

AGENDA MINUTES

Tuesday, September 11, 2007

Business Meeting

(Legislative Day No. 24 to be declared)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

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

CALL TO ORDER - *Chair Exum called to order at 10:05 a.m. with the following Council Members present:*

*Marilynn M. Bland
Will Campos
Samuel H. Dean
Thomas E. Dernoga
Camille A. Exum
David C. Harrington
Tony Knotts
Eric C. Olson
Ingrid M. Turner*

Others Present:

*Craig Price, Council Administrator
Robert J. Williams, Jr., Deputy Council Administrator
Ralph Grutzmacher, Legislative Officer
Russell King, Associate County Attorney
Hawi Sanu, THE Committee Director
Frank Porter, PSFM Committee Director
Steve Gilbert, Principal Counsel to District Council
Marcus Jackson, County Council Liaison, Office of the County Executive*

INVOCATION: - *The Invocation was led by Reverend Clarence Parker III, Associate Minister, The Sanctuary at Kingdom Square, Capitol Heights, Maryland. Council Member Bland requested special prayers for Timothy Rablates, a 911 victim; for Delegate Aisha Braveboy's cousin (Nicole Jordan Porter) victim of domestic violence and Council Member Harrington for the Long family.*

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

POINT OF PERSONAL PRIVILEGE: - *Council Member Exum spoke to events of Sept. 11, 2001 and named the twenty-four Prince George's County citizens that lost their lives on that tragic date.*

DESIGNATION OF SEPTEMBER 11, 2007 AS LEGISLATIVE DAY NO. 24: - *Council Chair designated September 11, 2007 as Legislative Day number 24.*

1. **CONSENT AGENDA -- CR-62 AND CR-63-2007 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) Approval of County Council Minutes dated July 24, 2007. - **APPROVED**

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

CB-33-2007 – AN ORDINANCE CONCERNING MONOPOLES for the purpose of reducing the maximum height of monopoles on residential property without the need for a special exception. - **PRESENTED**

Council Bill 33 was presented by Council Member Dean and referred to the Planning, Zoning and Economic Development (PZED) Committee.

CB-34-2007 – AN ACT CONCERNING TELECOMMUNICATIONS FACILITY COMMITTEE – FACILITY INVENTORY for the purpose of amending procedures pertaining to the Prince George's County Telecommunications Transmission Facility Committee. - **PRESENTED**

Council Bill 34 was presented by Council Member Dean and referred to the Public Safety and Fiscal Management (PSFM) Committee.

CB-35-2007 – AN ACT CONCERNING TOWING REGULATIONS for the purpose of amending the towing regulations to reduce the time a tow company has to provide notice of a vehicle tow from private property. - **PRESENTED**

Council Bill 35 was presented by the Chairman at the request of the County Executive and referred to the Transportation, Housing and the Environment (THE) Committee.

(c) **Introduction of Resolutions**

CR-60-2007 – A RESOLUTION CONCERNING SWANSON ROAD/SWANSON ROAD SPUR for the purpose of designating Swanson Road/Swanson Road Spur in Upper Marlboro, within the limits described herein, as a Scenic Road pursuant to Subtitle 23 (Roads and Sidewalks) of the County Code. - **INTRODUCED**

Council Resolution 60 designates Swanson Road/Swanson Road Spur in Upper Marlboro, within the limits described herein, as a Scenic Road pursuant to Subtitle 23 (Roads and Sidewalks) of the County Code. Council Resolution 60 was introduced by Council Members Dean and Dernoga and referred to the Transportation, Housing and the Environment (THE) Committee.

Council Member Dernoga moved to accept additional items to the Agenda; seconded by Council Member Harrington. The motion 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 Samuel J. Parker, Jr., Chairman, Prince George's County Planning Board, concerning proposed amendments to the Development District Standards for the Gateway Development District, as requested by the City of Mt. Rainier. -- **CHAIRMAN AUTHORIZED TO SIGN**

A letter was proposed for sending to Mr. Samuel J. Parker, Jr., Chairman, Prince George's County Planning Board, concerning proposed amendment to the Development District Standards for the Gateway Development District, as requested by the City of Mt. Rainier. Council Member Campos moved to authorize the Chair's signature; seconded by Council Member Olson. The motion carried 9-0.

- (b) Proposed letter to The Honorable Martin O'Malley, Governor, State of Maryland requesting review of possible extension of Purple Line to the Largo area. -- **CHAIRMAN AUTHORIZED TO SIGN**

A letter was proposed for sending to the Honorable Martin O'Malley, Governor, State of Maryland requesting review of possible extension of the Purple Line to the Largo area. Council Member Olson moved to authorize the Chair's signature; seconded by Council Member Harrington. The motion carried 9-0.

Council Member Dernoga moved adoption of the Consent Agenda; seconded by Council Member Harrington. The motion carried by voice vote.

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

CB-20-2007 (SUBDIVISION BILL) - AN ACT CONCERNING PROCEDURES FOR MAJOR SUBDIVISIONS for the purpose of clarifying validity procedures for major subdivisions under certain circumstances. - **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 20. No persons wishing to speak, the public hearing was declared held. Council Member Dean moved enactment of Council Bill 20; seconded by Council Member Turner. The motion carried 9-0.

CB-21-2007 (DR-2) – AN ACT CONCERNING AN INTERPROJECT TRANSFER OF APPROPRIATIONS IN THE APPROVED FISCAL YEAR 2007 CAPITAL BUDGET for the purpose of transferring appropriations to the District VII Station, the County Building Renovations II project, the William W. Hall Elementary School, the Enterprise Resource Planning System and the Rosa L. Parks Elementary School and providing a supplementary appropriation to the Duval Wing Restoration project. - **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 21. No persons wishing to speak, the public hearing was declared held. Council Member Dean moved enactment of Council Bill 21(DR-2); seconded by Council Member Olson. The motion carried 9-0.

CB-22-2007 (DR-2) - AN ACT CONCERNING HOMESTEAD PROPERTY TAX CREDIT for the purpose of establishing the homestead property tax credit for the County property tax for the taxable year beginning July 1, 2008.
- **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 22. No persons wishing to speak, the public hearing was declared held. Council Member Dean moved enactment of Council Bill 22(DR-2); seconded by Council Member Harrington. The motion carried 9-0.

CB-23-2007 – AN ACT CONCERNING CITIZEN COMPLAINT OVERSIGHT PANEL for the purpose of increasing the compensation of members of the Citizen Complaint Oversight Panel and generally relating to the Citizen Complaint Oversight Panel.
- **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 23. No persons wishing to speak, the public hearing was declared held. Council Member Harrington moved enactment of Council Bill 23; seconded by Council Member Turner. The motion carried 8-0. (Absent: Council Member Dernoga).

5. **PUBLIC HEARING/RESOLUTION ELIGIBLE FOR FINAL READING – (ADOPTION)**

CR-54-2007 – A RESOLUTION CONCERNING THE ENACTMENT OF A CERTAIN ORDINANCE OF THE CITY OF NEW CARROLLTON for the purpose of approving the enactment of Ordinance No. 07-08 adding Chapter 130 of the Code of the City of New Carrollton concerning zoning. - **PUBLIC HEARING HELD; RULES SUSPENDED; ADOPTED**

Pursuant to proper rules, the public hearing convened on Council Resolution 54. No persons wishing to speak, the public hearing was declared held. Council Member Olson moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 54; seconded by Council Member Harrington. The motion carried by voice vote. Council Member Olson moved adoption of Council Resolution 54; seconded by Council Member Harrington. The motion carried 8-0. (Absent: Council Member Dernoga).

6. **PUBLIC HEARINGS:**

CR-52-2007 - A RESOLUTION CONCERNING THE FY 2003, FY 2004, FY 2005, FY 2006, FY 2007, AND FY 2008 ANNUAL ACTION PLANS FOR HOUSING AND COMMUNITY DEVELOPMENT for the purpose of amending the Prince George's County FY 2003, FY 2004, FY 2005, FY 2006, and FY 2007 Annual Action Plans for Housing and Community Development to reprogram Community Development Block Grant projects and project funding plans and to amend the FY 2008 Annual Action Plan to approve new Community Development Block Grant projects and project funding plans, and generally relating to Housing and Community Development.
- **PUBLIC HEARING HELD**

Pursuant to proper notice, the public hearing convened on Council Resolution 52. Ten people spoke on Council Resolution 52. All persons wishing to speak having done so, the public hearing was declared held. Council Chair Exum announced that Council Resolution 52 would be discussed at the Transportation, Housing and the Environment (THE) Committee meeting scheduled for Thursday, September 27, 2007 at 9:30 a.m.

CR-46-2007 - A RESOLUTION CONCERNING THE 2001 WATER AND SEWER PLAN (APRIL 2007 CYCLE OF AMENDMENTS) for the purpose of changing the water and sewer category designations of properties within the 2001 Water and Sewer Plan. - **PUBLIC HEARING HELD**

Pursuant to proper notice, the public hearing convened on Council Resolution 46. Authur Horne, Anne Reder, Larry Taub, Ivery Hines, Joseph Asamoch and Michael Nagy spoke on Council Resolution 46. All person wishing to speak having done so, the public hearing was declared held. Council Chair Exum announced that Council Resolution 46 would be discussed at the Transportation, Housing and the Environment (THE) Committee meeting. Date to be determined by Chairman of the Committee, Council Member Dernoga.

7. **INTRODUCTION AND ADOPTION OF RESOLUTIONS**

CR-61-2007 – A RESOLUTION CONCERNING ANDREWS AIR FORCE BASE JOINT LAND USE STUDY for the purpose of pledging the support and participation of the Prince George's County Council in partnership with the Department of Defense Office of Economic Adjustment, Andrews Air Force Base and the Prince George's County Planning Department to initiate a Joint Land Use Study to develop a comprehensive plan to encourage compatible development in the Accident Potential Zones and areas impacted by high levels of noise.

- **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 61 pledges the support and participation of the Prince George's County Council in partnership with the Department of Defense Office of Economic Adjustment, Andrews Air Force Base and the Prince George's County Planning Department to initiate a Joint Land Use Study to develop a comprehensive plan to encourage compatible development in the Accident Potential Zones and areas impacted by high levels of noise. Council Resolution 61 was introduced by Council Members Dean, Bland, Knotts, Harrington, Turner and Exum. Council Member Dean moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 61; seconded by Council Member Knotts. The motion carried by voice vote. Council Member Dean moved adoption of Council Resolution 61; seconded by Council Member Knotts. The motion carried 9-0.

ADDITIONS TO THE AGENDA

1. **CONSENT AGENDA – (see page 2)**

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.

(c) **Introduction of Resolutions**

CR-62-2007 - A RESOLUTION CONCERNING THE FORMATION OF AN AGRICULTURAL DISTRICT PURSUANT TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION PROGRAM for the purpose of recommending that the Maryland Agricultural Land Preservation Foundation approves the petition of David and Cynthia Brooks to establish an agricultural district, reference Map 158/Parcel 6/Tax Account 04-0256107. - **INTRODUCED**

Council Resolution 62 recommends that the Maryland Agricultural Land Preservation Foundation approves the petition of David and Cynthia Brooks to establish an agricultural district, reference Map 158/Parcel 6/Tax Account 04-0256107. Council Resolution 62 was introduced by Council Member Dernoga and referred to the Transportation, Housing and the Environment (THE) Committee. The Public Hearing for Council Resolution 62 is scheduled for Tuesday, October 2, 2007 at 1:30 p.m.

CR-63-2007 - A RESOLUTION CONCERNING THE FORMATION OF AN AGRICULTURAL DISTRICT PURSUANT TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION PROGRAM for the purpose of recommending that the Maryland Agricultural Land Preservation Foundation approves the petition of B. Leo and Hattie Maenner to establish an agricultural district. - **INTRODUCED**

Council Resolution 63 recommends that the Maryland Agricultural Land Preservation Foundation approves the petition of B. Leo and Hattie Maenner to establish an agricultural district, reference Map 56/Parcel 25/Tax Account 07-0771790. Council Resolution 63 was introduced by Council Member Dernoga. The Public Hearing for Council Resolution 63 is scheduled for Tuesday, October 2, 2007 at 1:30 p.m.

8. **COMMITTEE OF THE WHOLE – (COUNCIL HEARING ROOM) -- COMMITTEE MEETING HELD**

CB-17-2007 – AN ACT CONCERNING SUPPLEMENTARY APPROPRIATIONS AND INTERDEPARTMENTAL TRANSFER OF APPROPRIATIONS for the purpose of declaring additional revenue, appropriating revenue in excess of budget estimates to provide funds for costs that were not anticipated in the approved Fiscal Year 2007 Budget for various County Departments, and transferring surplus appropriations reflecting savings from various County Departments. - **FAVORABLE RECOMMENDATION**

Mr. Jonathan R. Seeman, Director, Office of Management & Budget, provided the Council with a verbal overview of Council Bill 17. Council Member Dean moved favorable recommendation; seconded by Council Member Bland. The motion carried 8-1. (Opposed: Council Member Dernoga).

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

CB-17-2007 – AN ACT CONCERNING SUPPLEMENTARY APPROPRIATIONS AND INTERDEPARTMENTAL TRANSFER OF APPROPRIATIONS for the purpose of declaring additional revenue, appropriating revenue in excess of budget estimates to provide funds for costs that were not anticipated in the approved Fiscal Year 2007 Budget for various County Departments, and transferring surplus appropriations reflecting savings from various County Departments. - **INTRODUCED**

Craig Price, Council Administrator, provided a verbal report of the actions and recommendations from the Committee of the Whole to the Council. Council Bill 17 concerns Supplementary Appropriations and Interdepartmental Transfer of Appropriations for the purpose of declaring additional revenue, appropriating revenue in excess of budget estimates to provide funds for costs that were not anticipated in the approved Fiscal Year 2007 Budget for various County Departments, and transferring surplus appropriations reflecting savings from various County Departments. Council Bill 17 was introduced by Council Member Exum. The Public Hearing for Council Bill 17 is scheduled for Tuesday, October 2, 2007 at 1:30 p.m.

EXECUTIVE SESSION – (CONTINUED FROM SEPTEMBER 10, 2007)
- EXECUTIVE SESSION HELD

- (a) Discussion of pending litigation in accordance with Maryland annotated Code, State Government, Section 10-508(a)(8).

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

No one wished to address the Council

ADJOURN: - *Chair Exum adjourned the meeting at 11:31 a.m.*

GENERAL ASSEMBLY/COMMITTEE OF THE WHOLE – (COUNCIL HEARING ROOM) - COMMITTEE MEETING HELD

Prepared By:

Submitted By:

Shirley T. Blake, Administrative Aide

Redis C. Floyd, Clerk of the Council