

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

February 17, 2009

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.

Present were Mayor Bill Gardiner, Council President Bill Tierney, Council Vice President Patterson, and Council Members Ruth Ann Frazier, Paula Perry, Carlos Lizanne (arrived at 8:09 p.m.), Marc Tartaro, Mark Matulef (left the meeting at 8:08 p.m.), Krista Atteberry, Nicole Hinds (arrived at 8:31 p.m.), and Douglas Dudrow.

Also present were City Administrator Murphy, Assistant City Administrator Jones, Community Development Manager Chandler, Finance Accountant Harding, Volunteer Coordinator Aistis, and City Clerk Barber.

### **APPROVAL OF THE AGENDA:**

**Council Member Perry moved that the Mayor and Council approve the agenda with the removal of the discussion of the Hyattsville Legacy Trails item and Motion# 44-02-09 (Assistant City Administrator , Employment Contract).** The motion passed, unanimously.

### **PUBLIC COMMENT:**

Mr. Stuart Eisenberg, a Hyattsville resident of Ward 2, addressed the Mayor and Council regarding the City's position on the state legislation to include support for House Bill 790 which is a bill to support business improvement districts. Mr. Eisenberg responded to questions of clarification given by the Mayor and Council on the proposed HB790.

Mr. David Marshall, a Hyattsville resident of Ward 3, addressed the Mayor and Council on the current item on the agenda regarding the Traffic Study. He asked for clarification on the amount being spent for this service. He urged the City to change their position on SB277. He provided examples on how he feels this will create problems within the City.

### **ADMINISTRATION REPORTS:**

#### *Discussion of FY09 Mid-Year Review -Administration*

City Administrator Murphy gave an overview of the Administrative goals. Ms. Murphy highlighted goals that are moving forward and those where staff is working; yet taking

longer to move forward than expected. Assistant City Administrator Jones addressed the areas under Administration where he is the first line of contact and for particular projects. City Administrator Murphy addressed the FY09 Goals and Outputs for Communications; she noted the one revision would be to reduce the number of planned special editions of the Hyattsville Reporter from 4 editions to 2 editions. The two editions will be Accomplishments for 2008 and one for the upcoming 2009 Election.

*Discussion of FY09 Mid-Year Review – City Clerk*

City Clerk Barber reviewed the Goals and Outputs for FY09; he also responded to questions of clarification regarding the reproduction of the City's Charter and Code and the timeline for the completion of the project.

*Discussion of FY09 Mid-Year Review – Finance*

Accountant Harding reported to the Mayor and Council on the FY09 Goals and Outputs for the Office of Finance. She noted that the City has been without a City Treasurer since October 2008. Ms. Harding noted the goals currently being met and those that will occur once a new City Treasurer is hired.

*Discussion of FY09 Mid-Year Review – Volunteer Services*

Volunteer Coordinator Aistis addressed the Mayor and Council about the Volunteer Service programs and partnerships that have been established and noted the on-going projects in the City.

*Discussion of FY09 Mid-Year Review – Community Development*

Community Development Manager Chandler reviewed the Goals and Outputs for FY09 for his office. He discussed several on-going projects. He provided explanations for the current status of the Melrose Access Trail project. Mr. Chandler provided an update on the 4318 Gallatin Street project, and noted the roof replacement component of the project had been completed. He discussed the next steps of the project.

**CONSENT ITEM:**

**Council President Tierney moved the following item as consent: (1) to authorize the City Administrator to sign a Cost Reimbursement Agreement with the United States Secret Service / Metro Area Fraud Task Force which agreement has been approved as to legal sufficiency by Counsel; furthermore, that the Mayor and Council accept, appropriate and authorize the expenditure of \$10,000.00 in funding, being offered by the United States Secret Service Metro Area Fraud Task Force, for acquisition of equipment and reimbursement of overtime used while investigating Hyattsville City and/or USSS task force cases (Motion # 42-02-09). The motion passed unanimously.**

**ACTION ITEMS:**

**Council Vice President Patterson moved that Mayor and City Council authorize the City Administrator upon review and approval for legal sufficiency by Counsel, to execute a contract with Sabra, Wang & Associates, Incorporated located in Baltimore, Maryland, in an amount not-to-exceed \$50,000.00 to conduct a citywide Traffic Study and approve a \$50,000 supplemental budget appropriation transferring funds from Administration (Integrated Business Management System project) to the Department of Public Works to cover the cost of the contract (Motion # 45-02-09).** Assistant City Administrator Jones explained the City's process and the purpose of the Traffic Study project. City Council requested that all the traffic points be sent out to the entire Council. The Mayor and Council discussed at length. The motion passed unanimously.

**Council President Tierney moved that the Mayor and Council adopt Hyattsville Ordinance 2009-05, an ordinance that will amend Article 1 Chapter 105 regarding Public Way and Sidewalk Area Maintenance and whereby the City Council requires the owner or occupant of any property to keep the adjoining sidewalk free of weeds, debris and obstructions and the areas immediately abutting such sidewalks mowed and free of obstructions (Second Reading) (Motion # 40-02-09).** The motion passed, with Council Members Perry and Frazier voting against.

**Council Member Atteberry moved that the Mayor and Council add Motion# 44-02-09 (Assistant City Administrator, Employment Contract) back onto the Council Meeting Agenda (Motion # 46-02-09).** The motion passed unanimously.

**Council Member Frazier moved that the Mayor and Council authorize the City Administrator to take personnel action resulting from completion of 1 year of service to the City and the evaluation process, Assistant City Administrator Jones will receive a bonus of \$1000 and a 1.5% increase in salary, effective 2/4/09, and the contract automatically renews through 2/04/10 (Motion 44-02-09).** The motion passed unanimously.

**Council Member Atteberry moved that the Council authorize the Mayor to send correspondence to the District 22 delegation in support of the following bills that have been introduced in the General Assembly:**

**SB 274**

**TITLE: Tax Increment Financing and Special Taxing Districts - Transit-Oriented Development**

**Would expand municipalities' authority to use tax increment financing for transit-oriented development, in part by including a broad range of taxes (not just real property) generated in a TOD that can be used to pay back bonds, capital investments, and operating expenses.**

**SB-277 TITLE: Vehicle Laws - Speed Monitoring Systems - Statewide Authorization and Use in Highway Work Zones Vehicle Laws. Would allow counties and**

**municipalities the authority to install speed cameras in limited locations and collect fines from violators.**

**MC/PG 108-09**

**Maryland–National Capital Park and Planning Commission – Prince George's County District Council**

**Would require the District Council to allow municipalities certain limited powers of the District Council, such as design standards, variances, vacation of rights-of-way, subject to the same substantive and procedural standards of the District Council.**

**Additionally, I move that the Council authorize the Mayor to send correspondence to the District 22 delegation in opposition to the following bills that have been introduced in the General Assembly:**

**PG 413-09 Prince George's County - Public School Facilities – Surcharge**

**Would require the surcharge revenue to be spent within the legislative district that generated the surcharge. This change could decrease capital funding for schools in developed areas and could encourage sprawl development.**

**PG 414-09 Prince George's County - Homestead Tax Credit Percentage**

**Would increase the Homestead Tax Credit cap on County real property tax increases from five percent to ten percent for two years (Motion # 43-02-09). The motion passed unanimously.**

**DISCUSSION ITEM:**

*Gateway Arts Festival Support*

The Mayor and Council discussed on commented on previously held Gateway Arts Festival event. Mayor Gardiner noted the item would be placed on a future Council Meeting Agenda for further discussion.

**Council President Tierney moved to adjourn the Council Meeting of February 17, 2009.** The motion passed, unanimously.

The Council Meeting of February 17, 2009 ended at 10:05 p.m.

Respectfully submitted,

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Douglass 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 10:18 p.m., Monday, February 9, 2009, in the City of Hyattsville Municipal Building, Third Floor Council Chambers.*

*Present:* Mayor Bill Gardiner, Council President Bill Tierney, Council Vice President Anthony Patterson, and Council Members Ruth Ann Frazier, Paula Perry, Carlos Lizanne, Mark Matulef, Krista Atteberry, Nicole Hinds, Douglas Dudrow, and City Administrator Murphy and Assistant City Administrator Jones. Council Member Marc Tartaro was absent.

*On a motion made as follows by Council President Tierney. **Council President Tierney moved that the Mayor and Council close the Special Council Meeting of February 9, 2009, to discuss personnel matters involving the annual evaluations and contract terms for the Director of Public Works, Assistant City Administrator and the City Administrator.** A roll call vote was taken and by unanimous consent of the members present, the session was closed. 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 annual evaluations and contract terms for the Director of Public Works, Assistant City Administrator, and the City Administrator. The Mayor and Council discussed the issue. The meeting adjourned at 10:55 p.m.**