

**COUNCIL MEETING OF THE CITY COUNCIL
HYATTSVILLE, MARYLAND**

December 6, 2010

Mayor Bill Gardiner called the meeting of the Council to order at 8:04 p.m. at the Municipal Building, 4310 Gallatin Street, Hyattsville, Maryland.

The Mayor thanked the staff and residents who attended the Tree Lighting ceremony on Friday, December 3rd, Breakfast with Santa on Saturday, December 4th and the Volunteer Appreciation Event that took place prior to the meeting. He extended his congratulations to the City's Volunteer of the Year, Mr. Bart Lawrence, who accepted the award on behalf of the Hyattsville Parent Teacher Association (PTA).

Present were Mayor Bill Gardiner, Council President Marc Tartaro, Council Vice President Bill Tierney, Council Members Ruth Ann Frazier, Paula Perry, Carlos Lizanne, Nicole Hinds (arrived at 8:10 p.m.), Douglas Dudrow, David Hiles (arrived at 8:09 p.m.), Matthew McKnight and Timothy Hunt.

Also present were City Administrator Murphy, Assistant City Administrator Jones, Director of Public Works Ryan, Director of Recreation and the Arts Yeskulsky, City Treasurer Stookey, Community Development Manager Chandler and City Clerk Barber.

APPROVAL OF THE AGENDA:

Council President Tartaro moved that the Mayor and Council approve the agenda of December 6, 2010. The motion passed unanimously.

APPROVAL OF THE MINUTES:

Council President Tartaro moved that the Mayor and Council approve the Council Meeting minutes of September 7, Special Council Meeting and Public Hearing minutes of September 13, Council Meeting minutes of September 20 and Special Council Meeting minutes of September 27, 2010. The motion passed unanimously.

DEPARTMENT REPORT:

City Clerk Barber updated the Mayor and Council regarding the City's Board of Elections decision on early voting for the upcoming City Election. Mr. Barber clarified for the Mayor and Council the difference in early voting and absentee voting. The board has decided that there would not be enough use to warrant early voting. He stated that the board supports keeping the voting venue and the absentee process as is.

PUBLIC COMMENT:

Ms. Shani N. Wasner, resident of Ward 2, addressed the Mayor and Council about the proposed Community Garden. She would like to know where the issue stands with the Council and if it will be addressed in this calendar year. The garden group needs time to prepare in order for it to be ready for summer.

Mr. Scott Wilson, resident of Ward 3, addressed the Mayor and Council regarding having an engineering company to assess the City's building and streets. He is opposed to spending money for this. He also stated the City should do an audit of the HVFD before approving any money to the department.

Mr. David Marshall, resident of Ward 3, addressed the Mayor and Council about the proposed ordinance revision (Hyattsville Ordinance 2010-04 Revisions to Hyattsville Code). He requested clarification on the changes. He also spoke to the motion to add a sign at Magruder Park. He feels that there should be two signs in the City. He also brought up the discussion item for the HVFD. He stated that he does not feel that it is wise for the City to give the money to the HVFD. He also questioned the financials of the HVFD.

CONSENT ITEM:

Council President Tartaro moved that the Mayor and Council schedule a Special Council Meeting for Monday, December 13, 2010 in lieu of the previously scheduled Council Work Session to allow action items to be brought forward for consideration before the end of the calendar year. The motion passed unanimously.

ACTION ITEMS:

Council President Tartaro moved that the Mayor and Council select and approve HESS Construction and Engineering Services to provide contracted services specified in the scope of services of "RFP#CD100710 - Comprehensive Facilities Management Assessment", at a cost not to exceed \$173,615.00 and authorize the City Administrator to execute a contract, upon the review for legal sufficiency by the City Attorney. Community Development Manager Chandler provided background on the motion to the Mayor and Council and why it is necessary for a construction and engineering company to provide this service for the City. Council requested separate document reports for each of the City's buildings that will be a part of this assessment. The buildings involved in the assessment will be: City Administration Building, the Arcade Building, the DPW Building, the BB&T Building and the Magruder Park Building (Motion# 219-12-10). The motion passed unanimously.

Mayor Gardiner requested that Assistant City Administrator Jones provide a brief update on the issues with the proposed Community Garden. Mr. Jones advised the Mayor and Council that the main issue is the water connection to the proposed Garden site and playground. He noted that M-NCPPC had the water connection turned off and that staff is working to have that turned back on. Council questioned Mr. Jones as to the status of the Parks Master Plan. Mr.

Jones advised the Council that the Parks Master Plan is still in draft and will be brought forth to the Council when it is complete.

Council President Tartaro moved that the Mayor and Council approve the purchase and installation of an Electronic Marquee sign encased in a brick facade to be located at the entryway to Magruder Park by 'piggybacking' an existing M-NCPPC contract for an amount not-to-exceed \$32,200.00 and approve a supplemental appropriation of \$7200 to the Recreation and the Arts budget from existing bonds funds designated for public parks improvements (Motion# 221-12-10). Director of Recreation and the Arts Yeskulsky provided background information on this motion. The Mayor and Council discussed this motion at length. Mr. Yeskulsky answered Council's questions concerning the size, the additional facade and cost of the Marquee. Council discussed the effectiveness and benefits of the marquee sign as a means of distributing information to the residents of the City. **Council Member Hiles moved to amend the motion: to add an additional \$25,000.00 funding to pay for a second sign in West Hyattsville (Ager Road or Queens Chapel Road), funding to be from park bond money, sign has to be in within a park. Council Member Lizanne moved to table motion.** The motion to table failed due to lack of second. The Mayor and Council discussed the amendment to the motion. The amendment failed with Council President Tartaro, Council Vice President Tierney, Council Members Frazier, Perry, Lizanne, Hinds, McKnight, Hunt voting against, Council Members Dudrow, and Hiles voting for. The motion failed with Council Members Frazier, Perry, Lizanne, Hinds, McKnight, Hunt and the Mayor voting against and Council President Tartaro, Vice President Tierney, Council Members Dudrow and Hiles voting for.

Council President Tartaro moved that the Mayor and Council authorize the City Administrator to execute a contract with Charles P. Johnson and Associates, Inc. CPJ to provide engineering services for road and stormwater improvements for University Hills, at a cost not to exceed \$99,712.00, upon review and approval for legal sufficiency by the City Attorney (Motion# 220-12-10). Director of Public Works Ryan provided background and an overview of the project to the Mayor and Council. The Mayor and Council discussed the issue at length, with Director Ryan providing clarification to their questions. City Administrator Murphy requested to withdraw the motion at this time so that it can be brought back to Council with additional information. Further discussion took place between the Council and Director Ryan. Mayor Gardiner requested that staff bring the motion back for the first meeting in January 2011. **Council Member McKnight moved to table the motion.** The motion to table passed unanimously.

Council President Tartaro moved that the Mayor and Council introduce Hyattsville Ordinance 2010-04, an Ordinance whereby the City Council increases the general fine for municipal infractions to \$100 for a first offense and \$200 for each repeat offense as to the following chapters of the City Code: Building Construction (Chapter 46), Electrical Standards (Chapter 55), Fire Prevention (Chapter 59), Plumbing (Chapter 93) (First Reading) (Motion# 218-12-10). The Mayor and Council discussed the motion with Assistant City Administrator Jones providing background on how the amounts of the fines were determined. Council stated since this is the first reading of the ordinance that additional research should be done to determine the increase in fines. The motion passed unanimously.

DISCUSSION ITEMS:*Hyattsville Volunteer Fire Department Equipment Financing-Supplemental Appropriation-*

President Matt Davy, Hyattsville Volunteer Fire Department responded to the Mayor and Council's questions and concerns regarding the proposed funding for fire equipment. Council asked what is the collateral for the loan. Mr. Davy advised that the vehicle would be collateral.

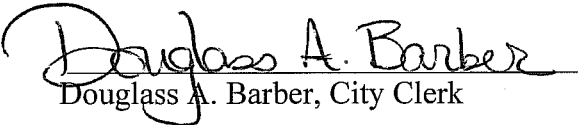
Community Legacy Plan 2011-

Community Development Manager Chandler briefly reviewed the process it has taken to get to the Community Legacy Plan. He stated that the plan recognizes accomplishments, challenges, opportunities and strategies to take the City in the direction of its vision. It is a living document and a mechanism on which to move forward. Council asked what the recommendation is for Council's next step to moving forward. Mr. Chandler responded that the next step would be to adopt the plan. Council stated that it is not completely comfortable with some of the information in the Plan and would like to schedule meeting to discuss possible changes. It was suggested to take time in two meetings in January to discuss and make changes, then vote on the adopting the Plan. Mr. Stuart Eisenberg of Hyattsville Community Development Corporation also addressed the Mayor and Council with additional comments on the Plan. He stated that he welcomes having additional dialog with the Council to meet the goals of the Plan.

Council Vice President Tierney moved that the Mayor and Council close the Council Meeting of December 6, 2010, to discuss personnel matters and contracts (Motion# 223-12-10). A roll call vote was taken on the motion to close the meeting. The motion passed unanimously. Note: Council President Tartaro was not in the room for the vote.

The meeting ended at 10:21 p.m.

Respectfully submitted,


Douglass A. Barber, City Clerk