

ACTION MINUTES

Tuesday, May 6, 2003

Legislative Day No. 14

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 10:12 a.m. with the following Council Members present:*

*Peter A. Shapiro
Marilynn M. Bland
Samuel H. Dean
Camille A. Exum
David C. Harrington
Thomas R. Hendershot
Tony Knotts
Douglas J. J. Peters*

Absent at roll call: Thomas E. Dernoga (arrived @ 10:47 a.m.)

Others Present:

*Barbara 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
Collete Gresham, Associate County Attorney
Cheryl Ringer, Associate County Attorney
Frank Porter, Committee Director, PSFM
Jacqueline Brown, Committee Director, PZED*

INVOCATION – *The Invocation was provided by Reverend Dr. John Diefenthaler, of Our Savior Lutheran Church in Laurel, Maryland.*

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

PUBLIC HEARINGS:**Appointment of the following individual as Director of Community Relations for Prince George's County: - PUBLIC HEARING HELD; APPOINTMENT CONFIRMED**

Mr. Chris Osuji

Pursuant to proper notice, the public hearing convened for the appointment of Mr. Chris Osuji as Director of Community Relations for Prince George's County. County Executive Jack Johnson introduced Mr. Osuji to the Council and spoke regarding his character and credentials. Mr. Osuji was present and spoke on his own behalf. All persons wishing to speak having done so, the public hearing was declared held. Council Member Hendershot moved confirmation of the appointment; seconded by Council Member Peters; carried by roll call vote 8-0 (Absent: Council Member Dernoga).

Appointment of the following individual to the Maryland-National Capital Park and Planning Commission for Prince George's County: - PUBLIC HEARING HELD; APPOINTMENT CONFIRMED

Mr. Sylvester J. Vaughns

Appointment
Replacing Dr. James Brown
Term Expiring: 6/15/2004

Pursuant to proper notice, the public hearing convened for the appointment of Mr. Sylvester Vaughns to the Maryland-National Capital Park and Planning Commission for Prince George's County. County Executive Jack Johnson introduced Mr. Vaughns to the Council and spoke regarding his character, credentials and long-standing service to the citizens of Prince George's County. Mr. Vaughns was present and spoke on his own behalf. All persons wishing to speak having done so, the public hearing was declared held. Council Member Harrington moved confirmation of the appointment; seconded by Council Member Dernoga; carried by roll call vote 9-0.

Appointment of the following individual as Director of Housing and Community Development for Prince George's County: - PUBLIC HEARING HELD; APPOINTMENT CONFIRMED

Mr. Thomas M. Thompson

Pursuant to proper notice, the public hearing convened for the appointment of Mr. Thomas M. Thompson as Director of Housing and Community Development for Prince George's County. County Executive Jack Johnson introduced Mr. Thompson to the Council and spoke regarding his character and credentials. Mr. Thompson was present and spoke on his own behalf. All persons wishing to speak having done so, the public hearing was declared held. Council Member Harrington moved confirmation of the appointment; seconded by Council Member Dean; carried by roll call vote 9-0.

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) **First Reading of Bills (Presentation)**

CB-28-2003 – AN ORDINANCE CONCERNING CAMPUS HOUSING COMMUNITY for the purpose of defining and allowing campus housing communities on property adjacent to the University of Maryland or Bowie State University, subject to certain requirements. - **PRESENTED**

Council Bill 28 was presented by Council Member Hendershot and referred to the Planning, Zoning and Economic Development Committee.

CB-29-2003 – AN ORDINANCE CONCERNING C-A ZONE for the purpose of modifying the requirements for antennas, monopoles, and related equipment buildings in the C-A Zone. - **PRESENTED**

Council Bill 29 was presented by Council Member Bland and referred to the Planning, Zoning and Economic Development Committee.

(b) **Introduction of Resolutions**

CR-22-2003 – A RESOLUTION CONCERNING PREDATORY LENDING ABUSE for the purpose of urging Federal officials to oppose efforts to negate State and local authority to protect borrowers. - **INTRODUCED**

Council Resolution 22, which opposes efforts to remove State and local authority to protect borrowers against predatory lending, was proposed by Council Member Harrington and Chairman Shapiro and referred to the Transportation, Housing and the Environment Committee. Council Resolution 22 was introduced by Council Member Harrington, Chairman Shapiro and Council Members Hendershot, Dean, Dernoga, Peters, Knotts and Exum.

CR-23-2003 – A RESOLUTION CONCERNING SCHOOLS FACILITIES ADEQUACY TEST for the purpose of stating the County Council's intention to revise the criteria for the school facilities adequacy test in accordance with the General Plan for Prince George's County. - **INTRODUCED**

Council Resolution 23, which indicates the Council's intent to present additional legislation revising the criteria for the school facilities adequacy test, was proposed by Council Member Harrington and referred to the Planning, Zoning and Economic Development Committee. Council Resolution 23 was introduced by Council Members Harrington, Shapiro, Dean, Dernoga and Peters.

- ** *Council Member Hendershot moved to adopt the Consent Agenda; seconded by Council Member Peters; carried by voice vote.*

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

No items were considered.

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

- (a) Proposed letter to Michael L. Subin, President of the Montgomery County Council, transmitting the Prince George's County Council's proposed recommendations on the Fiscal Year 2004 Operating and Capital budgets of the Washington Suburban Sanitary Commission, the Maryland-National Capital Park and Planning Commission and the Washington Suburban Transit Commission. - **CHAIRMAN AUTHORIZED TO SIGN**

Chairman Shapiro proposed that a letter be sent to the Honorable Michael Subin transmitting the Prince George's County Council's recommendations on the Fiscal Year 2004 budgets for WSSC, M-NCPPC and WSTC. Council Member Dean moved to authorize the Chairman's signature; seconded by Council Member Peters; carried by roll call vote 8-0-1 (Abstained: Council Member Knotts)

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

CB-1-2003 (DR-2) AN ACT CONCERNING WAGE REQUIREMENTS FOR COUNTY SERVICE CONTRACTS for the purpose of requiring that certain service contracts include minimum wage requirements under certain circumstances. - **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 1 establishes a minimum wage of \$10.50 per hour on certain contracts for services provided to the County by contract and gives the Purchasing Agent responsibility for administering the requirement and the authority to adjust the minimum wage annually. Council Bill 1 was favorably reported out of PSFM on 4/29/2003 with amendments. Council Bill 1, Draft 2 was introduced by Council Members Hendershot, Harrington, Peters, Exum, Dean and Shapiro.

SECOND READING OF BILLS – (INTRODUCTION) – (CONTINUED)

CB-23-2003 – AN ACT CONCERNING COLLECTIVE BARGAINING AGREEMENT – PRINCE GEORGE’S COUNTY POLICE CIVILIAN EMPLOYEES ASSOCIATION for the purpose of amending the labor agreement by and between Prince George’s County, Maryland and the Prince George’s County Police Civilian Employees Association to provide for wage and certain other terms and conditions of employment for personnel classifications certified by the Prince George’s County Public Employee Relations Board AAA Case No. 16390 00248 01. - **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 23 adopts and approves an amendment to the referenced collective bargaining agreement in accordance with Section 16-233(f) of the Personnel Law for certain civilian employees in the Police Department. Council Bill 23 was favorably reported out of PSFM on 4/29/2003. Council Bill 23 was introduced by Council Members Shapiro, Hendershot, Peters and Dernoga.

CB-24-2003 – 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 the Police Civilian Employees Association (PCEA). - **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 24, which amends the Classification Plan for the purpose of assigning certain existing classes of work to the bargaining unit represented by the PCEA was favorably reported out of PSFM on 4/29/2003. Council Bill 24 was introduced by Council Members Shapiro, Dernoga and Peters.

CB-30-2003 (SUBDIVISION BILL) - AN ACT CONCERNING ADEQUATE SCHOOL FACILITIES for the purpose of eliminating the provisions for payment of a per-dwelling unit fee in conjunction with a school facilities adequacy test. - **INTRODUCED**

Council Bill 30 was introduced by Council Members Harrington, Shapiro, Dean, and Knotts and referred to the Planning, Zoning and Economic Development Committee.

CB-31-2003 – AN ACT CONCERNING SCHOOL FACILITY SURCHARGE for the purpose of increasing the amount of the School Facility Surcharge, providing for partial credits of amounts required to be paid pursuant to an adequate public facility agreement, and making other amendments concerning the School Facility Surcharge in accordance with State law. - **INTRODUCED**

Council Bill 31 was introduced by Council Members Shapiro, Dean, Knotts and Harrington and referred to the Planning, Zoning and Economic Development Committee.

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

CB-10-2003 (DR-2) – AN ORDINANCE CONCERNING EATING OR DRINKING ESTABLISHMENTS for the purpose of modifying the requirements for eating and drinking establishments in the I-3 Zone. - **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 10, Draft 2. Mr. Norman Rivera spoke in support of the measure. All persons wishing to speak having done so, the public hearing was declared held. Council Member Dean moved enactment of Council Bill 10, Draft 2; seconded by Council Member Hendershot; carried by roll call vote 9-0.

CB-11-2003 (DR-2) – AN ORDINANCE CONCERNING DEPARTMENT AND VARIETY STORES for the purpose of allowing department or variety stores in the I-3 Zone, under certain circumstances. - **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 11, Draft 2. No persons wishing to speak, the public hearing was declared held. Council Member Dean moved enactment of Council Bill 11, Draft 2; seconded by Council Member Hendershot; carried by roll call vote 8-1 (Opposed: Council Member Exum).

CB-12-2003 (DR-2) – AN ORDINANCE CONCERNING PRE-APPLICATION INFORMATIONAL MAILINGS for the purpose of requiring applicants to send informational mailings to civic associations, municipalities, adjoining property owners, and prior parties of record at least 30 days before filing applications, requiring civic associations to register before they are eligible to receive informational mailings, making minor style and editing changes, and making related amendments to the Zoning Ordinance. - **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 12, Draft 2. Mr. Phillip Robinson of the Prince George's County Municipal Association spoke regarding the measure and presented suggestions for amendments and Mr. William Castelli spoke in opposition. All persons wishing to speak having done so, the public hearing was declared held. Council Member Hendershot moved enactment of Council Bill 12, Draft 2; seconded by Council Member Peters. Council Member Harrington proffered a substitute motion to amend Council Bill 12, Draft 2; seconded by Council Member Peters; carried by roll call vote 9-0. Council Member Dean moved amendment number two (sheet provided); seconded by Council Member Peters. Council Member Hendershot requested a division of the vote for the two items listed on the amendment sheet. Chairman Shapiro agreed and called for the vote for item number three, which carried 8-0 (Absent: Council Member Bland). The vote for item number two failed 4-4 (Opposed: Council Members Dean, Exum, Hendershot and Knotts; Absent: Council Member Bland). The original motion, now to enact Council Bill 12, Draft 2, carried by roll call vote 9-0.

6. **BILLS ELIGIBLE FOR THIRD READING – (ENACTMENT)**

CB-17-2003 – AN ACT CONCERNING THE DISPOSITION BY LEASE FOR PUBLIC PURPOSES OF THE UPPER MARLBORO JUSTICE CENTER SITE AT WATER STREET AND JUDGES DRIVE IN CONNECTION WITH THE ISSUANCE BY INDUSTRIAL DEVELOPMENT AUTHORITY OF PRINCE GEORGE’S COUNTY, MARYLAND OF CERTAIN ECONOMIC DEVELOPMENT REFUNDING REVENUE BONDS AND/OR REVENUE BONDS DESCRIBED HEREIN for the purpose of authorizing, in accordance with County Code Section 2-111.01, the County Executive to provide for (i) amendments to extend the term, among other purposes, of the existing lease by Prince George’s County, Maryland to the Industrial Development Authority of Prince George’s County, Maryland (The “Authority”) of the land on which the Prince George’s County Justice Center (also known as the Upper Marlboro Justice Center) is located or (ii) the disposition of the Upper Marlboro Justice Center site by separate lease to the Authority in connection with a proposed expansion of certain facilities currently located thereon, in either such case in connection with the issuance and sale by the Authority of certain refunding revenue bonds and/or revenue bonds identified herein and in accordance with the parameters set forth in this Act; and generally relating to any such disposition by lease. - **ENACTED**

Council Member Hendershot moved enactment of Council Bill 17; seconded by Council Member Harrington; carried by roll call vote 9-0.

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

CR-11-2003 – A RESOLUTION CONCERNING INDUSTRIAL DEVELOPMENT AUTHORITY OF PRINCE GEORGE’S COUNTY, MARYLAND ECONOMIC DEVELOPMENT REFUNDING REVENUE BONDS AND REVENUE BONDS RELATING TO THE EXISTING UPPER MARLBORO JUSTICE CENTER AND A CONTEMPLATED EXPANSION THEREOF for the purpose of authorizing and approving the issuance, sale and delivery by the Industrial Development Authority of Prince George’s County, Maryland (the “Authority”) of its refunding revenue bonds and its revenue bonds pursuant to the provisions of the Maryland Economic Development Revenue Bond Act or such other statutory authority as may be effective when such bonds are issued, for the purpose of (i) refinancing a portion of the cost of acquisition of certain facilities known as the Prince George’s County Justice Center, located at Water Street and Judges Drive, Upper Marlboro, Maryland (the “UMJC”) and leased to Prince George’s County, Maryland (the “County”) and (ii) financing (including by reimbursing prior project expenditures) all or a portion of the cost of acquisition of an expansion of a portion of the UMJC and related improvements; providing that the maximum aggregate principal amount of refunding revenue bonds that may be issued may not exceed Thirty-Five Million Dollars (\$35,000,000); providing that the maximum aggregate principal amount of revenue bonds that may be issued may not exceed Thirty Million Dollars (\$30,000,000); providing that no such refunding revenue bonds or revenue bonds shall be issued after December 31, 2003; and generally providing for and determining various matters in connection with the authorization, issuance, sale and delivery of such refunding revenue bonds and such revenue bonds and the consummation of the transactions contemplated by this Resolution. - **ADOPTED**

Council Member Harrington moved adoption of Council Resolution 11; seconded by Council Member Knotts; carried by roll call vote 9-0.

RESOLUTIONS ELIGIBLE FOR FINAL READING – (ADOPTION) (CONTINUED)

CR-12-2003 (DR-2) – A RESOLUTION CONCERNING THE UPPER MARLBORO JUSTICE CENTER for the purpose of approving the revised site plan for the expansion of the Marbury Wing of the Justice Center in Upper Marlboro. - **DR-2 SUBSTITUTED; ADOPTED**

Council Member Hendershot moved to substitute Draft 2, in lieu of Draft 1 of Council Resolution 12; seconded by Council Member Knotts; carried by voice vote. Council Member Harrington moved adoption of Council Resolution 12, Draft 2; seconded by Council Member Knotts; carried by roll call vote 9-0.

CR-18-2003 – A RESOLUTION CONCERNING A SUPPLEMENTARY APPROPRIATION OF FEDERAL, STATE AND OTHER FUNDS for the purpose of funding from grants in the amount of \$4,738,345 to the Health Department, Department of Social Services, Office of the State's Attorney, Department of Corrections, Department of Family Services, Police Department, Fire Department, Office of the Sheriff, Department of Environmental Resources and Office of Personnel and Labor Relations. - **ADOPTED**

Council Member Dean moved adoption of Council Resolution 18; seconded by Council Member Exum; carried by roll call vote 8-0 (Absent: Council Member Bland).

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

No persons wished to address the Council.

****** *Council Member Hendershot moved to convene in Executive Session to discuss legal issues in accordance with Maryland Annotated Code, State Government, Section 10-508(a)(7); seconded by Council Member Harrington; carried by roll call vote 8-0 (Absent: Council Member Bland).*

ADJOURN – *Chairman Shapiro adjourned the meeting at 1:20 p.m.*

EXECUTIVE SESSION -- EXECUTIVE SESSION HELD

- (a) Discussion to obtain legal advice in accordance with Maryland Annotated Code, State Government, Section 10-508(a)(7).

**PUBLIC SAFETY AND FISCAL MANAGEMENT COMMITTEE –
(ROOM 2027) -- COMMITTEE MEETING HELD**

Prepared by:

Submitted by:

Donna J. Brown, Office Manager

Redis C. Floyd, Clerk of the Council