

SPECIAL COUNCIL MEETING OF THE CITY COUNCIL HYATTSVILLE, MARYLAND

November 12, 2007

Mayor Bill Gardiner called the meeting of the Council to order at 8:06 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 8:28 p.m.), and Council Members Ruth Ann Frazier, Paula Perry, Carlos Lizanne, Mark Matulef, Nicole Hinds, Bill Tierney, Douglas Dudrow, and Anthony Patterson.

Also present were City Administrator Murphy, Chief of Police Holland, City Treasurer Oliphant, Director of Code Enforcement Hampton, and City Clerk Barber.

Mayor Gardiner opened the meeting and requested a moment of silence in honor of Veterans Day and the recent passing of Judge Day, a long time resident.

PRESENTATIONS:

Veterans Day Tribute Presented to the Hernandez Family

Mayor Gardiner and Council Member Lizanne presented the Hernandez Family a proclamation for Veterans Day from County Council Member Will Campos, and a flag that had been flown over the Capital from the Veterans Day event held earlier in the day.

Recognition of Gorgeous Prince George's Participant Groups

Mayor Gardiner and Community Development Manager Chandler presented a slide show on how the City of Hyattsville participated and what projects were done for the Gorgeous Prince George's day in Hyattsville. Mayor Gardiner presented a proclamation of appreciation to the Hyattsville Preservation Association (HPA) for their contribution with the project.

APPROVAL OF AGENDA:

Council Member Perry 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 Council Meeting Minutes of November 5, 2007. The motion passed, unanimously.

DEPARTMENT REPORTS:

City Administrator Murphy reported to the Mayor and Council the work with County Council Member Will Campos's office regarding the recycling toter program to Hyattsville. This project has been two years in the making and is moving forward. Ms. Murphy noted that the contract has been signed and the toters will be delivered City-wide in December 2007. Ms. Murphy thanked Council Member Tierney for his recent contribution of original art by Eljay McBride to be hung in the City Building, and for expanding the City's current collections of art work.

Director of Code Enforcement Hampton reported to the Mayor and Council an update on the black bear software being used by the department; the inspectors are now keeping records and the module can produce violation notices. It is still being tested and not used in the field, but hopefully being used when producing the November department report. Director Hampton noted that the second year of the neighborhood walking tour has been completed and that 64 properties were posted with violations.

City Clerk Barber reported to the Mayor and Council a brief overview of the current status of the Document Management System Project assigned in the FY08 Goals and Outputs for the City Clerk. Clerk Barber and City Treasurer Oliphant expressed that once staff's initial review of vendors is completed they will need Council input to proceed further with the project.

PUBLIC COMMENT:

Mr. David Marshall, 6000 Block of 37th Avenue addressed the Mayor and Council on issues being addressed by the Mayor and Council regarding the request from the Town of Edmonston regarding the Decatur Street property, he stated his concerns with the issue. Mr. Marshall submitted a letter noting his complaint regarding concerns with the Department of Public Work's paving/milling project. Mr. Marshall's letter was provided to the City Clerk for the record.

CONSENT ITEMS:

Council Vice President Tartaro moved that the following items be approved at consent: (1) to issue, on behalf of the City, proclamations of appreciation for the following: Girl Scouts of America – Troop 2310; Neighborhood Design Center – Jan Townshend; Hyattsville Preservation Association; Gorgeous Prince George's Day – Joyce Beck, Program Coordinator; and Prince George's County, DPW&T – Wayne Lucas, Landscape Architect for their participation in Gorgeous Prince George's Day Projects; (2) to accept, appropriate and authorize the expenditure of a \$100,000 awarded to the City of Hyattsville City Police Department under the FY2006 Homeland Security Law Enforcement Terrorism Prevention Program. The project is titled "Hyattsville Police Regional MDT's" and is a reimbursement grant from the Maryland Emergency Management Agency passed through Prince George's County. The funding is to be equally distributed between the Hyattsville, Bladensburg,

Greenbelt, Mount Rainier and Riverdale Park Police Departments; (3) to accept a petition from the residents of the 7200 Block of Hitching Post Lane requesting residential parking. The motion passed, unanimously.

ACTION ITEMS:

Council Vice President Tartaro moved that the Mayor and Council authorize the City Treasurer to prepare and post the budget journal entries on the attached spreadsheet, which move existing appropriations to the correct accounts so that they will match expenditures and so the year-end budget will reflect all the funding that was available during FY07, and to ratify the expenditure of the related funds. The motion passed, unanimously.

Council Member Matulef moved that the principal responsibility of the City of Hyattsville to its residents and businesses is public safety. Therefore, he moved that the Mayor and City Council: (1) direct the City Administrator, City Treasurer, and Chief of Police to prepare FY 2009 and 2010 budget proposals (referred to recently as Mayor's budgets), and FY 2008 and 2009 supplemental budget proposals prior to February 1, 2008, and February 1, 2009, respectively, to reflect a semi--annual increase in the authorized and funded number of sworn police officers to no fewer than 48 by July 1, 2009; and (2) direct the City Administrator, City Treasurer, and Chief of Police to estimate the need for additional sworn police officers during this time period in connection with any proposed annexation, as well as any public or private development proposal in the City limits that contains 25 or more residential units or 10,000 or more square feet of municipal, recreational, office, commercial, retail, and/or industrial use space – including but not limited to the use of City bond proceeds.

In addition, the Mayor and City Council adopt the following policies:

- (1) Adjust the sworn officer authorization levels in the first paragraph (above) per annexation and development activity, subject to future Council action.**
- (2) Review unobligated/unexpended funds as of January 1, 2008, and January 1, 2009, to identify funds available for additional sworn officers and related costs.**
- (3) Encourage existing and planned businesses and real estate developers to incorporate design and construction elements that contribute to public safety – including but not limited to traffic calming, pedestrian/bicycle safety, handicap accessibility, emergency call systems, exterior lighting, and design that contributes to visibility and access to police, fire, rescue, and emergency medical vehicles, and first responder substations. It will be the practice of the City, when evaluating development proposals, to obtain a report on the safety and security aspects of the proposed development that includes recommendations for improving visibility, safety, and security in the development area. Furthermore, it will be the policy of the City of Hyattsville to obtain such public safety features in any development that requires County planning approval or a building permit (containing 10,000 or more square feet of space for municipal, recreational, commercial, office, industrial, or retail use or**

25 or more residential units), and the City will endeavor to enter into binding agreements for such public safety features prior to expressing any public support for the proposed development. The Mayor and Council discussed the issue at length. Council Member Matulef responded to questions of clarifications given by the Mayor and Council. At the Mayors request Chief Holland responded to issues in the motion regarding the need for additional police officers. A roll call vote was taken on the motion. The motion with failed with Council Members Frazier and Matulef voting for and Council President Atteberry, Council Vice President Tartaro, and Council Members Lizanne, Hinds, Tierney, Dudrow, and Patterson voting against.

DISCUSSION ITEM:

Motion#200-11-07 Hyattsville Ordinance 2007-14

Council Member Perry for discussion purposes read the motion introducing Hyattsville Ordinance 2007-14, 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 or sections of the City Code: Health and Sanitation (Chapter 65), Noise(Chapter 79), Peace and Good Order (Chapter 87), Peddling and Solicitation (Chapter 90), Recycling (Chapter 95), Streets and Sidewalks (Chapter 105), Inoperable Vehicles (Chapter 113), Parking on Unpaved or Unprepared Surfaces on Residential Property (Chapter 114-72.1), and Zoning (Chapter 120). The Mayor and Council discussed the issue at length. Director of Code Enforcement Hampton responded to the Mayor and Council's questions and provided clarification. Mayor Gardiner noted that the item would be placed on the next Council Meeting Agenda with a request to Director Hampton to provide a brief summary (description) of each code section being updated.

4601Decatur Street Property

The Mayor and Council discussed the issue at length to determine the City's response to the request from the Town of Edmonston regarding 4601 Decatur Street. The Town of Edmonston is requesting the City to amend our boundaries such that 4601 Decatur Street would be in the Town of Edmonston (4601 Decatur Street is in the City). Edmonston has offered to pay the City the equivalent property taxes for a period of time. The Mayor and Council noted that giving the property to the Town of Edmonston would create an enclave for the City of Hyattsville and city staff stated they were unsure if this could be done.

Council Member Perry moved that the Mayor and Council send a letter to the Town of Edmonston not approving the request for de-annexation/annexation of the Decatur Street property (4601 Decatur Street). A roll call rote was taken on the motion. The motion passed with Council President Atteberry, Vice President Tartaro, Council Members Frazier, Perry, Lizanne, Hinds, Tierney, Dudrow, and Patterson voting for and Council Member Matulef voting against.

Council President Atteberry moved to close the Special Council Meeting of November 12, 2007 to discuss a personnel matter and the terms of employment and other legal matters related to property acquisition. A roll call vote was taken on the motion. The motion passed, unanimously.

The Mayor and Council went into a Closed Session at 10:25 p.m.

The Special Council Meeting of November 12, 2007 ended at 10:17 p.m.

Respectfully submitted,

Douglass A. Barber, City Clerk