

COUNCIL MEETING OF THE CITY COUNCIL HYATTSVILLE, MARYLAND

February 19, 2008

Mayor Bill Gardiner called the meeting of the Council to order at 8:01 p.m. at the Municipal Building, 4310 Gallatin Street, Hyattsville, Maryland.

Present were Mayor Bill Gardiner, Council President Krista Atteberry, Council Vice President Marc Tartaro (arrived at 8:06 p.m.), and Council Members Ruth Ann Frazier, Paula Perry, Carlos Lizanne (arrived at 8:04 p.m.), Mark Matulef, Nicole Hinds (arrived at 8:22 p.m.), Bill Tierney, and Anthony Patterson. Council Member Douglas Dudrow was absent.

Also present were City Administrator Murphy, Assistant City Administrator Jones, Director of Public Works Henry, Director of Recreation and the Arts Mood, City Treasurer Oliphant, and City Clerk Barber.

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES:

Council President Atteberry moved that the Mayor and Council approve the Special Council Meeting Minutes of February 11, 2008, as presented. The motion passed, unanimously.

PUBLIC COMMENT:

Mr. Brad Frome addressed the Mayor and Council regarding the West Hyattsville Commons proposed plan. Mr. Frome also provided information regarding the proposed site plan to address some of the concerns expressed by the Mayor and Council.

DEPARTMENT REPORTS:

City Administrator Murphy reported to the Mayor and Council that the employee meetings, noted on the 2/20/08 primary agenda, have been scheduled for Wednesday, February 20, 2008, to allow employees to discuss any employment issues that they may have. City Administrator Murphy advised that fliers for the meeting on Saturday, February 23, 2008, regarding Street Trees have been produced and posted to the website. City Administrator Murphy advised the Mayor and Council that dog waste containers have been put in at the King Memorial Park but there is now an issue with the bags being thrown around the park. Ms. Murphy requested that if anyone sees who is doing it, to please make a report to the

City. City Administrator Murphy then responded to questions of clarification given by the Mayor and Council.

City Treasurer Oliphant provided to the Mayor and Council with several months worth of monthly financial statements. City Treasurer Oliphant provided an overview of these statements. He noted that the internet in the building is going wireless in the meeting rooms. Mr. Oliphant closed with responding to questions of clarification given by the Mayor and Council.

Director of Recreation and the Arts Mood reported to the Mayor and Council on events attended and upcoming activities scheduled by Recreation and the Arts for the month of February 2008. Director of Recreation and the Arts Mood noted that the parade and festival invitations have been mailed out and responses are coming in. She noted the opening of the Book Nook bookstore located in the new EYA development. Director of Recreation and the Arts Mood closed with expressing her desire to have all of the Council attend the upcoming Black History Month Salute to Dr. Martin Luther King Jr. event scheduled on Thursday, February 28th, 2008.

Note: Chief Holland was unable to attend the meeting, so his department report will be placed on an upcoming agenda.

PUBLIC COMMENT:

Mr. Matt Davy, President of the Hyattsville Volunteer Fire Department, 6200 Belcrest Road, addressed the Mayor and Council regarding Motion #30-02-08 (Hyattsville Ordinance 2008-02). Mr. Davy expressed his concern with deleting the references to the Volunteer Fire Department in the City Charter and suggested a language substitution in another area of the Hyattsville Charter and Code.

CONSENT ITEMS:

Council President Atteberry moved that the following item be moved as consent: (1) to schedule a Special Council Meeting for Monday, February 25, 2008 to begin at 7:30 p.m. (Motion# 22-02-08) (2) to accept and approve changes to the City's Personnel Manual, specifically, at it relates to update of the History of the City section, in order to appropriately reflect growth of the City and its current boundaries. (Motion# 26-02-08) The motion passed, unanimously.

ACTION ITEMS:

Council President Atteberry moved that the adopt Hyattsville Ordinance 2008-01, an ordinance whereby the City of Hyattsville updates and clarifies the public ethics ordinance to conform more closely to current state law, adding definitions and procedures for complaints, further defining conflicts of interest and defining the City Council's authority as to violations (Second Reading). (Motion# 23-02-08) The motion passed, unanimously.

Council Vice President Tartaro moved that the Mayor and Council authorize the Mayor to send correspondence to M-NCPPC conveying the City's general support of the revisions made to CSP 05006. The Council recognizes the challenges inherent in the site and the difficulties in addressing some competing goals. In addition to the general support, the Council would like to express the following concerns and recommendations:

- **Limit the total residential unit count to 1,400 with a minimum of 190 town homes (may be phased-in along with a phased development of the commercial space), and increase the cap on retail and office development to at least 400,000 sf. The residential cap may be revisited after at least 400,000 sf of commercial space has been completed. Delete the two-over-one units.**
- **Increase the open space and pocket parks on the west side, and include a central pool and playground area and/or provide common pool and playground facilities open to residents in the development.**
- **Require extensive use of low-impact development and "green building" techniques such that the development qualifies for a LEED neighborhood designation.**
- **Increase the size of the community center to a minimum of 25,000 sf, which seems to be the minimum size for such a facility.**
- **Require all buildings, including garages, have active first-floor uses along major streets and Hamilton Square.**
- **Allow for flexibility in the CSP such that at the Detailed Site Plan phase, the developer may make improvements to the plan without conflicting with the CSP.**
- **Additionally, the City requests that M-NCPPC, the developer, and the City discuss the long-term ownership and management of the community center.**

(Motion# 25-02-08). The Mayor and Council discussed the issue at length. The Mayor and Council expressed different concerns ranging from the parking garage to location issues. Mayor Gardiner requested that the development team come up and address questions and comments given by the Council. Mr. Bill Shipp and Mr. John Davy, developers of the proposed West Hyattsville Commons project, addressed many of the issues that were expressed by the Mayor and Council. Mr. Shipp and Mr. Davy also went over the bullets that are expressed in the motion providing clarification of those items. Mr. Brad Frome addressed some of the other issues voiced by the Council and advised on how the various aspects of the development could help mitigate their concerns. **Council Member Matulef moved to amend the motion by stating the following: to "Delete the sentence "In addition to general support, the Council would like to express the following concerns and recommendations." And to add the following before the first period: "subject to the following concerns, revision, and recommendations". Council Vice President Tartaro called the question on the proposed amendment. A roll call vote was taken. The motion to call the question on the amendment passed with Council President**

Atteberry, Council Vice President Tartaro, and Council Members Frazier, Lizanne, Matulef, Hinds, Tierney, Patterson, and Mayor Gardiner voting for and Council Member Perry voting against. The Mayor and Council then voted on the amendment given by Council Member Matulef. A roll call vote was taken. The amendment to the motion failed with Council Members Perry, Matulef, and Hinds voting for and Council President Atteberry, Council Vice President Tartaro, and Council Members Lizanne, Tierney, and Patterson voting against. Council Member Frazier abstained from voting. **Council Vice President Tartaro called the question on motion #25-02-08 (West Hyattsville Commons).** A roll call vote was taken. The motion to call the question passed with Council President Atteberry, Council Vice President Tartaro, and Council Members Frazier, Lizanne, Matulef, Hinds, Tierney, Patterson, and Mayor Gardiner voting for and Council Member Perry voting against. The Mayor and Council then voted on motion #25-02-08 (West Hyattsville Commons) as introduced. A roll call vote was taken on the motion. The motion failed with Council President Atteberry, Council Vice President Tartaro, and Council Members Lizanne, and Patterson voting for and Council Members Frazier, Perry, Matulef, Hinds and Tierney voting against.

Council Member Tierney moved that the Mayor and Council: 1) adopt the attached resolution (Hyattsville Resolution 2008-05) to establish a 457 Deferred Compensation Plan, known as the ICMA-Retirement Corporation (ICMA-RC) Blue Line 457 Deferred Compensation Plan for the City's employees that are members of the Fraternal Order of Police; 2) adopt the attached amendment to Administrative Services Agreement for the City's existing ICMA-RC 401 & 457 Plans which extends the pricing being offered on the new ICMA BlueLine Plan, to these existing Plans; and 3) authorize the City Administrator to sign the agreements on the City's behalf. (Motion# 24-02-08) The motion passed, unanimously.

Council Member Perry moved that the Mayor and City Council approve Hyattsville Resolution 2008-04, a resolution authorizing participation by the City of Hyattsville, through its Department of Public Works, in the Maryland Municipal Public Works Officials Association (MMPWOA) Public Works Mutual Aid Agreement, and that the Mayor, City Administrator and the Public Works Director be authorized to sign for the City of Hyattsville, as required by the terms of the agreement. (Motion# 27-02-08) The motion passed, unanimously.

Council Member Tierney moved that the Mayor and Council introduce Hyattsville Charter Amendment Resolution 2008-06, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HYATTSVILLE, MARYLAND, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Section 13 of Article 23A of the Annotated Code of Maryland (1957 Edition, as amended), to amend the Charter of the said City, said Charter being a part of the public local laws of Maryland (1963 Edition, as amended), which Article contains in whole or in part the Charter of the City of Hyattsville, Maryland, whereby the Mayor and City Council delete any reference in the Charter to a Finance Committee. (C5-Article V-Finance) (Motion# 28-02-08). The motion passed with Council Member Matulef voting against.

Council Member Tierney moved that the Mayor and Council introduce Hyattsville Charter Amendment Resolution 2008-07, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HYATTSVILLE, MARYLAND, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Section 13 of Article 23A of the Annotated Code of Maryland (1957 Edition, as amended), to amend the Charter of the said City, said Charter being a part of the public local laws of Maryland (1963 Edition, as amended), which Article contains in whole or in part the Charter of the City of Hyattsville, Maryland, whereby the Mayor and City Council make technical changes to the language regarding the Compensation Review Committee to clarify that the Committee makes its recommendations as to all compensation offered the Mayor and Council, rather than only salary. (C2-6.1. Compensation Review Committee) (Motion# 29-02-08). The motion passed, unanimously.

Council Member Tierney moved that the Mayor and Council introduce Hyattsville Ordinance 2008-02, an Ordinance whereby the City Council deletes any reference to a City Volunteer Fire Department. (Chapter 14 – Volunteer Fire Department) (Motion# 30-02-08). The motion passed with Council President Atteberry, Council Vice President Tartaro, Council Members Frazier, Lizanne, Hinds, Tierney, Dudrow and Patterson voting for and Council Members Perry and Matulef voting against.

Council Member Tierney moved that the Mayor and Council introduce Hyattsville Ordinance 2008-03, an Ordinance whereby the City Council defines the information necessary for the Council to consider the creation of a committee, commission, or task force and further define the obligations regarding the operations of each committee, commission, or task force. (Chapter 4 – Special Committees and City Departments) (Motion# 31-02-08). The motion passed, unanimously.

Council Member Tierney moved that the Mayor and Council introduce Hyattsville Ordinance 2008-04, an Ordinance whereby the City Council deletes all references to the Health and Sanitation Committee and substitutes the Code Enforcement Office for the appropriate duties. (Chapter 65.1 Health and Sanitation Committee) (Motion# 32-02-08). The motion passed, unanimously.

DISCUSSION ITEMS:

City of Hyattsville – Council-Senior Staff Leadership Team Building Retreat held on Saturday, January 19, 2008 - Notes and Data

City Administrator Murphy provided to the Mayor and Council in their weekly packet dated February 15, 2008, a summary and recap of the Council-Senior Staff Leadership Team Building Retreat.

Article VI - Chapter 65 - Brush, Grass and Weeds

Mayor Gardiner provided the most recent draft of the proposed ordinance changes for City of Hyattsville Code Article VI - Chapter 65 - Brush, Grass and Weeds. Mayor Gardiner noted the issue would be placed on the upcoming Council Meeting of March 3, 2008 as a discussion item.

Update on Housing Initiative Partnership (HIP) development

Mayor Gardiner provided a brief overview of the current Housing Initiative Partnership (HIP) development project at the 4307 Jefferson Street site. Mayor Gardiner responded to questions of clarification on the project given by the Council.

Council President Atteberry moved that the Mayor and Council close the meeting of February 19, 2008, to discuss legal matters related to property acquisition. A roll call vote was taken on the motion. The motion passed. Note for the Record: Council Vice President Tartaro and Council Member Tierney were not present for the vote. (Motion# 21-02-08)

Note for the Record: Mayor Gardiner noted that Council would not be coming back into open session after the closed session.

The Council Meeting of February 19, 2008, ended at 9:47 p.m.

The Mayor and Council went into Closed Session at 9:48 p.m.

Respectfully submitted,

Douglass A. Barber, City Clerk