

COUNCIL MEETING OF THE CITY COUNCIL HYATTSVILLE, MARYLAND

February 7, 2011

Mayor Bill Gardiner called the meeting of the Council to order at 7:38 p.m. at the Municipal Building, 4310 Gallatin Street, Hyattsville, Maryland.

Present were Mayor Bill Gardiner, Council President Marc Tartaro (arrived at 7:39 p.m.), Council Vice President Bill Tierney, Council Members Ruth Ann Frazier, Paula Perry, Carlos Lizanne (arrived at 7:40 p.m.), Nicole Hinds (arrived at 8:16 p.m.), Douglas Dudrow, David Hiles (arrived at 7:39 p.m.), Matthew McKnight and Timothy Hunt (arrived at 7:40 p.m.).

Also present were City Administrator Rose, Assistant City Administrator Jones, Chief of Police Holland, Director of Public Works Ryan, Director of Recreation Yeskulsky, City Treasurer Stookey, Senior Code Inspector Giunta, City Attorney Colaresi, (arrived at 8:52 p.m.) Community Development Manager Chandler, Communication Manager Sandel and City Clerk Barber.

APPROVAL OF THE AGENDA:

Council Member McKnight moved that the Mayor and Council approve the agenda of February 7, 2011 as amended. Mayor Gardiner requested Motion# 26-02-11(Variance V-102-10 - 5607 40th Avenue) be moved from the consent items to the first action item. The motion passed unanimously.

Council President Tartaro moved that the Mayor and Council amend the February 7, 2011, agenda to move Motion# 28-02-11(Consideration of Proposal to Use Hyatt Park by The Hyatt Park Community Garden Association for a Community Garden) to the first action item. The motion passed unanimously.

APPROVAL OF THE MINUTES:

Council President Tartaro moved that the Mayor and Council approve the Special Council Meeting minutes of November 8, 2010, the Council Meeting minutes of November 15, 2010, the Special Council Meeting minutes of November 29, 2010 and the Council Meeting minutes of December 6, 2010 with minor amendments. The motion passed unanimously.

PRESENTATIONS:*Hyattsville Environmental Committee Recommendations for 2011 Budget*

Mr. Jim Groves, Hyattsville Environmental Committee Chairperson addressed the Mayor and Council regarding the Environmental Committees recommended measures for implementation in the FY12 Budget Process. The recommendations are in keeping with the City's Sustainability Policy and provide many benefits including environmental conservation and enhancement, safety, cost savings and education. Mr. Groves discussed recommendations provided in a handout to the Mayor and Council including eliminating the use of flares, specifying no gas powered string trimmers in landscaping contracts, electric/hybrid vehicles, tree canopy inventory and planting, display cases and trail signs on native and invasive plants in Magruder Park and solar energy on City Building.

Kitchen Near You (5321 Ager Road) – Eugene E. Pitrof, Attorney

Attorney Eugene E. Pitrof addressed the Mayor and Council regarding the Council's action on January 10, 2011, regarding the request for a Class B liquor license. Prince George's County Police Officers that work part-time at Kitchen Near You briefed the Mayor and Council on a specific incident where an individual was disorderly and had to be subdued using a Taser. The Mayor and Council asked questions of the officers and the attorney regarding the police request for service. The Owner of Kitchen Near Year, Ms. Beatrice Managa addressed the Mayor and Council on a series of the incidents and she noted that they were not in her establishment. She stated that she is installing cameras to ensure the safety of her establishments. Chief Holland responded to questions regarding frequency of services call. Sgt. Purvis and Chief Holland have been working on this issue. The record is being kept open and awaits the City's response.

Automated Speed Enforcement –

Chief of Police Holland addressed the Mayor and Council with a brief power point presentation on the proposed speed camera legislation for the City of Hyattsville and the process the City must follow if they plan to move the project forward. Chief Holland responded to questions from the Mayor and Council. This issue is on the current agenda as a discussion item.

PUBLIC COMMENT:

Mr. Nick Harris, a Ward 2 resident, addressed the Mayor and Council regarding the issue of having Department of Public Works plow the snow onto sidewalks after a winter storm. He discussed the possibility of having street parking on only one side of the street.

Ms. Judy Robinson, a Ward 3 resident, addressed the Mayor and Council regarding her taxes and how they have increased in recent years. Ms. Robinson expressed her condolences to Karen Robinson's family.

Ms. Shirley Fisher, a Ward 2 resident, addressed the Mayor and Council on trees in the wires on the 3500 Block of Hamilton. Ms. Fisher also stated her concerns about D&G construction trucks parking on 35th Avenue that do not move for 24-48 hours. She also stated her concern about a CPR truck parking on Jefferson Street using a guest parking pass. She expressed her thanks to Sgt. Susie Johnson on her efforts on behalf of the Hernandez Family.

Ms. Shani Warner, a Ward 2 resident, addressed the Mayor and Council as a spoke person for the Community Garden; she noted that all the information requested by the Mayor and Council on the Community Garden and the information that has been provided. Ms. Warner asked if the Council required any additional information.

Mayor Gardiner read a letter to the Council regarding his notice that he will not seek re-election.

CONSENT ITEM:

Council President Tartaro moved the following item as consent: to authorize that Gregory E. Rose, City Administrator be given the authority to become a signatory for all financial accounts and records as required to manage the day-to-day affairs of the City (Motion #25-02-11). The motion passed unanimously.

ACTION ITEMS:

Council President Tartaro moved that the Council authorize the Mayor to send a letter to the Prince George's Board of Zoning Appeals Administrator Anne F. Carter, per the City of Hyattsville's Zoning Variance Policy Statement and Variance Process, opposing V-102-10, a request to validate existing conditions and construct a screened porch on the premises know as Part of Lots 13 & 14, Block 16, Hyattsville Hills Subdivision, being 5607 40th Avenue, Hyattsville, Prince George's County, Maryland contrary to the requirement of the Zoning Ordinance (Motion# 26-02-11). Senior Inspector Giunta addressed the Mayor and Council regarding the specifics of the applicant's request. Mr. Giunta provided background information on the property and responded to questions and of clarification given by the Mayor and Council. The applicant, Ms. Gwen Kessler, address the Mayor and Council on her request. Mr. Michael Horlick, 4003 Longfellow Street, a neighbor of Ms. Kessler's addressed the Mayor and Council and stated his support of Ms. Kessler's variance request. Senior Inspector Giunta responded to questions of clarification given by the Mayor and Council on the proposed motion. **Council Member Hiles amended the motion to read as follows I move the Council authorize the Mayor to send a letter to the Prince George's Board of Zoning Appeals Administrator Anne F. Carter, per the City of Hyattsville's Zoning Variance Policy Statement and Variance Process, supporting V-102-10, a request to validate existing conditions and construct a screened porch on the premises know as Part of Lots 13 & 14, Block 16, Hyattsville Hills Subdivision, being 5607 40th Avenue, Hyattsville, Prince George's County, Maryland contrary to the requirement of the Zoning. The motion as amended passed unanimously.**

Council President Tartaro moved that the Mayor and City Council authorize the use of a portion of Hyatt Park (approximately one-quarter acre in the two-acre park) for a Community Garden by The Hyatt Park Community Garden Association in partnership with the City of Hyattsville and authorize an appropriation of \$10,000 from the 2008 G.O. Bond proceeds earmarked for parks improvements to install the City's portion of water service to the property, as previously authorized by the Council (Motion# 28-02-11). Council President Tartaro amended the motion to include that the Council (1) direct City staff to proceed with all work on the garden without further Council involvement; (2) that the Director of Recreation & the Arts be responsible for completing the outstanding items including the soil test and site plan and report back to the City Administrator; (3) that additional funds be appropriated to pay for the soils testing from the existing \$10,000; and (4) the City Administrator direct that the water be turned on to the garden after he has received the soil test results and determined in his judgment that they are acceptable. The motion as amended passed unanimously.

Council Member McKnight moved that the Mayor and Council discuss, accept, and then adopt the Compensation Review Committee's recommendations regarding compensation for the Mayor and Council Members during upcoming mayoral term (May 2011 - May 2015). This recommendation will become effective after the May 2011 Election. (Motion# 17-01-11). City Attorney Colaresi noted that the Maryland Constitution states that "nor may the salary or compensation of any public officer be increased or diminished during his term of office." Case law has interpreted this to mean that the Mayor and Council cannot give themselves a pay increase or pay decrease during their term of office. For those positions that will be up for election this year those positions may receive an increase. The positions that are not up for election cannot receive the proposed increase until their seat is up for election. City Attorney Colaresi recommended amending the motion to include with the motion the following: This recommendation will become effective pursuant to the State Constitution Article 3 Section 35 after the May election. Council President Tartaro moved to accept City Attorney Colaresi's recommendation and incorporated the language into the motion to be adopted. There was a lengthy discussion on this issue. The motion to amend the motion passed unanimously. Council Vice President moved to Table the Motion to the February 22, 2011 Council Meeting. The motion to table passed unanimously.

Council Vice President Tierney moved that the Mayor and Council discuss and approve Fiscal Year 2011-2012 Budget Development Guidelines and Budget Calendar (Motion# 19-01-11). The motion passed unanimously. There was also discussion of a Public Meeting to allow residents to express their budget priorities. The Public Meeting is scheduled for February 22, 2011, at 7:00 p.m.

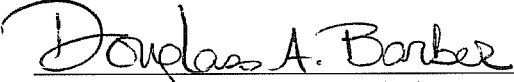
Council Member Hiles moved that the Mayor and Council select and approve ETC Institute to conduct a Resident Satisfaction Survey as specified by the Request for Proposals at a cost of \$16,200, and authorize the City Administrator to execute a contract, upon review for legal sufficiency by the City Attorney (Motion# 27-02-11). Communications Manager Sandel provided a brief overview of the item. The Mayor and Council discussed the issue at length. Ms. Sandel responded to questions of clarification from the Mayor and Council. The motion passed with Council Member Perry voting against.

Council Vice President Tierney moved that the Mayor and Council take a neutral position regarding the application of Kitchen Near You to the Board of License Commissioners for a Class B liquor license contingent upon a Kitchen Near You meeting with the Chief of Police and meeting the visibility needs of the Police to enter the establishment (Motion# 30-02-11). The motion passed with Council Member Frazier voting against.

Council President Tartaro moved that the Mayor and Council close the Council Meeting of Monday, February 7, 2011, to obtain legal advice from the City Attorney regarding contract negotiations (Motion# 24-02-11). The motion passed unanimously.

The meeting went to closed session at 10:20 p.m. and did not return to open session.

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 8:23 p.m., Monday, January 24, 2011, in the City of Hyattsville Municipal Building, Third Floor Council Chambers.

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

Also present were City Administrator Rose, Assistant City Administrator Jones, City Attorney Colaresi, Community Development Manager Chandler, and former City Administrator Murphy

*On a motion made as follows by Council President Tartaro: **Council President Tartaro moved that the Mayor and Council close the meeting of Monday, January 24, 2011, to obtain legal advice from the City Attorney regarding contract negotiations** (Motion# 23-01-11). Council Member Perry asked if the closed session pertains to any of the items on the agenda. She stated if not, then the closed session should take place at the end of the meeting. A roll call vote was taken. The motion passed with Council Member Perry voting against. *The authority under which the session was closed was Annotated Code of Maryland State Government Article Section 10-508(a)(7) – To consult with Counsel to obtain legal advice on a legal matter. The purpose of the meeting was to obtain legal advice from the City Attorney on a proposed contract matter regarding a proposed feasibility study. The Closed Session ended at 9:10 p.m.**

Council Vice President Tierney moved that the Mayor and Council return to open session for the Council Meeting of January 24, 2011. The motion passed unanimously.

Note for the record: The Mayor and Council returned to open session at 9:10 p.m.