

AGENDA MINUTES

Tuesday, June 6, 2006

Legislative Day No. 17

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

AGENDA BRIEFING – (ROOM 2027) - AGENDA BRIEFING HELD

CALL TO ORDER – *Chairman Thomas E. Dernoga called to order at 10:17 a.m. with the following Council Members present:*

*Marilynn M. Bland (arrived at 11:25 a.m.)
Will Campos
Samuel H. Dean
Thomas E. Dernoga
Camille A. Exum
Tony Knotts
David C. Harrington
Thomas R. Hendershot
Douglas J. J. Peters*

Others Present:

*Craig S. Price, Council Administrator
Robert Williams, Jr., Deputy Council Administrator
Ralph Grutzmacher, Legislative Officer
Adrion J. Howell, County Council Liaison, Office of the County Executive
Jacqueline Brown, Committee Director, PZED
Margaret Addis, Associate County Attorney
Frank Porter, Committee Director; PSFM
Kathy Canning, Associate County attorney
Karen Z avakos, Associate County Attorney*

INVOCATION: - - *The Innovation was provided by Ms. Sherrell Myers, a County Employee. Council Member Campos requested special prayers for his Legislative Aide, Mr. Bradley Frome, who was recently hospitalized.*

PLEDGE OF ALLEGIANCE : - - *The pledge was led by Council member Tony Knotts.*

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.

First Reading of Bills (Presentation)

CB-41-2006 – AN ORDINANCE CONCERNING O-S ZONE for the purpose of developing new development standards and procedures, including the establishment and imposition of temporary zoning regulations restricting development on properties classified in the O-S Zone and located within the Rural Tier for a period of time to expire on December 31, 2006. This Ordinance provides for a limited validity period for building permits, creates additional requirements for granting extensions to the validity periods of expired building permits, and establishes interim guidelines for residential development. - **PRESENTED**

Council Bill 41 was presented by Council Member Dernoga and referred to the Committee of the Whole.

CB-42-2006 – AN ACT CONCERNING SUBDIVISIONS – O-S ZONE for the purpose of temporarily precluding the filing of new applications for Preliminary Plans of Subdivision for properties in the O-S Zone in the Rural Tier until new development standards can be established to implement growth management and preservation policies within the O-S Zone. - **PRESENTED**

Council Bill 42 was presented by Council Member Dernoga and referred to the Committee of the Whole.

Introduction of Resolutions

CR-47-2006 – A RESOLUTION CONCERNING PREPARATION OF A SECTIONAL MAP AMENDMENT FOR THE RURAL TIER for the purpose of initiating zoning map revisions, by Sectional Map Amendment pursuant to the 2002 Prince George's County Approved General Plan, for the area known for planning purposes as the Rural Tier. – **INTRODUCED**

Council Resolution 47 was introduced at the request of the Planning Board and referred to the Committee of the Whole. Council Resolution 47 initiates a Sectional Map Amendment process for the Rural Tier as delineated in the 2002 Prince Georges County Approved General Plan. Council Resolution 47 was introduced by Council Members Peters, Knotts, Dean, Dernoga and Exum.

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

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

No items were considered

PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT

No items were considered

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

CB-17-2006 - AN ACT CONCERNING COMMISSION FOR VETERANS for the purpose of establishing a Commission for Veterans and setting forth its duties and responsibilities.

- **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 17. No person wishing to speak, the public hearing was declared held. Council Member Knotts moved enactment of Council Bill 17; seconded by Council Member Hendershot. The motion carried 8-0. (Absent: Council Member Bland.)

PUBLIC HEARINGS/RESOLUTIONS ELIGIBLE FOR FINAL READING

CR-29-2006 (DR-2) – A RESOLUTION CONCERNING THE CITY OF MOUNT RAINIER AND CITY OF HYATTSVILLE for the purpose of approving Mount Rainier's request to be excluded from the Gateway Arts District's development district standards, in part, as the standards affect properties within the Traditional Residential Neighborhood (TRN) Character Area; and also approving Hyattsville's request to be excluded from the development district standards within Hyattsville's TRN Character Area. - **PUBLIC HEARING HELD; ADOPTED; RECONSIDERED; RECOMMITTED TO PZED**

Pursuant to proper notice, the public hearing convened on Council Resolution 29. No person wishing to speak, the public hearing was declared held. Council Member Campos moved adoption of Council Resolution 29; seconded by Council Member Hendershot. The motion carried 8-0. (Absent: Council Member Bland.) Council Member moved reconsideration of Council Resolution 29; seconded by Council Member Hendershot. The motion carried 8-0. (Absent: Council Member Exum. Council Member Campos moved to recommit Council Resolution 29 back to Planning, Zoning and Economic Development (PZED) Committee; seconded by Council Member Harrington. The motion carried 8-0. (Absent: Council Member Exum.)

RECESS: - - Chairman Dernoga recessed the meeting at 10:27 a.m.

COMMITTEE OF THE WHOLE – (ROOM 2027) - HELD

CB-4-2006 (SUBDIVISION BILL) – AN ACT CONCERNING SUBDIVISIONS for the purpose of establishing requirements, procedures and standards for Conservation Subdivisions and deleting the provisions for Cluster Subdivisions. - **FAVORABLE WITH AMENDMENTS**

Council Member Dean moved favorable with amendments of Council Bill 4; seconded by Council Member Peters. The motion carried 9-0.

CB-6-2006 – AN ORDINANCE CONCERNING RESIDENTIAL ZONES for the purpose of permitting conservation subdivisions and flag lot development under certain circumstances; and establishing bulk regulations for Conservation subdivisions. - **FAVORABLE WITH AMENDMENTS**

Council Member Dean moved favorable with amendments of Council Bill 6; seconded by Council Member Peters. The motion carried 9-0.

CB-41-2006 – AN ORDINANCE CONCERNING O-S ZONE for the purpose of developing new development standards and procedures, including the establishment and imposition of temporary zoning regulations restricting development on properties classified in the O-S Zone and located within the Rural Tier for a period of time to expire on December 31, 2006. This Ordinance provides for a limited validity period for building permits, creates additional requirements for granting extensions to the validity periods of expired building permits, and establishes interim guidelines for residential development. - **FAVORABLE**

Council Member Dean moved favorable of Council Bill 41; seconded by Council Member Peters. The motion carried 8-1. (Opposed: Council Member Hendershot).

CB-42-2006 – AN ACT CONCERNING SUBDIVISIONS – O-S ZONE for the purpose of temporarily precluding the filing of new applications for Preliminary Plans of Subdivision for properties in the O-S Zone in the Rural Tier until new development standards can be established to implement growth management and preservation policies within the O-S Zone. - **FAVORABLE**

Council Member Dean moved favorable of Council Bill 42; seconded by Council Member Peters. The motion carried 8-1. (Opposed: Council Member Hendershot.)

CR-47-2006 – A RESOLUTION CONCERNING PREPARATION OF A SECTIONAL MAP AMENDMENT FOR THE RURAL TIER for the purpose of initiating zoning map revisions, by Sectional Map Amendment pursuant to the 2002 Prince George's County Approved General Plan, for the area known for planning purposes as the Rural Tier. - **FAVORABLE**

Council Member Dean moved favorable of Council Bill 47; seconded by Council Member Peters. The motion carried 9-0.

POINT OF PERSONAL PRIVILEGE: - *Council Member Knotts introduced Mr. Wilbur Forbes who missed his opportunity to speak at the Public Hearing earlier this morning on Council Bill 17-2006. Mr. Forbes spoke on behalf of veterans and initiatives and support for Council Bill 17-2006.*

RECONVENE: - *Chairman Dernoga reconvened the meeting at 11:54 a.m.*

SECOND READING OF BILLS – (INTRODUCTION)

CB-4-2006 (DR-2) (SUBDIVISION BILL) – AN ACT CONCERNING SUBDIVISIONS for the purpose of establishing requirements, procedures and standards for conservation subdivisions, deleting the subdivision options of the use of clusters, lot size averaging and flag lots, and grandfathering those approved as of a certain date. - **DR-2 SUBSTITUTED; INTRODUCED**

Jackie Brown, Committee Director, of Planning, Zoning and Economic Development Committee, provided a verbal report of the actions and recommendations of the Committee to the Council. Council Bill 4 was favorably reported out of C.O.W. on 6/6/2006 with amendments. Council Member Dean moved to substitute Draft 2 in lieu of Draft 1 of Council Bill 4; seconded by Council Member Harrington. The motion carried by voice vote. Council Bill 4(DR-2) was introduced by Council Members Dernoga, Bland, Dean, Harrington and Peters.

CB-6-2006 (DR-2) – AN ORDINANCE CONCERNING RESIDENTIAL ZONES for the purpose of permitting conservation subdivisions, establishing bulk regulations for conservation subdivisions, deleting the Subdivision option of the use of lot size averaging and varying lot sizes, grandfathering those approved as of a certain date, and deleting the provisions for agricultural preservation development. - **DR-2 SUBSTITUTED; INTRODUCED**

Jackie Brown, Committee Director, of Planning, Zoning and Economic Development Committee, provided a verbal report of the actions and recommendations of the Committee to the Council. Council Bill 6 was favorably reported out of C.O.W. on 6/6/2006 with amendments. Council Member Dean moved to substitute Draft 2 in lieu of Draft 1 of Council Bill 6; seconded by Council Member Peters. The motion carried by voice vote. Council Bill 6(DR-2) was introduced by Council Members Dernoga, Bland, Dean, Harrington and Peters.

CB-41-2006 – AN ORDINANCE CONCERNING O-S ZONE for the purpose of developing new development standards and procedures, including the establishment and imposition of temporary zoning regulations restricting development on properties classified in the O-S Zone and located within the Rural Tier for a period of time to expire on December 31, 2006. This Ordinance provides for a limited validity period for building permits, creates additional requirements for granting extensions to the validity periods of expired building permits, and establishes interim guidelines for residential development. - **INTRODUCED**

Ralph Grutzmacher, Legislative Officer, provided a verbal report of the actions and recommendations from the Committee of the Whole to the Council. Council Bill 41 was favorably reported out of C.O.W on 06/06/06. Council Bill 41 was introduced by Council Members Dernoga, Peters and Harrington.

CB-42-2006 (SUBDIVISION BILL) – AN ACT CONCERNING SUBDIVISIONS – O-S ZONE for the purpose of temporarily precluding the filing of new applications for Preliminary Plans of Subdivision for properties in the O-S Zone in the Rural Tier until new development standards can be established to implement growth management and preservation policies within the O-S Zone. - **INTRODUCED**

Ralph Grutzmacher, Legislative Officer, provided a verbal report of the actions and recommendations from the Committee of the Whole to the Council. Council Bill 42 was favorably reported out of C.O.W on 06/06/06. Council Bill 42 was introduced by Council Members Dernoga and Peters.

CB-18-2006 – AN ACT CONCERNING THE CLASSIFICATION PLAN FOR PRINCE GEORGE’S COUNTY for the purpose of assigning certain existing classes of work to the bargaining unit represented by Prince George’s Correctional Officers’ Association, Inc. (PGCOA) (Civilian Unit). - **INTRODUCED**

Council Member Peters, Chair, of Public Safety and Fiscal Management Committee, provided a verbal report of the actions and recommendations of the Committee to the Council. Council Bill 18 was introduced by Council Members Dernoga, Peters, Dean and Harrington.

CB-20-2006 – AN ACT CONCERNING LENGTH OF SERVICE AWARD PROGRAM for the purpose of increasing certain benefits under the Length of Service Award Program for volunteers and surviving spouses and providing that the Office of Human Resources Management shall administer the Length of Service Award Program. - **INTRODUCED**

Council Member Peters, Chair, of Public Safety and Fiscal Management Committee, provided a verbal report of the actions and recommendations of the Committee to the Council. Council Bill 20 was introduced by Council Members Dernoga, Peters, Knotts, Dean, Harrington, Campos and Bland.

CB-25-2006 – AN ACT CONCERNING SUPPLEMENTARY APPROPRIATIONS for the purpose of appropriating additional revenue from available and uncommitted fund balance to the Fleet Management Internal Service Fund, and to provide funds for costs that were not anticipated in the Approved Fiscal Year 2005-2006 Budget for the Fleet Management Internal Service Fund. - **INTRODUCED**

Council Member Peters, Chair, of Public Safety and Fiscal Management Committee, provided a verbal report of the actions and recommendations of the Committee to the Council. Council Bill 25 was introduced by Council Members Dernoga, Dean, Knotts, Bland and Peters.

RESOLUTIONS ELIGIBLE FOR FINAL READING

CR-47-2006 – A RESOLUTION CONCERNING PREPARATION OF A SECTIONAL MAP AMENDMENT FOR THE RURAL TIER for the purpose of initiating zoning map revisions, by Sectional Map Amendment pursuant to the 2002 Prince George's County Approved General Plan, for the area known for planning purposes as the Rural Tier. - **ADOPTED**

Craig Price, Council Administrator, provided a verbal report of the actions and recommendations from the Committee of the Whole to the Council. Council Resolution 47 was favorably reported out of Committee of the Whole on 06/06/2006. Council Member Dean moved adoption of Council Resolution 47; seconded by Council Member Harrington. The motion carried 8-0. (Absent: Council Member Exum.)

DISTRICT COUNCIL ITEM:

(SEE SEPARATE ACTION AGENDA)

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

ADDITION TO THE AGENDA**INTRODUCTION AND ADOPTION OF RESOLUTIONS**

CR-48-2006 - A RESOLUTION CONCERNING BLUE RIBBON COMMITTEE ON HIGH STAKES TESTING for the purpose of amending CR-42-2006 by increasing the membership of the Blue Ribbon Committee on High Stakes Testing. - **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 48 increases the membership of the Blue Ribbon Committee on High Stakes Testing established by CR-42-2006, to evaluate the application and validity of the High School Assessments slated to begin with the 2009 graduating class and make recommendations to County Executive and County Council. Council Resolution 48 was introduced by Council Members Dean, Peters, Knotts, Harrington, Campos and Bland. Council Member Dean moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 48; seconded by Council Member Peters. The motion carried by voice vote. Council Member Dean moved adoption of Council Resolution 48; seconded by Council Member Knotts. The motion carried 7-1. (Opposed Council Member Hendershot; Absent: Council Member Exum.)

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

No person wished to address the Council

ADJOURN: - - *Chairman Dernoga adjourned the meeting at 12:50 p.m.*

BRIEFING – (COUNCIL HEARING ROOM) - *BRIEFING HELD***• ADULT ENTERTAINMENT IMPACT STUDY**

Public Input Process

BRIEFINGS – By Executive Branch Staff – (COUNCIL HEARING ROOM) --**TO BE RESCHEDULED**

CB-27-2006 – AN ACT CONCERNING HOUSING CODE for the purpose of amending the Housing Code to add safety and security requirements for owners of multifamily rental facilities; to provide time periods for administration, implementation and compliance; to add administrative requirements and procedures for licensing owners of multifamily rental facilities; to require safety and security requirements for the issuance and renewal of multifamily rental facility licenses; and generally relating to multifamily rental facility licenses. - **TO BE RESCHEDULED**

CB-28-2006 – AN ORDINANCE CONCERNING SAFETY AND SECURITY PLANS for the purpose of amending the Zoning Ordinance to require a Safety and Security Plan for the approval of Detailed Site Plans and Specific Design Plans. - **TO BE RESCHEDULED**

CB-29-2006 – AN ACT CONCERNING BUILDING CODE for the purpose of amending the Building Code to add requirements for permitting the use and occupancy of multifamily dwelling units. - **TO BE RESCHEDULED**

CB-30-2006 – AN ACT CONCERNING SAFETY AND SECURITY PLANS for the purpose of authorizing the Police Department to review and approve Safety and Security Plans submitted in conjunction with applications for building permits and multifamily rental facility licenses for owners of multifamily rental facilities of ten (10) or more units. - **TO BE RESCHEDULED**

CR-34-2006 – A RESOLUTION CONCERNING PERMITS for the purpose of allowing certain permits of a minor nature, involving an approved Safety and Security Plan to be issued without Planning Board review. - **TO BE RESCHEDULED**

BRIEFING – (ROOM 2027) - *CANCELLED***INFORMATION AND DISCUSSION OF DISTRICT COUNCIL ITEMS SCHEDULED FOR MONDAY, JUNE 12, 2006**

On Tuesday, May 30, 2006 Council Member Harrington made a motion to convene into Executive Session at a later date to discuss personnel issues; seconded by Council Member Dean. Motion

*carried 6-0. (In favor: Council Members Bland, Campos, Dean, Exum, Harrington and Knotts.
Absent: Council Members Dernoga, Hendershot and Peters)*

EXECUTIVE SESSION – (ROOM 2027) - EXECUTIVE SESSION HELD

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

Prepared By:

Submitted By:

Shirley T. Blake, Administrative Aide

Redis C. Floyd, Clerk of the Council