

ACTION MINUTES

Tuesday, September 30, 2003

Business Meeting

(Legislative Day No. 31 to be declared)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

AGENDA BRIEFING – (ROOM 2027) -- BRIEFING HELD

CALL TO ORDER – *Chairman Peter A. Shapiro called to order at 10:13 a.m. with the following Council Members present:*

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

Others Present:

*Barbara L. Holtz, Council Administrator
Craig S. Price, Deputy 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
Cheryl Ringer, Associate County Attorney
Jacqueline Brown, Committee Director, PZED*

INVOCATION – *The Invocation was provided by Reverend Nathaniel Thomas, New Redeemer Missionary Baptist Church, Forestville, Maryland. Special prayer was requested for the families of Ms. Mary McDonald, Natalie Thompson and Ms. Simmons in their passings and for the families of all who were involved in the tragic shooting that occurred in Palmer Park, Maryland. The Reverend was also asked to give thanks for the birth of baby Emmit Hughes Hendershot, Jr., the grandson of Council Member Hendershot.*

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

DESIGNATION OF SEPTEMBER 30, 2003 AS LEGISLATIVE DAY NO. 31 – *Chairman Shapiro designated Tuesday, September 30, 2003 as Legislative Day number thirty-one.*

** *Council Member Hendershot moved to accept additional items to the agenda; seconded by Council Member Exum. The motion carried by voice vote.*

1. **CONSENT AGENDA -- CB-77, 78, 79, 80, 81, 82, 83, 84-2003 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) Approval of County Council minutes - **APPROVED**

County Council Minutes were approved for Council Sessions held on July 8, 2003, July 15, 2003, July 22, 2003 and July 29, 2003.

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

CB-62-2003 – 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. - **PRESENTED**

Council Bill 62 was presented by Council Member Hendershot and referred to the Planning, Zoning and Economic Development Committee.

CB-66-2003 – AN ACT CONCERNING ELECTRICAL CODE for the purpose of amending the Electrical Code and adopting the 2002 National Electrical Code. - **PRESENTED**

Council Bill 66 was presented by the Chairman, by request of the County Executive, and referred to the Transportation, Housing and the Environment Committee.

CONSENT AGENDA - First Reading of Bills (Presentation) – (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. - **PRESENTED**

Council Bill 67 was presented by Council Member Peters and referred to the Planning, Zoning and Economic Development Committee.

CB-68-2003 – AN ACT CONCERNING THE CREATION OF A SCHOOL CAPITAL PROJECT for the purpose of adding a school capital project to the Approved Fiscal Year 2004 Capital Budget by transferring appropriations in the amount of \$5,000,000 from the Contingency Fund and amending the Approved Fiscal Year 2004-2009 Capital Improvement Program with regard to expenditures and financing beyond the budget year. - **PRESENTED**

Council Bill 68 was presented by the Chairman, by request of the County Executive, and referred to the Public Safety and Fiscal Management Committee.

CB-69-2003 – AN ACT CONCERNING AN INTERPROJECT TRANSFER OF APPROPRIATIONS IN THE APPROVED FISCAL YEAR 2004 CAPITAL BUDGET for the purpose of transferring appropriations between capital projects in the amount of \$1,050,000 from the Contingency Fund to the Samuel P. Massie Elementary School capital project. - **PRESENTED**

Council Bill 69 was presented by the Chairman, by request of the County Executive, and referred to the Public Safety and Fiscal Management Committee.

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

Council Bill 70 was presented by Council Member Harrington and referred to the Planning, Zoning and Economic Development Committee.

CB-71-2003 (SUBDIVISION BILL) – AN ACT CONCERNING SUBDIVISIONS – CLUSTER SUBDIVISIONS for the purpose of deleting the provisions of the Subdivision Ordinance pertaining to cluster subdivisions. - **PRESENTED**

Council Bill 71 was presented by Council Member Dernoga and referred to the Planning, Zoning and Economic Development Committee.

CONSENT AGENDA - First Reading of Bills (Presentation) – (CONTINUED)

CB-72-2003 (SUBDIVISION BILL) – AN ACT CONCERNING SUBDIVISIONS – ADEQUATE PUBLIC ROAD FACILITIES for the purpose of deleting certain provisions of the Subdivision Ordinance that allow the development of certain property notwithstanding the inadequacy of public road facilities. - **PRESENTED**

Council Bill 72 was presented by Council Member Dernoga and referred to the Planning, Zoning and Economic Development Committee.

CB-73-2003 (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. - **PRESENTED**

Council bill 73 was presented by Council Member Dernoga and referred to the Planning, Zoning and Economic Development Committee.

CB-74-2003 – AN ACT CONCERNING BOARD OF APPEALS for the purpose of amending the schedule of filing fees to be paid to the Board of Appeals when submitting appeals or variance applications. - **PRESENTED**

Council Bill 74 was presented by the Chairman, by request of the Board of Appeals, and referred to the Public Safety and Fiscal Management Committee.

CB-75-2003 AN ORDINANCE CONCERNING C-O ZONE for the purpose of permitting multifamily dwellings in the C-O Zone under certain circumstances. - **PRESENTED**

Council Bill 75 was presented by Council Member Hendershot and referred to the Planning, Zoning and Economic Development Committee.

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. - **PRESENTED**

Council Bill 76 was presented by Council Member Hendershot and referred to the Planning, Zoning and Economic Development Committee.

CB-77-2003 – AN ACT CONCERNING BENEFIT PERFORMANCES – LIMITATION ON PRIZES for the purpose of clarifying the limitation on certain prizes. - **PRESENTED**

Council Bill 77 was presented by Council Member Dernoga and referred to the Public Safety and Fiscal Management Committee.

CONSENT AGENDA - First Reading of Bills (Presentation) – (CONTINUED)

CB-78-2003 – 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. - **PRESENTED**

Council Bill 78 was presented by Council Member Dernoga and referred to the Planning, Zoning and Economic Development Committee.

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. - **PRESENTED**

Council Bill 79 was presented by the Chairman, by request of the County Executive, and referred to the Public Safety and Fiscal Management Committee.

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. - **PRESENTED**

Council Bill 80 was presented by the Chairman, by request of the County Executive, and referred to the Public Safety and Fiscal Management Committee.

CB-81-2003 - AN ACT CONCERNING RESIDENTIAL PARKING ON UNPAVED AREAS for the purpose of prohibiting the standing or parking of vehicles on unpaved areas of residential lots. - **PRESENTED**

Council Bill 81 was presented by Council Member Dernoga and referred to the Transportation, Housing and the Environment Committee.

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. - **PRESENTED**

Council Bill 82 was presented by Council Member Dernoga and referred to the Planning, Zoning and Economic Development Committee.

CONSENT AGENDA - First Reading of Bills (Presentation) – (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. - **PRESENTED**

Council Bill 83 was presented by Council Member Dernoga and referred to the Planning, Zoning and Economic Development Committee.

CB-84-2003 – AN ORDINANCE CONCERNING C-S-C ZONE for the purpose of permitting multifamily dwellings in the C-S-C Zone under certain circumstances. - **PRESENTED**

Council Bill 84 was presented by Council Member Hendershot and referred to the Planning, Zoning and Economic Development Committee.

(c) **Introduction of Resolutions**

CR-58-2003 – A RESOLUTION CONCERNING EXEMPT EMPLOYEES IN THE POLICE DEPARTMENT for the purpose of establishing certain exempt positions in the Police Department. - **INTRODUCED**

Council Resolution 58, as proposed by the Chairman by request of the County Executive, establishes certain Exempt positions in the Police Department, pursuant to Section 902 of the Charter of Prince George's County, Maryland. Council Resolution 58 was introduced by Council Members Shapiro and Dernoga and referred to the Public Safety and Fiscal Management Committee.

** *Council Member Harrington moved adoption of the Consent Agenda; seconded by Council Member Knotts. The motion carried by voice vote.*

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

No items were removed.

PUBLIC HEARINGS - Appointment of the following individuals to the Art in Public Places Panel for Prince George's County – (CONTINUED)

Ms. Grace K. Simmons Appointment/Citizen Representative
 Replacing: Sydney Moore
 Term Expiring: 12/1/2004

Pursuant to proper notice, the public hearing convened on the appointment of Ms. Grace K. Simmons to the Art in Public Places Panel for Prince George's County. Ms. Simmons was present and spoke on her own behalf. All persons wishing to speak having done so, the public hearing was declared held.

** *Council Member Hendershot moved confirmation of the above appointees, terms as listed with the amendment to Mr. Odebe's term as stated by the Chairman; seconded by Council Member Knotts. The motion carried 9-0.*

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

Appointment of the following individuals to the Animal Control Commission for Prince George's County: - ALL APPOINTEES CONFIRMED

Dr. Jacqueline Brown, Chief Administrative Officer, introduced the nominees to the Council and spoke regarding the credentials of each.

Mr. Frank E. Enty Appointment/Citizen Representative
 Replacing: Clarence Foreman
 Term Expiring: 3/30/2005

Pursuant to proper notice, the public hearing convened on the appointment of Mr. Frank E. Enty to the Animal Control Commission. Mr. Enty was present and spoke on his own behalf. All persons wishing to speak having done so, the public hearing was declared held.

Mr. Douglas E. Wych, Sr. Reappointment/Kennel Owner Representative
 Term Expiring: 3/30/2005

Pursuant to proper notice, the public hearing convened on the appointment of Mr. Douglas E. Wych, Sr. to the Animal Control Commission for Prince George's County. Mr. Wych was present and spoke on his own behalf. All persons wishing to speak having done so, the public hearing was declared held.

** *Council Member Peters moved confirmation of all appointees, terms as listed; seconded by Council Member Hendershot. The motion carried 9-0.*

6. **BILLS ELIGIBLE FOR FINAL READING (ENACTMENT)**

CB-8-2003 (DR-2) – AN ORDINANCE CONCERNING CLASS 3 FILLS for the purpose of defining class 3 fills, requiring a special exception for class 3 fills in all zones where they are permitted and providing a limitation on grading permit renewals for Class 3 fills. - **AMENDED; RULES SUSPENDED; DR-3 ENACTED**

(Introduced by Council Members Dean, Shapiro, Exum and Harrington on 4/8/2003; favorably reported out of PZED on 3/26/2003 with amendments (DR-2); public hearing held and recommitted to PZED on 5/20/2003; (DR-2) reported out of PZED, without further action, on 9/24/2003)

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 Member Harrington moved enactment of Council Bill 8, Draft 2; seconded by Council Member Dernoga. Council Member Dean proffered a substitute motion to amend Council Bill 8, Draft 2 to add a sunset clause; seconded by Council Member Harrington. Under discussion, Mr. Dean explained that the purpose of the clause was to allow for additional review and reconsideration. The motion carried 8-1 (Opposed: Council Member Hendershot). Council Member Exum proffered an additional substitute motion to suspend the Council Rules of Procedure to allow Council Bill 8, Draft 3 to become effective on the date of enactment; seconded by Council Member Harrington. The motion carried 8-1 (Opposed: Council Member Hendershot). The main motion, now amended to enact Council Bill 8, Draft 3, carried 8-1 (Opposed: Council Member Hendershot).

- ** *Council Member Dean moved to convene in Executive Session for discussion of personnel issues in accordance with Maryland Annotated Code, State Government, Section 10-508 (a)(1)(i)(ii); seconded by Council Member Hendershot. The motion carried 9-0.*

ADJOURN – *Chairman Shapiro adjourned the meeting at 10:50 a.m.*

EXECUTIVE SESSION – (ROOM 2027) -- EXECUTIVE SESSION HELD

- (a) Discussion of personnel issues in accordance with Maryland Annotated Code, State Government, Section 10-508 (a)(1)(i)(ii).

Prepared by:

Submitted by:

Donna J. Brown, Office Manager

Redis C. Floyd, Clerk of the Council

