

ACTION AGENDA

Tuesday, July 27, 2004

Business Meeting

(Legislative Day No. 27 to be declared)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

9:30 A.M. AGENDA BRIEFING – (ROOM 2027) -- BRIEFING HELD

10:29 A.M. CALL TO ORDER

INVOCATION: Reverend Dale Grimley, Clinton Baptist Church, Clinton, Maryland

PLEDGE OF ALLEGIANCE

Designated **DESIGNATION OF JULY 27, 2004 AS LEGISLATIVE DAY NO. 27**

1. **CONSENT AGENDA -- CB-76, 77, 78-2004 ADDED; ADOPTED; ALL ACTIONS APPROVED – (SEE PAGE 9)**

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

Presented

CB-73-2004 – AN ACT CONCERNING CIGARETTE SALES for the purpose of prohibiting sales of unpackaged cigarettes.

The Chairman (by request – County Executive); referral to HEHS

Presented

CB-75-2004 – AN ACT CONCERNING MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION LEASE AGREEMENT FOR HISTORIC HAZELWOOD for the purpose of approving a long-term residential curatorship agreement for the restoration, rehabilitation, renovation and maintenance of Historic Hazelwood.

The Chairman (by request – Planning Board); referral to PZED

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

None

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

*Chairman
authorized to
sign*

- (a) Proposed letter to Beatrice P. Tignor, EdD. Chair, Board of Education, regarding the Board of Education's transfer request to reconcile the Board of Education's FY-2005 Operating Budget.

The Chairman (by request – Board of Education)

(HEHS took no action on 7/20/2004)

PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT – (CONTINUED)**(b) CONFIRMATION OF APPOINTMENT:***Confirmed*

- **Appointment of the following individual as People's Zoning Counsel:**

Stan D. Brown, Esquire

Confirmed

- **Appointment of the following Council Members to Council of Governments:**

Board of Directors – Council Member Tony Knotts

Chesapeake Bay Policy Committee – Council Member Thomas E. Dernoga

Confirmed

- **Appointment of the following individual to the Spending Affordability Committee for the Prince George's Portion of the Maryland-National Capital Park and Planning Commission:**

Mr. William G. Robinson

Confirmed

- **Appointment of the following individual to the Municipal Tax Differential Task Force:**

Ms. Valerie R. Bennett

Note: The Chairman appointed Zeno W. St. Cyr, II, M.P.H as a member from the unincorporated areas of the County

4. SECOND READING OF BILLS (INTRODUCTION)

*Amended;
DR-2 introduced*

CB-36-2004 – AN ORDINANCE CONCERNING R-A ZONE for the purpose of allowing gas stations in the R-A Zone under certain circumstances.

(Favorably reported out of PZED on 7/7/2004)

Introduced by Council Members Dean, Harrington and Peters

AMENDMENT #1 TO CB-36-2004

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

*DR-2
substituted;
amended;
DR-3 adopted*

CR-41-2004 (DR-2) A RESOLUTION CONCERNING THE 2001 WATER AND SEWER PLAN (APRIL 2004 CYCLE OF AMENDMENTS) for the purpose of changing the water and sewer category designations of properties within the 2001 Water and Sewer Plan.

(Introduced by Council Member Dean on 6/15/2004; favorably reported out of THE on 7/21/2004 with amendments)

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

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

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

CB-51-2004 – AN ACT CONCERNING WOODLAND CONSERVATION AND TREE PRESERVATION for the purpose of revising the Woodland Conservation and Tree Preservation policy document to include the protection of wildlife habitats and to clarify permitted activities in Woodland Conservation Areas.

(Introduced by Council Members Peters, Harrington and Dean on 7/6/2004; held in THE on 7/21/2004)

*Public hearing
held; rules
suspended;
enacted*

CB-39-2004 (DR-2) – AN ORDINANCE CONCERNING I-1 AND I-2 ZONES for the purpose of repealing Council Bill 75-1998 and Council Bill 21-2000, bills which amended requirements for certain uses in heavy industrial zones.

(Introduced by Council Members Harrington and Dean on 7/6/2004; favorably reported out of PZED on 6/23/2004 with amendments)

MOTION REQUIRED TO SUSPEND THE RULES TO ALLOW EFFECTIVE DATE ON DATE OF ADOPTION

*Public hearing
held; rules
suspended;
enacted*

CB-40-2004 – AN ORDINANCE CONCERNING TRUCKING OPERATIONS for the purpose of amending the definition of trucking operations and repealing all provisions of the Zoning Ordinance concerning truck marshalling, by repealing in part CB-13-2000 and repealing in its entirety CB-20-2000.

(Introduced by Council Members Harrington and Dean on 7/6/2004; favorably reported out of PZED on 6/23/2004)

MOTION REQUIRED TO SUSPEND THE RULES TO ALLOW EFFECTIVE DATE ON DATE OF ADOPTION

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

*Public hearing
held; rules
suspended;
enacted*

CB-42-2004 (DR-2) – AN ORDINANCE CONCERNING NOTICE for the purpose of amending certain provisions concerning informational mailings, clarifying that posting is not required for District Council oral arguments and deleting obsolete language.

(Introduced by Council Members Harrington, Dean and Exum on 7/6/2004; favorably reported out of PZED on 6/23/2004)

MOTION REQUIRED TO SUSPEND THE RULES TO ALLOW EFFECTIVE DATE ON DATE OF ADOPTION

*Public hearing
held; enacted*

CB-38-2004 – AN ACT CONCERNING FINANCE AND TAXATION – TAX BILL – COPIES for the purpose of authorizing the Director of Finance to set a fee for copies of tax bills.

(Introduced by Council Members Hendershot, Peters and Bland on 7/6/2004; favorably reported out of PSFM on 6/23/2004)

*Public hearing
held; enacted*

CB-60-2004 - AN ACT AUTHORIZING PRINCE GEORGE'S COUNTY, MARYLAND TO BORROW MONEY in an amount not exceeding \$76,103,000 to finance school construction projects.

(Introduced by Council Members Hendershot, Harrington, Exum, Peters, Bland Shapiro, Dean and Knotts on 7/6/2004; favorably reported out of C.O.W. on 7/6/2004)

*Public hearing
held; enacted*

CB-61-2004 - AN ACT CONCERNING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS to finance County and School Capital Projects in an amount not to exceed \$133,600,000.

(Introduced by Council Members Hendershot, Shapiro, Harrington, Knotts, Dean, Exum, Peters, Bland and Dernoga; favorably reported out of C.O.W. on 7/6/2004)

*Public hearing
held; enacted*

CB-63-2004 - AN ACT CONCERNING BORROWING TO FINANCE CAPITAL PROJECTS FOR PUBLIC WORKS AND TRANSPORTATION FACILITIES in an amount not to exceed \$55,900,000 and providing for the issuance of such bonds subject to referendum of the legal voters of the County.

(Introduced by Council Members Hendershot and Knotts on 7/6/2004; favorably reported out of C.O.W. on 7/6/2004)

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

*Public hearing
held; enacted*

CB-64-2004 - AN ACT CONCERNING BORROWING TO FINANCE

CAPITAL PROJECTS FOR LIBRARY FACILITIES in an amount not to exceed \$14,468,000 and providing for the issuance of such bonds subject to referendum of the legal voters of the County.

(Introduced by Council Members Hendershot, Peters, Knotts and Dean on 7/6/2004; favorably reported out of C.O.W. on 7/6/2004)

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

CB-65-2004 - AN ACT CONCERNING BORROWING TO FINANCE

CAPITAL PROJECTS FOR PUBLIC SAFETY FACILITIES in an amount not to exceed \$18,455,000 and providing for the issuance of such bonds subject to referendum of the legal voters of the County

(Introduced by Council Members Hendershot, Shapiro, Harrington and Knotts on 7/6/2004; favorably reported out of C.O.W. on 7/6/2004)

*Public hearing
held; final action
deferred to
7/30/2004*

CB-66-2004 (DR-2) - AN ACT CONCERNING BORROWING TO FINANCE

CAPITAL PROJECTS FOR COUNTY BUILDINGS in an amount not to exceed \$11,780,000 and providing for the issuance of such bonds subject to referendum of the legal voters of the County.

(Introduced by Council Members Hendershot, Shapiro, Harrington and Knotts on 7/6/2004; favorably reported out of C.O.W. on 7/6/2004 with amendments)

*Public hearing
held; enacted*

CB-67-2004 - AN ACT CONCERNING BORROWING TO FINANCE

CAPITAL PROJECTS FOR PRINCE GEORGE'S COMMUNITY COLLEGE in an amount not to exceed \$5,290,000 and providing for the issuance of such bonds subject to referendum of the legal voters of the County.

(Introduced by Council Members Hendershot, Shapiro, Harrington, Dean, Exum, Peters and Knotts on 7/6/2004; favorably reported out of C.O.W. on 7/6/2004)

*Public hearing
held; enacted*

CB-52-2004 – AN ACT CONCERNING THE PRINCE GEORGE'S COUNTY

CODE (2003 EDITION) for the purpose of adopting and publishing the 2003 Edition of the Prince George's County Code.

(Introduced by Council Members Knotts and Dean on 7/6/2004; favorably reported out of C.O.W. on 7/13/2004)

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

*Public hearing
held; rules
suspended;
enacted*

CB-54-2004 – AN ORDINANCE CONCERNING SUBTITLE 27 – ZONING ORDINANCE for the purpose of adopting and publishing the 2003 Edition of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code.

(Introduced by Council Members Knotts, Dean and Peters on 7/6/2004; favorably reported out of C.O.W. on 7/13/2004)

MOTION REQUIRED TO SUSPEND THE RULES TO ALLOW EFFECTIVE DATE ON DATE OF ADOPTION

*Public hearing
held; final action
deferred to
7/30/2004*

CB-55-2004 - AN ACT CONCERNING AMENDMENT OF SECTION 307A, CHARTER OF PRINCE GEORGE'S COUNTY for the purpose of proposing an amendment in Section 307A of the Charter of Prince George's County concerning the application of term limitations to Council members and eligibility of Council members and providing a precedence clause in the event of conflicting charter amendments ratified by the voters at the November, 2004 General Election.

(Introduced by Council Members Dean, Harrington, Peters, Exum and Knotts on 7/6/2004; C.O.W. held 7/13/2004)

*Public hearing
held; final action
deferred to
7/30/2004*

CB-56-2004 – AN ACT CONCERNING AMENDMENT OF SECTION 311, CHARTER OF PRINCE GEORGE'S COUNTY for the purpose of proposing an amendment to Section 311 of the Charter of Prince George's County concerning the selection of a Chairman and Vice Chairman of the County Council, and further providing that if there are conflicting Charter amendments adopted by the qualified voters of the County at the general election in November, 2004, the amendments proposed in Council Bill 55-2004, as ratified by the voters, shall prevail.

(Introduced by Council Members Exum, Knotts, Harrington, Shapiro, Peters and Dean on 7/6/2004; C.O.W. held 7/13/2004)

*Public hearing
held; final action
deferred to
7/30/2004*

CB-57-2004 – AN ACT CONCERNING AMENDMENT OF SECTION 507, CHARTER OF PRINCE GEORGE'S COUNTY for the purpose of proposing an amendment to Section 507 of the Charter of Prince George's County to provide notice and hearing requirements and County Council approval of any proposed removal of members from County boards and commissions.

(Introduced by Council Members Knotts, Dean and Peters on 7/6/2004; C.O.W. held 7/13/2004)

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

*Public hearing
held; final action
deferred to
7/30/2004*

CB 58-2004 – AN ACT CONCERNING AMENDMENT OF SECTIONS 902 AND 903; AND ADDITION OF NEW SECTION 910, CHARTER OF PRINCE GEORGE’S COUNTY for the purpose of proposing amendments to Sections 902 and 903 and adding a new Section 910 of the Charter of Prince George’s County to provide a limitation on the number of hours worked by persons assigned to temporary or seasonal positions and to amend the provisions for action on the County classification plan.

(Introduced by Council Members Knotts, Dean, Exum and Peters: on 7/6/2004; C.O.W. held 7/13/2004)

*Public hearing
held; final action
deferred to
7/30/2004*

CB-59-2004 - AN ACT CONCERNING AMENDMENT OF SECTION 301, CHARTER OF PRINCE GEORGE’S COUNTY for the purpose of proposing an amendment to Section 301 of the Charter of Prince George’s County establishing voting procedures for Council Members and providing a precedence clause in the event of conflicting Charter amendments ratified by the voters at the November, 2004 General Election.

(Introduced by Council Member Knotts on 7/6/2004; C.O.W. held 7/13/2004)

7. **INTRODUCTION AND ADOPTION OF RESOLUTIONS**

*Introduced; rules
suspended;
adopted*

CR-53-2004 – A RESOLUTION CONCERNING ACTING DIRECTOR OF THE OFFICE OF INFORMATION TECHNOLOGY AND COMMUNICATIONS for the purpose of extending the appointment of Mr. Charles W. Wilson as Acting Director of the Office of Information Technology and Communications.

The Chairman (by request – County Executive)

Introduced by Council Members Knotts, Hendershot and Harrington

COUNCIL SHOULD EITHER CONVENE AS THE COMMITTEE OF THE WHOLE OR SUSPEND THE RULES PRIOR TO ADOPTION

INTRODUCTION AND ADOPTION OF RESOLUTIONS – (CONTINUED)

*Introduced; rules
suspended;
adopted*

CR-54-2004 – A RESOLUTION CONCERNING ACTING EXECUTIVE DIRECTOR OF THE HUMAN RELATIONS COMMISSION for the purpose of extending the appointment of Ms. Tuwanda M. Smith as Acting Executive Director of the Human Relations Commission.

The Chairman (by request – County Executive)

Introduced by Council Members Knotts and Hendershot

COUNCIL SHOULD EITHER CONVENE AS THE COMMITTEE OF THE WHOLE OR SUSPEND THE RULES PRIOR TO ADOPTION

*Removed from
the agenda;
deferred to
7/30/2004*

CR-56-2004 – A RESOLUTION CONCERNING THE LISTING OF LOCAL QUESTIONS ON THE 2004 BALLOT for the purpose of designating the order and form in which local questions shall be placed on the 2004 ballot and matters related thereto.

Council Member Knotts

To be introduced by:

COUNCIL SHOULD EITHER CONVENE AS THE COMMITTEE OF THE WHOLE OR SUSPEND THE RULES PRIOR TO ADOPTION

ADDITIONS TO THE AGENDA

1. **CONSENT AGENDA – (see page 2)**

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

Presented

CB-76-2004 – AN ORDINANCE CONCERNING MASTER PLAN PROCEDURES IN THE RURAL TIER for the purpose of amending Master Plan preparation, adoption, and approval provisions as they apply in the Rural Tier, as defined and modified in the General Plan; further providing that during initial Rural Tier Master Plan preparation and approval, no permits may be issued within the Rural Tier; and making related amendments to the Zoning Ordinance.

Council Member Bland; referral to PZED

CONSENT AGENDA – (CONTINUED)*Presented*

CB-77-2004 – AN ORDINANCE CONCERNING EXCLUSIONS FROM PARKING AND LOADING REQUIREMENTS for the purpose of establishing special rules within the Town of Upper Marlboro and other areas to be designated by the District Council for excluding uses from conventional parking and loading requirements.

Council Member Bland; referral to PZED

Presented

CB-78-2004 – AN ORDINANCE CONCERNING RECYCLING PLANTS AND CONCRETE RECYCLING FACILITIES for the purpose of defining concrete recycling facility, amending the definition of recycling plant to exclude concrete recycling facilities, and to require a special exception for concrete recycling facilities under certain circumstances.

Council Member Dernoga; referral to PZED

5. **RESOLUTIONS ELIGIBLE FOR FINAL READING (ADOPTION) – (see page 4)**

Adopted

CR-35-2004 (DR-2) – A RESOLUTION CONCERNING LOANS TO FREEMAN DECORATING SERVICES, INC. (“FREEMAN”) FROM THE MARYLAND ECONOMIC DEVELOPMENT ASSISTANCE FUND (“MEDAF”) AND PRINCE GEORGE’S COUNTY, MARYLAND (THE “COUNTY”) for the purpose of endorsing a loan not to exceed \$100,000 to Freeman from MEDAF and authorizing a loan by the County to Freeman not to exceed \$10,000 to acquire land and construct a building in Lanham, Maryland.

(Introduced by Council Member Knotts on 5/27/2004; favorably reported out of PSFM on 6/9/2004 with amendments)

7 **INTRODUCTION AND ADOPTION OF RESOLUTIONS – (see page 7)**

*Introduced; rules
suspended;
adopted*

CR-57-2004 – A RESOLUTION CONCERNING MUNICIPAL ANNEXATION
for the purpose of petitioning the chief executive and administrative officer of the City of Hyattsville for referendum on a certain resolution of annexation.

Council Member Knotts

Introduced by Council Member Knotts, Hendershot and Dernoga

**COUNCIL SHOULD EITHER CONVENE AS THE COMMITTEE OF THE WHOLE OR
SUSPEND THE RULES PRIOR TO ADOPTION**

DISTRICT COUNCIL ITEMS

(SEE SEPARATE ACTION AGENDA)

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

1:25 P.M.

ADJOURN

REMINDER

AUGUST RECESS

Tues., Sept., 7, 2004

9:30 a.m.
10:00 a.m.

County Council Agenda Briefing (Room 2027)
Call to Order