

ACTION MINUTES

Tuesday, April 8, 2003

(Legislative Day No. 10 to be declared)

Business Meeting

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

AGENDA BRIEFING – (ROOM 207) -- AGENDA BRIEFING HELD

SPECIAL PRESENTATION

Recognizing “**National Government Week**” in Prince George’s County. (Council Chairman Peter A. Shapiro) - **PRESENTED**

Chairman Shapiro invited all students shadowing Council Members for the day to the dais and read aloud a proclamation recognizing National Government Week. Chairman Shapiro and each Council Member introduced his/her student shadow, presenting each a proclamation for participating in the shadow program.

CALL TO ORDER – Chairman Shapiro called to order at 10:03 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*

Absent: Douglas J. J. Peters (due to a family emergency)

*Others Present:**Barbara Holtz, Council Administrator**Craig S. Price, Deputy Council Administrator**Ralph Grutzmacher, Legislative Officer**Aisha N. Braveboy, County Council Liaison, Office of the County Executive**Kathy Canning, Associate County Attorney**Jackie Brown, Committee Director, PZED**Sandra Eubanks, Committee Director, THE & HEHS*

INVOCATION – *The Invocation was provided by Reverend Peter De Mik, Associate Pastor, Our Savior Lutheran Church, in Laurel, Maryland. Special intentions were requested for the families of Mr. Dave Schaffer, coach of the Duvall High School Baseball Team and Mr. Clifford Stokes, in their passings and for Council Member Dougals Peters and his wife in the birth of a new baby.*

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

DESIGNATION OF APRIL 8, 2003 AS LEGISLATIVE DAY NO. 10 – *Chairman Shapiro designated April 8, 2003 as Legislative Day number ten.*

1. **SECOND READING OF BILLS – (INTRODUCTION)**

CB-8-2003 (DR-2) – 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 and providing a limitation on grading permit renewals for Class 3 fills. -

INTRODUCED

Council Member Harrington, as Chair of the Planning, Zoning and Economic Development Committee, provided a verbal report of the Committee's actions and recommendations. Council Bill 8 amends the Zoning Ordinance and use tables to define Class 3 fills and to require special exceptions for Class 3 fills in all zones where they are permitted. Council Bill 8 was favorably reported out of PZED on 3/26/2003 with amendments. Council Bill 8, Draft 2 was introduced by Council Members Dean, Shapiro, Exum and Harrington.

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

CB-14-2003 (DR-2) – AN ORDINANCE CONCERNING COMMERCIAL PARKING LOTS for the purpose of permitting commercial parking lots in the C-O Zone under certain circumstances. - **INTRODUCED**

Council Member Harrington, as Chair of the Planning, Zoning and Economic Development Committee, provided a verbal report of the Committee's actions and recommendations. Council Bill 14 permits a commercial parking lot, by right, in the C-O Zone under certain circumstances. Council Bill 14 was favorably reported out of PZED on 3/26/2003 with amendments. Council Bill 14, Draft 2 was introduced by Council Members Hendershot and Dean.

CB-16-2003 – AN ORDINANCE CONCERNING MIXED-USE PLANNED COMMUNITIES for the purpose of amending the definition of the Mixed-Use Planned Community use, to permit the use on E-I-A property with an approved Basic Plan, under certain circumstances. - **ACTION DEFERRED**

At the request of the proposer, Chairman Shapiro announced that action on Council Bill 16 would be deferred to a subsequent agenda.

CB-17-2003 – AN ACT CONCERNING THE DISPOSITION BY LEASE FOR PUBLIC PURPOSES OF THE UPPER MARLBORO JUSTICE CENTER SITE AT WATER STREET AND JUDGES DRIVE IN CONNECTION WITH THE ISSUANCE BY INDUSTRIAL DEVELOPMENT AUTHORITY OF PRINCE GEORGE'S COUNTY, MARYLAND OF CERTAIN ECONOMIC DEVELOPMENT REFUNDING REVENUE BONDS AND/OR REVENUE BONDS DESCRIBED HEREIN for the purpose of authorizing, in accordance with County

Code Section 2-111.01, the County Executive to provide for (i) amendments to extend the term, among other purposes, of the existing lease by Prince George's County, Maryland to the Industrial Development Authority of Prince George's County, Maryland (The "Authority") of the land on which the Prince George's County Justice Center (also known as the Upper Marlboro Justice Center) is located or (ii) the disposition of the Upper Marlboro Justice Center site by separate lease to the Authority in connection with a proposed expansion of certain facilities currently located thereon, in either such case in connection with the issuance and sale by the Authority of certain refunding revenue bonds and/or revenue bonds identified herein and in accordance with the parameters set forth in this Act; and generally relating to any such disposition by lease. - **INTRODUCED**

Mr. Craig S. Price, Deputy Council Administrator, provided a verbal report of the actions and recommendations of the Committee of the Whole. Council Bill 17 authorizes the County Executive to provide for the leasing of the land where the Prince George's County Justice Center in Upper Marlboro is located to the Industrial Development Authority of Prince George's County, Maryland, in connection with the issuance and sale by the Authority of certain refunding revenue bonds and revenue bonds. Council Bill 17 was favorably reported out of C.O.W. on 4/1/2003. Council Bill 17 was introduced by Council Members Shapiro and Harrington.

2. **INTRODUCTION AND ADOPTION OF RESOLUTIONS**

CR-15-2003 - A RESOLUTION CONCERNING BLUE STAR SERVICE FLAG for the purpose of expressing the position of the County Council that a Blue Star Service Flag should be flown on or near the principal county administration buildings. - **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 15 was proposed by Council Member Peters. Council Resolution 15 expresses the position of the County Council that a Blue Star Service Flag should be flown or near the principal county administration buildings. Council Resolution 15 was introduced by Council Members Shapiro, Hendershot, Dean, Exum, Knotts, Dernoga and Harrington. Council Member Hendershot moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 15, seconded by Council Member Knotts; carried by voice vote. Council Member Hendershot moved adoption; seconded by Council Member Knotts; carried by roll call vote 7-1. (Opposed: Council Member Bland; Absent: Council Member Peters)

CR-16-2003 - A RESOLUTION CONCERNING NATIONAL LEAGUE OF FAMILIES POW/MIA FLAG for the purpose of requiring a certain POW/MIA flag to be flown on or near the principal county administration buildings on certain days of each year; and generally relating to the display of the POW/MIA flag on or near the principal county administration buildings. - **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 16 was proposed by Council Member Peters. Council Resolution 16 requires that a certain POW/MIA flag be flown on or near the principal county administration buildings on certain days of each year. Council Resolution 16 was introduced by Council Members Shapiro, Hendershot, Dean, Exum, Dernoga, Harrington and Knotts. Council Member Exum moved to suspend the rules to allow for the immediate adoption of Council Resolution 16; seconded by Council Member Hendershot; carried by voice vote. Council Member Hendershot moved adoption; seconded by Council Member Dernoga; carried by roll call vote 7-1. (Opposed: Council Member Bland; Absent: Council Member Peters)

CR-17-2003 – A RESOLUTION CONCERNING ACTING DIRECTOR OF MANAGEMENT AND BUDGET for the purpose of extending the appointment of Mr. Bruce Crawford as Acting Director of Management and Budget. - **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 17 was proposed by the Chairman at the request of the County Executive. Council Resolution 17 extends the appointment of Mr. Bruce Crawford as Acting Director of Management and Budget for an additional four months. Council Resolution 17 was introduced by Council Members Shapiro and Hendershot. Council Member Exum moved to suspend the Council Rules of Procedure allow for the immediate adoption of Council Resolution 17; seconded by Council Member Hendershot; carried by voice vote. Council Member Hendershot moved adoption; seconded by Council Member Exum; carried by roll call vote 8-0. (Absent: Council Member Peters)

4. **PUBLIC HEARINGS/BILLS ELIGIBLE FOR THIRD READING – (ENACTMENT)**

CB-4-2003 (DR-2) – AN ORDINANCE CONCERNING R-10 ZONE for the purpose of permitting retail, general offices, and parking lots and amending lot coverage requirements in the R-10 Zone under certain circumstances. - **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice the public hearing convened for Council Bill 4, Draft 2. No persons wishing to speak, the public hearing was declared held. Council Member Harrington moved enactment of Council Bill 4, Draft 2; seconded by Council Member Dean; carried by roll call vote 8-0. (Absent: Council Member Peters)

CB-9-2003 - AN ORDINANCE CONCERNING REDUCING/EXERCISE SALON OR HEALTH CLUB for the purpose of permitting reducing/exercise salons or health clubs in the E-I-A Zone. - **PUBLIC HEARING HELD; ENACTED; RECONSIDERED; RULES SUSPENDED; AMENDED; DR-2 ENACTED**

Pursuant to proper notice the public hearing convened for Council Bill 9. No persons wishing to speak, the public hearing was declared held. Council Member Dean moved enactment of Council Bill 9; seconded by Council Member Dernoga; carried by roll call vote 8-0. (Absent: Council Member Peters) After the recess, Council Member Knotts moved to reconsider previous action taken on Council Bill 9; seconded by Council Member Hendershot; carried by roll call vote 7-0 (Absent: Council Members Dernoga and Peters) Council Member Knotts moved to suspend the Council Rules of Procedure to allow for an amendment to Council Bill 9; seconded by Council Member Harrington; carried by roll call vote 7-0 (Absent: Council Members Dernoga and Peters). Council Member Knotts moved amendment number one; seconded by Council Member Exum carried by roll call vote 8-0 (Absent: Council Member Peters). Council Member Knotts moved enactment of Council Bill 9, Draft 2; seconded by Council Member Exum; carried by roll call vote 8-0 (Absent: Council Member Peters).

RECESS – Chairman Shapiro recessed the meeting at 10:30 a.m.

COMMITTEE OF THE WHOLE – (ROOM 2027)

♦ **CONTINUATION OF DISCUSSION (CR-14-2003):**

CR-14-2003 – A RESOLUTION CONCERNING PRINCE GEORGE’S COUNTY ENTERPRISE ZONE for the purpose of endorsing the proposed expansion to the Prince George’s County Enterprise Zone. - **FAVORABLE AS AMENDED**

Council Resolution 14, Draft 2 was provided to the committee for consideration. Council Member Harrington moved a favorable recommendation for Council Resolution 14, Draft 2; seconded by Council Member Dernoga; carried by roll call vote 7-1 (Opposed: Council Member Hendershot; Absent: Council Member Peters).

COMMITTEE OF THE WHOLE – (ROOM 2027) – (CONTINUED)

- ♦ **CB-21-2003 – (EXECUTIVE ORDER NO. 14-2003) REORGANIZATION PROPOSAL** to create the Office of Homeland Security. - **FAVORABLE**

Council Member Dean moved a favorable recommendation for Council Bill 21; seconded by Council Member Hendershot; carried by roll call vote 8-0 (Absent: Council Member Peters).

- ♦ **CB-22-2003 – AN EMERGENCY ACT CONCERNING SUPPLEMENTARY APPROPRIATIONS** for the purpose of appropriating to the General Fund revenue to provide for costs that were not anticipated in the approved Fiscal Year 2002-2003 Budget. - **FAVORABLE**

Council Member Hendershot moved a favorable recommendation for Council Bill 22; seconded by Council Member Dean; carried by roll call vote 8-0 (Absent: Council Member Peters).

- ♦ **STAFF BUDGET OVERVIEW - BRIEFING POSTPONED**

Due to time constraints, the staff budget overview was postponed to subsequent agenda.

5. **PUBLIC HEARING:** - Chairman Shapiro reconvened the meeting at 1:30 p.m. Following reconsideration of Council Bill 9 (See Council Bill 9 above for details) Chairman Shapiro convened the scheduled public hearing at 1:46 p.m.

**WASHINGTON SUBURBAN SANITARY COMMISSION PROPOSED
FISCAL YEAR 2003-2004 OPERATING & CAPITAL BUDGETS AND THE
WASHINGTON SUBURBAN SANITARY COMMISSION CAPITAL IMPROVEMENT
PROGRAM FOR WATER AND SEWERAGE,
FOR FISCAL YEARS 2004-2009**

Pursuant to proper notice, the public hearing convened for the Washington Suburban Sanitary Commission Proposed Fiscal Year 2003-2004 Operating & Capital Budgets and Capital Improvement Program. All persons wishing to speak having done so, the public hearing was declared held. See separate agenda for details,

- ** *Council Member Harrington moved to accept an additional item to agenda; seconded by Council Member Knotts; carried by voice vote.*

ADDITIONS TO THE AGENDA**SECOND READING OF BILLS – (INTRODUCTION)****CB-22-2003 – AN EMERGENCY ACT CONCERNING SUPPLEMENTARY APPROPRIATIONS**

for the purpose of appropriating to the General Fund revenue to provide for costs that were not anticipated in the approved Fiscal Year 2002-2003 Budget.

INTRODUCED

Council Bill 22 is an emergency bill to appropriate revenue to the General Fund for costs that were not anticipated in the approved Fiscal Year 2002-2003 Budget to provide funding to Dimensions Health Corporation in order to support the continuation of essential health services for the citizens of Prince George's County. Council Bill 22 was favorably reported out of C.O.W. earlier this date. Council Bill 22 was introduced by Chairman Shapiro.

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

None

- **** *Council Member Dean moved to convene in Executive Session to discuss public security in accordance with Maryland Annotated Code, State Government, Section 10-508(a)(10); seconded by Council Member Hendershot; carried by roll call vote 8-0 (Absent: Council Member Peters).*

ADJOURN – *Chairman Shapiro adjourned the meeting at 1:57 p.m.*

EXECUTIVE SESSION – (ROOM 207) -- EXECUTIVE SESSION HELD

- (a) Discussion of public security in accordance with Maryland Annotated Code, State Government, Section 10-508(a)(10).

GENERAL ASSEMBLY COMMITTEE MEETING – (ROOM 207) -- COMMITTEE MEETING HELD

Prepared by:

Submitted by:

Donna J. Brown, Office Manager

Redis C. Floyd, Clerk of the Council

