

AGENDA MINUTES

Tuesday, July 19, 2011

Legislative Day No. 19

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

AGENDA BRIEFING – (ROOM 2027) – BRIEFING HELD

The agenda briefing was held at 9:48 a.m.

CALL TO ORDER-Council Chair Turner called to order at 10:28 a.m. with the following Council Members present:

*Ingrid Turner
Mel Franklin
Leslie Johnson
Mary Lehman
Eric Olson
Obie Patterson
Karen Toles*

*Absent: Will Campos (County Business)
Andrea Harrison (County Business)*

Others present:

*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
Brad Frome, Deputy Chief of Staff, Council Liaison
Hawi Sanu, Director of the Transportation Housing and the Environment Committee
Jackie Brown, Director of the Planning Zoning and Economic Development
Frank Porter, Director of the Public Safety and Fiscal Management Committee
Karen Zavakos, Legislative Officer
Russell King, Office of Law
Sandra Eubanks, Director of the Health, Education and Human Services Committee
Carmen Jackson-Brown, Legislative Officer
Larry Cain, Auditor
Collette Gresham, Legislative Officer*

INVOCATION-*The invocation was provided by Pastor Bernard Winchester, First Baptist Church of Fairmount, Heights, Fairmount Heights.*

SPECIAL INTENTION-

- *Council Member Johnson requested prayer for David Wayne Williams' family in his passing.*
- *Council Member Olson requested prayer for Wanda Brooks, in her recovery from surgery.*

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

1. **CONSENT AGENDA -- 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)**

CB-30-2011 (SUBDIVISION BILL) - AN ACT CONCERNING SUBDIVISIONS – ENVIRONMENTAL REGULATIONS for the purpose of amending certain definitions, revising certain regulations, and clarifying grandfather provisions concerning environmental features in the Subdivision Ordinance. **PRESENTED**

Council Chair Turner, by request of the Planning Board, presented Council Bill 30. Council Bill 30 was referred to the Planning Zoning and Economic Development Committee.

CB-31-2011 - AN ACT CONCERNING BUILDING – REQUIREMENTS – GRADING/SITE DEVELOPMENT PLANS – STORMWATER CONCEPT PLANS for the purpose of making clarifying amendments as to submission requirements for grading and/or combined grading and building permit applications and stormwater concept plans. **PRESENTED**

Council Chair Turner, by request of the Planning Board, presented Council Bill 31. Council Bill 31 was referred to the Transportation, Housing and the Environment Committee.

**CB-32-2011 - AN ACT CONCERNING TREES AND VEGETATION -
WOODLAND AND WILDLIFE HABITAT CONSERVATION ORDINANCE**

for the purpose of adding or amending certain definitions and otherwise clarifying applicability and certain regulatory requirements of the Woodland and Wildlife Habitat Conservation Ordinance. **PRESENTED**

Council Chair Turner, by request of the Planning Board, presented Council Bill 32. Council Bill 32 was referred to the Transportation, Housing and the Environment Committee.

**CB-33-2011 - AN ACT CONCERNING TREES AND VEGETATION – TREE
CANOPY ORDINANCE** for the purpose of clarifying applicability requirements, amending regulations, providing certain exemptions, and codifying waiver procedures from requirements of the Tree Canopy Ordinance. **PRESENTED**

Council Chair Turner, by request of the Planning Board, presented Council Bill 33. Council Bill 33 was referred to the Transportation, Housing and the Environment Committee.

**CB-34-2011 - AN ORDINANCE CONCERNING NATURAL RESOURCE
INVENTORIES** for the purpose of clarifying the definition of Natural Resource Inventory, amending environmental submission requirements and required findings concerning applications for certain zoning map amendments, permits, conceptual site plans, detailed site plans, and clarifying applicability requirements in the Zoning Ordinance. (Zoning Bill) **PRESENTED**

Council Chair Turner, by request of the Planning Board, presented Council Bill 34. Council Bill 34 was referred to the Planning Zoning and Economic Development Committee.

CB-35-2011 – AN ORDINANCE CONCERNING SECTIONAL MAP AMENDMENT PROCEDURES AND DEFINITIONS for the purpose of clarifying Sectional Map Amendment Procedures for Sector Plans and amending certain definitions. **PRESENTED**

Council Chair Turner, by request of the Planning Board, presented Council Bill 35. Council Bill 35 was referred to the Planning Zoning and Economic Development Committee.

***Council Member Franklin moved adoption of the Consent Agenda; seconded by Council Member Toles the motion carried by voice vote (Absent Council Member Campos and Harrison).*

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

No items were considered.

3. **PUBLIC HEARINGS: -- PUBLIC HEARING HELD**

■ **Appointment of the following individuals to the Board of Social Services for Prince George's County: ALL CONFIRMED**

Ms. Kimberly Cole	Appointment Replacing: Gloria Ducker Term Expiration: 6/30/2013
Ms. Judith Dobbins	Appointment Replacing: Alphonso Lewis Term Expiration: 6/30/2013
Ms. Valerie Farrar	Appointment Replacing: Audrey Chase Term Expiration: 6/30/2013
Ms. Theresa Green	Appointment Term Expiration: 6/30/2012
Ms. Katrina Mitchell (Withdrawn by Executive)	Appointment Replacing: Maureen Evans Term Expiration: 6/30/2012
Ms. Cheryl Robinson	Appointment Replacing: Walter Howell Term Expiration: 6/30/2012
Ms. Robin Robinson	Appointment Term Expiration: 6/30/2014
Mr. Keith Singletary	Appointment Replacing: Toya Mitchell Term Expiration: 6/30/2012
Ms. Cynthia Terry	Appointment Term Expiration: 6/30/2014
Dr. William Welch	Appointment Term Expiration: 6/30/2014
Ms. Toni Smith	Reappointment Term Expiration: 6/30/2012

(Favorably reported out of HEHS on 7/7/2011)

Council Member Lehman, as Chair of the Health Education and Humans Services Committee provided a verbal overview of the actions and recommendations of the Committee to the Council. Pursuant to proper notice the Public hearing was convened on the appointment of the above named individuals to the Board of Social Services of Prince George's County. Michael Erico, Acting CAO, introduced the Nominees to the Council. All persons wishing to speak, having done so, the Public hearing was declared held. Council Member Lehman moved confirmation of all terms listed above; seconded by Council Member Olson the motion carried 7-0 (Absent: Council Members Campos and Harrison).

■ **Appointment of the following individuals to the Personnel Board for Prince George's County: ALL CONFIRMED**

Ms. Donna Crocker-Mason	Appointment Replacing: Iris Lee Term Expiration: 12/2/2014
Mr. Robert O. Duncan	Appointment Replacing: Sybill Wiggins Term Expiration: 12/2/2014
Ms. Carolyn F. Scriber	Appointment Replacing: Iristine T. Mackall Term Expiration: 12/2/2014
Mr. Omar M. Boulware	Appointment Replacing: Yvonne Hefley Term Expiration: 12/2/2012

(Favorably reported out of HEHS on 7/7/2011)

Council Member Lehman as Chair of the Health Education and Humans Services Committee provided a verbal overview of the actions and recommendations of the Committee to the Council. Pursuant to proper notice the Public hearing was convened on the appointment of the above named individuals to the Personnel Board for Prince George's. Michael Erico, Acting CAO, introduced the Nominees to the Council. All persons wishing to speak, having done so, the public hearing was declared held. Council Member Lehman moved confirmation of all terms as listed above; seconded by Council Member Franklin. The motion carried 7-0 (Absent: Council Members Campos and Harrison).

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

**CB-13-2011 – AN ORDINANCE CONCERNING RESIDENTIAL
REVITALIZATION** for the purpose of amending the definition and regulations for Residential Revitalization. **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 13. Michael Naggy spoke to the legislation. All persons wishing to speak, having done so, the public hearing was declared held. Council Member Patterson moved enactment; seconded By Council Member Franklin. The motion carried 7-0 (Absent: Council Members Campos and Harrison).

**CB-14-2011 (DR-2) – AN ORDINANCE CONCERNING CHURCHES OR
SIMILAR PLACES OF WORSHIP** for the purpose of allowing buildings or structures used by Churches or Similar Places of Worship located in residential zones to be eighty (80) feet in height, provided that, for each one (1) foot increase in height, every yard is increased by one (1) foot. **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 14. Arthur Horne and Midgett Parker spoke to the legislation. All persons wishing to speak, having done so, the public hearing was declared held. Council Member Patterson moved enactment; seconded By Council Member Franklin. The motion carried 7-0 (Absent: Council Members Campos and Harrison)

CB-18-2011 (DR-3) (EMERGENCY BILL) – AN EMERGENCY ACT

CONCERNING DANCE HALLS for the purpose of amending County regulations concerning dance hall premises, owners, lessors, operators, managers, promoters and patrons, establishing license requirements, setting penalties for violators, declaring specific legislative intent to establish reasonable and uniform laws to reduce the number of violent crimes that occur as a result of events at dance halls and to promote the health, safety, and welfare of the citizens and residents of Prince George's County and declaring that a public emergency exists affecting the public health, safety, and welfare. **PUBLIC HEARING HELD; ENACTED**

A public emergency exists affecting the public health, safety, and welfare; said emergency being the provisions of this law are in response to violent crimes and the increase in violent crimes, including but not limited to assaults and homicides, taking place in or in close proximity to adult dance halls and teen dance halls throughout the County; the purpose and intent of this legislation is to regulate dance hall premises, licensees, owners, lessors, operators, managers, promoters and patrons by establishing license requirements and penalties for violators by repealing and reenacting with amendments relevant provisions of the County Code to establish reasonable and uniform laws to promote the health, safety, and welfare of the citizens and residents of the County and to prevent or control detrimental effects upon neighboring properties and existing and proposed land uses in the general area.

Pursuant to proper notice, the public hearing convened on Council Bill 18 (DR-3). 10 persons spoke to the legislation. All persons wishing to speak, having done so, the public hearing was declared held. Council Member Toles moved enactment; seconded By Council Member Franklin. The motion carried 7-0 (Absent: Council Members Campos and Harrison).

CB-27-2011 – AN ACT CONCERNING SUPPLEMENTARY APPROPRIATIONS for the purpose of declaring additional revenue and appropriating to the General Fund Outside Sources to provide funds for costs that were not anticipated in the approved Fiscal Year 2011 Budget. **PUBLIC HEARING HELD; AMENDED; DR-2 ENACTED**

Pursuant to proper notice the public hearing convened on Council Bill 27. No persons wishing to speak, the public hearing was declared held. Todd Turner, Legislative Officer spoke to a proposed amendment. Council Member Patterson moved to enact; seconded by Council Member Olson. Council Member Olson proffered a substitute motion; seconded by Council Member Patterson. The motion carried by voice vote. (Absent: Council Member Campos and Harrison). The main motion carried 7-0 (Absent: Council Members Campos and Harrison).

CB-28-2011 – AN ACT CONCERNING PRINCE GEORGE’S COUNTY RECORDATION TAX RATE for the purpose of revising the recordation tax rate. **PUBLIC HEARING HELD; ENACTED**

(Introduced by Council Member Turner on 6/21/2011; favorably reported out of C.O.W. on 6/21/2011)

Pursuant to proper notice, the public hearing convened on Council Bill 28. There were no speakers, the public hearing was declared held. Council Member Olson moved enactment; seconded By Council Member Patterson. The motion carried 6-0 (Absent: Council Members Campos, Harrison and Toles).

CB-15-2011 (DR-2) – AN ACT CONCERNING WATER QUALITY RESOURCES AND GRADING CODE for the purpose of enacting Subtitle 32, the Water Quality Resources and Grading Code, concerning grading, drainage and pollution control; erosion and sediment control; STORMWATER MANAGEMENT; and accessibility for the disabled; and for the purpose of repealing certain provisions of Subtitle 4, the Building Code, and codifying them within subtitle 32. **PUBLIC HEARING HELD; AMENDED; DR-3 ENACTED**

Pursuant to proper notice the public hearing convened on Council Bill 15 (DR-2). Eleven persons spoke to the legislation. All persons wishing to speak having done so, the public hearing was declared held. Todd Turner, Legislative Officer spoke to a proposed amendment. Council Member Olson moved to enact; seconded by Council Member Franklin. The motion carried 5-2 (Opposed: Council Members Lehman and Olson Absent: Council Members Campos and Harrison). Council Member Patterson proffered substitute motion to amend; seconded by Council Member Franklin. The motion carried 5-2 (Opposed: Council Members Lehman and Olson Absent: Council Members Campos and Harrison). The motion carried 7-0 (Absent: Council Member Campos and Harrison).

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

- (a) Proposed correspondence to Verjeana M. Jacobs, Esq., Chair, Board of Education, supporting the Supplemental and Transfer request for their FY 2011 Operating Budget. **CHAIR AUTHORIZED TO SIGN**

Correspondence was proposed to be sent to Verjeana M. Jacobs, Esq., Chair, Board of Education, supporting the Supplemental and Transfer request for their FY 2011 Operating Budget. Larry Cain, Auditor provided an overview of the contents of the letter. Council Member Olson moved to authorize the Chair's signature; seconded by Council Member Patterson. The motion carried 6-0 (Absent: Council Members Campos, Harrison and Toles).

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

CR-48-2011 – 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. **PUBLIC HEARING HELD; ADOPTED**

Pursuant to proper notice, the public hearing convened on Council Resolution 48. No persons wishing to speak, the public hearing was declared held. Council Member Franklin provided an overview of the actions and recommendations of the Public Safety and Fiscal Management Committee. Council Member Olson moved to adopt Council Resolution 48; seconded by Council Member Patterson. The motion carried 7-0 (Absent: Campos and Harrison).

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

CR-38-2011 (DR-2) – A RESOLUTION CONCERNING ECONOMIC DEVELOPMENT for the purpose of revising the County’s policy for the use of Tax Increment Financing and other financial tools and incentives to fund economic and community development projects and initiatives in Prince George’s County. **DR-2 SUBSTITUTED; AMENDED; DR-3 ADOPTED**

Council Member Franklin, Chair of the Public Safety and Fiscal Management Committee provided a verbal overview of the actions and recommendations from the Committee to the Council. Council Member Toles moved to substitute (DR-2 for Council Resolution 38 in lieu of DR-1); seconded by Council Member Franklin. The motion carried 7-0 (Absent: Council Members Campos and Harrison). Under discussion: Brad Frome, on behalf of the County Executive expressed support with concerns with the language on page 3. Council Member Toles moved amendment #1; seconded by Council Member Franklin. The motion carried 7-0 (Absent: Council Members Campos and Harrison). Council Member Toles moved adoption of Council Resolution 38 (DR-3); seconded by Council Member Franklin. The motion carried 6-1 (Opposed: Council Member Johnson Absent: Council Member Campos and Harrison).

*** Council Member Olson moved to accept the additions; seconded by Council Member Franklin the motion carried by voice vote (Absent: Council Members Campos and Harrison).*

***Motion to convene in Executive Session made by Council Member Franklin; seconded by Council Member Olson. Motion carried 7-0. (Absent: Campos and Harrison)*

ADDITIONS TO THE AGENDA

EXECUTIVE SESSION – (EXECUTIVE CONFERENCE ROOM) – EXECUTIVE SESSION HELD

- (a) To consult with counsel, staff, consultants, or other individuals to obtain legal advice and discussion regarding pending or potential litigation in accordance with Maryland Annotated Code, State Government, Section 10-508 (a) (7, 8).

Topic Discussed: Reaching Hearts International vs. Prince George’s County, et al.

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

There were no requests.

ADJOURNED-*Council Chair Turner adjourned the meeting at 1:56 p.m.*

Prepared by:

Sherry Bias, Administrative Aide

Submitted by:

Redis C. Floyd, Clerk of the Council