

AGENDA MINUTES

Tuesday, October 10, 2006

Business Meeting

(Legislative Day No. 28 to be declared)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

AGENDA BRIEFING – (ROOM 2027) – BRIEFING HELD

CALL TO ORDER – *Chairman Dernoga called to order at 10:39 a.m. with the following Council Members present:*

*Marilynn M. Bland
Will Campos
Thomas E. Dernoga
Camille A. Exum
David C. Harrington (absent)
Thomas R. Hendershot
Douglas J. J. Peters
Samuel H. Dean
Tony Knotts*

Others Present:

*Craig Price, Council Administrator
Robert Williams, Jr., Deputy Council Administrator
Jackie Brown, PZED Committee Director
Sandra Eubanks, HEHS Committee Director
Colette Gresham, Legislative Officer
Ralph Grutzmacher, Legislative Officer
Karen Zavakos, Legislative Officer
Margaret Addis, Associate County Attorney
Reggie King, Associate County Attorney
Adrion J. Howell, County Council Liaison, Office of the County Executive*

INVOCATION: - *The Invocation was led by Iman Ahmed Lamptey, Islamic Research and Humanitarian Services of America, Inc., Capitol Heights, Maryland. Council Member Bland requested special prayers for the family of Ms. Jackie Lewis, a victim of domestic violence. Council Member Dean for the family of Emmitt Roberts in the passing of his mother. Council Member Exum for Terrance Dandridge, county employee, undergoing surgery today. And Council Member Knotts for the family of Nichole Anthony whose father is struggling with cancer.*

PLEDGE OF ALLEGIANCE – *The pledge of allegiance was led by Council Member Hendershot.*

DESIGNATION OF OCTOBER 10, 2006 AS LEGISLATIVE DAY NO. 28 – *Chairman Dernoga designated October 10, 2006 as Legislative Day number 28.*

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.

- (a) Approval of County Council Minutes dated January 13, 20, 27, 2004; February 3, 10, 17, 24, 2004 and March 2, 3, 4, 2004. - **APPROVED**

(b) **Presentation of Bills**

CB-82-2006 – AN ACT CONCERNING CABLE TELEVISION for the purpose of granting a cable television franchise for the operation of a cable television system in Prince George's County, Maryland by prescribing certain terms and conditions to be included in a franchise agreement. - **PRESENTED**

Council Bill 82 was presented by the Chairman at the request of the County Executive and referred to Committee of the Whole (COW).

(c) **Introduction of Resolutions**

CR-79-2006 – A RESOLUTION CONCERNING COMMUNITY LEGACY PROGRAM for the purpose of approving the application of Housing Initiative Partnership, Inc., through the Maryland Department of Housing and Community Development for funding through the Community Legacy Financial Assistance Fund. - **INTRODUCED**

Council Resolution 79 was introduced at the request of the County Executive and referred to the Transportation, Housing and the Environment (THE) Committee. Council Resolution 79 approves the application of Housing Initiative Partnership, Inc. for financing through the Maryland Department of Housing and Community Development Community Legacy Financial Assistance Fund. Council Resolution 79 was introduced by Council Members Exum, Peters, Bland and Campos.

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

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

No items were considered.

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

No items were considered.

4. **COMMITTEE OF THE WHOLE – (COUNCIL HEARING ROOM) -- CB-83-2006
ADDED; - C.O.W. HELD**

**CB-76-2006 – AN ORDINANCE CONCERNING CONCURRENT MASTER PLAN OR
SECTOR PLAN AND SECTIONAL MAP AMENDMENTS** for the purpose of revising
the Sectional Map Amendment process to allow rezoning to a Comprehensive Design Zone
without filing a formal rezoning application. – **FAVORABLE WITH AMENDMENTS**

*Council Member Dean moved favorable with recommended amendments; seconded by
Council Member Campos. The motion carried 8-0. (Absent: Council Member Harrington).*

CB-77-2006 – AN ORDINANCE CONCERNING COMPREHENSIVE DESIGN ZONES
for the purpose of defining public facilities financing and implementation program and
amending development regulations. – **FAVORABLE WITH AMENDMENTS**

*Council Member Dean moved favorable with recommended amendments; seconded by
Council Member Knotts. The motion carried 8-0. (Absent: Council Member Harrington).*

**CB-78-2006 – AN ORDINANCE CONCERNING MIXED USE TRANSPORTATION
ORIENTED (M-X-T) ZONE** for the purpose of amending the M-X-T Zone, defining public
facilities financing and implementation program, and amending development regulations.
– **FAVORABLE WITH AMENDMENTS**

*Council Member Dean moved favorable with recommended amendments; seconded by
Council Member Exum. The motion carried 8-0. (Absent: Council Member Harrington).*

CB-83-2006 – AN ORDINANCE CONCERNING M-X-T ZONE for the purpose of
permitting bulk retailing in the M-X-T Zone under certain circumstances. – **FAVORABLE
WITH AMENDMENTS**

*Council Member Dernoga moved amendment number 1; seconded by Council Member Exum.
Council Member Dernoga moved favorable with recommended amendments; seconded by
Council Member Exum. The motion carried 8-0. (Absent: Council Member Harrington).*

5. **SECOND READING OF BILLS – (INTRODUCTION) -- (CB-83 & 84-2006 ADDED;
SEE PAGE 5)**

CB-68-2006 (DR-2) – AN ORDINANCE CONCERNING INDUSTRIAL ZONES for the
purpose of defining a Commercial Fuel Depot and permitting this use in the I-1 Zone under
certain circumstances. – **INTRODUCED; EXPEDITED**

Council Member Dean, Chair, of the Planning, Zoning and Economic Development (PZED) Committee, provided a verbal report of the actions and recommendations of the Committee to the Council. Council Bill 68 is an Ordinance concerning Industrial Zones for the purpose of defining a Commercial Fuel Depot and permitting this use in the I-1 Zone under certain circumstances. Council Bill 68(DR-2) was introduced by Council Member Exum. The Clerk was directed to expedite the scheduling of Council Bill 68 (DR-2).

CB-76-2006 (DR-2) – AN ORDINANCE CONCERNING CONCURRENT MASTER PLAN OR SECTOR PLAN AND SECTIONAL MAP AMENDMENTS for the purpose of revising the Sectional Map Amendment process to allow rezoning to a Comprehensive Design Zone without filing a formal rezoning application. – **INTRODUCED; EXPEDITED**

Jackie Brown, Committee Director, of Planning, Zoning and Economic Development (PZED) Committee provided a verbal report of the actions and recommendations of the Committee to the Council. Council Bill 76(DR-2) is an Ordinance revising the Sectional Map Amendment process to allow rezoning to a Comprehensive Design Zone without filing a formal rezoning application. Council Bill 76(DR-2) was introduced by Council Member Dean. The Clerk was directed to expedite the scheduling of Council Bill 76 DR-2).

CB-77-2006 (DR-2) – AN ORDINANCE CONCERNING COMPREHENSIVE DESIGN ZONES for the purpose of defining public facilities financing and implementation program and amending development regulations. – **INTRODUCED; EXPEDITED**

Jackie Brown, Committee Director, of Planning, Zoning and Economic Development (PZED) Committee provided a verbal report of the actions and recommendations of the Committee to the Council. Council Bill 77(DR-2) is An Ordinance concerning comprehensive design zones for the purpose of defining public facilities financing and implementation program and amending development regulations. Council Bill 77(DR-2) was introduced by Council Member Dean. The Clerk was directed to expedite the scheduling of Council Bill 77DR-2).

CB-78-2006 (DR-2) – AN ORDINANCE CONCERNING MIXED USE TRANSPORTATION ORIENTED (M-X-T) ZONE for the purpose of amending the M-X-T Zone, defining public facilities financing and implementation program, and amending development regulations. – **INTRODUCED; EXPEDITED**

Jackie Brown, Committee Director, of Planning, Zoning and Economic Development (PZED) Committee provided a verbal report of the actions and recommendations of the Committee to the Council. Council Bill 78(DR-2) is an Ordinance concerning mixed use transportation oriented (M-X-T) Zone for the purpose of defining public facilities financing and implementation program and amending development regulations. Council Bill 78(DR-2) was introduced by Council Member Dean. The Clerk was directed to expedite the scheduling of Council Bill 78 (DR-2).

6. **PUBLIC HEARINGS:** - **PUBLIC HEARING HELD – CONFIRMED**

Council Member Knotts, Chair, of the Health, Education and Human Services Committee, provided a verbal report of the action and recommendations of the Committee to the Council. Pursuant to public notice, the public hearing convened on the appointment of the below listed individuals to the Prince George's County Historical and Cultural Trust. Mr. Michael Herman, Chief of Staff, the County Executive Representative, introduced the nominees to the Council. Ms. Lynn A. Anderson; Mr. Dale E. Manty; Ms. Nancy Dixon-Saxon and Ms. Susan H. Pruden were present and spoke on their on behalf. Mayor George D. Denny, Jr. was unable to attend. All persons wishing to speak having done so, the public hearing was declared held. Council Member Knotts moved confirmation; seconded by Council Member Campos. The motion carried 8-0. (Absent: Council Member Harrington).

Appointment of the following individuals to the Prince George's County Historical and Cultural Trust:

Ms. Lynne A. Anderson	Appointment Replacing: Yvonne Seon Term Expiring: 6/30/2008
Mr. Dale E. Manty	Appointment Replacing: Donna Schneider Term Expiring: 6/30/2010
Ms. Nancy Dixon-Saxon	Appointment Replacing: Mary Lehman Term Expiring: 6/30/2009
Ms. Susan H. Pruden	Appointment Replacing: Udomah Ohiri Term Expiring: 6/30/2009
Mayor George D. Denny, Jr. (unable to attend)	Appointment Replacing: Katherine D. Bryant Term Expiring: 6/30/2008

POINT OF PERSONAL PRIVILEGE:

Chairman Dernoga acknowledged the presence of the State's Attorney Mr. Glenn Ivy and his wife.

7. **RESOLUTIONS ELIGIBLE FOR FINAL READING – (ADOPTION)**

CR-64-2006 (DR-2) – A RESOLUTION CONCERNING THE 2001 WATER AND SEWER PLAN (APRIL 2006 CYCLE OF AMENDMENTS) for the purpose of changing the water and sewer category designations of properties within the 2001 Water and Sewer Plan. – **DR-2 SUBSTITUTED; AMENDED; DR-3 ADOPTED**

Council Resolution 64(DR-2) concerns the 2001 Water and Sewer Plan (April 2006 Amendment Cycle) to change the water and sewer category designations within the 2001 Water and Sewer Plan. Council Member Exum moved to substitute Draft 2 in lieu of Draft 1; seconded by Council Member Peters. The motion carried by voice vote. (Absent: Council Members Knotts and Harrington). Council Member Peters moved adoption of Council Resolution 64(DR-2) as amended; seconded by Council Member Exum. The motion carried 7-0. (Absent: Council Members Harrington and Knotts). Council Member Dean moved to defer Locust Hill property; seconded by Council Members Peters. The motion carried 7-0. (Absent: Council Members Harrington and Knotts). Council Member Bland moved to defer 3 applications; seconded by Council Member Exum. The motion carried 7-0. (Absent: Council Members Harrington and Knotts). Council Member Dernoga moved to change the Cherry Hill project to Category 4; seconded by Council Member Hendershot. The motion carried 7-0. (Absent: Council Members Harrington and Knotts).

ADDITIONS TO THE AGENDA

Council Member Dean moved to accept additional items to the Agenda; seconded by Council Member Exum. The motion carried by voice vote.

5. **SECOND READING OF BILLS – (INTRODUCTION) – (page 3)**

CB-83-2006 (DR-2) – AN ORDINANCE CONCERNING M-X-T ZONE for the purpose of permitting bulk retailing in the M-X-T Zone under certain circumstances.
- **INTRODUCED; EXPEDITED**

Council Bill 83 was introduced by Council Member Exum and favorably reported out of Committee of the Whole (C.O.W.) on this date with amendments. The clerk was directed to expedite scheduling of Council Bill 83 (DR-2).

CB-64-2006 – AN ORDINANCE CONCERNING CHESAPEAKE BAY CRITICAL AREA for the purpose of amending the restriction on growth allocation approved in the Resource Conservation Overlay Zone, to conform the County Chesapeake Bay Critical Area Program to requirements of the Chesapeake Bay Critical Area Commission. – **AMENDED ON THE FLOOR AND INTRODUCED AS CB-84-2006**
(see item below)

CB-84-2006 – AN ORDINANCE CONCERNING CHESAPEAKE BAY CRITICAL AREA for the purpose of amending the restriction on growth allocation approved in the Resource Conservation Overlay Zone, to conform the County Chesapeake Bay Critical Area Program to requirements of the Chesapeake Bay Critical Area Commission.

– **INTRODUCED; EXPEDITED**

Council Bill 84 is an Ordinance to amend the restriction on growth allocation approval in the Resource Conservation Overlay Zone, to conform the County Chesapeake Bay Critical Area Program to requirements of the Chesapeake Bay Critical Area Commission. Council Bill 84 was introduced by Council Member Knotts. The Clerk was directed to expedite scheduling of Council Bill 84.

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

No person wished to address the Council.

ADJOURNED: - *Chairman Dernoga adjourned the meeting at 11:47 a.m.*

BRIEFING – (ROOM 2027) -- CANCELLED

INFORMATION AND DISCUSSION OF DISTRICT COUNCIL ITEMS SCHEDULED FOR MONDAY, OCTOBER 16, 2006

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE – (ROOM 2027)
- **CANCELLED**

Prepared By:

Submitted By:

Shirley T. Blake, Administrative Aide

Redis C. Floyd, Clerk of the Council