

# ***ACTION AGENDA***

**Tuesday, October 5, 2004**

**Legislative Day No. 33**

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

**9:30 A.M.**

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

**10:03 A.M.**

### **PRESENTATION OF PROCLAMATIONS/COMMENDATIONS**

*Presented*

Joint proclamation presented to Alfonso N. Cornish, Deputy CAO for Governmental Operations, recognizing the month of October 2004 as “Tree, Shrub, and Flower Planting Month” in Prince George’s County. (Council Chairman Tony Knotts, Council Members Marilyn Bland and Douglas J.J. Peters, and County Executive Representative Aisha Braveboy)

**10:20 A.M.**

### **CALL TO ORDER**

**INVOCATION:** Ms. Bonnie Humphreys, County Employee

### **PLEDGE OF ALLEGIANCE**

1. **CONSENT AGENDA -- CB-88, 97, 102, 103, 104, 105, 106, 107, 108, 109-2004 AND CR-62, 63, 64-2004 ADDED (SEE PAGE 4); 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)**

*Rules Suspended*

**MOTION REQUIRED TO SUSPEND THE RULES TO ALLOW FOR PRESENTATION OF BILLS AFTER SEPTEMBER 30.**

*Presented*

**CB-98-2004 (SUBDIVISION BILL) – AN ACT CONCERNING SUBDIVISIONS – RURAL TIER** for the purpose of providing interim development standards for new subdivision plat applications in the Rural Tier as designated in the Approved General Plan.

Council Members Bland, Dernoga and Harrington; referral to PZED

*Presented*

**CB-99-2004 – AN EMERGENCY ACT CONCERNING BUILDING PERMITS** for the purpose of limiting the number of building permits that may be issued in the Rural Tier, as designated in the Approved General Plan, and providing for certain exceptions.

Council Members Bland, Dernoga and Harrington; referral to PZED

*Presented*

**CB-100-2004 – AN ORDINANCE CONCERNING RURAL TIER** for the purpose of developing new development standards and procedures for the Rural Tier including the establishment and imposition of temporary zoning regulations restricting development in the Rural Tier established by the Approved General Plan for a period of three hundred sixty five (365) days, or until completion and implementation of revised zoning and subdivision regulations for the Rural Tier. This Ordinance provides for an annual allocation of building permits, establishes interim guidelines for residential development, and it requires site plan approval as a prerequisite for the issuance of permits.

Council Members Bland, Dernoga and Harrington; referral to PZED

*Presented*

**CB-101-2004 – AN ACT CONCERNING BUILDING PERMIT FEES** for the purpose of exempting the Board of Education from the payment of building permit fees in all circumstances.

Council Member Dean; referral to THE

2. **CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

*None*

3. **PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT**

*None*

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

*Introduced*

**CB-89-2004 (DR-2) – A SUBDIVISION BILL CONCERNING ADEQUATE PUBLIC FACILITIES** for the purpose of amending the test for adequate public facilities at the time of preliminary plat of subdivision and establishing a new adequate public safety facilities test.

(Favorably reported out of PSFM on 9/22/2004 with amendments)

*Introduced by Council Members Peters, Dean, Dernoga, Exum, Harrington, Knotts and Bland*

5. **BILLS ELIGIBLE FOR THIRD READING (ENACTMENT)**

*Enacted*

**CB-74-2004 – AN ACT CONCERNING AN INTERPROJECT TRANSFER OF APPROPRIATIONS IN THE APPROVED FISCAL YEAR 2005 CAPITAL BUDGET** for the purpose of transferring appropriations between capital projects in the amount of \$1,603,000 from various projects to the County Buildings – Major Renovations Fund.

(Final action deferred on 9/14/2004, 9/21/2004 and 9/28/2004; public hearing held on 9/7/2004; introduced by Council Member Knotts on 7/14/2004; favorably reported out of C.O.W. on 7/21/2004)

*Report given*

6. **FINAL REPORT OF THE TASK FORCE ON HIGH SCHOOL CAPACITY ALTERNATIVES**

Mr. Troy Glover, Consultant, DeJong & Associates  
Dr. Frank Locker, Consultant, DeJong & Associates  
Mr. Robert Slade, Consultant

**12:34 P.M.****RECESS****7:37 P.M.****RECONVENE***Public hearing held*

7. **JOINT PUBLIC HEARING:**

**TUXEDO ROAD/ARBOR STREET CHEVERLY METRO AREA SECTOR PLAN AND PROPOSED SECTIONAL MAP AMENDMENT**

**(SEE SEPARATE AGENDA)**

**ADDITIONS TO THE AGENDA**

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.

(a) **First Reading of Bills (Presentation)**

*Presented*

**CB-88-2004 – AN ORDINANCE CONCERNING WATERFRONT ENTERTAINMENT/RETAIL COMPLEX** for the purpose of amending the definition of a Waterfront Entertainment/Retail Complex to permit residential uses and providing for instances when a Conceptual Site Plan for this use must be revised.

Council Member Knotts; referral to PZED

**CONSENT AGENDA – (CONTINUED)***Presented*

**CB-97-2004 – AN ORDINANCE CONCERNING I-1 ZONE** for the purpose of allowing certain eating and drinking establishments, retail trade and service uses, gas stations and lodging uses in the I-1 Zone under certain circumstances.

Council Member Dean; referral to PZED

*Presented*

**CB-102-2004 – AN ORDINANCE CONCERNING L-A-C ZONE** for the purpose of permitting reducing/exercise salons or health clubs in the L-A-C Zone.

Council Member Dean; referral to PZED

*Presented*

**CB-103-2004 – AN ORDINANCE CONCERNING O-S ZONE (OPEN SPACE)** for the purpose of amending the Zoning Ordinance to define “Family-Medical-Residential Park” as a separate use of land; to permit it in the O-S Zone (Open Space), under certain circumstances; and to amend the regulations for a Medical/Residential Campus Special Exception, where a Family-Medical-Residential Park includes a Medical/Residential Campus.

Council Member Bland; referral to PZED

*Presented*

**CB-104-2004 – AN ACT CONCERNING OFF-ROAD VEHICLES** for the purpose of amending provisions of the County Code relating to Off-the-Road Motorcycles; defining Off-Road Vehicles and requiring such vehicles to be registered with the County; and imposing restrictions and penalties on the operation of Off-Road Vehicles.

Council Members Dernoga and Peters; referral to PSFM

*Presented*

**CB-105-2004 – AN ACT CONCERNING INCOME TAX REFUND ANTICIPATION LOAN BUSINESSES** for the purpose of providing for the licensing of businesses that advance money in anticipation of receiving income tax refunds, providing standards for operation, and providing penalties for violations.

Council Member Hendershot; referral to PSFM

**CONSENT AGENDA – (CONTINUED)***Presented*

**CB-106-2004 – 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) (the “Tax Increment Act”), and Resolution No. 63-2004 of the County Council of Prince George’s County, Maryland (the “Formation Resolution”) in an amount not to exceed the aggregate principal amount of Fourteen Million Dollars (\$14,000,000) 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; 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, 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.

Council Member Hendershot; referral to PSFM

*Presented*

**CB-107-2004 – AN ORDINANCE CONCERNING STADIUM PARKING** for the purpose of allowing off-site parking for certain stadiums under certain circumstances.

Council Member Dean; referral to PZED

**CONSENT AGENDA – (CONTINUED)***Presented*

**CB-108-2004 – AN ACT CONCERNING BUILDING CODE – ISSUANCE OF BUILDING PERMITS FOR ARENAS (STADIUMS)** for the purpose of requiring that an applicant for building permit for certain construction at a stadium shall file notification with the District Council and providing that the Building Official shall not issue a building permit under certain circumstances.

Council Member Dean; referral to PZED

*Presented*

**CB-109-2004 – AN ORDINANCE CONCERNING R-18 ZONE** for the purpose of modifying the lot coverage and building height requirements in the R-18 Zone, permitting multifamily dwellings in the R-18 Zone and exempting certain multifamily dwellings in the R-18 Zone from bedroom percentage requirements under certain circumstances.

Council Member Peters; referral to PZED

(b) **Introduction of Resolutions**

*Introduced*

**CR-62-2004 – A RESOLUTION CONCERNING DECLARATION OF INTENT – NORTHGATE COLLEGE PARK DEVELOPMENT DISTRICT** for the purpose of permitting the proceeds of special obligation bonds issued by the County to be used in conformity with applicable regulations of the U.S. Treasury Department to reimburse expenditures paid hereafter (or within 60 days prior to the date hereof).

Council Member Hendershot; referral to PSFM

*Introduced by Council Member Hendershot*

*Introduced*

**CR-63-2004 – A RESOLUTION CONCERNING NORTHGATE COLLEGE PARK DEVELOPMENT DISTRICT** for the purpose of designating a contiguous area within Prince George's County, Maryland (the "County") as a "development district" as that term is used in Sections 14-201 through 14-214, inclusive of Article 41 of the Annotated Code of Maryland, as amended (2003 Replacement Volume) (the "Tax Increment Act") and as such development district to be located in the City of College Park, an incorporated area of the County and to be known as the "Northgate College Park Development District" providing for, and determining, various matters in connection with the establishment of a development district creating a tax increment fund with respect to the development district allocating certain property taxes with respect to the development district to be paid over to the tax increment fund as provided in the Tax Increment Act; making certain findings and determinations with respect to the tax increment fund and the use of such fund; providing that special obligation bonds may be issued from time to time pursuant to an ordinance or ordinances enacted in accordance with the Tax Increment Act, and secured by the tax increment fund and generally relating to the Northgate College Park Development District.

Council Member Hendershot; referral to PSFM

*Introduced by Council Member Hendershot*

**CONSENT AGENDA – (CONTINUED)**

*Introduced*

**CR-64-2004 – A RESOLUTION CONCERNING APPROVAL OF A CERTAIN REFUNDING PLAN OF THE WASHINGTON SUBURBAN SANITARY COMMISSION FOR THE ISSUANCE OF REFUNDING BONDS** for the purpose of approving the Refunding Plan of the Washington Suburban Sanitary Commission for the refunding of certain bonds of the Washington Suburban Sanitary District through the issuance of General Construction Refunding Bonds, Water Supply Refunding Bonds and Sewerage Disposal Refunding Bonds of Washington Suburban Sanitary District.

The Chairman (by request – WSSC); referral to THE

*Introduced by Council Members Dean, Harrington and Peters*

**DISTRICT COUNCIL ITEM**

**(SEE SEPARATE ACTION AGENDA)**

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

*Donna Hataway Beck addressed the Council.*

**8:18 P.M.**

**ADJOURN**



**REMINDER**

Wed., Oct. 6, 2004	9:30 a.m.	HEHS Committee Meeting (Room 2027)
	11:00 a.m.	THE Committee Meeting (Room 2027)
	1:30 p.m.	PZED Committee Meeting (Room 2027)
Mon., Oct. 11, 2004		COLUMBUS DAY HOLIDAY