

# ***ACTION MINUTES***

**Tuesday, October 7, 2003**

**Legislative Day No. 32**

## **COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

### **AGENDA BRIEFING – (ROOM 2027) -- AGENDA BRIEFING HELD**

**CALL TO ORDER** – *Chairman Peter A. Shapiro called to order at 10:10 a.m. with the following Council Members present:*

*Peter A. Shapiro  
Marilynn M. Bland  
Samuel H. Dean  
Thomas E. Dernoga  
Camille A. Exum  
David C. Harrington  
Thomas R. Hendershot  
Tony Knotts  
Douglas J. J. Peters*

*Others Present:*

*Barbara L. Holtz, Council Administrator  
Robert Williams, Jr., Associate Council Administrator  
Ralph Grutzmacher, Legislative Officer  
Aisha N. Braveboy, County Council Liaison, Office of the County Executive  
Kathy Canning, Associate County Attorney  
Jacqueline Brown, Committee Director, PZED  
Sandra Eubanks, Committee Director, HEHS & THE  
Frank Porter, Committee Director, PSFM*

**INVOCATION** – *The Invocation was provided by Reverend Harold L. Dugger, Sr., of the First Baptist Church of Capitol Heights in Capitol Heights, Maryland. Council Member Exum welcomed Reverend Dugger, a pastor in her district for providing Invocation today.*

**PLEDGE OF ALLEGIANCE** – *The pledge was led by Council Member Hendershot.*

**\*\*** *Council Member Dean moved to accept additional items to the agenda; seconded by Council Member Knotts. The motion carried by voice vote.*

1. **CONSENT AGENDA -- CB-89, 90, 91, 92, 93, 94, CR-64, 65 & 66 ADDED; ADOPTED AND ALL ACTIONS APPROVED (SEE PAGE 6)**

All items listed under the consent agenda have been distributed to each member of the Council for review, are considered to be routine and will be acted upon by motion in the form listed. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and considered separately.

(a) Approval of County Council Minutes - **APPROVED**

*County Council Minutes were approved for Council Sessions held on September 9, 2003, September 16, 2003, September 23, 2003, and September 30, 2003.*

(b) **First Reading of Bills (Presentation)**

**CB-85-2003 – AN ORDINANCE CONCERNING C-O ZONE** for the purpose of permitting a multifamily retirement community in the C-O Zone under certain circumstances. - **PRESENTED**

*Council Bill 85 was presented by Council Member Hendershot and referred to the Planning, Zoning and Economic Development Committee.*

**CONSENT AGENDA – First Reading of Bills (Presentation) - (CONTINUED)**

**CB-86-2003 – AN ACT CONCERNING MORALS & CONDUCT – PUBLIC NUDITY** for the purpose of amending the provisions of the Code to clarify the use of the terms “public place” and “place open to the public” and to establish standards for patrons and for persons performing in a state of nudity. - **PRESENTED**

*Council Bill 86 was presented by Council Member Hendershot and referred to the Health, Education and Human Services Committee.*

**CB-87-2003 – AN ORDINANCE CONCERNING CLASS 3 FILLS** for the purpose of defining Class 3 fills, requiring a special exception for Class 3 fills in all zones where they are permitted, providing criteria for approval of the exception, and providing a limitation on grading permit renewals for Class 3 fills. - **PRESENTED**

*Council Bill 87 was presented by Council Member Dean and referred to the Planning, Zoning and Economic Development Committee.*

**CB-89-2003 – AN ACT CONCERNING ILLEGAL SIGNS** for the purpose of increasing the civil fine amounts for violations of the County prohibition against illegal signs. - **PRESENTED**

*Council Bill 89 was presented by the Chairman, by request of the County Executive, and referred to the Transportation, Housing and the Environment Committee.*

**CB-90-2003 – AN ACT CONCERNING ADULT ENTERTAINMENT CLUBS** for the purpose of regulating the adult entertainment industry by establishing license requirements and penalties for violators. - **PRESENTED**

*Council Bill 90 was presented by the Chairman, by request of the County Executive, and referred to the Health, Education and Human Services Committee.*

**CB-91-2003 – AN ACT CONCERNING PERSONNEL LAW** for the purpose of amending language in Subtitle 16 of the Prince George’s County Code used to refer to the office, functions, powers, duties and practices of the agency known as the Office of Personnel and Labor Relations. - **PRESENTED**

*Council Bill 91 was presented by the Chairman, by request of the County Executive, and referred to the Public Safety, Fiscal Management Committee.*

**CONSENT AGENDA – First Reading of Bills (Presentation) - (CONTINUED)**

**CB-92-2003 - AN ACT CONCERNING FINANCIAL ASSISTANCE TO ECONOMIC DEVELOPMENT ACTIVITIES** for the purpose of declaring the County's policy to reduce the risks to the County's investment and other proprietary interests in certain economic development activities. - **PRESENTED**

*Council Bill 92 was presented by Council Member Hendershot and referred to the Public Safety, Fiscal Management Committee.*

**CB-93-2003 – (EXECUTIVE ORDER NO. 33-2003) REORGANIZATIONAL PROPOSAL** amending the Schedule of Legislation to change the name of the Office of Personnel and Labor Relations. - **PRESENTED**

*Council Bill 93 was received by the Council on October 6, 2003 and referred to the Public Safety, Fiscal Management Committee. In accordance with Section 503 of the County Charter, final action is required by December 5, 2003.*

**CB-94-2003 - AN ACT CONCERNING REVENUE AUTHORITY OF PRINCE GEORGE'S COUNTY – PARKING ENFORCEMENT** for the purpose of authorizing the Revenue Authority of Prince George's County to enforce provisions of the Prince George's County Code regarding parking within Prince George's County, including authorizing the Revenue Authority of Prince George's County to enforce provisions of the Prince George's County Code regarding parking on private property; and generally relating to parking within Prince George's County. - **PRESENTED**

*Council Bill 94 was presented by the Chairman, by request of the County Executive, and referred the Transportation, Housing and the Environment Committee.*

(c) **Introduction of Resolutions**

**CR-59-2003 – A RESOLUTION CONCERNING COMPENSATION AND BENEFITS, PRINCE GEORGE'S CORRECTIONAL OFFICERS' ASSOCIATION, INC. (PGCOA) (CORRECTIONAL OFFICERS) – SALARY SCHEDULE "D", SCHEDULE OF PAY GRADES** for the purpose of amending the Salary Plan of the County to reflect the terms of the labor agreement by and between Prince George's County and the PGCOA for Correctional Officers. - **INTRODUCED**

*Council Resolution 59, as proposed by the Chairman by request of the County Executive, approves the collective bargaining agreement between Prince George's County, Maryland and PGCOA for sworn Correctional Officers for Fiscal Years 2004 and 2005. Council Resolution 59 was introduced by Council Members Shapiro and Dernoga and referred to the Public Safety, Fiscal Management Committee.*

**CONSENT AGENDA – Introduction of Resolutions - (CONTINUED)**

**CR-60-2003 – A RESOLUTION CONCERNING COMPENSATION AND BENEFITS – PRINCE GEORGE’S CORRECTIONAL OFFICERS’ ASSOCIATION, INC. (PGCOA) (CIVILIAN UNIT) – SALARY SCHEDULE Q SALARY OF PAY GRADES** for the purpose of amending the Salary Plan of the County to reflect the terms of the labor agreement for a unit of civilian employees of the Prince George’s County Department of Corrections by and between Prince George’s County, Maryland and PGCOA. - **INTRODUCED**

*Council Resolution 60, as proposed by the Chairman by request of the County Executive, approves the collective bargaining agreement for a unit of civilian employees in the Department of Corrections, between Prince George's County, Maryland and PGCOA. Council Resolution 60 was introduced by Council Members Shapiro, Dernoga, Harrington and Peters and referred to the Public Safety, Fiscal Management Committee.*

**CR-61-2003 – A RESOLUTION CONCERNING MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION** for the purpose of transferring certain appropriations and expenditures between two development projects in the Approved Maryland-National Capital Park and Planning Commission’s FY2003-2004 Capital Budget and Fiscal Years 2004-2009 Capital Improvement Program. - **INTRODUCED**

*Council Resolution 61, as proposed by Council Member Peters, transfers funds from the District 4 Development Reserve, CIP project EC041143, to the Bowie Civic Auditorium, CIP project EC040998, in the amount of \$1,100,000, contingent upon the enactment of CB-88-2003 to establish the Bowie Civic Auditorium project in the current M-NCPPC Capital Improvement Plan. Council Resolution 61 was introduced by Council Members Dean, Dernoga and Peters and referred to the Planning, Zoning and Economic Development Committee. Chairman Shapiro announced that the Public Hearing for Council Resolution 61 would occur November 4, 2003 at 10:00 a.m.*

**CR-62-2003 – A RESOLUTION CONCERNING COMPENSATION AND BENEFITS, CORRECTIONS OFFICIALS – SALARY SCHEDULE “C-O” SCHEDULE OF PAY GRADES** for the purpose of amending the Salary Plan of the County to reflect wage and benefit modifications of the Department of Correction’s Officials. - **INTRODUCED**

*Council Resolution 62, as proposed by the Chairman by request of the County Executive, adopts similar provisions for the Corrections Officials in the ranks of Captain and Major as those negotiated in the collective bargaining agreement for Correctional Officers through the rank of Lieutenant for Fiscal Years 2004 and 2005. Council Resolution 62 was introduced by Council Members Shapiro and Peters and referred to the Public Safety and Fiscal Management Committee.*

**CONSENT AGENDA – Introduction of Resolutions - (CONTINUED)****CR-63-2003 – A RESOLUTION CONCERNING COMMUNITY LEGACY PROGRAM**

for the purpose of approving the application and receipt of financing for Community Legacy Projects in Palmer Park, Prince George's County, Maryland to be financed either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through other departments or agencies of the State of Maryland. - **INTRODUCED**

*Council Resolution 63, as proposed by the Chairman by request of the County Executive, approves the application of and receipt of funding, in the amount of \$485,000, for Community Legacy Projects in Palmer Park, Prince George's County, Maryland to be financed by a department or agency of the State of Maryland. Council Resolution 63 was introduced by Council Members Shapiro, Dean, Exum, Knotts, Dernoga, Harrington and Peters and referred to the Transportation, Housing and the Environment Committee.*

**CR-64-2003 – A RESOLUTION CONCERNING THE 911 CHARGE** for the purpose of approving an increase in the additional charge for switched local exchange access service, commercial mobile radio service, and other 911 accessible service within the County. - **INTRODUCED**

*Council Resolution 64 as proposed by the Chairman at the request of the County Executive and referred to the Public Safety, Fiscal Management Committee. Council Resolution 64 was introduced by introduced by Council Members Shapiro and Knotts.*

**CR-65-2003 – A RESOLUTION CONCERNING THE 2001 WATER AND SEWER PLAN (AUGUST 2003 CYCLE OF AMENDMENTS)** for the purpose of changing the water and sewer category designations of properties within the 2001 Water and Sewerage Plan. - **INTRODUCED**

*Council Resolution 65, as proposed by the Chairman at the request of the County Executive and referred to the Transportation, Housing and the Environment Committee. Council Resolution 65 provides for three cycles of category change requests annually to amend the Plan. This resolution represents the August 2003 Cycle of Amendments. Council Resolution 65 was introduced by Council Member Shapiro. The Public Hearing for Council Resolution 65 will be scheduled for November 18, 2003 at 10:00 A.M.*

**CONSENT AGENDA – Introduction of Resolutions - (CONTINUED)**

**CR-66-2003 – A RESOLUTION CONCERNING GLENMORE APARTMENTS** for the purpose of providing the required approval to the State of Maryland Department of Housing and Community Development, Community Development Administration (CDA) of a community development project and the use of State funds for the acquisition, demolition and reconstruction of Glenmore Apartments; a family project to be redeveloped by Glenmore Associates Limited Partnership, a Maryland limited partnership (the “Owner”) of which Glenmore Associates, LLC, a Maryland limited liability company will be the general partner. - **INTRODUCED**

*Council Resolution 66, as proposed by the Chairman by request of the County Executive approves financing of the acquisition, demolition and reconstruction of Glenmore Apartments, consisting of approximately \$42,000,000 Maryland Department of Housing and Community Development, Community Development Administration (“CDA”) Revenue Bonds, \$16,000,000 in Low Income Housing Tax Credits allocated by CDA, \$950,000 in Prince George’s County HOME funds and \$3,400,000 in developer equity. Council Resolution 66 was introduced by Council Members Shapiro, Dean, Hendershot, Exum and Harrington and referred to the Transportation, Housing and the Environment Committee.*

**PRIOR TO ADOPTING THE CONSENT AGENDA, THE COUNCIL SHOULD MOVE TO SUSPEND SECTION 11.2 OF THE RULES OF PROCEDURE WHICH SETS A DEADLINE FOR PRESENTATION OF BILLS. SIX VOTES ARE REQUIRED TO SUSPEND THE RULES**

**\*\*** *Council Member Exum moved to suspend the Council Rules of Procedure to allow for presentation of Council Bills 85, 86, 87, 89, 90, 91, 92, 93, and 94 after September 30<sup>th</sup> of the 2003 Legislative Year; seconded by Council Member Knotts. The motion carried 9-0. Council Member Harrington moved to adopt the consent agenda; seconded by Council Member Dean. The motion carried by voice vote.*

2. **CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

*No items were removed.*

3. **PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT**

- (a) Proposed correspondence to Senator Ulysses Currie, Chairman, Transportation Oversight Committee, requesting a meeting of the Transportation Oversight Committee to discuss and reach a consensus on the Prince George's County State Highway and Bicycle Trail Priorities. - **CONVENED AS C.O.W.; FAVORABLE RECOMMENDATION; CHAIRMAN AUTHORIZED TO SIGN**

*The Chairman, by request of the County Executive, proposed that a letter be sent to Senator Ulysses Currie requesting a meeting of the Transportation Oversight Committee regarding the Prince George's County State Highway and Bicycle Trail Priorities. Chairman Shapiro announced that the Council would sit as the Committee of the Whole for discussion of this item. Council Member Knotts moved a favorable recommendation; seconded by Council Member Hendershot. The motion carried 9-0. The Committee of the Whole was concluded at 10:41 a.m. Council Member Hendershot moved to authorize the Chairman signature of the letter; seconded by Council Member Knotts. The motion carried 9-0.*

4. **SECOND READING OF BILLS (INTRODUCTION)**

**CB-58-2003 (SUBDIVISION BILL) - AN ACT CONCERNING PRE-APPLICATION INFORMATIONAL MAILINGS** for the purpose of requiring applicants for major subdivisions to send informational mailings to civic associations, municipalities, adjoining property owners, and prior parties of record at least 30 days before filing an application for preliminary plan of subdivision. - **INTRODUCED**

*Council Member Harrington, as Chairman of the Planning, Zoning and Economic Development Committee, provided a verbal report of the actions and recommendations of the committee. Council Bill 58, which amends the Subdivision Regulations to require applicants for major subdivisions to send informational mailings to civic associations, municipalities, adjoining property owners, and prior parties of record at least thirty days before filing an application for preliminary plan of subdivision, was favorably reported out of PZED on 9/24/2003. Council Bill 58 was introduced by Council Members Dean, Exum, Knotts, Dernoga, Harrington, Peters, Shapiro and Hendershot.*

**CB-60-2003 (SUBDIVISION BILL) – AN ACT CONCERNING PRIVATE ROADS AND EASEMENTS** for the purpose of permitting the Planning Board to approve private rights-of-way in the M-X-C Zone. – **INTRODUCED**

*Council Member Harrington, as Chairman of the Planning, Zoning and Economic Development Committee, provided a verbal report of the actions and recommendations of the committee. Council Bill 60, which allows the Planning Board to approve subdivisions with private roads to serve single-family detached or single-family attached dwellings in the Mixed Use Community (M-X-C) Zone, was favorably reported out of PZED on 09/24/2003. Council Bill 60 was introduced by Council Members Dean, Shapiro and Exum.*



**SECOND READING OF BILLS (INTRODUCTION) – (CONTINUED)**

**CB-61-2003 – AN ORDINANCE CONCERNING E-I-A ZONE** for the purpose of permitting consolidated storage in the E-I-A Zone under certain circumstances. – **INTRODUCED**

*Council Member Harrington, as Chairman of the Planning, Zoning and Economic Development Committee, provided a verbal report of the actions and recommendations of the committee. Council Bill 61 which amends the Comprehensive Design Zones use table to permit consolidated storage in the E-I-A (Employment and Institutional Area) Zone, was favorably reported out of PZED on 09/24/2003. Council Bill 61 was introduced by Council Members Hendershot, Shapiro and Dean.*

**CB-63-2003 (DR-3) – AN ACT CONCERNING PROPERTY TAX CREDIT – SURVIVING SPOUSE OF A FALLEN LAW ENFORCEMENT OFFICER OR RESCUE WORKER** for the purpose of providing for a tax credit for a dwelling owned by the surviving spouse of a fallen law enforcement officer or rescue worker. - **INTRODUCED**

*Council Member Exum, as Chairman of the Public Safety and Fiscal Management Committee provided a verbal report of the actions and recommendations of the committee. Council Bill 63, Draft 2, which provides for a tax credit for a dwelling owned by the surviving spouse of a fallen law enforcement officer or rescue worker, was favorably reported out of PSFM on 09/24/2003 with amendments. Council Member Dean moved acceptance of amendment number 1, seconded by Council Member Exum; carried by voice vote. Council Bill 63, Draft 3 was introduced by Council Members Hendershot, Dean, Exum, Knots, Dernoga, Harrington, Peters and Shapiro.*

**CB-88-2003 – AN ACT CONCERNING MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION CAPITAL BUDGET FOR FISCAL YEAR 2003-2004 AND CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2004-2009** for the purpose of amending the Prince George's County portion of the Maryland-National Capital Park and Planning Commission Capital Budget for Fiscal Year 2003-2004 and Capital Improvement Program for Fiscal Years 2004-2009 to add one project in the Commission's Capital Improvement Program. – **INTRODUCED**

*Council Bill 88, in accordance with Section 2-118 of Article 28 of the Annotated Code of Maryland, amends the Maryland-National Capital Park and Planning Commission FY 2004 Capital Budget and FY 2004-2009 CIP. This amendment adds a new development project to be entitled the Bowie Civic Auditorium in the Commission's Fiscal Year 2004 Capital Budget. A companion resolution (CR-61-2003) provides for the transfer of \$1.1 million from the District 4 Development Reserve to the new project in Fiscal Year 2004. Council Bill 88 was referred to the Planning, Zoning and Economic Development Committee. Council Bill 88 was introduced by Council Members Peters, Dernoga and Dean. Council Chairman Shapiro stated the Public Hearing for Council Bill 88 would occur November 4, 2003 at 10:00 a.m.*

**REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL**

*Mr. Gordon Pickering of Greenbelt, Maryland spoke to the Council regarding his experiences as a non-hearing person as it related to the need for fire alarms.*

ADJOURNED – *Chairman Shapiro adjourned the meeting at 10:53 a.m.*

**EXECUTIVE SESSION – (ROOM 2027) -- EXECUTIVE SESSION HELD**

- (a) Discussion of public security in accordance with Maryland Annotated Code, State Government, Section 10-508(a)(10)
- (b) Discussion of personnel issues in accordance with Maryland Annotated Code, State Government, Section 10-508(a)(1)(i)(ii).

**TRANSPORTATION, HOUSING & THE ENVIRONMENT COMMITTEE MEETING – (ROOM 2027) -- COMMITTEE MEETING HELD**

**Prepared by:**

**Submitted by:**

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Donna J. Brown, Office Manager

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Redis C. Floyd, Clerk of the Council