

SPECIAL COUNCIL MEETING OF THE CITY COUNCIL HYATTSVILLE, MARYLAND

September 8, 2008

Mayor Bill Gardiner called the meeting of the Council to order at 8:02 p.m. at the Municipal Building, 4310 Gallatin Street, Hyattsville, Maryland.

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

Also present were City Administrator Murphy, Assistant City Administrator Jones, Sergeant Roski, Director of Public Works Henry, City Treasurer Oliphant (office), Director of Code Enforcement Hampton (office), Community Development Manager Chandler, City Attorney Colaresi (arrived at 8:15 p.m.), and City Clerk Barber.

PRESENTATION:

Hamilton Street Conceptual Design

Ms. Jan Townsend, Program Manager from the Neighborhood Design Center addressed the Mayor and Council. Ms. Townsend provided a brief overview of her work with the City and the Hamilton Street project. Ms. Townsend discussed the following thoughts from the proposed design concept plan: ideas to slow traffic down, making the intersection in front of Magruder Park more pedestrian friendly and bringing in murals and plantings into the area. Ms. Townsend and Community Development Manager Chandler responded to questions of clarification on the project and the existing and proposed funding.

APPROVAL OF AGENDA:

Council President Tierney moved that the Mayor and Council approve the agenda as presented The motion passed, unanimously.

PUBLIC COMMENT:

Mr. Stuart Eisenberg, 4904 40th Place, addressed the Mayor and Council; he stated his support of the Council's motion on the agenda regarding the Hamilton Street Conceptual Design Plans.

Ms. Gloria Felix Thompson, 5004 42nd Avenue, addressed the Mayor and Council; she stated her support of Homeowner's Tax Credit Program motion, she noted she was a member of the committee and stressed the Council's support.

Mr. David Marshall, 6000 Block of 37th Avenue, addressed the Mayor and Council; he noted his comments and concerns with issues before the Council on their current agenda.

DEPARTMENT REPORT:

City Administrator Murphy reported to the Mayor and Council that the City is working on the new process of getting information to Council Members for their Council Packets, and noted the revised schedule. Ms. Murphy advised that the FY09 Goals and Outputs document has been updated and is posted to the City website. Ms. Murphy provided an in-depth overview of projects the City Administrator's office is currently addressing. The Mayor and Council discussed briefly the notice for the Community Meeting scheduled for Wednesday, September 10, 2008, 7:00 p.m. at 38th Avenue Park.

APPROVAL OF MINUTES:

Council President Tierney moved that the Mayor and Council approve the Council Meeting Minutes of August 4, 2008. The motion passed, unanimously.

CONSENT ITEMS:

Council President Tierney moved the following items as consent: (1) to accept and authorize the expenditure of a \$ 1,500.00 donation by the Target Corporation. The purpose of the donation is for the purchase of materials needed for the Rosa L. Parks Elementary School Kids Guide to Birding (Motion# 154-09-08); (2) to appropriate the expenditure of a \$ 1, 500.00 donation by Prince George's County Council- District 2 Delegation. The purpose of the donation is the result of a special appropriations grant for the city's use with the National Night Out Event (Tuesday, August 5, 2008) (Motion # 145-09-08); (3) to appropriate the expenditure of \$ 250, 000 award to the City by Community Legacy funds through the State of Maryland Department of Housing and Community Development for revitalization activities at the building located at 4318 Gallatin Street, Hyattsville, in accordance with the terms of the grant (Motion # 148-09-08); (4) to declare the equipment listed below as surplus to the needs of the Department of Public Works and that they be disposed of by auction for sale, used in trade or scrapped, as provided for in the City Code and Charter.

**One (1) 1990 Chevrolet 2500 ¾ Ton 4x4 Diesel Standard Cab Pickup Truck
VIN 1GCGK24J1LE256114 City Designation FM32**

**One (1) 1991 Chevrolet 3500 1 Ton 4x4 Diesel Crew Cab Pickup Truck
VIN 1GCGHV33J0MF306001 City Designation SW61**

**One (1) 1991 Chevrolet 3500 1 Ton 4x4 Diesel Crew Cab Pickup Truck
VIN 1GCHV33J0MF305933 City Designation ST89**

**One (1) 1993 Chevrolet 2500 ¾ Ton 4x4 Diesel Standard Cab Pickup Truck
VIN 1CGFK24C7PE238087 City Designation SW36**

One (1) 1997 Exmark Laser Lawn Mower Model LZ22KC603 SN131194

City Designation ST70 (Motion # 153-09-08); (5) to accept, appropriate, and authorize the expenditure of a \$ 17, 030 grant award to the City's Police Department by the Governor's Office of Crime Control and Prevention for the acquisition of (5) mobile

data terminals (MDT's)(Motion # 149-09-08); (6) to re-appropriate grant funds of CDBG PY 29 awarded and accepted in prior fiscal years, which were unexpended as of June 30, 2008, but still available for expenditure in FY09, and authorize the expenditures of the funds in accordance with the terms of the grant awards (Motion # 150-09-08); (7) to approve the expenditure and purchase of a Model year 2009 Brush Chipper Machine not to exceed \$ 28,500.00 (Motion # 158-09-08); (8) to approve the expenditure and purchase of a Model Year 2009 25- cubic yard Self-Contained Tow-Behind leaf vacuum Machine not to exceed \$ 28,000 (Motion # 156-09-08); (9) to schedule a Special Council Meeting for Monday, September 22, 2008 at 8:00 p.m. (Motion # 159-09-08). The motion passed, unanimously.

ACTION ITEMS:

Council Member Atteberry moved that the Mayor and Council authorize the scheduling of a Public Hearing on September 22, 2008 at 7:00 p.m. for the Designation of a Residential Parking Permit Area for the 4100-4200 Blocks of Quintana Street, 6200 Block of 41st Place, 4100 Block of Roanoke Road and the 6200 Block of 41st Avenue (Motion# 146-09-08). The Mayor and Council discussed the issue at length. A roll call vote was taken on the motion. The motion passed with Council President Tierney, Council Vice President Patterson, and Council Members Tartaro, Atteberry, Hinds, and Dudrow voting for and Council Members Frazier, Perry, and Lizanne voting against.

Council Vice President Patterson moved that the Mayor and Council authorize the scheduling of a Public Hearing on September 22, 2008, at 7:30 p.m. for the Installation of Traffic Calming Devices in the 4100- 4200 Blocks of Quintana Street, 6200 Block of 41st Place, 4100 Block of Roanoke Road, and the 6200 Block of 41st Avenue (Motion# 147-09-08). A roll call vote was taken on the motion. The motion passed with Council President Tierney, Council Vice President Patterson, and Council Members Lizanne, Tartaro, Atteberry, Hinds, and Dudrow voting for and Council Members Frazier and Perry voting against.

Council Member Lizanne moved that the Mayor and Council adopt Hyattsville Ordinance 2008-07, an ordinance to establish a City Homeowner's Tax Credit Program, to be effective starting with FY09, to supplement the State of Maryland's program and provide real property tax relief to City residents of limited financial means (Second Reading) (Motion# 144-08-08). The Mayor and Council discussed the issue at length. The motion passed with Council Member Perry voting against.

Council President Tierney moved that the Mayor and Council introduce Hyattsville Ordinance 2008-08, an ordinance whereby the City Council reenacts Chapter 90 of the Hyattsville Code, Peddling and Soliciting, to update and clarify the language, setting limits on times and places for street vendors, and to increase the fines for violations (First Reading) (Motion# 116-07-08). The Mayor and Council discussed the issue at length. City Attorney Colaresi provided minor modifications to the proposed ordinance prior the Council taking a formal action. A roll call vote was taken on the motion. The motion passed with Council Member Lizanne abstaining.

Council Member Atteberry moved that the Mayor and Council schedule a Public Meeting as soon as possible per the City Administrators judgment (Monday, September 15, 2008, at 7:00 p.m. - to discuss revision to City Code Chapter 90 (Peddling and Soliciting) but prior to the final consideration of the proposed ordinance (Motion# 161-08-08). The motion passed, unanimously.

Council Member Tartaro moved that the Mayor and Council approve Hamilton Street Artway Conceptual Design provided by Neighborhood Design Center and authorize City staff to proceed with the final conceptual and construction designs.

The final Hamilton Street Artway design should include the following elements:

- 1. Sidewalks and continual sidewalks on both sides where feasible.**
- 2. Bike Lanes and North and South sides of the street.**
- 3. 11' travel lanes.**
- 4. On-street parking with bump-outs to designate parking areas.**
- 5. Full traffic table at the 5-point intersection at the entrance to Magruder Park; narrow intersection at Gallatin Street for pedestrian safety.**
- 6. Utilization of existing Pepco poles for overhead pedestrian lighting.**
- 7. Short planted median at 38th Avenue intersection.**
- 8. Incorporation of bioretention/native garden where feasible to reduce storm water runoff.**
- 9. Parking barrier (as used on Western portion of Hamilton Street near Queens Chapel Road) at the existing on-street Prince George's Apartments parking.**
- 10. Incorporation of seating area, bus shelters, and seating wall or planted delineation landscape along Magruder Park side (based upon available funding)**

(Motion# 152-09-08). Community Development Manager Chandler responded to questions of clarification given by the Mayor and Council on the issue. The motion passed, unanimously.

Council President Tierney moved that the Mayor and Council reconsider Motion # 144-09-08 (Hyattsville Ordinance 2008-07) to void the enactment and to re-enact the same Motion#144-09-08 (Hyattsville Ordinance 2008-07) to pass as emergency legislation to become effective immediately. The motion passed, with Council Member Perry voting against.

Council President Tierney moved that the Mayor and Council authorize the City Administrator to make the following changes to the City's Personnel Manual:

Amend paragraph six (6) in Part (F) of Section VII- Compensation practices that establishes the level of the standard salary increase that employees will receive if they are promoted, from the current language which reads:

“When an employee is promoted to another grade, the new appointment will be made at the comparable salary in the new grade rounded to the next step but in no case less than 1.03 of current salary.”

To

“When employees are promoted from one grade/rank (old) to another grade/rank (new), they will be placed on the new grade/rank at the lowest step in that grade/rank that yields a salary increase closest to half of the simple grade to grade difference between their old grade/rank and their new grade/rank”. The retroactive to January 1, 2008, anyone promoted since January 1, 2008, is subject to being placed on different step than they are currently on, based on where they would be had the policy been in effect at the time of their promotion, but in no case will their salary be reduced from it’s current level (Motion# 160-09-08). The Mayor and Council discussed the issue at length. City Administrator Murphy and City Treasurer Oliphant responded to questions of clarification given by the Mayor and Council on the issue. Council Member Atteberry moved to amend the motion. **Council Member Atteberry moved that the Mayor and Council add the following language to the motion starting with “at their new grade/rank, but in no case less than 1.03 of current salary”.** The amendment passed, unanimously. The Mayor and Council then voted on the motion as amended. The motion as amended passed, unanimously.

Council Member Perry moved that the Mayor and City Council adopt the recommendations provided by Karen Lehr of Clear Management, related to the completed 2008 Salary Study Report, changing steps 14, 16, and 18 on the civilian pay table and steps 9, 14, 16, & 18 on the sworn pay table, with an effective date of July 1, 2008 (Motion# 113-09-08). City Treasurer Oliphant provided clarification to the Mayor and Council on the issue. The Mayor and Council discussed the issue at length. A roll call vote was taken on the motion. The motion failed with Council Members Perry and Dudrow voting for and Council President Tierney, Council Vice President Patterson, and Council Members Frazier, Tartaro, Atteberry, Hinds voting against. Council Member Lizanne abstained.

Council Vice President Patterson moved that the Mayor and City Council approve a change to the Lieutenant pay table such that the grade to grade difference between the Sergeant grade and the lieutenant grade at each step is 15 percent effective January 1, 2008.

Furthermore, in conformance with the determination by the city’s personnel consultant and the city Attorney that the Lieutenant positions can be exempt according to the FLSA, the City Administrator and Chief of Police are directed to amend the position description to state the position is exempt, and treat the positions a exempt unless the position tasks change and a new review is required (Motion # 112-08-08). The Mayor and Council discussed at length. The motion passed, unanimously.

Council Member Hinds moved that the Mayor and Council approve of the expenditure and purchase of a Model Year 2009 25-cubic yard Trash Compactor not to exceed \$161,331.73 (Motion#157-09-08). The motion passed, unanimously.

DISCUSSION ITEMS:*2008 Council Meeting Policies and Procedures and 2008 Special Committees, Commission, and Task Forces*

The 2008 Council Meeting Policies and Procedures and 2008 Special Committees, Commission, and Task Forces documents were discussed. Mayor Gardiner provided a brief overview of the documents and requested Council review and provide comment prior to the next Council Meeting. Mayor Gardiner noted that Council Work Session will begin starting in October 2008 as a way to discuss issues in a less formal setting.

BB&T Building

Community Development Manager Chandler provided a brief overview of the executive summary provided to the Mayor and Council regarding the City tasks to collect relevant data on the existing BB&T Bank Building located at 3505 Hamilton Street, Hyattsville.

Council President Tierney moved that the Mayor and Council close the Special Council Meeting of September 8, 2008, to discuss an employment contract with a department director (Motion# 155-09-08). A roll call vote was taken on the motion. The motion passed, unanimously.

The Special Council Meeting of September 8, 2008 ended at 10:42 p.m.

Respectfully submitted,

Douglass A. Barber, City Clerk