

ACTION MINUTES

Tuesday, June 8, 2004

(Legislative Day No. 20 to be declared)

Business Meeting

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

AGENDA BRIEFING – (ROOM 2027)

CALL TO ORDER: - *Chairman Knotts called to order at 10:17 a.m. with the following Council Members Present:*

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

Late: Douglas J. J. Peters (arrived at 10:50 a.m.)

Absent: Peter A. Shapiro (out on County business)

Others Present:

*Barbara L. Holtz, Council Administrator
Craig S. Price, Deputy Council Administrator
Robert Williams, Jr., Associate Council Administrator
Ralph Grutzmacher, Legislative Officer
Steve Gilbert, Principal Council to District Council
Jackie Brown, Committee Director PZED
Kathy Canning, Associate County Attorney
Aisha Braveboy, County Council Liaison, Office of the County Executive*

INVOCATION: - *The Invocation was led by Pastor Chris McMillen, First Assembly of God, Laurel, Maryland. Council Member Bland requested special intentions for the family of Michael Bassett, a student at Oxon Hill High School. Council Member Knotts requested special prayer for the family of President Ronald Reagan.*

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

DESIGNATION OF JUNE 8, 2004 AS LEGISLATIVE DAY NO. 20

Chairman Knotts designated June 8, 2004 as Legislative Day number twenty.

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-25-2004 – AN ORDINANCE CONCERNING GAS STATIONS for the purpose of permitting gas stations as an accessory use to certain department or variety stores in the I-3 Zone under certain circumstances. - **PRESENTED**

Council Bill 25 was presented by Council Member Knotts and referred to the Planning, Zoning and Economic Development Committee (PZED).

Introduction of Resolutions

CR-39-2004 – A RESOLUTION CONCERNING THE FORMATION OF AN AGRICULTURAL DISTRICT PURSUANT TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION PROGRAM for the purpose of recommending that the Maryland Agricultural Land Preservation Foundation approve the petition of John P. and Donna L. Denison to establish an agricultural district. - **INTRODUCED**

Council Resolution 39, as proposed by the Chairman at the request of the Planning Board, establishes an agricultural district for approximately 132 acres located at Accokeek and Gardner Road. Council Resolution 39 was introduced by Council Members Bland, Harrington and Dernoga and referred to the Transportation, Housing and the Environment Committee (THE).

CR-40-2004 – A RESOLUTION CONCERNING THE FORMATION OF AN AGRICULTURAL DISTRICT PURSUANT TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION PROGRAM for the purpose of recommending that the Maryland Agricultural Land Preservation Foundation approve the petition of The Richardson Family Limited Partnership to establish an agricultural district. - **INTRODUCED**

Council Resolution 40, as proposed by the Chairman at the request of the Planning Board, an agricultural district for approximately 312 acres located at Aquasco Farm Road. Council Resolution 40 was introduced by Council Members Bland, Dernoga and Harrington and referred to the Transportation, Housing and the Environment Committee (THE).

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

No items were removed.

PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT

No items were considered.

PUBLIC HEARINGS/BILLS ELIGIBLE FOR THIRD READING (ENACTMENT)

CB-13-2004 (DR-2) – AN ORDINANCE CONCERNING C-O ZONE for the purpose of permitting multifamily dwellings in the C-O Zone under certain circumstances. - **PUBLIC HEARING HELD; POSTPONED INDEFINITELY**

Pursuant to proper notice, the public hearing convened on Council Bill 13, Draft 2. Shirley Dandy Sneed and Andrew Filicicchia spoke in opposition. All persons wishing to speak having done so, the public hearing was declared held. Council Member Harrington moved to postpone Council Bill 13, Draft 2 indefinitely; seconded by Council Member Dean. The motion carried 7-0 (Absent: Council Members Peters and Shapiro).

CB-14-2004 (DR-2) – AN ORDINANCE CONCERNING R-R ZONE for the purpose of allowing townhouses in the R-R Zone under certain circumstances. - **PUBLIC HEARING HELD; POSTPONED INDEFINITELY**

Pursuant to proper notice, the public hearing convened on Council Bill 14. Arthur story, Claudell Shaw and Andrew Filicicchia spoke in opposition. All persons wishing to speak having done so, the public hearing was declared held. Council Member Harrington moved to postpone Council Bill 14, Draft 2 indefinitely; seconded by Council Member Dean. Under discussion, Council Member Hendershot responded to comments by Mr. Filicicchia regarding the process. The motion carried 7-0 (Absent: Council Members Peters and Shapiro).

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

CB-16-2004 – AN ORDINANCE CONCERNING AMENDMENTS TO APPROVED

BASIC PLANS for the purpose of authorizing amendments to approved Basic Plans under certain circumstances. - **PUBLIC HEARING HELD; AMENDED; DR-2 ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 16. Russell Shipley spoke in support of the measure, while Joe Minert, Joe Solari, Carnie Pealer, John D. Pauley, Kelli Walsh, John Solari, Pearl Pfuhl, Fred Tut Manian, Lucinda Larson Callaway, Grace Swanson, Mike Martin, Deborah Sell, Bruce Pletsch, Willis Pauley, Roberta Fleishman, Robert Grimshaw, Martha Ainsworth, Lynn Beiber and Keith Gethers spoke in opposition. All persons wishing to speak having done so, the public hearing was declared held. Council Member Peters moved amendment number one; seconded by Council Member Dean. The motion carried 8-0 (Absent: Council Member Shapiro). Council Member Peters moved enactment of Council Bill 16, Draft 2; seconded by Council Member Exum. Under discussion, Council Member Dernoga spoke to the apparent public interest in this measure and outlined the three-step process for approval of a plan of this nature. He assured the citizens that ample opportunity would be provided during the process for their input. Council Member Hendershot stated, for the record, that the University of Maryland had relinquished its interest in the property fourteen (14) years ago, and requested clarification from Mr. Ralph Grutzmacher, Legislative Officer, regarding the specific process. Council Member Peters spoke to several issues raised and pledged his intent to hold an evening meeting on this issue. The motion carried 8-0 (Absent: Council Member Shapiro).

**CB-20-2004 – AN ACT CONCERNING REDEVELOPMENT AUTHORITY OF PRINCE
GEORGE’S COUNTY**

for the purpose of repealing Section 2 of Chapter 78, 1997 Laws of Prince George’s County, Maryland to delete the authority to consolidate the revitalization and redevelopment activities of the Maryland-National Capital Park and Planning Commission with the Redevelopment Authority.

PUBLIC HEARING HELD; RECOMMITTED TO PZED

Pursuant to proper notice, the public hearing convened on Council Bill 16. There were no speakers. The public hearing was declared held. Council Member Dernoga moved to recommit Council Bill 20 to Planning, Zoning and Economic Development Committee (PZED); seconded by Council Member Dean. The motion carried 8-0 (Absent: Council Member Shapiro).

INTRODUCTION AND ADOPTION OF RESOLUTIONS

CR-37-2004 – A RESOLUTION CONCERNING ACTING DIRECTOR OF PUBLIC WORKS AND TRANSPORTATION for the purpose of extending the appointment of Mr. Dale G. Coppage as Acting Director of Public Works and Transportation. - **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 37, as proposed by the Chairman at the request of the County Executive, will extend the appointment of Dale G. Coppage, as Acting Director of Public Works and Transportation for an additional four months as permitted by Section 505 of the County Charter. Council Resolution 37 was introduced by Council Member Hendershot. Council Member Exum moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 37; seconded by Council Member Harrington. The motion carried by voice vote. Council Member Dean moved adoption; seconded by Council Member Hendershot. The motion carried 8-0 (Absent: Council Member Shapiro).

CR-38-2004 – A RESOLUTION CONCERNING TASK FORCE ON HIGH SCHOOL CAPACITY ALTERNATIVES for the purpose of establishing a Task Force on High School Capacity Alternatives to analyze alternatives to provide additional pupil capacity at high school facilities in the County. - **INTRODUCED; AMENDED; RULES SUSPENDED; DR-2 ADOPTED**

Council Resolution 38, as proposed by Council Members Knotts and Dean, will establish a task force to evaluate capacity alternatives for high school facilities in Prince George's County. Council Resolution 38 was introduced by Council Members Knotts and Dean. Council Member Harrington moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 38; seconded by Council Member Exum. The motion carried by voice vote. Council Member Dernoga moved amendment number 1; seconded by Council Member Hendershot. The motion carried by voice vote. Council Member Harrington moved amendment number 2; seconded by Council Member Peters. The motion carried by voice vote. Council Member Exum moved adoption of Council Bill 38, Draft 2; seconded by Council Member Harrington. Under discussion, Council Member Bland outlined her reasons for opposing the measure. Council Members Dean sought to provide clarification and stated their reasons for supporting the Bill. Chairman Knotts stated that information had been requested, but no response was received. Council Member Hendershot stated his support for the Board of Education and their abilities, stating that the task force was unnecessary. Council Member Exum affirmed her support for the Bill and Council's responsibility for funding and building structures with County tax dollars. The motion carried 6-2 (Opposed: Council Members Bland and Hendershot); (Absent: Council Member Shapiro).

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

No persons wished to address the Council.

ADJOURN: - *Chairman Knotts adjourned the meeting at 1:00 p.m.*

BRIEFING – (ROOM 2027) -- BRIEFING CANCELLED**INFORMATION AND DISCUSSION OF DISTRICT COUNCIL ITEMS SCHEDULED FOR MONDAY, JUNE 14, 2004.****COMMITTEE OF THE WHOLE – (COUNCIL HEARING ROOM) -- C.O.W. HELD**

Chairman Tony Knotts convened the Committee of the Whole at 1:53 p.m. and asked each Council Member to introduce themselves. He turned to Barbara Holtz, Council Administrator, to introduce the panelists and staff present. Ms. Holtz provided an overview of the materials provided to Council and outlined the benchmarks of the anticipated schedule for the legislation. Mr. David Van Dyke, County Auditor, outlined the specifics of the proposal and the fiscal impacts of the bonds, debt service and revenues, providing clarification as to which of the revenue sources would be committed to bond repayment and incoming County revenue. Mr. Ralph Grutzmacher provided an overview of the legislation. Ms. Lynne Hason, Senior Vice President of the Peterson Companies and Mr. Bennett Westbrook, Senior Vice President of Gaylord Entertainment Company, spoke to the Council regarding their enthusiasm for the project and sought to answer questions posed by Council. Mr. Joe Fannone, Bond Counsel, provided a summation of the Declaration of Intent for the project and related agreements. Ms. Fran Busby of Prager, Sealy and Co., provided an overview of the financial package and responded to questions regarding the proposed marketing strategy. At the conclusion of Council's questions, Chairman Knotts opened the floor for public comment. Mr. Joe Gaskins, Ms. Sonna Edwards, Mr. Wilbert Wilson, Ms. Bonnie Bick and Mr. Steven Jackson stated their concerns. Chairman Knotts concluded the Committee of the Whole at 4:18 p.m.

CB-23-2004 – AN ACT CONCERNING THE ISSUANCE AND SALE OF SPECIAL OBLIGATION BONDS

for the purpose of providing that special obligation bonds may be issued from time to time under the provisions of this Act, in an amount not to exceed the aggregate principal amount of Sixty-five Million Dollars (\$65,000,000) in order for the County to finance the construction of the public infrastructure improvements; making certain findings and determinations concerning the public benefit and purpose of such special obligation bonds; providing that such special obligation bonds shall be payable from the amounts levied and deposited in the Tax Increment Fund, including certain County hotel occupancy taxes and other tax revenues and from the special tax to be levied and deposited in the Special Taxing District Fund and that the special obligation bonds shall not constitute a general obligation debt of the County or a pledge of the County's full faith and credit or taxing power other than the taxes representing the levy on the Tax Increment, the Hotel Tax, the National Harbor Convention Center Excess Development District Taxes and the Special tax; authorizing the County Executive to take certain actions, to execute the documents and make certain commitments on behalf of the County in connection with the issuance, sale and delivery of such special obligation bonds; and generally providing for, and determining various matters in connection with the issuance, sale, delivery and payment of such special obligation bonds. - **WORKSESSION HELD; NO ACTION TAKEN**

COMMITTEE OF THE WHOLE – (COUNCIL HEARING ROOM) -- (CONTINUED)**CB-24-2004 – AN ACT CONCERNING ISSUANCE AND SALE OF SPECIAL**

OBLIGATION BONDS for the purpose of providing that special obligation bonds may be issued from time to time under the provisions of this Act, in an amount not to exceed the aggregate principal amount of Ninety-five Million Dollars (\$95,000,000) for the County finance a portion of the costs of the convention center; making certain findings and determinations, among others, concerning the public benefit and purpose of such special obligation bonds; providing that such special obligations bonds authorized to be issued hereby shall be payable from the amounts levied and deposited in the Tax Increment Fund, including the Hotel Tax and from the Special Hotel Rental Tax to be levied and deposited in the Special Taxing District Fund and that the special obligation bonds shall not constitute a general obligation debt of the County or a pledge of the County's full faith and credit or taxing power other than the Tax Increment, the Hotel Tax and the Special Hotel Rental Tax; authorizing the County Executive of the County to specify, prescribe, determine, provide for and approve certain details, forms, documents or procedures in connection with such special obligation bonds; and generally providing for, and determining various matters in connection with, the issuance, sale, delivery and payment of such special obligation bonds. -

WORKSESSION HELD; NO ACTION TAKEN

CR-25-2004 A RESOLUTION CONCERNING NATIONAL HARBOR DEVELOPMENT DISTRICT AND NATIONAL HARBOR SPECIAL TAXING DISTRICT

for the purpose of designating a contiguous area within Prince George's County, as a "development district" and as a "special taxing district" to be located in an unincorporated area of the County known as Oxon Hill, Maryland and to be known as the "National Harbor Development District" and the "National Harbor Special Taxing District", respectively; creating a tax increment fund and a special fund, allocating certain property taxes in certain County hotel occupancy taxes to be paid over to the tax increment fund; providing for the levy of a special tax; providing that special obligation bonds may be issued; and generally relating to the National Harbor Development District and National Harbor Special Taxing District. -

WORKSESSION HELD; NO ACTION TAKEN

CR-26-2004 – A RESOLUTION CONCERNING NATIONAL HARBOR CONVENTION CENTER DEVELOPMENT DISTRICT AND NATIONAL HARBOR CONVENTION

CENTER SPECIAL TAXING DISTRICT for the purpose of designating a contiguous area within Prince George's County, as a "development district" and a "special taxing district" to be located in an unincorporated area within the County known as Oxon Hill, Maryland and to be known as the "National Harbor Convention Center Development District" and the "National Harbor Convention Center Special Taxing District", respectively; creating a tax increment fund and a special fund; allocating certain property taxes and certain hotel occupancy taxes to be paid over to the tax increment fund; providing for the levy of a special tax; providing that special obligation bonds may be issued; and generally relating to the National Harbor Convention Center Development District and National Harbor Convention Center Special Taxing District. -

WORKSESSION HELD; NO ACTION TAKEN

CR-27-2004 – A RESOLUTION CONCERNING DECLARATION OF INTENT – NATIONAL HARBOR DEVELOPMENT DISTRICT AND THE NATIONAL HARBOR

SPECIAL TAXING DISTRICT for the purpose of permitting the proceeds of special obligation bonds issued by the County to be used in conformity with applicable regulations of the U.S.

Treasury Department to reimburse expenditures paid hereafter (or within 60 days prior to the date hereof). -

WORKSESSION HELD; NO ACTION TAKEN

Prepared by:

Donna J. Brown, Deputy Clerk

Submitted by:

Redis C. Floyd, Clerk of the Council