

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

December 7, 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, Council Vice President Bill Tierney, Council Members Ruth Ann Frazier, Carlos Lizanne, Nicole Hinds, Douglas Dudrow, Matthew McKnight, David Hiles and Timothy Hunt. Council Member Paula Perry was absent.

Also present were City Administrator Murphy, Assistant City Administrator Jones, City Treasurer Rainey, Community Development Manager Chandler, Senior Code Inspector Giunta, Communications Manager Sandel, City Attorney Colaresi and City Clerk Barber.

**APPROVAL OF THE AGENDA:**

**Council President Tartaro moved to approve the agenda of the Council Meeting of December 7, 2009, as presented.** The motion passed unanimously.

**PUBLIC COMMENT:**

Prince George's County Council Member, Samuel Dean of District 6, addressed the Mayor and Council regarding his announcement of intention to run for the position of Prince George's County Executive.

Mr. Stuart Eisenberg, a Ward 2 resident, addressed the Mayor and Council regarding the proposed changes to Code Chapter 65 regarding Subsection B. City Attorney Colaresi responded to Mr. Eisenberg's comments on the proposed Code Chapter 65 Subsection B. Mr. Eisenberg closed his comments to the Council in his role as a Hyattsville Planning Committee member; he provided his comments on the proposed Belcrest Redevelopment Project.

**CONSENT ITEMS:**

**Council President Tartaro moved the following items as consent: (1) to authorize a donation in the amount of \$300.00 to the 8<sup>th</sup> Annual Sonny Frazier Toy Drive (Motion# 207-12-09); (2) to authorize the Mayor to send correspondence to the Maryland Department of Natural Resources stating the City of Hyattsville will participate in the US Forest Service National Urban and Community Forestry Challenge Cost-Share Grant Program (NUCFAC) (Motion# 206-12-09); (3) to authorize the Mayor to send correspondence to the Prince George's County Public Schools Board of Education in**

**support of the Hyattsville Middle School Creative and Performing Arts Program (Motion# 208-12-09); (4) to authorize the City Administrator to take personnel actions: Execute a new contract with Vincent Jones, Assistant City Administrator, providing a 2.5% increase in salary, effective 2/4/10 and to issue a \$4,000 bonus; the new contract will be for an initial term of two years with annual renewal options thereafter; all other standard contractual terms to remain (Motion# 211-12-09). The motion passed unanimously.**

#### **ACTION ITEMS:**

At Mayor Gardiner's request, Mr. Jonathan Genn, Executive Vice President of General Counsel for Burk Contee, owner of Contee Company LLP, he discussed the proposed work being completed on the Belcrest Redevelopment Project at length. Mr. Gemm responded to comments and questions of clarification regarding the project given by the Mayor and Council. Community Development Manager Chandler addressed the Mayor and Council and provided an overview on the proposed project.

**Council President Tartaro moved that the Council authorize the Mayor to convey to M-NCPPC the following points regarding the proposed Belcrest Plaza Mixed-Use Redevelopment (DSP-09006):**

**The City supports the redevelopment of these parcels adjacent to the Mall at Prince Georges, and many aspects of the proposed development will enhance the recent investment around the Prince George's Metro Station. The City supports the applicant's goal of achieving Leadership in Energy and Environmental Design (LEED) certification for all buildings; meeting the new storm water standards, and including office space for a public use.**

**The City has concerns about the proposed transportation network, and would like to note the need to improve intersections and pedestrian access at Belcrest and East West Highway and other locations, the need to ensure all streets have public access, including along the southern border of the property, and the need for active uses—at least first floor retail, office, or residential—and adequate sidewalks and landscaping along all street frontages. The City requests that the developer commit to making all necessary pedestrian and vehicular traffic improvements to ensure efficient circulation, minimize congestion, and encourage bicycle, pedestrian and public transit modes of transportation.**

**The project proposes a nearly fivefold increase in the number of housing units, and a much smaller amount of office and retail space. The City is interested in increasing the percentage of non-residential uses, and supports owner-occupied housing units to the extent possible. The City is supportive of the M-NCPPC recommendation on the size, proposed uses, and location of the open space/outdoor recreational space as a major amenity for the residents and larger community.**

**Due to the complexity and size of the proposed development, and more significant concerns with the configuration of the development on the parcels immediately behind the Mall, it may be advantageous to separate the project into two phases for approval**

(Motion# 209-12-09). The Mayor and Council discussed the issue at length. **Council Member Hunt moved to amend the motion by striking in the second paragraph the word “ALL” and adding the following in the first sentence of the second paragraph “the need for more active uses along street frontages”.** The amendment passed unanimously. **Council Member Hunt moved to amend the motion by rewording the third sentence in the third paragraph to read as the following: The City is supportive of recreational space as a major amenity for the residents in the larger community.** A roll call vote was taken on the amendment. The amendment passed with Council President Tartaro voting against. **Council Member Hunt moved to amend the motion by inserting a second sentence to the second paragraph by stating the City also has concern about increased traffic on the surrounding roads: Belcrest Road, Adelphi Road, Queens Chapel Road and Toledo Terrace.** Council Hunt discussed the traffic studies and his concern that certain things aren't being adequately addressed. A roll call vote was taken on the amendment. The amendment passed with Council Members Hiles, McKnight and Council President Tartaro voting against. **Council Member Hunt moved to amend the motion by adding the following language to the third sentence of the third paragraph which would be stated as the following: The City is interested in decreasing the number of residential units than what is proposed.** A roll call vote was taken on the amendment. The amendment failed with Council Members Frazier, Lizanne, Hinds, Dudrow, and Hunt voting for and Council Members Hiles, McKnight, Council Vice President Tierney and Council President Tartaro voted against. The amendment failed. The Mayor and Council then voted on the motion as amended as restated by Mayor Gardiner. The motion as amended passed with Council President Tartaro, Council Vice President Bill Tierney, Council Members Frazier, Lizanne, Hinds, Hiles, McKnight, Hunt, and Mayor Gardiner voting for and Council Member Dudrow abstained.

**Council Vice President Tierney moved that the Mayor and Council introduce Hyattsville Ordinance 2009-08, AN ORDINANCE OF CITY OF HYATTSVILLE, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, PROVIDING FOR THE ISSUANCE AND SALE OF AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED FOUR MILLION TWO HUNDRED SIXTY THOUSAND DOLLARS (\$4,260,000) OF BONDS OF CITY OF HYATTSVILLE, MARYLAND, TO BE KNOWN AS “CITY OF HYATTSVILLE, INFRASTRUCTURE BONDS, 2010 SERIES A” (OR BY SUCH OTHER OR ADDITIONAL DESIGNATIONS AS REQUIRED BY THE COMMUNITY DEVELOPMENT ADMINISTRATION IDENTIFIED HEREIN, TO BE ISSUED AND SOLD PURSUANT TO THE AUTHORITY OF SECTIONS 4-101 THROUGH 4-255 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED, FOR THE PURPOSE OF PROVIDING ALL OR A PORTION OF THE FUNDS NECESSARY FOR (I) FINANCING AND REFINANCING THE FOLLOWING PROJECTS IDENTIFIED HEREIN: (A) FIVE YEAR STREET REHABILITATION PROGRAM, (B) SIDEWALK CONNECTIVITY IMPROVEMENTS, (C) AS-BUILT PLANS FOR 4310 GALLATIN STREET, AND (D) UNIVERSITY HILLS STREET REHABILITATION, (II) FUNDING A PORTION OF A CAPITAL RESERVE FUND AND (III) PAYING ISSUANCE AND OTHER COSTS RELATED TO THE BONDS (AS HEREINAFTER DEFINED); PROVIDING THAT**

**THE BONDS SHALL BE ISSUED UPON THE FULL FAITH AND CREDIT OF CITY OF HYATTSVILLE; PROVIDING FOR THE DISBURSEMENT OF THE PROCEEDS OF THE SALE OF THE BONDS AND FOR THE LEVY OF ANNUAL TAXES UPON ALL ASSESSABLE PROPERTY WITHIN CITY OF HYATTSVILLE FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY SHALL RESPECTIVELY MATURE; PROVIDING FOR THE FORM, TENOR, DENOMINATION, MATURITY DATE AND OTHER PROVISIONS OF THE BONDS; PROVIDING FOR THE SALE OF THE BONDS; AND PROVIDING FOR RELATED PURPOSES, INCLUDING THE METHOD OF FIXING THE INTEREST RATE OR RATES TO BE BORNE BY THE BONDS, THE APPROVAL, EXECUTION AND DELIVERY OF DOCUMENTS, CERTIFICATES AND INSTRUMENTS AND THE MAKING OF OR PROVIDING FOR REPRESENTATIONS AND COVENANTS CONCERNING THE TAX-EXEMPT STATUS OF INTEREST ON THE BONDS (First Reading) (Motion# 212-12-09).** City Administrator Murphy provided an overview and the background on the issue to the Mayor and Council. City Treasurer Rainey provided additional information relating to the City financial impacts on the proposed bond issuance. The Mayor and Council discussed the issue at length. The motion passed unanimously.

**Council Member Hinds moved that the Mayor and Council adopt Hyattsville Ordinance 2009-07, an Ordinance whereby the City Council generally prohibits posting of signs in the public right-of-way and regulates signs in the public right-of-way during municipal elections and certain other circumstances and sets fines and penalties for violations, and revokes Section 87-17 as in conflict with the new proposed Health & Sanitation Article in Chapter 65 (Second Reading) (Motion# 205-12-09).** City Attorney Colaresi discussed his minor proposed edits made from the introduction (first reading) of Hyattsville Ordinance 2009-07. The motion passed unanimously.

**Council Member Hinds moved that the Mayor and Council introduce Hyattsville Ordinance 2009-09, an Ordinance whereby the City Council Repeals and Revokes Chapter 95 Recycling as Superseded by 65-1 of the Code (First Reading)(Motion# 198-11-09).** The motion passed unanimously.

**Council Member McKnight moved that the Mayor and Council introduce Hyattsville Ordinance 2009-10, an Ordinance whereby the City Council revises Chapter 65 Health and Sanitation by regulating the collection of trash and debris for private residences in the City and requires Toters for household trash, mandates recycling and establishes procedures and penalties for enforcement as well as allowing appeals of City action and further revokes previous legislation regarding City trash collection from apartment units and specifying that such units are to dispose of their trash and further establishes a 14-Day notice for removal of brush grass and weeds (First Reading) (Motion # 185-11-09)** Mayor Gardiner requested City Attorney Colaresi and Senior Code Inspector Giunta to summarize minor changes (mainly technical) prior to the introduction of the ordinance. The Mayor and Council discussed the issue at length. City Attorney Colaresi and Senior Code Inspector Giunta responded to questions and comments of clarification on the issue. **Council Vice President moved to amend the motion by changing (page 5) the time trash receptacles need to be brought back from the street from 8:00 p.m. and changed to**

**12:00 Midnight.** The amendment passed unanimously. **Council Vice President Tierney moved to amend the motion by adding the word “Public” before the word nuisances in three places (page 7).** The amendment passed unanimously. **Council Vice President Tierney moved to amend the motion by deleting the last sentence of section 65-5 (page 8).** The amendment passed unanimously. The Mayor and Council then voted on the motion as amended. The motion passed with Council Member Hunt voting against.

**Council Vice President Tierney moved that the Mayor and Council authorize the City Administrator to schedule two Council/Staff retreats to be held on Saturday, January 9, 2010, and Monday, January 25, 2010, facilitated by Management Partners Inc., in an amount not-to-exceed \$13,000.00 (Motion# 210-12-09).** The Mayor and Council discussed the issue at length. City Administrator Murphy responded to questions of clarification given by the Mayor and Council on the issue. **Council Member Hiles called the question.** The motion to calling the question passed unanimously. A roll call vote was taken on the motion. The motion passed with Council President Tartaro, Council Vice President Tierney, Council Members Hinds, Dudrow, Hiles, McKnight, Hunt, and Mayor Gardiner voting for and Council Members Frazier and Lizanne voting against.

#### **DISCUSSION ITEMS:**

##### *I-Net Discussion*

Mayor Gardiner advised that the discussion of the I-Net program is not time sensitive and will be discussed at a future Council Meeting.

##### *BB&T Financing*

Mayor Gardiner noted the item regarding BB&T Financing may come back at the Special Council Meeting of December 14, 2009, to provide options for the City.


##### *Mission, Vision Statements and Strategic Goals and Outputs*

Mayor Gardiner noted the information submitted to the Council regarding the City's proposed Mission, Vision Statements and Strategic Goals and Outputs documents were presented during the meeting (dated December 4, 2009). Mayor Gardiner requested that Council take the information home and review. Mayor Gardiner noted that he would like to see the Council adopt the proposed Strategic Goals and Outputs at the next scheduled Council Meeting.

**Council President Tartaro moved to close the Council Meeting of December 7, 2009, to discuss personnel issues relating to current year evaluations (Motion# 213-12-09).** A roll call vote was taken on the motion. The motion passed unanimously.

The Council Meeting of December 7, 2009, closed at 10:21 p.m.

Respectfully submitted,

  
Douglass 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 11:05 p.m., Monday, November 16, 2009, in the City of Hyattsville Municipal Building, Third Floor Council Chambers.*

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

*On a motion made as follows by Council Member Hiles: **Council Member Hiles moved that the Mayor and Council close the Council Meeting of November 16, 2009, to discuss personnel issues related to current year evaluations and legal issues regarding the use of electronic transmissions** (Motion# 190-11-09). A roll call vote was taken on the motion. The motion passed unanimously 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) (7)-To consult with Counsel to obtain legal advice on a legal matter. The purpose of the meeting was to discuss legal issues regarding the use of electronic transmission by Council. The Council however did not discuss any personnel issues related to current year evaluations. The meeting adjourned at 11:15 p.m.*