

ACTION MINUTES

Tuesday, June 10, 2003

Business Meeting

(Legislative Day No. 20 to be declared)

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

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

Others Present:

*Barbara Holtz, Council Administrator
Craig S. Price, Deputy Council Administrator
Robert Williams, Jr., Associate Council Administrator
Ralph Grutzmacher, Legislative Officer
Steven Gilbert, Principal Counsel
Aisha N. Braveboy, County Council Liaison, Office of the County Executive
Kathy Canning, Associate County Attorney
Jacqueline Brown, Committee Director, PZED
Sandra Eubanks, Committee Director, THE & HEHS*

INVOCATION – *The Invocation was provided by Reverend Clarence Parker III, Associate Minister of Glendale Baptist Church in Capitol Heights, Maryland.*

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

DESIGNATION OF JUNE 10, 2003 AS LEGISLATIVE DAY NO. 20 – *Chairman Shapiro designated Tuesday, June 10, 2003 as Legislative Day number twenty.*

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

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-36-2003 (SUBDIVISION BILL) – AN ACT CONCERNING ADEQUATE SCHOOL FACILITIES for the purpose of amending the provisions for determining school facilities adequacy at the time of preliminary plat of subdivision. - **PRESENTED**

Council Bill 36 was presented by Council Member Hendershot and referred to the Planning, Zoning and Economic Development Committee.

****** *Council Member Knotts moved adoption of the Consent 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 joint signature letter to Mr. Lawrence J. Hogan, Jr., Secretary of Appointments, Office of the Governor, regarding the nominations for appointment to the Prince George's County Property Tax Assessment Appeals Board. - **CHAIRMAN AUTHORIZED TO SIGN**

Chairman Shapiro, at the request of the County Executive, proposed that a joint signature letter be sent to Mr. Lawrence J. Hogan, Jr., submitting nominations for appointment to the Prince George's County Property Tax Assessment Appeals Board. Council Member Peters moved to authorize the Chairman's signature; seconded by Council Member Knotts. The motion carried by voice vote.

- (b) Proposed letter to Ms. Ruth L. Greenstein, Vice President, Finance and Administration, Institute for Defense Analyses, regarding the Maryland Science and Technology Center (CB-35-2003).

Council Member Peters proposed that a letter be sent to Ms. Ruth L. Greenstein regarding the application and implementation of Council Bill 35, as it relates to the non-residential development buffer radius for the Maryland Science and Technology Center. Council Member Dean moved to authorize the Chairman's signature; seconded by Council Member Harrington. The motion carried 9-0.

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

CB-15-2003 (DR-2) – AN ACT CONCERNING GENERAL AVIATION AIRPORT ENVIRONMENT DISCLOSURE NOTICE for the purpose of amending the Consumer Protection laws of the County to require disclosure in real estate contracts of proximity of certain airports and to provide certain remedies to purchasers for the failure to provide the required notice. - **PUBLIC HEARING HELD; FINAL ACTION DEFERRED TO 6/17/2003**

(Introduced by Council Members Dean, Knotts and Peters on 5/13/2003; favorably reported out of THE on 5/5/2003 with amendments)

Pursuant to proper notice, the public hearing convened on Council Bill 15, Draft 2. Ms. Martha Ainsworth and Mr. Joe Meinert spoke in support of the measure, while Mr. Bill Castelli and Ms. Susan Pruden spoke in opposition. All persons wishing to speak having done so, the public hearing was declared held. Chairman Shapiro announced that final action on Council Bill 15, Draft 2 would be deferred to June 17, 2003.

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

CB-20-2003 – AN ACT CONCERNING GRADING, DRAINAGE, AND POLLUTION

CONTROL for the purpose of restricting the construction of certain structures in proximity of drinking water reservoir. - **PUBLIC HEARING HELD; ENACTED**

(Introduced by Council Members Dernoga, Shapiro, Peters, Harrington, Knotts, Exum and Dean on 5/13/2003; favorably reported out of THE on 5/5/2003)

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 Harrington moved enactment of Council Bill 20; seconded by Council Member Peters. The motion carried 9-0.

CB-26-2003 (DR-2) – AN ACT CONCERNING LANDLORD-TENANT CODE for the purpose of prohibiting the placement of tenant property removed under a warrant of restitution in the public right-of-way for single family rental facilities and clarifying the applicability of this Act. - **PUBLIC HEARING HELD; ENACTED**

(Introduced by Council Members Shapiro, Peters, Exum, Knotts, Dernoga and Dean on 5/13/2003; favorably reported out of THE on 5/5/2003)

Pursuant to proper notice the public hearing convened on Council Bill 26, Draft 2. Ms. Iona Harrison spoke in opposition. All persons wishing to speak having done so, the public hearing was declared held. Council Member Knotts moved enactment of Council Bill 26, Draft 2; seconded by Council Member Peters. The motion carried 8-1 (Opposed: Council Member Hendershot).

CB-27-2003 – AN ACT CONCERNING A SUPPLEMENTARY APPROPRIATION for the purpose of appropriating to the General Fund revenue in excess of budget estimates to provide funds for costs that were not anticipated in the approved Fiscal Year 2002-2003 budget. - **PUBLIC HEARING HELD; ENACTED**

(Introduced by Council Members Shapiro and Dean on 5/13/2003; favorably reported out of HEHS on 5/7/2003)

Pursuant to proper notice, the public hearing convened on Council Bill 27. No persons wishing to speak, the public hearing was declared held. Council Member Dean moved enactment of Council Bill 27; seconded by Council Member Knotts. The motion carried 9-0.

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

CB-16-2003 (DR-2) – AN ORDINANCE CONCERNING PLANNED ENVIRONMENTAL PRESERVATION COMMUNITIES for the purpose of defining the Planned Environmental Preservation Community use, permitting the use under certain circumstances on property in the E-I-A Zone if a Basic Plan and Comprehensive Design Plan have been approved for the property as of January 1, 2001, requiring compliance with certain design and development standards for the use, and making related amendments to the Zoning Ordinance. - **PUBLIC HEARING HELD; NO ACTION TAKEN**

(Introduced by Council Members Peters, Dernoga and Harrington on 4/29/2003; favorably reported out of PZED on 4/23/2003 with amendments)

Chairman Shapiro announced that the public hearings for Council Bill 16, Draft 2 and Council Bill 35 would be held concurrently. Pursuant to proper notice, the public hearings convened. The Honorable Mary Conroy, Dr. Lawrence Mahan, Mr. Edward Oast, Mr. Russell Shipley spoke in support of the measure, while Mr. Bruce Pletch, Mr. Joe Meinert, Ms. Kelly Walsh, Ms. Martha Ainsworth Mr. John Solary, Ms. Debra Cell, Ms. Grace Swanson, Mr. David Slade and Mr. Siad Combust spoke in opposition. No action was taken by the Council on Council Bill 16, Draft 2.

CB-35-2003 - AN ORDINANCE CONCERNING PLANNED ENVIRONMENTAL PRESERVATION COMMUNITIES for the purpose of defining the Planned Environmental Preservation Community use, permitting the use under certain circumstances on property in the E-I-A Zone if a Basic Plan and Comprehensive Design Plan have been approved for the property as of 1 January 2001, requiring compliance with certain design and development standards for the use, and making related amendments to the Zoning Ordinance. - **PUBLIC HEARING HELD; ENACTED**

(Introduced by Council Members Peters, Dean, Dernoga and Harrington on 5/19/2003)

The public hearing for Council Bill 35 was held concurrently with that of Council Bill 16, Draft 2. See the notation for Council Bill 16, Draft 2 for details. Council Member Peters moved enactment of Council Bill 35; seconded by Council Member Dean. The motion carried 9-0.

5. **INTRODUCTION AND ADOPTION OF RESOLUTIONS**

CR-32-2003 – A RESOLUTION CONCERNING INTERCOUNTY CONNECTOR (ICC) for the purpose of expressing the County Council's opposition to construction of the Intercounty Connector. - **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 32, as proposed by Council Member Dernoga, expresses the County Council's opposition to the construction of the ICC between I-95 and I-270 as well as any alternative alignments not reflected in the Master Plan. Council Resolution 32 was introduced by Council Members Dernoga, Shapiro, Hendershot, Dean, Harrington, Peters and Knotts. Council Member Hendershot moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 32; seconded by Council Member Harrington. The motion carried by voice vote. Council Member Dernoga moved adoption of Council Resolution 32; seconded by Council Member Hendershot. The motion carried 9-0.

6. **RESOLUTIONS ELIGIBLE FOR FINAL READING (ADOPTION)**

CR-20-2003 (DR-2) – A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN FY 2004 for the purpose of approving and adopting the Prince George's County Annual Action Plan FY 2004 consisting of federal programs, including their federal funding applications which, along with other resources, serve to implement housing and community development strategies set forth in the County's FY 2001-2005 Consolidated Plan, adopted by CR-10-2000, which Plan was required by the U.S. Department of Housing and Urban Development (HUD) as a prerequisite to consideration of the funding applications. - **DR-2 SUBSTITUTED; AMENDED; DR-3 ADOPTED**

(Introduced by Council Members Shapiro and Harrington on 4/22/2003; favorably reported out of THE on 6/5/2003 with amendments)

Council Member Dean, as Chairman of the Transportation, Housing and the Environment Committee, provided a verbal report of the committee's actions and recommendations. Ms. Mary Lou McDonough of the Department of Housing and Community Development responded to Council Member's questions. Council Member Dernoga moved to substitute Draft 2 in lieu of Draft 1 of Council Resolution 20; seconded by Council Member Dean. The motion carried by voice vote. Council Member Dernoga moved amendment number one to Council Resolution 20; seconded by Council Member Dean. Council Member Harrington proffered a friendly amendment to the provided amendment sheet, which was accepted by both the maker of and second to the motion. The motion carried by voice vote. Council Member Dean moved adoption of Council Resolution 20, Draft 3; seconded by Council Member Peters. The motion carried. 9-0.

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

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. - **ADOPTED**

(Introduced by Council Members Harrington, Shapiro, Hendershot, Dean, Dernoga, Peters, Knotts and Exum on 5/6/2003; favorably reported out of THE on 6/5/2003)

Council Member Harrington moved adoption of Council Resolution 22; seconded by Council Member Dean. The motion carried. 9-0.

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

Mr. Henry Clark of the Coalition of Progressive Prince Georgians addressed the Council regarding the three and one half percent (3½%) increase in the M-NCPPC tax.

ADJOURN – *Chairman Shapiro adjourned the Session at 12:00 p.m.*

Prepared by:

Submitted by:

Donna J. Brown, Office Manager

Redis C. Floyd, Clerk of the Council