

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

November 2, 2009

Mayor Bill Gardiner called the meeting of the Council to order at 8:03 p.m. at the Municipal Building, 4310 Gallatin Street, Hyattsville, Maryland.

Present were Mayor Bill Gardiner, Council President Marc Tartaro, Vice President Bill Tierney, Council Members Ruth Ann Frazier, Paula Perry, Nicole Hinds (arrived at 8:12 p.m.), Matthew McKnight and David Hiles. Council Members Carlos Lizanne and Douglas Dudrow were absent.

Also present were City Administrator Murphy, Assistant City Administrator Jones, Police Chief Holland, City Treasurer Rainey, Senior Code Inspector Giunta, City Attorney Colaresi, and City Clerk Barber.

### **APPROVAL OF THE AGENDA:**

**Council Member Perry moved to approve the agenda of November 2, 2009, as amended.** Mayor Gardiner noted the adjustment being made to Motion# 188-11-09 (Notice of Updates to the City of Hyattsville Personnel Manual) and moving Motion# 186-11-09 (Hyattsville Ordinance 2009-\_\_\_ Code Chapter 87-21 (Signs and Advertising) and Motion# 185-11-09 (Hyattsville Ordinance 2009-\_\_\_ Code Chapter 65 (Health and Sanitation Article 1 Household Trash Collection) to the discussion agenda. Council Member Hiles requested that the proposed discussion item regarding: Reschedule Pickup of Yard Waste and White Goods to Monday be placed on the discussion agenda. The motion passed unanimously.

### **APPROVAL OF THE MINUTES:**

**Council President Tartaro moved to approve the Public Meeting Minutes of September 21, 2009, September 29, 2009 and October 3, 2009; the Council Meeting Minutes of October 5, 2009 and October 19, 2009; and the Special Council Meeting Minutes of October 12, 2009.** The motion passed unanimously.

### **PUBLIC COMMENT:**

Ms. Nina Faye, a Ward 3 resident and chair of the Code Enforcement Committee, addressed the Mayor and Council regarding the proposed changes to Code Chapter 87-21 (Signs and Advertising) and Code Chapter 65 (Health and Sanitation Article 1 Household Trash Collection) with the proposed recommendations from the Code Enforcement Committee.

Mr. David Marshall, a Ward 3 resident, addressed the Mayor and Council regarding the proposed legislation regarding Code Chapter 65 (Health and Sanitation Article 1 Household Trash Collection) and the police department issues. Mr. Marshall closed by stating his concerns with the planned police efficiency study and the proposed cost to the City.

Ms. Maria Hernandez addressed the Mayor and Council requesting assistance from the City as she is no longer allowed sell from her Pupusa truck on the 5600 block of Ager Road.

#### **CONSENT ITEMS:**

**Council Member Tartaro moved the following items as consent: (1) to accept and appropriate \$89,000.00 in U.S. Department of Energy (DOE) - Energy Efficiency and Conservation Block Grant Funds awarded to the City of Hyattsville and authorize the City Administrator to execute an agreement with the Maryland Energy Administration (MEA) for administration of the funds, pending review and approval by the City Attorney (Motion# 184-11-09); (2) to authorize that the City of Hyattsville Police Department update it's current contract with the Howard County Partners Red Light Enforcement processing facility, known as the Regional Enforcement Automated Center (the "RAEC"). The upgrade will include an on-line Violations program that allows violators to view a video of the violation and pay citations on-line (Motion# 187-11-09); (3) to accept the following changes, provided by the City Administrator, as updates to the City of Hyattsville Personnel Manual:**

- **Section III(4) – Employee Benefits - Family and Medical Leave**
- **Section IX (E) – Termination of Employment – Automatic Termination**
- **Appendix C (J) – Drug & Alcohol Testing Policy**
- **Appendix D (C) – Use of Electronic Media and Services**  
(Motion# 188-11-09). The motion passed unanimously.

#### **ACTION ITEMS:**

**Council President Tartaro moved that the Mayor and Council authorize the City Attorney to review the proposed New World contract and, upon approval of terms and conditions below, the City Administrator shall be authorized to sign a contractual agreement not to exceed the FY10 budgeted amount of \$555,000 for software and services related to the purchase of a combined computer-aided dispatch, records management, and mobile computing system. Prior to the City Administrator signing the contract, the City must have received written confirmation from the federal agency providing funding for this project that the proposed uses and implementation of the funding is in accordance with the terms of the grant award. Council shall be notified if confirmation has not been received within 30 days of passage of this motion, or if the proposed uses and implementation have changed. Within six months of the contract approval, the Chief of Police shall report to Council the implementation schedule for**

**the new system and provide a report on discussions with the Mutual Aid Agreement police agencies on the feasibility and interest of joint dispatch** (Motion# 163-09-09).

Chief of Police Holland provided a brief history of the project. Chief Holland responded to comments and questions on the project given by the Mayor and Council. City Treasurer Rainey provided responses to questions relating to the financial implications of the project.

**Council Member Hiles called the question on the motion.** A roll call vote was taken. The motion passed with Council President Tartaro, Council Vice President Tierney, Council Members Frazier, Perry, Hinds, Hiles and McKnight voting for. The motion to call the question passed. The Mayor and Council then voted on the motion. The motion passed unanimously.

#### **PRESENTATION:**

The Honorable Tawanna Gaines, State Delegate for District 22, addressed the Mayor and Council regarding appropriations for highway user tax funds and provided a brief summary of the discussion at the state level. Mayor Gardiner thanked Ms.Gaines for speaking and providing information on the issue to the City of Hyattsville.

Council President Tartaro moved to remove Motion # 173-10-09 (Police Operations Efficiency and Effectiveness Study) from the table. The motion passed unanimously.

**Council Vice President Tierney moved that the Mayor and City Council, upon review and approval for legal sufficiency by the City Attorney, authorize the City Administrator, to execute a contract with Management Partners Incorporated, in an amount not-to-exceed \$40,000.00 to conduct an Operations Efficiency and Effectiveness Study for the Hyattsville Police Department** (Motion# 173-10-09). 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 and Perry voting against.

#### **DISCUSSION ITEMS:**

*Hyattsville Ordinance 2009-\_\_\_\_ Chapter 87-21 (Signs and Advertising) and Hyattsville Ordinance 2009-\_\_\_\_ Revision to City Code Chapter 65 (Health and Sanitation)*

City Attorney Colaresi addressed comments and provided clarification on the proposed Chapter 87-21 (Signs and Advertising) and Chapter 65 (Health and Sanitation) to the Mayor and Council. City Attorney Colaresi advised that he, after further review, had made additional revisions from comments received from the City staff on the proposed ordinances. Mayor Gardiner noted that an amended version of the proposed ordinances will be placed on a future agenda for additional discussion and possible introduction.

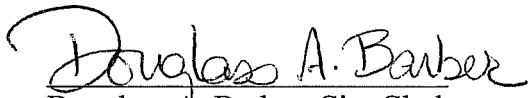
Mayor Gardiner noted that the following discussion items: City Code Chapter 68 (68-7 Article II Fences and Walls), E- Mail Policy, Budget Adjustments due to State Funding, and Reschedule Pick-Up of Yard Waste and White Goods to Monday will be placed on the

discussion agenda for the Special Council Meeting scheduled for Monday, November 9, 2009.

**Council President Tartaro moved to close the Council Meeting of November 2, 2009, to discuss personnel issues relating to current year evaluations and legal issues regarding use of electronic transmissions (Motion# 189-11-09). A roll call vote was taken on the motion. The motion passed unanimously.**

The Council Meeting of November 2, 2009 ended at 9:54 p.m.

Respectfully submitted,

  
Douglas A. Barber, City Clerk

*Pursuant to the requirement of Annotated Code of Maryland State Government Article Section 10-509(c) (2), this statement is included in these minutes:*

*A closed session of the Council of the City of Hyattsville was held at 7:45 p.m., Monday, October 19, 2009, in the City of Hyattsville Municipal Building, Third Floor Council Chambers.*

Present were Mayor Bill Gardiner, Council President Marc Tartaro, Council Vice President Bill Tierney, Council Members Ruth Ann Frazier, Paula Perry, Carlos Lizanne, Nicole Hinds, Douglas Dudrow, David Hiles, Matthew McKnight, City Administrator Murphy, Assistant City Administrator Jones, and City Attorney Colaresi.

*On a motion made as follows by Council President Tartaro: **Council President Tartaro moved to close the Council Meeting of October 19, 2009, to discuss personnel and legal issues.** A roll call vote was taken on the motion. Council President Tartaro, Vice President Tierney, Council Members Lizanne, Hinds, McKnight and Hiles voted for and Council Members Frazier, Perry and Dudrow voted against (Motion# 178-10-09). Council Member Frazier, Perry, and Dudrow stated their reasons for voting against going into a closed session. The motion to close the meeting passed. *A roll call vote was taken and the session was closed. The authority under which the session was closed was Annotated Code of Maryland State Government Article Section 10-508(a)(1)(i) – The appointment, employment, assignment, promotion, discipline, demotion, compensation, remove, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction and(7)-To consult with Counsel to obtain legal advice on a legal matter. The purpose of the meeting was to discuss personnel issues regarding recent resignations and two department head contracts and legal issues regarding contracts with third parties. The meeting adjourned at 8:34 p.m.**

Note for the Record:

City Attorney Colaresi requested the Mayor and Council amend the motion to go into closed session. **Council President Tartaro moved that the Mayor and Council close the Council Meeting of October 19, 2009 to discuss personnel issues regarding recent resignations and two department head contracts and legal issues regarding contracts with third parties as amended.** A roll call vote was taken on the motion to amend the motion to close the meeting. The motion passed unanimously.