

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

November 9, 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 8:07 p.m.), Douglas Dudrow, Matthew McKnight and David Hiles. Council Member Carlos Lizanne was absent.

Also present were City Administrator Murphy, Assistant City Administrator Jones, City Treasurer Rainey, Senior Code Inspector Giunta and City Clerk Barber.

**APPROVAL OF THE AGENDA:**

**Council President Tartaro moved to approve the agenda of the Special Council Meeting of November 9, 2009, as presented.** The motion passed unanimously.

**APPROVAL OF THE MINUTES:**

**Council President Tartaro moved to approve the Council Meeting Minutes of November 2, 2009.** The motion passed unanimously.

**PUBLIC COMMENT:**

Mr. Tim Hunt, a Ward 3 resident, addressed the Mayor and Council regarding the proposed Bond Issuance. Mr. Hunt stated his concerns and noted that there should be three individual bonds for University Hills, BB&T and EYA as they are separate issues.

Mr. David Marshall, a Ward 3 resident, addressed the Mayor and Council and reminded Ward 3 residents of the Election scheduled for the vacant Ward 3 Council Seat scheduled for Tuesday, November 11, 2009. Mr. Marshall also discussed the proposed bond issuance.

An unidentified business owner discussed the vending trucks and would like Council to look into the issue. She noted the economy is affecting her ability to find work.

Ms. Maria Hernandez addressed the Mayor and Council regarding not being able to work and the financial strain on her family.

An unidentified business owner addressed the Mayor and Council and asked for employment assistance. She advised that she has been looking for employment and has been told she may have to leave her apartment.

Ms. Ola Chavez addressed the Mayor and Council and stated that while she understands that the City of Hyattsville has previously given the vendors one year to find employment, she has been trying, unsuccessfully to find employment.

Ms. Maria Griselda, addressed the Mayor and Council requesting Council's consideration in assisting the vendors in getting their jobs back in Hyattsville.

An unidentified business owner addressed the Mayor and Council regarding the vending trucks. She advised that she has five children who still live in El Salvador in an area affected by a hurricane and needs to work to be able to provide for her family.

Mr. Luis Guzman, son of an owner of a vending truck, stated his family is in a sad situation at this time and requested their jobs come back to them.

#### **CONSENT ITEMS:**

**Council President Tartaro moved the following item as consent: (1) to establish a City of Hyattsville Local Complete Count Committee for the purpose of assisting Federal, State and County efforts to effectively conduct the 2010 Census. The Hyattsville LCCC will assist in identifying outreach opportunities to effectively engage the community, especially areas identified by the U.S. Census Bureau as "Hard To Count". The Mayor and City Council appoints the following individuals to serve on the Committee, which will sunset on April 15, 2010:**

**Council Member Carlos Lizanne**

**Council Member Ruth Ann Frazier**

**Jim Chandler, Community Development Manager**

**Abby Sandel, Communications Manager**

**Andrea Mickle, Executive Director, Minority Access**

**Rebecca Roberts, Hyattsville Elementary, PTA President & ESOL Teacher at N.W. High School**

**Sharon Washington, Property Manager, Prince George's Apartments**

**Mosi Harrington, Executive Director, Housing Initiative Partnership**

**Shenese Gilmore, Property Manager, Kirkwood Apartments**

**Alexi Boado, Resident, Ward 4**

(Motion# 191-11-09). The motion passed unanimously.

#### **ACTION ITEMS:**

**Council Member Frazier moved that the Mayor and Council authorize the City Administrator to increase the hours of the Volunteer Coordinator from the current 60% FTE to 75% FTE through the end of the FY10 fiscal year (Motion# 192-11-09).**

The motion passed unanimously.

**Council Member Hiles moved that the Mayor and Council authorize the City Administrator to adjust the pilot solid waste schedule so that yard waste and white goods are collected on Mondays. Solid waste will not be picked up on Monday's. Solid waste will be conducted Tuesday through Friday (Motion# 193-11-09).** Assistant City Administrator Jones provided staff comments on the proposed motion and the effects of the proposed change to trash collection for 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 Perry voting against.

**Council President Tartaro moved that the Mayor and City Council authorize the City Administrator to engage bond counsel Lindsey Raider to develop language for an Ordinance to enable Council to discuss and consider issuance of a Maryland Department of Housing and Community Development, Community Development Administration, Local Government Infrastructure Finance Program 2010 Series A Bond issue, for the purposes of, but not limited to:**

- 1. Completion of the sidewalk installation and repavement program (areas not covered by previous bond issues within the City's incorporated limits, including the area identified as University Hills and adjoining streets north of Northwestern High School and west of Adelphi Road);**
- 2. Acquisition of the Branch Banking and Trust building on Hamilton Street; and**
- 3. Possible infrastructure financing for EYA's east project (east of Route 1) subject to the development of terms acceptable to the City assuring repayment of the bond for that specific portion of bond proceeds to include a portion of a capital reserve fund and paying issuance costs and other costs related to the bond (Motion# 194-11-09).**

City Administrator Murphy provided staff comments on the proposed motion. City Treasurer Rainey provided information on the proposed bond. The Mayor and Council discussed the issue at length. Mr. Aakash Thakkar, Vice President of EYA, addressed the comments and then provided clarification on the proposed motion and his reasons for his request to the City of Hyattsville regarding the proposed bond. **Council Member Hiles called the question but then withdrew the motion.** City Administrator Murphy noted the bond needs to be finalized in the first week of January in order to meet the required time-line. **Council President Tartaro moved to amendment motion by removing items #1, #2, and #3 from the from the motion and add the purpose of public infrastructures and facilities as the reason for the bond issuance.** Council Member Frazier requested to amend the amendment. **Council Member Frazier amended the amendment to delay the issuance of the state issued bond until June 2010 or the next state bond issuance.** A roll call vote was taken on the amendment given by Council Member Frazier. The amendment failed with Council President Tartaro, Council Vice President Tierney, and Council Members Dudrow, Hiles, and McKnight voting against and Council Members Frazier, Perry and Hinds voting for. The Mayor and Council then voted on the amendment given by Council President Tartaro. A roll call vote was taken on the amendment. The amendment passed with Council President Tartaro, Council Vice President Tierney, and Council Members Frazier, Hinds, Dudrow, McKnight, and Mayor Gardiner voting for and Council Members Perry and Hiles voting against. The Mayor and Council the voted on the motion as amended. A roll call vote was taken. The motion as amended passed with Council President Tartaro, Council Vice President Tierney, Council Members Frazier, Hinds, Dudrow, McKnight, and Mayor Gardiner voting for and Council

Members Perry, and Hiles voting against.

Mayor Gardiner advised that the closed session schedule for tonight will be moved to next weeks Agenda.

**DISCUSSION ITEMS:**

*Budget Adjustment due to State Funding*

City Treasurer Rainey addressed the Mayor and Council with information and proposed funding saving for the FY10 Budget Adjustments due to the reduction of state funding. City Treasurer Rainey provided to the Mayor and Council in the Council packets and a memo dated November 8, 2009, at the Council Meeting. The Mayor and Council discussed the issue at length. City Treasurer Rainey would like to have the City set up a contingency funds for things like this build in process in the FY11 Budget. – Mr. Rainey noted cost savings to absorb the cut in state funding. Mayor Gardiner requested the staff put a motion on the table for discussion of the Council with suggestions for the reductions and not necessarily capital items.

*Revisions to City Code Chapter 68 (Code Chapter 68-7 Article II Fences and Walls)*

Council Member Perry provided a brief overview of the proposed changes to Code Chapter 68-7 with regarding requirements of front fences. Senior Code Inspector Giunta gave the standard sizes (4ft and 6ft) and not 3.5 ft. as the current Code states at the Mayor Gardiner's request. The Mayor and Council discussed the issue at length. Mayor Gardiner noted the issue will be placed on next weeks agenda for further discussion.

**Council Member Perry moved to adjourn the Special Council Meeting of November 9, 2009.** The motion passed unanimously.

The Special Council Meeting of November 9, 2009, ended at 10:37 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 9:57 p.m., Monday, November 2, 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 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 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 relating to current year evaluations of Department Directors and electronic transmissions. The meeting adjourned at 10:35 p.m.*