

# ***AGENDA MINUTES***

**Tuesday, February 7, 2006**

**Legislative Day No. 4**

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

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

**CALL TO ORDER** – *Chairman Thomas E. Dernoga called to order at 10:12 a.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 S. Price, Council Administrator  
Robert Williams, Jr., Deputy Council Administrator  
Ralph Grutzmacher, Legislative Officer  
Adrian J. Howell, County Council Liaison, Office of the County Executive  
Cheryl Ringer, Associate County Attorney  
Carmen Jackson-Brown, Associate County Attorney  
Kathy Canning, Associate County Attorney  
Frank Porter, Committee Director, PSFM  
Jackie Brown, Committee Director, PZED*

**INVOCATION** – *The Invocation was provided by Reverend Tyrone C. Petty of Antioch Baptist Church in Upper Marlboro, Maryland. Special prayer was requested for the family of Dr. Frank Trottmore of the Maryland Racing Industry, in his passing. And a prayer of thanks was requested on behalf of the brother of Council Member Bland who returned home safely from his tour of duty in Iraq.*

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

### **CONSENT AGENDA**

**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-8-2006 – AN ACT CONCERNING THE CLASSIFICATION PLAN FOR PRINCE GEORGE’S COUNTY** for the purpose of abolishing certain classes of work of the Z Salary Schedule in accordance with the Public Employee Relations Board Amendment of Certification of Representation AAA Case No. 16 39 00916 92DS; 16 39 00197 92DS. - **PRESENTED**

*Council Bill 8 was presented by Chairman Dernoga at the request of the County Executive and referred to the Public Safety and Fiscal Management (PSFM) Committee.*

**CB-9-2006 – AN ACT CONCERNING PROPERTY TAX CREDIT – SURVIVING SPOUSE OF A FALLEN LAW ENFORCEMENT OFFICER OR RESCUE WORKER** for the purpose of amending the existing provisions of the property tax credit in limited circumstances. - **PRESENTED**

*Council Bill 9 was presented by Council Member Hendershot and referred to the Public Safety and Fiscal Management (PSFM) Committee.*

**Introduction of Resolutions**

**CR-10-2006 – A RESOLUTION CONCERNING COMPENSATION AND BENEFITS, DEPUTY SHERIFF’S ASSOCIATION OF PRINCE GEORGE’S COUNTY, INC. SALARY SCHEDULE W** 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 the Deputy Sheriff’s Association of Prince George’s County, Inc. – **INTRODUCED**

*Council Resolution 10 was introduced at the request of the County Executive and referred to Public Safety and Fiscal Management (PSFM) Committee. Council Resolution 10 amends the Salary Plan for the Deputy Sheriff’s Association of Prince George’s County, Inc. (Deputy Sheriffs), Salary Schedule W, Effective July 1, 2005 through June 30, 2007. Council Resolution 10 was introduced by Council Members Dernoga, Peters, Knotts, Dean, Harrington, Campos, Bland and Exum.*

*Council Member Dean moved to convene in Executive Session; seconded by Council Member Harrington. The motion carried 9-0.*

**EXECUTIVE SESSION – (ROOM 2027)**

- (a) Discussion to consider proposal for business to remain in the State in accordance with Maryland Annotated Code, Section 10-508 (a)(4)

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

*Council Member Dean moved to adoption of Consent Agenda; seconded by Council Member Campos. The motion carried by voice vote.*

### **CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

*No items were considered*

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

*No items were considered*

### **SECOND READING OF BILLS – (INTRODUCTION)**

**CB-2-2006 (DR-2) – AN ACT CONCERNING TELECOMMUNICATIONS TRANSMISSION FACILITY COMMITTEE – FACILITY INVENTORY** for the purpose of amending the procedures pertaining to the Prince George's County Telecommunications Transmission Facility Committee. - **INTRODUCED**

*Council Member Peters, Chair, of Public Safety and Fiscal Management Committee, provided a verbal report of the actions and recommendations of the Committee to the Council. Council Bill 2(DR-2) amends the procedures pertaining to the Prince George's County Telecommunications Transmission Facility Committee. Council Bill 2(DR-2) was introduced by Council Members Dean, Peters, Exum, Harrington, Bland and Dernoga.*

**CB-3-2006 (DR-2) - AN ORDINANCE CONCERNING GOLF COURSES** for the purpose of providing regulations for golf courses under certain circumstances.  
**INTRODUCED**

*Council Member Dean, Chair, of Planning Zoning and Economic Development Committee, provided a verbal report of the actions and recommendations of the Committee to the Council. Council Member Dean moved amendment #1; seconded by Council Member Peters. The motion carried by voice vote. Council Bill 3(DR-2) provides regulations for golf courses under certain circumstances. Council Bill 3(DR-2) was introduced by Council Members Dean, Peters, Exum and Dernoga.*

**RECESS:** - - Chairman Dernoga recessed the meeting at 10:26 a.m.

**RECONVENED:** - - Chairman Dernoga reconvened the meeting at 10:27a.m. as the Committee of the Whole

### **COMMITTEE OF THE WHOLE – (COUNCIL HEARING ROOM)**

- **BRIEFING ON THE WALDORF BYPASS/SOUTHERN MARYLAND RAIL TRANSIT**  
- **BRIEFING HELD**

Eric Foster, Supervisor, Transportation Planning Section, M-NCPPC

Steve Hawtof, Project Manager, State Highway Administration  
J. Rick Gordon, Associate Director, Office of Transportation, DPW&T  
David Wollner, Southern Maryland Rail Transit Regional Planner

- **CB-1-2006 – AN ORDINANCE CONCERNING USE AND OCCUPANCY PERMITS** for the purpose of authorizing all immediate reasonable and necessary action to cease and desist the operation of any activity requiring a use and occupancy permit when a use and occupancy permit has not been issued; authorizing all immediate reasonable and necessary action to cease and desist the operation of any activity requiring a use and occupancy permit when a use and occupancy permit has been issued and is not in compliance with the provisions of the Zoning Ordinance; authorizing all immediate reasonable and necessary action to cease and desist the operation of any activity requiring a use and occupancy permit when the activity is found to present an imminent danger and threat to the health, safety, and welfare of the public by not doing so, that there are no other mitigating circumstances to be taken to resolve the imminent danger and threat to the health, safety, and welfare of the public, and that there are no other reasonable means of preventing further danger and threat to the health, safety, and welfare of the public resulting from the continuation of the activity until a hearing is held; authorizing all immediate reasonable and necessary action to cease and desist the operation of any activity requiring a temporary use and occupancy permit when a temporary use and occupancy permit has not been issued; authorizing all immediate reasonable and necessary action to cease and desist the operation of any activity requiring a temporary use and occupancy permit when a temporary use and occupancy permit has been issued and is not in compliance with the provisions of the Zoning Ordinance; authorizing all immediate reasonable and necessary action to cease and desist the operation of any activity requiring a temporary use and occupancy permit when the activity is found to present an imminent danger and threat to the health, safety, and welfare of the public by not doing so, that there are no other mitigating circumstances to be taken to resolve the imminent danger and threat to the health, safety, and welfare of the public, and that there are no other reasonable means of preventing further danger and threat to the health, safety, and welfare of the public resulting from the continuation of the activity until a hearing is held; authorizing all immediate reasonable and necessary action to implement this Act for the health, safety and welfare of the public; providing for the designation of certain public officials to enforce this Act; providing for enforcement procedures to implement this Act; providing for establishing policies, rules, and procedures to implement this Act; providing for a hearing before the Board of Zoning Appeals from a violation of this Act; providing for an appeal from the Board of Zoning Appeals determination to the Circuit Court of Maryland; providing for the computation of time pursuant to this Act; and generally relating to use and occupancy permits. - **HELD**

*Council Bill 1 was presented by County Executive Jack B. Johnson; Council Members Dean, Bland, Campos, Dernoga, Exum, Harrington, Hendershot, Knotts and Peters on 12/6/2005.*

- **PROPOSED AMENDMENTS TO THE ADOPTED MASTER PLAN AND ENDORSED SECTIONAL (ZONING) MAP AMENDMENT FOR BOWIE & VICINITY (AS DESCRIBED IN CR-11-2006) - **FAVORABLE RECOMMENDATION****

*Council Member Dean moved favorable recommendation; seconded by Council Member Exum. The motion carried 7-1. (Opposed: Council Member Hendershot; Absent: Council Member Peters.)*

**RECONVENE:** - - *Chairman Dernoga reconvened the meeting at 2:02 p.m. as the County Council.*

### **INTRODUCTION AND ADOPTION OF RESOLUTIONS**

**CR-11-2006 - A RESOLUTION CONCERNING THE MASTER PLAN AND SECTIONAL MAP AMENDMENT FOR BOWIE AND VICINITY** For the purpose of Approving the Master Plan and Sectional Map Amendment for Bowie and Vicinity thereby defining long range land use and development policies, and setting forth and adopting detailed zoning proposals in Planning Areas 71A, 71B, 74A, and 74B, for the area generally bounded by the Patuxent River to the east and northeast; the Beltsville Agricultural Research Center and Patuxent Wildlife Research Center- to the northwest; Springfield Road, Hillmeade Road, Enterprise Road, and Watkins Park Drive to the west; and Oak Grove, Leeland Road, and District Branch to the south.  
- **INTRODUCED; RULES SUSPENDED; ADOPTED**

*Council Member Dean, Chair, of the Planning Zoning and Economic Development Committee, provided a verbal report of the actions and recommendations of the Committee to the Council. Council Resolution 11 approves the Master Plan and Sectional Map Amendment for Bowie and Vicinity thereby defining long range land use and development policies, and setting forth and adopting detailed zoning proposals in Planning Areas 71A, 71B, 74A, and 74B, for the area generally bounded by the Patuxent River to the east and northeast; the Beltsville Agricultural Research Center and Patuxent Wildlife Research Center to the northwest; Springfield Road, Hillmeade Road, Enterprise Road, and Watkins Park Drive to the west; and Oak Grove Road, Leeland Road, and District Branch to the south. Council Resolution 11 was introduced by Council Members Peters, Dean, Harrington, Dernoga and Exum. Council Member Dean moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 11; seconded by Council Member Exum. The motion carried by voice vote. Council Member Dean moved adoption of Council Resolution 11; seconded by Council Member Exum. The motion carried 7-1. (Opposed: Council Member Hendershot; Absent: Council Member Peters.)*

**CR-12-2006 – A RESOLUTION CONCERNING SECTOR PLAN AND SECTIONAL MAP AMENDMENT FOR THE EAST GLENN DALE AREA** for the purpose of proposing amendments to the Adopted Sector Plan and Endorsed Sectional Map Amendment for the East Glenn Dale Area (portions of Planning Area 70) which define long-range land use policies for guiding future development and sets for the zoning to implement those land use policies within the sector planning area. - **INTRODUCED; AMENDED; RULES SUSPENDED; ADOPTED**

*Council Resolution 12 was introduced at the request of the Planning Board. Council Resolution*

*12 proposes amendments to the Adopted Sector Plan and Endorsed Sectional Map Amendment for the East Glenn Dale Area (portions of Planning Area 70), which defines long-range land use policies for guiding future development and sets forth the zoning to implement those land use policies within the sector planning area. Council Resolution 12 was introduced by Council Members Dean, Harrington, Exum and Dernoga. Council Member Exum moved amendment number 1; seconded by Council Member Dean. The motion carried by voice vote. Council Member Dean moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 12; seconded by Council Member Harrington. The motion carried by voice vote. Council Member Dean moved adoption of Council Resolution 12 as amended; seconded by Council Member Harrington. The motion carried 8-0. (Absent: Council Member Peters.)*

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

*No one wished to address the Council.*

**ADJOURN:** - - *Chairman Dernoga adjourned the meeting at 2:08 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