds. After an election, a candidate or political committee may retain surplus funds or surplus funds may be disposed of as follows:

(1) Returned, pro rata, to the contributors by the treasurer; or

(2) Paid to a charitable organization registered pursuant to Article 41, Section 103B, of the Annotated Code of Maryland, as amended, or to a charitable organization exempt from such registration pursuant to Article 41, Section 103 of the Annotated Code of Maryland, as amended; or

(3) Paid to a local board of education or to a recognized nonprofit organization providing services or funds for the benefit of pupils or teachers; or

(4) Paid to any public or private institution of higher education in the state for scholarship or loan purposes.

§ 8-23. Penalties. [Amended 12-1-14 by HO 2014-10]

A. The City Ethics Commission shall have non-exclusive jurisdiction to investigate and decide any violations of this Article II. **The City Administrator shall monitor and make appropriate recommendations to the Board and the Ethics Commission in the event of duplicative hearings.**

B. The penalties recited in this section are cumulative so that the imposition of one or more of the penalties does not preclude the imposition of any other penalty outlined in this section.

C. A candidate shall not be seated and sworn as an elected official and shall not receive a salary until all reports required by this chapter are filed in compliance with the requirements of this Chapter as well as all reports required by the City's Ethics Ordinance.

D. In addition to any other penalty or sanctions the City Council may, after notice and/or hearing, impose such censure or penalty on the person elected who has violated this Article that the Council deems reasonable and appropriate including a refusal to seat the individual, removal from office and a declaration that the seat is vacant.

E. It shall be a misdemeanor for any person, including a treasurer or candidate for public office to willfully violate or cause or allow a violation of this Article II. Upon conviction, a fine of up to one thousand dollars (\$1,000.00) may be imposed by the Court.

F. The Board may impose a fine of two hundred (\$200.00) dollars on any unsuccessful candidate and the candidate's treasurer if the final report as described in section 8-14 above is more than seven (7) days late. The Board shall have the power to waive or reduce the penalty for good cause with or without a hearing.

G. The Board may at its discretion choose not to qualify as a candidate any individual who in any previous campaign as a candidate has not filed all required reports. The Board shall not qualify as a candidate anyone who has consistently failed to observe any required procedures regarding election in previous campaigns. The Board shall have discretion to consider any mitigating circumstances in any ruling on a candidacy. Appeals to Board action shall be available pursuant to C-4-7 of the Charter.

ARTICLE III

VOTE-BY-MAIL Absentee Ballots

§ 8-27. Application Form for VOTE-BY-MAIL Absentee Ballot. [Added 5-3-76; Amended 12-19-83 by HB No. 15-83; 2-6-89 by HB No. 1-89, Amended 2-20-07 by HO-2007-03]

A. Printed forms of applications for **VOTE-BY-MAIL** absentee ballots in accordance with the requirements of this chapter shall be provided by the Board and shall be available to any qualified voter.

B. The Board of Supervisors of Elections shall prescribe the forms of application for candidacy, **VOTE-BY-MAIL** absentee registration and ballot, application for **VOTE-BY-MAIL** absentee ballot by registered voter, and related affidavits and statements for consideration by the Mayor and City Council as the Board deems necessary.

§ 8-28. Contents of Application for VOTE-BY-MAIL Absentee Ballot. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89; Amended 2-20-07 by HO-2007-03; Amended 2-9-09 by HO-2009-04]

A qualified voter desiring to vote at any election as an **VOTE-BY-MAIL** absentee voter shall make an application, in writing, to the Board for an **VOTE-BY-MAIL** absentee ballot. The application shall contain an affidavit, which need not be under oath but which shall set forth the following information under penalty of perjury:

A. The voter's name and residence address, including the street and number.

B. That the person is a qualified voter at the residence address given.

C. If the person voted at the preceding election, the residence address from which he or she voted.

D. The address to which the ballot is to be mailed, if different from the resident address.

§ 8-29. VOTE-BY-MAIL Absentee Ballots: Review of Applications, Delivery and Maintenance of Records. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89, Amended 2-20-07 by HO-2007-03; Amended 2-9-09 by HO-2009-04]

A. Rejection of application. Upon receipt of an application containing the affidavit, the Board shall reject the application only upon the unanimous vote of the entire Board and, when rejected, shall notify the applicant of the reason therefor, if it determines, upon inquiry, that the applicant is not legally qualified to vote in the election.

B. Delivery of ballot. If the applicant is a qualified voter as stated in ~~THEIR~~^{his/her} affidavit, the Board shall, as soon as practical thereafter, deliver to ~~THE APPLICANT~~^{him/her} at the office of the Board or mail to ~~THE APPLICANT~~^{him/her} at an address designated by ~~THE APPLICANT~~^{him/her} as an **VOTE-BY-MAIL** absentee voter's ballot. If the applicant is one with respect to whom free postage privileges are provided for by any other federal law, rule or regulation, the Board shall take full advantage of these privileges. In all other instances, postage for transmitting ballot material to voters shall be paid by the voters. If the ballots are to be sent by mail, the determination required in Subsection A of this section shall be made in such time as will allow the sending and return of the ballots by regular mail, depending on the mailing address, and including at least one (1) day for marking the ballots and completing the affidavit.

C. Record of applications received and ballots delivered.

(1) The Board shall keep a record of applications for **VOTE-BY-MAIL** absentee voters' ballots as they are received; showing the date received and the names and residence of the applicants, and such record shall be available for examination by any registered voter.

(2) After approval of an application for an **VOTE-BY-MAIL** absentee ballot and the mailing/delivery to the applicant of an **VOTE-BY-MAIL** absentee ballot, then the voters record card in the precinct binder shall be removed and placed in a separate binder marked "registered **VOTE-BY-MAIL** absentee voters" and retained in the office of the Board. A marker shall be placed in the regular precinct binder with the voter's name and shall record the fact that an **VOTE-BY-MAIL** absentee ballot has been mailed, which shall show the date on which the ballot was sent. No such voter shall vote or be allowed to vote in person at any polling place.

D. One (1) ballot per applicant. Not more than one (1) **VOTE-BY-MAIL** absentee ballot shall be mailed to any one (1) applicant unless the Board has reasonable grounds to believe that the **VOTE-BY-MAIL** absentee ballot previously mailed has been lost, destroyed or spoiled.

§ 8-30. Form and Contents of Absentee Ballots. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89]

A. Printing of ballots for **VOTE-BY-MAIL** absentee voters, envelopes and instructions. In sufficient time prior to any election, the Board shall have printed an adequate number of **VOTE-BY-MAIL** absentee ballots, the three (3) kinds of envelopes described in this section and the instructions to **VOTE-BY-MAIL** absentee voters as set out in § 8-9 of this chapter.

B. **VOTE-BY-MAIL** absentee ballots, in the discretion of the Board, will be in the form of paper ballots. The form and arrangement of all **VOTE-BY-MAIL** absentee ballots shall be as prescribed by the Board of Supervisors of Elections.

C. Format and printing of ballots. The ballots shall contain the words "**VOTE-BY-MAIL** absentee ballot" printed in large letters in a clear space at the top of each paper ballot. Underneath these words shall be printed the following warning: "Mark ballot by placing X in proper blank after each candidate or question. Do not erase or make identifying mark." The designation of the election ward shall be left blank on paper ballots on the back and outside of said ballots, and such designation shall be filled in by the Board before being sent to any registered **VOTE-BY-MAIL** absentee voter. All candidates shall be listed by office and alphabetically within the office. Referendum questions shall follow the listing of candidates for all offices.

D. Envelopes. The Board of Supervisors of Elections shall prescribe the size, form and printed content of the **VOTE-BY-MAIL** absentee ballot material envelopes, providing for a covering envelope, a ballot envelope and a return envelope.

§ 8-31. Instructions to voters. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89; Amended 2-9-09 by HO-2009-04]

Printed Instructions. The printed instructions for the casting of **VOTE-BY-MAIL** absentee ballots shall be prescribed by the Board of Supervisors of Elections, and it shall prescribe instructions for paper ballots.

Restrictions regarding Ballots. No completed ballot shall be handled, or delivered by a candidate or an individual volunteering or working for a candidate except for **THEIR**~~his/her~~ own ballot or that of **THEIR**~~his/her~~ immediate family member or a member of **THEIR**~~his/her~~ household.

Delivery. Completed ballots during voting hours may be hand-delivered to the City Clerk's Office during normal business hours or to the board of Supervisors of Elections during voting hours at the voting places on any Election Day or advance of Election Day, or at a place and time designated by the Board of Supervisors of Elections for receiving such.

§ 8-32. VOTE-BY-MAILAbsentee Ballots; Procedure for Assistance. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89, Amended 2-20-07 by HO-2007-03; Amended 2-9-09 by HO-2009-04]

A. Application procedure for voting. Any qualified voter shall make application for an **VOTE-BY-MAILAbsentee** ballot as provided in this chapter. The completed application shall be filed in the office of the Board of Supervisors of Elections not later than 10:00 a.m. on the last day the City offices are open for regular business prior to Election Day. No completed application shall be handled, or delivered by a candidate or an individual volunteering or working for a candidate except for **THEIR**~~his/her~~ own application or that of **THEIR**~~his/her~~ immediate family member or a member of **THEIR**~~his/her~~ household. Upon receipt of a completed application, the Board shall mail or provide to the voter entitled thereto an **VOTE-BY-MAILAbsentee** ballot.

B. Assistance in marking ballot. Any otherwise qualified voter who is blind, physically challenged or impaired and is for one (1) of these reasons unable to mark **THEIR**~~his/her~~ **VOTE-BY-MAILAbsentee** ballot and sign the required oath may be assisted in voting by any person selected by the voter. Any person rendering assistance pursuant to this subsection must execute the certification of the oath of person assisting **VOTE-BY-MAILAbsentee** voter form.

§ 8-33. Procedure for Counting and Canvassing VOTE-BY-MAILAbsentee Ballots. [Added 5-3-76; Amended 2-6-89 by HB No. 1-89; Amended 2-9-09 by HO-2009-04]

A. Opening or unfolding ballots. The Board shall not open or unfold any **VOTE-BY-MAILAbsentee** ballot at any time prior to the closing of the polls and the beginning of the canvass of the ~~absentee~~ ballots.

B. Procedure generally. No **VOTE-BY-MAILAbsentee** ballot shall be counted if it is received by the Board of Supervisors of Elections after the closing of the polls on Election Day. Immediately following the canvass of the votes cast at the regular voting places in the City on Election Day, the Board shall meet at the usual office of the Board and shall proceed to count, certify and canvass the **VOTE-BY-MAILAbsentee** ballots contained in the ballot envelopes received by it prior to the closing of the polls on Election Day. No ballot shall be rejected by the Board except by the unanimous vote of the entire Board. This canvass shall be conducted by ward in accordance with the applicable provisions of § C4-11 of the City of Hyattsville Charter. All **VOTE-BY-MAILAbsentee** voters' applications, certifications, ballot envelopes and ballots shall be kept separate and apart from ballots cast at the regular voting places and retained for six (6) months after the date of election at which they were cast, unless prior to that time the Board shall be ordered by a Court of competent jurisdiction to keep the same for any longer period.

C. Ballot voted for person who has ceased to be a candidate. Any **VOTE-BY-MAILAbsentee** ballot voted for a person who has ceased to be a candidate shall not be counted for such candidate, but such vote shall not invalidate the remainder of such ballot.

D. Death of voter before Election Day. Whenever any Board shall determine from proof of investigation that any person who has marked and transmitted or deposited in person with the Board an **VOTE-BY-MAIL** absentee ballot, whether under act of Congress or the provisions of this chapter, has died before election day, said Board shall not count the ballot of said deceased voter, but it shall be preserved by the Board for six (6) months and may then be destroyed. If, at or prior to the time of such counting and canvassing, the Board shall not have determined that the **VOTE-BY-MAIL** absentee resident who marked a ballot had died before election day, said ballot shall be counted, and the fact that said **VOTE-BY-MAIL** absentee resident may later be shown to have been actually dead on election day shall not invalidate said ballot or said election.

E. Placement of ballots in **VOTE-BY-MAIL** absentee ballot box and entry in registry; more than one (1) ballot in envelope; marking ballots. If the Board determines that the provisions for filling out and signing the oath on the outside of the ballot envelope have been substantially complied with and that the person signing the voter's oath is entitled to vote under this chapter in any ward of the City, as the case may be, and has not already voted therein on election day, it shall open the ballot envelope and remove the ballot therefrom and place it in an **VOTE-BY-MAIL** absentee ballot box. When any ballot envelope is opened, the Board shall enter in the appropriate register the fact that the voter whose name appears thereon has voted, using the initials "**VBMAB**" to indicate the vote has been by **VOTE-BY-MAIL** absentee ballot. If there is more than one (1) ballot in the ballot envelope, all shall be rejected. **VOTE-BY-MAIL** absentee ballots may be marked by any kind of pencil or ink.

F. More than one (1) ballot received from the same person. If the Board receives from the same person prior to the closing of the polls on Election Day more than one (1) **VOTE-BY-MAIL** absentee ballot, it shall count, certify and canvass only the **VOTE-BY-MAIL** absentee ballot with the earliest date, or, if both are undated or dated the same, none of the ballots received from such person shall be counted.

§ 8-34. Penalty. [Added 2-20-07 by HO-2007-03]

Anyone who willfully signs any—~~false~~ application, **affidavit** or oath **containing false information** or who willfully does any act contrary to the terms and provisions of this chapter with intent to cast an illegal vote or to aid another in doing so or who willfully violates any of the provisions of this Chapter or who applies for a ballot under any other name than **THEIR** ~~his/her~~ own name shall be guilty of a misdemeanor and, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) or to imprisonment of not more than ninety (90) days, or to both, at the discretion of the Court.

ARTICLE IV

Complaints

§ 8-40. Filing Procedure for Complaints.

Any person who is a qualified voter of the City and believes that a violation of this chapter or a provision of the City Charter has occurred, may file a written complaint with the Board of Supervisors of Elections. The complaint shall include all particulars of the allegation, and must be signed by the complaining party. Such complaint must be filed with the Board within thirty (30) days of the date of the alleged violation.

§ 8-41. Investigation of Complaints.

After the filing of any complaint, the Board of Supervisors of Elections shall make such investigation as deemed appropriate to ascertain whether there are reasonable grounds to believe the allegation is true. The Board may request the City Administrator's assistance in this investigation.

§ 8-42. Procedure When Violation of Chapter Not Found.

If the Board of Supervisors of Elections, in investigating a complaint, determines there are no reasonable grounds to believe that a violation of this chapter has occurred, the Board shall issue a written order dismissing the complaint.

§ 8-43. Procedure When Violation of Chapter is Found.

If the Board of Supervisors of Elections, in investigating a complaint, determines there are reasonable grounds to believe that a violation of this chapter has occurred, the Board or its designee shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties and such representative as the parties may choose to assist them. If a complaint is conciliated, the terms of the conciliation agreed to by the parties may be reduced to writing and incorporated into a consent agreement as needed.

§ 8-44. Board Hearings Generally.

If there are reasonable grounds to believe a violation of law has occurred and the case has not been conciliated, the Board shall serve upon the person against whom the complaint has been filed (designated as the "respondent") a summons and statement of charges shall be served upon all interested parties along with a notice of the time and place of the hearing. The respondent or an authorized representative may file such statements with the Board prior to the hearing date as deemed necessary in support of respondent's position.

§ 8-45. Board Action When Violation of Chapter Not Found.

If, at the conclusion of a hearing, the Board determines, upon the preponderance of the evidence of record, that the respondent has not violated this chapter or any applicable election law, the Board shall state and publish its findings and issue an order dismissing the complaint.

§ 8-46. Board Action When Violation of Chapter Found.

If, at the conclusion of a hearing, the Board determines, upon the preponderance of the evidence of the record, that the respondent has violated this chapter or any applicable election law, the Board shall state and publish its findings and issue an order. Such order shall require the respondent to cease and desist from such unlawful conduct, impose such conditions, mandates or prohibitions on any violator as the Board determines to be appropriate and may require the respondent to take corrective action. In addition, the Board may recommend to the City Administrator the imposition of civil penalties not to exceed one thousand dollars (\$1,000.00) as defined in this chapter.

Any order of the Board may be appealed to the Circuit Court of Maryland within fourteen (14) days of issuance. Failure to comply with an order of the Board shall constitute a violation of this chapter subject to the penalties outlined herein.

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 _____, 2016.

ADOPTED by the City Council of the City of Hyattsville, Maryland, at a regular public meeting on _____, 2016.

Adopted: _____

Attest: _____
Laura Reams, City Clerk

Candace B. Hollingsworth, Mayor

{} indicate deletions

CAPS/**BOLD** indicate additions

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



Hyattsville City Council Agenda Item Report

Meeting Date: November 21, 2016

Submitted by: Jim Chandler

Submitting Department: Community & Economic Development

Item Type: Planning & Development

Agenda Section: Discussion Items (9:10 p.m. – 10:05 p.m.)

SUBJECT

SP-160000: Saint Mary Eritrean Church at the former Lutheran Concordia Site (10 minutes)

Motion #

Discussion Only, Scheduled for Action on 12/5/16

Recommendation:

Sponsor(s):

At the Request of the City Administrator

ATTACHMENTS

[SOJ-SP-160000.pdf](#)

[CIVP-SP-160000.pdf](#)

[Lutheran_Concordia_SP_Memo_-_Final.docx](#)

Summary Background:

Special Permit application for Saint Mary Eritrean Orthodox Tewahdo Church to locate at 3705 Longfellow Street in Hyattsville

Next Steps:

Saint Mary Eritrean Orthodox Tewahdo Church has requested a Special Permit to operate a Church in the former Concordia Lutheran School property located at 3701 Longfellow Street. The proposed use is compliant with the Gateway Arts District Sector Plan for the adaptive reuse of an industrial property. The Hyattsville Planning Committee reviewed and discussed the proposal during their 15 November 2016 meeting and chose to remain neutral on the project. The applicant has met with surrounding property owners and reports that attendees were receptive with no strong opposition. Investment in the property will improve the building and grounds and provide a reasonable alternative to an otherwise vacant and neglected property. Should the the Council choose to adopt a position, it will be scheduled for action during the December 5, 2016 meeting. Upon direction, the staff will refer Council comments to the Maryland-National Capital Park and Planning Commission (M-NCPPC). The Planning Board date has not yet been scheduled, but according to the applicant, it is expected to be heard at either the 5 or 12 January meeting.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Consideration

Community Engagement:

The applicant hosted a community meeting for August 8, 2016. According to the applicant, meeting attendees were receptive to the idea and there was no strong opposition to the project.

The Special Permit case was brought to the Hyattsville Planning Committee at their November 15, 2016 meeting. After review and discussion of the materials, the Committee remained neutral on the project and did not make a declaration in support or opposition.

Strategic Goals:

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

Action 2.4 – Provide economic development programming and projects to support and facilitate infill, revitalization, redevelopment and transit-oriented investment.

Legal Review Required?

N/A

SPECIAL PERMIT APPLICATION NO. 160000 (THE “APPLICATION”)
STATEMENT OF JUSTIFICATION – REVISED AND RESTATED
3705 LONGFELLOW STREET, HYATTSVILLE

APPLICANT: Saint Mary Eritrean Orthodox Tewahdo Church, Inc.
211 Upshur Street, NW
Washington, DC 20011

ATTORNEYS: Linowes and Blocher LLP
Midgett S. Parker, Jr., Esq.
Matthew M. Gordon, Esq.
One Park Place, Suite 585
Annapolis, Maryland 21401

I. PROPERTY DESCRIPTION

- A. Address – 3705 Longfellow Street, Hyattsville, Maryland 20782 (the “Property”)
- B. Proposed Use – Adaptive reuse of a building previously occupied by an institutional use under 25,000 square feet in gross floor area for an institutional use
- C. Election District – 16
- D. Tax Map 42 /Parcel 33
- E. Real Property Total Area – 1.84 acres
- F. Building Gross Floor Area – 19,648 square feet
- G. Location – Located south of Longfellow Street in between 37th and 38th Avenue
- H. Zoning/Sector Plan: R-55 / Gateway Arts District Development Overlay Zone
- I. Owner – Saint Mary Eritrean Tewahdo Church, Inc.
- J. Incorporated Area – Hyattsville
- K. Master Plan – 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George’s County Gateway Arts District (located in a Traditional Residential Neighborhood character area)

II. INTRODUCTION

Saint Mary Eritrean Orthodox Tewahdo Church, Inc. (the “Applicant”), by its attorneys, Linowes and Blocher LLP, requests approval of a Special Permit pursuant to the 2004 Approved Prince George’s County Gateway Arts District Sector Plan (the “Sector Plan”) to allow adaptive reuse of a building previously occupied by an institutional use under 25,000 square feet in gross floor area for an institutional use, where not otherwise allowed. The Applicant intends to renovate and rehabilitate the existing building at the Property so that it can be used for another institutional use - a Church.

The Property is currently identified as Parcel 33, Concordia Lutheran School on tax map 42, Grid A4. The Property is illustrated on the Street Dedication Plat for “37th and 38th and part of Legation Street” recorded among the Land Records of Prince George’s County, Maryland (the “Land Records”) in Plat Book BB 9 at Page 90, as well as on the “Clearwood, Blocks 13, 14, and 15, and Lots 1 to 9 inc. Block 10” Subdivision Plat recorded in Plat Book BB 10 at Page 65 on. Parcel 33 totals 1.84 acres in size.

The Property is improved with a building previously used as an institutional use (private school), an ancillary surface parking lot containing 34 parking spaces, and an accessory storage shed that were approved and constructed in compliance with Special Exception 3356 and Use and Occupancy Permit No. 145-84-U. The existing building was constructed in 1942 according to the State Department of Assessments and Taxation’s real property records.

III. EXISTING ZONING AND PROPOSED ADAPTIVE REUSE

The Property’s underlying zoning is R-55 (One-Family Detached Residential). Pursuant to the Sector Plan adopted in 2004 (the “Sector Plan”), the Property was placed in a “Traditional Residential Neighborhood” character area which modifies the Property’s underlying zoning. The Sector Plan’s Use Table states that the “adaptive reuse of a building previously occupied by an institutional or public use under 25,000 square feet in gross floor area for an institutional use or arts-related use, where not otherwise allowed” is permitted upon approval of a Special Permit.

See page 185 of the Sector Plan. The Applicant's proposed use of the Property satisfies all of the conditions of the Adaptive Reuse provision contained in the Sector Plan as follows:

- (1) As outlined above, the Property was previously used and occupied as a private school, which is an institutional use. A copy of approved Use and Occupancy Permit No. 145-85-U and the accompanying site plan are attached hereto as Exhibit "A".¹
- (2) The gross floor area of the principal building is 18,814 square feet and the accessory storage shed behind the principal building is 834 square feet. Therefore, the existing building is less than 25,000 square feet of gross floor area.
- (3) The Applicant intends to renovate and adaptively reuse the building as a Church, with no increase in the existing gross floor area. A Church is also an institutional use.
- (4) Pursuant to the Sector Plan's Use Table, a Church is not otherwise allowed in Traditional Residential Neighborhood character areas of the Sector Plan. *See page 185 of the Sector Plan.*

Therefore, the Applicant's proposed use of the Property is permitted upon approval of a Special Permit application. This proposed adaptive reuse of building previously occupied by an institutional use for a Church is consistent with the Sector Plan's recommendation for Traditional Residential Neighborhood Character Areas, which is to "reinforce existing single-family detached residential neighborhoods as community-oriented, quiet, low-traffic, and child-safe." *See page 27 of the Sector Plan.* As outlined in greater detail in Section V below, the proposed adaptive reuse will be community oriented, quiet, generate minimal traffic, and promote a safe environment for children in the community.

Additionally, this Application proposes no additional gross floor area and solely includes rehabilitation and renovation of the existing institutional building so that it can be used as a

¹ Although the private school stopped operating in June of 2012, this institutional use did not become nonconforming under the Sector Plan. The Sector Plan states that "until a site plan is submitted, all buildings, structures and uses that were lawful or could be certified as a legal nonconforming use on the date of SMA approval are exempt from the development district standards and from site plan review and are not nonconforming." *See page 140 of the Sector Plan.*

Church. The Property has been vacant for approximately 4 years which has caused the building to deteriorate. The Applicant intends to make substantial upgrades to the building which will ensure that the Property is in compliance with the County's property standards code and that it does not remain in a blighted condition to the detriment of the neighboring properties.

In accordance with Section 27-568(a)(3) of the Zoning Ordinance and with the Property having 34 parking spaces, the Applicant recognizes that the Church's capacity will be 136. As required by Section 27-566(b)(1) of the Zoning Ordinance, 2 of the 36 parking spaces in the parking lot will be reserved for the physically handicapped. The Applicant intends to install a building mounted sign at the building's main entrance along the Property's Longfellow Street frontage. The building mounted sign will identify Saint Mary Eritrean Orthodox Tewahdo Church, and comply with the Sector Plan's development district standards and Section 27-617(a) of the Zoning Ordinance. The proposed building mounted sign is permitted and not subject to Detailed Site Plan review. A concept design drawing of the proposed building mounted sign is included with this Application for illustrative purposes. At a later date, a sign permit application will be submitted with a final design drawing for the building mounted sign, which will demonstrate that the sign area and height are in compliance with the Zoning Ordinance and Sector Plan's development district standards. The Site Plan submitted with this Application demonstrates that the building mounted sign will be setback a minimum of 15 feet from all adjoining residential properties. The Applicant proposes removal of the face of the existing freestanding monument sign located at the entrance to the parking lot along the Property's 37th Avenue frontage since re-facing this sign to identify the Applicant is prohibited by the Sector Plan's development district standards.

IV. STATEMENT OF OPERATIONS

The Applicant proposes 136 fixed seats in the building's auditorium to be used for its religious services that are held every Sunday from 7 am to 11:30 am. The Applicant proposes full occupancy of the auditorium during its Sunday services, but no other areas of the building will be used during this timeframe. On limited occasions throughout the year, the Applicant intends to use the Property on major holidays for religious services. Such holiday services will

involve full occupancy of the auditorium. In addition to its weekly services, the Applicant intends to provide Sunday school class for its children from 12:30 pm to 1:30 pm every Sunday. Sunday school class will be held in the building's classrooms with a maximum occupancy of 30 people.

During the weekdays, the Applicant does not propose to hold any services or church functions for the membership at the Property (with the exception of limited services for major holidays as explained above). The Applicant's priest and deacons may occasionally use the Property during the weekdays on limited occasions to prepare for its Sunday services; however, it is not anticipated that any of these visits to the Property will occur during the morning or evening peak hours.

V. EXEMPTIONS FROM THE DEVELOPMENT DISTRICT STANDARDS AND LANDSCAPE MANUAL

Pursuant to the Sector Plan's exemptions section, "permits for alteration or rehabilitation, with no increase of the existing gross floor area ..." are exempt from the development district standards and Detailed Site Plan review. *See page 141 of the Sector Plan.* Therefore, the Applicant's proposed alteration and rehabilitation of an existing building with no increase in gross floor area, is exempt from the development district standards and Detailed Site Plan review.²

In addition to being exempt from the development district standards and Detailed Site Plan review, this Application is not subject to the requirements of the 2010 Prince George's County Landscape Manual because it does not propose any additional gross floor area at the Property. *See Section 1.1(d) of the 2010 Prince George's County Landscape Manual.*

VI. REQUIRED FINDINGS FOR APPROVAL OF SPECIAL PERMIT APPLICATION

² The Prince George's County Planning Board has made such a finding in its review of a previous Special Permit application subject to the Gateway Arts District Sector Plan. *See Case No. SP-150006, PGCPB Resolution No. 15-120.*

Section 27-239.02(a)(6)(c) of the Zoning Ordinance lists the required findings for this Application, which are outlined below³:

(C) The Planning Board may grant a Special Permit in other zones, as provided in the use tables, if it finds:

(i) The site plan generally conforms with the design guidelines in an approved Master Plan or other applicable plan; and

As outlined in Section IV above, this Application proposes the adaptive reuse of the interior of an existing institutional building with no increase in gross floor area. As such, this application is exempt from the Sector Plan's development district standards. Therefore, the first finding above does not apply as conformance to the development district standards of the Sector Plan is not required. *See Case No. SP-150006, PGCPB Resolution No. 15-120.*

(ii) The site plan shows that the proposed use will not be incompatible with adjacent properties because of the building or site design.

As indicated above, this Application does not propose any new development or additional gross floor area at the Property. The Applicant proposes to adaptively reuse the existing building that was previously used as a private school for another institutional use, a Church. This adaptive reuse is not incompatible with the adjacent properties because of building or site design. Significantly, the prior owner/occupant of the Property operated a private school for several decades that has always appeared to be compatible and in harmony with the adjacent properties. The adaptive reuse of this existing institutional building which has served the community as a private school to another institutional use - a church, by maintaining the same building and site design, will allow for continued compatibility with the surrounding neighborhood.

The Application conforms to the recommendations of the Sector Plan. Specifically, the Sector Plan recommends reinforcing "existing single-family detached residential neighborhoods as community-oriented, quiet, low-traffic, and child-safe" within the Traditional Residential

³ There are no required findings identified for approval of a Special Permit application in the Sector Plan; therefore, the criteria contained in Section 27-239.02(a)(6)(c) of the Zoning Ordinance is controlling.

Neighborhood character areas. *See page 27 of the Sector Plan.* The Applicant's use of the Property will be for religious worship services primarily once a week (Sundays). There shall be the exceptions that it will hold religious worship services on the Property on limited instances during its high holidays. During the weekdays, the Property will generate little to no traffic. Additionally, many of the Applicant's members reside in the Hyattsville and nearby areas of Prince George's County which will foster community-oriented uses of the Property.

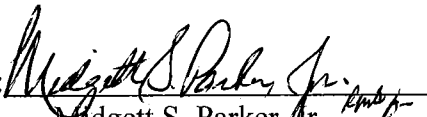
The Sector Plan also established a goal to "identify and recommend the preservation and enhancement of features that have significant influence on the environment and the aesthetic quality of the sector plan." *See page 30 of the Sector Plan.* The Applicant proposes to preserve and maintain the existing green space at the Property. Accordingly, the Application illustrates that this important green space will be preserved which benefits the environment and aesthetic quality of the Sector Plan. Preserving and maintaining this green space will also ensure that the site design remains compatible with the adjacent properties, and that the existing structure is setback and buffered from the surrounding neighborhood.

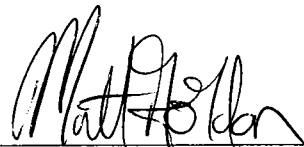
VII. CONCLUSION

The Applicant respectfully requests that the Prince George's County Planning Board approve and grant this Application for Special Permit because its proposed adapted re-use of the property satisfies the criteria in Section 27-239.02 of the Zoning Ordinance.

Respectfully submitted,

LINOWES AND BLOCHER LLP

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Attorneys for Applicant

**L&B 5959158v2/13052.0001

SPECIAL PERMIT SITE & LANDSCAPE PLAN

ST. MARY ERITREAN ORTHODOX TEWAHDO CHURCH

KENT, 13th ELECTION DISTRICT

PRINCE GEORGE'S COUNTY, MARYLAND

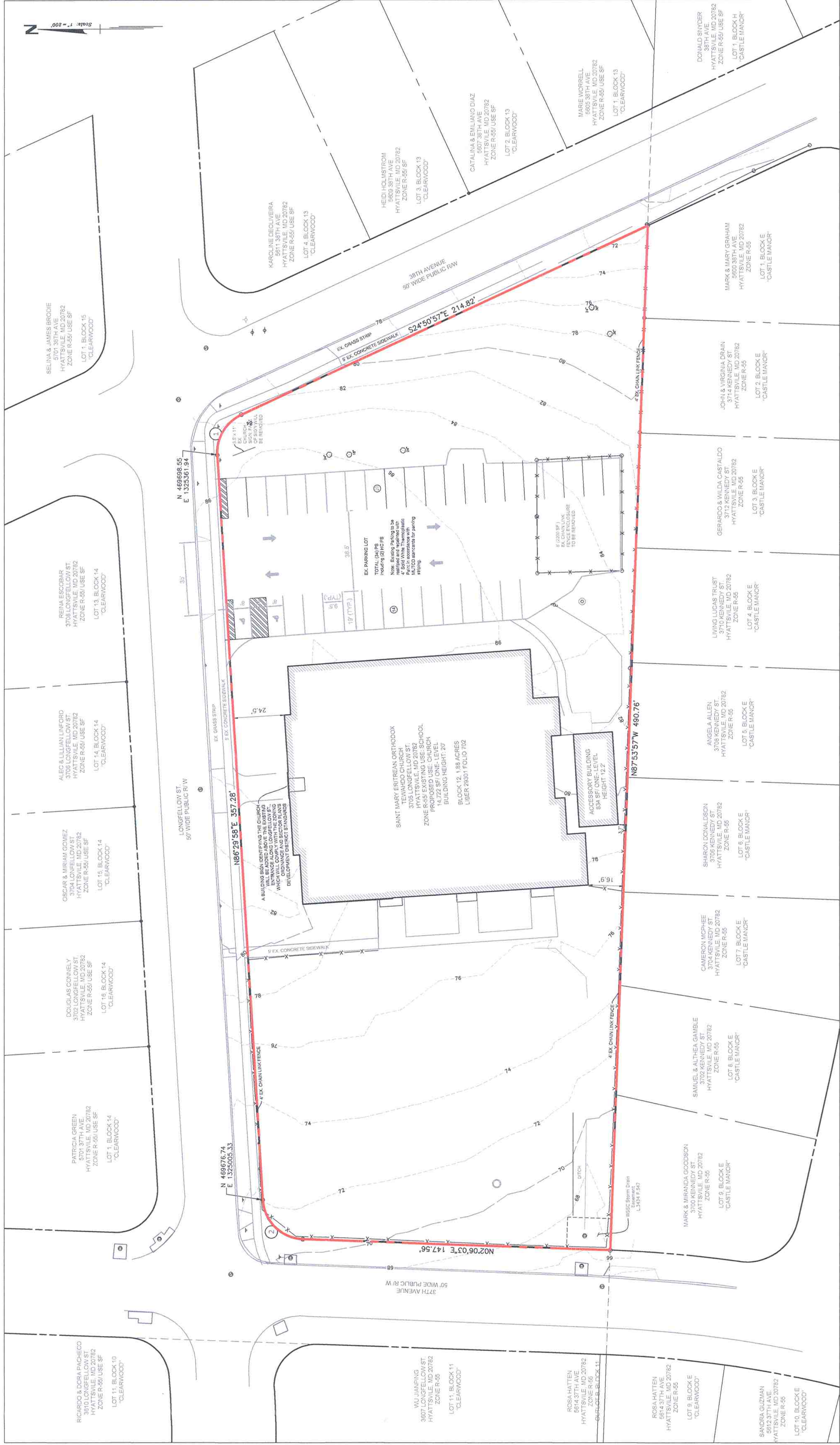
GENERAL NOTES:

1. PARCEL 33, CONCORDIA LUTHERAN SCHOOL/
L34166 F.342, A17-2978
2. TAX MAP 42, GRID A4
3. WSSC GRID: 207NE03
4. PROPOSED USE: ADAPTIVE RE-USE OF A BUILDING PREVIOUSLY USED FOR COMMERCIAL PURPOSES. THE PROPOSED USE IS A CHURCH. THE PROPOSED USE IS NOT AN INSTITUTIONAL USE, WHERE NOT OTHERWISE ALLOWED.
5. PRIOR APPROVALS: SPECIAL EXCEPTION #6396 AND PERMIT NO. 145-84-U
6. TOTAL SITE AREA: 1.84 ACRES
7. NET DEVELOPABLE AREA OUTSIDE OF FMA: N/A
8. ACREAGE OF ENVIRONMENTAL REGULATED FEATURES: N/A
9. ACREAGE OF 100-YEAR FLOODPLAIN: N/A
10. ACREAGE OF ROAD DEDICATION: N/A
11. EXISTING ZONING: R-45, TRADITIONAL RESIDENTIAL NEIGHBORHOOD CHARACTER AREA OF THE GATEWAY ARTS DISTRICT SECTOR PLAN
12. PROPOSED ZONING: R-45, TRADITIONAL RESIDENTIAL NEIGHBORHOOD CHARACTER AREA OF THE GATEWAY ARTS DISTRICT SECTOR PLAN
13. BREAKDOWN OF PROPOSED DWELLING UNIT BY TYPE: N/A
14. DENSITY CALCULATION: N/A
15. MINIMUM LOT SIZE REQUIRED BY ZONING ORDINANCE AND DIVISION REGULATIONS (24-150): N/A
16. SUSTAINABLE GROWTH TIER (NO)
17. ANDREWS, INTERM LAND USE CONTROL (NO)
18. CENTER OR CORRIDOR LOCATION (NO)
19. EXISTING OR PROPOSED GROSS FLOOR AREA:
EXISTING: 18,814 SF BUILDING FOOTPRINT
ACCESSORY BLDG: 834 SF ACCESSORY BLDG.
20. PROPOSED SEATING: 136 FIXED AUDITORIUM SEATS
21. STORMWATER MANAGEMENT CONCEPT # N/A
22. EXISTING WATER/SEWER CATEGORY: W-3, S-3
23. AVIATION POLICY AREA: N/A
24. MANDATORY PARK DEDICATION REQUIREMENT (NO)
25. THERE ARE NO CEMETERIES ON SITE BASED UPON RECORDS RESEARCHED BY RCI.
26. THERE ARE NO HISTORICAL SITES WITHIN THE PROPOSED SUBDIVISION BASED UPON RECORDS RESEARCHED BY RCI.
27. WOODLAND CONSERVATION EXEMPTION: S-14B-16, B-1-16
NRI EQUIVALENCY APPROVAL: T11-2016, B-1-16
28. WITHIN CHESAPEAKE BAY CRITICAL AREA (NO)
29. WETLANDS (NO)
30. STREAMS (NO)
31. SOILS BY SOIL TYPE AND SOURCE OF SOIL INFORMATION
IF NO NRI: N/A
32. IN OR ADJACENT TO AN EASEMENT HELD BY THE MARYLAND PRESERVATION FOUNDATION, OR ANY LAND TRUST OR ORGANIZATION (NO)
33. THIS EXISTING SITE IS EXEMPT FROM LANDSCAPE REQUIREMENTS PER LANDSCAPE MANUAL (SECTION 1, 1.1D)
34. STATEMENT OF OPERATIONS

THE APPLICANT PROPOSES THE FOLLOWING USE AND OPERATIONS:

- (A) RELIGIOUS SERVICES: FULL OCCUPANCY OF THE 136 FIXED SEATS IN THE BUILDINGS AUDITORIUM ARE PROPOSED TO BE USED FOR ITS RELIGIOUS SERVICES EVERY SUNDAY FROM 7AM TO 11:30AM. ADDITIONAL SERVICES WILL BE HELD ON MAJOR HOLIDAYS, WHICH MAY FALL ON OTHER DAYS OF THE WEEK ON LIMITED OCCASIONS THROUGHOUT THE YEAR.
- (B) SUNDAY SCHOOL - FOLLOWING THE COMPLETION OF ITS WEEKLY RELIGIOUS SERVICES, THE APPLICANT INTENDS TO PROVIDE SUNDAY SCHOOL CLASS FOR ITS CHILDREN FROM 12:30PM TO 1:30PM EVERY SUNDAY. SUNDAY SCHOOL WILL BE HELD IN THE BUILDINGS CLASSROOMS WITH A MAXIMUM OCCUPANCY OF 30 PEOPLE.

NOTE: FINAL LOT SIZES AND DIMENSIONS TO BE DETERMINED AT SITE PLAN.	
NOTE: ARCHITECTURAL FOOTPRINTS ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. FINAL ARCHITECTURES AND BUILDING HEIGHT SHALL BE DETERMINED AT SUBSEQUENT.	
NOTE: UTILITIES SHOWN ARE FOR INFORMATIONAL PURPOSES AND ARE SUBJECT TO CHANGE AT FINAL ENGINEERING.	



PARKING TABULATIONS:

SPACES REQUIRED:	
CHURCH USE:	
(1 PS PER 4 SEATS IN AUDITORIUM) - (136 SEATS)	32 PS
STANDARD SIZE - (9.5' X 19')	
HANDICAP SPACES (2% - 56PS)	2 PS
STANDARD SIZE - (9' X 19')	
TOTAL -	34 PS

PROPOSED PARKING SPACES:	
(1 PS PER 4 SEATS IN AUDITORIUM) - (136 SEATS)	32 PS
HANDICAP SPACES	2 PS
TOTAL -	34 PS

SITE TABULATIONS:

LOT ACREAGE	1.84 ACRES
MAIN BUILDING:	
1ST FLOOR (PER FIELD SURVEY)	14,722 SF
PARTIAL BASEMENT (APPROX.)	4,092 SF
ACCESSORY BUILDING	834 SF
	19,648 GFA

LEGEND:

---	EX. BOUNDARY LINE
---	EX. LOT LINE
---	EX. BLDG
---	EX. SIDEWALK
---	EX. 10' CONTOUR LINE
---	EX. 2' CONTOUR LINE
---	EX. FENCE
---	EX. TREES
---	EX. SEWER
---	EX. STORM DRAIN
---	EX. LIGHT POLE
---	EX. FIRE HYDRANT
---	PR. PARKING STRIPING



THIS BLOCK IS FOR OFFICIAL USE ONLY. The Planning Board, its designees, and the Board of Public Works are not responsible for the accuracy of the information provided in this block. The user assumes all responsibility for the use of this information.

APPROVAL	ST. MARY ERITREAN ORTHODOX TEWAHDO CHURCH
PROJECT NUMBER:	SP-160000
For Conditions of Approval see the Plan Cover Sheet or Approved Sheet.	

New Approval Block



PROFESSIONAL CERTIFICATION

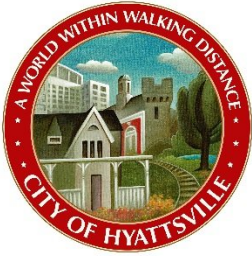
I, hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer in the State of Maryland, License No. 12111, Expiration Date 07/18.

SPECIAL PERMIT PLAN #SP-160000
WSSC MAP 207NE03
TAX MAP 42, GRID A4

HYATTSVILLE PARCEL N. 33, PLAT A17-2978 L34166 F.342 ELECTION DISTRICT No. 16 HYATTSVILLE, PRINCE GEORGE'S COUNTY, MARYLAND	Owner/Developer: ST. MARY ERITREAN ORTHODOX TEWAHDO CHURCH, INC. 3799 EAST WEST HWY., HYATTSVILLE MD 20782	REVISION	DATE	REVISION	DATE	BY	DATE	BASE DATA DESIGNED DRAWN CHECKED REVIEWED RODGERS CONTACT RELEASE FOR	SCALE 1" = 30'	JOB No. DATE SEPT, 2016 SHEET No. 1 OF 1



SPECIAL PERMIT SITE & LANDSCAPE PLAN



Memo

To: Mayor and Council

CC: Tracey Nicholson, City Administrator

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

Date: November 15, 2016

Re: SP-160000: Saint Mary Eritrean Church at the former Lutheran Concordia Site

Attachments: SOJ-SP-160000
CIVP-SP-160000

The purpose of this memorandum is to provide the Mayor and City Council with information regarding the Special Permit application for Saint Mary Eritrean Orthodox Tewahdo Church to locate at 3705 Longfellow Street in Hyattsville.

Project Details

The subject property is located at 3705 Longfellow Street. The 1.84-acre property is zoned R-55 and falls in the "Traditional Residential Neighborhood" character area of the Gateway Arts District Sector Plan. The subject site is owned by the Concordia Lutheran School, with the building and property having been vacant since the school closed in June 2012. The applicant is proposing to reuse the building as a church with Sunday school services. Per the Gateway Arts District Sector Plan, the adaptive reuse of a building previously occupied by an institutional use under 25,000 square feet in gross floor area for an institutional use requires the application and approval of a Special Permit. The applicant does not intend to change the footprint of the building, therefore property is exempt from the Gateway Arts District Sector Plan development district standards, Detailed Site Plan review and the 2010 Prince George's County Landscape Manual.

The existing building is approximately 20,000 square feet. The applicant is proposing to renovate and rehabilitate the building while maintaining its current footprint. The applicant intends to make upgrades to the building in order to bring it into compliance with City and County property standards and remove any signs of blight from the property. The applicant intends to keep the existing surface parking lot of 34 spaces, as well as the open green space on the western side of the property.

According to representatives of the church, it maintains a congregation of approximately 130 members, many of whom live in Hyattsville or Prince George's County. Church services are proposed to regularly take place on Sunday mornings, with the addition of the occasional holiday and special event. They do not anticipate that anyone other than church leadership will be using the subject property during the week.

Planning Committee Review

The Special Permit case was brought to the Hyattsville Planning Committee at their November 15, 2016 meeting. After review and discussion of the materials, the Committee remained neutral on the project and did not make a declaration in support or opposition.

Staff Review and Recommendations

The proposed use is compliant with the Gateway Arts District Sector Plan for the adaptive reuse of an industrial property. The sector plan states that the property much have previously been an institutional or public use, have a gross floor area of less than 25,000 square feet, and must be reused as another institutional use. This proposal from the applicant satisfies all of these criteria.

The applicant has made efforts to reach out to the surrounding property owners and City staff to provide details regarding this project. The applicant has been in contact with City staff for several months now and has been amenable to City comments and recommendations. The applicant first met with staff in July 2016, before the property had even been purchased, to discuss any possible concerns the City would have for the project. Staff presented the applicant with a summary of the site's history, and recommended that the applicant reach out to the community to gather input. The applicant contacted Ward 2 Councilmembers and held a community meeting for August 8, 2016. According to the applicant, meeting attendees were receptive to the idea and there was no strong opposition to the project.

Based on the conformance to the plan and conversations with the applicant, it is staff's recommendation that the City Council support the Special Permit application. The proposed use meets the requirements of the Gateway Arts District Sector Plan, is consistent with the neighborhood character and would have limited impacts on the existing residents of the neighborhood. Additional, it is the opinion of Staff that the investment necessary to improve the property and utilization as a church is an improvement to the alternative of a vacant and neglected property. The property owners have commenced cleaning up the façade of the building and accompanying green space. It is Staff's opinion that the proposed use and application is one of the best possible uses for the reuse of the property.

Next Steps

Discussion of the Special Permit is scheduled to come before the Hyattsville City Council on November 21, 2016. Staff is recommending that should the Council choose to adopt a position, that it be scheduled on December 5, 2016. Upon receiving direction from the City Council, Staff will refer Council comments to the Maryland-National Capital Park and Planning Commission (M-NCPPC) staffer assigned to the case.

The Planning Board date has yet to be scheduled. Based on conversations with the applicant, it is estimated that the Planning Board will hear this case in early January, at their January 5 or 12 January 2017 meetings.



Hyattsville City Council Agenda Item Report

Meeting Date: November 21, 2016

Submitted by: Lesley Riddle

Submitting Department: Public Works

Item Type: Contract

Agenda Section: Discussion Items (9:10 p.m. – 10:05 p.m.)

SUBJECT

Sidewalk Construction Kimberly Road, Kelliher Road, 31st Avenue, and Nicholson Street (10 minutes)

Motion #

Discussion Only, Scheduled for Action on 12/5/16

Recommendation:

Sponsor(s):

At the Request of the City Administrator

ATTACHMENTS

Summary Background:

The Council approved funding for the staff to conduct a connectivity and safety assessment of Kimberly Road, Kelliher Road, Madison Street to Lancer Drive, and Nicholson Street to 31st Place. Upon completion, install, repair, or replace as required to improve walkability and pedestrian safety.

The staff completed the assessment and the following conclusions were determined:

- Sidewalk installation should be completed on Madison Street and Nicholson Street to connect existing sidewalks.
- Sidewalks could be installed on Kelliher Road; this would provide a pedestrian connection to 31st Avenue.
- Sidewalks should not be installed on Kimberly due to the existing mature tree canopy in the right of way, and the low traffic volume on the street.

Next Steps:

With Council approval we will schedule community meetings if desired, complete design and begin construction for next spring.

Fiscal Impact:

The estimated costs should not exceed \$80,000.00 and will be expended from the approved Capital Improvements Projects Streets and Sidewalks budget.

City Administrator Comments:

Recommend Approval

Community Engagement:

City residents adjacent to the construction areas will be informed during planning and prior to the beginning of this project.

Strategic Goals:

Ensure the Long-Term Economic Viability of the City

Legal Review Required?

N/A



Hyattsville City Council Agenda Item Report

Meeting Date: November 21, 2016

Submitted by: Robert Croslin, W2

Submitting Department: Legislative

Item Type: Budget

Agenda Section: Discussion Items (9:10 p.m. – 10:05 p.m.)

SUBJECT

Use of Ward 2 Discretionary Funds (10 minutes)

Motion #

Discussion Only, Scheduled for Action on 12/5/16

Recommendation:

I move that the Mayor and Council approve the use of \$225 of Ward 2 discretionary funds for the purchase of prizes to be awarded to winners of a Black History Month writing contest.

Sponsor(s):

Croslin

ATTACHMENTS

Summary Background:

I am proposing that the city celebrate Black History Month by sponsoring an essay contest in which prizes would be awarded for first, second and third place winners. Contest applicants will answer the question of, "How is the civil rights movement of the 60's and 70's relevant today?". It is open to high school students in grades 9 through 12, and essays are due to the City of Hyattsville no later than Friday, January 27, 2017, 5:00 pm. Winners will be announced at the February 21st council meeting.

Next Steps:

Upon approval by the Mayor and Council the City Treasurer's office will disburse the funds.

Fiscal Impact:

\$225

City Administrator Comments:

Recommend Support

Community Engagement:

There will be flyers and direct outreach to Northwestern and DeMatha high schools. Additionally, this event will be listed on the city's website.

Strategic Goals:

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

Action 5.2 - Support and foster volunteerism, creative arts, and learning within the community.

Legal Review Required?

N/A

Main City Calendar: November 22, 2016 – December 5, 2016

Weekly Program Offerings

Ageless Grace Senior Exercise Classes

Wednesdays, Thursdays and Fridays, 10:00 AM @ the City Administrative Building

Creative Minds

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

City Calendar: November 21, 2016 – December 5, 2016

World Aids Day: HIV Screening

December 1, 11:00 AM – 3:00 PM @ the City Administrative Building

Holiday Tree Lighting

December 2, 7:00 PM – 8:30 PM @ Magruder Park

Breakfast and Lunch with Santa

December 3, 9:00 AM – 1:30 PM @ City Administrative Building

City Council Meeting

December 5, 8:00 PM – 10:00 PM @ 3rd Floor Council Chambers

Note Regarding City Closures:

City offices will be closed on Thursday and Friday, November 24 and 25, in observance of Thanksgiving. Emergency services will continue.

Changes to the Trash, Yard Waste and Leaf Collection Schedule are as follows:

- No yard waste collection on Monday, November 21
- Tuesday trash route will be collected on Monday
- Wednesday trash route will be collected on Tuesday
- Thursday and Friday trash routes will be collected on Wednesday
- No scheduled leaf collection all week