

ACTION MINUTES

Tuesday, November 30, 2004

Business Meeting

(Legislative Day No. 41 to be declared)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SWEARING IN OF COUNCIL MEMBER TO REPRESENT COUNCIL DISTRICT 2 – (COUNCIL HEARING ROOM)

Mr. Will Campos

Chairman Tony Knotts convened the Swearing In Ceremony at 8:45 a.m. The Honorable Rosalyn Pugh, Clerk of the Circuit Court, performed the oath to install Will Campos as Council Member for the second Councilmanic District. Council Member Campos provided brief remarks.

AGENDA BRIEFING – (1ST FLOOR EXECUTIVE CONFERENCE ROOM) -- AGENDA BRIEFING HELD

COMMITTEE OF THE WHOLE - (1ST FLOOR LARGE CONFERENCE ROOM) -- C.O.W. HELD – *Chairman Knotts convened the Committee of the Whole at 10:22 a.m.*

**CB-116-2004 – AN ACT CONCERNING TAX INCREMENT DEVELOPMENT
DISTRICT CREATED BY THE CITY OF LAUREL, MARYLAND AND DESIGNATED
AS CENTRE AT LAUREL DEVELOPMENT DISTRICT** for the purpose of authorizing the pledge by the County of a portion of its property taxes levied on the tax increment pertaining to a contiguous area located on the northwest corner of Contee Road and Baltimore Washington Boulevard Route 1 in Prince George's County, such area having been designated by the City of Laurel, Maryland as a "development district" - **FAVORABLE RECOMMENDATION**

Barbara Holtz, Council Administrator and David Van Dyke, County Auditor spoke to the Fiscal Impact Statement for Council Bill 116. Council Member Dernoga moved favorable recommendation for Council Bill 116; seconded by Council Member Dean. The motion carried 8-0 (Absent: Council Member Hendershot).

CR-76-2004 – A RESOLUTION CONCERNING A SUPPLEMENTAL APPROPRIATION OF FEDERAL, STATE AND OTHER FUNDS

for the purpose of funding from grants in the amount of \$7,597,260 to the Department of Corrections, Police Department, Fire/EMS Department, Human Relations Commission, Department of Environmental Resources, Office of the Sheriff, Office of Homeland Security, Office of the State's Attorney, Department of Housing and Community Development, Department of Social Services, the Office of Community Relations and the Health Department. - **FAVORABLE RECOMMENDATION**

Council Member Harrington moved favorable recommendation for Council Resolution 76; seconded by Council Member Peters. The motion carried 8-0 (Absent: Council Member Hendershot).

CALL TO ORDER -- *Chairman Knotts called to order at 10:32 a.m. with the following Council Members present:*

*Marilynn M. Bland
Samuel H. Dean
Will Campos
Camille A. Exum
Tony Knotts
David C. Harrington
Douglas J. J. Peters
Thomas E. Dernoga*

Absent: Thomas R. Hendershot (recovering from surgery)

Others Present:

*Barbara L. Holtz, Council Administrator
Craig S. Price, Deputy Council Administrator
Robert Williams, Jr., Associate Council Administrator
Ralph Grutzmacher, Legislative Officer
Aisha Braveboy, County Council Liaison, Office of the County Executive
Kathy Canning, Associate County Attorney
Kimberly Shearin-Cotton, Associate County Attorney
Frank Porter, Committee Director (PSFM)
Sandra Eubanks, Committee Director (HEHS & THE)
Jackie Brown, Committee Director (PZED)*

INVOCATION: *The Invocation was provided by Ms. Betty Horton Hodge, Member, Fort Foote Baptist Church, Fort Washington, MD. Council Member Dean requested Special Intentions for Council Member Hendershot for his continued recovery from surgery.*

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

DESIGNATION OF NOVEMBER 30, 2004 AS LEGISLATIVE DAY NO. 41 - *Chairman Knotts designated November 30, 2004 as Legislative Day number forty-one.*

PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT

Proposed letter to Joyce Starks, Chair, Washington Suburban Sanitary Commission Commissioner, regarding the Council's recommendation of a 0% rate increase for the (WSSC) FY 2006 Water and Sewer Operating and Capital Budgets. - **VICE CHAIRMAN**

AUTHORIZED TO SIGN

Council Member Harrington moved to authorize the Vice Chairman's signature; seconded by Council Member Exum. The motion carried 7-0 (Chairman Knotts recused himself; Absent: Council Member and Hendershot).

Proposed joint signature letter to Dr. David Lever, R.A., D.A., Executive Director, The Interagency Committee on State School Construction, providing local endorsement to portions of the Board of Education's proposed FY 2006 capital budget request and to support its request for planning approval for the West Hyattsville Elementary School, and for three new high school additions. - **VICE CHAIRMAN AUTHORIZED TO SIGN**

Council Member Peters moved to authorize the Vice Chairman's signature; seconded by Council Member Dean. The motion carried 8-0 (Absent: Council Member Hendershot).

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

CB-72-2004 (DR-2) – AN ORDINANCE CONCERNING C-S-C AND C-M ZONES for the purpose of permitting a Commercial Revitalization use within the C-S-C and C-M Zones, and setting standards and requirements for the use. - **PUBLIC HEARING HELD; NO FINAL ACTION TAKEN**

Pursuant to proper notice, the public hearing convened on Council Bill 72, Draft 2. No one wishing to speak, the public hearing was declared held. Chairman Knotts announce that no final action would be taken on this measure.

CB-90-2004 (DR-2) – AN ORDINANCE CONCERNING R-E ZONE for the purpose of permitting elderly housing in the R-E Zone subject to certain requirements. - **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 90. Ms. Abigale Bruce-Watson spoke in support of the measure. All persons wishing to speak having done so, the public hearing was declared held. Council Member Peters moved enactment of Council Bill 90, Draft 2; seconded by Council Member Dean. The motion carried 7-0 (Absent: Council Member Exum and Hendershot).

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

CB-92-2004 (DR-2) – AN ORDINANCE CONCERNING I-3 ZONE for the purpose of permitting additional industrial uses and modifying development regulations in the I-3 Zone under certain circumstances. - **PUBLIC HEARING HELD; AMENDED; DR-3 ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 92. Dr. Peter Krantz, Mr. Thomas Haller and Ms. Karen Quigley spoke to the measure. All persons wishing to speak having done so, the public hearing was declared held. Council Member Dernoga moved amendment number 1; seconded by Council Member Harrington. The motion carried by voice vote (Absent: Council Member Hendershot). Council Member Dernoga moved enactment of Council Bill 92, Draft 3; seconded by Council Member Exum. The motion carried 8-0 (Absent: Council Member Hendershot).

**CB-95-2004 – (DR-2) (SUBDIVISION BILL) – AN ACT CONCERNING APPEALS IN
CLUSTER SUBDIVISION CASES** for the purpose of modifying the procedures for approval of final plats in cluster subdivision cases, to authorize appeals from Planning Board to District Council of decisions on cluster subdivision final plats. - **PUBLIC HEARING HELD;
ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 95, Draft 2. Ms. Helen O'leary spoke in support of the measure. All persons wishing to speak having done so, the public hearing was declared held. Council Member Exum moved enactment of Council Bill 95, Draft 2; seconded by Council Member Peters. The motion carried 8-0 (Absent: Council Member Hendershot).

**CB-98-2004 (DR-2) (SUBDIVISION BILL) – AN ACT CONCERNING SUBDIVISIONS –
RURAL TIER** for the purpose of providing interim development standards for new subdivision plat applications in the Rural Tier as designated in the Approved General Plan. - **PUBLIC
HEARING HELD; NO FINAL ACTION TAKEN**

Pursuant to proper notice, the public hearing convened on Council Bill 98, Draft 2. No one wishing to speak, the public hearing was declared held. Chairman Knotts announce that no final action would be taken on this measure.

CB-111-2004 (DR-2) – AN ORDINANCE CONCERNING I-2 ZONE for the purpose of clarifying that asphalt mixtures are asphalt mixing plants and permitting asphalt mixing plants and concrete batching or cement mixing plants in the I-2 Zone without the requirement for a special exception under certain circumstances. - **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 111, 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 Harrington moved enactment of Council Bill 111, Draft 2; seconded by Council Member Exum. The motion carried 7-0 (Absent: Council Members Dean and Hendershot).

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

CB-112-2004 – AN ORDINANCE CONCERNING R-18 ZONE for the purpose of permitting townhouses in the R-18 Zone under certain circumstances. - **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 112. No one wishing to speak, the public hearing was declared held. Council Member Harrington moved enactment of Council Bill 112; seconded by Council Member Exum. The motion carried 7-0 (Absent: Council Members Dean and Hendershot).

CB-114-2004 – AN ORDINANCE CONCERNING C-M ZONE for the purpose of requiring Detailed Site Plan review for car washes in the C-M Zone. - **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 114. Mr. John Barr spoke to the measure. All persons wishing to speak, having done so, the public hearing was declared held. Council Member Harrington moved enactment of Council Bill 114; seconded by Council Member Dean. The motion carried 8-0 (Absent: Council Member Hendershot).

CB-79-2004 (DR-2) – AN ACT CONCERNING HIGH TECHNOLOGY FACILITIES – TAX CREDIT for the purpose of repealing Section 2 of Chapter 28, 2001 Laws of Prince George's County, Maryland, concerning the sunset provision relating to a property tax credit for certain manufacturing, fabrication, assembling, or research and development facilities. - **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 79, Draft 2. No one wishing to speak, the public hearing was declared held. Council Member Peters moved enactment of Council Bill 79, Draft2; seconded by Council Member Dean. The motion carried 8-0 (Absent: Council Member Hendershot).

CB-83-2004 (DR-2) – AN ACT CONCERNING COURT SYSTEM – PRINCE GEORGE'S COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL for the purpose of establishing the Prince George's County Criminal Justice Coordinating Council; providing for the purpose, membership, duties, quorum, and frequency of meetings of the Criminal Justice Coordinating Council; providing that the function of the Criminal Justice Coordinating Council is advisory, establishing reporting requirements; and generally relating to the Prince George's County Criminal Justice Coordinating Council. - **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 83, Draft 2. No one wishing to speak, the public hearing was declared held. Council Member Dean moved enactment of Council Bill 83, Draft 2; seconded by Council Member Harrington. The motion carried 8-0 (Absent: Council Member Hendershot).

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

CB-104-2004 (DR-2) – AN ACT CONCERNING OFF-ROAD VEHICLES for the purpose of amending provisions of the County Code relating to Off-the-Road Motorcycles; defining Off-Road Vehicles and requiring such vehicles to be registered with the County; and imposing restrictions and penalties on the operation of Off-Road Vehicles. - **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 104, Draft 2. Mr. Darin Harris spoke in opposition to the measure. All persons wishing to speak, having done so, the public hearing was declared held. Council Member Peters moved enactment of Council Bill 104, Draft2; seconded by Council Member Dernoga. The motion carried 8-0 (Absent: Council Member Hendershot).

CB-116-2004 – AN ACT CONCERNING TAX INCREMENT DEVELOPMENT DISTRICT CREATED BY THE CITY OF LAUREL, MARYLAND AND DESIGNATED AS CENTRE AT LAUREL DEVELOPMENT DISTRICT for the purpose of authorizing the pledge by the County of a portion of its property taxes levied on the tax increment pertaining to a contiguous area located on the northwest corner of Contee Road and Baltimore Washington Boulevard Route 1 in Prince George's County, such area having been designated by the City of Laurel, Maryland as a "development district" - **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 116. Mr. Norman Rivera and Ms. Candice Robinson spoke in support of the measure. All persons wishing to speak, having done so, the public hearing was declared held. Mr. Frank Porte, Director of the Planning, Zoning and Economic Development Committee, provided a verbal report of the actions and recommendations of the committee. Council Bill 116 was favorably reported out of the Committee of the Whole earlier this date. Council Member Dernoga moved enactment of Council Bill 116; seconded by Council Member Peters. The motion carried 8-0 (Absent: Council Member Hendershot).

CB-117-2004 – AN ACT CONCERNING DISPOSITION OF SURPLUS REAL PROPERTY for the purpose of authorizing the County Executive to dispose of certain surplus real property that is no longer needed for stormwater management purposes and establishing that the price to be paid is the same price paid by the County at the time of acquisition. - **PUBLIC HEARING HELD; NO FINAL ACTION TAKEN**

Pursuant to proper notice, the public hearing convened on Council Bill 117. No one wishing to speak, the public hearing was declared held. Chairman Knotts announced that no final action would be taken on this measure.

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

**CB-82-2004 – AN ACT CONCERNING IMPOUNDMENT OF MOTOR VEHICLES
FROM PRIVATE PROPERTY**

for the purpose of requiring that photographs be taken whenever a motor vehicle is impounded from private property under certain circumstances. - **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 82. No one wishing to speak, the public hearing was declared held. Council Member Exum moved enactment of Council Bill 82; seconded by Council Member Dean. The motion carried 8-0 (Absent: Council Member Hendershot).

CB-96-2004 (DR-2) – AN ACT CONCERNING TOWING REGULATIONS for the purpose of amending provisions of the Code relating to towing regulations and establishing penalties, amending the hours for a property owner to initiate the towing of a vehicle from private property under certain circumstances and establishing the fees to be charged for private property tow services. - **PUBLIC HEARING HELD; NO FINAL ACTION TAKEN**

Pursuant to proper notice, the public hearing convened on Council Bill 96. Ms. Marlene Langert, Mr. Rob Goode, Ms. Ruth Zanolaningham, Mr. Bob Mead, Mr. Charlie Walker, Mr. Adolphus Horne, Mr. Frank Emig, Mr. George Malavakis, Mr. Fred Scheler, Mr. Thomas Kane, and the Honorable Glen Ivey, State's Attorney, spoke to the measure. All persons wishing to speak having done so, the public hearing was declared held. Chairman Knotts announce that no final action would be taken on this measure.

INTRODUCTION AND ADOPTION OF RESOLUTIONS – CR-80 ADDED

**CR-78-2004 – A RESOLUTION CONCERNING THE SECTOR PLAN AND
SECTIONAL MAP AMENDMENT FOR THE PRINCE GEORGE'S COUNTY
GATEWAY ARTS DISTRICT**

for the purpose of approving the Sector Plan and Sectional Map Amendment (SMA) for the Prince George's County Gateway Arts District, defining long-range land use and development policies, setting out detailed zoning proposals, establishing design standards, and designating a Development District Overlay Zone for the municipalities of Mount Rainier, Brentwood, North Brentwood, and Hyattsville but excluding the Prince George's Plaza and West Hyattsville transit districts, and consisting of portions of Planning Area 68, whose boundaries are described in the Zoning Ordinance. - **INTRODUCED; RULES
SUSPENDED; ADOPTED**

Council Resolution 78, as proposed by the Chairman at the request of the Planning Board, approves the Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District. Council Resolution 78 was introduced by Council Members Campos, Harrington, Dean, Exum, Peters, Knotts and Dernoga. Council Member Exum moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 78; seconded by Council Member Dean. The motion carried by voice vote (Absent: Council Member Hendershot). Council Member Campos moved adoption of Council Resolution 78; seconded by Council Member Peters. The motion carried 8-0 (Absent: Council Member Hendershot).

INTRODUCTION AND ADOPTION OF RESOLUTIONS – (CONTINUED)

CR-79-2004 - A RESOLUTION CONCERNING RURAL TIER ADVISORY TASK FORCE for the purpose of establishing the Rural Tier Advisory Task Force to evaluate and advise the County on issues relating to the rural tier of the County. - **INTRODUCED; NO FINAL ACTION TAKEN**

Council Resolution 79, as proposed by Council Members Bland and Peters, establishes the Rural Tier Advisory Task Force to evaluate and advise the County on issues relating to the rural tier of the County. Council Resolution 79 was introduced by Council Members Bland and Peters. Chairman Knotts announced that no final action would be taken on the measure.

****** *Council Member Harrington moved to accept additional item to the agenda; seconded by Council Member Peters. The motion carried by voice vote (Absent: Council Member Hendershot).*

CR-80-2004 – A RESOLUTION CONCERNING STATE OF MARYLAND COMMUNITY LEGACY PROGRAM for the purpose of approving the application and receipt of financing submitted by the Housing Initiative Partnership, Inc. (HIP) to the Maryland Department of Housing and Community Development for funding from the Community Legacy Program. - **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 80, as proposed by the Chairman at the request of the County Executive, approves the application and receipt of financing submitted by the Housing Initiative Partnership Inc. (HIP) to the Maryland Department of Housing and Community Development for funding from the Community Legacy Program. Council Resolution 80 was introduced by Council Members Harrington, Dean, Exum, Peters and Knotts. Council Member Harrington moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 80; seconded by Council Member Exum. The motion carried by voice vote (Absent: Council Member Hendershot). Council Member Harrington moved adoption of Council Resolution 80; seconded by Council Member Peters. The motion carried 8-0 (Absent: Council Member Hendershot).

RESOLUTIONS ELIGIBLE FOR FINAL READING – (ADOPTION)

CR-69-2004 (DR-2) – A RESOLUTION CONCERNING THE 2001 WATER AND SEWER PLAN (AUGUST CYCLE OF AMENDMENTS) for the purpose of changing the water and sewer category designations of properties within the 2001 Water and Sewer Plan. - **DR-2 SUBSTITUTED; AMENDED; DR-3 ADOPTED**

Council Member Harrington, as Chair of the Transportation, Housing and the Environment Committee, provided a verbal report of the actions and recommendations of the committee. Council Resolution 69 was favorably reported out of the Transportation, Housing and the Environment Committee on November 23, 2004 with amendments. Council Member Harrington moved to substitute Draft 2 in lieu of Draft 1; seconded by Council Member Peters. The motion carried by voice vote (Absent: Council Member Hendershot). Council Member Dernoga moved amendment number 1; seconded by Council Member Harrington. The motion carried by voice vote (Absent: Council Member Hendershot). Council Member Harrington moved adoption of Council Resolution 69, Draft 3; seconded by Council Member Exum. The motion carried 8-0 (Absent: Council Member Hendershot).

CR-70-2004 – A RESOLUTION CONCERNING U.S. ROUTE 1 COLLEGE PARK DESIGN AND ENGINEERING FUNDING IN FY 2005-2010 CONSOLIDATED TRANSPORTATION PROGRAM (CTP) for the purpose of requesting that the State Highway Administration advance the schedule of funding for the design and engineering for U. S. Route 1 improvements currently included in the State's CTP for FY 2004–2009. - **ADOPTED**

Council Member Harrington, as Chair of the Transportation, Housing and the Environment Committee, provided a verbal report of the actions and recommendations of the committee. Council Resolution 70 was favorably reported out of the Transportation, Housing and the Environment Committee on November 23, 2004. Council Member Harrington moved adoption of Council Resolution 70; seconded by Council Member Peters. The motion carried 8-0 (Absent: Council Member Hendershot).

CR-73-2004 – A RESOLUTION CONCERNING STATE OF MARYLAND NEIGHBORHOOD PARTNERSHIP PROGRAM for the purpose of approving the project submitted by the Housing Initiative Partnership, Inc., (HIP), to the Maryland Department of Housing and Community Development for participation in the Neighborhood Partnership Program. - **ADOPTED**

Council Member Harrington, as Chair of the Transportation, Housing and the Environment Committee, provided a verbal report of the actions and recommendations of the committee. Council Resolution 73 was favorably reported out of the Transportation, Housing and the Environment Committee on November 23, 2004. Council Member Harrington moved adoption of Council Resolution 73; seconded by Council Member Peters. The motion carried 8-0 (Absent: Council Member Hendershot).

RESOLUTIONS ELIGIBLE FOR FINAL READING – (ADOPTION) – (CONTINUED)**CR-77-2004 – A RESOLUTION CONCERNING EMERSON HOUSE APARTMENTS**

for the purpose of approving the issuance and sale of tax-exempt revenue bonds and taxable revenue bonds by the Housing Authority of Prince George's County (the "Housing Authority") in connection with the refunding of the Housing Authority's 1994 Bonds and the financing of renovations to Emerson House Apartments by Daniel Housing Corporation, Inc., a Maryland non-profit corporation (the "Owner"). - **ADOPTED**

Council Member Harrington, as Chair of the Transportation, Housing and the Environment Committee, provided a verbal report of the actions and recommendations of the committee. Council Resolution 77 was favorably reported out of the Transportation, Housing and the Environment Committee on November 23, 2004. Council Member Harrington moved adoption of Council Resolution 77; seconded by Council Member Dean. The motion carried 8-0 (Absent: Council Member Hendershot).

CR-76-2004 – A RESOLUTION CONCERNING A SUPPLEMENTAL

APPROPRIATION OF FEDERAL, STATE AND OTHER FUNDS for the purpose of funding from grants in the amount of \$7,597,260 to the Department of Corrections, Police Department, Fire/EMS Department, Human Relations Commission, Department of Environmental Resources, Office of the Sheriff, Office of Homeland Security, Office of the State's Attorney, Department of Housing and Community Development, Department of Social Services, the Office of Community Relations and the Health Department. - **ADOPTED**

Frank Porter, Director of Public Safety and Fiscal Management Committee, provided a verbal report from the actions and recommendations of the Committee of the Whole. Council Resolution 76 was favorably reported out of the Committee of the Whole earlier this date. Council Member Dean moved adoption of Council Resolution 76; seconded by Council Member Peters. The motion carried 8-0 (Absent: Council Member Hendershot).

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

No persons wished to address the Council.

ADJOURN - - *Chairman Knotts adjourned the meeting at 12:03 p.m.*

Prepared by:

Submitted by:

Donna J. Brown, Deputy Clerk

Redis C. Floyd, Clerk of the Council