

SPECIAL COUNCIL MEETING OF THE CITY COUNCIL HYATTSVILLE, MARYLAND

October 11, 2010

Mayor Bill Gardiner called the meeting of the Council to order at 8:11 p.m. at the Municipal Building, 4310 Gallatin Street, Hyattsville, Maryland.

Present were Mayor Bill Gardiner, Council Vice President Bill Tierney, Council Members Ruth Ann Frazier, Carlos Lizanne, Douglas Dudrow, David Hiles and Timothy Hunt. Council President Mark Tartaro and Council Members Paula Perry, Nicole Hinds and Matthew McKnight were absent.

Also present were City Administrator Murphy, Assistant City Administrator Jones, City Treasurer Stookey, Community Development Manager Chandler, City Attorney Colaresi and City Clerk Barber.

Note for the Record: A Council Work Session was held on October 11, 2010. The work session started at 7:00 p.m. and ended at 7:55 p.m. The discussion during the Council Work Session focused on the process and procedures for future Council Work Sessions.

Mayor Gardiner asked for a moment of silence in honor of two of the City's long-time residents who recently passed away: Former Council Member and past Mayor Mr. Jeremiah Harrington, and Mrs. Rita O'Dea.

APPROVAL OF THE AGENDA:

Council Member Hunt moved to move Motion# 187-10-10 (Queens Chapel Town Center - CSP-10002) from consent to action on the agenda. Council Member Hiles moved to have discussion item Motion# 158-09-10 (Committee Appointment Authority) moved to the top of the discussion list. **Council Member Hiles moved that the Mayor and Council approve the agenda of October 11, 2010, as amended.**

PUBLIC COMMENT:

Mr. Stuart Eisenberg, a resident of Ward 2, addressed the Mayor and Council on two issues: First, as Executive Director of the Hyattsville Community Development Corporation, on October 18, 2010, the Community Legacy Planning Committee will make another presentation on the Legacy Plan. He requested that, prior to the closure of Council's Legislative Priorities discussions, that Council provide time for the components of the recommendations for implementation in the adoption of the Legacy Plan. Secondly, as a resident, he stated that he is supportive of the Council setting time limits for discussion items.

Mr. David Marshall, a resident of Ward 3, commented on Motion #166-09-10, Legislative Priorities. He stated that #8 of the priorities, Non U.S. Citizens Voting Rights, should not be on

the list. He also addressed his recurring problem with 6007 37th Avenue still running a business out of the house.

ACTION ITEMS:

Council Member Hunt moved that the Council authorize the Mayor to send to M-NCPPC Planning Board the City's comments regarding CSP-10002, a request for amendment to the Table of Uses in the West Hyattsville Transit District Development Plan:

- 1. The City is not supportive of the applicant's effort to rezone through a significant number of use amendments to the approved Table of Uses in the West Hyattsville TDDP.**
- 2. Several of the applicant's requested uses, including eating or drinking establishments with drive-thru, building supply store, pizza delivery service and private school are inconsistent with the intent of transit-oriented design.**

3. The applicant's request for changes should be made through an application to revise the zoning of the TDDP, so that the requested amendments can be reviewed in a comprehensive manner (Motion# 187-10-10). Community Development Manager Chandler stated that the request is from the property owner of Queens Chapel Town Center to add an additional 15 uses of the property. Manager Chandler provided additional background on the changes and the inconsistencies with the TDDP. This recommendation states the City's position to the changes. The Mayor and Council discussed this motion at length. **Council Member Hunt moved to amend the motion to have item # 2 to read as the following: Several of the applicant's requested uses are inconsistent with the intent of transit-oriented design.** The motion to amend passed with Council Member Hiles voting against. There was no further discussion on the motion as amended. The motion as amended passed with Council Member Hiles voting against.

Council Member Hiles moved that Mayor and Council select and approve the energy assessment services proposal submitted by Ecobeco LLC, at a cost not to exceed \$22,250, and authorize the City Administrator to execute the proposal, upon the review for legal sufficiency by the City Attorney (Motion# 188-10-10). Community Development Manager Chandler provided background to the Mayor and Council as to the selection of the vendor to do the assessment audits. The motion passed unanimously.

Discussion Items:

Motion# 158-09-10 Committee Appointment Authority

The Mayor provided background on the proposed motion. The Mayor and Council discussed the motion at length. City Attorney Colaresi provided clarification to the questions from the Mayor and Council. The motion passed unanimously.

Motion# 165-09-10 Prioritization List and Related Procedures

City Administrator Murphy provided background on the proposed motion. City Administrator Murphy provided explanation of the documents in the Council member's packets. City Administrator Murphy stated that there is still work to be done by staff. She stated that the

format that Council Member McKnight prepared will be used for performance measures. Further discussion took place with the Mayor and Council with City Administrator Murphy and City Treasurer Stookey providing clarification to Council's questions. Council stated that the document should be a working and sort able document. Mayor and Council agreed to add this motion to the action items for next week's agenda.

Motion# 166-09-10 Legislative Priorities

Mayor Gardiner reviewed the items on the Legislative Priority list. Council requested a form be sent out to Council Members to prioritize the list so that they can come to a consensus and work the list from the top. City Attorney Colaresi urged the Council to add the Public Nuisance Ordinance to the list. Council Member Hunt requested that the Traffic Study discussion wait until mid November to be discussed.

Motion # 156-09-10 Workload Containment

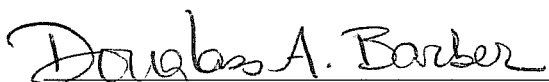
Council Vice President Tierney provided background to the Workload Containment motion. Council requested that they be made aware, in advance, of activities being planned and or advertised to the residents. City Administrator Murphy agreed that the Council needs to be made aware and that Staff will make every effort to do so.

Council Member Hunt moved that the Mayor and Council close the Special Council Meeting of October 11, 2010, to discuss personnel matters and legal issues with City Attorney (Motion# 189-10-10). A roll call vote was taken. The motion passed unanimously.

Mayor Gardiner noted that the Council would not be returning to Open Session.

The Council went into closed session at: 10:42 p.m.

Respectfully submitted,


Douglas A. Barber, City Clerk

Pursuant to the requirement of Annotated Code of Maryland State Government Article Section 10-509(c) (2), this statement is included in these minutes:

A closed session of the Council of the City of Hyattsville was held at 7:07 p.m., Monday, October 11, 2010, in the City of Hyattsville Municipal Building, Third Floor Council Chambers.

Present were Mayor Bill Gardiner, Council Vice President Bill Tierney, Council Members Ruth Ann Frazier, Carlos Lizanne (arrived at 7:12 p.m.), Nicole Hinds (arrived at 7:10 p.m.), Douglas Dudrow, David Hiles (arrived at 7:12 p.m.), Matthew McKnight and Timothy Hunt. Council President Mark Tartaro attended the meeting via conference call. Council Member Paula Perry was absent.

Also present were City Administrator Murphy, and Assistant City Administrator Jones

*On a motion made as follows by Council President Tierney: **Council Vice President Tierney moved that the Mayor and Council close the Council Meeting of October 4, 2010, to discuss a personnel matter regarding the search for the City Administrator position** (Motion# 181-10-10). A roll call vote was taken on the motion. The motion passed unanimously. *The authority under which the session was closed was Annotated Code of Maryland State Government Article Section 10-508(a)(1)(i) – The appointment, employment, assignment, promotion, discipline, demotion, compensation, remove, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction**

The purpose of the meeting was to discuss a personnel matter regarding the search for the City Administrator position. **Council Vice President Tierney moved that the Mayor and Council return to open session for the Council Meeting of October 4, 2010.** The motion passed unanimously. Note for the Record: Mayor and Council returned to open session at 9:34 p.m.