

**COUNCIL MEETING OF THE CITY COUNCIL
HYATTSVILLE, MARYLAND**

August 1, 2005

Mayor Bill Gardiner called the meeting of the Council to order at 8:00 p.m. at the Municipal Building, 4310 Gallatin Street, Hyattsville, Maryland.

Present were Mayor Bill Gardiner, Council President Scott Wythe (8:06 p.m.), Council Vice President Paula Perry, and Council Members, Ruth Ann Frazier (8:06 p.m.), Christopher Currie, Jon Lewis (8:05 p.m.), Mary Elwood, Carlos Lizanne, Marc Tartaro, Mark Matulef, and Krista Atteberry.

Also present were City Administrator Murphy, Chief of Police Holland, Director of Public Works Henry, City Treasurer Oliphant, Supervisor of Code Enforcement Hampton, City Attorney Colaresi, and City Clerk Barber.

Note for the Record:

Prior to the Council Meeting of August 1, 2005, EYA did a information/question and answer session on detailed site plan of the redevelopment of the Lustine Property. The City and EYA are working to address a MOU for the project. The meeting started at 7:25 p.m. EYA provided a brief overview to the audience and then followed up with a question and answer period. The session ended at 7:50 p.m.

APPROVAL OF AGENDA:

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

Note for the Record: Council President Wythe and Council Member Frazier were not in the room for the vote.

PUBLIC COMMENT:

Mr. Tim Davis, 5802 41st Avenue, addressed the Mayor and Council regarding the EYA proposal and stated his support of the proposal.

Ms. Allendra Letsome, 6005 44th Avenue, addressed the Mayor and Council regarding a parking issue on 44th Avenue.

Ms. Anne Baum, 4228 Oglethorpe Street, addressed the Mayor and Council, regarding the need and importance of marketing Hyattsville, she asked for the support of the marketing motion in front of the Mayor and Council on the agenda.

Ms. Aiyshen Padilla, 5214 42nd Place, addressed the Mayor and Council, regarding the need for a marketing website for Hyattsville.

Mr. Chris McManes, 4111 Emerson Street, addressed the Mayor and Council in support of the marketing website for Hyattsville

Ms. Yvonne Hill, 3906 Oliver Street, addressed the Mayor and Council, requesting the support of the marketing website proposal for Hyattsville.

Mr. Nathan Bartel, 4710 41st Place, addressed the Mayor and Council, requesting the support of the marketing website proposal for Hyattsville.

Mr. Stuart Eisenberg, 4904 40th Place, addressed the Mayor and Council on issues on the current agenda. He requested the City Staff, and Council work with the marketing task force on the project.

Mr. David Marshall 6000 Block of 37th Avenue, addressed the Mayor and Council being misaddressed by the media, he urged the Mayor and Council to make that change by calling the media. Mr. Marshall addressed his concerns with the construction zone of the Hamilton Street Project. Mr. Marshall concluded with comments on the EYA redevelopment of the Lustine property on Route 1.

Ms. Lisa Davidson 3907 Madison Street, addressed the Mayor and Council on the EYA detailed site plan, and felt keeping the showroom intact and apart of the plans as a good compromise on the plans with EYA. Ms. Davidson stated that HPA has offered their help with any tax credit applications.

Mr. Brad Frome, Legislative Aid for County Council Member Will Campos, stated that the Council Member is enthusiastic over the EYA design for the redevelopment of the Lustine Property and welcomed it to the City.

STAFF REPORTS:

City Administrator Murphy reported to the Mayor and Council on crimes that are being reported as having taken place in Hyattsville by the news media, when in actuality they are not in the corporate limits and only have a Hyattsville mailing address. Ms. Murphy noted that she has contacted news Channel 7 and the Washington Post in hopes to have the issue corrected.

Supervisor of Code Enforcement Hampton, addressed the Mayor and Council, he noted the new Code Enforcement computer software and the forthcoming upgrades to better fit the inspectors need, they should be in use in the it should be in the field at the middle by

the middle of August. The department has begun using the informal bilingual door hangers. The department, as of the 15th of June, has done fifteen forced clean-up in the City. Mr. Hampton lastly made the Mayor and Council aware that Code Enforcement Officer Bartalone is currently working part-time for the summer months since retiring as of June 30th.

Director of Public Works Henry addressed the Mayor and Council regarding the Hamilton Street Project. Mr. Henry provided an updated to the Mayor and Council on issues that the Department of Public Works are currently addressing in the City. The recent extreme weather conditions have impacted the Department of Public Works. Mr. Henry noted that the City Building air conditioning system is in need of a new compressor.

APPROVAL OF MINUTES:

Council President Wythe moved that the Mayor and Council approve the Council Work Session minutes of July 11, 2005; Council Meeting minutes of July 18, 2005 and; Special Council Meeting minutes of July 18, 2005. The motion passed, unanimously.

NEW BUSINESS:

Council President Wythe moved that the Mayor and Council approve the consent agenda with the following items: (1) to approve a proclamation proclaiming Tuesday, August 2, 2005 as “National Night Out” in the City of Hyattsville; (2) to adopt a proclamation of appreciation for David Braxton; (3) to authorize the Chief of Police and Director of Public Works to respectively purchase a 2005 Chevrolet Impala from Criswell Chevrolet and a 2005 Ford F-350 4x4 pick-up truck from Academy Ford, both of which are being purchased off of State bid contracts, and to pay for the acquisitions with lease/purchase financing obtained through Ford Motor Credit. The cost of the vehicles will be \$52,680 (\$18,755 for the Impala and \$33,925 for the F-350). The amount financed will be \$53,030, which includes a one-time documentation fee of \$350s, and the financing will be over a term of three (3) years, at an APR of 5%, with payments due quarterly; (4) to authorize the City Administrator, after consultation with the executive committee and pending the approval of the City Attorney, to negotiate and execute a contract with a human resource/compensation consultant for the provision of the services specified in the Compensation Study Request for Proposal that was issued on July 20, 2005; (5) to authorize Staff to draft a letter to the Prince George’s County, Board of Zoning Appeals, stating that the City of Hyattsville “Poses No Objection” to variance request V-116-05. A request for a 7.4% departure from the strict application of the Zoning Ordinance that prohibits more than 35% of the net lot coverage of an area be covered by buildings; (6) To approve sending a letter of support to the Prince George’s County Board of Licensing Commissioners for Franklin’s Restaurant (5123 Baltimore Avenue) to upgrade their current Alcoholic/Beverage License to include the onsite sale of hard liquor. The motion passed, unanimously.

Council President Wythe moved to remove Motion#126-08-05 from the table. The motion passed unanimously.

Council Member Currie moved that the Mayor and Council request that City Staff develop and disseminate two Requests for Proposals to obtain contractor services to: (1) produce an identity scheme for the City of Hyattsville, and (2) design a marketing web page linked to the “Hyattsville.org” (City’s) website. The marketing web page will contain content that does not have to be updated more often than four times a year. The website RFP’s scope of work will include deliverables related to the design and content of the marketing web page and enhancements to the City’s existing web pages. Funding for the activity will come from existing funds allocated to marketing in the FY’06 budget. It is envisioned that the marketing site page will be assumed in the future by an independent community-based organization, such as a civic association or chamber of commerce. The RFPs will be disseminated by August 31, 2005, with proposals due September 16, 2005. Bidders that wish to respond to both RFPs may submit a combined proposal. The Mayor and Council discussed the issue at length. **Council Vice President Perry amended the motion to include as a part of the motion that see the Marketing Task Force write the RFP’s with the City staff has to approve prior to going out and once the funding allotted for the project has run out that the project would be shut down, and no other funding given to the project.** Council Member Currie noted that the line item allotted for the project be dedicated for the project. Council Member Currie accepted Council Vice President Perry amendment as a friendly amendment. City Administrator Murphy addressed the staff concerns on the proposed RFP’s. A roll call vote was taken on the motion. The motion passed with Council President Wythe, Council Vice President Perry, and Council Members Currie, Lewis, Lizanne, Tartaro, and Matulef voting for and Council Members Frazier, Elwood, and Atteberry voting against.

Council Member Currie moved that the Mayor and Council move into a Closed Session to consult with the City Attorney and to discuss issues with the proposed MOU. The motion passed with Council Member Matulef voting against.

Note for the Record: The Mayor and Council went into a Closed Session at 9:33 p.m.

Council President Wythe moved that the Mayor and Council return to open session of the Council Meeting of August 1, 2005. The motion passed, unanimously.

Note for the Record: The Mayor and Council returned to open session at 10:15 p.m.

EYA gave a brief overview of the proposed redevelopment of the Lustine property and discussed the proposed MOU with the City of Hyattsville. City Attorney Colaresi reviewed the proposed MOU with the Mayor and Council and EYA, and EYA acknowledged their understanding of the MOU as reviewed by City Attorney Colaresi.

Council President Wythe moved that the Mayor and Council **authorize the Mayor to sign the proposed Memorandum of Understanding (MOU) with EYA concerning the proposed development on approximately 20 acres along Route 1 in Hyattsville. Furthermore, I move that the Mayor send correspondence to M-NCPPC stating the City's revised position on the revised Phase 1 project, as outlined in the MOU and as modified by the City Attorney with a final review by the City Attorney. Council Member Matulef moved to amend the motion where it states "to sign" to change "to complete negotiations and drafting of the proposed memorandum of agreement"**. The amendment failed due to lack of a second. A roll call vote was taken on the motion. The motion passed with Council President Wythe, Council Members Currie, Lewis, Elwood, Lizanne, Tartaro, Matulef, Atteberry, and Mayor Gardiner voting for and Council Vice President Perry, and Council Member Frazier voting against.

Council Member Tartaro moved that the Mayor and Council endorse the granting of minimum lot size variance to applicant Jose Caceres to build a single-family detached house at 4507 Emerson Street in Hyattsville, but to object to the granting of a variance of the side lot setback requirements for the same. Mr. Gil Schultz, of G and S Builders, L.L.C addressed the Mayor and Council on the proposed set backs. **Council Member Matulef offered a substitute motion. Council Member Matulef moved that the Mayor and Council vote to give preliminary support to the owners of 4507 Emerson Street (Jose and Vidalina Caceres) as they begin the process to obtain building permits to construct a single-family home on the above reference property, however the City reserves the right to withdraw our conditions of support based on the architecture plans that are submitted for the actual variance.** A roll call vote was taken on the substitute motion. The motion passed with Council President Wythe, Council Vice President Perry, and Council Members Frazier, Lewis, Lizanne, Tartaro, Matulef voting for and Council Members Currie, Elwood, Tartaro, and Atteberry voting against.

Council President Wythe moved that the Mayor and Council authorize the City Administrator, after consultation with the executive committee and pending approval of the City Attorney, to move forward with various procurements funded by grants from the Governor's Office of Crime Control and Prevention and the Maryland Vehicle Theft Prevention Council, that exceed the City's \$10,000 threshold, and the execution of a grant funded Contract with Mitretek Systems for technical consultant services. The motion passed, unanimously.

Council Vice President Perry moved that the Council accept the Mayor's appointments of Chris Davidson (Ward 2); Dan Janousek (Ward 4); Stuart Eisenberg (at-large) to the Planning Committee for two-year terms, and appoint Council Member Marc Tartaro as the Council Liaison to the Planning Committee, effective August 1, 2005. The motion passed with Council Member Atteberry voting against.

Council Vice President Perry moved that the Mayor and Council: 1) authorize the expenditure of an additional \$27,000 on the Hamilton Street project to cover the full

cost of construction, including the light poles and related electrical work, bringing the total project budget to \$312,000; 2) authorize the City Administrator or her designee, with the City Attorney's approval, to amend the contract with NZI Construction to include the installation of the electrical conduit and street lights and increase the contract amount by \$99,167.50 from \$116,626 to \$215,793.50 to cover the projected cost of this additional work, and; 3) authorize the transfer of \$27,000 of funds appropriated for street maintenance out of this line item and into the project account to cover the increased project costs. The motion passed, unananimously.

Note for the Record: Motion#123-08-05 was not addressed at the Council Meeting. Mayor Gardiner noted it would be placed on a future Council Meeting Agenda.

Council President Wythe moved that the Mayor and Council receive the draft Personnel Manual from the Personnel Committee, and adopt the following process to present, receive comment, and adopt the manual: (1) August 2 – 24th---draft manual and memo from the City Attorney provided to Department Heads and any employee who requests a copy. Meetings may be held to discuss changes with staff. Comments from staff to be provided to City Administrator at the August 17th or August 24th staff meetings and conveyed to Mayor, Council, and City Attorney; (2) September 12th Council Meeting—Opportunity for Public Comment on the manual and Council discussion of the changes; (3) September 19th, October 3rd, or October 10th—Council discussion and vote to adopt new Personnel Manual (date will depend upon desire to amend and the extent of changes). The motion passed, unananimously.

Council Vice President Perry moved that the Council adjourn the Council Meeting of August 1, 2005. The motion passed, unananimously.

The Council Meeting of August 1, 2005 ended at 11:40 p.m.

ATTEST:

Douglass A. Barber, City Clerk

William F. Gardiner, Mayor