

# ***AGENDA MINUTES***

**Thursday, August 10, 2006**

**Business Meeting**

**(Legislative Day No. 23 declared)**

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

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

**CALL TO ORDER:** - - *Chairman Dernoga called to order at 2:43 p.m. with the following Council Members present:*

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

*Others Present:*

*Craig Price, Council Administrator  
Robert Williams, Jr., Deputy Council Administrator  
Ralph Grutzmacher, Legislative Officer  
Karen Zavakos, Legislative Officer  
Jackie Brown, Committee Director PZED  
Hawi Sanu, Committee Director THE  
Kathy Canning, Associate County Attorney  
Adrian Howell, County Council Liaison, County Executive Office  
Bill Hunt, A & I*

**INVOCATION** - - *The Invocation was led by Edwin H. Brown, Jr. County Employee. Council Member Campos requested special prayers for Greg Hall a member of his Staff, lost his father, as the result of cancer. Council Member Knotts for Bryan Cummings, a WSSC employee struck by a motorist while working and has lost both legs.*

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

**DESIGNATION OF AUGUST 10, 2006 AS LEGISLATIVE DAY NO. 23**

*Chairman Dernoga designated August 10, 2006 as Legislative Day No. 23*

**PUBLIC HEARINGS/BILLS ELIGIBLE FOR THIRD READING – (ENACTMENT)****CB-62-2006 – AN ACT CONCERNING COLLECTIVE BARGAINING AGREEMENT COUNCIL 67 AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) AFL-CIO, AND ITS AFFILIATED LOCALS 2462, 2735, 3389 AND 1170**

for the purpose of amending the labor agreement by and between Prince George's County, Maryland and Council 67 American Federation of State, County and Municipal Employees (AFSCME) AFL-CIO, and its Affiliated Locals 2462, 2735, 3389 and 1170, to provide for wage increases and certain other terms and conditions of employment for personnel classifications certified by the Prince George's County Public Employee Relations Board. - **PUBLIC HEARING HELD; ENACTED**

*Pursuant to public notice, the public hearing convened on Council Bill 62. Patricia Fletcher, Keith C. Brown and C. J. Ross spoke on Council Bill 62. All persons wishing to speak having done so, the public hearing was declared held. Council Member Dean moved enactment of Council Bill 62; seconded by Council Member Campos. The motion carried 9-0.*

**CB-63-2006 – AN ACT CONCERNING THE CLASSIFICATION PLAN FOR PRINCE GEORGE'S COUNTY**

for the purpose of adding new classes to the collective bargaining agreement between the County and AFSCME Council 67, Salary Schedule A and abolishing existing classes of work in Salary Schedules C-Local 3279, J-Local 3389; and U-Local 1170. - **PUBLIC HEARING HELD; ENACTED**

*Pursuant to proper notice, the public hearing convened on Council Bill 63. Patricia Fletcher, Keith C. Brown and C. J. Ross spoke on Council Bill 63. All persons wishing to speak having done so, the public hearing was declared held. Council Member Harrington moved enactment of Council Bill 63; seconded by Council Member Hendershot. The motion carried 9-0.*

**CB-70-2006 (CHARTER AMENDMENT) - AN ACT CONCERNING AMENDMENT OF SECTION 815, CHARTER OF PRINCE GEORGE'S COUNTY**

for the purpose of proposing an amendment to Section 815 of the Charter of Prince George's County to provide that approved staffing complements may not be increased without prior approval of the County Council. - **PUBLIC HEARING HELD; ENACTED**

*Pursuant to proper notice, the public hearing convened on Council Bill 70. No person wishing to speak, the public hearing was declared held. Council Member Harrington moved enactment of Council Bill 70; seconded by Council Member Exum. The motion carried 7-2. (Opposed: Council Members Bland and Hendershot).*

**CB-71-2006 (CHARTER AMENDMENT) - AN ACT CONCERNING - AMENDMENT OF SECTION 322, CHARTER OF PRINCE GEORGE'S COUNTY**

for the purpose of proposing an amendment to Section 322 of the Charter of Prince George's County to allow additional time for holding a public hearing on executive appointments and providing that failure to act within forty-five days shall constitute approval.

- **PUBLIC HEARING HELD; ENACTED**

*Pursuant to proper notice, the public hearing convened on Council Bill 71. No person wishing to speak, the public hearing was declared held. Council Member Harrington moved enactment of Council Bill 71; seconded by Council Member Exum. The motion carried 7-2. (Opposed: Council Members Bland and Hendershot).*

**CB-72-2006 (CHARTER AMENDMENT) - AN ACT CONCERNING AMENDMENT OF SECTION 809, CHARTER OF PRINCE GEORGE'S COUNTY** for the purpose of proposing an amendment to Section 809 of the Charter of Prince George's County to provide that the Council may adjust the statement of estimated revenue in the proposed operating budget by a certain percentage. - **PUBLIC HEARING HELD; ENACTED**

*Pursuant to proper notice, the public hearing convened on Council Bill 72. No person wishing to speak, the public hearing was declared held. Council Member Harrington moved enactment of Council Bill 72; seconded by Council Member Exum. The motion carried 8-1. (Opposed: Council Member Bland).*

**CB-73-2006 - AN ACT CONCERNING AMENDMENT OF SECTION 814, CHARTER OF PRINCE GEORGE'S COUNTY** for the purpose of proposing an amendment to Section 814 of the Charter of Prince George's County to provide an approval process for certain intrafund transfers of appropriations within County agencies.

- **PUBLIC HEARING HELD; ENACTED**

*Pursuant to proper notice, the public hearing convened on Council Bill 73. No person wishing to speak, the public hearing was declared held. Council Member Exum moved enactment of Council Bill 73; seconded by Council Member Harrington. The motion carried 7-2. (Opposed: Council Members Bland and Hendershot).*

**CB-74-2006 - AN ACT CONCERNING AMENDMENT OF SECTION 819, CHARTER OF PRINCE GEORGE'S COUNTY** for the purpose of proposing an amendment to Section 819 of the Charter of Prince George's County to provide an approval process for the making of certain contracts providing for the payment of funds at a time beyond the fiscal year in which the contract is made.

- **PUBLIC HEARING HELD; ENACTED; MOTION TO RECONSIDER FAILED**

*Pursuant to proper notice, the public hearing convened on Council Bill 74. No person wishing to speak, the public hearing was declared held. Council Member Harrington moved enactment of Council Bill 74; seconded by Council Member Exum. The motion carried 6-3. (Opposed: Council Members Hendershot, Knotts and Peters). Council Member Bland moved reconsideration of Council Bill 74; seconded by Council Member Hendershot. The motion failed 3-6 (Opposed: Council Members Dernoga, Campos, Dean, Exum, Harrington and Knotts).*

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

**CR-58-2006 – A RESOLUTION CONCERNING COMPENSATION AND BENEFITS – COUNCIL 67 AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), AFL-CIO, AND ITS AFFILIATED LOCALS 1170 (HEALTH DEPARTMENT), 2462 (DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION AND DEPARTMENT OF ENVIRONMENTAL RESOURCES), 2735 (DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND OFFICE OF CENTRAL SERVICES) AND 3389 (DEPARTMENT OF FAMILY SERVICES AND HEALTH DEPARTMENT) – SALARY SCHEDULE A** for the purpose of amending the Salary Plan of the County to reflect the terms of the labor agreement by and between Prince George's County, Maryland and Council 67, American Federation of State, County and Municipal Employees (AFSCME) Locals 1170, 2462, 2735 and 3389.

**- RULES SUSPENDED; ADOPTED**

*Council Resolution 58 amends the salary plan by and between Prince George's County, Maryland and the AFSCME Council 67 and its Affiliated Locals 2462, 2735, 3389 and 1170, to provide the wage increases and certain other terms and conditions of employment for personnel classifications certified by the Prince George's County Public Employee Relations Board. Council Resolution 58 was introduced by Council Members Dernoga, Peters, Knotts, Dean, Exum and Harrington. Council Member Peters moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 58; seconded by Council Member Hendershot. The motion carried by voice vote. Council Member Peters moved adoption of Council Resolution 58; seconded by Council Member Harrington. The motion carried 9-0.*

**CR-61-2006 – A RESOLUTION CONCERNING THE LISTING OF LOCAL QUESTIONS ON THE 2006 BALLOT** for the purpose of designating the order and form in which local questions shall be placed on the 2006 ballot and matters related thereto.

**- RULES SUSPENDED; DR-2 SUBSTITUTED; DR-2 ADOPTED**

*Council Resolution 61 concerns the Listing of Local Questions of the 2006 Ballot for the purpose of designating the order and form in which local questions shall be placed on the 2006 Ballot and matters related thereto. Council Resolution 61 was introduced by Council Members Dernoga, Exum and Harrington. Council Member Harrington moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 61; seconded by Council Member Dean. The motion carried by voice vote. Council Member Dean moved to substitute Draft 2 in lieu of Draft 1; seconded by Council Member Harrington. The motion carried by voice vote. Council Member Dean moved adoption of Council Resolution 61; seconded by Council Member Harrington. The motion carried 8-0. (Absent: Council Member Exum).*

**CR-69-2006 – A RESOLUTION CONCERNING PUBLIC SAFETY ADEQUATE PUBLIC SAFETY FACILITIES TEST** for the purpose of temporarily suspending the staffing requirements of the Adequate Public Safety Facilities Test.

- **PZED COMMITTEE DISCHARGED; CONVENED AS C.O.W.; FAVORABLE RECOMMENDATION; ADOPTED**

*Council Member Harrington moved to discharge Planning, Zoning and Economic Development (PZED) Committee on Council Resolution 69; seconded by Council Member Hendershot. The motion carried 9-0. (Chairman Dernoga convened as the Committee of the Whole at 3:15 p.m.) Jackie Brown, Committee Director, Planning Zoning and Economic Development (PZED) Committee provided a verbal explanation of the legislation for Council Resolution 69. (Chairman Dernoga reconvened as the County Council at 3:20 p.m.) Council Member Harrington moved favorable recommendation from Committee of the Whole; seconded by Council Member Dean. The motion carried 6-3. (Opposed: Council Members Bland, Dean and Peters). Chairman Dernoga allowed public participation on Council Resolution 69. Sarah Cavitt, Tamara Davis-Brown, Randy Pheobus, Walter Baxter and Mr. Hill spoke on Council Resolution 69. Council Member Exum moved adoption of Council Resolution 69; seconded by Council Member Harrington. The motion carried 6-3. (Opposed: Council Members Bland, Dean and Peters).*

#### **PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT**

Proposed letter to Christopher Erdle, Chairman, Towing Task Force, granting an extension for submittal of the Towing Task Force Report to November 30, 2006.

- **CHAIRMAN AUTHORIZED TO SIGN**

*A letter was proposed to be sent to Christopher Erdle, Chairman, of the Towing Task Force, granting an extension for submittal of the Towing Task Force Report until November 30, 2006. Council Member Exum moved to authorize the Chairman's signature; seconded by Council Member Bland. The motion Carried 9-0.*

#### **RECONSIDERATION OF BILL**

**CB-6-2006 (DR-3) – AN ORDINANCE CONCERNING RESIDENTIAL ZONES** for the purpose of permitting conservation subdivisions, establishing bulk regulations for conservation subdivisions, deleting the Subdivision option of the use of lot size averaging and varying lot sizes, grandfathering those approved as of a certain date, and deleting the provisions for agricultural preservation development. - **RECONSIDERED; AMENDED; DR-4 ENACTED**

*Ralph Grutzmacher, Legislative Officer, provided a verbal explanation for the reconsideration of Council Bill 6(DR-3). Council Member Harrington moved reconsideration; seconded by Council Member Campos. The motion carried 8-1. (Opposed: Council Member Exum). Council Member Exum moved amendment number 1; seconded by Council Member Harrington. The motion carried 9-0. Council Member Exum moved to return to main motion to enact; seconded by Council Member Harrington. The motion carried 9-0.*

**On 7/18/2006 Council Member Harrington made a motion to enact Council Bill 6 (DR-3); seconded by Council Member Knotts. The motion carried 7-0. (Absent: Council Members Exum and Knotts).**

**INTRODUCTION AND ADOPTION OF RESOLUTIONS -- CR-71-2006 ADDED (SEE PAGE 6)**

**CR-70-2006 – A RESOLUTION CONCERNING THE VICTIMS AND SURVIVORS OF THE SEPTEMBER 11, 2001 TERRORIST ATTACKS** for the purpose of recognizing the victims and survivors of the September 11, 2001 terrorist attacks on the United States.

**- RULES SUSPENDED; ADOPTED**

*Council Resolution 70 recognizes the victims and survivors of the September 11, 2001 terrorist attacks on the United States. Council Resolution 70 was introduced by Council Members Bland, Peters, Exum, Harrington, Campos, Dernoga, Dean and Knotts. Council Member Bland moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 70; seconded by Council Member Harrington. The motion carried by voice vote. Council Member Bland moved adoption of Council Resolution 70; seconded by Council Member Harrington. The motion carried 9-0.*

**DISTRICT COUNCIL ITEMS**

***(SEE SEPARATE ACTION AGENDA)***

*Council Member Exum moved to accept additional items to the Agenda; seconded by Council Member Harrington. The motion carried by voice vote.*

**ADDITIONS TO THE AGENDA**

**INTRODUCTION AND ADOPTION OF RESOLUTIONS – (page 5)**

**CR-71-2006 - A RESOLUTION CONCERNING FLASH FLOODING IN PRINCE GEORGE'S COUNTY** for the purpose of stating the intention of the Prince George's County Council to provide assistance for flood damage not covered by homeowners' insurance for damage caused by flash flooding occurring throughout the County.

**- RULES SUSPENDED; ADOPTED**

*Council Resolution 71 concerns Flash Flooding in Prince George's County for the purpose of stating the intention of the Prince George's County Council to provide assistance for flood damage not covered by homeowners' insurance for damage caused by flash flooding occurring throughout the County. Council Resolution 71 was introduced by Council Members Harrington, Hendershot, Peters, Dean, Exum, Campos, Dernoga, Bland and Knotts. Council Member Harrington moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 71; seconded by Council Member Hendershot. The motion carried by voice vote. Council Member Dean moved adoption of Council Resolution 71; seconded by Council Member Harrington. The motion carried 9-0.*

**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-75-2006 – AN ORDINANCE CONCERNING AGRICULTURAL OPEN SPACE ZONE** for the purpose of creating an Agricultural Open Space (A-O-S) Zone and establishing procedures and regulations for this zone, providing a definition for agritourism activities, amending the definition of agriculture, and establishing a new special exception use for golf course or equestrian conservation subdivision. - **PRESENTED**

*Council Bill 75 was presented by the Chairman at the request of the Planning Board and referred to Planning, Zoning and Economic Development (PZED) Committee.*

*Council Member Exum moved adoption of the Consent Agenda; seconded by Council Member Knotts. The motion carried by voice vote.*

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

*Ms. Tamara Davis-Brown and Mr. William Orleans addressed the Council.*

**ADJOURN:** - - *Chairman Dernoga adjourned the meeting at 4:50 p.m.*

Prepared By:

Submitted By:

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Shirley T. Blake, Administrative Aide

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Redis C. Floyd, Clerk of the Council