

COUNCIL MEETING OF THE CITY COUNCIL HYATTSVILLE, MARYLAND

March 5, 2007

Mayor Bill Gardiner called the meeting of the Council to order at 8:17 p.m. at the Municipal Building, 4310 Gallatin Street, Hyattsville, Maryland.

Present were Mayor Bill Gardiner, Council President Krista Atteberry, and Council Members, Christopher Currie (arrived at 8:38 p.m.), Paula Perry, Mary Elwood, Carlos Lizanne (arrived at 8:21 p.m.), Mark Matulef, Nicole Hinds, and Bill Tierney. Council Vice President Marc Tartaro and Council Member Ruth Ann Frazier were absent.

Also present were City Administrator Murphy, Chief of Police Holland, Director of Public Works Henry, City Treasurer Oliphant, Director of Code Enforcement Hampton, City Attorney Colaresi (arrived at 8:51 p.m.), and City Clerk Barber.

Note for the Record: at 7:30 p.m. prior to Council Meeting of March 5, 2007, there was a public meeting in the second floor Prangley Room, where the City Treasurer gave a brief overview of the City's FY07 finances through January 2007, along with projections of where he anticipates the City ending the year. Historical data for Fiscal Years 2003 through 2006 was also provided along with preliminary revenue estimates for FY08. Residents were given an opportunity to ask questions and offer their comments on what they feel the City's spending priorities should be for FY08.

PRESENTATION:

Belcrest Metropolitan Office Center – Special Taxing District

Mayor Gardiner introduced Mr. Harvey Taylor with Taylor Development and Land Company who then provided a brief overview of the company and the development projects they are currently working on in this area and other areas of the nation. Ms. Lindsey Rader, with the law offices of Funk & Bolton, was introduced as the attorney who would be handling the project.

APPROVAL OF AGENDA:

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

DEPARTMENT REPORTS:

City Administrator Murphy provided an update to the Mayor and Council on projects that have been addressed by the City such as the road rehabilitation project with the Department of Public Works, and the FY08 Budget process with City Treasurer Oliphant, and

acknowledged some upcoming projects and the current work loads and meetings being attended by City staff.

Director of Code Enforcement Hampton reported to the Mayor and Council that Code Enforcement Inspectors Brewer and Velasco have completed and passed their training course for Fire Inspector I. Mr. Hampton addressed the issue of snow removal after storms and is working with Communications Manager to ensure proper notice of the City Code regarding snow removal. Mr. Hampton responded to questions of clarifications given by the Mayor and Council.

Director of Department of Public Works Henry reported to the Mayor and Council on items the Department of Public Works are currently addressing. Mr. Henry noted the departments work on the FY08 Budget and the FY07 Road Reconstruction Project. Mr. Henry responded to questions of clarification given by the Mayor and Council.

PUBLIC COMMENT:

Mr. William Anonsen, 5818 32nd Avenue, addressed the Mayor and Council on behalf of his neighbor and himself regarding the Cities policy on snow/ice removal policy.

Mr. Kent York, 4228 Oglethorpe Street, addressed the Mayor and Council regarding the proposed Metropolitan Office Center Special Taxing District; he stated his opposition to the special taxing district.

Mr. David Marshall, 6000 Block of 37th Avenue, addressed the Mayor and Council posing questions of clarification regarding the proposed Metropolitan Office Center Special Taxing District and artist housing and how these issues affect the City's borrowing.

ACTION ITEMS:

Mayor Gardiner allowed the homeowners of 4202 Emerson Street to address the Mayor and Council and provide their comments and thoughts on the proposed V-4-07 before the Prince George's County Board of Zoning Appeals. **Council Member Currie moved that the Council authorize the Mayor to sign a letter endorsing V-4-07 applications for 4202 Emerson Street but express a preference that if possible a variance on at least one side not be actually used when the design is finalized and that would include the 7 foot side street yard depth and 6 foot rear yard depth/width and posing "No Objection" to the validation of an existing condition and the granting of a variance of 3 foot front yard, depth (existing condition) with the letter being sent to Ms. Anne Carter at the Prince George's County Board of Zoning Appeals.** The Mayor and Council discussed the issue at length. The motion passed with Council Member Perry voting against.

Council Member Lizanne moved that the Council authorize the Mayor to sign a letter supporting V-26-07 (5604 30th Ave.) providing that the property owner remove from the back yard existing hardscape (concrete) equal to or greater than the percentage of green space coverage. The motion passed, unanimously.

Mayor Gardiner introduced Ms. Lindsey Radar with the law offices of Funk & Bolton, and representing the City as Bond Counsel on this issue. Ms. Radar provided a brief overview of the proposed Special Taxing District project and responded to comments and questions on the issue given by the Mayor and Council. **Council President Atteberry moved that the Mayor and Council introduce 3 separate pieces of legislation (each to be introduced individually) generally relating to (1) the creation of the Metropolitan Office Center Special Taxing District (the “District”); (2) the authorization of the issuance of revenue bonds, notes or other similar instruments (the “Bonds”) in an aggregate principal amount not to exceed \$30,000,000 and bearing interest at a rate or rates not to exceed 9.0% pursuant to the combined authority of the Special Taxing District Act (the “Act”) and City Charter Section C5-23B; (3) levying, and providing for the imposition and collection of, special taxes on certain interests in property located in the District as described under “Background” below in order to pay debt service on the Bonds, replenish debt service reserves, and pay ongoing expenses relating to the Bonds and the security therefor; (4) pledging net operating income from a public parking garage (the “Garage”) to be financed with Bond proceeds to pay debt service on the Bonds, replenish debt service reserves, and pay ongoing expenses relating to the Bonds and the security therefor; and (5) providing for the acquisition by the City of an ownership interest in the Garage (by appropriate legal means) and the ability of the City to engage a third party to manage or operate all or any portion of the Garage. The 3 pieces of legislation, which should be introduced in the following order, are: (1) (Hyattsville Resolution 2007-06), a Resolution designating the District, creating the special fund required by the Act with respect to the District, providing for the deposit, use and application of moneys in the special fund, evidencing the City’s reasonable expectation to spend money on project costs before Bonds are issued (for tax code reimbursement purposes), and providing that the Resolution is deemed revoked if no Bonds are issued by June 30, 2009; (2) (Hyattsville Ordinance 2007-04), an Ordinance authorizing the City to issue the Bonds under authority of Charter Section C5-23B, declaring that it is the intention of the City to issue the Bonds under the combined authority of such Charter Section and the Act, authorizing the City to issue revenue bond anticipation notes for interim financing purposes, authorizing the City to issue refunding revenue bonds in order to refinance any of the Bonds, providing that the City Council shall determine matters relating to the Bonds by resolution (which resolution may delegate authority to the Mayor to determine such matters by executive order), defining “Garage Net Operating Income”, pledging Garage Net Operating Income to payment of the Bonds and related costs, providing for establishment of a fund or account to track Garage Net Operating Income, authorizing the Mayor to make certain adjustments or determine certain matters relating to Garage Net Operating Income, providing that the City may acquire through application of Bond proceeds an ownership and/or**

leasehold interest in the Garage by lease, sublease, easement or other appropriate means, providing that the City may enter into an agreement with another party providing for the operation or management of all or part of the Garage, authorizing the City Council by resolution to determine matters relating to interests in the Garage or management agreements therefor or to authorize the Mayor to determine such matters, and providing for revocation of the Ordinance if no Bonds are issued by June 30, 2009; and (3) (Hyattsville Resolution 2007-07), a Resolution providing for the levy of special taxes on certain interests in property in the District as described below under "Background", adopting a Rate and Method of Apportionment of the special taxes (the "Rate and Method"), authorizing the maximum aggregate principal amount of the Bonds (\$30,000,000) and maximum interest rate (9.0%), authorizing the Mayor (with the advice of bond counsel and the City Attorney) to determine by executive order certain matters specified in Section 4 relating to the Bonds, authorizing the Mayor (with the advice of bond counsel and the City Attorney) to prepare, negotiate and enter into development, funding, construction, use, maintenance or other documents relating to the Bond-financed infrastructure improvements (including agreeing to the specific improvements) and the transfer of ownership in the infrastructure improvements, authorizing the Mayor (with the advice of bond counsel and the City Attorney) to determine the priority by which special taxes and Garage Net Operating Income will be pledged to pay the Bonds and related expenses and make adjustments to the definition of Garage Net Operating Income in order to account for its measurement and application, and authorizing the Mayor (with the advice of bond counsel and the City Attorney) to prepare, negotiate and enter into documents relating to interests in the Garage or management agreements therefor, authorizing City officials to take actions necessary to effectuate issuance of the Bonds, and providing for revocation of the Resolution if no Bonds are issued by June 30, 2009. The Mayor and Council discussed the issue at length. The motion will come back to the Mayor and Council for a Public Hearing and then for formal adoption at the March 19, 2007 Council Meeting. A roll call vote was taken on the motion. The motion passed with Council President Atteberry, and Council Members Currie, Elwood, Lizanne, Hinds, Tierney, and Mayor Gardiner voting for and Council Members Perry and Matulef voting against.

Council President Atteberry moved that the Mayor and Council adopt Hyattsville Resolution 2007-05, a resolution of the Hyattsville City Council approving the development of Renaissance Square Artists' Housing LLLP, a Maryland limited liability limited partnership, to develop and operate approximately 44 rental units, located at 4307 Jefferson Street. These rental units for artists will assist people of low or limited income as required by applicable law or regulations; and will be financed either directly by the Department of Housing and Community Development of the State of Maryland or through the Department's Community Development Administration. The Mayor and Council discussed the issue at length. The motion passed with Council Member Perry voting against.

Council Member Perry moved to adjourn the Council Meeting of March 5, 2007. The motion passed, unanimously.

The Council Meeting of March 5, 2007 ended at 10:35 p.m.

ATTEST:

Douglass A. Barber, City Clerk

William F. Gardiner, Mayor