

ACTION MINUTES

Tuesday, October 14, 2003

Business Meeting

(Legislative Day No. 33 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 10:10 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
Colette Gresham, Associate County Attorney
Jacqueline Brown, Committee Director, PZED
Frank Porter, Committee Director, PSFM*

INVOCATION – *The Invocation was provided by Reverend Darrell Terry of New Jericho Community Church in Laurel, Maryland. Special prayer was requested for the Hopkins, Lucchi, and Yudell families, and for Ms. Florence James and Ms Martha Robertson in the passings of their loved ones.*

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

DESIGNATION OF OCTOBER 14, 2003 AS LEGISLATIVE DAY NO. 33 – *Chairman Shapiro designated October 14, 2003 as Legislative Day number thirty-three.*

PRESENTATION OF A JOINT PROCLAMATION/COMMENDATIONS

Joint Proclamation **presented to the citizens and residents of Prince George's County, proclaiming the month of October as "Tree, Shrub and Flower Planting Month" in Prince George's County and recognizing the hundreds of volunteers that will participate in "Gorgeous Prince George's Day"**. (Council Chairman Peter A. Shapiro and County Executive Jack B. Johnson) - **PRESENTED**

Chairman Peter A. Shapiro and County Executive Jack B. Johnson presented a proclamation to the citizens of Prince George's County, proclaiming the month of October as "Tree, Shrub and Flower Planting Month in Prince George's County." Mr. Alfonzo Cornish, Deputy Chief Administrative Officer for Governmental Operations/Environmental Services and all Council Members were present.

Certificate **recognizing Jorge A. Bustamante as the 2003 "Prince George's Most Gorgeous Youth"**. (Council Chairman Peter A. Shapiro and County Executive Jack B. Johnson) - **PRESENTED**

Chairman Peter A. Shapiro and County Executive Jack B. Johnson presented a proclamation to Jorge A. Bustamante, recognizing him as the 2003 "Prince George's Most Gorgeous Youth." Mr. Alfonzo Cornish, Deputy Chief Administrative Officer for Governmental Operations/Environmental Services and all Council Members were present. Master Bustamante, and his mother, were present to accept.

POINTS OF PERSONAL PRIVILEGE – *Council Member Harrington commended Master Bustamante and applauded his mother for her success in rearing him. Council Member Peters welcomed a youth group from Bowie. Vice-Chairman Knotts recognized that October is Domestic Violence Month and spoke of various church services held Sunday, October 12, to increase awareness and encourage people to continue to speak out and seek assistance.*

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

- (a) Proposed joint signature letter to Secretary Nelson J. Sabatini, State Department of Health and Mental Hygiene, recommending the nomination of Dr. Frederick Corder to serve as Health Officer for Prince George's County. - **CHAIRMAN AUTHORIZED TO SIGN**

County Executive Jack B. Johnson introduced Dr. Frederick Corder and spoke regarding his credentials and long-standing commitment to the citizens of Prince George's County as a practicing Pediatrician. Dr. Corder was present and addressed the Council, speaking to his vision and goals for the Health Department. Ms. Lillian Pruden also addressed the Council in support of Dr. Corder's nomination.

The Chairman, by request of the County Executive, proposed that a letter be sent to Secretary Sabatini recommending the nomination of Dr. Frederick Corder to serve as Health Officer for Prince George's County. Council Member Dean moved to authorize the Chairman's signature; seconded by Council Member Harrington. The motion carried 9-0.

- (b) **APPOINTMENT TO THE BOARD OF APPEALS: - APPOINTMENT CONFIRMED**

Ms. Bobbie Mack

Replacing: Mark A. Johnson

Effective: 10/22/2003

Term Expiring: 12/4/2006

Council Member Dean moved confirmation of the appointment of Ms. Bobbie Mack to the Board of Appeals; seconded by Council Member Exum. The motion carried 8-0 (Absent: Council Member Hendershot).

2. **PUBLIC HEARINGS: -- PUBLIC HEARINGS HELD; ALL CONFIRMED**

Appointment of the following individuals to the Commission for Women for Prince George's County:

Ms. Cassandra Burckhalter

Appointment

Replacing: Patricia Lewis

Term Expiring: 5/1/2006

Pursuant to proper notice, the public hearing convened on the appointment of Ms. Cassandra Burckhalter to the Commission for Women for Prince George's County. Ms. Burckhalter was present and spoke on her own behalf. All persons wishing to speak having done so, the public hearing was declared held.

PUBLIC HEARINGS: Appointment of the following individuals to the Commission for Women for Prince George's County: - (CONTINUED)

Ms. Elsie H. Byrd Appointment
Replacing: Dr. Jacqueline Reed
Term Expiring: 5/1/2004

Pursuant to proper notice, the public hearing convened on the appointment of Ms. Elsie H. Byrd to the Commission for Women for Prince George's County. Ms. Byrd was present and spoke on her own behalf. All persons wishing to speak having done so, the public hearing was declared held.

Ms. Janice L. Berry-Chen Appointment
Replacing: Barbara McKay
Term Expiring: 5/1/2006

Pursuant to proper notice, the public hearing convened on the appointment of Ms. Janice L. Berry-Chen to the Commission for Women for Prince George's County. Ms. Berry-Chen was present and spoke on her own behalf. All persons wishing to speak having done so, the public hearing was declared held.

Ms. Victoria Adams-Eley Appointment
Replacing: Dr. Jacquelyn Gentry
Term Expiring: 5/1/2005

Pursuant to proper notice, the public hearing convened on the appointment of Ms. Victoria Adams-Eley to the Commission for Women for Prince George's County. Ms. Adams-Eley was present and spoke on her own behalf. Mr. Lovern J. Lewis also spoke in support of confirmation. All persons wishing to speak having done so, the public hearing was declared held.

Ms. Jacqueline D. Steele-McCall Appointment
Replacing: Clothilde Belk
Term Expiring: 5/1/2006

Pursuant to proper notice, the public hearing convened on the appointment of Ms. Jacqueline D. Steele-McCall to the Commission for Women for Prince George's County. Ms. Steele-McCall was present and spoke on her own behalf. All persons wishing to speak having done so, the public hearing was declared held.

Ms. Njeri K. Mwalimu Appointment
Replacing: Nancy Saxon
Term Expiring: 5/1/2005

Pursuant to proper notice, the public hearing convened on the appointment of Ms. Njeri K. Mwalimu to the Commission for Women for Prince George's County. Ms. Mwalimu was present and spoke on her own behalf. All persons wishing to speak having done so, the public hearing was declared held.

PUBLIC HEARINGS: Appointment of the following individuals to the Commission for Women for Prince George's County: - (CONTINUED)

Ms. Lisa Proctor Appointment
Replacing: Jeanne Scammon
Term Expiring: 5/1/2005

Pursuant to proper notice, the public hearing convened on the appointment of Ms. Lisa Proctor to the Commission for Women for Prince George's County. Ms. Proctor was present and spoke on her own behalf. All persons wishing to speak having done so, the public hearing was declared held.

Ms. Fatoumata Thiam
Appointment
Replacing: Sol Del Ande Eaton
Term Expiring: 5/1/2004

Pursuant to proper notice, the public hearing convened on the appointment of Ms. Fatoumata Thiam to the Commission for Women for Prince George's County. Ms. Thiam was present and spoke on her own behalf. All persons wishing to speak having done so, the public hearing was declared held.

Ms. Barbara S. Taha Appointment
Replacing: Joan Roache
Term Expiring: 5/1/2004

Pursuant to proper notice, the public hearing convened on the appointment of Ms. Barbara S. Taha to the Commission for Women for Prince George's County. Ms. Taha was present and spoke on her own behalf. All persons wishing to speak having done so, the public hearing was declared held.

Ms. Toni A. Smith Appointment
Replacing: Rev. Hal Henderson
Term Expiring: 5/1/2004

Pursuant to proper notice, the public hearing convened on the appointment of Ms. Toni A. Smith to the Commission for Women for Prince George's County. Ms. Smith was present and spoke on her own behalf. All persons wishing to speak having done so, the public hearing was declared held.

Ms. Lenita A. Walker Appointment
Replacing: Danitza Simpson Escano
Term expiring: 5/1/2004

Pursuant to proper notice, the public hearing convened on the appointment of Ms. Lenita A. Walker to the Commission for Women for Prince George's County. Ms. Walker was present and spoke on her own behalf. Ms. Linda Feeley also spoke in support of confirmation. All persons wishing to speak having done so, the public hearing was declared held.

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

RECESS AND RECONVENE – *Chairman Shapiro recessed the meeting at 11:56 a.m. and reconvened at 12:08 p.m.*

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

3. **CONSENT AGENDA -- RULES SUSPENDED; ADOPTED; 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) **First Reading of Bills (Presentation)**

CB-95-2003 – AN ACT CONCERNING A SUPPLEMENTARY APPROPRIATION for the purpose of appropriating to the General Fund revenue in excess of budget estimates, to provide funds for costs that were not anticipated in the approved Fiscal Year 2003-2004 budget for the Prince George's Community College. - **PRESENTED**

Council Bill 95 was proposed by the Chairman, by request of the County Executive, and referred to the Public Safety and Fiscal Management Committee.

PRIOR TO ADOPTING THE CONSENT AGENDA, THE COUNCIL SHOULD MOVE TO SUSPEND SECTION 11.2 OF THE RULES OF PROCEDURE WHICH SETS A DEADLINE FOR PRESENTATION OF BILLS. SIX VOTES ARE REQUIRED TO SUSPEND THE RULES

- **** *Council Member Dean moved to suspend the Council Rules of Procedure to allow for presentation of Council Bill 95 after September 30th of the 2003 Legislative Year; seconded by Council Member Exum. The motion carried 9-0. Council Member Dean moved adoption of the Consent Agenda; seconded by Council Member Exum. The motion carried by voice vote.*

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

CB-64-2003 – AN ORDINANCE CONCERNING RESIDENTIAL REGULATIONS for the purpose of extending a sunset provision pertaining to the minimum lot size requirements for certain residential lots recorded prior to November 29, 1949. - **INTRODUCED**

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 Bill 64, which extends the sunset date to March 1, 2004 pertaining to the lot size requirements for certain residential lots recorded prior to November 29, 1949, was favorably reported out of PZED on 10/8/2003. Council Bill 64 was introduced by Council Members Hendershot and Dean.

CB-65-2003 - AN ORDINANCE CONCERNING RETAIL USES for the purpose of permitting retail uses in the R-R and I-3 Zones under certain circumstances by repealing and reenacting with amendments. - **INTRODUCED**

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 Bill 65, which amends the residential and industrial zones use tables to permit retail uses, generally permitted in the C-S-C (Commercial Shopping Center) Zone, in the R-R and I-3 Zones, under certain circumstances, was favorably reported out of PZED on 10/8/2003. Council Bill 65 was introduced by Council Members Dean, Shapiro, Exum, Harrington, Peters and Hendershot.

CB-72-2003 (DR-2) (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. - **RECOMMENDED TO PZED**

(Favorably reported out of PZED on 10/8/2003 with amendments)

To be introduced by Council Member Dernoga

Council Member Dernoga moved to recommit Council Bill 72, Draft 2 to the Planning, Zoning and Economic Development Committee; seconded by Council Member Hendershot. The motion carried 9-0.

SECOND READING OF BILLS (INTRODUCTION) – (CONTINUED)

CB-73-2003 (DR-2) (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. - **INTRODUCED**

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 Bill 73 amends the criteria for approving a subdivision when adequate public road facilities are programmed for construction to require planned facilities to proceed to construction in a timely manner in order to be used to find adequacy. Council Bill 73 was favorably reported out of PZED on 10/8/2003 with amendments. Council Bill 73, Draft 2 was introduced by Council Members Dernoga, Harrington, Peters, Dean and Exum.

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. - **INTRODUCED**

Council Member Exum, as Chair of the Public Safety and Fiscal Management Committee, provided a verbal report of the actions and recommendations of the committee. Council Bill 68, which creates a new capital project, Room Air-Conditioners, and provides for the purchase and installation of approximately 1,330 room air-conditioners in over 50 public schools in Fiscal Years 2004 and 2005. Council Bill 68 was favorably reported out of PSFM on 10/8/2003. Under discussion, Council Member Bland requested that the summary sheet be corrected to reflect her overwhelming support for this measure. Council Bill 68 was introduced by Council Members Shapiro, Bland, Hendershot, and Knotts.

CB-69-2003 (DR-2) – 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. - **INTRODUCED**

Council Member Exum, as Chair of the Public Safety and Fiscal Management Committee, provided a verbal report of the actions and recommendations of the committee. Council Bill 69, which provides an additional appropriation of \$1,050,000 from the Contingency Fund to the Samuel Massie Elementary School capital project, was favorably reported out of PSFM on 10/8/2003 with amendments. Council Bill 69, Draft 2 was introduced by Council Members Bland, Exum, Dean, Harrington and Peters.

SECOND READING OF BILLS (INTRODUCTION) – (CONTINUED)

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. - **INTRODUCED**

Council Member Exum, as Chair of the Public Safety and Fiscal Management Committee, provided a verbal report of the actions and recommendations of the committee. Council Bill 74, which amends the fee schedule to make it consistent with the variance application fee increases made effective by CB-41-2002 and increase fees for filing other zoning and administrative appeals and extension of time requests, was favorably reported out of PSFM on 10/8/2003. Council Bill 74 was introduced by Council Members Dean, Exum and Peters.

4. **INTRODUCTION AND ADOPTION OF RESOLUTIONS**

CR-67-2003 – A RESOLUTION CONCERNING NEIGHBORHOOD INTERVENTION PROGRAM for the purpose of approving the application of the Washington Area Community Investment Fund, Inc. under the Community Legacy Financial Assistance Fund to implement the Prince George's County Neighborhood Intervention Program in Fairmont Heights, Capitol Heights, and Temple Hills. - **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 67, as proposed by the Chairman by request of the County Executive, approves the application of the Washington Area Community Investment Fund, Inc. under the Community Legacy Financial Assistance Fund to implement the Prince George's County Neighborhood Intervention Program in Fairmont Heights, Capitol Heights, and Temple Hills. Council Resolution 67 was introduced by Council Members Shapiro, Dean, Exum, Knotts, Harrington and Peters. Council Member Exum moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 67; seconded by Council Member Knotts. The motion carried 9-0. Council Member Exum moved adoption of Council Resolution 67; seconded by Council Member Knotts. The motion carried 9-0.

CR-68-2003 – A RESOLUTION CONCERNING PUBLIC INFORMATION AND COMMUNITY EDUCATION for the purpose of establishing the Prince George's County Community Leadership Institute to provide public information and community education. - **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 68, which establishes the Prince George's County Community Leadership Institute to provide public information and community education, was introduced by Council Members Dean, Shapiro, Exum, Knotts, Harrington and Peters. Council Member Knotts moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 68; seconded by Council Member Harrington. The motion carried 9-0. Council Member Knotts moved adoption of Council Resolution 68; seconded by Council Member Harrington. The motion carried 9-0.

POINTS OF PERSONAL PRIVILEGE – Council Member Dean thanked his colleagues for their assistance in establishing the Prince George’s County Community Leadership Institute and acknowledged members of the Institute who were present. He made special mention of Mr. Freddie Dawkins, Ms. Nellvenia Johnson, Mr. George Braxton, Ms. Iretha Tate, Mrs. Donna Dean, Ms. Yvonne McGhee, Ms. Carol Johnson, Ms. Karen Campbell, Dr. Jacqueline Brown and Dr. Ronald Williams. Council Member Knotts recognized Mr. Eugene and Mrs. Julia Clark for their leadership in “South County.” Council Member Dernoga recognized Ms. Carmen Anderson for her leadership on zoning issues. Council Member Harrington recognized Ms. Andrea Fletcher who serves as staff within his office.

5. **RESOLUTIONS ELIGIBLE FOR FINAL READING (ADOPTION)**

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

Council Member Exum, as Chair of the Public Safety and Fiscal Management Committee, provided a verbal report of the actions and recommendations of the committee. Council Resolution 58 was introduced by Council Members Shapiro and Dernoga on 9/30/2003 and favorably reported out of PSFM on 10/8/2003. Council Member Exum moved adoption of Council Resolution 58; seconded by Council Member Knotts. Under discussion of the vote, Council Member Hendershot stated for the record that this resolution would add two exempt positions to the department at \$42,000 each. The motion carried 9-0.

CR-63-2003 – A RESOLUTION CONCERNING COMMUNITY LEGACY PROGRAM for the purpose of approving the application and receipt of financing for Community Legacy Projects in Palmer Park, Prince George’s County, Maryland to be financed either directly by the Department of Housing and Community Development (the “Department”) of the State of Maryland or through other departments or agencies of the State of Maryland. – **T.H.E. COMMITTEE DISCHARGED; ADOPTED**

Council Resolution 63, which approves the application and receipt of financing for Community Legacy Projects in Palmer Park, Prince George’s County, Maryland to be financed either directly by the Department of Housing and Community Development of the State of Maryland or through other departments or agencies of the State of Maryland, was introduced by Council Members Shapiro, Dean, Exum, Knotts, Dernoga, Harrington and Peters on 10/7/2003 and referred to the Transportation, Housing and the Environment Committee. Council Member Harrington moved to discharge the T.H.E. Committee; seconded by Council Member Exum. The motion carried 9-0. Council Member Knotts moved adoption of Council Resolution 63; seconded by Council Member Harrington. The motion carried 9-0.

- **** *Council Member Exum moved to convene in Executive Session for discussion of proposed advanced land acquisition projects in accordance with Maryland Annotated Code, State Government, Section 10-508 (a) (3) (14); seconded by Council Member Harrington. The motion carried 9-0.*

RECESS – *Chairman Shapiro recessed the meeting at 12:41 a.m.*

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

- (a) Discussion of proposed advanced land acquisition projects in accordance with Maryland Annotated Code, State Government, Section 10-508 (a) (3) (14).

RECONVENE – *Chairman Shapiro reconvened the meeting at 2:41 p.m.*

1. **PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT – (CONTINUED) (see page 2)**

- (c) Proposed letter to Elizabeth M. Hewlett, Chair, Prince George's Planning Board, advising that the Prince George's County Council and County Executive have reviewed the appraisals and jointly agree that the M-NCPPC may proceed to negotiate a contract for the purchase of the parcels recorded at Liber and folio L05088 F158; L13594 F051; L13686 F011 and L11630 F302 on Tax Map 47, grid D-3. - **CHAIRMAN AUTHORIZED TO SIGN**

Chairman Shapiro proposed that a letter be sent to Ms. Elizabeth Hewlett advising her of the County Council and County Executive review and agreement to proceed with negotiations for purchase of certain parcels of land. Council Member Peters moved to authorize the Chairman's signature; seconded by Council Member Hendershot. The motion carried 8-1 (Opposed: Council Member Bland).

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

No persons wished to address the Council.

ADJOURN – *Chairman Shapiro adjourned the meeting at 2:23 p.m.*

**PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE MEETING –
(ROOM 2027) – MEETING HELD**

Prepared by:

Donna J. Brown, Office Manager

Submitted by:

Redis C. Floyd, Clerk of the Council