

ACTION MINUTES

Tuesday, May 13, 2003

Business Meeting

(Legislative Day No. 15 to be declared)

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

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

CALL TO ORDER – *Chairman Peter A. Shapiro called to order at 10:15 a.m. with the following Council Members present:*

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

Absent: Marilyn M. Bland (out on County business)

Others Present:

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

INVOCATION – *The Invocation was provided by Reverend Dennis Smith of Holy House Community Church, Hyattsville, Maryland. Special intentions were requested for the families of Dr. Wiser and Mr. Ernest Robinson, in their passings.*

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

DESIGNATION OF MAY 13, 2003 AS LEGISLATIVE DAY NO. 15– *Chairman Shapiro designated Tuesday, May 13, 2003 as Legislative Day number fifteen.*

POINT OF PERSONAL PRIVILEGE – *Council Member Knotts recognized Miss Carla Garcia of Oxon Hill, Maryland for her accomplishments in the art of dance and announced her receipt of a full scholarship to a New York College for the Arts.*

PUBLIC HEARING:

Appointment of the following individual as Director of Personnel and Labor Relations for Prince George's County: - PUBLIC HEARING HELD; CONFIRMED

Mr. Donald E. Bridgeman

Pursuant to proper notice, the public hearing convened on the appointment of Mr. Donald Bridgeman as the Director of Personnel and Labor Relations for Prince George's County. County Executive Jack B. Johnson introduced Mr. Bridgeman to the Council. Mr. Bridgeman was present and spoke on his own behalf. Ms. Joaney Todd Gore and Dr. Dennis G. Antione, Ambassador to Grenada, spoke in support of the confirmation. All persons wishing to speak having done so, the public hearing was declared held. Council Member Dean moved confirmation; seconded by Council Member Exum. The motion carried 8-0 (Absent: Council Member Bland).

PUBLIC HEARING:

Appointment of the following individual as Director of the Department of Family Services for Prince George's County: - PUBLIC HEARING HELD; CONFIRMED

Ms. Adrienne L. Bennett

Pursuant to proper notice, the public hearing convened on the appointment of Ms. Adrienne L. Bennett as the Director of the Department of Family Services for Prince George's County. County Executive Jack B. Johnson introduced Ms. Bennett to the Council. Ms. Bennett was present and spoke on her own behalf. Ms. Barbara McNair and Ms. June Garrett spoke in support of the confirmation. All persons wishing to speak having done so, the public hearing was declared held. Council Member Exum moved confirmation; seconded by Council Member Hendershot. The motion carried 8-0 (Absent: Council Member Bland).

** *Council Member Hendershot moved to accept additional items to the agenda; seconded by Council Member Harrington. The motion carried by voice vote (Absent: Council Member Bland).*

1. **CONSENT AGENDA -- CB-34-2003 ADDED; 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.

(a) **Introduction of Resolutions**

CR-29-2003 – A RESOLUTION CONCERNING COUNTY INCOME TAX RATE for the purpose of increasing the income tax rate to 3.20% of the State taxable income. - **INTRODUCED**

Council Resolution 29 was proposed by the Chairman at the request of the County Executive and referred to the Committee of the Whole. Council Resolution 29 will increase the County income tax rate from 3.10% to 3.20% of State taxable income, effective January 1, 2004, and is projected to generate approximately \$4.3 million of revenue in FY2004 and \$10 million in FY2005. Council Resolution 29 was introduced by Council Members Shapiro and Hendershot.

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

CB-34-2003 – (EXECUTIVE ORDER NO. 20-2003) – REORGANIZATIONAL PROPOSAL relating to the transfer of community mediation, community forums and Leadership Prince George's functions from the Human Relations Commission to the Office of Community Relations. - **PRESENTED**

Council Bill 34, Executive Order number 20-2003, was received by the Council on May 9, 2003. Final action is required by July 8, 2003. Council Bill 34 was referred to the Public Safety and Fiscal Management Committee.

** *Council Member Dernoga moved adoption of the Consent Agenda; seconded by Council Member Knotts. The motion carried by voice vote (Absent: Council Member Bland).*

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

No items were considered.

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

- (a) Proposed letter to Elizabeth M. Hewlett, Chairman, Prince George's County Planning Board, concurring with the Planning Board's request for a one month extension for preparing the preliminary sector plan for Morgan Boulevard and Largo Town Center Metro Area. - **CHAIRMAN AUTHORIZED TO SIGN**

The Chairman, by request of the Planning Board, proposed that a letter be sent to Ms. Elizabeth Hewlett, concurring with the Planning Board's request for a one-month extension for preparation of the Preliminary Sector Plan for Morgan Boulevard and Largo Town Center Metro Area. Council Member Dean moved to authorize the Chairman's signature; seconded by Council Member Knotts. The motion carried 8-0 (Absent: Council Member Bland).

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

CB-15-2003 (DR-2) – AN ACT CONCERNING GENERAL AVIATION AIRPORT ENVIRONMENT DISCLOSURE NOTICE for the purpose of amending the Consumer Protection laws of the County to require disclosure in real estate contracts of proximity of certain airports and to provide certain remedies to purchasers for the failure to provide the required notice. - **INTRODUCED**

Council Bill 15, which requires disclosure to purchasers of residential property in proximity to general aviation airports at the time of contracting, was favorably reported out of THE on 5/5/2003 with amendments. Council Bill 15, Draft 2 was introduced by Council Members Dean, Knotts and Peters.

CB-20-2003 – AN ACT CONCERNING GRADING, DRAINAGE, AND POLLUTION CONTROL for the purpose of restricting the construction of certain structures in proximity of drinking water reservoir. - **INTRODUCED**

Council Bill 20, which limits the construction of buildings other than one- and two-family dwellings in a buffer area near drinking water reservoirs, was favorably reported out of THE on 5/5/2003. Council Bill 20 was introduced by Council Members Dernoga, Shapiro, Peters, Harrington, Knotts, Exum and Dean.

CB-26-2003 – AN ACT CONCERNING LANDLORD-TENANT CODE for the purpose of prohibiting the placement of tenant property removed under a warrant of restitution in the public right-of-way for single family rental facilities. - **AMENDED;**
DR-2 INTRODUCED

Council Bill 26 prohibits tenant property, which has been removed from single-family rental units during eviction, from being placed in the public right-of way. Council Bill 26 was favorably reported out of THE on 5/5/2003. Council Bill 26 was introduced by Council Members Shapiro, Peters, Exum, Knotts, Dernoga and Dean.

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

CB-27-2003 – 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 2002-2003 budget. - **INTRODUCED**

Council Bill 27, which appropriates revenue to the General Fund for costs that were not anticipated in the approved Fiscal Year 2002-2003 Budget to provide funding for the Special Education category for the Board of Education, was favorably reported out of HEHS on 5/7/2003. Council Bill 27 was introduced by Council Members Shapiro and Dean.

DISTRICT COUNCIL ITEM: - *Chairman Shapiro convened as the District Council at 11:45 a.m. for consideration of SE 4408-Ritchie Land Reclamation L.P. Council adopted Zoning Ordinance number five in accordance with the Zoning Hearing Examiner, with additional conditions. (See District Council Minutes dated May 13, 2003 for details.)*

REFERRED FOR DOCUMENT**SE 4408 Ritchie Land Reclamation L.P. (Remand)****06/30/03****Michele LaRocca, Attorney for the Applicant****CD: 6**

Located on the southwest side of Ritchie-Marlboro Road, +/- 3000 feet south of the White House Road/Ritchie-Marlboro Road intersection (258 + acres R-A Zone); (30 + acres O-S Zone)

Requesting a Special Exception for a Rubble Fill

Technical Staff: Approval, with conditions

Planning Board: Approval, with conditions

Zoning Hearing Examiner: Approval, with conditions

Opposition: Alexander Williams, Jr., Ellsworth Holley and Andrea Brown

On 2/24/03, Council elected to make final decision (Vote: 9-0). The Clerk's Office noted appeal and request for Oral Argument from Michele LaRocca, Attorney for the Applicant, Stephen C. Kensinger on behalf of Little Washington Civic Association and Alexander D. Williams, Jr., also on behalf of Little Washington Civic Association.

On 4/17/03, Michele LaRocca, Attorney for the Applicant, filed a withdrawal of exceptions to the decision of the Zoning Hearing Examiner. Also noted was withdrawal by Stephen C. Kensinger. On 5/5/03, the Oral Argument hearing was held; Council referred item to staff for preparation of an Approving Order with additional conditions.

Backup: Zoning Ordinance in accordance with the Zoning Hearing Examiner with additional conditions.

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

No persons wished to address the Council.

ADJOURN – *Chairman Shapiro adjourned the meeting at 11:47 a.m.*

PUBLIC SAFETY & FISCAL MANAGEMENT COMMITTEE MEETING – (ROOM 2027) -- COMMITTEE MEETING HELD

Prepared by:

Submitted by:

Donna J. Brown, Office Manager

Redis C. Floyd, Clerk of the Council