City Council of Hyattsville, Maryland

AGENDA
City Council Regular Meeting
Monday, March 7, 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

Watch Council Meetings Live View Past Council Meetings

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

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

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

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

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

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

Ways to Watch the Meetings Live: City Council meetings are broadcast live on cable television channel 71 (Comcast) and channel 12 (Verizon). You may also view meetings live online at hyattsville-md.granicus.com/MediaPlayer.php?camera_id=2

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

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

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

Twitter Facebook Instagram Vimeo

1. **Call to Order and Council Roll Call**

2. **Pledge of Allegiance to the Flag**

3. **Approval of Agenda**

4. **Approval of the Minutes (8:05 p.m. - 8:10 p.m.)**
4.a) Approval of the Minutes
I move that the Mayor and Council appprove the minutes for the Council Work Session of February 24, 2016.
Council Work Session of 2-24-16.pdf

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

6. **Presentations (8:20 p.m. – 8:40 p.m.)**
6.a) FY-2014 & FY-2015 Audit update (5 minutes)

FY-2014-2015_Audit_Update_cover.pdf

6.b) Public Comment Follow Up (5 minutes)

Public_Comment_cover.pdf

6.c) ATHA Annual Update (10 minutes)

ATHA Annual Update_cover.pdf

7. **Consent Items (8:40 p.m. – 8:45 p.m.)**
7.a) Women's History Month Proclamation
Motion # 33-03-16
I move that the Mayor and Council proclaim March 2016 Women's History Month in Hyattsville.
- At the Request of the City Administrator
Womens_History_Month_2016_Cover.pdf

Proclamation Womens History Month_2016.pdf

7.b) Ethics Commission Re-appointments
Motion # 34-03-16
I move that the Mayor, with Council approval, reappoint Christopher Arthur (Ward 1) and Christopher Currie (Ward 1) to the Ethics Commission for a term of 3 years, expiring on December 31, 2019.
- Hollingsworth
Ethics_Commission_Reappointment_cover.pdf

Arthur_ethics commission application_022316_redacted.pdf

Currie_ethics commission application_022216_redacted.pdf

7.c) Microsoft Office365 License Renewal
Motion # 35-03-16
I move that the Mayor and Council authorize the City Administrator to execute a licensing agreement, with a one-year term and additional one-year term option, with Planet Technologies to continue providing the City with Microsoft Office365 licensing for an annual cost not to exceed $16,000.
- At the Request of the City Administrator

Office365 Renewal_cover.pdf

Memo_-_Office_365_License_Renewal.docx

City of Hyattsville Renewal - AOS-G Quote (1).pdf

8. Discussion Items (8:45 p.m. – 10:35 p.m.)

8.a) City Charter Article 7 and 8 - Sidewalk Installation (20 minutes)
At the Request of the City Administrator

Cover_-_Article_7_and_8_2016.pdf

MEMO re sidewalks (1).doc

Articles VII and VIII only.docx

8.b) Sidewalk Policy (20 minutes)
At the Request of the City Administrator

Sidewalk_Policy_2016_Cover.pdf

2016 Sidewalk Policy Final copy.doc

Memo_-_City_Sidewalk_Policy_2016.docx

8.c) Lighting MOU for MD 500 (15 minutes)
At the Request of the City Administrator

SHA_MOU_2016__cover.pdf

Memo SHA_MOU_2016_.docx

SHA MD 500 Amendment I 02-25-2016.docx

SHA Final City of Hyattsville Cost Sharing Breakdown.pdf

MD 500 UPDATE---030116.pdf

8.d) Police Body Camera Implementation Requirements (20 minutes)

At the Request of Councilmember Solomon, Ward 5

Hyattsville_Police_Body_Cameras_Form_v20160212 (2).pdf

9. Council Dialogue (10:35 p.m. – 10:45 p.m.)

10. Community Notices and Meetings

10.a) Main City Calendar: March 8 - March 22, 2016

Main City Calendar for March 8-22.docx

11. Motion to Adjourn

CALL TO ORDER AND COUNCIL ROLL CALL:

The meeting was called to order by Mayor Hollingsworth at 8:05 p.m.

Attendee Name	Title	Status	Arrived
Candace Hollingsworth	Mayor	Present	
Edouard Haba	Council President	Present	
Bart Lawrence	Council Vice President	Present	
Kevin Ward	Councilmember, Ward 1	Present	
Robert S. Croslin	Councilmember, Ward 2	Absent	
Shani Warner	Councilmember, Ward 2	Present	
Thomas Wright	Councilmember, Ward 3	Present	
Patrick A. Paschall	Councilmember, Ward 3	Present	
Paula J. Perry	Councilmember, Ward 4	Absent	
Ruth Ann Frazier	Councilmember, Ward 5	Absent	
Joseph Solomon	Councilmember, Ward 5	Absent	

Also present were the following City Staff Members:

- City Administrator Tracey E. Nicholson
- Assistant City Administrator and Director of Community and Economic Development, Jim Chandler
- Director of Public Works Lesley Riddle
- City Treasurer Ron Brooks
- Chief of Police Douglas Holland
- Director of Community Services Jake Rollow
- City Clerk Laura Reams

APPROVAL OF AGENDA:

1. Motion to Approve the Agenda for February 24, 2016.

RESULT:	**APPROVED AS AMENDED [UNANIMOUS]**
MOVER:	Edouard Haba, Council President
SECONDER:	Kevin Ward, Councilmember, Ward 1
AYES:	Hollingsworth, Haba, Lawrence, Ward, Warner, Wright, Paschall
ABSENT:	Perry, Frazier, Croslin, Solomon

PUBLIC COMMENT:

PRESENTATIONS:

1. Introduction of the Draft Budget for Fiscal Year 2017

City Administrator Nicholson introduced the Draft Budget for Fiscal Year 2017 by reading the transmittal letter. Administrator Nicholson summarized the budget proposals as follows: General Fund was $17,231M, Capital Improvements Fund was $7.2M, debt service payments were $1.5M. She stated that the real property taxes were projected to be $11,291,444, personal property taxes would generate $584,748, and City income taxes would reach $1,972M. She added that the increases were attributed to investments in technology, communications, new programs, and increased compensation and benefits.

Administrator Nicholson then highlighted priorities for the Fiscal Year 2017 which included Facility and Infrastructure Improvements, Environmental and Sustainability Initiatives, Safety and Security, Economic Growth and Development, Communications and Technology Upgrades, Programs Events and Social Services, and Employee Programs. Administrator Nicholson then concluded the letter with the intent to explore additional grant opportunities and to seek partnerships with businesses, organizations, and other municipalities. Administrator Nicholson then thanked City Treasurer Ron Brooks and City Accountant Mary Ellen Harding for their expert guidance and direction given to the Staff.

City Treasurer Brooks noted that this document was a working document that would evolve over the years into a more complete and complex document. Treasurer Brooks added that the five-year forecast would be provided in an upcoming budget session. Treasurer Brooks commented on the increased property taxes and stated that the City would be required to comply with state requirements for advertising the City's tax rate.

Mayor Hollingsworth opened the floor for questions. Councilmember Paschall stated that the Council would need an opportunity to review and digest the budget. He asked several questions regarding the status of the City's fund balance. Treasurer Brooks responded to Councilmember Paschalls questions and stated that the fund balance was higher than expected due to the audits that were completed. Treasurer Brooks added that the City may have budgeted a bit higher than the City needed to in the past. Councilmember Paschall thanked the City staff for their work. Administrator Nicholson stated that the next session would be on March 16 with a Public Hearing and presentations of the budgets for Administration, Legislative and Elections. Administrator Nicholson added that the planned date of adoption for the FY17 budget was May 25, 2016. Treasurer Brooks stated that there would be a Public Hearing for the tax rate. Council President Haba thanked the staff for their work, and highlighted that the City was running at a deficit despite the increase in tax revenue.

COUNCIL DIALOGUE:

Councilmember Ward noted that he was listed twice on the FY17 Budget Book cover page as both Ward 1 and Ward 3. Mayor Hollingsworth welcomed Mr. Rollow as a resident of the City.

MOTION TO ADJOURN:

1. Motion to Adjourn the Agenda for February 24, 2016.

The meeting adjourned at 8:43 p.m.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Council President Edouard Haba
SECONDER:	Shani Warner, Councilmember, Ward 2
AYES:	Hollingsworth, Haba, Lawrence, Ward, Warner, Wright, Paschall
ABSENT:	Perry, Frazier, Croslin, Solomon

CITY OF HYATTSVILLE
4310 Gallatin Street
Hyattsville, Maryland 20781
Phone: (301) 985-5000

CITY COUNCIL AGENDA FORM

TITLE: FY14/FY15 AUDIT UPDATE	
Motion #:	N/A
Council Meeting Date:	3/7/2016
Agenda Section:	Presentation
Recommendation:	Presentation
Department:	Finance
Staff Contact:	Ron Brooks
Council Sponsor:	City Administrator
Summary Background:	In the fall of 2013 the City had not filed audits for FY-2011, FY-2012 and FY-2013. These audits have been completed and filed with the State Department of Administrative Services. Currently we are pushing to close-out the FY-2014 audit and have begun the FY-2015 audit starting with track files in various compliance areas.
Next Steps:	Final close-out of FY-2014 audit.
Alternatives:	N/A
Fiscal Impact:	Late audit filings with the Department of Administrative Services can result in the loss of various State Grants, loss of revenue from the State Highway Fund and limited opportunities to secure funding for current and future capital improvement needs.
Community Engagement:	N/A
Strategic Goals:	X Goal 1 – Ensure Transparent & Accessible Governance ☐ Goal 2 – Ensure the Long-Term Economic Viability of the City ☐ Goal 3 – Promote a Safe & Vibrant Community ☐ Goal 4 – Foster Excellence in all City Operations ☐ Goal 5 – Strengthen the City's Identity as a Diverse, Creative and Welcoming Community
Legal Review:	Not Applicable
Attachments:	N/A

CITY OF HYATTSVILLE
4310 Gallatin Street
Hyattsville, Maryland 20781
Phone: (301) 985-5000

CITY COUNCIL AGENDA FORM

TITLE: PUBLIC COMMENT FOLLOW UP	
Motion #:	N/A
Council Meeting Date:	3/7/2016
Agenda Section:	Presentation
Recommendation:	Presentation
Department:	Administration
Staff Contact:	Tracey E. Nicholson, City Administrator
Council Sponsor:	At the Request of the City Administrator
Summary Background:	City Administrator Tracey Nicholson will address a question regarding snow removal services during the 2016 blizzard that was raised during the public comment portion of the February 16, 2016 Council meeting.
Next Steps:	N/A
Alternatives:	N/A
Fiscal Impact:	N/A
Community Engagement:	N/A
Strategic Goals:	☐ **Goal 1 – Ensure Transparent & Accessible Governance** ☐ Goal 2 – Ensure the Long-Term Economic Viability of the City ☐ Goal 3 – Promote a Safe & Vibrant Community ☐ Goal 4 – Foster Excellence in all City Operations ☐ Goal 5 – Strengthen the City's Identity as a Diverse, Creative and Welcoming Community
Legal Review:	Not Applicable
Attachments:	N/A

CITY OF HYATTSVILLE
4310 Gallatin Street
Hyattsville, Maryland 20781
Phone: (301) 985-5000

CITY COUNCIL AGENDA FORM

TITLE: ATHA ANNUAL UPDATE TO CITY COUNCIL	
Motion #:	
Council Meeting Date:	3/7/2016
Agenda Section:	Presentation
Recommendation:	None
Department:	Administration
Staff Contact:	Jim Chandler, Assistant City Administrator
Council Sponsor:	At the request of the City Administrator
Summary Background:	Anacostia Trails Heritage Area Executive Director Aaron Marcavitch will provide the City Council with his annual update on the organization's heritage tourism activities.
Next Steps:	No additional actions are required.
Alternatives:	
Fiscal Impact:	
Community Engagement:	
Strategic Goals:	☐ Goal 1 – Ensure Transparent & Accessible Governance ☐ Goal 2 – Ensure the Long-Term Economic Viability of the City ☐ Goal 3 – Promote a Safe & Vibrant Community ☐ Goal 4 – Foster Excellence in all City Operations X Goal 5 – Strengthen the City's Identity as a Diverse, Creative and Welcoming Community
Legal Review:	Not Applicable
Attachments:	

CITY OF HYATTSVILLE
4310 Gallatin Street
Hyattsville, Maryland 20781
Phone: (301) 985-5000

CITY COUNCIL AGENDA FORM

TITLE: WOMEN'S HISTORY MONTH PROCLAMATION	
Motion #:	33-03-16
Council Meeting Date:	3/7/2016
Agenda Section:	Consent
Recommendation:	I move that the Mayor and Council proclaim March 2016 Women's History Month in Hyattsville.
Department:	Community Services
Staff Contact:	Jake Rollow
Council Sponsor:	At the Request of the City Administrator
Summary Background:	N/A
Next Steps:	N/A
Alternatives:	N/A
Fiscal Impact:	None
Community Engagement:	
Strategic Goals:	☐ Goal 1 – Ensure Transparent & Accessible Governance ☐ Goal 2 – Ensure the Long-Term Economic Viability of the City ☐ Goal 3 – Promote a Safe & Vibrant Community ☐ Goal 4 – Foster Excellence in all City Operations ☑ Goal 5 – Strengthen the City's Identity as a Diverse, Creative and Welcoming Community
Legal Review:	Not Applicable
Attachments:	Proclamation

Proclamation in Recognition of

Women's History Month

Working to Form a More Perfect Union:

Honoring Women in Public Service and Government

March, 2016

Whereas, Hyattsville is proud to be a City that benefits from the leadership and service of women; and

Whereas, women serve at all levels of our City government, as well as in our local businesses, organizations and institutions, and community groups; and

Whereas, as a community we strive to foster equality, celebrate diversity, promote understanding, and support the needs and desires of all residents; and

Therefore, we proclaim March Women's History Month in Hyattsville, and encourage all residents to reflect on this part of our rich history.

_____

Candace Hollingsworth, Mayor March 7, 2016

CITY OF HYATTSVILLE
4310 Gallatin Street
Hyattsville, Maryland 20781
Phone: (301) 985-5000

CITY COUNCIL AGENDA FORM

TITLE: ETHICS COMMISSION RE-APPOINTMENTS	
Motion #:	34-03-16
Council Meeting Date:	3/7/2016
Agenda Section:	Consent
Recommendation:	I move that the Mayor, with Council approval, reappoint Christopher Arthur (Ward 1) and Christopher Currie (Ward 1) to the Ethics Commission for a term of 3 years, expiring on December 31, 2019.
Department:	Legislative
Staff Contact:	Laura Reams, City Clerk
Council Sponsor:	Mayor Hollingsworth
Summary Background:	The Ethics Commission was established by the City Ethics Code Chapter 10, per State mandated guidelines. Five members are appointed to three (3) year terms by the Mayor and approved by the Council. The goal of the Commission is to ensure the City meets Maryland State guidelines for filing of ethics forms. The Commission currently only has 1 active member. Two more needed to meet requirement of five members.
Next Steps:	Re-appoint 2 members and seek 2 additional appointments to the Commission.
Alternatives:	N/A
Fiscal Impact:	N/A
Community Engagement:	N/A
Strategic Goals:	☑ **Goal 1 – Ensure Transparent & Accessible Governance** ☐ Goal 2 – Ensure the Long-Term Economic Viability of the City ☐ Goal 3 – Promote a Safe & Vibrant Community ☐ Goal 4 – Foster Excellence in all City Operations ☐ Goal 5 – Strengthen the City's Identity as a Diverse, Creative and Welcoming Community
Legal Review:	Not Applicable
Attachments:	- Redacted Committee Appointment Forms

City of Hyattsville

Board, Committee and Commission Application

Submit Date: Feb 23, 2016
Status: submitted

Profile

Christopher
First Name

Arthur
Last Name

[redacted]
Email Address

[redacted]
Street Address

[redacted]
Suite or Apt

[redacted]
City

[redacted]
State

[redacted]
Postal Code

Ward 1
Ward

[redacted]
Primary Phone

[redacted]
Alternate Phone

Which Boards would you like to apply for?

Ethics Commission

Interests & Experiences

Please provide a brief background statement including why you are interested in being appointed to a committee.

I have been a member of the Commission for several years, and an applying for a reappointment. During my career with the US House of Representatives, I worked on ethics issues and regulations. I have been a resident of the City of Hyattsville for over 38 years, and have a strong interest in clean government.

Upload a Resume

City of Hyattsville

Board, Committee and Commission Application

Submit Date: Feb 22, 2016
Status: submitted

Profile

Chris
First Name

Currie
Last Name

[redacted]
Email Address

[redacted]
Street Address

[redacted]
Suite or Apt

[redacted]
City

[redacted]
State

[redacted]
Postal Code

Ward 1
Ward

[redacted]
Primary Phone

[redacted]
Alternate Phone

Which Boards would you like to apply for?

Ethics Commission

Interests & Experiences

Please provide a brief background statement including why you are interested in being appointed to a committee.

am an incumbent member

Upload a Resume

CITY OF HYATTSVILLE
4310 Gallatin Street
Hyattsville, Maryland 20781
Phone: (301) 985-5000

CITY COUNCIL AGENDA FORM

TITLE: MICROSOFT OFFICE365 LICENSE RENEWAL	
Motion #:	35-03-16
Council Meeting Date:	3/7/2016
Agenda Section:	Consent
Recommendation:	I move that the Mayor and Council authorize the City Administrator to execute a licensing agreement, with a one-year term and additional one-year term option, with Planet Technologies to continue providing the City with Microsoft Office365 licensing for an annual cost not to exceed $16,000.
Department:	Administration
Staff Contact:	Jim Chandler, Assistant City Administrator
Council Sponsor:	At the request of the City Administrator
Summary Background:	Planet Technologies is the first Microsoft Agreement for Online Services for Government (AOS-G) partner in the United States and the firm's agreement with Microsoft permits the firm to sell licenses directly to government clients. Microsoft does not directly sell its licenses to governments. Additional information is included in the attached memorandum.
Next Steps:	No additional actions are required.
Alternatives:	
Fiscal Impact:	Funding for this acquisition is included in the FY2016 budget.
Community Engagement:	
Strategic Goals:	☐ Goal 1 – Ensure Transparent & Accessible Governance ☐ Goal 2 – Ensure the Long-Term Economic Viability of the City ☐ Goal 3 – Promote a Safe & Vibrant Community × Goal 4 – Foster Excellence in all City Operations ☐ Goal 5 – Strengthen the City's Identity as a Diverse, Creative and Welcoming Community
Legal Review:	Complete
Attachments:	1. Memorandum: Microsoft Office365 License Renewal 2. Plant Technologies cost proposal dated 3/1/2016

Memo

To: Mayor and Council

From: Jim Chandler, Assistant City Administrator

CC: Tracey E. Nicholson, City Administrator
James Fahnbulleh, IT Manager
Ron Brooks, City Treasurer

Date: March 1, 2016

Re: Microsoft Office365 License Renewal

Summary
The City is scheduled to renew its Microsoft Office365 License through Plant Technologies. Planet Technologies is the City's existing vendor approved in 2014 with Council Motion 14-02-14. They are the first Microsoft Agreement for Online Services for Government (AOS-G) partner in the United States and the firm's agreement with Microsoft permits the firm to sell licenses directly to government clients. Microsoft does not directly sell its licenses to governments.

The firm will be providing 119 Microsoft Office365 licenses at a total cost of $15,129.24. Staff is recommending a total authorization not to exceed $16,000, to provide flexibility for additional licenses as needed to support City personnel and operations. Staff is recommending a one-year term with a one-year renewal option at the discretion of the City Administrator.

Quote prepared: 3/1/2016
Quote expires: 3/31/2016

James,

Planet Technologies offers the following quote for the next year for City of Hyattsville through our AOS-G Agreement. This quote will expire March 31, 2016; upon expiration of this quote, the following prices may no longer be valid.

Part Number	SKU	Monthly Cost Per User	Annual Cost Per license	Quantity/Users	Annual Cost for licenses
U4S-00002	O365GovE1 ShrdSvr ALNG SubsVL MVL PerUsr	$5.38	$64.56	56	$3,615.36
Part Number	SKU	Monthly Cost Per User	Annual Cost Per license	Quantity/Users	Annual Cost for licenses
AAA-11894	O365GovE3 ShrdSvr ALNG SubsVL MVL PerUsr	$15.23	$182.76	63	$11,513.88

PO Amount for Renewal: $15,129.24

City of Hyattsville must include the attached Microsoft Terms and Conditions as part of the contract. The agreement cannot be executed (processed at Microsoft) until the completed documents and PO are received for the initial payment. At the point the documents are approved by the Legal Department at Microsoft, the billing period will begin. Prior to the enrollment anniversary, the Annual Order process allows your organization to submit an annual order to account for any increase or decrease in licenses (for example those required for qualified devices or users, license transitions and Online Services reservations , as permitted). Additional details:

- Your annual order must be received by Planet Technologies, Inc. between 60 and 30 days prior to the Enrollment Anniversary.
- If the annual order is not received when due, Planet Technologies, Inc., will invoice for all subscription Licenses including Online Services and L&SA, ordered in the prior year and any Online Service reservations in excess of the quantity previously ordered.

Unless specified otherwise in the above referenced contract, all prices are based on Net 30 terms. If not shown, shipping, handling, taxes and other fees will be added at the time of the order where applicable. City of Hyattsville understands and acknowledges that all warranties, representations and returns are subject to the manufacturer, publisher or distributor guidelines.

All product descriptions and prices are based on the latest information available and are subject to change within the terms of the above referenced contract.

By signing this contract, you agree to be bound by the applicable pricing and all Terms and Conditions found herein, including but not limited to the attached Microsoft Terms and Conditions.

Planet Technologies, Inc.
20400 Observation Drive, Suite 107
Germantown, MD 20876
(301) 721-0100

Signature	Date	Signature	Date
		Print Name	
Print Name		Company Name	
Company Name		Street Address	
Street Address		City, State, Zip Code	
City, State, Zip Code			

CITY OF HYATTSVILLE
4310 Gallatin Street
Hyattsville, Maryland 20781
Phone: (301) 985-5000

CITY COUNCIL AGENDA FORM

TITLE: CITY CHARTER, ARTICLE 7 AND 8 – SIDEWALK INSTALLATION	
Motion #:	N/A
Council Meeting Date:	3/7/2016
Agenda Section:	Discussion
Recommendation:	Discussion Only
Department:	Public Works
Staff Contact:	Lesley Riddle
Council Sponsor:	At the Request of the City Administrator
Summary Background:	The 2006 City of Hyattsville Sidewalk Policy has been under staff review for several months. During the January 2016 Council Meeting, the City Attorney was asked to review and provide a legal opinion of the intent and applicability of Article 7 and Article 8 of the City Charter that directs how and when the City can install new sidewalks. The City Attorney provided a legal review and opined that the City has the authority to place sidewalks within the public rights of way without receiving the consent of abutting land owners, unless the City intends to specially assess the costs.
Next Steps:	None
Alternatives:	
Fiscal Impact:	None
Community Engagement:	A community meeting has been scheduled to discuss the Sidewalk Policy on March 23rd.
Strategic Goals:	✓ Goal 1 – Ensure Transparent & Accessible Governance ☐ Goal 2 – Ensure the Long-Term Economic Viability of the City ☐ Goal 3 – Promote a Safe & Vibrant Community ☐ Goal 4 – Foster Excellence in all City Operations ☐ Goal 5 – Strengthen the City's Identity as a Diverse, Creative and Welcoming Community
Legal Review:	Complete
Attachments:	Memo from the City Attorney, City Charter Article 7 and Article 8 (Only)

1MEMO TO: THE CITY COUNCIL OF THE CITY OF HYATTSVILLE

FROM: RICHARD COLARESI, ESQUIRE, CITY ATTORNEY

RE: INSTALLATION OF SIDEWALKS IN THE PUBLIC RIGHTS OF WAY

DATE: February 3, 2016

QUESTION: Does installation by the City of new sidewalks in the public right of way pursuant to Article VII of the City Charter trigger the procedural requirements as to consent that are contained in Article VIII of the City Charter, when the City is not assessing the cost of the installation to landowners abutting the installation?

ANSWER: No.

I. THE CHARTER SECTIONS[1]

Article VII of the City Charter grants the City plenary power and control over the "public ways" in the City. Section C7-2 of Article VII recites that the City has such control and authority and the City ". . . may do whatever it deems necessary to establish, operate and maintain in good condition. . ." the improvements to the public rights of way. Section C7-3 gives the City the power to ". . . grade, layout, construct, open, extend and make new public ways." This section also empowers the City to alter or improve any existing City public way or part thereof. Section C7-4 specifically addresses sidewalks and gives the City broad authority to ". . . grade, layout, construct, reconstruct, pave, repave, repair, extend or otherwise alter sidewalks. . ." Article VII is silent as to any consent procedures or any assessments of abutting property owners.

Article VIII on the other hand deals in great detail with special assessments to abutting property owners for the costs of such public improvements. Section C8-1, in apparent

[1] The two relevant Charter sections are included at the end of this memo.

contradiction to Article VII, grants the City the authority to ". . . construct road beds, sidewalks, curbs, gutters. . . provided that, before any permanent street sidewalk. . . shall be made under the provisions of this Section, the City Council shall obtain from more than fifty percent (50%) of the property owners of record abutting upon such street, sidewalk, curb and/or alley their written approval of such permanent improvement. . ."(underlining added). Section C8-1 then creates exceptions to the consent requirement for short distances and for areas near Baltimore Avenue. The penultimate sentence of C8-1 states that when the City does not have the required consents, the City shall grant the exceptions outlined in C8-3, ". . . except that the cost of such exemptions shall be paid by the City Council. . ." Article VIII then details how such special assessments are calculated, assessed or granted exceptions to the special assessment.

II. DISCUSSION.

The two referenced Charter Articles do not outline a clear or unambiguous procedure for the City to engage in improvements to its public rights of way. In fact, the two Articles of the City Charter are subject to various interpretations (as most recently evidenced by the public debate on the application of Article VIII). Are there two separate and distinct procedures as outlined in each section, or do the consent procedures outlined in Article VIII make the grant of seemingly plenary authority in Article VII contingent on the approval of the abutting landowners before the City can install a public sidewalk. Such various interpretations are in fact an ambiguity that requires further analysis.

The broad grant of power in Article VII has no limits except for the fact that the improvement must be for the common good. Article VII is also consonant with the police powers traditionally given to governments who are charged with the protection of the common good and theCity's liability for its public rights of way. Further, the City must conform in all

public improvements to all reasonable standards and Statutes, as for example the City has obligations to conform to the Americans with Disabilities Act as to its public improvements. Hence, the City should have authority over its streets. To interpret Article VIII as making the City's rightful and necessary authority over the public rights of way contingent on consents of the abutting landowners is to impose a local plebiscite on matters that impact much larger populations than those abutting the property. Such an interpretation is not reasonable, nor consistent with the internal language of the two Articles when read together.

Article VIII on close examination limits itself to improvements that will result in assessment to abutting landowners and with citizens having a say in the assessment as to those public improvements.

Maryland's highest court has stated "'local ordinances and charters are interpreted under the same canons of construction that apply to the interpretation of statutes.'" *Kane v. The Board of Appeals of Prince George's County*, 390 Md. 145, 887 A.2d 1060 (2005) (quoting *O'Connor v. Baltimore County*, 382 Md. 102, 113, 854 A.2d 1191, 1198 (2004)). Some of the well-settled rules of construction were restated by the Court of Appeals:

> "When we interpret [charters], our goal is to identify and effectuate the legislative intent underlying the [charter(s)] at issue. . . . [T]he best source of legislative intent is the [charter's] plain language and when the language is clear and unambiguous, our inquiry ordinarily ends there. Although the plain language of the [charter] guides our understanding of the legislative intent, we do not read the language in a vacuum. Rather, we read [charter] language within the context of the [charter's] scheme, considering the purpose, aim, or policy of the enacting body. When interpreting the language of a [charter], we assign the words their ordinary language and natural meaning. *We will neither add nor delete words to a clear and unambiguous [charter] to give it a meaning not reflected by the words the Legislature used or engage in a forced or subtle interpretation in an attempt to extend or limit the statute's meaning."*

Serio v. Baltimore County, 384 Md. 373, 390, 863 A.2d 952, 962 (2004) (citations omitted) (emphasis added) (quotations omitted). Furthermore:

> "When the [provision] is part of a larger [charter's] scheme, it is axiomatic that *the language of a provision is not interpreted in isolation; rather, we analyze the [charter's] scheme as a whole* considering the purpose aim, or policy of the enacting body and attempt to harmonize provisions dealing with the same subject so that each may be given effect."

Bowen v. City of Annapolis, 402 Md. 587, 613-14, 937 A.2d 242, 258 (2007) (citations omitted) (emphasis added) (quotations omitted). Thus, the language of relevant Charter provisions must be applied in their entirety and may not be viewed in isolation so as to create a forced or subtle interpretation.

In reading both Articles together as required by law, the most rational interpretation is that the City has plenary authority to make improvements to the public rights of way (including sidewalks) but the City has limited its ability to specially assess the cost of those improvements against abutting land owners where it has not followed the procedures outlined in Article VIII. The language in Article VIII, C8-1 leaves little doubt that the consent provisions contained therein apply only for installations "under this section" and is thus self-limiting. The language in the penultimate sentence of C8-1 further confirms that the failure to obtain consents does not prohibit installations so long as the City pays the costs outlined there.

This interpretation "harmonizes" the two Articles in a way that balances the public good and gives the locally impacted citizens a voice in the assessment process. Hence, the evidence provided internally by the Charter itself and the two Articles can be clarified.

Additionally, there is evidence extrinsic to the language of the Charter that is also relevant and supports this reading of both provisions. The extrinsic evidence is that the City's patterns and practices have construed these provisions in exactly this fashion. The City has also adopted a policy of not assessing public rights of way improvements against abutting land owners. The City has for as far back as anyone can remember been installing sidewalks and not

engaged in the practice of receiving consents for such public improvements or of requiring special assessments.

Hence the conclusion is inescapable that the City has the authority to place sidewalks within the public rights of way without receiving the consent of abutting land owners, unless the City intends to specially assess the costs.

Respectfully submitted,

Richard T. Colaresi

ARTICLE VII - Public Ways and Sidewalks

§ C7-1. Definitions.

The term “public ways,” as used in this Charter, shall include all streets, avenues, roads, highways, public thoroughfares, lanes and alleys.

§ C7-2. Control and maintenance.

The City shall have control of all public ways in the City except such as may be under the jurisdiction of the State of Maryland. Subject to the laws of the State of Maryland and Prince George’s County, the City may do whatever it deems necessary to establish, operate and maintain in good condition the public ways of the City.

§ C7-3. Powers of City concerning public ways.

The City shall have the power to:

A. Establish, regulate and change, from time to time, the grade lines, width and construction materials of any City public way or part thereof, bridges, curbs and gutters.

B. Grade, lay out, construct, open, extend and make new City public ways.

C. Grade, straighten, widen, alter, improve or close up any existing City public way or part thereof.

D. Pave, surface, repave or resurface any City public way or part thereof.

E. Install, construct, reconstruct, repair and maintain curbs and/or gutters along any City public way or part thereof.

F. Construct, reconstruct, maintain and repair bridges and drainage systems.

G. Name City public ways.

H. Have surveys, plans, specifications and estimates made for any of the above activities or projects or parts thereof.

§ C7-4. Powers of City concerning sidewalks.

The City shall have the power to:

A. Establish, regulate and change, from time to time, the gradelines, width and construction materials of any sidewalk or part thereof on City property along any public way or part thereof.

B. Grade, lay out, construct, reconstruct, pave, repave, repair, extend or otherwise alter sidewalks on City property along any public way or part thereof.

C. Require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow and other obstructions.

D. Require and order the owner of any property abutting on any public way in the City to perform any projects authorized by this section at the owner’s expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the City may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are City taxes or by suit at law.

§ C7-5. Acceptance of streets.

No street, avenue, road or alley shall be accepted until the same has been graded and graveled or paved, provided that, whenever the City Council shall determine it to be necessary for the public benefit that any unaccepted streets, avenues, roads or alleys should be taken over by it, it shall take supervision and control of the same and do such repair and construction work therein as it may deem proper.

ARTICLE VIII - Public Way and Sidewalk Improvements

§ C8-1. Written approval from property owners required prior to permanent improvements; exceptions.

The City Council is hereby empowered and authorized to construct roadbeds, sidewalks, curbs, gutters and street and alley improvements, or any or all, in the City, in such cases as it may determine the same to be necessary for the public benefit, and for the benefit of the abutting land and of the owners of such abutting land, provided that, before any permanent street, sidewalk, curb and/or alley improvements shall be made under the provisions of this section, the City Council shall obtain from more than fifty percent (50%) of the property owners of record abutting upon such street, sidewalk, curb and/or alley their written approval of such permanent improvement and/or improvements; provided, however, that where there is a gap not exceeding one (1) block in length in the permanent paving of a street and such street is permanently paved for at least one block distance in each direction from such gap, no written approval of any property owners need be obtained for the construction by the City Council and assessment of the costs thereof under this Article of a permanent roadbed, curbs and gutters in such gap to connect the aforementioned permanently paved portions of such street. No written approval of any property owners need be obtained for the construction by the City Council and assessment of the costs thereof under this Article of a permanent roadbed, curbs and gutters in any street connecting with Baltimore Avenue for a distance of not exceeding one (1) block from Baltimore Avenue. If permanent roadbeds, curbs and/or gutters are constructed by the City Council under these provisions without the written approval of more than fifty percent (50%) of the property owners abutting thereon, the same sideline exemptions shall be granted to corner lots and to lots abutting on more than two (2) streets as are provided in § C8-3 of this Charter, except that the cost of such exemptions shall be paid by the City Council out of any funds properly chargeable with such costs. The ten-year payment plan provided in this Article shall extend to and be accorded to the City Council in the same manner as accorded to property owners paying assessments under this Article.

§ C8-2. Notice and hearing.

When the City Council shall have determined to make roadbed, sidewalk, curb, gutter and street and alley improvements or all or any in the City, it shall thereupon notify, as far as practicable, each owner of land abutting upon such street or other proposed improvements by depositing said notice in the United States Post Office, addressed to such owner’s last known address, setting forth that on a certain day to be named therein, which day shall be not less than one (1) week after the mailing of said notices, that the City Council will meet to consider the kind and character of roadbed, sidewalk, curb, gutter and street and alley improvements, or all or any, to be laid and notifying said owner to appear at said meeting and express his views on the question if he so desires; and that at such meeting, the City Council shall hear any suggestions of said owners and immediately thereafter or, within a reasonable number of days, shall determine the character and kind of work to be done, which determination shall be final and conclusive.

§ C8-3. Assessment of costs; payment and disposition.

A. Authorized. The City Council shall have the power to assess against the abutting property and collect from the owners thereof the cost of roadbeds, sidewalks, curbs, gutters, street and alley improvements or any or all constructed under the provisions of this Article, including the cost of street and public alley intersections, and all construction costs, including that for drains

and culverts where necessary, excavation, preparation or plans, advertising for bids and supervision, and all costs for the preparation of ordinances pertaining to such improvements, costs for verification of titles, for service or mailing of notices to owners of abutting property as required by law and costs for the preparation of assessment collection rolls to be supplied for the use of the Treasurer of the City, provided that before any assessment is levied hereunder, notice, in writing, of the proposed assessment shall be sent to all owners of property against which the assessment is proposed to be levied, naming in such notice a time and place when and at which said owners will be heard. Such notice may be mailed to the last known address of the owner or served in person upon any adult occupying the premises or, in case of vacant or unimproved property, posted upon the premises.

B. Amount. If the property to be assessed for improvements under this Article is located at the intersection of two (2) streets and is what is known as a “corner lot,” the City Council shall have the power to make an assessment for the number of feet in the front of such lot where the improvements in question about the front of such lot; and, in case the improvements about the side of such a lot, the assessment made for such improvements against the lot shall be for one-half (1/2) of the number of linear feet of the side of said lot, not to exceed a total exemption of fifty (50) linear feet; and, for the purpose of assessment, the short side of such lot shall be considered the front of such lot; except, however, that in cases where the two (2) sides are equal or where improvements similar in kind to those being assessed have not been made along the short side of such lot, the City Council shall determine which is the front and which is the side of such lot, and such determination shall be final and conclusive. In the cases of lots abutting on more than two (2) streets and of lots of irregular or unusual shape and in cases of lots abutting on two (2) or more streets in one (1) or more of which improvements similar in kind to those being assessed have been or are about to be constructed under such circumstances as not to subject such lots to a special assessment by the City Council, the City Council shall have full power and authority to deny or grant sideline exemptions or otherwise adjust assessments to be made against such lots for the cost of improvements herein authorized abutting such lots to such an amount as shall be just and equitable. The cost of improvements exempted as provided in this section shall be included in the assessments to be made against the abutting property included in the project, and such adjustments as made by the City Council shall be final and conclusive.

C. Collection. Such assessments, when made, shall constitute a tax lien upon such abutting property and shall bear interest at the rate prescribed by law, and the principal of such assessments shall be payable in twenty (20) equal semiannual installments from the date of such assessment. At the time of the payment of each of said installments there shall be due and payable the interest on such installment and on the balance of the principal then unpaid. The owner or owners of any property assessed or anyone on his or their behalf shall at any time have the right to anticipate by payment all installments, with interest to date, of the assessment not then due. Any assessment or part thereof remaining due and unpaid shall be enforced and collected by the City Council in the same manner as special assessments are now enforced and collected as now or hereafter prescribed and required by law. The Treasurer of the City is charged with the custody of any moneys received from the sale of such bonds or certificates of indebtedness as above mentioned and with the prompt collection and safekeeping of the moneys arising from assessments upon roadbeds, sidewalks, curbs, gutters and street and alley improvements which last said funds shall be kept as a separate account and fund, and no part thereof shall ever be used for any other purpose than to liquidate the bonds or certificates of

indebtedness and interest thereon issued for sidewalks, curbs, gutters, roadbeds and street and alley improvements, which bonds and certificates, when paid, shall be canceled and kept and filed among the papers of the City.

§ C8-4. Applicability of provisions to assessments previously made.

All special assessments and interest thereon heretofore made or to be made by the City Council for the cost of roadbeds, sidewalks, curbs, gutters and street improvements under the provisions of any law in force prior hereto which have not become fully due and which are now unpaid shall come within the provisions of this Article.

§ C8-5. Collection of assessments previously made.

A. All of such special assessments as referred to in § C8-4 of this Charter shall be in default, shall bear the same penalties and shall be collected in the same manner as are now provided for by existing law and shall continue to be a lien upon the property against which they are levied and assessed as now provided by law, and nothing herein shall be construed to affect the validity of such lien or the effectiveness of such sale for default on future installments.

B. The City Council may renew, reissue, extend or refund any of the obligations of the City that may be outstanding, provision for the payment of which is dependent upon the payment of the special assessments provided for in this Article, for such time and at such a rate and upon such conditions as the City Council may determine.

§ C8-6. Authority to make improvements by contract.

The City Council is hereby authorized to make sidewalk, curb, gutter, roadbed and street improvements by contract, either by doing the work themselves without letting bids or by contracting for the same as provided in § C5-21 of this Charter. All contractors for such street improvements shall give bond in such sum as the City Council shall require, with sufficient sureties to be approved by the City Council for the faithful performance of their contract; provided, however, that this section shall not be construed to apply where a majority of the land owners abutting the proposed improvement have requested that the improvements be made.

CITY OF HYATTSVILLE
4310 Gallatin Street
Hyattsville, Maryland 20781
Phone: (301) 985-5000

CITY COUNCIL AGENDA FORM

TITLE: SIDEWALK POLICY	
Motion #:	
Council Meeting Date:	3/7/2016
Agenda Section:	Discussion
Recommendation:	Discussion Only
Department:	Public Works
Staff Contact:	Lesley Riddle
Council Sponsor:	At the Request of the City Administrator
Summary Background:	In 2006 the Hyattsville City Council adopted the Sidewalk policy with the intention of providing continuous pedestrian sidewalks throughout the City. The 2006 policy promoted walk-ability by mandating that all City streets have a sidewalk on at least one side of the street. Unfortunately, there were a myriad of concerns raised with regards to the application of the policy and the process for exceptions. The Council requested the staff review and update the current policy and provide a recommendation for a more comprehensive policy.
Next Steps:	With Council approval City staff will implement the new policy into all future sidewalk and streets project decisions.
Alternatives:	
Fiscal Impact:	None
Community Engagement:	A community meeting is scheduled on March 23rd at 7:30 pm to discuss the sidewalk policy with residents of University Hills.
Strategic Goals:	✓ Goal 1 – Ensure Transparent & Accessible Governance ☐ Goal 2 – Ensure the Long-Term Economic Viability of the City ☐ Goal 3 – Promote a Safe & Vibrant Community ☐ Goal 4 – Foster Excellence in all City Operations ☐ Goal 5 – Strengthen the City's Identity as a Diverse, Creative and Welcoming Community
Legal Review:	Complete
Attachments:	Memo – Review of City Sidewalk Policy, 2016 Sidewalk Policy Final Copy

City of Hyattsville Sidewalk Policy

The City of Hyattsville seeks to balance accessibility and neighborhood appeal for City residents and visitors. This policy aims to ensure that all pedestrians can traverse the City safely and efficiently while also incorporating public input into the design and re-design of sidewalks.

1. Continuous pedestrian sidewalks in the public right-of-way should ordinarily be installed and maintained on at least one side of the street of every City-owned block.
2. Except as specifically authorized by the City Council, all new installation of sidewalks or redesign of existing sidewalks in the public right-of-way shall be paid for with general City revenues and not by special assessment of adjacent property owners. In the event that the City Council levies a special assessment for sidewalks, the City shall follow the procedures in Article VIII of the City Charter and Code. In all other instances, Article VII of the City Charter and Code shall apply.
3. The classification of the road shall be considered to determine whether a particular street segment will receive a sidewalk.
4. New and reconstructed sidewalks shall be fully compliant with the Americans with Disabilities Act (ADA) regulations and other applicable state and federal requirements.
5. The City shall endeavor to remove or minimize obstacles within new or existing sidewalks to the fullest extent possible without incurring additional costs.
6. The City shall make every reasonable effort to find creative solutions to problem areas before deciding to forego installation of a sidewalk.
7. The City may decide to forego installation of a sidewalk in a particular location based on, but not limited to, the following criteria:
    a. There is insufficient existing public right of way or easement available for installation of a sidewalk and it is not feasible to either voluntarily acquire the necessary easement or to incorporate part of the existing roadway for the sidewalk.
    b. The block is not on a through street.
    c. Construction of a sidewalk would present inordinate engineering challenges or costs.
    d. Construction of a sidewalk would entail the loss of significant existing tree canopy.
    e. Construction of a sidewalk would impact stormwater management.
    f. Construction of a sidewalk would impact the placement and/or construction of a hiker/biker trail.
    g. Construction of a sidewalk is challenged by either a petition or testimony at a public hearing of the owners of property abutting the proposed sidewalk. A majority of the title-holders of properties on the block(s) may attest by their signatures on a petition to be received by the City Clerk on or before, the time of the public meeting, that they are opposed to the installation of a sidewalk on their block. The process for petition is outlined below.
8. The width of sidewalks will be determined by the appropriate standard detail for the classification of the road, and will utilize proper standard road geometry for the given classification.
9. On blocks where sidewalks are present on both sides of the street, a sidewalk may be removed by the City. Reasons for removal may include, but are not limited to the following: public safety or hazardous conditions, stormwater management, incorrect road geometry, installation of bike

lane/trail, appropriate engineering judgement or study, the sidewalk is not of service or beyond repair, or the input of the residents/owners.

10. Maintenance of the sidewalk will be carried out as outlined in the City Code and Charter immediately after the sidewalk project is complete and accepted by the City.

The following procedure will be followed for the new installation of sidewalks or the redesign of an existing sidewalk Such new installation or redesign shall not include either small installations (one hundred linear feet or less) or repair or replacement in kind of existing sidewalk(s).

1. Prior to beginning to design, the City shall conduct a public hearing before the City Administrator or his/her designee to receive input from the impacted properties and from the public on the City's intent to construct or redesign sidewalks in a specific area.
2. After the design is substantially complete and before the City Council approves the proposed plan, the City shall conduct an additional public hearing.
3. The City may schedule additional public hearings during the design process.

Residents have the right to present a petition to the City concerning their preferences as it relates to sidewalk installation, maintenance and/or removal. The following procedures shall be utilized to present a petition.

1. Any petition shall be submitted to the City clerk.
2. The petition shall conform to the procedures and requirements for a petition in section 114-8(A)&(B) of the City Code except as follows:
    a. An eligible signature shall be that of any person over 18 years of age, who is a title holder to a dwelling unit on the block or section of the block that is the subject of the petition.
    b. The area for each petition shall be no more than one full block.
    c. The signatures of a majority of the property owners in the block (or section) shall be sufficient for the clerk to validate the petition.
    d. A petition that is not validated solely because of the lack of a majority of eligible signatures shall nevertheless be submitted to the City Council accompanied by a statement explaining it was not validated due to the lack of majority.
    e. A hearing on a petition can only be scheduled by an act of City Council.
3. Any petition presented to City Council shall become part of the record of the public hearings held on the project.
4. The City will not accept petitions on the project after the public hearing that concludes project design and precedes Council approval (see paragraph two in the section of this policy concerning public hearings).

Memo

To: Mayor and Council

From: Lesley Riddle, Director of Public Works

CC: Tracey E. Nicholson, City Administrator

Date: 3/7/2016

Re: Review of City Sidewalk Policy

In 2006 the Hyattsville City Council adopted the Sidewalk policy with the intention of providing continuous pedestrian sidewalks throughout the City. The 2006 City of Hyattsville sidewalk policy promoted walk-ability by mandating that all City street have a sidewalk on at least one side of the street. Unfortunately, implementation, application, and the exception to policy process were unclear.

During the November, 2, 2015 Council Meeting, the Council requested that the staff review and revise the 2006 Sidewalk Policy to clarify requirements for sidewalk installation, procedures for requesting an exception and correct areas that were ambiguous or inconsistent.

The Federal Highway Administration (FWHA) -*Guidance Memorandum on Consideration and Implementation of Proven Safety Countermeasures* offers the following guidance for the application of sidewalks and shoulders:

"Accessible sidewalks or pathways should be provided and maintained along… streets and highways in urban areas, particularly near school zones and transit locations, and where there is frequent pedestrian activity."

For less developed areas with occasional pedestrian traffic expected, the Guidance Memorandum provides the following:

"Walk-able shoulders (minimum of 4 feet stabilized or paved surface) should be provided along rural highways"…

The FWHA policy clearly states the need for standards and evaluation of existing conditions for installing or not installing sidewalks. The City of Hyattsville has varying street conditions which were not addressed in the 2006 Sidewalk Policy. While the 2016 policy states that it is the goal of the city to have a sidewalk on at least one side of every street, the new policy takes into account that might not always be possible. For the first time, road geometry, storm

water management, tree canopy, and neighborhood aesthetics can all be taken into consideration.

Also, the 2016 City of Hyattsville sidewalk policy was written to address the issue of distinguishing between work paid for by general funds (which falls under Article 7 of the City Charter) and work paid for by special assessment (covered by Article 8 of the City Charter). The new policy states "***Except as specifically authorized by the City Council, all new installation of sidewalks or redesign of existing sidewalks in the public right-of-way shall be paid for with general City revenues and not by special assessment of adjacent property owners. In the event that the City Council levies a special assessment for sidewalks, the City shall follow the procedures in Article VIII of the City Charter and Code. In all other instances, Article VII of the City Charter and Code shall apply."*** In effect-the City has the authority to place sidewalks within the public rights of way without receiving the consent of abutting land owners, unless the City intends to specially assess the costs.

Finally, the public notice and resident participation aspects of the policy have been clarified in order to allow the City to receive input and continue to make progress on the project while aiming to avoid lengthy and potentially costly delays in planning and procurement.

The modifications to the 2006 Sidewalk Policy ensures that residents and staff are fully involved in making informed decisions about the installation and maintenance of new sidewalks. The 2016 Sidewalk Policy addresses design modifications, clarification of authority to install sidewalks, clarification of the petition process, clarification of public hearings, and reasoning for not considering sidewalk installation. Overall the policy effectively gives a clearer way forward to new sidewalk installation.

CITY OF HYATTSVILLE
4310 Gallatin Street
Hyattsville, Maryland 20781
Phone: (301) 985-5000

CITY COUNCIL AGENDA FORM

TITLE: LIGHTING MOU FOR MD500

Motion #:	N/A
Council Meeting Date:	3/7/2016
Agenda Section:	Discussion
Recommendation:	Discussion Only
Department:	Public Works
Staff Contact:	Lesley Riddle
Council Sponsor:	At the Request of the City Administrator
Summary Background:	The Maryland State Highway Administration (SHA) has been working on a $10.6 million "streetscape" project along a one-mile section of MD 500 (Queens Chapel Road) in the City of Hyattsville. The project is intended to enhance pedestrian and traffic safety, revitalize the neighborhood, and meet the transportation needs of community. It involves improved lighting, sidewalks, cross walks, updating pedestrian signals, adding bike lanes and converting an existing painted median into a landscaped median from MD 208 (Hamilton Street) to MD 410 (East West Highway). In 2013, shortly after the project was designed, the City agreed to contribute 50% of the costs for lighting improvements and upgrades. In 2014, SHA provided updated estimates and the Council approved an amount NTE $191,226. SHA has recently informed the City that the project is 29% complete and the final lighting proposal will require an additional $9116.00. This brings the City's new contribution amount to $200,342.00, which is less than 50% of the $543,754 total lighting costs and approximately 2% of the $10.6M overall project cost. SHA is requesting that the City sign an updated MOU authorizing an amount NTE $200,342,00 for lighting improvements the project.
Next Steps:	Continue coordination with SHA.
Alternatives:	
Fiscal Impact:	$200,342,00 is included in the FY18 Capital Improvements Budget
Community Engagement:	There have been numerous meetings to discuss the upgrades to existing lighting and additional pedestrian level lighting.
Strategic Goals:	☐ Goal 1 – Ensure Transparent & Accessible Governance ☐ Goal 2 – Ensure the Long-Term Economic Viability of the City ✓ Goal 3 – Promote a Safe & Vibrant Community ☐ Goal 4 – Foster Excellence in all City Operations ☐ Goal 5 – Strengthen the City's Identity as a Diverse, Creative and Welcoming Community
Legal Review:	Complete
Attachments:	Memo – SHA MOU 2016, Cover – SHA MOU 2016, SHA QCR Sharing Breakdown, SHA MD500 Amendment

Memo

To: Mayor and Council

From: Lesley Riddle, Director of Public Works

CC: Tracey E. Nicholson, City Administrator

Date: 3/7/2016

Re: Lighting MOU for MD 500

The Maryland State Highway Administration (SHA) has started a $10.6M “streetscape” project along on a one-mile section of MD 500 (Queens Chapel Road) in the City of Hyattsville in Prince George’s County. The project is designed to enhance pedestrian and traffic safety, revitalize the neighborhood and meet the transportation needs of the community. The project will enhance lighting; improve sidewalks, crosswalks and pedestrian signals, add bike lanes and convert an existing painted median into a landscaped median from MD 208 (Hamilton Street) to MD 410 (East West Highway).

In 2013, the City agreed to share 50% of the lighting upgrade costs. At that time, the preliminary lighting budget required a $61,000.00 investment from the City. In August of 2014, they revised the lighting proposal bringing the City’s contribution to $191,226.00. The additional $130,000 was approved by the Council on October 6th, 2014.

SHA has again reached out to inform the City that the project is 29% complete and the final lighting cost proposal will require an additional $9116.00. This will bring the new shared cost commitment from the City to $200,342.00.

The cost increases are due to changes in quantities and unit costs once lighting designs were finalized. The below listed items contributed to the increase in the overall lighting budget:

- Light poles cost increased from $ 61,250.00 to $78,750
- Light fixtures cost increased from $21,000 to $29,750
- Meter service pedestal cost increased from $7,500 to $8,850
- Wire kit type 4 quantities increased from $ 1,987 to $ 2,233

As the City works to upgrade and retrofit lighting throughout West Hyattsville, the upgrades to Queens Chapel Road will contribute to those efforts by providing better pedestrian lighting and new light poles within our targeted lighting upgrade area.

MD 500 - MD 208 TO MD 410

PROPOSED PEDESTRIAN LIGHTING - COST SHARING BREAKDOWN

Pay Items							SHA PARTICIPATION		CITY OF HYATTSVILLE	
Item No.	Category Code No.	Description	Unit	Quantity	Unit Cost	Total Cost	100%	50%	50%	
8001	801003	CONCRETE FOR LIGHT FOUNDATION	CY	22	$ 873.50	$ 19,217.00		$9,608.50	$9,608.50	Quantity increased from 18CY to 22CY. Unit cost increased from $150 to $873.50
8007	802501	NO. 6 AWG STRANDED BARE COPPER GROUND WIRE	LF	8440	$ 2.00	$ 16,880.00		$8,440.00	$8,440.00	No change
8009	805135	3 INCH SCHEDULE 80 RIGID PVC CONDUIT - TRENCHED	LF	4581	$ 10.00	$ 45,810.00	$45,810.00			
8010	811001	FURNISH AND INSTALL ELECTRICAL HANDHOLE	EA	58	$ 1,400.00	$ 81,200.00	$81,200.00			
8015	837001	GROUND ROD - 3/4 INCH DIAMETER X 10 FOOT LENGTH	EA	100	$ 78.00	$ 7,800.00		$3,900.00	$3,900.00	No change
NEW ITEMS										
	800000	ORNAMENTAL LIGHT POLE	EA	35	$ 4,500.00	$ 157,500.00		$78,750.00	$78,750.00	Unit Cost increased from $3,500 to $4,500
	800000	ORNAMENTAL LIGHT FIXTURE	EA	35	$ 1,700.00	$ 59,500.00		$29,750.00	$29,750.00	Unit Cost increased from $1,200 to $1,700
	800000	MODIFIED BASE MOUNTED METERED SERVICE PEDESTAL	EA	3	$ 5,900.00	$ 17,700.00		$8,850.00	$8,850.00	Unit Cost increased from $5,000 to $5,900
	802571	ELECTRICAL CABLE 1-CONDUCTOR, 2/0 AWG, TYPE THHN	LF	800	$ 2.50	$ 2,000.00		$1,000.00	$1,000.00	New Item - Determined that it was needed after design was finalized
	805115	3 INCH SCHEDULE 80 RIGID PVC CONDUIT - BORED	LF	1100	$ 50.00	$ 55,000.00	$55,000.00			
	805135	3 INCH SCHEDULE 80 RIGID PVC CONDUIT - TRENCHED	LF	1500	$ 25.00	$ 37,500.00	$37,500.00			
	805140	4 INCH SCHEDULE 80 RIGID PVC CONDUIT - TRENCHED	LF	24	$ 25.00	$ 600.00	$600.00			
	832016	CABLE - CONDUCTOR, NO. 6 AWG, TYPE USE, 600V	LF	29000	$ 0.80	$ 23,200.00		$11,600.00	$11,600.00	Unit cost decreased from $3 to $0.80
	832019	1-CONDUCTOR NO. 10 A.W.G., TYPE THWN/THHN, 600V	LF	2200	$ 1.00	$ 2,200.00		$1,100.00	$1,100.00	2200LF. Unit cost decreased from $1.50 to $1.00
	834001	CONNECTOR KIT TYPE 1	EA	124	$ 66.00	$ 8,184.00		$4,092.00	$4,092.00	Quantity decreased from 130EA to 124EA. Unit cost decreased from $75 to $66
	834002	CONNECTOR KIT TYPE 2	EA	70	$ 71.39	$ 4,997.30		$2,498.65	$2,498.65	New Item - Determined that it was needed after design was finalized
	834004	CONNECTOR KIT TYPE 4	EA	58	$ 77.00	$ 4,466.00		$2,233.00	$2,233.00	Quantity increased from 53EA to 58EA. Unit cost decreased from $75 to $77
Estimate Totals						**$ 543,754.30**	**$220,110.00**	**$161,822.15**	**$161,822.15**	
						Net Cost	**$381,932.15**		**$161,822**	
								Additive (14.4%)	**$23,302**	
								Subtotal	**$185,125**	
								Overhead (8.22%)	**$15,217**	Overhead changed from 7.77% to 8.22%
								Total City Participation	**$200,342**	

MD 500 (Queens Chapel Road)
Streetscape Project
From MD 208 (Hamilton Street) to MD 410 (East West Highway)

WINTER/SPRING 2016 CONSTRUCTION UPDATE

To enhance pedestrian and traffic safety, revitalize neighborhoods and meet the transportation needs of communities, the Maryland State Highway Administration (SHA) is constructing a $10.6 million "streetscape" project along on a one-mile section of MD 500 (Queens Chapel Road) in the City of Hyattsville in Prince George's County. The project involves enhancing pedestrian safety by making sidewalk, crosswalk and pedestrian signal improvements, adding bike lanes and converting an existing painted median into a landscaped median from MD 208 (Hamilton Street) to MD 410 (East West Highway).

To improve intersection operations, crews will also install a double-left turn movement from northbound MD 500 onto Belcrest Road. The State Highway Administration (SHA) will provide new and upgraded sidewalks, traffic and pedestrian signals with audible pedestrian and countdown signals. Bicycle-compatible lanes also will be built along the outside travel lanes of MD 500.

Other improvements include pedestrian lighting and pavement resurfacing within the project limits. Currently, 23,550 vehicles travel this section of Queens Chapel Road each day, with traffic projected to increase to 31,200 vehicles per day by 2030.

Currently, the project stands at 29% complete. Weather permitting, the entire project should be complete by late fall 2017. The project's original estimated completion date of late fall 2016 was adjusted for the design, approval and inclusion of additional traffic signals into the project at the intersection of MD 500 and Belcrest Road.

To date, crews have completed construction on a significant portion of water utility and drainage work for the project. Between now and late spring, crews will work during weekday daytime hours to construct curb and gutter and new street lighting infrastructure. Crews will perform limited work during winter, weather permitting, and resume normal project activity when warmer temperatures return in the spring.

Pedestrians are encouraged to follow signs directing them to safe crossings within the work zone. SHA may use electronic message boards, construction cones, barrels, arrow boards and a flagging operation to direct motorists through the work zone. SHA asks for your patience as crews work to finish this phase of the project. Residents and travelers are advised that equipment used for construction can be loud and disruptive.

TEMPORARY LANE CLOSURES

To complete all phases of work, crews may temporarily close one or two lanes in both directions of MD 500:

- **Weekdays between 9 a.m. and 3:30 p.m.**
- **Overnight, Sunday through Thursday, between 7 p.m. and 5 a.m.**

QUESTIONS

The following SHA representatives are available to answer questions regarding work on this MD 500 project:

- **Mr. Gary Lilly, SHA Project Engineer, glilly@sha.state.md.us, 301-802-0534**
- **Mr. Richard Vosburg, SHA Area Engineer, rvosburg@sha.state.md.us, 301-513-7336**
- **Mr. Christopher Bishop, District 3 Community Liaison, cbishop@sha.state.md.us, 301-513-7405**

# # #

Council Agenda Form

MOTION # TBD	DRAFT #
DATE SUBMITTED: 8/31/2016 (original), 2/28/2016 (current revision)	**DATE TO GO BEFORE COUNCIL:** 3/7/2016
SUBMITTED BY: CM Joseph Solomon	
DEPARTMENT: Hyattsville City Council, Hyattsville City Police Department	

TITLE OF MOTION: Police Body Camera Implementation Requirements

RECOMMENDATION:
I move that the Mayor and Council adopt the Hyattsville Resolution on the Implementation and Use of Body Worn Cameras for the Hyattsville City Police Department.

Hyattsville Resolution on the Implementation and Use of Body Worn Cameras for the Hyattsville City Police Department

Whereas: The Maryland Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers has prepared recommendations to the Maryland Police Training Commission on the use of police body worn cameras; and

Whereas: The Maryland Police Training Commission has developed minimum standard recommendations for the use of police body worn cameras in section 3-511 of the Maryland Articles of Public Safety based upon the review of reports prepared by: The American Civil Liberties Union, The United States Department of Justice Community Oriented Police Services (COPS) Division, and U.S. Department of Justice Office of Justice Programs at the National Institute of Justice;

Whereas: Neither The Maryland Police Training Commission nor the Maryland Commission Regarding the Implementation and Use of Body Cameras has provided thorough guidelines on the technical and operational standards for protocols and procedures;

Now, therefore be it resolved that the Mayor and Council adopt the recommendations of The Maryland Police Training Commission as the minimum standard for the Hyattsville City Police Department body worn camera policy;

Be it further resolved that technical criteria for the purchase and implementation of police body worn cameras will be evaluated against standards provided by or similar to, but not limited to, those recommended by the Maryland Department of Information Technology and United Kingdom Home Office;

Be it further resolved that the Hyattsville City Police Department will be required to include a detailed report on its ability to meet State and technical recommendations in its implementation of the Hyattsville police body worn camera program to the Hyattsville City Council;

Be it further resolved that the Mayor and Council mandate the implementation of body worn cameras for all patrol officers by the year 2020.

BACKGROUND:

The Hyattsville City Police Department began a Body Worn Cameras (BWCs) pilot program in November 2013. The Department was one of several agencies in the State to be included in a grant program sponsored by the Local Government Insurance Trust (LGIT). The City received 30 BWCs at no cost from LGIT. Policies and procedures were developed and approved by the City Attorney before the BWCs were deployed.

After 15 months of operation, it is the opinion of the Command Staff that the BWC program is a good tool to improve police services and build community trust thru enhanced transparency. Unfortunately, the pilot model of BWCs is problematic. It needs improvements in the area of reliability and video security. A better quality camera is needed.

Hyattsville City Council approved the request and added funding in the FY2016 budget for the procurement of new body cameras.

As determined by the U.S. Department of Justice Office of Justice Programs at the National Institute of Justice, a major issue with the use of BWCs is a lack of technical standards and operational standards for protocols and procedures. Without such standards in place, law enforcement practitioners lack adequate information to select the proper system that meets their requirements. The interoperability between systems and associated software also requires a set of standards. Further, such standards are instrumental in ensuring that evidence gathered from BWCs meets courtroom standards. The currently Maryland State Guidelines do not include reference to any such technical standards.

ANTICIPATED STAFF RESOURCES REQUIRED TO IMPLEMENT:

Hyattsville City Police Department

CITY ADMINISTRATOR / DEPARTMENT DIRECTOR COMMENT: (must be approved by City Administrator): This action is supportable and is consistent with our FY 16 and FY17 departmental goals. Funds have been allocated to ensure fielding of all patrol officers by the end of FY2017.

_____

Tracey E. Nicholson, City Administrator

STRATEGIC GOALS AND ACTIONS:

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

Action 3.1 – Enhance safety and security in public places including residential neighborhoods, parks and commercial corridors

Action 3.3 – Provide effective, responsive, data-driven safety information and services.

Action 3.6 - Ensure a professionally managed, staffed, and equipped police force trained and prepared to protect and serve residents and the community.

Action 4.1 – Provide exceptional customer service

Action 4.3 – Ensure policies, procedures, and practices meet or exceed accredited or nationally recognized standards.

SUPPORTING DOCUMENTATION:

1. UK Home Office Body-worn Video Technical Guidance

2. State of Maryland Department of Information Technology Body Camera Specifications
3. ACLU - Police Body-Mounted Cameras
4. The Harvard Black Law Students Association - Independent Lens
5. COPS - Recommendations and Lessons Learned
6. Harvard Law Review - Considering Police Body Cameras
7. Maryland Commission Regarding the Implementation of Use of Body Camera's By Law Enforcement Officers Materials - http://goccp.maryland.gov/bodycameras/documents/body-cameras-materials-20150901.pdf
8. Maryland Commission Regarding the Implementation of Use of Body Camera's By Law Enforcement Officers Final Report - http://goccp.maryland.gov/bodycameras/documents/Body_Camera_Commission_FINAL.pdf
9. MCR Working Document - http://goccp.maryland.gov/bodycameras/documents/bodycameras-workingdocument.pdf
10. MCR – Meeting August - http://goccp.maryland.gov/bodycameras/documents/body-cameras-materials-20150804.pdf
11. MCR – Meeting September - http://goccp.maryland.gov/bodycameras/documents/body-cameras-materials-20150901.pdf

CURRENT YEAR BUDGET IMPACT:

Main City Calendar for March 8 – March 22, 2016

Ageless Grace Senior Exercise Classes
Wednesdays and Fridays, 10:00 AM @ the City Administration Building

Creative Minds Parent-Child Program
Tuesdays and Thursdays, 10:00 AM @ Magruder Recreation Center

Call-A-Bus Grocery Trips
March 8, 11:00 AM @ Shoppers/Price Rite
March 14, 11:00 AM @ Giant

Teen Advisory Committee
March 10, 5:00 PM @ Prince George's Plaza Community Center

County Budget Listening Session with County Councilwoman Deni Taveras
March 10, 7:00 PM @ City Municipal Building

Planning Committee
March 15, 7:30 PM @ the City Administration Building

City Council Public Hearing
March 16, 7:00 PM
The purpose of the public hearing is to hear input from residents and community stakeholders on the proposed FY2017 budget.

City Council Budget Work Session
March 16, 8:00 PM @ the City Administration Building
Review of proposed budget for the following departments: Administrative, Legislative, Finance, Clerk, HR, IT and Elections.

Police and Public Safety Citizens Advisory Committee
March 17, 7:00 PM @ the City Administration Building

The Great Magruder Park Egg Hunt & Pancake Breakfast
March 19 @ Magruder Park
Pancake Breakfast 9 - 11 am; Egg Hunt 11:00 AM

Public Hearing: Petition for One-Way (SB) Alley 4200 Blocks Gallatin St to Farragut St.
March 21, 7:30 PM @ the City Administration Building
The City received a valid petition from residents requesting to make the alley running between the 4200 blocks of Gallatin and Farragut streets one-way, southbound. The City Council will hear testimony from residents regarding this request during this hearing. For more information, call Laura Reams, City Clerk at 301-985-5009.

City Council Meeting
March 21, 8:00 PM @ the City Administration Building