

AGENDA MINUTES

Tuesday, October 16, 2012

Legislative Day No.28

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

TRANSPORTATION, HOUSING AND THE ENVIRONMENT COMMITTEE -- (ROOM 2027) -- COMMITTEE MEETING HELD

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

CALL TO ORDER *The Council Chair Harrison called to order at 3:16 p.m. with the following Council members present:*

*Andrea Harrison
Will Campos
Derrick Davis
Mel Franklin
Mary Lehman
Eric Olson
Obie Patterson
Karen Toles (arrived at 3:17 p.m.)
Ingrid Turner*

*Robert Williams, Jr., Council Administrator
William Hunt, Deputy Council Administrator
Redis Floyd, Clerk of the Council
Donna Brown, Deputy Clerk of the Council
Todd Turner, Legislative Officer
Kerry Watson, Liaison to the Council, Office of the County Executive
Karen Zavakos, Legislative Officer
Carol Johnson, Special Events Coordinator
Gillie Haynes, Public Affairs Specialist
Joseph Hamlin, Office of Law
John Edmonds, Office of Communications*

Frank Porter, Director of the Public Safety and Fiscal Management Committee (PSFM)

Jackie Brown, Director of the Planning, Zoning and Economic Development Committee (PZED)

Hawi Sanu, Director of the Transportation, Housing and the Environment Committee (THE)

David Van Dyke, County Auditor

Rajesh Kumar, Principal Council to the District Council

INVOCATION- *The Invocation was provided by Edwin H. Brown, Jr., County Employee.*

PLEDGE OF ALLEGIANCE- *The Pledge of Allegiance was led by Council Member Patterson.*

1. **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.

- (a) Approval of County Council Minutes dated June 12, 2012. **APPROVED**

(b) **Introduction of Resolutions**

CR-76-2012 – A RESOLUTION CONCERNING THE PRINCE GEORGE’S COUNTY HUMAN SERVICES SAFETY NET for the purpose of summarizing the ideas, strategies and recommendations generated by the Health, Education and Human Services (HEHS) Committee of the Prince George’s County Council with respect to its sessions on the subject matter entitled “Strengthening our Human Services Safety Net” and the County Council’s support of this endeavor. **INTRODUCED**

Council Resolution 76, which summarizes the ideas, strategies and recommendations generated by the Health, Education and Human Services (HEHS) Committee of the Prince George’s County Council with respect to its sessions on the subject matter entitled “Strengthening our Human Services Safety Net” and the County Council’s support of this endeavor was introduced by Council Members Davis, Franklin, Lehman, Harrison, Patterson and Turner and referred to the Health, Education and Human Services Committee (HEHS).

***Council Member Franklin moved to adopt the Consent Agenda; seconded by Council Member Patterson. The motion carried by voice vote (Absent: Council Member Turner).*

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 the Washington Suburban Sanitary Commission Commissioners regarding the establishment of a work group to review the proposed 80 foot setback standard. **CHAIR AUTHORIZED TO SIGN**

A joint letter was proposed to be sent to the Washington Suburban Sanitary Commission Commissioners regarding the establishment of a work group to review the proposed 80 foot setback standard. Council Member Olson moved authorization of the Chair’s signature; seconded by Council Member Davis. The motion carried 8-0. (Absent: Council Member Turner).

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

CB-68-2012 – AN ACT CONCERNING MINORITY BUSINESS

DEVELOPMENT DIVISION for the purpose of amending provisions of the County Code to change the name of the Minority Business Development Division of the Office of Central Services to the Supplier Development and Diversity Division.

INTRODUCED

Council Member Campos, as Chair of the Public Safety and Fiscal Management Committee (PSFM), provided a verbal report of the actions and recommendations from the Committee to the Council. Council Bill 68 which amends provisions of the County Code to change the name of the Minority Business Development Division of the Office of Central Services to the Supplier Development and Diversity Division was favorably reported out of PSFM on 10/4/2012. Council Bill 68 was introduced by Council Members Campos, Davis, Franklin, Lehman, Patterson and Turner.

CB-71-2012 – AN ACT CONCERNING OFFICE OF INFORMATION

TECHNOLOGY AND COMMUNICATIONS for the purpose of amending provisions of the County Code to change the name of the Office of Information Technology and Communications to the Office of Information Technology.

INTRODUCED

Council Member Campos, as Chair of the Public Safety and Fiscal Management Committee (PSFM), provided a verbal report of the action and recommendations from the Committee to the Council. Council Bill 71, which amends provisions of the County Code to change the name of the Office of Information Technology and Communications to the Office of Information Technology was favorably reported out of PSFM on 10/4/2012. Council Bill 71 was introduced by Council Members Davis, Franklin and Lehman.

CB-72-2012 – AN ACT CONCERNING THE CLASSIFICATION PLAN FOR PRINCE GEORGE’S COUNTY for the purpose of adding a new class series to the County’s Classification Plan. **INTRODUCED**

Council Member Campos, as Chair of the Public Safety and Fiscal Management Committee (PSFM) provided a verbal report of the action and recommendations from the Committee to the Council. Council Bill 72, which adds a new class series to the County’s Classification Plan was favorably reported out of PSFM on 10/4/2012. Council Bill 72 was introduced by Council Member Davis.

CB-74-2012 – AN ACT CONCERNING REVITALIZATION TAX CREDIT

DISTRICT for the purpose of designating census tracts that comprise the Revitalization Tax Credit District, to reflect changes in median income as determined by the 2010 Census; provides information regarding the revitalization tax credit; provides for reporting and review of the census tract data; and generally relates to the revitalization tax credit. **INTRODUCED**

Council Member Campos, as Chair of the Public Safety and Fiscal Management Committee (PSFM), provided a verbal report of the actions and recommendations from the Committee to the Council. Council Bill 74, which designates census tracts that comprise the Revitalization Tax Credit District, to reflect changes in median income as determined by the 2010 Census; provides information regarding the revitalization tax credit; provides for reporting and review of the census tract data; and generally relates to the revitalization tax credit was favorably reported out of PSFM on 10/4/2012. Council Member 74 was introduced by Council Members Olson, Campos, Davis, Franklin, Harrison, Lehman, Patterson and Turner.

CB-73-2012 (DR-2) – AN ORDINANCE CONCERNING FARMER’S

MARKETS for the purpose of amending regulations concerning Farmer’s Markets. **INTRODUCED**

Council Member Franklin, as Chair of the Planning, Zoning and Economic Development Committee (PZED), provided a verbal report of the actions and recommendations from the Committee to the Council. Council Bill 73 (DR-2), which amends regulations concerning Farmer’s Markets was favorably reported out of PZED on 10/3/2012. Council Bill 73 was introduced by Council Members Harrison, Davis, Franklin, Olson, Patterson, Toles and Turner.

CB-105-2012 – AN ORDINANCE CONCERNING ELEEMOSYNARY OR PHILANTHROPIC INSTITUTIONS

for the purpose of allowing eleemosynary or philanthropic institutions in the R-80 Zone under certain circumstances. **INTRODUCED**

Council Bill 105, which allows eleemosynary or philanthropic institutions in the R-80 Zone under certain circumstances was Introduced by Council Members Franklin, Turner, Toles, Lehman and Patterson and referred to the Planning, Zoning and Economic Development Committee (PZED).

CB-106-2012 – AN ORDINANCE CONCERNING CHECK CASHING BUSINESS for the purpose of amending certain provisions for check cashing businesses. **INTRODUCED**

Council Bill 106, which amends certain provisions for check cashing businesses was introduced by Council Members Patterson, Harrison and Davis and referred to the Planning, Zoning and Economic Development Committee (PZED).

CB-107-2012 – AN ORDINANCE CONCERNING REPEAL OF CHAPTER 10 2007, LAWS OF PRINCE GEORGE’S COUNTY, MARYLAND for the purpose of repealing the enactment of Chapter 10, 2007 Laws of Prince George’s County, Maryland. **INTRODUCED**

Council Bill 107, which repeals the enactment of Chapter 10, 2007 Laws of Prince George’s County, Maryland was introduced by Council Members Franklin and Harrison and referred to the Planning, Zoning and Economic Development Committee (PZED).

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

CR-61-2012 – A RESOLUTION CONCERNING THE APPROVAL OF AN APPLICATION TO PRESERVE PROPERTY PURSUANT TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION PROGRAM for the purpose of recommending that the Maryland Agricultural Land Preservation Foundation approve the application of Garner Farms, LLC, to permanently preserve their property. **PUBLIC HEARING HELD; ADOPTED**

Pursuant to proper notice, the public hearing convened on Council Resolution 61. There were no speakers. All persons wishing to speak having done so, the public hearing was declared held. Council Member Lehman moved adoption of Council Resolution 61; seconded by Council Member Olson. The motion carried 8-0 (Absent: Council Member Turner).

CR-62-2012 – A RESOLUTION CONCERNING THE APPROVAL OF AN APPLICATION TO PRESERVE PROPERTY PURSUANT TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION PROGRAM for the purpose of recommending that the Maryland Agricultural Land Preservation Foundation approve the application of Michael and Linda Mersch and Larry and Patricia Richards to permanently preserve the property. **PUBLIC HEARING HELD; ADOPTED**

Pursuant to proper notice, the public hearing convened on Council Resolution 62. There were no speakers. All persons wishing to speak having done so, the public hearing was declared held. Council Member Lehman moved adoption of Council Resolution 62; seconded by Council Member Davis. The motion carried 8-0 (Absent: Council Member Turner).

6. **PUBLIC HEARINGS: - (COUNCIL HEARING ROOM) -- PUBLIC HEARING HELD -CONFIRMED**

Appointment of the following individual to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for Prince George's County:

Ms. A. Shuanise Washington Re-Appointment
Term Expiration: 6/15/2016

Pursuant to proper notice, the public hearing convened on the appointment of Ms. A. Shaunise Washington to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for Prince George's County. Kerry Watson, representative for the County Executive, introduced Ms. Washington to the Council. Ms. Washington spoke on her own behalf. All persons wishing to speak having done so, the hearing was declared held. Council Member Davis moved confirmation; seconded by Council Member Toles. The motion carried 9-0.

7. **PUBLIC HEARING – (COUNCIL HEARING ROOM)**

The County Council of Prince George's County, Maryland, sitting as the District Council, for that part of the Maryland-Washington Regional District Council in Prince George's County, public hearing on the following annexation petition: PUBLIC HEARING HELD; COUNCIL REFERRED ITEM TO STAFF FOR PREPARATION OF APPROVING LETTER

LAUREL ANNEXATION PETITION NO. 154-2012

The City of Laurel has petitioned to annex 39.87± acres of land located on the north side of Van Dusen Road at the intersection of Virginia Manor Road to the municipal boundaries of the City of Laurel. The property is currently zoned M-X-T and R-O-S, is undeveloped, and partially graded in the center portion of the site. Upon annexation, the property will be placed in the City's M-X-T and P-I Zones.

The purpose of the public hearing to determine, pursuant to Article 23A, Section 9(c), of the Annotated Code of Maryland, whether certain property that has been annexed into the City of Laurel has been placed in a zoning classification which permits a land use substantially different from the use for the land specified in the current Master Plan of the County, and if so, whether the County Council, sitting as the District Council, should exercise its discretion to expressly approve such substantially different zoning classification.

Pursuant to proper notice, the public hearing convened on Laurel Annexation Petition No. 154-2012. Mr. Robert Mango and Mr. Ed Gibbs spoke to the measure. All persons wishing to speak having done so, the hearing was declared held. Council Member Lehman moved the referral of the item to staff for preparation of an Approving Letter; seconded by Council Member Davis. The motion carried 8-0 (Absent: Council Member Toles).

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

CR-63-2012 –A RESOLUTION CONCERNING THE ENACTMENT OF A CERTAIN ORDINANCE OF THE TOWN OF RIVERDALE PARK for the purpose of approving the enactment of Ordinance 2012-OR-08, concerning residential storage. **ADOPTED**

(Introduced by Council Member Olson on 9/18/2012; favorably reported out of PZED on 10/3/2012)

Council Member Franklin, as Chair of the Planning, Zoning and Economic Development Committee (PZED), provided a verbal report of the actions and recommendations from the Committee to the Council. Council Member Olson moved adoption of Council Resolution 63; seconded by Council Member Davis. The motion carried 8-0 (Absent: Council Member Turner).

CR-64-2012 (DR-2) - A RESOLUTION CONCERNING THE APPROVED 2004 PRINCE GEORGE'S GATEWAY ARTS DISTRICT SECTOR PLAN AND SECTIONAL MAP AMENDMENT (SMA) AND DEVELOPMENT DISTRICT OVERLAY ZONE for the purpose of authorizing the Planning Board prepare an amendment to the Approved 2004 Gateway Arts District Sector Plan and Sectional Map Amendment (SMA) and Development District Overlay Zone revising certain development district standards within the Gateway Arts District. **DR-2**
SUBSTITUTED; ADOPTED

(Introduced by Council Members Campos and Turner on 9/18/2012; favorably reported out of PZED on 10/3/2012 with amendments)

Council Member Franklin, as Chair of the Planning, Zoning and Economic Development Committee (PZED), provided a verbal report of the actions and recommendations from the Committee to the Council. Council Member Campos moved to substitute DR-2 in lieu of DR-1 of Council Resolution 64; seconded by Council Member Olson. The motion carried by voice vote. (Absent: Council Member Turner). Council Member Campos moved adoption of Council Resolution 64 (DR-2); seconded by Council Member Davis. The motion carried 8-0 (Absent: Council Member Turner).

9. **INTRODUCTION AND ADOPTION OF RESOLUTIONS**

CR-77-2012 – A RESOLUTION CONCERNING MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION – PRINCE GEORGE'S COUNTY MEMBERS – APPOINTMENT AND GEOGRAPHIC BALANCE for the purpose of addressing the geographic distribution and balance of the membership of The Maryland-National Capital Park and Planning Commission and confirming A. Shuanise Washington as a member. **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 77, as proposed by the Chair by request of the County Executive, addresses the geographic distribution and balance of the membership of The Maryland-National Capital Park and Planning Commission and confirms A. Shuanise Washington as a member. Council Resolution 77 was introduced by Council Members Harrison, Davis, Franklin, Toles and Turner. Council Member Davis moved to suspend the Council Rules of Procedure to allow immediate adoption of Council Resolution 77; seconded by Council Member Toles. The motion carried 8-0 (Absent: Council Member Turner). Council Member Davis moved adoption of Council Resolution 77; seconded by Council Member Toles. The motion carried 8-0 (Absent: Council Member Turner).

CR-78-2012 – A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT S.J. ROSS ASSOCIATES, INC. for the purpose of Support for a financing application to the Community Development Administration (“CDA”) of the Maryland Department of Housing and Community Development (“MD DHCD”) by S.J. Ross Associates, Inc. to rehabilitate and improve apartment units in Overlook Apartment Complex. **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 78, as proposed by the Chair by request of the County Executive, supports for a financing application to the Community Development Administration (“CDA”) of the Maryland Department of Housing and Community Development (“MD DHCD”) by S.J. Ross Associates, Inc. to rehabilitate and improve apartment units in Overlook Apartment Complex. Council Resolution 78 was introduced by Council Members Harrison, Davis, Franklin and Patterson. Council Member Olson moved to suspend the Council Rules of Procedure to allow immediate adoption of Council Resolution 78; seconded by Council Member Patterson. The motion carried 8-0 (Absent: Council Member Turner). Council Member Davis moved adoption of Council Resolution 78; seconded by Council Member Patterson. Under discussion: Eric Brown, Director of DHCD responded to questions regarding the justification and scope of the application. The motion carried 8-0 (Absent: Council Member Turner).

CR-79-2012 – A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT LANDEX DEVELOPMENT, LLC. for the purpose of Support for a financing application to the Community Development Administration (“CDA”) of the Maryland Department of Housing and Community Development (“MD DHCD”) by Landex Development, LLC to construct 112 new workforce apartments. **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 79, as proposed by the Chair by request of the County Executive, supports for a financing application to the Community Development Administration (“CDA”) of the Maryland Department of Housing and Community Development (“MD DHCD”) by Landex Development, LLC to construct 112 new workforce apartments. Council Resolution 79 was introduced by Council Member Harrison. Council Member Olson moved to suspend the Council Rules of Procedure to allow immediate adoption of Council Resolution 79; seconded by Council Member Davis. The motion carried 8-0 (Absent: Council Member Turner). Council Member Davis moved adoption of Council Resolution 79; seconded by Council Member Franklin. Under discussion: Eric Brown, DHCD responded to questions regarding the justification and scope of the application. The motion carried 8-0 (Absent: Council Member Turner).

CR-80-2012 - A RESOLUTION CONCERNING SPENDING AFFORDABILITY LIMITS FOR THE WASHINGTON SUBURBAN SANITARY COMMISSION for the purpose of establishing spending control limits on the Fiscal Year 2014 Water and Sewer Operating and Capital Budgets of the Washington Suburban Sanitary Commission (WSSC). **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 80, which establishes spending control limits on the Fiscal Year 2014 Water and Sewer Operating and Capital Budgets of the Washington Suburban Sanitary Commission (WSSC), was introduced by Council Member Harrison. Council Member Olson moved to suspend the Council Rules of Procedure to allow immediate adoption of Council Resolution 80; seconded by Council Member Davis. The motion carried 8-0 (Absent: Council Member Turner). Council Member Olson moved adoption of Council Resolution 80; seconded by Council Member Davis. The motion carried 8-0 (Absent: Council Member Turner).

CR-81-2012 – A RESOLUTION CONCERNING REPEAL OF CHAPTER 10, 2007 LAWS OF PRINCE GEORGE’S COUNTY, MARYLAND for the purpose of repealing the enactment of Chapter 10, 2007 Laws of Prince George’s County. **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 81, which repeals the enactment of Chapter 10, 2007 Laws of Prince George’s County, was introduced by Council Members Franklin and Harrison. Council Member Franklin moved to suspend the Council Rules of Procedure to allow immediate adoption of Council Resolution 81; seconded by Council Member Olson. The motion carried 8-0 (Absent: Council Member Turner). Council Member Franklin moved adoption of Council Resolution 81; seconded by Council Member Davis. Under discussion: Karen Zavakos, Legislative Officer, clarified the need for the resolution which is a companion to Council Bill 107, which will be before the Court on November 20, 2012 to meet State deadlines. The motion carried 8-0 (Absent: Council Member Turner).

***Council Member Davis moved to accept additions to the agenda; seconded by Council Member Franklin. The motion carried by voice vote. (Absent: Council Member Turner).*

10. **BILLS ELIGIBLE FOR FINAL READING**

CB-70-2012 – (EXECUTIVE ORDER NO. 23-2012) REORGANIZATIONAL PROPOSAL amending the Schedule of Legislation to change the name of the Office of Information Technology and Communications. **APPROVED**

(Favorably reported out of PSFM on 10/4/2012)

On September 6, 2012, the County Executive Transmitted Executive Order No. 23-2012 proposing to amend the Schedule of Legislation to change the name of the Office of Information Technology and Communications to the Office of Information Technology. Pursuant to Charter Section 503, this proposal will become effective on November 5, 2012 unless disapproved by a majority vote of the full Council prior to that date.

Council Member Campos, as Chair of the Public Safety and Fiscal Management Committee (PSFM), provided a verbal report of the actions and recommendations of the Committee. Council Member Davis moved adoption of Council Bill 70; seconded by Council Member Campos. The motion carried 7-0 (Absent: Council Members Toles and Turner).

11. **DISTRICT COUNCIL ITEM**

(SEE SEPARATE ACTION AGENDA)

*****Council Member Olson moved to accept the Zoning Agenda; seconded by Council Member Davis. The motion carried by voice vote (Absent Council Member Toles and Turner).***

ADDITION TO THE AGENDA9. **INTRODUCTION AND ADOPTION OF RESOLUTIONS – (page 6)**

CR-82-2012 - A RESOLUTION CONCERNING PILOT AGREEMENT FOR PARKVIEW AT BLADENSBURG RENTAL HOUSING PROJECT for the purpose of approving the terms and conditions of a negotiated Payment in Lieu of Taxes (PILOT) Agreement between Prince George's County and Bladensburg, LLLP ("Owner"). **INTRODUCED; C.O.W. HELD.; FAVORABLE RECOMMENDATION; ADOPTED**

Council Resolution 82, as proposed by the Chair by request of the County Executive, approves the terms and conditions of a negotiated Payment in Lieu of Taxes (PILOT) Agreement between Prince George's County and Bladensburg, LLLP ("Owner"). Council Resolution 82 was introduced by Council Members Harrison and Davis. Council Member Harrison moved a favorable recommendation; seconded by Council Member Olson. The motion carried 6-0 (Absent: Council Members Campos, Davis and Turner).

Council Chair Harrison convened the Committee of the Whole. Council Chair Harrison expressed displeasure as to the transmittal timelines. Mr. Eric Brown, Director, responded and spoke to the scope of the proposal. (See Administrative Day File for detailed Clerk's notes).

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

There were no requests.

ADJOURNED –*The meeting was adjourned at 5:30 p.m.*

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

CB-36-2012 - AN ACT CONCERNING CODE OF ETHICS for the purpose of amending the Code of Ethics in order to comply with State law. **FAVORABLE RECOMMENDATION**

Todd Turner, Legislative Officer, provided an overview of the measure. Council Member Olson moved favorable recommendation; seconded by Council Member Franklin. The motion carried 7-0 (Absent: Council Members Lehman and Turner).

CB-63-2012 – AN ACT CONCERNING OFFICE OF ETHICS AND ACCOUNTABILITY for the purpose of creating an Office of Ethics and Accountability within Prince George’s County Government; providing for the budget, powers and authority of the Office of Ethics and Accountability; providing for periodic reports and review of the activities of the Office of Ethics and Accountability; and generally relating to the Office of Ethics and Accountability. **FAVORABLE RECOMMENDATION WITH AMENDMENTS**

Todd Turner, Legislative Officer, provided an overview of the measure. Council Member Olson moved amendment #1; seconded by Council Member Davis. The motion carried 7-0 (Absent: Council Members Lehman and Turner). Council Member Olson moved favorable recommendation as amended; seconded by Council Member Patterson. The motion carried 7-0 (Absent: Council Members Lehman and Turner).

COMMITTEE OF THE WHOLE CONCLUDED- *Committee of the Whole concluded at 5:47 p.m.*

Prepared by:

Submitted by:

Sherry Bias, Administrative Aide

Redis C. Floyd, Clerk of the Council