

SPECIAL COUNCIL MEETING OF THE CITY COUNCIL HYATTSVILLE, MARYLAND

July 9, 2007

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 Krista Atteberry, and Council Members, Ruth Ann Frazier, Paula Perry, Carlos Lizanne (arrived at 8:06 p.m.), Mark Matulef (arrived at 8:07 p.m.), Nicole Hinds (arrived at 8:03 p.m.), Bill Tierney, Douglas Dudrow, and Anthony Patterson. Council Vice President Tartaro was absent.

Also present were City Administrator Murphy, City Treasurer Oliphant, and City Clerk Barber.

PRESENTATIONS:

Proclamation of Appreciation presented to Eagle Scout Geoffrey Haynes

Mayor Gardiner, on behalf of the City Council and the City of Hyattsville, presented a Proclamation of Appreciation to Eagle Scout Geoffrey Haynes for his accomplishments and work in the City of Hyattsville.

EYA

Mr. Larry Taub, an attorney with the law offices of O'Mally, Miles and Giles along with Akash Thakkar, the development executive for EYA, presented to the Mayor and Council an update on the East Village Proposed Plan. Mr. Taub provided the Mayor and Council a brief overview of the modifications being proposed and the requests for reconsideration.

Landy Project

Ms. Megan Bramble, an attorney with the law offices of Riffkin Levitan, and Silver LLC, introduced the team for the Landy Property project to the Mayor and Council. Ms. Bramble presented a brief overview of the process with the County. She stated that the original technical staff's report for July 12th had not come out on time and a continuation is scheduled until the 26th of July. Ms. Bramble stated that the staff report is available on line. Ms. Bramble responded to questions of clarification given by the Mayor and Council on the proposed project.

Mr. Mike Neggie, an attorney with the law offices of Riffkin Levitan, and Silver, LLC representing Vivian and Geraldine Brown owners of the property at 5602 Rhode Island Avenue addressed the Mayor and Council and noted for the record that the property owners will be entering into negotiations with EYA for the purchase of their property.

APPROVAL OF THE AGENDA:

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

APPROVAL OF THE MINUTES:

Council President Atteberry moved that the Mayor and Council approve the Special Council Meeting of January 22, 2007, and January 29, 2007 and the Closed Session of January 29, 2007 minutes. The motion passed, unanimously.

DEPARTMENT REPORT:

City Administrator Murphy reported on current issues in the City and provided updates on ongoing projects within the City of Hyattsville.

PUBLIC COMMENT:

Mr. Monte Chawla, 3300 Rosemary Lane, addressed the Mayor and Council regarding his concerns with the proposed Landy Property. Mr. Monte Chawla thanked Mr. Bloomberg for donating the four acres of land.

Mr. Jim Henissian, 3310 Rosemary Lane, addressed the Mayor and Council with his comments and concerns regarding the proposed Landy Development.

Mr. Tim Scanlon, 3318 Stanford Street, addressed the Mayor and Council with his comments and concerns regarding the Landy project.

Mr. Richard and Mrs. Audrey Engdahl, 4214 Nicholson Street, addressed the Mayor and Council with a request to the Mayor and Council regarding an exemption to the Hyattsville fence ordinance.

CONSENT ITEMS:

Council President Atteberry moved that the Mayor and Council approve the following items as consent: (1) to authorize the Mayor to present a Proclamation of Appreciation on behalf of the City to Eagle Scout Geoffrey Haynes for his voluntary service to the City of Hyattsville; (2) to approve the expenditure of \$13,947 of appropriated funds from FY 07 for the purchase and installation of new AV equipment, which will be utilized by the Cable Broadcast Channel to improve televised City meetings, events and programs; (3) to approve the expenditure of \$10,980 for the acquisition of furnishings for the third-floor inner-conference room. The motion passed, unanimously.

ACTION ITEMS:

Council Member Tierney moved that the Mayor and Council amend the City of Hyattsville Personnel Manual, Section V. H. Reinstatement of Former Employees, second sentence from; “No vacation or sick leave previously earned will be credited to the employee”; to “*Ordinarily* no annual or sick leave previously earned will be credited to the employee”. The Mayor and Council discussed the issue at length. The motion passed, unanimously.

Council Member Hinds moved that the Mayor and Council, subject to City attorney’s review and approval of the contract, authorize the City Administrator to enter into a contract with Dataprise, Inc. for providing technical consulting services in association with installation of the upgrades to the City’s information technology infrastructure and appropriate the \$13,855 of the unexpended FY06 bond proceeds in the Capital Projects fund to cover the costs of the services to performed under the contract. The Mayor and Council discussed the issue at length. The motion passed with Council Member Perry abstaining.

Council President Atteberry moved that the Mayor and Council introduce HYATTSVILLE ORDINANCE 2007-10, AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HYATTSVILLE, MARYLAND, authorizing and empowering City of Hyattsville to issue and sell, upon its full faith and credit, general obligation bonds in one or more series from time to time in an aggregate principal amount not to exceed Five Hundred Thousand Dollars (\$500,000), the proceeds of the sale thereof to be used and applied for the public purposes of financing (including by reimbursing prior expenditures) or refinancing all or a portion of the costs relating to any one or more of the following public purpose activities: (i) acquiring and installing certain capital improvements and equipment at the existing municipal building, including (without limitation) HVAC equipment, and (ii) making capital repairs and improvements at other city facilities, including (without limitation) roof replacements, in each such case together with the acquisition of necessary property rights and equipment, related site and utility improvements, related architectural, financial, legal, planning, design, engineering, acquisition, construction, improvement, installation and equipping expenses, functionally related renovation or rehabilitation activities necessary at the facilities at which such undertakings occur, costs of issuance and capitalized interest; determining that each series of the bonds be sold by private (negotiated) sale without solicitation of competitive bids, unless a subsequent resolution of the City Council provides for the sale of any series of bonds by the solicitation of competitive bids at public sale after publication of the notice of sale; authorizing the adoption of a resolution or resolutions of the City Council to determine and provide for various matters relating to the authorization, sale, security, issuance, delivery, payment and redemption of and for each series of the bonds; authorizing the City to issue and sell its general obligation bond anticipation notes in one or more series from time to time in an aggregate principal amount not to exceed Five Hundred Thousand Dollars (\$500,000) in order to finance project costs on an interim basis, costs of issuance and capitalized interest; authorizing the City to issue and sell its general obligation bonds in one or more

series from time to time in order to refund any of the bonds issued pursuant to the authority of this ordinance (including paying related costs of issuance and interest on such refunding bonds), provided that the aggregate principal amount of any such issue of refunding bonds does not exceed one hundred thirty percent (130%) of the aggregate principal amount of bonds refunded thereby; authorizing the adoption of a resolution or resolutions of the City Council to determine and provide for various matters relating to the authorization, sale, security, issuance, delivery, payment and redemption of and for any such bond anticipation notes or refunding bonds; providing for the levy of ad valorem taxes upon all real and personal property within the City's corporate limits subject to assessment for unlimited municipal taxation to pay the principal of and interest on the bonds, bond anticipation notes or refunding bonds, as applicable, in each fiscal year; pledging the City's full faith and credit and unlimited taxing power to the prompt payment of the principal of and interest on the bonds, bond anticipation notes or refunding bonds; providing that the principal of and interest on the bonds, bond anticipation notes or refunding bonds also may be paid from any other sources of revenue lawfully available to the City for that purpose; authorizing and directing officials and employees of the City to take any and all action necessary to complete and close the sale, issuance and delivery of the bonds, notes or refunding bonds authorized hereby; providing that this title be deemed a fair summary of this Ordinance for all purposes; and otherwise generally relating to the sale, issuance, delivery and payment of and for the bonds, notes and refunding bonds authorized hereby (First Reading). City Treasurer Oliphant provided a brief overview and responded to questions of clarification. The motion passed with Council Member Perry abstaining.

Council Member Hinds moved that the Mayor and Council adopt Hyattsville Resolution 2007-08, a resolution declaring the City's intent to use the proceeds of a future bond issue to pay for certain costs incurred, prior to the issuance of the bonds. The motion passed, unanimously.

Council President Atteberry moved that the Council authorize the Mayor to send correspondence to M-NCPPC supporting a change to the total number of residential units and the total square footage of the commercial space that may be permitted as part of the East Village development. Subject to final DSP approval and the traffic caps (as necessary), the Council supports approval of 220 town homes, 4 live/work units, 246 residential condominiums, and 111, 505 sf. of commercial space. The motion passed, unanimously.

Council Member Patterson moved that the Mayor and Council authorize the Mayor to send correspondence to M-NCPPC conveying the community and City's opposition to the Landy project as currently proposed. The Council will reconsider its opposition if the following conditions are met:

General Conditions:

The massing and height of the buildings is reduced either by underground parking or a reduction in the total unit count so that no more than 1,000 units are approved and

the total volume of the building and parking above ground is approximately the volume of the previously approved (2001) project.

Thirty (30) or more percent of the units are age-restricted to provide additional housing options for seniors living in the area.

The building achieves the LEED standard of a Silver rating, or an equivalent use of “green” design and materials.

The Board of Education and the County Council accurately identify and permanently address the project’s impacts on the local public schools, without changing school boundaries for current residents, before the project is completed.

The City, M-NCPPC, and the County have implemented the Traffic Demand Management District for the Prince George’s Plaza TDOZ, and pro-active steps are taken to improve non-automobile transit in the area.

Specific Conditions:

The conditions in the M-NCPPC staff report are met.

The storm water retention ponds are designed for water year-round and with equipment to ensure a high level of water quality and flora so the ponds are amenities.

The security fence around the property near Belcrest Drive and Northwest Drive should be relocated in some areas away from the streets to minimize the visual impact of a fence. Public art or a similar public amenity should be installed outside the fence as part of the project. Estate-quality fencing (not chain-link) shall be required throughout.

Bike Lockers for residents be provided in secure and convenient locations at a ratio of one locker per 12 units. The Bike racks are for visitors or residents who do not prefer a locker, and the number required may be reduced.

The developer shall provide one Zip car (or similar) space for the first 500 units, and one space at completion of the project, or provide van transit to and from the metro station.

Other Issues:

The City shall request that M-NCPPC retain the University Hills Community Park as a wooded site, and to engage the neighborhood and the City prior to proposing any changes to it.

The City shall inform the County and M-NCPPC its opposition to any future vehicular access to the Landy development and other existing development south of Calverton Drive via the streets serving the single-family community in the University Hills neighborhood. The Mayor and Council discussed the issue at length. Council Member Hinds moved to amend the motion by deleting under specific conditions the first sentence with regards to security fencing and replacing it with the following statement “to gate only the building and the parking garage”. The amendment passed with Council Member Perry voting against. Council Member Matulef moved to amend

the motion by changing the second sentence of the motion to read as the following: The Council will reconsider its opposition if the following conditions are met: via a development agreement, and to add the following provisions under general conditions to include: Annexation, provision for police and emergency services, storm water management, and limited public access. The Mayor and Council discussed the amendment at length. The amendment passed unanimously. The Mayor and Council then voted on the motion as amended. The motion passed, unanimously.

Council President Atteberry moved that the Mayor and Council close the meeting to discuss a personnel matter and the terms of employment and compensation of individual City employees considering an employment contract, and to consider the acquisition of real property for a public purpose. A roll call vote was taken on the motion. The motion passed, unanimously.

Note for the Record: Council Member Matulef was not present for the vote.

Note for the Record: The Mayor and Council went into Closed Session at 10:07 p.m.

Council Member Perry moved that the Mayor and Council return to open session of the Council Meeting of July 9, 2007. The motion passed unanimously.

Note for the Record: The Mayor and Council returned to open session at 11:00 p.m.

Council President Atteberry moved to adjourn the Special Council Meeting of July 9, 2007. The motion passed, unanimously.

The Special Council Meeting of July 9, 2007 ended at 11:05 p.m.

ATTEST:

Douglass A. Barber, City Clerk

William F. Gardiner, Mayor