

ACTION AGENDA

Tuesday, November 25, 2003

Business Meeting

(Legislative Day No. 39 to be declared)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

AGENDA BRIEFING – (ROOM 2027)

PRESENTATION OF PROCLAMATIONS/COMMENDATIONS – *Vice- Chairman Tony Knotts commenced presentation of proclamations at 9:58 a.m. and concluded at 10:15 a.m.*

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 Vice-Chairman Tony Knotts and Council Member Samuel H. Dean) -
PRESENTED

Vice-Chairman Tony Knotts and Council Member Samuel H. Dean presented a proclamation to Dr. Marian White-Hood, Principal of Ernest E. Just Middle School, recognizing her as the recipient of the Washington Post's Distinguished Leadership Award. Dr. Hood was present to accept. Council Members Exum and Harrington were also present for the ceremony.

CALL TO ORDER – Vice-Chairman Tony Knotts called to order at 10:30 a.m. with the following Council Members present:

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

Absent: Chairman Peter A. Shapiro (out of town)

Others Present:

Barbara Holtz, Council Administrator
Craig S. Price, Deputy Council Administrator
Robert Williams, Jr., Associate Council Administrator
Aisha N. Braveboy, County Council Liaison, Office of the County Executive
Kathy Canning, Associate County Attorney
Karen Zavakos, Associate County Attorney
Cheryl Ringer, Associate County Attorney
Frank Porter, Committee Director, PSFM
Sandra Eubanks, Committee Director, THE & HEHS
Jackie Brown, Committee Director, PZED

INVOCATION – The Invocation was provided by Reverend Emmanuel Ephraim, Associate Minister at the First Baptist Church of Laurel in Laurel, Maryland.

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

DESIGNATION OF NOVEMBER 25, 2003 AS LEGISLATIVE DAY NO. 39 – Vice-Chairman Knotts designated Tuesday, November 25, 2003 as Legislative Day number thirty-nine.

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.

Approval of County Council Minutes - **APPROVED**

Council Minutes were approved for Council Sessions held October 28, 2003, November 3, 2003 and November 4, 2003.

- ** *Council Member Dean moved adoption of the Consent Agenda; seconded by Council Member Exum. The motion carried by voice vote (Absent: Chairman Shapiro).*

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

No items were considered.

PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT

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). - **CHAIRMAN AUTHORIZED TO SIGN**

Council Member Dernoga proposed that a letter be sent to Mr. Daniel Johnson and Mr. Neil Pedersen regarding the proposed Intercounty Connector. Council Member Dernoga moved to authorize the Chairman's signature on the letter; seconded by Council Member Peters. Under discussion, it was determined that courtesy copies should be sent to the County Executive, the Chair of the Prince George's Delegation of the Maryland General Assembly and to the Congressional representatives. The motion carried 8-0 (Absent: Chairman Shapiro).

PUBLIC HEARINGS

Appointment of the following individuals to the Revenue Authority for Prince George's County: - PUBLIC HEARINGS HELD; ALL APPOINTMENTS CONFIRMED

Mr. Albert R. Byrd

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

Pursuant to proper notice, the public hearing convened on the appointment of Mr. Albert R. Byrd to the Revenue Authority for Prince George's County. County Executive Jack B. Johnson introduced Mr. Byrd to the Council speaking to his credentials and character. Mr. Byrd was present and spoke on his own behalf. All persons wishing to speak having done so, the public hearing was declared held.

PUBLIC HEARINGS - Appointment of the following individuals to the Revenue Authority for Prince George's County: - (CONTINUED)C

Mr. Reginald L. Forbes

Appointment

Replacing: Marva J. Camp

Term Expiring: 7/28/2005

Pursuant to proper notice, the public hearing convened on the appointment of Mr. Reginald L. Forbes to the Revenue Authority for Prince George's County. County Executive Jack B. Johnson introduced Mr. Forbes to the Council speaking to his credentials and character. Mr. Forbes was present and spoke on his own behalf. All persons wishing to speak having done so, the public hearing was declared held.

Athena Malloy Groves, Esquire

Appointment

Replacing: Richard Stewart

Term Expiring: 7/28/2006

Pursuant to proper notice, the public hearing convened on the appointment of Ms. Athena Malloy Groves, Esquire to the Revenue Authority for Prince George's County. County Executive Jack B. Johnson introduced Ms. Groves to the Council speaking to her credentials and character. Ms. Groves was present and spoke on her own behalf. All persons wishing to speak having done so, the public hearing was declared held.

Mr. Harold A. King

Appointment

Replacing: Dennis Brownlee

Term Expiring: 7/28/2006

Pursuant to proper notice, the public hearing convened on the appointment of Mr. Harold A. King to the Revenue Authority for Prince George's County. County Executive Jack B. Johnson introduced Mr. King to the Council speaking to his credentials and character. Mr. King was present and spoke on his own behalf. All persons wishing to speak having done so, the public hearing was declared held.

****** *Council Member Dean moved confirmation of the above named individuals to the Revenue Authority for Prince George's County, terms as listed; seconded by Council Member Hendershot. The motion carried 8-0 (Absent: Chairman Shapiro).*

PUBLIC HEARINGS**Appointment of the following individuals to the Industrial Development Authority for Prince George's County: - PUBLIC HEARINGS HELD; ALL APPOINTMENTS CONFIRMED****Mr. Albert R. Byrd**

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

Pursuant to proper notice, the public hearing convened on the appointment of Mr. Albert R. Byrd to the Industrial Development Authority for Prince George's County. County Executive Jack B. Johnson introduced Mr. Byrd to the Council speaking to his credentials and character. Mr. Byrd was present and spoke on his own behalf. All persons wishing to speak having done so, the public hearing was declared held.

Mr. Reginald L. Forbes

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

Pursuant to proper notice, the public hearing convened on the appointment of Mr. Reginald L. Forbes to the Industrial Development Authority for Prince George's County. County Executive Jack B. Johnson introduced Mr. Forbes to the Council speaking to his credentials and character. Mr. Forbes was present and spoke on his own behalf. All persons wishing to speak having done so, the public hearing was declared held.

Athena Malloy Groves, Esquire

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

Pursuant to proper notice, the public hearing convened on the appointment of Ms. Athena Malloy Groves, Esquire to the Industrial Development Authority for Prince George's County. County Executive Jack B. Johnson introduced Ms. Groves to the Council speaking to her credentials and character. Ms. Groves was present and spoke on her own behalf. All persons wishing to speak having done so, the public hearing was declared held.

Mr. Harold A. King

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

Pursuant to proper notice, the public hearing convened on the appointment of Mr. Harold A. King to the Industrial Development Authority for Prince George's County. County Executive Jack B. Johnson introduced Mr. King to the Council speaking to his credentials and character. Mr. King was present and spoke on his own behalf. All persons wishing to speak having done so, the public hearing was declared held.

****** *Council Member Hendershot moved confirmation of the above named individuals to the Industrial Development Authority for Prince George's County, terms as listed; seconded by Council Member Peters. The motion carried 8-0 (Absent: Chairman Shapiro).*

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

Vice-Chairman Knotts announced that the appointment of Mr. Christopher S. Randolph, Esquire as People's Zoning Counsel for Prince George's County would be deferred to a later date.

BILLS ELIGIBLE FOR FINAL ACTION

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. **ENACTED; PROPOSAL APPROVED**

Council Bill 93, a reorganizational proposal to change the name of the Office of Personnel and Labor Relations to the Office of Human Resources Management, was received by the Council on October 6, 2003. Council Bill 93 was favorably reported out of the Public Safety and Fiscal Management on October 22, 2003. Council Member Peters moved enactment of Council Bill 93; seconded by Council Member Bland. The motion carried 7-1 (Absent: Chairman Shapiro; Opposed: Council Member Dernoga). Enactment of Council Bill 93 approves the Reorganizational Proposal.

PUBLIC HEARINGS/BILLS ELIGIBLE FOR THIRD READING (ENACTMENT)

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

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

Pursuant to proper notice, the public hearing convened on Council Bill 77, Draft 2. A representative from the Hillcrest Heights Boys Club, Mr. Wayne Jordan, Mr. John Newcome, Mr. Steve Novac, Mr. Paul Beyers and Mr. Donald Wells spoke to the legislation. All persons wishing to speak having done so, the public hearing was declared held. Council Member Dernoga moved enactment of Council Bill 77, Draft 2; seconded by Council Member Peters. Under discussion, Council Member Dernoga questioned the efforts of Administration to address the enforcement issues raised by the aforementioned speakers. Kathy Canning, Associate County Attorney, responding on behalf of the Executive Branch, assured Council that information would be provided. The motion carried 8-0 (Absent: Chairman Shapiro).

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

**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. - **PUBLIC HEARING HELD; ENACTED**

(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)

Pursuant to proper notice, the public hearing convened on Council Bill 79. There were no speakers. The public hearing was declared held. Council Member Exum moved enactment of Council Bill 79; seconded by Council Bill Harrington. The motion carried 8-0 (Absent: Chairman Shapiro).

**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. - **PUBLIC HEARING HELD; ENACTED**

(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)

Pursuant to proper notice, the public hearing convened on Council Bill 80. There were no speakers. The public hearing was declared held. Council Member Harrington moved enactment of Council Bill 80; seconded by Council Member Hendershot. The motion carried 8-0 (Absent: Chairman Shapiro).

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. - **PUBLIC HEARING HELD; ENACTED**

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

Pursuant to proper notice, the public hearing convened on Council Bill 91. There were no speakers. The public hearing was declared held. Council Member Bland moved enactment of Council Bill 91; seconded by Council Member Hendershot. Under discussion, Council Member Harrington requested the rationale for the name change. Ms. Aisha Braveboy, the County Executive’s Legislative Liaison, stated that the name more accurately reflects the duties of the office. The motion carried 7-1 (Absent: Chairman Shapiro; Opposed: Council Member Dernoga).

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

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. - **PUBLIC HEARING HELD; ENACTED**

(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)

Pursuant to proper notice, the public hearing convened on Council Bill 95. There were no speakers. The public hearing was declared held. Council Member Harrington moved enactment of Council Bill 95; seconded by Council Member Dernoga. The motion carried 8-0 (Absent: Chairman Shapiro).

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. - **PUBLIC HEARING HELD; ENACTED**

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

Pursuant to proper notice, the public hearing convened on Council Bill 94, Draft 2. Mr. Samuel Karkenny spoke in opposition. All persons wishing to speak having done so, the public hearing was declared held. Council Member Dernoga moved enactment of Council Bill 94, Draft 2; seconded by Council Member Peters. Under discussion Council Member Bland voiced opposition to the second draft of the legislation. The motion carried 7-1 (Absent: Chairman Shapiro; Opposed: Council Member Bland).

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. - **PUBLIC HEARING HELD; ENACTED**

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

Pursuant to proper notice, the public hearing convened on Council Bill 66, Draft 2. There were no speakers. The public hearing was declared held. Council Member Dernoga moved enactment of Council Bill 66, Draft 2; seconded by Council Member Dean. The motion carried 8-0 (Absent: Chairman Shapiro).

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

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.” - **PUBLIC HEARING HELD; AMENDED; DR-3 ENACTED**

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

Pursuant to proper notice, the public hearing convened on Council Bill 86, Draft 2. The Honorable County Executive Jack B. Johnson, spoke in support of the legislation. Dr. Judith Lynn Hanna, Ms. Kate Subana, Mr. Jonathan Katz and Mr. Larry Bledzoe spoke in opposition to the legislation. All persons wishing to speak having done so, the public hearing was declared held. Council Member Hendershot moved enactment of Council Bill 86, Draft 2; seconded by Council Member Exum. Council Member Hendershot proffered a substitute motion for amendments to Council Bill 86, Draft 2 (See amendment sheet in the Administrative Day File); seconded by Council Member Exum. The substitute motion carried 8-0 (Absent: Chairman Shapiro). The main motion, now to enact Council Bill 86, Draft 3, carried 8-0 (Absent: Chairman Shapiro).

RECESS AND RECONVENE – Vice-Chairman Knotts recess the meeting at 12:55 p.m. and reconvened at 1:29 p.m.

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

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. - **PUBLIC HEARING HELD; ENACTED**

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

Pursuant to proper notice, the public hearing convened on Council Bill 78, Draft 2. Ms. LaVerne Williams and Mr. John Dollen spoke in support of the legislation. All persons wishing to speak having done so, the public hearing was declared held. Council Member Dernoga moved enactment of Council Bill 78, Draft 2; seconded by Council Member Harrington. The motion carried 7-0 (Absent: Chairman Shapiro and Council Member Exum).

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

**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. - **PUBLIC HEARING HELD; ENACTED**

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

Pursuant to proper notice, the public hearing convened on Council Bill 62, Draft 2. Mr. Norman Rivera, Ms. Terry Schum and Mr. John McDonough spoke in support of the legislation. All persons wishing to speak having done so, the public hearing was declared held. Council Member Hendershot moved enactment of Council Bill 62, Draft 2; seconded by Council Member Dean. The motion carried 7-0 (Absent: Chairman Shapiro and Council Member Peters).

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. - **PUBLIC HEARING HELD; ENACTED**

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

Pursuant to proper notice, the public hearing convened on Council Bill 64. Mr. Thomas Haller and Mr. Samuel Karkenny spoke in support of the legislation. All persons wishing to speak having done so, the public hearing was declared held. Council Member Hendershot moved enactment of Council Bill 64; seconded by Council Member Harrington. The motion carried 6-0 (Absent: Chairman Shapiro and Council Members Dernoga and Peters).

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)

Pursuant to proper notice, the public hearing convened on Council Bill 65. Mr. Daryl Harris spoke in support of the legislation. All persons wishing to speak having done so, the public hearing was declared held. Council Member Dean moved enactment of Council Bill 65; seconded by Council Member Hendershot. Under discussion, Council Member Bland questioned the rationale for this legislation to allow retail in the R-R Zone. The motion carried 7-0 (Absent: Chairman Shapiro and Council Member Exum).

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

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. - **PUBLIC HEARING HELD; ENACTED**

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

Pursuant to proper notice, the public hearing convened on Council Bill 67. There were no speakers. The public hearing was declared held. Council Member Peters moved enactment of Council Bill 67; seconded by Council Member Hendershot. The motion carried 7-0 (Absent: Chairman Shapiro and Council Member Exum).

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

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

Pursuant to proper notice, the public hearing convened on Council Bill 70. Ms. Carol Richardson spoke on the legislation. All persons wishing to speak having done so, the public hearing was declared held. Council Member Harrington moved enactment of Council Bill 70; seconded by Council Member Peters. The motion carried 8-0 (Absent: Chairman Shapiro).

**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. - **PUBLIC HEARING HELD; ENACTED**

(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)

Pursuant to proper notice, the public hearing convened on Council Bill 73, Draft 2. Mr. Joe Meinert spoke in support of the legislation. Mr. F. Hamer Campbell, Jr. spoke in opposition. All persons wishing to speak having done so, the public hearing was declared held. Council Member Dernoga moved enactment of Council Bill 73, Draft 2; seconded by Council Member Peters. The motion carried 7-1 (Absent: Chairman Shapiro; Opposed: Council Member Hendershot).

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

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. - **PUBLIC HEARING HELD; ENACTED**

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

Pursuant to proper notice, the public hearing convened on Council Bill 75, Draft 2. Mr. Norman Rivera spoke in support of the legislation. All persons wishing to speak having done so, the public hearing was declared held. Council Member Hendershot moved enactment of Council Bill 75, Draft 2; seconded by Council Member Dean. The motion carried 8-0 (Absent: Chairman Shapiro).

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. - **PUBLIC HEARING HELD; ENACTED**

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

Pursuant to proper notice, the public hearing convened on Council Bill 76. Mr. Norman Rivera spoke in support of the legislation. All persons wishing to speak having done so, the public hearing was declared held. Council Member Hendershot moved enactment of Council Bill 76; seconded by Council Member Dean. The motion carried 8-0 (Absent: Chairman Shapiro).

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. - **PUBLIC HEARING HELD; ENACTED**

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

Pursuant to proper notice, the public hearing convened on Council Bill 82. Ms. LaVerne Williams spoke in support of the legislation. Mr. Samuel Karkenny spoke in opposition. All persons wishing to speak having done so, the public hearing was declared held. Council Member Dernoga moved enactment of Council Bill 82; seconded by Council Member Exum. The motion carried 8-0 (Absent: Chairman Shapiro).

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

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. - **PUBLIC HEARING HELD; ENACTED**

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

Pursuant to proper notice, the public hearing convened on Council Bill 83. There were no speakers. The public hearing was declared held. Council Member Dernoga moved enactment of Council Bill 83; seconded by Council Member Peters. The motion carried 8-0 (Absent: Chairman Shapiro).

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. - **PUBLIC HEARING HELD; ENACTED**

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

Pursuant to proper notice, the public hearing convened on Council Bill 85, Draft 2. Mr. Larry Taub spoke in support of the legislation. All persons wishing to speak having done so, the public hearing was declared held. Council Member Hendershot moved enactment of Council Bill 85, Draft 2; seconded by Council Member Harrington. The motion carried 8-0 (Absent: Chairman Shapiro).

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. - **PUBLIC HEARING HELD; AMENDED; RULES SUSPENDED; DR-4 ENACTED**

(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)

Pursuant to proper notice, the public hearing convened on Council Bill 87, Draft 3. Mr. Larry Cartano spoke in opposition. Mr. Daule Harris spoke in support of the legislation. All persons wishing to speak having done so, the public hearing was declared held. Council Member Dean moved enactment of Council Bill 87, Draft 3; seconded by Council Member Peters. Council Member Dean proffered a substitute motion for amendments to Council Bill 87, Draft 3 (See amendment sheet in the Administrative Day File); seconded by Council Member Peters. The substitute motion carried 8-0 (Absent: Chairman Shapiro). Council Member Dean proffered an additional substitute motion to suspend the Council Rules of Procedure to allow the legislation to become effective on the date of adoption; seconded by Council Member Peters. The second substitute motion carried by voice vote. Under discussion of the main motion for enactment, Council Member Harrington thanked Council Member Dean for his leadership in the effort to address waste disposal concerns. Council Member Dean thanked the Little Washington Community and the businesses therein for their contributions to the process. The main motion, now to enact Council Bill 87, Draft 4, carried 7-1 (Absent: Chairman Shapiro; Opposed: Council Member Hendershot).

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

****** *Vice-Chairman Knotts announced that the public hearings for Council Bills 97 and 99 would be held concurrently. Pursuant to proper notice, the public hearing convened. Mr. And Mr. John Solari spoke in opposition to the legislation, objecting to Council Bill 99 being deemed an emergency. All persons wishing to speak having done so, the public hearings for Council Bills 97 and 99 were declared held. (See each legislative reference for vote information).*

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. - **PUBLIC HEARING HELD; ENACTED**

(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)

Council Member Peters moved enactment of Council Bill 97; seconded by Council Member Dean. The motion carried 7-1 (Absent: Chairman Shapiro; Opposed: Council Member Bland).

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.

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.

Prior to accepting a motion on Council Bill 99, Vice-Chairman Knotts read the legislative reference and the emergency clause as printed above. Council Member Dean moved enactment of Council Bill 99; seconded by Council Member Harrington. Under discussion, Council Member Bland expressed her support for preserving open space and stated that she could not support this means of acquiring open space. Council Members Dernoga and Harrington expressed their support for Council Member Peters in his efforts to retain this land as open space. Council Member Dean spoke to the three-tier approach to development in Prince George's County and its relevance to the Nash property. Council Member Hendershot requested clarification of the emergency, to which Ms. Barbara Holtz, Council Administrator, responded. The motion carried 7-1 (Absent: Chairman Shapiro; Opposed: Council Member Bland).

**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.

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. - **PUBLIC HEARING HELD; ENACTED**

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.

Pursuant to proper notice, the public hearing convened on Council Bill 98. There were no speakers. The public hearing was declared held. Prior to accepting a motion on Council Bill 98, Vice-Chairman Knotts read the legislative reference and the emergency clause as printed above. Council Member Peters moved enactment of Council Bill 98; seconded by Council Member Bland. The motion carried 8-0 (Absent: Chairman Shapiro).

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

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. - **PUBLIC HEARING HELD; AMENDED; DR-2 ADOPTED**

Pursuant to proper notice, the public hearing convened on Council Resolution 72. There were no speakers. The public hearing was declared held. Vice-Chairman Knotts announced that the vote on Council Resolution 72 would be delayed to allow staff to respond to clarifying questions posed by Council (Record of the vote, as described below, may be found after that of Council Resolution 79, Draft 2).

Council Member Exum, as Chair of the Public Safety and Fiscal Management Committee, provided a verbal report of the actions and recommendations of the committee. Council Resolution 72 was favorably reported out of committee on November 12, 2003. Council Member Exum moved adoption of Council Resolution 72; seconded by Council Member Peters. Council Member Dean moved an amendment to Council Resolution 72 to delete items 6A and 6B; seconded by Council Member Dernoga. The substitute motion carried by voice vote (Absent: Chairman Shapiro). The main motion, now to enact Council Resolution 72, Draft 2, carried 8-0 (Absent: Chairman Shapiro).

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

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. – **DR-2 SUBSTITUTED; ADOPTED**

Council Member Exum, as Chair of the Public Safety and Fiscal Management Committee, provided a verbal report of the actions and recommendations of the committee. Council Resolution 59 was favorably reported out of committee on October 22, 2003 with amendments. Council Member Dernoga moved to substitute Draft 2 of Council Resolution 59, in lieu of Draft 1; seconded by Council Member Harrington. The motion carried by voice vote (Absent: Chairman Shapiro). Council Member Exum moved adoption of Council Resolution 59, Draft 2; seconded by Council Member Dernoga. The motion carried 8-0 (Absent: Chairman Shapiro).

RESOLUTIONS ELIGIBLE FOR FINAL READING (ADOPTION) – (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. - **ADOPTED**

Council Member Exum, as Chair of the Public Safety and Fiscal Management Committee, provided a verbal report of the actions and recommendations of the committee. Council Resolution 60 was favorably reported out of committee on October 22, 2003. Council Member Exum moved adoption of Council Resolution 60; seconded by Council Member Peters. The motion carried 8-0 (Absent: Chairman Shapiro).

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. - **ADOPTED**

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

Council Member Exum, as Chair of the Public Safety and Fiscal Management Committee, provided a verbal report of the actions and recommendations of the committee. Council Resolution 62 was favorably reported out of committee on October 22, 2003. Council Member Exum moved adoption of Council Resolution 62; seconded by Council Member Peters. The motion carried 8-0 (Absent: Chairman Shapiro).

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. - **ADOPTED**

Council Member Exum, as Chair of the Public Safety and Fiscal Management Committee, provided a verbal report of the actions and recommendations of the committee. Council Resolution 73 was favorably reported out of committee on November 12, 2003. Council Member Exum moved adoption of Council Resolution 73; seconded by Council Member Peters. The motion carried 8-0 (Absent: Chairman Shapiro).

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

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. - **ADOPTED**

Council Member Exum, as Chair of the Public Safety and Fiscal Management Committee, provided a verbal report of the actions and recommendations of the committee. Council Resolution 76 was favorably reported out of committee on November 20, 2003. Council Member Peters moved adoption of Council Resolution 76; seconded by Council Member Exum. The motion carried 8-0 (Absent: Chairman Shapiro).

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. - **ADOPTED**

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

Council Member Exum, as Chair of the Public Safety and Fiscal Management Committee, provided a verbal report of the actions and recommendations of the committee. Council Resolution 78 was favorably reported out of committee on November 20, 2003. Council Member Exum moved adoption of Council Resolution 78; seconded by Council Member Peters. Under discussion, Council Member Hendershot expressed his concerns regarding the United States Patriot Act, as implemented by the Bush administration and thanked his colleagues for their support. The motion carried 7-0 (Absent: Chairman Shapiro and Council Member Harrington).

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. - **AMENDED; DR-2 ADOPTED**

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

Council Member Dean, as Chairman of the Transportation, Housing and the Environment Committee, provided a verbal report of the actions and recommendations of the committee. Council Resolution 65 was favorably reported out of committee on November 20, 2003. Council Member Peters moved adoption of Council Resolution 65; seconded by Council Member Dernoga. Council Member Exum proffered a substitute motion for inclusion of amendment number one; seconded by Council Member Peters. The substitute motion carried 6-0-1 (Absent: Chairman Shapiro and Council Member Hendershot; Abstained: Vice-Chairman Knotts).

RESOLUTIONS ELIGIBLE FOR FINAL READING (ADOPTION) – (CONTINUED)**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. - **ADOPTED**

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

Council Member Dean, as Chairman of the Transportation, Housing and the Environment Committee, provided a verbal report of the actions and recommendations of the committee. Council Resolution 74 was favorably reported out of committee on November 20, 2003. Council Member Dean moved adoption of Council Resolution 74; seconded by Council Member Peters. The motion carried 8-0 (Absent: Chairman Shapiro).

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)

Council Member Dean, as Chairman of the Transportation, Housing and the Environment Committee, provided a verbal report of the actions and recommendations of the committee. Council Resolution 77 was favorably reported out of committee on November 4, 2003 with no recommendation. Council Member Peters moved adoption of Council Resolution 77; seconded by Council Member Dean. Under discussion Council Member Peters spoke to issues raise in the committee work session, explaining the impact of the discussion on his decision to support the legislation. The motion carried 5-2. (Absent: Chairman Shapiro; Opposed: Council Members Bland & Dernoga.)

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

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 Resolution 79 was favorably reported out of committee on November 19, 2003 with amendments. Council Member Harrington moved to substitute Draft 2; seconded by Council Member Peters. The motion carried by voice vote. Council Member Harrington moved adoption of Council Resolution 79, Draft 2; seconded by Council Member Dean. The motion carried 8-0. (Absent: Chairman Shapiro).

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

Ms. Karen Coakley, Beltsville Citizens Association, addressed the Council to thank Council Member Dernoga for his involvement with her homeowner's association.

ADJOURN – *Vice Chairman Knotts adjourned the meeting at 3:30 p.m.*

COMMITTEE OF THE WHOLE – (ROOM 2027) -- C.O.W. HELD - *Vice Chairman convened the Committee of the Whole at 3:36 p.m. and concluded at 5:00 p.m.*

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

Vice-Chairman Knotts convened the Committee of the Whole by introducing the panel guests. Mr. Thomas Himler, Director of the Office of Management and Budget, facilitated a Power Point presentation detailing the "County School Construction Funding and the BoE Capital Improvement Program for Fiscal Year 2005 – Fiscal Year 2010. He and Mr. Andre Hornsby responded to Council Member's questions. (See Administrative Day file for details.)

Prepared by:

Submitted by:

Shirley T. Blake, Administrative Aide

Redis C. Floyd, Clerk of the Council