

AGENDA MINUTES

Tuesday, October 31, 2006

Business Meeting

(Legislative Day No. 31 to be declared)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

AGENDA BRIEFING – (ROOM 2027) - BRIEFING HELD

CALL TO ORDER – *Chairman Dernoga called to order at 11:10 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
Thomas R. Hendershot
Tony Knotts
Douglas J. J. Peters*

Others Present:

*Craig Price, Council Administrator
Robert Williams, Jr., Deputy Council Administrator
Ralph Grutzmacher, Legislative Officer
Jackie Brown, PZED Committee Director
Hawi Sanu, THE Committee Director
Frank Porter, PSFM Committee Director
Steve Gilbert, Principal Counsel to District Council
Kathy Canning, Associate County Attorney
Russell King, Associate County Attorney
Margaret Addis, Associate County Attorney
Adrian J. Howell, County Council Liaison, Office of the County Executive*

INVOCATION: – *The Invocation was led by Ms. Brenda Simms, County Employee. Council Member Knotts requested special prayers for Ms. Bonnie Bick involved in an automobile accident.*

PLEDGE OF ALLEGIANCE – *The pledge of allegiance was led by Council Member Dean.*

DESIGNATION OF OCTOBER 31, 2006 AS LEGISLATIVE DAY NO. 31 – *Chairman Dernoga designated October 31, 2006 as Legislative Day number 31.*

1. **CONSENT AGENDA -- CR-84 & CR-85 2006 ADDED; (SEE PAGE 7) -- 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 June 8, 15, 22, 2004; July 6, 13, 21, 27, 30, 2004; September 7, 14, 21, 28, 2004. - **APPROVED***

Council Member Dean moved to adopt the Consent Agenda; seconded by Council Member Knotts. 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 from Thomas E. Dernoga, Chairman, Prince George's County Council requesting an extension for submittal of the Gas Safety Policy Task Force Report to January 1, 2007. – **CHAIRMAN AUTHORIZED TO SIGN**

A letter was proposed from Thomas E. Dernoga, Chairman, Prince George's County Council requesting an extension for submittal of the Gas Safety Policy Task Force Report until January 1, 2007. Council Member Dean moved to authorize the Chairman's signature; seconded by Council Member Peters. The motion carried 9-0.

4. **SECOND READING OF BILLS – (INTRODUCTION) -- CB-87 & CB-88-2006 ADDED (SEE PAGE 8)**

CB-69-2006 - AN ACT CONCERNING THE ISSUANCE AND SALE OF SPECIAL OBLIGATION BONDS for the purpose of providing that one or more series of special obligation bonds may be issued from time to time under the provisions of this Act, Article 41, Sections 14-201 through 14-214 of the Annotated Code of Maryland, as amended (2003 Replacement Volume and 2005 Supplement) (the "Tax Increment Act"), and pursuant to Section 10-269 of the Prince George's County Code, as amended (2003 Edition, 2005 Supplement) and Section 9-1301 of Article 24 of the Annotated Code of Maryland, as amended (2005 Replacement Volume) (collectively, the "Special Taxing District Act") and Resolution CR-65-2006 of the County Council of Prince George's County, Maryland (the "Formation Resolution") in an amount not to exceed the aggregate principal amount of One Hundred Ninety Million Dollars (\$190,000,000) in order for the County to finance the construction of the parking improvements and infrastructure improvements as more particularly described herein; making certain findings and determinations, among others, concerning the public

benefit and purpose of such special obligation bonds; providing that such special obligation bonds authorized to be issued hereby shall be payable, from the amounts levied and deposited in the Tax Increment Fund (as defined in the Formation Resolution) and any other tax revenues deposited therein and that the special obligation bonds shall not constitute a general obligation debt of the County or a pledge of the County's full faith and credit or taxing power other than the taxes representing the levy on the Tax Increment (as defined in the Formation Resolution); authorizing the County Executive of the County to specify, prescribe, determine, provide for and approve certain details, forms, documents or procedures in connection with such special obligation bonds issued hereunder and any other matters necessary or desirable in connection with the authorization, issuance, sale and payment of such special obligation bonds and make certain commitments on behalf of the County in connection with the issuance, sale and delivery of such special obligation bonds; authorizing the execution and delivery of such special obligation bonds and such other documents as may be necessary and desirable to effectuate the financing of the infrastructure improvements and the issuance, sale and delivery of such special obligation bonds; and generally providing for, and determining various matters in connection with, the issuance, sale, delivery and payment of such special obligation bonds.

– **DR-2 INTRODUCED**

Council Bill 69 concerns the issuance and sale of special obligation bonds in an amount not to exceed \$190,000,000 to finance the construction of parking facilities and other infrastructure improvements associated with Greenbelt Station Development. Council Bill 69 (DR-1) was held in Public Safety and Fiscal Management (PSFM) on 10/25/2006 pending amendments. Council Bill 69-(DR-2) as amended was introduced by Council Members Dernoga, Hendershot, Peters and Campos.

CB-67-2006 – AN ACT CONCERNING MOBILE FOOD VENDING IN URBAN AREAS

for the purpose of enhancing Livable Communities by authorizing the sale of certain food items by mobile food vendors and providing a licensing standard and definition for mobile food vendors. – **DR-2 INTRODUCED**

Council Bill 67(DR-2) concerns Mobile Food Vending in Urban Areas for the purpose of enhancing Livable Communities by authorizing the sale of certain food items by mobile food vendors and providing a licensing standard and definition for mobile food vendors. Council Bill 67 (DR-1) was held in Health, Education and Human Services on 10/03/2006. Council Bill 67-(DR-2) was introduced by Council Member Campos.

CB-82-2006 – AN ACT CONCERNING CABLE TELEVISION for the purpose of granting a cable television franchise for the operation of a cable television system in Prince George's County, Maryland by prescribing certain terms and conditions to be included in a franchise agreement. - **INTRODUCED**

Council Bill 82 grants a cable franchise for the operation of a cable television system in the County by prescribing certain terms and conditions to be included in a franchise agreement with Verizon Maryland Inc. (No action taken in C.O.W. on 10/17/2006). Council Bill 82 was introduced by Council Members Dean, Knotts, Peters, Hendershot, Harrington, Campos, Bland and Dernoga.

CB-85-2006 – AN ACT CONCERNING THE CLASSIFICATION PLAN FOR PRINCE GEORGE’S COUNTY for the purpose of amending the Classification Plan which, pursuant to CB-44-2006, eliminated and added certain classes of work in accordance with the Public Employee Relations Board (PERB) Representation Amendment of Certification, and established a new Y Salary Schedule. This act amends the Classification Plan by correcting the class code for two classes of employees. – **RULES SUSPENDED; INTRODUCED**

Council Bill 85 corrects the class codes for two classes of employees in the Classification Plan for Prince George’s County. Council Member Dean moved to suspend the Council Rules of Procedure to allow for the immediate introduction of Council Bill 85; seconded by Council Member Campos. The motion carried by voice vote. Council Bill 85 was introduced by Council Members Dernoga, Bland, Harrington, Exum, Dean and Knotts.

5. **INTRODUCTION AND ADOPTION OF RESOLUTIONS**

CR-83-2006 - A RESOLUTION CONCERNING THE WESTPHALIA SECTOR PLAN AND SECTIONAL MAP AMENDMENT for the purpose of proposing amendments to the Adopted Westphalia Sector Plan and Endorsed Sectional Map Amendment defining long-range land use policy and pertinent zoning within the planning area. - **AMENDED;DR-2 INTRODUCED;DR-2 ADOPTED**

Council Resolution 83 proposes amendments to the Adopted Westphalia Sector Plan and Endorsed Sectional Map Amendment defining long-range land use policy and pertinent zoning within the planning area. Council Member Dean requested additional amendments. Council Member Dean moved introduction of Council Resolution 83(DR-2) as amended; seconded by Council Member Peters. The motion carried by voice vote. Council Member Dean moved adoption of Council Bill 83 (DR-2); seconded by Council Members Peters. The motion carried 9-0. Council Resolution 83 (DR-2) was introduced by Council Members Dean and Peters.

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

CB-66-2006 (DR-2) – AN ORDINANCE CONCERNING DEVELOPMENT DISTRICT OVERLAY ZONE for the purpose of amending the Development District Standards for the D-D-O Zone under certain circumstances. – **PUBLIC HEARING HELD; RECOMMENDED TO PZED COMMITTEE**

Pursuant to public notice, the public hearing convened on Council Bill 66(DR-2). No persons wishing to speak, the public hearing was declared held. Council Member Campos moved to send Council Bill 66(DR-2) back to Planning, Zoning and Economic Development (PZED) Committee; seconded by Council Member Exum. The motion carried by voice vote.

CB-68-2006 (DR-2) – AN ORDINANCE CONCERNING INDUSTRIAL ZONES for the purpose of defining a Commercial Fuel Depot and permitting this use in the I-1 Zone under certain circumstances. – **PUBLIC HEARING HELD; ENACTED**

Pursuant to public notice, the public hearing convened on Council Bill 68(DR-2). No persons wishing to speak, the public hearing was declared held. Council Member Harrington moved enactment of Council Bill 68(DR-2); seconded by Council Member Exum. The motion carried 9-0.

CB-76-2006 (DR-2) – AN ORDINANCE CONCERNING CONCURRENT MASTER PLAN OR SECTOR PLAN AND SECTIONAL MAP AMENDMENTS for the purpose of revising the Sectional Map Amendment process to allow rezoning to a Comprehensive Design Zone without filing a formal rezoning application. – **PUBLIC HEARING HELD; AMENDED; DR-3 ENACTED**

Pursuant to public notice, the public hearing convened on Council Bill 76(DR-2). No persons wishing to speak, the public hearing was declared held. Council Member Dean moved amendment number 1; seconded by Council Member Peters. The motion carried by voice vote. Council Member Dean moved enactment of Council Bill 76(DR-3) as amended; seconded by Council Member Knotts. The motion carried 9-0.

CB-77-2006 (DR-2) – AN ORDINANCE CONCERNING COMPREHENSIVE DESIGN ZONES for the purpose of defining public facilities financing and implementation program and amending development regulations. – **PUBLIC HEARING HELD; AMENDED; DR-3 ENACTED**

Pursuant to public notice, the public hearing convened on Council Bill 77(DR-2). . No persons wishing to speak, the public hearing was declared held. Council Member Dean moved amendment number 1; seconded by Council Member Knotts. The motion carried by voice vote. Council Member Dean moved enactment of Council Bill 77(DR-3) as amended; seconded by Council Member Exum. The motion carried 9-0.

CB-78-2006 (DR-2) – AN ORDINANCE CONCERNING MIXED USE TRANSPORTATION ORIENTED (M-X-T) ZONE for the purpose of amending the M-X-T Zone, defining public facilities financing and implementation program, and amending development regulations. – **PUBLIC HEARING; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 78(DR-2). No persons wishing to speak, the public hearing was declared held. Council Member Dean moved enactment of Council Bill 78(DR-2); seconded by Council Member Peters. The motion carried 9-0.

CB-83-2006 (DR-2) – AN ORDINANCE CONCERNING M-X-T ZONE for the purpose of permitting bulk retailing in the M-X-T Zone under certain circumstances. – **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 83(DR-2). Edward Gibbs spoke on Council Bill 83. All persons wishing to speak having done so, the public hearing was declared held. Council Member Harrington moved enactment of Council Bill 83(DR-2); seconded by Council Member Exum. The motion carried 8-0. (Absent: Council Member Peters).

CB-84-2006 – AN ORDINANCE CONCERNING CHESAPEAKE BAY CRITICAL AREA for the purpose of amending the restriction on growth allocation approved in the Resource Conservation Overlay Zone, to conform the County Chesapeake Bay Critical Area Program to requirements of the Chesapeake Bay Critical Area Commission. - **PUBLIC HEARING HELD; MOTION TO ENACT FAILED**

Pursuant to proper notice, the public hearing convened on Council Bill 84. Sarah Cavitt, Dawn Davit and Whelden Merritt spoke on Council Bill 84. All persons wishing to speak having done so, the public hearing was declared held. Council Member Knotts moved enactment of Council Bill 84; seconded by Council Member Dean. The motion failed 3-5 (Opposed: Council Members Dernoga, Bland, Campos, Exum and Harrington. (Absent: Council Members Peters).

7. **PUBLIC HEARING:**

LAUREL ANNEXATION #1-2006 - DEFERRED TO 11/14/2006

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

CR-80-2006 – A RESOLUTION CONCERNING NEWTON GREEN APARTMENTS for the purpose of providing the required approval to the Department of Housing and Community Development of the State of Maryland (“DHCD”) for the financing of the acquisition and development of the Newton Green Apartments, a senior rental project to be owned and operated by Newton Green, LLC a joint venture of Ingerman Affordable Housing, Inc. (collectively referred to as the “Owner”). - **ADOPTED**

Council Member Harrington, Chair, Transportation, Housing and the Environment Committee, provided a verbal report of the actions and recommendations of the Committee to the Council. Council Member Harrington moved adoption of Council Resolution 80; seconded by Council Member Hendershot. The motion carried 8-0. (Absent: Council Member Peters).

RECESS – Chairman Dernoga recessed the meeting at 11:58 a.m.

RECONVENED – Chairman Dernoga reconvened the meeting at 2:09 p.m.

ADDITIONS TO THE AGENDA

Council Member Peters moved to accept additional items to the Agenda; seconded by Council Member Hendershot. The motion carried by voice vote. (Absent: Council Member Campos).

1. **CONSENT AGENDA – (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.

(b) **Introduction of Resolutions**

CR-84-2006 – A RESOLUTION CONCERNING COMPENSATION AND BENEFITS, SALARY SCHEDULE W, SCHEDULE OF PAY GRADES DEPUTY SHERIFF’S ASSOCIATION OF PRINCE GEORGE’S COUNTY, INC. for the purpose of amending Salary Schedule W for the position of Deputy Sheriff Private to reflect the terms of the collective bargaining agreement by and between Prince George’s County, Maryland (“County”) and the Deputy Sheriff’s Association of Prince George’s County, Inc. (“DSA”).
- **INTRODUCED**

Council Resolution 84 was introduced by the request of the County Executive and referred to Public Safety and Fiscal Management (PSFM). Council Resolution 84 was introduced by Council Members Bland, Harrington, Exum, Dernoga, Dean, Knotts and Peters.

CR-85-2006 – A RESOLUTION CONCERNING CONSOLIDATION OF MUNICIPAL BONDS FOR SALE for the purpose of authorizing that bonds authorized to be sold by separate acts of authorizing legislation be consolidated for sale and issued, sold and delivered as one or more single issues of bonds. – **INTRODUCED**

Council Resolution 85 introduced by the request of the County Executive and referred to Public Safety and Fiscal Management (PSFM) Committee. Council Resolution 85 was introduced by Council Members Dernoga and Peters.

Council Member Exum moved adoption of the Consent Agenda; seconded by Council Member Harrington. The motion carried by voice vote. (Absent: Council Member Campos).

4. **SECOND READING OF BILLS – (INTRODUCTION) – (page 3)**

CB-87-2006 – AN ACT CONCERNING COLLECTIVE BARGAINING AGREEMENT – DEPUTY SHERIFF’S ASSOCIATION OF PRINCE GEORGE’S COUNTY, INC. for the purpose of amending the labor agreement by and between Prince George’s County, Maryland (“County”) and the Deputy sheriff’s Association of Prince George’s County, Inc. (“DSA”), covering July 1, 2005 through June 30, 2007, by amending Salary Schedule W for the position of Deputy Sheriff Private (W21). – **INTRODUCED**

Council Bill 87 was introduced by the request of the County Executive and referred to Public Safety and Fiscal Management (PSFM) Committee. Council Bill 87 was introduced by Council Members Peters, Knotts, Dean, Dernoga, Exum, Harrington and Bland.

CB-88-2006 – AN ACT CONCERNING SENIOR ASSISTANCE PROGRAM for the purpose of establishing a Senior Assistance Program to assist senior citizens of the County who are the head of household and County residents and who are in need of financial assistance, and generally relating to administration of the Senior Assistance Program. - **INTRODUCED**

Council Bill 88 was introduced by the request of the County Executive and referred to Public Safety and Fiscal Management (PSFM) Committee. Council Bill 88 was introduced by Council Members Harrington, Bland, Hendershot, Exum, Dernoga, Dean, Knotts and Peters.

8. **RESOLUTIONS ELIGIBLE FOR FINAL READING – (ADOPTION) – (page 6)**

CR-78-2006 - A RESOLUTION CONCERNING SUPPORTING DEDICATED FUNDING FOR THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) AND INCREASING THE FEDERAL GOVERNMENT CONTRIBUTION THERETO for the purpose of urging the United States Senate to act on the National Capital Transportation Amendments Act of 2005 and for the State of Maryland to address transit funding needs. - **ADOPTED**

Council Resolution 78 concerns supporting dedicated funding for the Washington Metropolitan Area Transit Authority (WMATA) and increasing the Federal Government contribution thereto for the purpose of urging The United States Senate to act on the National Capital Transportation Amendments Act of 2005 and for the State of Maryland to address transit funding needs. Council Resolution 78 was introduced by Council Member Dernoga on October 3, 2006. Council Member Dean moved adoption of Council Resolution 78; seconded by Council Members Peters. The motion carried 7-1. (Opposed: Council Member Harrington; Absent: Council Member Campos).

9. **DISTRICT COUNCIL ITEMS**

SEE SEPARATE ACTION AGENDA

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

No persons wished to address the Council

ADJOURN – *Chairman Dernoga adjourned the meeting at 2:52 p.m.*

Prepared By:

Submitted By:

Shirley T. Blake, Administrative Aide

Redis C. Floyd, Clerk of the Council

