

# ***ACTION MINUTES***

**Tuesday, March 25, 2003**

**(Legislative Day No. 8 to be declared)**

**Business Meeting**

## **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 10:05 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 at 10:10 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  
Steve Gilbert, Principal Counsel  
Sandra Eubanks, Committee Director, THE & HEHS  
Jackie Brown, Committee Director, PZED  
Frank Porter, Committee Director, PSFM  
Alan Hirsh, M-NCPPC, Planning Division*

**INVOCATION** – *The Invocation was provided by Edwin Brown, Member, From the Heart Ministries, Temple Hills, Maryland.*

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

**DESIGNATION OF MARCH 25, 2003 AS LEGISLATIVE DAY NO. 8** – *Chairman Peter A. Shapiro designated Tuesday, March 25, 2003 as Legislative Day number eight.*

**\*\*** *Council Member Harrington moved to accept additional items to the agenda; seconded by Council Member Knotts; carried by voice vote.*

1. **CONSENT AGENDA -- CB-19-2003 ADDED; 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-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. - **PRESENTED**

*Council Bill 17 was presented by the Chairman, at the request of the County Executive, and referred to the Committee of the Whole. Chairman Shapiro announced that Council Bill 17 would be considered during the Committee of the Whole work-session scheduled for Tuesday, April 1, 2003 at 1:30 p.m.*

**CONSENT AGENDA – (CONTINUED)**

**CB-18-2003 – AN ORDINANCE CONCERNING NONCONFORMING BUILDINGS, STRUCTURES, AND USES** for the purpose of allowing certain improvements to nonconforming buildings, structures, and uses with the requirement for a special exception. - **PRESENTED**

*Council Bill 18 was presented by Council Member Peters and referred to the Planning, Zoning and Economic Development Committee.*

**CB-19-2003 – AN ORDINANCE CONCERNING PEOPLE’S ZONING COUNSEL** for the purpose of amending the powers and duties of the People’s Zoning Counsel and amending the qualifications, term of office and method of appointment. - **PRESENTED**

*Council Bill 19 was presented by Council Members Harrington, Dernoga, Knotts and Peters and referred to the Planning, Zoning and Economic Development Committee.*

(b) **Introduction of Resolutions**

**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. - **INTRODUCED**

*Council Resolution 11 was proposed by the Chairman, at the request of the County Executive and referred to the Committee of the Whole. Council Resolution 11, which authorizes the refunding of all or a portion of the outstanding 1993 Bonds and the issuance of revenue bonds for the financing of an expansion of a portion of the County Justice Center Marbury Wing in Upper Marlboro, was introduced by Chairman Shapiro. Chairman Shapiro announced that Council Resolution 11 would be considered during the Committee of the Whole work-session scheduled for Tuesday, April 1, 2003 at 1:30 p.m.*

**CONSENT AGENDA – (CONTINUED)**

**CR-12-2003 – 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. - **INTRODUCED**

*Council Resolution 12 was proposed by the Chairman, at the request of the County Executive and referred to the Committee of the Whole. Council Resolution 12, which approves the revised site plan for the expansion of the Marbury Wing of the Justice Center in Upper Marlboro, was introduced by Chairman Shapiro. Chairman Shapiro announced that Council Resolution 12 would be considered during the Committee of the Whole work-session scheduled for Tuesday, April 1, 2003 at 1:30 p.m.*

**\*\*** *Council Member Dernoga moved to adopt the Consent Agenda; seconded by Council Member Knotts; carried by voice vote.*

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

*No items were removed.*

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

- (a) Proposed letter to Mr. Neil Pedersen, Acting Administrator, State Highway Administration, regarding the final project planning for the I-95/I-495 Greenbelt Metro Access Study.  
**CHAIRMAN AUTHORIZED TO SIGN**

(Recommended by THE Committee during worksession held on 3/13/2003)

*Chairman Shapiro proposed that a letter be sent to Mr. Neil Pedersen regarding final project planning for the I-95/I-495 Greenbelt Metro Access Study. Council Member Dean, as Chairman of the Transportation, Housing and the Environment Committee, provided a verbal report of the committee's actions and recommendations. Council Member Dernoga moved to authorize the Chairman's signature; seconded by Council Member Dean; carried by roll call vote 9-0.*

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

**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. - **INTRODUCED**

*Council Member Harrington, as Chairman of the Planning, Zoning and Economic Development Committee, provided a verbal report of the committee's actions and recommendations. Council Bill 10 modifies the requirements for eating and drinking establishments in the I-3 Zone. Council Bill 10 was favorably reported out of PZED on 3/12/2003 with amendments. Council Bill 10, Draft 2 was introduced by Council Member Dean.*

**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. - **INTRODUCED**

*Council Member Harrington, as Chairman of the Planning, Zoning and Economic Development Committee, provided a verbal report of the committee's actions and recommendations. Council Bill 11 amends the use table for the I-3 Zone to permit department or variety stores with pharmacy operations, under certain circumstances. Council Bill 11 was favorably reported out of PZED on 3/12/2003 with amendments. Council Bill 11, Draft 2 was introduced by Council Member Dean.*

**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. - **INTRODUCED**

*Council Member Harrington, as Chairman of the Planning, Zoning and Economic Development Committee, provided a verbal report of the committee's actions and recommendations. Council Bill 12 amends the Zoning Ordinance to require applicants to send informational mailings to civic associations, municipalities, and adjoining property owners at least 30 days before filing an application. Council Bill 12 was favorably reported out of PZED on 3/12/2003 with amendments. Council Bill 12, Draft 2 was introduced by Council Members Dean, Knotts, Harrington, Shapiro, Dernoga, Peters and Exum.*

**CB-13-2003 – AN ACT CONCERNING OFFICE OF THE SHERIFF AND DEPARTMENT OF CORRECTIONS** for the purpose of repealing various obsolete provisions of Subtitle 18 pertaining to the Office of the Sheriff and the Department of Corrections. - **INTRODUCED**

*Council Member Exum, as Chairwoman of the Public Safety and Fiscal Management Committee, provided a verbal report of the committee's actions and recommendations. Council Bill 13 deletes obsolete provisions of the County Code relating to the Office of the Sheriff. Council Bill 13 was favorably reported out of PSFM on 3/12/2003. Council Bill 13 was introduced by Council Members Hendershot, Dean, Harrington, Peters and Exum.*

## 5. **INTRODUCTION AND ADOPTION OF RESOLUTIONS**

**CR-10-2003 – A RESOLUTION CONCERNING PREPARATION OF A NEW MASTER PLAN AND SECTIONAL MAP AMENDMENT FOR BOWIE AND VICINITY (PLANNING AREAS 71A, 71B AND 74A, 74B)** for the purpose of initiating a new master plan and sectional map amendment for Bowie and Vicinity in order to develop a comprehensive approach to implementing the recommendations of the 2002 General Plan, to ensure that future development is consistent with County policies. - **INTRODUCED**

*Council Resolution 10 was proposed by the Chairman at the request of the Planning Board. Council Resolution 10 authorizes the Planning Board to initiate preparation of a new Master Plan and Sectional Map Amendment for Bowie and Vicinity. Council Resolution 10 was introduced by Council Members Dean, Exum, Harrington, Dernoga, Peters and Knotts. Council Member Peters moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 10; seconded by Council Member Harrington; carried by voice vote. Council Member Peters moved adoption; seconded by Council Member Dean; carried by roll call vote 9-0.*

## **PUBLIC HEARINGS: -- PUBLIC HEARINGS HELD**

School Facilities Agreements in the first group of residential subdivisions in 2003, under Chapter 389 of the Laws of Maryland of 2002 and Council Bill 40-2001. The properties being reviewed have subdivisions with preliminary plats approved before December 31, 2002, and school facilities applications with all information required by State and County Law.

*Chairman Shapiro convened as the District Council at 10:22 a.m. to conduct the public hearings on the first group of residential subdivisions School Facilities Agreements. All public hearings were held pursuant to proper notice. (See separate agenda for details of the proceedings.) Council Member Dean moved to approve the agreements for inclusion in adopting legislation; seconded by Council Member Knotts. Council Member Dernoga proffered a substitute motion to amend all of the agreements to reflect a term of six years; seconded by Council Member Dean; carried by roll call vote 9-0. The main motion, as amended, carried by roll call vote 9-0. Chairman Shapiro reconvened as the District Council at 10:49 a.m.*

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

*Mr. Phillip Robinson of 8409 Galveston Road, Silver Spring, Maryland 20910 addressed the Council regarding CB-12-2003 (DR-2), which would require applicants to send pre-application informational mailings. Mr. Robinson, representing the Prince George's County Municipal Association (PGCMA), indicated the association's position of support for the bill and proffered two amendments for the Council's consideration.*

**ADJOURN** – *Chairman Shapiro adjourned the meeting at 10:51 a.m.*

**GENERAL ASSEMBLY COMMITTEE MEETING – (ROOM 2027) -- GENERAL  
ASSEMBLY COMMITTEE MEETING CANCELLED**

**Prepared by:**

**Submitted by:**

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Donna J. Brown, Office Manager

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Redis C. Floyd, Clerk of the Council