

COUNCIL MEETING OF THE CITY COUNCIL HYATTSVILLE, MARYLAND

April 2, 2007

Mayor Bill Gardiner called the meeting of the Council to order at 8:05 p.m. at the Municipal Building, 4310 Gallatin Street, Hyattsville, Maryland.

Present were Mayor Bill Gardiner, Council President Krista Atteberry, and Council Vice President Marc Tartaro, Council Members Ruth Ann Frazier, Christopher Currie (arrived at 8:13 p.m.), Paula Perry, Mary Elwood, Carlos Lizanne, Mark Matulef, Nicole Hinds, and Bill Tierney.

Also present were City Administrator Murphy, Chief of Police Holland, City Treasurer Oliphant, Director of Code Enforcement Hampton (arrived at 8:34 p.m.), City Attorney Colaresi, (arrived at 9:09 p.m.) and City Clerk Barber.

PRESENTATION:

BB&T

Mr. William Shipp with the law offices of O'Malley Miles & Nylén addressed the Mayor and Council on behalf of BB&T Bank. Mr. Shipp briefed the Mayor and Council on the proposed DSP site plan titled (BB&T), the facility is on one acre in size and located at the corner of Toledo Terrace and East West Highway. Mr. Shipp responded to questions of clarification asked by the Mayor and Council regarding the proposed site plans, zoning variances, and facade of the building. Mr. Shipp noted he is scheduled to meet with the Hyattsville Planning Committee on April 3, 2007 to present their proposal on this project.

APPROVAL OF AGENDA:

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

DEPARTMENT REPORTS:

City Administrator Murphy reported to the Mayor and Council regarding reports of incidents happening in Hyattsville, which are actually not in the Hyattsville Corporate Boundaries. Ms. Murphy reported that The Maryland Historical Trust Grant was turned in on time and submitted with the assistance of Director of Code Enforcement Hampton and City Treasurer Oliphant. City Administrator Murphy noted that she was out of town during the submittal timeframe. Ms. Murphy reported that the upcoming City-Wide Yard Sale Day project is moving forward and a comprehensive report on the project will be produced and distributed after the event.

Director of Code Enforcement Hampton had no formal report to present to the Mayor and Council. Director Hampton noted that the Code Enforcement Committee is currently working on the revision to Chapter 65 of the City Code that which deals with brush, high grass/weeds and trash. Director Hampton along with the intentions of Council Members Hinds and Perry propose to conduct informal community meetings to show the community where the Code Enforcement Committee is making proposed revisions to Chapter 65.

Director of Public Works Henry was not present to give a report. City Administrator Murphy reported on his behalf. City Administrator Murphy provided a brief update on current construction projects in the City.

PUBLIC COMMENT:

Ms. Janice Campington, a resident of 43rd Avenue near Oliver Street, addressed the Mayor and Council regarding the MOU with DeMatha and the proposed Convocation Center on the DeMatha property; she stated her support of the project.

Mr. Charles J. Kenny Jr., 6008 36th Avenue, addressed the Mayor and Council; he stated his support of the DeMatha Convocation Center. Mr. Kenny closed by thanking Council Member Currie and Elwood for their years of service to City of Hyattsville.

Mr. Daniel J. McMann, Principal of DeMatha Catholic High School, addressed the Mayor and Council, and thanked them for their help along with the Hyattsville Planning Committee on design ideas for frontage along Route 1. Mr. McMann requested that the Council approve the motion as is written in the motion #68-04-07 regarding the DeMatha Convocation Center. Mr. McMann also thanked the Council for motion # 65-04-07, which is Proclamation of Appreciation for DeMatha Catholic High School Teacher Rich Macheski.

ACTION ITEM:

Council President Atteberry moved that the Mayor and Council authorize the Board of Election Supervisors to determine the best option for the City's selection of Election Machine Vendor and after review by the City Attorney for legal sufficiency allow the City Administrator to execute the contract; and to approve the transfer of \$2,500 of appropriations from Recreation, PT salaries line item to the contracted services line item in Elections. The Board of Election Supervisors recommendation is for ELECTEC Inc. to be used as the City of Hyattsville Election Machine Vendor for the Biennial Election to be held on Monday, May 7, 2007. City of Hyattsville Board of Election Supervisor Anna Frankle addressed the Mayor and Council to answer any questions they may have in regards to the Board of Elections recommendation of voting machines to be used by the City of Hyattsville in the upcoming biennial election. The motion passed, unanimously.

CONSENT ITEMS:

Council President Atteberry moved the following items as consent: (1) to accept the \$650 Young Driver Traffic Safety Training Summit Grant from the Prince George's County Highway Safety Office and appropriate \$650.00 into the FY07 budget for two officers to attend the Young Driver Summit, where they will receive training on preventative measures and enforcement activities with regard to issues associated with young, new-drivers; (2) to accept the \$800 DWI Conference Grant from the Prince George's County Highway Safety Office and appropriate \$800.00 into the FY07 budget for two officers to attend the DWI Conference, where they will receive training on preventative measures and enforcement activities with regard to issues of Drunk Driving and Driving Under The Influence of Controlled Substances; (3) to approve a Proclamation of Appreciation for Mr. Richard Macheski, a teacher at DeMatha Catholic High School and recent recipient of the 2007 Agnes Meyer Outstanding Teacher Award from the Washington Post Education Foundation. The motion passed, unanimously.

ACTION ITEMS:

Council Vice President Tartaro moved that the Mayor and City Council introduce Hyattsville Ordinance 2007- 07, a revision to Chapter 8, Elections, of the Hyattsville Code that establishes campaign finance reporting requirements and penalties for non-compliance (1st Reading). Council Vice President Tartaro provided a brief summary of the Councils prior discussions on the issue. Council Member Frazier moved to amend the motion by changing Section 8-13 (A) with regards to contribution limit requirements and changing the amount from \$100.00 to \$25.00. A roll call vote was taken on the amendment. The amendment failed with Council Member Frazier, Perry, Matulef, and Tierney voting for and Council President Atteberry, Council Vice President Tartaro, and Council Members Currie, Elwood, Lizanne, and Hinds voting against. The Mayor and Council then voted on the motion as introduced. A roll call vote was taken on the motion. The motion passed with Council Member Frazier and Perry voting against.

Council Vice President Tataro moved that the Council authorize the Mayor to send a letter to M-NCPPC supporting the required variances for the proposed DeMatha Convocation Center at 44th Avenue and Madison Street and parking lots at Baltimore Avenue and Madison Street. The letter shall acknowledge that the design changes presented by DeMatha are responsive to the City's previously expressed concerns. The letter shall be sent to M-NCPPC upon the signing of a Memorandum of Understanding (MOU) with DeMatha that addresses parking, traffic flow and possible improvements, the frequency/size/nature of events to be held at the Convocation Center, and the establishment of a community liaison by DeMatha and a schedule of community meetings. The Council authorizes the Mayor to negotiate the final points contained in the MOU, coordinate review with the City Attorney, and execute this agreement on behalf of the City. The Mayor and Council discussed the issue at length. A roll call vote was taken on the motion. The motion passed with Council Member Frazier voting against.

Council President Atteberry moved that the Mayor and Council certify the candidates for the Biennial City Election to be held on Monday, May 7, 2007. City Clerk Barber announced that he received a letter from Ms. Caroline M. Betancourt for the Board of Elections Supervisors requesting to be removed from the Certification of Application of Candidacy for the upcoming biennial election. City Attorney Colaresi provided legal clarification that the Board of Elections certified the candidates and the Council only accepts the certification presented by the Board of Elections. City Attorney Colaresi advised to have the certification of candidates be resubmitted by the Board of Elections for the next Council Meeting. **Council Member Tierney moved to table the motion until the April 9, 2007 Special Council Meeting.** The motion to table passed unanimously.

Council Member Currie moved that the Mayor and Council adopt Hyattsville Ordinance 2007-05, an Ordinance whereby the City Council requires that large refuse containers for commercial and industrial use be enclosed, gated and not located within fifty feet (50') of any residence, as setting forth an appeal process regarding the location and enclosure of large refuse containers (Second Reading). City Attorney Colaresi briefly described the rationale behind the appeals process. Director of Code Enforcement Hampton clarified his summarization on the location of the refuse containers in regards to the multi-family/business owner's property lines. The Mayor and Council discussed the issue at length. **Council Member Perry moved to amend the motion by changing the language in the ordinance to having a dumpster enclosure be 50ft from the property line instead of 50ft from the structure.** A roll call vote was taken on the amendment. The amendment passed with Council President Atteberry, and Council Members Currie, Perry, Elwood, Lizanne, and Hind voting for and Council Vice President Tartaro, and Council Members Frazier, Matulef, and Tierney voting against.

Council Member Currie moved that the Mayor and Council re-introduce Hyattsville Ordinance 2007-05, an Ordinance whereby the City Council requires that large refuse containers for commercial and industrial use be enclosed, gated and not located within fifty feet (50') of the residential property line, as setting forth an appeal process regarding the location and enclosure of large refuse containers (First-Reading). A roll call vote was taken on the motion. The motion passed with Council President Atteberry, Council Vice President Tartaro, and Council Members Frazier, Currie, Perry, Elwood, Lizanne, and Hinds voting for and Council Member Matulef and Tierney voting against.

Council Member Currie moved that the Mayor and Council introduce Hyattsville Ordinance 2007-06, an Ordinance whereby the City Council specifies the enclosure requirements for large refuse containers on multifamily properties and requires that they be not located within fifty feet (50') of the property line of any residential property, setting forth an appeal process regarding the location and enclosure of large refuse containers and raising the fine for violation of the enclosure provision to two hundred fifty dollars (\$250) (First Reading). A roll call vote was taken on the motion. The motion passed with Council President Atteberry, Council Vice President Tartaro, and Council Members Frazier, Currie, Perry, Elwood, Lizanne, and Hinds voting for and Council Member Matulef and Tierney voting against.

Council Member Hinds moved that the Mayor and City Council authorize the conversion of the current part-time Inspector's position in the Office of Code Enforcement to a full-time position, and authorize the re-allocation and transfer of \$13,000.00 from the regular full-time salary line item in Community Development to the regular full-time salary line item in Code Enforcement to cover the increased costs of filling this position for the last three (3) months of FY07. The motion passed unanimously.

Council Member Perry moved that the Mayor and City Council: 1) authorize the Police Department to acquire one 2007 Dodge Charger Police vehicle to replace one of the two vehicles that have been damaged and totaled by LGIT this year; 2) authorize the transfer of \$13,000 of FY07 appropriations from the regular FT sworn officer salary account in the general fund to the new police cruiser account in the Capital Equipment Fund, and; 3) supplementally appropriate \$13,200 of the available fund balance in the Federal Confiscated Fund to acquire and equip the vehicle. The motion passed unanimously.

Council Member Perry moved to adjourn the Council Meeting of April 2, 2007. The motion passed unanimously.

The Council Meeting of April 2, 2007 ended at 10:41 p.m.

ATTEST:

Douglass A. Barber, City Clerk

William F. Gardiner, Mayor