

# ***AGENDA MINUTES***

**Tuesday, July 14, 2009**

**Business Meeting**

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

**(Legislative Day No. 20 to be declared)**

**PUBLIC SAFETY AND FISCAL MANAGEMENT COMMITTEE MEETING –  
(ROOM 2027) – COMMITTEE MEETING HELD @ 11:00 A.M.**

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

**PRESENTATION OF PROCLAMATIONS/COMMENDATIONS – (COUNCIL  
HEARING ROOM)** - *Chairperson Marilyn M. Bland commenced the presentation of  
Proclamations/Commendations at 1:41 P.M.*

Proclamation presented to Ms. Melinda Lee, Principal, recognizing Laurel Elementary School as a “Maryland Green School” in Prince George’s County. (Council Chairperson Marilyn M. Bland and Council Vice Chair Thomas E. Dernoga) - **PRESENTED**

*Council Chairperson Marilyn M. Bland and Vice Chairman Thomas E. Dernoga presented a Proclamation to Ms. Melinda Lee, Principal, recognizing Laurel Elementary School as a “Maryland Green School” in Prince George’s County. Ms. Lee was present to accept and was accompanied by Ms. Patricia Walker.*

**CALL TO ORDER:** - *Chairperson Bland called to order at 1:47 P.M. with the following Council Members present:*

*Marilynn M. Bland  
Will Campos  
Samuel H. Dean  
Thomas E. Dernoga  
Camille A. Exum  
Andrea C. Harrison  
Tony Knotts  
Eric C. Olson  
Ingrid M. Turner*

*Others Present:  
Craig S. Price, Council Administrator*

*Robert J. Williams Jr., Deputy Council Administrator*  
*Ralph Grutzmacher, Legislative Officer*  
*Jackie Brown, PZED Committee Director*  
*Sandra Eubanks, HEHS Committee Director*  
*Frank Porter, PSFM Committee Director*  
*Hawi Sanu, THE Committee Director*  
*Jon Seeman, Director, Office Management & Budget*  
*William Hunt, Audit & Investigations*  
*Josh Hamlin, Assistant County Attorney*  
*Bonita Williams, County Executive's Office*  
*Marcus Jackson, County Council Liaison, Office of the County Executive*

**INVOCATION:** - *The Invocation was led by Reverend Barry N. Wade, Sr., Associate Minister, New Abundant Life Missionary Baptist Church, Washington, D.C. Council Member Exum requested special prayers for Agnes Harrison Grey, mother of Gloria Hall, staff member, recovering at Dr. Hospital. Council Member Dean for the family of his neighbor, Brandon Fletcher in his passing.*

**PLEDGE OF ALLEGIANCE:** - *The pledge of allegiance was led by Council Member Exum.*

**ACKNOWLEDGEMENTS:** - *Chairperson Bland acknowledged:*

- **NATIONAL YOUTH SPORTS WEEK**
- **Student Interns from the Office of the Clerk of the Circuit Court (Peggy McGhee)**

**DESIGNATION OF TUESDAY, JULY 14, 2009 AS LEGISLATIVE DAY NO. 20**

*Chairperson Bland designated Tuesday, July 14, 2009 as Legislative Day number 20*

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 for June 16, 2009  
 - **APPROVED**

*Council Member Dean moved adoption of Consent Agenda; seconded by Council Member Turner. The motion carried by voice vote.*

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

*No items were considered*

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

*No items were considered*

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

**CB-13-2009 (DR-2) – AN ACT CONCERNING THE BUILDING CODE** for the purpose of amending the Prince George's County Building ordinance, adopting certain amendments to the 2006 Edition of the International Building Code, International Mechanical Code, International Energy Conservation Code, and International Residential Code for One and Two-Family Dwellings, and amending certain Sections to include modifications as it relates to building standards. - **INTRODUCED**

*Council Member Dean, Chair of the Planning, Zoning and Economic Development (PZED) Committee, provided a verbal report of the actions and recommendations from the Committee to the Council. Council Bill 13 (DR-2) was introduced by Council Members Turner, Harrison and Dean. Council Bill 13 was favorably reported out of the Planning, Zoning and Economic Development (PZED) Committee on 7/7/2009 with amendments.*

**CB-24-2009 (DR-2) – AN ACT CONCERNING REGULATION OF USES WITHIN THE PUBLIC RIGHTS-OF-WAY** for the purpose of providing for the regulation and administration of uses within the public rights-of-way, allowing for the use of the public right-of-way under certain circumstances, providing for a permitting process relating to uses within the public right-of-way, and providing for the enforcement of such regulations. - **INTRODUCED**

*Council Member Dernoga, Chair of the Transportation, Housing and the Environment (THE) Committee, provided a verbal report of the actions and recommendations from the Committee to the Council. Council Bill 24 (DR-2) was introduced by Council Members Dernoga and Olson. Council Bill 24 was favorably reported out of the Transportation, Housing and the Environment (THE) Committee on 6/25/2009 with amendments.*

5. **PUBLIC HEARINGS:**

- **Appointment of the following individual as Fire Chief for Prince George's County:  
Acting Fire Chief Eugene A. Jones**

- **PUBLIC HEARING HELD; CONFIRMED**

*Council Member Exum, Chair of the Public Safety and Fiscal Management (PSFM) Committee, provided a verbal report of the actions and recommendations from the Committee to the Council. Pursuant to proper notice, the public hearing convened on the Appointment of Mr. Eugene A. Jones to Fire Chief for Prince George's County. Jack B. Johnson, County Executive, introduced Mr. Jones to the Council. Mr. Jones was present and spoke on his own behalf. Martin A. Flemion, Cortland Jones, Douglas Bartholomew, Frank Underwood, William Smith, John Alter, Buddy King and Toni Davis spoke on the Appointment of Mr. Jones. All persons wishing to speak having done so, the public hearing was declared held. Council Member Harrison moved Mr. Eugene A. Jones as Fire Chief of Prince George's County; seconded by Council Member Dean. The motion carried 9-0.*

- **Appointment of the following individual to the Washington Suburban Sanitary Commission for Prince George's County:**

- **PUBLIC HEARING HELD**

*Pursuant to proper notice, the public hearing convened on the Appointment of Mr. Antonio L. Jones to Washington Suburban Sanitary Commission for Prince George's County. Jack B. Johnson, County Executive, introduced Mr. Jones to the Council. Mr. Jones was present and spoke on his own behalf.*

**Mr. Antonio L. Jones**

Appointment

Replacing: Dr. Juanita D. Miller

Term Expiring: 6/1/2013

***(This appointment has been referred to the Transportation, Housing and the Environment T.H.E. Committee)***

- **Appointment of the following individual to the Citizen Complaint Oversight Panel for Prince George's County:**

- **PUBLIC HEARING HELD; CONFIRMED**

**Mr. William C. Simpson**

Appointment

Term Expiring: 1/8/2013

*Council Member Harrison, Chair of the Health, Education and Human Services (HEHS) Committee, provided a verbal report of the actions and recommendations from the Committee to the Council. Pursuant to proper notice, the public hearing convened on the appointment of Mr. William C. Simpson to the Citizen Complaint Oversight Panel for Prince George's County. Jack B. Johnson, County Executive, introduced Mr. Simpson to the Council. Mr. Johnson was present and spoke on his own behalf. No persons wishing to speak, the public*

hearing was declared held. Council Member Campos moved confirmation of Mr. Simpson to the Citizen Complaint Oversight Panel for Prince George's County; seconded by Council Member Exum. The motion carried 7-0. (Absent: Council Members Dean and Dernoga).

● **Appointment of the following individuals to the Accokeek Development Review District Commission for Prince George's County:**

- **PUBLIC HEARING HELD; ALL CONFIRMED**

**Dr. Deborah Byard Campbell**  
(unable to attend)

Appointment/Resident  
Replacing: Ms. Ann D. Smith  
Term Expiring: 10/27/2011

**Mr. Stevenson McIlvaine**

Appointment/Resident  
Replacing: Lt. Bruce Arrington  
Term Expiring: 10/27/2010

**Mr. Warren Johnson, Jr.**

Reappointment/Vice Chair/Resident  
Term Expiring: 10/27/2011

**Mr. Clifford L. Woods, Jr.**

Reappointment/Resident  
Term Expiring: 10/27/2011

*Council Member Dean, Chair of the Planning, Zoning and Economic Development (PZED) Committee, provided a verbal report of the actions and recommendations from the Committee to the Council. Pursuant to proper notice, the public hearing convened on the appointment of Dr. Deborah Byard Campbell (unable to attend), Mr. Stevenson McIlvaine, Mr. Warren Johnson, Jr. and Mr. Clifford L. Woods, Jr. to the Accokeek Development Review District Commission for Prince George's County. Jack B. Johnson, County Executive, introduced the nominees to the Council. Mr. McIlvaine, Mr. Johnson and Mr. Woods were present and spoke on their own behalf. Council Member Harrison moved confirmation of all nominees to the Accokeek Development Review District Commission for Prince George's County; seconded by Council Member Olson. The motion carried 7-0. (Absent: Council Members Bland and Dean).*

6. **PUBLIC HEARING/RESOLUTION ELIGIBLE FOR FINAL READING –  
(ADOPTION)**

**CR-41-2009 (DR-2) - A RESOLUTION CONCERNING MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION** for the purpose of transferring certain appropriations and expenditures between certain programs in the FY 2008-09 Operating Budget for the Park and Recreation Funds.

- **PUBLIC HEARING HELD; DR-2 SUSTITUTED;AMENDED;DR-3;ADOPTED**

*Council Member Dean, Chair of the Planning, Zoning and Economic Development (PZED) Committee, provided a verbal report of the actions and recommendations from the Committee to the Council. Pursuant to proper notice, the public hearing convened on Council*

*Resolution 41. No persons wishing to speak, the public hearing was declared held. Council Member Exum moved to substitute DR-2 in lieu of DR-1; seconded by Council Member Harrison. The motion carried by voice vote. Council Member Exum moved amendment number 1; seconded by Council Member Turner. The motion carried 8-1. (Absent: Council Member Dean). Council Member Exum moved adoption of Council Resolution 41 (DR-2); seconded by Council Member Turner. The motion carried 7-1. (Absent: Council Member Dean; Opposed: Council Member Dernoga).*

**RECESS:** - *Chairperson Bland recessed the meeting at 3:16 P.M.*

*Council Member Dernoga moved to convene into Executive Session; seconded by Council Member Exum. The motion carried 8-0. (Absent: Council Member Dean).*

**EXECUTIVE SESSION – (EXECUTIVE CONFERENCE ROOM)**

- **(EXECUTIVE SESSION HELD)**

- (a) Discussion of personnel issues in accordance with Maryland Annotated Code, State Government, Section 10-508 (a) (1).
- (a) **Topic Discussed:** *Nominees for appointment to the Charter Review Commission and Compensation Review Board.*
- (b) Discussion of pending or potential litigation and in accordance with Maryland Annotated Code, State Government, Section 10-508 (a) (8).
- (b) **Topic Discussed:** *Discussion of pending litigation case of Union Furlough litigation. Ronnie White Civil Action and Cheryl Calvo Civil Action.*

**RECONVENED:** - *Chairperson convened as the Committee of the Whole at 4:08 P.M. and concluded at 5:02 P.M.*

**COMMITTEE OF THE WHOLE – (COUNCIL HEARING ROOM)**

- **COMMITTEE MEETING HELD**

**CR-47-2009 – A RESOLUTION CONCERNING EMPLOYEE FURLOUGH PLAN** for the purpose of approving a Furlough Plan to reduce the compensation expenditures reflected in the Fiscal Year 2010 County Budget and to offset an ascertained shortfall in revenue.

- **FAVORABLE RECOMMENDATION**

*Jon Seeman, Director, Office Management and Budget, provided a verbal report of the actions and recommendations from the Committee of the Whole to the Council. Mr. Kerry Watson, Vice President of FOP; Mr. Vincent Canales, President FOP #89 spoke on Council Resolution 47. Council Member Exum moved favorable; seconded by Council Member Dean. The motion carried 9-0.*

**RECONVENE:** - Chairperson Bland reconvened the County Council meeting at 5:03 P.M.

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

**CR-35-2009 – A RESOLUTION CONCERNING DESIGNATION OF THE WILLOW OAK TREE (QUERCUS PHELLOS) AS THE OFFICIAL TREE OF PRINCE GEORGE’S COUNTY** for the purpose of designating the Willow Oak Tree (*Quercus phellos*) as the Official Tree of Prince George’s County. - **ADOPTED**

*Council Member Dernoga, Chair of the Transportation, Housing and the Environment (THE) Committee, provided a verbal report of the actions and recommendations from the Committee to the Council. Council Member Harrison moved adoption of Council Resolution 35; seconded by Council Member Olson. The motion carried 9-0.*

**CR-47-2009 – A RESOLUTION CONCERNING EMPLOYEE FURLOUGH PLAN** for the purpose of approving a Furlough Plan to reduce the compensation expenditures reflected in the Fiscal Year 2010 County Budget and to offset an ascertained shortfall in revenue. - **DEFERRED TO 7-21-2009 COUNCIL AGENDA**

*Council Resolution 47 establishes a furlough plan for a total cost savings of approximately \$18,000,000 for Fiscal Year 2010. Craig Price, Council Administrator, provided a verbal report of the actions and recommendation from the Committee of the Whole (COW) to the Council.*

8. **INTRODUCTION AND ADOPTION OF RESOLUTIONS**

**CR-51-2009 –A RESOLUTION CONCERNING THE MARLBORO PIKE SECTOR PLAN AND SECTIONAL MAP AMENDMENT** for the purpose of proposing amendments to the adopted Marlboro Pike Sector Plan and endorsed Sectional Map Amendment and directing that a public hearing be held to receive testimony on the proposed amendments - **DEFERRED TO 7/21/2009 COUNCIL AGENDA**

**RECESS:** - Chairperson Bland recessed the meeting at 5:09 P.M.

**COMMITTEE OF THE WHOLE – (ROOM 2027)** (Convened at 5:11 P.M.)  
- **COMMITTEE MEETING HELD** - **DEFERRED TO 7/20/2009**

**THE ADOPTED SUBREGION 5 MASTER PLAN AND ENDORSED SECTIONAL MAP AMENDMENT**

(TRANSCRIPT ANALYSIS)

**COMMITTEE OF THE WHOLE – (ROOM 2027) -- COMMITTEE MEETING HELD**

**CB-30-2009 - AN ACT CONCERNING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS** for the purpose of authorizing and empowering Prince George's County, Maryland to issue and sell an amount not to exceed Eighty-Eight Million Two Hundred Fifty-Seven Thousand Dollars (\$88,257,000) in aggregate principal amount of general obligation bonds with serial maturities, including mandatory sinking fund installments in lieu of serial maturities, for the purpose of providing funds for financing in whole or in part costs of the planning, construction, reconstruction, establishment, extension, enlargement, demolition, improvement or acquisition of certain capital projects set forth in the capital budget of the County for the fiscal year ending June 30, 2010, . . .

- **FAVORABLE RECOMMENDATION**

*Council Member Exum moved favorable recommendation; seconded by Council Member Harrison. The motion carried 9-0.*

**CB-31-2009 - AN ACT CONCERNING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS** for the purpose of authorizing and empowering Prince George's County, Maryland to issue and sell an amount not to exceed Sixty-Five Million Six Hundred Ninety-Four Thousand Dollars (\$65,694,000) in aggregate principal amount of general obligation bonds with serial maturities, including mandatory sinking fund installments in lieu of serial maturities, for the purpose of providing funds for financing in whole or in part costs of the planning, construction, reconstruction, establishment, extension, enlargement, demolition, improvement or acquisition of certain capital projects set forth in the capital budget of the County for the fiscal year ending June 30, 2009, . . .

- **FAVORABLE WITH AMENDMENTS**

*Council Member Exum moved favorable with amendments; seconded by Council Member Turner. The motion carried 9-0.*

**CB-33-2009 - AN ACT CONCERNING THE ISSUANCE AND SALE OF GENERAL OBLIGATION STORMWATER MANAGEMENT BONDS** for the purpose of authorizing and empowering Prince George's County, Maryland to issue and sell an amount not to exceed Twenty-three Million Eight Hundred Seventy-one Thousand Dollars (\$23,871,000) in aggregate principal amount of general obligation stormwater management bonds for the purpose of providing funds for financing in whole or in part costs of the planning, acquisition, construction, reconstruction, establishment, extension, enlargement, demolition or purchase of certain capital projects set forth in the capital budget of the County for the fiscal year ending June 30, 2010, . . .

- **FAVORABLE RECOMMENDATION**

*Council Member Exum moved favorable recommendation; seconded by Council Member Dean. The motion carried 9-0.*



**CB-34-2009 – AN ACT CONCERNING THE ISSUANCE AND SALE OF REIMBURSEMENT BONDS TO REFINANCE THE COSTS OF THE DUVALL WING OF THE PRINCE GEORGE’S COUNTY COURTHOUSE IN AN AMOUNT NOT TO EXCEED \$30,000,000 OR IN THE ALTERNATIVE THE AUTHORIZATION OF THE COUNTY EXECUTIVE TO ENTER INTO A SALE AND LEASEBACK OR LEASE AND LEASEBACK OF THE DUVALL WING OF THE PRINCE GEORGE’S COUNTY COURTHOUSE** for the purpose of authorizing and empowering Prince George’s County, Maryland to issue and sell an amount not to exceed Thirty Million Dollars (\$30,000,000) in aggregate principal amount of bonds for the purpose of providing a means to refinance in whole or in part costs of the reconstruction, rehabilitation or repair of the Duvall Wing of the Prince George’s County Courthouse, including describing the project to be refinanced in whole or in part from the proceeds of the bonds hereby authorized and the costs and probable useful life thereof; prescribing or providing for the procedures for the issuance and sale of such bonds at private or negotiated sale; showing compliance with the power of the County to incur indebtedness; directing the application of the proceeds of such bonds; pledging payments from the County’s General Fund, subject to annual appropriation, to the payment of such bonds and providing for the payment of the principal of such bonds when due; showing compliance with the limitations on the power of the County to incur indebtedness; authorizing the County Executive to delegate to appropriate officials the power to make certain determinations and sign certain documents, certificates or agreements authorized to be made or signed by the County Executive herein; providing for compliance with Securities and Exchange Commission Rule 15c2-12; to the extent the reimbursement bonds are not issued, authorizing the County Executive to enter into a sale and leaseback or lease and leaseback of the Duvall Wing of the Prince George’s County Courthouse in order to effect the reconstruction, rehabilitation or repair of the facility; and otherwise generally determining or providing for the determination of certain matters in connection with the issuance, sale and delivery of the bonds authorized by this Act.

- **FAVORABLE RECOMMENDATION**

*Council Member Dean moved favorable recommendation; seconded by Council Member Harrison. The motion carried 5-2-2. (Opposed: Council Members Dernoga and Knotts; Abstained: Council Members Campos and Turner).*

**RECESS:** - Chairperson Bland recessed the meeting at 5:38 P.M.

**BRIEFING – (ROOM 2027) – BRIEFING HELD - (CONVENED AT 6:00 P.M. CONCLUDED AT 6:49 P.M.)**

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS GREATER WASHINGTON 2050 INITIATIVE**

Mr. David Robertson, Executive Director

Mr. Paul DesJardin, Director of Community Planning Services

**RECONVENE:** - *Chairperson Bland reconvened the meeting at 7:12 P.M.*

9. **JOINT PUBLIC HEARING: – (COUNCIL HEARING ROOM)**

**THE PRINCE GEORGE’S COUNTY COUNCIL AND THE PRINCE GEORGE’S COUNTY PLANNING BOARD OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION JOINT PUBLIC HEARING ON HISTORIC SITE DESIGNATION OF KLEINER-DAVIDSON WHITE HOUSE**

**SEE SEPARATE AGENDA**

- **PUBLIC HEARING HELD** *concluded at 7:22 P.M.*

10. **JOINT PUBLIC HEARING: - (COUNCIL HEARING ROOM)**

**PRINCE GEORGE’S COUNTY PLANNING BOARD OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION AND THE PRINCE GEORGE’S COUNTY COUNCIL SITTING AS THE DISTRICT COUNCIL JOINT PUBLIC HEARING ON THE PRELIMINARY BOWIE STATE MARC STATION SECTOR PLAN AND PROPOSED SECTIONAL MAP AMENDMENT (PLANNING AREAS 71A AND 71B)**

Pursuant to the provisions of Article 28 of the Annotated Code of Maryland and the Zoning Ordinance of Prince George’s County, being also Subtitle 27 of the Prince George’s County Code, the Prince George’s County Council, sitting as the District Council, and the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission, joint public hearing to receive testimony regarding the preliminary plan generally located within portions of Planning Areas 71A and 71B in accordance with the recommendations of the Preliminary Bowie State MARC Station Sector Plan and Proposed Sectional Map Amendment (SMA). The sector plan area is generally bounded by the Patuxent National Wildlife Research Refuge to the north, the Potomac Power Electric Company (PEPCO) easement to the west, the City of Bowie border to the south, and the Patuxent River to the east.

**(SEE SEPARATE AGENDA)**

- *Public Hearing convened at 7:32 P.M. concluded at 8:16 P.M.*

11. **PUBLIC HEARING: (COUNCIL HEARING ROOM)**

**CR-42-2009 - A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN: FY 2010** for the purpose of approving and adopting the Prince George’s County Fiscal Year 2010 Housing and Community Development Annual Action Plan consisting of federal programs, including their federal funding applications which, along with other resources, serve to implement housing and community development strategies set forth in the County’s FY 2006-2010 Consolidated Plan, adopted by CR-41-2005, which Plan was required by the U.S. Department of Housing and Urban Development (HUD) as a prerequisite to consideration of the funding applications.

**(SEE SEPARATE ACTION AGENDA)**

- *Public Hearing convened at 8:40 P.M.*

**COMMITTEE OF THE WHOLE WORKSESSION SCHEDULED THURSDAY, JULY 16, 2009 AT 11:30 A.M.**

**REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL**

*No persons wished to address the Council*

**ADJOURNED:** - *Chairperson Bland adjourned the meeting at 10:26 P.M.*

Prepared By:

Submitted By:

\_\_\_\_\_  
Shirley T. Blake, Administrative Aide

\_\_\_\_\_  
Redis C. Floyd, Clerk of the Council