

ACTION AGENDA

Tuesday, November 18, 2008

Legislative Day No. 34

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

9:30 A.M.

AGENDA BRIEFING – (ROOM 2027) – BRIEFING HELD

10:30 A.M.

PRESENTATION OF PROCLAMATIONS/COMMENDATIONS – (COUNCIL HEARING ROOM)

Presented

Proclamation presented to **Betty Sonneveldt recognizing her contributions to the “Literacy Council” in Prince George’s County.** (Council Chairman Samuel H. Dean and Council Member Ingrid M. Turner)

Presented

Proclamation presented to **Odessa Hopkins recognizing the outstanding contributions of the organization “Another Approach Enterprise” home of Minority Buzz.com in Prince George’s County.** (Council Chairman Samuel H. Dean and Council Vice Chair Marilynn M. Bland)

Presented

Proclamation presented to **Sana Simms, Principal, recognizing Flintstone Elementary School for achieving the greatest combined gain in the “Adequate Yearly Progress” testing in Prince George’s County.** (Council Chairman Samuel H. Dean and Council Member Tony Knotts)

Presented

Proclamation presented to **Byron Williams, Principal, recognizing Oxon Hill Middle School for achieving the greatest combined gain in the “Adequate Yearly Progress” testing in Prince George’s County.** (Council Chairman Samuel H. Dean and Council Member Tony Knotts)

Presented

Proclamation presented to **Alice Swift-Howard, Principal, recognizing Surrattsville High School for achieving the greatest combined gain in the “Adequate Yearly Progress” testing in Prince George’s County.** (Council Chairman Samuel H. Dean and Council Vice Chair Marilynn M. Bland)

Presented

Proclamation presented to **Barbara and Vail Clemmence, Directors, recognizing “30 years of Service” of providing transportation to seniors in Prince George’s County.** (Council Chairman Samuel H. Dean and Council Member Ingrid M. Turner)

10:46 A.M.

CALL TO ORDER

INVOCATION: Rev. William T. Tucker, Pastor, Remnant for Christ Ministries,
Temple Hills, Maryland

PLEDGE OF ALLEGIANCE

2. **PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER’S REPORT**

Chair authorized to sign (a) Proposed letter to Dr. David Lever, R.A., D.A., Executive Director, Interagency Committee on State School Construction, expressing the County’s support of the Prince George’s County Board of Education’s proposed FY 2010 capital budget request and to identify the projects that this administration considers most critical.

Favorably reported out of C.O.W. on 11/13/2008 with amendments)

Chair authorized to sign (b) Proposed joint signature letter to Ms. Jeanne Hitchcock, Secretary of Appointments, Office of the Governor, regarding the nominations for appointment to the Prince George’s County Property Tax Assessment Appeals Board.

The Chairman (by request – County Executive)

3. **PUBLIC HEARINGS/RESOLUTIONS ELIGIBLE FOR FINAL READING – (ADOPTION)**

*Public Hearing
Held;
DR-2
substituted;
Adopted*

CR-97-2008 – A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT NEIGHBORHOOD STABILIZATION PROGRAM for the purpose of amending the Prince George’s County “Annual Action Plan: FY 2009” to serve as the application for a Neighborhood Stabilization Program grant, assisting the County with the purchase and redevelopment of abandoned and foreclosed homes and residential properties.

(Introduced by Council Members Knotts and Dean on 10/28/2008; Held in C.O.W. on 11/5/2008; Held in C.O.W. on 11/13/2008; Scheduled for C.O.W. on 11/17/2008)

*Discharged from
PSFM;
Public Hearing
Held;
DR-4
substituted;
Adopted*

CR-23-2008 (DR-3) – A RESOLUTION CONCERNING THE ISSUANCE OF SPECIAL OBLIGATION BONDS for the purpose of providing that special obligation bonds may be issued from time to time under the provisions of this Resolution in the aggregate principal amount of Thirty-Five Million Dollars (\$35,000,000) in order for the County to finance or reimburse costs related to the construction of certain 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 for the levy of a special tax in the form of a special hotel rental tax, the creation of a special fund and the allocation of such special tax with respect to the special taxing district to be paid over to such special fund; providing that such special obligation bonds authorized to be issued hereby shall be payable from the special hotel rental tax collected and deposited in the special fund, as described below, 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 Special Hotel Rental Tax ; specifying certain terms and conditions with respect to the issuance of the special obligation bonds; 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, delivery and payment of such special obligation bonds; authorizing the County Executive to take certain actions, to execute documents and make certain commitments on behalf of the County in connection with the issuance 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 and delivery of such special obligation bonds; generally providing for, and determining various matters in connection with, the issuance, delivery and payment of such special obligation bonds.

(Introduced by Council Members Knotts and Campos on 4/1/2008; amended in PSFM on 4/1/2008; amended in C.O.W. on 10/21/2008)

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

*Public Hearing Held;
No action taken*

CB-80-2008 (DR-3) - AN ORDINANCE CONCERNING TRANSFER OF DEVELOPMENT RIGHTS for the purpose of establishing a Transfer of Development Rights program in Prince George’s County.

(Introduced by Council Members Dernoga and Bland on 10/21/2008; reported out of PZED on 10/15/2008 with no recommendation)

*Public Hearing Held;
No action taken*

CB-78-2008 (DR-2) - AN ORDINANCE CONCERNING AGRICULTURAL-CONSERVATION ZONE (A-C ZONE) for the purpose of establishing an Agricultural-Conservation Zone (A-C Zone) in Prince George’s County and making amendments to the use table in the Zoning Ordinance generally related to the A-C Zone.

(Introduced by Council Members Dernoga, Bland and Olson on 10/21/2008; reported out of PZED on 10/15/2008 with no recommendation)

AMENDMENT #1 TO CB-78-2008(DR-2)

*Public Hearing Held;
Enacted*

CB-69-2008 (DR-2) – AN ACT CONCERNING BENEFIT PERFORMANCES for the purpose of clarifying the number of charitable gaming events that may be held in a location in any single week.

(Introduced by Council Members Dernoga, Campos, Knotts, Olson and Turner on 10/21/2008; favorably reported out of PZED on 10/15/2008 with amendments)

*Public Hearing Held;
Amended;
DR-3 enacted*

CB-70-2008 (DR-2) – AN ORDINANCE CONCERNING VOLUNTEER FIRE, AMBULANCE, OR RESCUE STATION for the purpose of amending regulations for volunteer, fire, ambulance, or rescue stations

(Introduced by Council Members Dernoga, Campos, Knotts, Olson and Turner on 10/21/2008; favorably reported out of PZED on 10/15/2008 with amendments)

**PUBLIC HEARINGS/RESOLUTIONS ELIGIBLE FOR FINAL READING – (ADOPTION)–
(CONTINUED)**

*Public Hearing
Held;
Adopted*

CR-62-2008 (DR-2) – A RESOLUTION CONCERNING COUNTY REAL PROPERTY for the purpose of declaring certain parcels of County-owned real property as surplus, and approving the County Executive’s plan for disposal of such parcels.

(Introduced by Council Member Dean on 6/17/2008; favorably reported out of PSFM on 10/14/2008 with amendments)

*Public Hearing
Held;
Adopted*

CR-92-2008 - 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 George H. Kuehn, Catherine R. Kuehn and Bernard P. Kuehn to establish an agricultural district.

(Introduced by Council Members Bland and Dean on 10/14/2008; Favorably reported out of THE on 11/13/2008)

4. **PUBLIC HEARINGS/BILLS ELIGIBLE FOR THIRD READING –
(ENACTMENT) – (CONTINUED FROM PAGE 3)**

*Public Hearing
Held;
Amended;
DR-3 Enacted*

CB-47-2008 (DR-2) – AN ACT CONCERNING THE PROHIBITION OF THE SALE, OFFER OR DISTRIBUTION OF CERTAIN CIGAR PRODUCTS for the purpose of prohibiting the sale, offer or distribution of cigar and cigar products intended for use, or designed for use, in ingesting, inhaling, or otherwise introducing marihuana, cocaine, hashish, or hashish oil into the human body, to minors and in less than packages of five.

(Introduced by Council Members Dean, Campos, Exum, Bland and Harrison on 10/21/2008; favorably reported out of HEHS on 10/16/2008 with amendments)

*Public Hearing
Held;
No action taken*

CB-83-2008 – AN ACT CONCERNING VACANT RESIDENTIAL PROPERTY REGISTRATION AND MAINTENANCE for the purpose of providing for the registration of vacant or unoccupied residential structures with the Department of Environmental Resources; providing civil penalties for failure to register; and providing criminal penalties for failure to maintain such properties.

(Introduced by Council Member Campos on 10/21/2008; Held in THE on 11/13/2008)

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

*Public Hearing
Held;
Enacted*

CB-52-2008 (DR-2) - AN ACT CONCERNING BUSINESS INCUBATOR REAL PROPERTY TAX CREDIT for the purpose of establishing a tax credit for real property used for publicly supported business incubator programs.

(Introduced by Council Member Knotts and Turner on 10/21/2008; favorably reported out of PSFM on 9/23/2008 with amendments)

*Public Hearing
Held;
Enacted*

CB-61-2008 (DR-2) – AN ACT CONCERNING BROWNFIELDS PROPERTY TAX CREDIT for the purpose of enabling the County to participate in the State of Maryland's Brownfields Revitalization Incentive Program; providing a property tax credit for the redevelopment of certain Brownfields properties; and generally providing for a Brownfields property tax credit as authorized by State law.

(Introduced by Council Members Dean and Dernoga on 10/21/2008; favorably reported out of PSFM on 10/20/2008 with amendments)

*Public Hearing
Held;
Enacted*

CB-64-2008 – AN ACT CONCERNING MARYLAND EMERGENCY MANAGEMENT ASSISTANCE COMPACT for the purpose of adopting the Maryland Emergency Management Assistance Compact, Section 14-803 of the Public Safety Article of the Annotated Code of Maryland.

(Introduced by Council Members Exum, Bland, Dean, Knotts and Dernoga on 10/21/2008; favorably reported out of PSFM on 10/14/2008)

*Public Hearing
Held;
Enacted*

CB-66-2008 (DR-2) - AN ACT CONCERNING PROPERTY TAX CREDIT – AGRICULTURAL LAND for the purpose of granting a tax credit against property taxes imposed on agricultural land subject to State or County agricultural land preservation programs.

(Introduced by Council Members Dernoga, Bland and Olson on 10/21/2008; favorably reported out of PSFM on 10/14/2008 with amendments)

*Public Hearing
Held;
Enacted*

CB-67-2008 (DR-2) – AN ACT CONCERNING TELECOMMUNICATIONS TRANSMISSION FACILITY COORDINATING COMMITTEE for the purpose of amending procedures pertaining to the Prince George's County Telecommunications Transmission Facility Coordinating Committee and repealing provisions of the Telecommunications Franchise Law.

(Introduced by Council Member Dean on 10/21/2008; favorably reported out of PSFM on 10/14/2008 with amendments)

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

*Public Hearing
Held;
Enacted*

CB-79-2008 (DR-2) - AN ACT CONCERNING AN INTERPROJECT TRANSFER OF APPROPRIATIONS IN THE APPROVED FISCAL YEAR 2009 CAPITAL BUDGET for the purpose of transferring appropriations to the High School Classroom Addition at Potomac, to the Planning Subregion VI Elementary, and the Land Acquisition Projects.

(Introduced by Council Member Dean on 10/21/2008; favorably reported out of PSFM on 10/20/2008 with amendments)

*Public Hearing
Held;
Enacted*

CB-54-2008 (DR-2) - AN ORDINANCE CONCERNING INFORMATIONAL MAILINGS AND CIVIC ASSOCIATION REGISTRATION for the purpose of making changes to informational mailing requirements for applications.

(Introduced by Council Members Exum, Bland, Harrison and Dean on 10/21/2008; favorably reported out of PZED on 10/15/2008 with amendments)

*Public Hearing
Held;
Enacted*

CB-55-2008 (DR-2) (SUBDIVISION BILL) - AN ACT CONCERNING INFORMATIONAL MAILINGS AND CIVIC ASSOCIATION REGISTRATION for the purpose of making changes to informational mailing requirements for applications.

(Discharged from PZED, amended on the floor and DR-2 introduced by Council Members Bland, Dean, Turner and Harrison on 10/14/2008; DR-2 favorably reported out of PZED on 10/15/2008)

*Public Hearing
Held;
Enacted*

CB-56-2008 (DR-2) - AN ORDINANCE CONCERNING PUBLIC HEARING SIGNS for the purpose of making changes to the design, content and posting requirements for public hearing signs.

(Introduced by Council Members Exum, Bland, Harrison, Turner, Knotts and Dean on 10/21/2008; favorably reported out of PZED on 10/15/2008 with amendments)

*Public Hearing
Held;
Enacted*

CB-65-2008 (DR-2) - AN ORDINANCE CONCERNING TRANSIT DISTRICT OVERLAY ZONING MAP AMENDMENT for the purpose of amending procedures for adopting Transit District Overlay Zoning Map Amendments.

(Introduced by Council Members Exum, Bland, Dernoga and Dean on 10/21/2008; favorably reported out of PZED on 10/15/2008 with amendments)

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

*Public Hearing
Held;
Enacted*

CB-68-2008 (DR-2) - AN ORDINANCE CONCERNING RESIDENTIAL ZONES for the purpose of amending the regulations concerning Recreational Community Developments.

(Introduced by Council Members Dean and Bland on 10/21/2008; favorably reported out of PZED on 10/15/2008 with amendments)

*Public Hearing
Held;
Enacted*

CB-72-2008 – AN ORDINANCE CONCERNING FENCES AND WALLS for the purpose of amending the regulations for fences in residential zones.

(Introduced by Council Members Olson and Turner on 10/21/2008; favorably reported out of PZED on 10/15/2008)

*Public Hearing
Held;
Amended;
DR-2 Enacted*

CB-75-2008 (SUBDIVISION BILL) – AN ACT CONCERNING SUBDIVISION AMENDMENTS for the purpose of making clarifying amendments to the Subdivision Requirements of Prince George’s County.

(Introduced by Council Member Dernoga on 10/7/2008; favorably reported out of PZED on 10/15/2008 with recommended amendments)

AMENDMENT #1 TO CB-75-2008

*Public Hearing
Held;
Amended;
DR-2 Enacted*

CB-81-2008 - AN ORDINANCE CONCERNING RESIDENTIAL ZONES for the purpose of permitting barber shops in residential zones by special exception subject to certain requirements.

(Introduced by Council Member Knotts on 10/21/2008; Favorably reported out of PZED on 11/10/2008 with recommended amendments)

AMENDMENT #1 TO CB-81-2008

*Public Hearing
Held;
Amended;
DR-2 Enacted*

CB-82-2008 - AN ORDINANCE CONCERNING THE R-T ZONE for the purpose of allowing multi-family dwellings and commercial uses in the R-T Zone under certain circumstances.

(Introduced by Council Member Exum on 10/21/2008; Favorably reported out of PZED on 11/10/2008 with recommended amendments)

AMENDMENT #1 TO CB-82-2008

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

CR-77-2008 – A RESOLUTION CONCERNING SPECIFICATIONS AND STANDARDS for the purpose of amending the “General Specifications and Standards for Highway and Street Construction” and the “Specifications and Standards for Highway Traffic Signals” of the Department of Public Works and Transportation.

The Chairman (by request – County Executive); referral to THE

(Introduced by Council Members Dean, Knotts and Dernoga on 9/9/2008; Favorably reported out of THE on 11/13/2008)

Adopted

CR-84-2008 - A RESOLUTION CONCERNING REVITALIZATION TAX CREDIT JEFFERSON SQUARE AT COLLEGE PARK AND JEFFERSON AT COLLEGE PARK WEST for the purpose of approving the Jefferson Square at College Park and Jefferson at College Park West residential developments, proposed by JPI Development Services, L.P., as a revitalization project qualifying for a revitalization or redevelopment tax credit, as provided in Section 10-235.02 of the Prince George's County Code.

(Introduced by Council Members Dernoga and Olson on 9/23/2008; Favorably reported out of PSFM on 11/10/2008)

Adopted

CR-88-2008 – A RESOLUTION CONCERNING REVITALIZATION TAX CREDIT for the purpose of establishing that a multi-family unit development known as the University View Project, located in census tract number 8070, qualifies for a revitalization/redevelopment tax credit pursuant to Section 10-235.02 of the Prince George’s County Code.

(Introduced by Council Member Olson on 10/7/2008; Favorably reported out of PSFM on 11/10/2008)

*DR-2
substituted;
Adopted*

CR-90-2008 – A RESOLUTION CONCERNING THE 2001 WATER AND SEWER PLAN (AUGUST 2008 CYCLE OF AMENDMENTS) for the purpose of changing the water and sewer category designations of properties within the 2001 Water and Sewer Plan.

(Introduced by Council Member Dean on 10/7/2008; Favorably reported out of THE on 11/13/2008 with amendments)

MOTION REQUIRED TO SUBSTITUTE DR-2 IN LIEU OF DR-1 PRIOR TO ADOPTION

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

*DR-2
substituted;
Adopted*

CR-91-2008 – A RESOLUTION CONCERNING THE 2008 WATER AND SEWER PLAN for the purpose of adopting the 2008 Water and Sewer Plan and the 2008 Water and Sewer Category Maps, and revising the fee schedule for administering Water and Sewer Plan amendments, and the purchase of maps and related materials.

(Introduced by Council Member Dean on 10/7/2008; Favorably reported out of THE on 11/13/2008 with amendments)

MOTION REQUIRED TO SUBSTITUTE DR-2 IN LIEU OF DR-1 PRIOR TO ADOPTION

*DR-2
substituted;
Adopted*

CR-101-2008 - A RESOLUTION CONCERNING COMPENSATION AND BENEFITS, CORRECTIONS OFFICIALS – SALARY SCHEDULE “C-O” SCHEDULE OF PAY GRADES for the purpose of amending the Salary Plan of the County to reflect wage and benefit modifications of the Department of Corrections Officials.

(Introduced by Council Members Dean and Knotts on 11/5/2008; Favorably reported out of PSFM on 11/10/2008 with amendments)

MOTION REQUIRED TO SUBSTITUTE DR-2 IN LIEU OF DR-1 PRIOR TO ADOPTION

6. **INTRODUCTION AND ADOPTION OF RESOLUTIONS**

*Introduced;
Rules
Suspended;
Amended;
DR-2 adopted*

CR-102-2008 – RESOLUTION CONCERNING A MASTER PLAN (HISTORIC SITES AND DISTRICTS AMENDMENT) COUNTYWIDE for the purpose of initiating an amendment to the 1992 Prince George’s County Historic Sites and Districts Plan and the 2002 General Plan that will establish goals, policies, and strategies to guide orderly development in the county.

Introduced by Council Members Knotts, Dernoga, Turner, Harrison, Bland, Dean and Olson

4. **PUBLIC HEARINGS/BILLS ELIGIBLE FOR THIRD READING – (ENACTMENT) – (CONTINUED FROM PAGE 8)**

*Public Hearing held;
Enacted*

CB-57-2008 - AN ACT CONCERNING THE PRINCE GEORGE’S COUNTY CODE (2007 EDITION) for the purpose of adopting and publishing the 2007 Edition of the Prince George’s County Code.

(Introduced by Council Members Dean, Exum, Bland, Harrison and Knotts on 9/30/2008; favorably reported out of C.O.W. on 9/23/2008)

*Public Hearing held;
Enacted*

CB-58-2008 (SUBDIVISION BILL) - AN ACT CONCERNING SUBTITLE 24, SUBDIVISIONS for the purpose of adopting and publishing Subtitle 24, Subdivisions, of the 2007 Edition of the Prince George's County Code.

(Introduced by Council Members Dean, Exum, Bland, Harrison and Knotts on 9/30/2008; favorably reported out of C.O.W. on 9/23/2008)

*Public Hearing held;
Enacted*

CB-59-2008 (DR-2) - AN ORDINANCE CONCERNING SUBTITLE 27 – ZONING ORDINANCE for the purpose of adopting and publishing the 2007 Edition of the Zoning Ordinance of Prince George’s County, Maryland, being also Subtitle 27 of the Prince George’s County Code.

(Introduced by Council Members Dean, Exum, Bland, Harrison and Knotts on 9/30/2008; favorably reported out of C.O.W. on 9/23/2008 with amendments)

ADDITIONS TO THE AGENDA

1. **PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER’S REPORT (page 2)**

Chair authorized to sign

- (c) Proposed letter to Ms. Joyce Starks, Vice Chair, Washington Suburban Sanitary Commission, expressing the County’s approval of the WSSC Supplemental Budget Request that was submitted on October 15, 2008.

The Chairman (by request – WSSC)

EXECUTIVE SESSION – EXECUTIVE SESSION HELD

- (a) Discussion of personnel issues in accordance with Maryland Annotated Code, State Government Article, Section Sec. 10-508(a)(1)(i).

Motion to convene in Executive Session made by Council Member Exum; seconded by Council Member Turner; Motion carried 8-0 (Absent: Council Member Dernoga)

DISTRICT COUNCIL ITEMS

(SEE SEPARATE ACTION AGENDA)

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

Willie Ringo – Economic Development

6:20 P.M.

ADJOURN

REMINDER

Tues., Dec. 2, 2008

10:00 a.m.

Exchange of Gavel