

ACTION AGENDA

Tuesday, November 25, 2003

Business Meeting

(Legislative Day No. 39 to be declared)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

9:15 A.M. AGENDA BRIEFING – (ROOM 2027)

9:58 A.M. PRESENTATION OF PROCLAMATIONS/COMMENDATIONS

Proclamation recognizing Dr. Marian White-Hood, Principal, Ernest E. Just Middle School as the recipient of the Washington Post's "Distinguished Leadership Award" in Prince George's County (Council Chairman Peter A. Shapiro and Council Member Samuel H. Dean)

10:30 A.M. CALL TO ORDER

INVOCATION: Associate Minister, Reverend Emmanuel Ephraim, First Baptist Church of Laurel, Laurel, Maryland

PLEDGE OF ALLEGIANCE

Designated

DESIGNATION OF NOVEMBER 25, 2003 AS LEGISLATIVE DAY NO. 39

1. **CONSENT AGENDA -- ADOPTED AND ALL ACTIONS APPROVED**

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.

Approved

- (a) Approval of County Council Minutes dated October 28, 2003, November 3, 2003 and November 4, 2003.

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

None

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

*Chairman
authorized to
sign*

- (a) Proposed letter to Mr. Daniel W. Johnson, Environmental Program Manager, Federal Highway Administration and Mr. Neil Pedersen, Administrator, Maryland State Highway Administration regarding the proposed Intercounty Connector (ICC).

4. **PUBLIC HEARINGS: -- PUBLIC HEARINGS HELD; ALL CONFIRMED**

Appointment of the following individuals to the Revenue Authority for Prince George's County:

*Confirmed***Mr. Albert R. Byrd**

Appointment
Replacing: Richard Stevenson
Term Expiring: 7/28/2004

*Confirmed***Mr. Reginald L. Forbes**

Appointment
Replacing: Marva J. Camp
Term Expiring: 7/28/2005

*Confirmed***Athena Malloy Groves, Esquire**

Appointment
Replacing: Richard Stewart
Term Expiring: 7/28/2006

*Confirmed***Mr. Harold A. King**

Appointment
Replacing: Dennis Brownlee
Term Expiring: 7/28/2006

5. **PUBLIC HEARINGS: -- PUBLIC HEARINGS HELD; ALL CONFIRMED**

Appointment of the following individuals to the Industrial Development Authority for Prince George's County:

*Confirmed***Mr. Albert R. Byrd**

Appointment
Replacing: Richard Stevenson
Term Expiring: 7/24/2004

*Confirmed***Mr. Reginald L. Forbes**

Appointment
Replacing: Marva J. Camp
Term Expiring: 7/24/2005

*Confirmed***Athena Malloy Groves, Esquire**

Appointment
Replacing: Richard Stewart
Term Expiring: 7/24/2006

*Confirmed***Mr. Harold A. King**

Appointment
Replacing: Dennis Brownlee
Term Expiring: 7/24/2006

6. **PUBLIC HEARING:**

Appointment of the following individual as People's Zoning Counsel for Prince George's County:

Item deferred

**Christopher S. Randolph,
Esquire**

Appointment
Replacing: Stan D. Brown, Esquire
Term Expiring: 8/31/2007

7. **BILLS ELIGIBLE FOR FINAL ACTION**

Approved

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.

(Favorably reported out of PSFM on 10/22/2003)

Received by the Council on October 6, 2003 – Final action required by December 5, 2003.

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

*Public hearing
held; enacted*

CB-77-2003 (DR-2) – AN ACT CONCERNING BENEFIT PERFORMANCES – LIMITATION ON PRIZES for the purpose of clarifying the limitation on certain prizes.

(Introduced by Council Members Dernoga, Peters and Exum on 10/28/2003; favorably reported out of PSFM on 10/22/2003 with amendments)

PUBLIC HEARINGS/BILLS ELIGIBLE FOR THIRD READING (ENACTMENT) – (CONTINUED)

*Public hearing
held; enacted*

CB-79-2003 – AN ACT CONCERNING COLLECTIVE BARGAINING AGREEMENT – PRINCE GEORGE’S CORRECTIONAL OFFICERS’ ASSOCIATION, INC. (CORRECTIONAL OFFICERS) for the purpose of amending the labor agreement by and between Prince George’s County, Maryland and Prince George’s Correctional Officers’ Association, Inc. (Correctional Officers) to provide for wages and certain other terms and conditions of employment for personnel classifications certified by the Prince George’s County Public Employee Relations Board.

(Introduced by Council Members Shapiro, Exum, Peters, Knotts, Dernoga, Harrington and Dean on 10/28/2003; favorably reported out of PSFM on 10/22/2003)

*Public hearing
held; enacted*

CB-80-2003 – AN ACT CONCERNING COLLECTIVE BARGAINING AGREEMENT – PRINCE GEORGE’S CORRECTIONAL OFFICERS’ ASSOCIATION, INC. (CIVILIAN UNIT) for the purpose of approving the labor agreement by and between Prince George’s County, Maryland and Prince George’s Correctional Officers’ Association, Inc. (Civilian Unit) to provide for wages and certain other terms and conditions of employment for personnel classifications certified by the Prince George’s County Public Employee Relations Board.

(Introduced by Council Members Shapiro, Dean, Exum, Dernoga, Harrington, Peters and Knotts on 10/28/2003; favorably reported out of PSFM on 10/22/2003)

*Public hearing
held; enacted*

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.

(Introduced by Council Members Shapiro and Bland on 10/28/2003; favorably reported out of PSFM on 10/22/2003)

*Public hearing
held; enacted*

CB-95-2003 – AN ACT CONCERNING A SUPPLEMENTARY APPROPRIATION for the purpose of appropriating to the General Fund revenue in excess of budget estimates, to provide funds for costs that were not anticipated in the approved Fiscal Year 2003-2004 budget for the Prince George’s Community College.

(Introduced by Council Members Shapiro, Dean, Exum, Knotts, Harrington, Peters and Bland on 10/28/2003; favorably reported out of PSFM on 10/22/2003)

PUBLIC HEARINGS/BILLS ELIGIBLE FOR THIRD READING (ENACTMENT) – (CONTINUED)

*Public hearing
held; enacted*

CB-94-2003 (DR-2) - 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

(Introduced by Council Member Peters on 10/28/2003; favorably reported out of THE on 10/28/2003 with amendments)

*Public hearing
held; enacted*

CB-66-2003 (DR-2) – AN ACT CONCERNING ELECTRICAL CODE for the purpose of amending the Electrical Code and adopting the 2002 National Electrical Code.

(Introduced by Council Members Dean and Peters on 10/28/2003; favorably reported out of THE on 10/23/2003 with amendments)

*Public hearing
held; amended;
DR-3 enacted*

CB-86-2003 (DR-2) – AN ACT CONCERNING ADULT ENTERTAINMENT CLUBS for the purpose of regulating the adult entertainment industry by establishing license requirements and penalties for violators and amending the provisions of the Code to clarify the use of the terms “public place” and “place open to the public.”

(Introduced by Council Members Hendershot, Shapiro, Dean and Exum on 10/28/2003; favorably reported out of HEHS on 10/21/2003 with amendments)

*Public hearing
held; enacted*

CB-62-2003 (DR-2) – AN ACT CONCERNING SCHOOL FACILITIES SURCHARGE – EXEMPTION STUDENT HOUSING for the purpose of eliminating the payment of the school facilities surcharge for certain multifamily projects designated as student housing, providing for the assessment of the school facilities surcharge under certain conditions and making other amendments concerning the school facilities surcharge.

(Introduced by Council Members Hendershot, Shapiro and Dean on 10/28/2003; favorably reported out of PZED on 10/22/2003 with amendments)

PUBLIC HEARINGS/BILLS ELIGIBLE FOR THIRD READING (ENACTMENT) – (CONTINUED)

*Public hearing
held; enacted*

CB-64-2003 – AN ORDINANCE CONCERNING RESIDENTIAL REGULATIONS for the purpose of extending a sunset provision pertaining to the minimum lot size requirements for certain residential lots recorded prior to November 29, 1949.

(Introduced by Council Members Hendershot and Dean on 10/14/2003; favorably reported out of PZED on 10/8/2003)

*Public hearing
held; enacted*

CB-65-2003 - AN ORDINANCE CONCERNING RETAIL USES for the purpose of permitting retail uses in the R-R and I-3 Zones under certain circumstances by repealing and reenacting with amendments.

(Introduced by Council Members Dean, Shapiro, Exum, Harrington, Peters and Hendershot on 10/14/2003; favorably reported out of PZED on 10/8/2003)

*Public hearing
held; enacted*

CB-67-2003 – AN ORDINANCE CONCERNING R-30 ZONE for the purpose of exempting multifamily dwellings in the R-30 Zone from bedroom percentage requirements under certain circumstances.

(Introduced by Council Members Peters, Dean and Harrington on 10/21/2003; favorably reported out of PZED on 10/14/2003)

*Public hearing
held; enacted*

CB-70-2003 – AN ORDINANCE CONCERNING R-T ZONE for the purpose of permitting retail uses in the R-T Zone under certain circumstances.

(Introduced by Council Member Harrington on 10/28/2003; reported out of PZED on 10/22/2003 with no recommendation)

PUBLIC HEARINGS/BILLS ELIGIBLE FOR THIRD READING (ENACTMENT) – (CONTINUED)

*Public hearing
held; enacted*

CB-73-2003 (DR-2) (SUBDIVISION BILL) – AN ACT CONCERNING SUBDIVISIONS – FUNDING FOR PUBLIC ROAD FACILITIES for the purpose of amending the criteria for approving a subdivision when adequate public road facilities are programmed for construction.

(Introduced by Council Members Dernoga, Harrington, Peters, Dean and Exum on 10/14/2003; favorably reported out of PZED on 10/8/2003 with amendments)

*Public hearing
held; enacted*

CB-75-2003 (DR-2) - AN ORDINANCE CONCERNING C-O ZONE for the purpose of permitting multifamily dwellings in the C-O Zone under certain circumstances.

(Introduced by Council Member Hendershot on 10/21/2003; favorably reported out of PZED on 10/14/2003 with amendments)

*Public hearing
held; enacted*

CB-76-2003 – AN ORDINANCE CONCERNING R-55 ZONE for the purpose of permitting an animal hospital, veterinary office in the R-55 Zone under certain circumstances.

(Introduced by Council Member Hendershot on 10/21/2003; favorably reported out of PZED on 10/14/2003)

*Public hearing
held; enacted*

CB-78-2003 (DR-2) – AN ORDINANCE CONCERNING HOME OCCUPATIONS AND COMMERCIAL VEHICLES for the purpose of amending the definitions in the Zoning Ordinance for home occupations and commercial vehicles and providing special conditions for home occupations.

(Introduced by Council Members Dernoga, Knotts, Harrington and Peters on 10/21/2003; favorably reported out of PZED on 10/14/2003 with amendments)

PUBLIC HEARINGS/BILLS ELIGIBLE FOR THIRD READING (ENACTMENT) – (CONTINUED)

*Public hearing
held; enacted*

CB-82-2003 - AN ORDINANCE CONCERNING FRONT YARDS OF DWELLINGS for the purpose of designating an area in the front yards of dwellings where construction of parking areas is not permitted, and making related amendments to the zoning ordinance.

(Introduced by Council Members Dernoga, Shapiro, Exum, Knotts, Harrington and Peters on 10/21/2003; favorably reported out of PZED on 10/14/2003)

*Public hearing
held; enacted*

CB-83-2003 – AN ORDINANCE CONCERNING LOT COVERAGE AND GREEN AREA IN RESIDENTIAL ZONES for the purpose of providing lot coverage and green area ratios for uses in proximity to drinking water reservoirs.

(Introduced by Council Members Dernoga, Peters and Shapiro on 10/28/2003; favorably reported out of PZED on 10/22/2003)

*Public hearing
held; enacted*

CB-85-2003 (DR-2) – AN ORDINANCE CONCERNING C-O ZONE for the purpose of defining and permitting a multifamily retirement community in the C-O Zone under certain circumstances.

(Introduced by Council Member Hendershot on 10/28/2003; favorably reported out of PZED on 10/22/2003 with amendments)

*Public hearing
held; amended;
rules suspended;
DR-4 enacted*

CB-87-2003 (DR-3) – 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.

(Introduced by Council Members Dean, Shapiro, Exum, Harrington, Dernoga and Peters on 10/28/2003; favorably reported out of PZED on 10/22/2003 with amendments)

PUBLIC HEARINGS/BILLS ELIGIBLE FOR THIRD READING (ENACTMENT) – (CONTINUED)

*Public hearing
held; enacted*

**CB-97-2003 – AN ACT CONCERNING LAND ACQUISITION FOR
MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

for the purpose of authorizing the Maryland-National Capital Park and Planning Commission to acquire three parcels of land consisting of approximately 99.8786 acres more or less of unimproved land from MIE Acquisitions, LLC for public use purposes.

(Introduced by Council Members Peters, Shapiro, Dean, Exum, Dernoga, Harrington, and Knotts on 10/28/2003; favorably reported out of C.O.W. on 11/4/2003)

**Prior to final action on Emergency Bills, the Chairman shall read the bill by short title and shall read the claimed emergency as contained in the Bill.
Emergency Bills require six votes to enact.**

*Public hearing
held; enacted*

**CB-99-2003 – AN EMERGENCY ACT CONCERNING LAND ACQUISITION
FOR MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
COMMISSION**

for the purpose of authorizing the Maryland-National Capital Park and Planning Commission to acquire three parcels of land consisting of approximately 99.8786 acres more or less of unimproved land from Maryland Science and Technology Center II, LLC for public use purposes.

(Introduced by Council Members Peters, Dean and Exum on 11/3/2003; favorably reported out of C.O.W. on 11/4/2003)

A public emergency exists affecting the public health, safety, and welfare; said emergency being the need to protect valuable open space from development and to conserve fiscal resources in the Advance Land Acquisition Fund by advancing the closing date for the purchase of the real property approved herein.

PUBLIC HEARINGS/BILLS ELIGIBLE FOR THIRD READING (ENACTMENT) – (CONTINUED)

**Prior to final action on Emergency Bills, the Chairman shall read the bill by short title and shall read the claimed emergency as contained in the Bill.
Emergency Bills require six votes to enact.**

*Public hearing
held; enacted*

CB-98-2003 – AN EMERGENCY ACT CONCERNING SUPPLEMENTARY APPROPRIATION for the purpose of appropriating to the General Fund revenue in excess of budget estimates, to provide funds for costs that were not anticipated in the approved Fiscal Year 2003-2004 Budget.

The Chairman (by request – County Executive); referral to C.O.W.

(Introduced by Council Members Shapiro, Hendershot, Bland, Harrington, Peters, Dernoga and Exum on 10/28/2003; favorably reported out of C.O.W. on 11/18/2003)

A public emergency exists affecting the public health, safety, and welfare; said emergency being the need to provide health services for the citizens and residents of Prince George's County. As the largest provider of inpatient and emergency services, Dimensions Health Corporation is a cornerstone in the health care system in the County. Access to quality health care for citizens and residents of the County depends on the continuation of Dimensions Health Corporation services. For the past several years, Dimensions Health Corporation has been facing serious financial difficulties resulting in significant operating losses. County funding in Fiscal Year 2004, in the amount of \$5,000,000 is necessary to assist Dimensions Health Corporation with operating costs. Without this supplementary appropriation funding, Dimensions Health Corporation will face increased difficulty in funding vital to short-term operating needs that could affect access to care.

9. **PUBLIC HEARINGS/RESOLUTIONS ELIGIBLE FOR FINAL READING (ADOPTION)**

*Public hearing
held; amended;
DR-2 adopted*

CR-72-2003 - A RESOLUTION CONCERNING COUNTY REAL PROPERTY for the purpose of declaring certain parcels of County-Owned Real Property as surplus, and approving the County Executive's plan for disposal of such parcels.

(Introduced by Council Members Shapiro and Dernoga on 10/28/2003; verbal PSFM Committee report to be provided)

10. **RESOLUTIONS ELIGIBLE FOR FINAL READING (ADOPTION)**

*DR-2
substituted;
adopted*

CR-59-2003 (DR-2) – 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 by Council Members Shapiro and Dernoga on 10/7/2003; favorably reported out of PSFM on 10/22/2003 with amendments)

MOTION REQUIRED TO SUBSTITUTE DR-2 IN LIEU OF DR-1 PRIOR TO ADOPTION

Adopted

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 by Council Members Shapiro, Dernoga, Harrington and Peters on 10/7/2003; favorably reported out of PSFM on 10/22/2003)

Adopted

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 by Council Members Shapiro and Peters on 10/7/2003; favorably reported out of PSFM on 10/22/2003)

RESOLUTIONS ELIGIBLE FOR FINAL READING (ADOPTION) – (CONTINUED)*Adopted*

CR-73-2003 - A RESOLUTION CONCERNING A SUPPLEMENTARY APPROPRIATION OF FEDERAL, STATE AND OTHER FUNDS for the purpose of funding from grants in the amount of \$1,795,392 to the Health Department, Fire Department, Office of the State's Attorney, Department of Social Services, Circuit Court, Office of the Sheriff, Department of Housing and Community Development and Police Department.

(Introduced by Council Member Shapiro on 10/28/2003; favorably reported out of PSFM on 11/12/2003)

Adopted

CR-76-2003 – A RESOLUTION CONCERNING COMPENSATION AND BENEFITS, SHERIFF OFFICIALS – SALARY SCHEDULE “S-O” SCHEDULE OF PAY GRADES for the purpose of amending the Salary Plan of the County to reflect wage and benefit modifications of Sheriff Officials.

(Introduced by Council Members Shapiro, Dean, Exum, Knotts, Dernoga, Harrington and Peters on 11/18/2003; favorably reported out of PSFM on 11/20/2003)

Adopted

CR-78-2003 – A RESOLUTION CONCERNING USA PATRIOT ACT for the purpose of expressing the policy of the County to preserve the Constitutional rights of residents and employees of the County whenever those rights may be in conflict with the USA PATRIOT Act.

(Introduced by Council Members Hendershot, Shapiro, Exum and Dean on 11/18/2003; favorably reported out of PSFM on 11/20/2003)

*Amended;
DR-2 adopted*

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 by Council Member Shapiro on 10/7/2003; favorably reported out of THE on 11/20/2003)

RESOLUTIONS ELIGIBLE FOR FINAL READING (ADOPTION) – (CONTINUED)*Adopted*

CR-74-2003 - A RESOLUTION CONCERNING STATE OF MARYLAND NEIGHBORHOOD PARTNERSHIP PROGRAM for the purpose of approving the project submitted by the Neighborhood Design Center to the Maryland Department of Housing and Community Development for participation in the Neighborhood Partnership Program.

(Introduced by Council Member Shapiro on 10/28/2003; favorably reported out of THE on 11/20/2003)

Adopted

CR-77-2003 – A RESOLUTION CONCERNING SPENDING AFFORDABILITY LIMITS FOR THE WASHINGTON SUBURBAN SANITARY COMMISSION for the purpose of establishing spending control limits on the Fiscal Year 2005 Water and Sewer Operating and Capital Budgets of the Washington Suburban Sanitary Commission (WSSC).

(Introduced by Council Member Shapiro on 11/18/2003; reported out of THE on 11/4/2003 with no recommendation; tabled to 11/25/2003 on 11/18/2003)

*DR-2
substituted;
adopted*

CR-79-2003 (DR-2) - A RESOLUTION CONCERNING THE ENACTMENT OF A CERTAIN ORDINANCE OF THE CITY OF HYATTSVILLE for the purpose of approving the enactment of Ordinance 2003-07 amending Chapter 68 of the Hyattsville Code concerning fences.

(Introduced by Council Members Shapiro on 11/18/2003; favorably reported out of PZED on 11/19/2003 with amendments)

MOTION REQUIRED TO SUBSTITUTE DR-2 IN LIEU OF DR-1 PRIOR TO ADOPTION

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

Ms. Karen Coakley, Beltsville Citizens Association, addressed the Council.

3:30 P.M.

ADJOURN**COMMITTEE OF THE WHOLE – (ROOM 2027) -- C.O.W. HELD**

◆ **BRIEFING ON THE BOARD OF EDUCATION’S FY 2005 CIP**

REMINDER

Tues., Dec. 2, 2003	10:00 a.m.	Exchange of Gavel
Wed., Dec. 3, 2003	1:00 p.m.	Committee of the Whole – (Room 2027)
	2:00 p.m.	County Council Call to Order
	3:00 p.m.	County Council Sitting as the Board of Health
		Briefing – Mr. Nelson J. Sabatini, Secretary, Maryland Department of Health & Mental Hygiene – (Room 2027)