

COUNCIL MEETING OF THE CITY COUNCIL HYATTSVILLE, MARYLAND

November 16, 2009

Mayor Bill Gardiner called the meeting of the Council to order at 8:09 p.m. at the Municipal Building, 4310 Gallatin Street, Hyattsville, Maryland.

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

Also present were City Administrator Murphy, Assistant City Administrator Jones, Police Chief Holland, Director of Recreation Mulkey, City Treasurer Rainey, Senior Code Inspector Giunta, Communications Manager Sandel, City Attorney Colaresi and City Clerk Barber.

Council Vice President Tierney moved that the Mayor and Council accept the certified election results from the Board of Supervisors of Elections for the Special Ward 3 Election held Tuesday, November 10, 2009. This certification is provided for under Section C4-11 of the Hyattsville City Charter (Motion# 195-11-09). The motion passed unanimously.

A deputy from Prince George's County Clerk Peggy Magee's office issued the Oath of Office to Mr. Timothy Hunt.

APPROVAL OF THE AGENDA:

Council Member Perry moved to approve the agenda of the Council Meeting of November 16, 2009, as presented. The motion passed unanimously.

PUBLIC COMMENT:

Ms. Nina Faye, a Ward 3 resident, addressed the Mayor and Council regarding the Code Enforcement Committee's report about Signs and Advertising. She discussed lost pet signs, hazardous waste, cleaning agents, light bulbs, automotive parts. She highlighted numerous other items that are listed in the current Code and Charter.

Mr. Tom Eichman, addressed the Mayor and Council regarding annexation and the election of a University Hills resident. He also commented that Council Member Hunt will be the voice of the people. He also stated Council Member McKnight has done a good job of being aware of issues and keeping residents informed.

Mr. David Marshall, a Ward 3 resident, addressed the Mayor and Council regarding a street repair needed on Nicholson Street. He also discussed the proposed ordinance change to Code Chapter 65 and questioned why cooking oil is considered a hazardous material.

CONSENT ITEM:

Council Vice President Tierney moved the following item as consent: (1) to acknowledge the scheduling by City staff of a Community Meeting on Thursday, December 3, 2009, to discuss potential future developments at the Hyatt Park (Jack and Jill) site (Motion# 196-11-09). The motion passed with Council Member Perry voting against.

ACTION ITEMS:

Note for the Record: Council Member Lizanne left the room at 8:40 p.m.

Council Member McKnight moved that the Mayor and Council adopt the proposed Reservation and Special Use Policy for the City Municipal Building (Motion# 197-11-09). The revised version was presented by Communications Manager Sandel and Recreation and the Arts Director Mulkey. Communications Manager Sandel discussed the item and reviewed the proposed policy at the Mayor's request. Recreation and the Arts Director Mulkey discussed the development of a fee schedule to cover any staff expenses. **Council Member Hiles called the question.** A roll call vote was taken on the calling the question. The motion passed with Council Member Perry voting against. A roll call was then taken on the motion. The motion passed unanimously.

Council Member Hinds moved that the Mayor and Council introduce 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 (First Reading)(Motion# 186-11-09). City Attorney Colaresi reviewed the proposed changes in the ordinance. The Mayor and Council discussed at length. **Council Member Hinds moved to amend the motion by (as explained by City Attorney Colaresi) striking the word "temporary" and" 87-24 (A) and inserting the language so that real estate directional signs may be temporarily placed no more than 5 days (or 4 days in one week) placed in the public right-of-ways .** The amendment passed unanimously. Council Member Hinds moved to amend the motion by striking in 87-24 (A) **"or within Eighty Feet of any intersection. Council Member McKnight moved to amend the amendment to "or within Twenty-Five Feet of any intersection.** There being no second for the amendment the amendment failed. The Mayor and Council discussed the amendment given by Council Member Hinds at length. The amendment passed with Council Member McKnight voting against. The Mayor and Council then voted on the motion as amended. A roll call vote was taken on the motion. The motion passed unanimously.

Note for the Record: Lizanne returned to the meeting at 9:18 p.m.

Hyattsville Ordinance 2009-____ Code Chapter 65 (Health and Sanitation Article 1 Household Trash Collection)

Mayor Gardiner requested City Attorney Colaresi provided updates and proposed revisions regarding Chapter 65. The Mayor and Council discussed the issue at length. Mayor Gardiner noted the issue will be placed on the next Council Meeting Agenda for additional discussion.

Hyattsville Ordinance 2009-____ Code Chapter 95 (Recycling)

Mayor Gardiner noted that the discussion and possible introduction of the proposed ordinance would take place during the next scheduled Council Meeting.

LGIF Bond 2010

Mayor Gardiner requested that City Treasurer Rainey discuss the proposed bond issuance. Mr. Rainey provided the Mayor and Council with information clarifying the project. Mr. Rainey gave options to Council for the financing amounts and the terms for the proposed bond. Mayor Gardiner stated this issue would need to be introduced at the December 7th Council Meeting, with a Public Hearing on December 14th and advertised if required. The Mayor and Council discussed the issue at length. **Council Member Hiles moved that the Mayor and Council direct that the ordinance regarding the issuance of the bond to be considered in December be drafted to include DPW 1 (Highway & Streets), DPW2 (Sidewalks), DPW3 (As Built for the municipal building), & DPW13 (University Hills Street Rehabilitation) (Motion# 201-11-09).** A proposed projects sheet, listing projects by department was provided by City Treasurer Rainey. The motion passed unanimously. **Council Member Hiles moved that the Mayor and Council direct the ordinance regarding the issuance of the bond to be considered in December be drafted to include CCD2 (BB&T Building); (Motion# 202-11-09).** The motion passed with Council Member Perry and Council Member Dudrow voting against. **Council Member Hiles moved that the Mayor and Council direct the ordinance regarding the issuance of the bond to be considered in December be drafted to include and cover the EYA road proposed 31/2 Million Dollars (Motion# 203-11-09).** A roll call vote was taken on the motion. The motion failed with Council Vice President Tierney, Council Member Frazier, Perry, Hinds, and Hunt voting against and Council Members Lizanne, Dudrow, Hiles, and McKnight voting for. **Council Member Hiles moved that the Mayor and Council direct that the ordinance regarding the issuance of the bond to be considered in December be drafted to include and cover refinancing and existing bonds at a rate below what they are currently and subject to meeting the bond requirement (Motion# 204-11-09).** The motion passed unanimously.

Council Vice President Tierney moved that the Mayor and City Council authorize City staff to schedule a Public Hearing for Monday, December 14, 2009, at 7:30 p.m. to allow the City of Hyattsville to proceed with the formal process required to complete

all legal requirements to participate in a Maryland Department of Housing and Community Development, Community Development Administration, Local Government Infrastructure Finance Program 2010 Series A Bond issue. (Motion# 200-11-09). The motion passed unanimously.

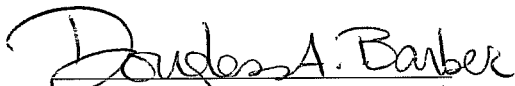
Mayor Gardiner noted the upcoming Community Notices and Events.

Assistant City Administrator Jones advised that a retirement luncheon will be held on Friday, November 2009, for Jack O'Hare a 30 year employee of the City.

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.

The Council Meeting of November 16, 2009, closed at 11:04 p.m.

Respectfully submitted,


Douglass A. Barber, City Clerk