

AGENDA MINUTES

Tuesday, September 25, 2012

Business Meeting

(Legislative Day No. 25 to be declared)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

AGENDA BRIEFING – (ROOM 2027) – AGENDA BRIEFING HELD

CALL TO ORDER- *Council Chair Harrison called to order at 10:19 a.m. with the following Council Members present:*

*Andrea Harrison
Will Campos
Derrick Davis
Mel Franklin (arrived @10:32 a.m.)
Mary Lehman
Eric Olson
Obie Patterson
Karen Toles
Ingrid Turner*

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
Kerry Watson, Liaison to the Council, Office of the County Executive
Lakeecia Allen, Office of Law
Theresa Myers, Legislative Information System Coordinator*

INVOCATION – *The Invocation was provided by Angela Rouson, County Employee.*

PLEDGE OF ALLEGIANCE – *The Pledge of Allegiance was led by Council Member Olson.*

DESIGNATION OF SEPTEMBER 25, 2012 AS LEGISLATIVE DAY NO. 25
DESIGNATED- *Council Chair Harrison announced September 25, 2012 as Legislative Day No.25.*

1. **CONSENT AGENDA -- CB-84 -95 ADDED; 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) Approval of County Council Minutes dated June 5, 2012 **APPROVED**

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

CB-77-2012 – AN ACT CONCERNING ENERGY CONSERVATION REAL PROPERTY TAX CREDIT for the purpose of providing that lessees of a solar energy device or geothermal energy device are eligible for the energy conservation real property tax credit; and generally relating to the energy conservation real property tax credit. **PRESENTED**

Council Bill 77 was presented by Council Member Lehman and referred to the Public Safety and Fiscal Management Committee (PSFM).

CB-78-2012 – AN ACT CONCERNING HOUSING CODE for the purpose of amending the Housing Code to provide effective expedited code enforcement and eliminate needless delays to bring properties into compliance with the County's minimum housing standards, thereby protecting the health and safety of the residents and the community. **PRESENTED**

Council Bill 78 was presented by the Chair, by request of the County Executive and referred to the Transportation, Housing and the Environment Committee (THE).

CB-79-2012 - AN ORDINANCE CONCERNING TRANSIT-ORIENTED COMMERCIAL DEVELOPMENT for the purpose of amending the development approval requirements to enhance opportunities for commercial development in close proximity to transit stations in Prince George's County. **PRESENTED**

Council Bill 79 was presented by Council Members Franklin, Davis, and Harrison and referred to the Planning, Zoning and Economic Development Committee (PZED).

CB-80-2012 (SUBDIVISION BILL) - AN ACT CONCERNING SUBDIVISIONS – TRANSPORTATION ADEQUACY – TRANSIT-ORIENTED COMMERCIAL DEVELOPMENT for the purpose of authorizing the Planning Board to make a finding of transportation adequacy for development proposals within a one-half mile radius of a transit station located entirely within certain commercial, industrial, Mixed Use or Comprehensive Design Zones, or in combination thereof. **PRESENTED**

Council Bill 80 was presented by Council Member Franklin, Davis and Harrison and referred to the Planning Zoning and Economic Development Committee (PZED).

CB-81-2012 – AN ORDINANCE CONCERNING PUBLIC FACILITIES FINANCING AND IMPLEMENTATION PROGRAM (PFFIP) for the purpose of clarifying that financing strategies for proposed and future development in a specified area include annual cost adjustments in a percentage equivalent to the percentage by which the Engineering News-Record (ENR) cost indices of local construction costs for the Washington Metropolitan area have changed. **PRESENTED**

Council Bill 81 was presented by Council Member Davis and referred to the Planning, Zoning and Economic Development Committee (PZED).

CB-82-2012 - AN ORDINANCE CONCERNING PARKING IN RESIDENTIAL AREAS for the purpose of amending the regulations for the parking of certain vehicles in residential areas. **PRESENTED**

Council Bill 82 was presented by Council Member Lehman and referred to the Planning, Zoning and Economic Development Committee (PZED).

CB-83-2012 – AN ACT CONCERNING COMPLETE AND GREEN STREETS POLICY for the purpose of the establishment of a complete and green streets policy in Prince George’s County; and generally relating to the County road and sidewalk code. **PRESENTED**

Council Bill 83 was presented by Council Members Olson, Turner, Franklin and Lehman and referred to the Transportation, Housing and the Environment Committee (THE).

(c) **Introduction of Resolutions**

CR-66-2012 – A RESOLUTION CONCERNING STATE OF MARYLAND COMMUNITY INVESTMENT TAX CREDIT PROGRAM for the purpose of approving the project submitted by the Patuxent Riverkeeper (“Riverkeeper”) to the Maryland Department of Housing and Community Development for participation in the Department’s Community Investment Tax Credit Program. **INTRODUCED**

Council Resolution 66 which approves the project submitted by the Patuxent Riverkeeper (“Riverkeeper”) to the Maryland Department of Housing and Community Development for participation in the Department’s Community Investment Tax Credit Program introduced by Council Members Franklin, Lehman, Turner, Olson, Davis and Patterson and referred to the Transportation, Housing and Environment Committee (THE).

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

ADDITIONS TO THE AGENDA

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.

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

CB-84-2012 – AN ORDINANCE CONCERNING SPECIAL EXCEPTIONS for the purpose of establishing time limits during the special exception review process. **PRESENTED**

Council Bill 84 was presented by Council Members Franklin, Davis, Harrison and Turner and referred to the Planning, Zoning and Economic Development Committee (PZED)

CB-85-2012 – AN ORDINANCE CONCERNING DRY CLEANING AND LAUNDRY STORE OR PLANTS for the purpose of amending the regulations for dry cleaning and laundry stores or plants in Commercial Zones. **PRESENTED**

Council Bill 85 was presented by Council Member Franklin and referred to the Planning, Zoning and Economic Development Committee (PZED).

CB-86-2012 – AN ACT CONCERNING LODGING ESTABLISHMENTS – BUSINESS REGULATIONS for the purpose of providing the legislative intent of the bill; requiring lodging establishments to have standard, posted check-in and check-out times; requiring certain identification of a registered guest; and generally relating to lodging establishment regulation. **PRESENTED**

Council Bill 86 was presented by Council Members Olson and Lehman and referred to the Public Safety and Fiscal Management Committee (PSFM).

CB-87-2012 – CONCERNING COUNTY RECYCLING PROGRAM for the purpose of amending the recycling program provisions in Prince George's County to establish updated recycling goals and setting forth the time for compliance; amends the residential recycling program for multifamily facilities, establishes a commercial and industrial recycling program and a pilot food composting program, amends the Solid Waste Management Advisory Commission; and generally relating to the County's recycling program. **PRESENTED**

Council Bill 87 was presented by Council Members Olson, Lehman and Campos and referred to the Transportation, Housing and the Environment Committee (THE).

CB-88-2012 - AN ACT CONCERNING EVICTIONS for the purpose of amending the eviction provisions for notification, removal and placement of tenant property and landlord responsibility in Prince George's County; and generally relating to evictions. **PRESENTED**

Council Bill 88 was presented by Council Member Campos and referred to the Transportation, Housing and Environment Committee (THE).

CB-89-2012 - AN ACT CONCERNING COMMON OWNERSHIP COMMUNITIES RENTAL HOUSING LICENSE REQUIREMENTS for the purpose of amending the rental housing license requirements for single-family and multifamily rental facilities in common ownership communities, allowing for suspension, revocation and denial of licenses in certain circumstances; and generally relating to rental housing licenses in Prince George's County. **PRESENTED**

Council Bill 89 was presented by Council Members Turner, Toles, Patterson, Olson, Campos, and Lehman and referred to the Transportation, Housing and Environment Committee (THE).

CB-90-2012 - AN ACT CONCERNING PROPERTY TAX - INSTALLMENT PAYMENT SCHEDULE for the purpose of establishing an installment payment schedule for County, municipal, and special taxing district property taxes due on owner-occupied residential property owned by a homeowner if the homeowner is at least 62 years old and the property is not subject to a deed of trust, mortgage, or other encumbrance; providing for election of an installment payment schedule; providing for the due date of each payment installment; and generally relating to a property tax installment payment schedule. **PRESENTED**

Council Bill 90 was presented by Council Member Turner and referred to the Public Safety and Fiscal Management Committee (PSFM).

CB-91-2012 – AN ORDINANCE CONCERNING ELECTRONIC RECYCLING FACILITIES for the purpose of defining electronic recycling facility, amending the definition of recycling plant to exclude electronic recycling facilities, and to permit electronic recycling facilities in the I-1 and I-2 Zones under certain circumstances. **PRESENTED**

Council Bill 91 was presented by Council Member Harrison and referred to the Planning Zoning and Economic Development Committee (PZED).

CB-92-2012 – AN ACT CONCERNING ECONOMIC DEVELOPMENT AND LOCAL EMPLOYMENT for the purpose of strengthening the requirements for finding “best efforts” by vendors to meet the local hiring percentage goal; and generally providing for the enforcement of County-based business assistance **PRESENTED**

Council Bill 92 was presented by Council Member Franklin and referred to the Public Safety and Fiscal Management Committee (PSFM).

CB-93-2012 – AN ACT CONCERNING CONVENIENCE STORES – PUBLIC SAFETY for the purpose of decreasing robberies in the County by enhancing convenience store safety; registering convenience stores; requiring training of convenience store employees; providing for security, security options, and alarm systems, providing for visibility and signage; and providing for a grace period and for noncompliance; and generally relating to convenience store safety. **PRESENTED**

Council Bill 93 was presented by Council Member Olson and referred to the Public Safety and Fiscal Management Committee (PSFM).

CB-94-2012 - AN ACT CONCERNING CONVENIENCE STORES AND GAS STATIONS – PUBLIC SAFETY for the purpose of improving public safety by reducing commercial crime, providing definitions and the scope of the legislation; providing for staff, cash management, security and notice; and generally relating to public safety. **PRESENTED**

Council Bill 94 was presented by Council Member Franklin and referred to the Public Safety and Fiscal Management Committee (PSFM).

CB-95-2012 - AN ORDINANCE CONCERNING USE AND OCCUPANCY PERMITS for the purpose of providing District Council review of certain Use and Occupancy permits for compliance with an approved Conceptual Site Plan, Detailed Site Plan, Transit District Development Plan or any other site or development plan applicable to development of the property in order to enhance the availability of healthful eating alternatives, reduce detrimental food and beverage consumption, and to reduce blight, which is detrimental to the public health. **PRESENTED**

Council Bill 95 was presented by Council Member Toles, Harrison, Lehman, Patterson and Turner and referred to the Planning, Zoning and Economic Development Committee (PZED).

*** Council Member Olson moved adoption of the Consent Agenda; seconded by Council Member Turner. The motion carried by voice vote.*

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

No items were considered.

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

No items were considered.

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

CB-64-2012 (DR-3) - AN ORDINANCE CONCERNING DEPARTMENT OR VARIETY STORES for the purpose of amending the provisions of the Zoning Ordinance concerning Department or Variety Stores in the Commercial and Industrial Zones and making clarifying amendments to the Zoning Ordinance. **AMENDED; DR-4 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 64 (DR-2) amends the provisions of the Zoning Ordinance concerning Department or Variety Stores in the Commercial and Industrial Zones and makes clear amendments to the Zoning Ordinance. Council Member Davis moved amendment #1; seconded by Council Member Olson. Under Discussion: Council Member Turner explained her opposition to the amendment. Council Member Campos requested clarification about the difference between this and CB-13-2012. The motion carried 7-2 (Opposed Council Members Patterson and Turner). Council Bill 64 was introduced by Council Members Davis, Franklin, Olson, Lehman and Harrison.

DISTRICT COUNCIL ITEMS

(SEE SEPARATE ACTION AGENDA)

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

There were no requests.

***Council Member Franklin moved to convene Executive Session; seconded by Council Member Turner. The motion carried 9-0.*

ADJOURNED –*The meeting was adjourned at 10:53 a.m.*

EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE ROOM)
– EXECUTIVE SESSION HELD

- (a) To consult with counsel to seek legal advice in accordance with Section 10-508(a)(7); discussion of pending or potential litigation in accordance with Section 10-508(a)(8) and Section 10-508(a)(4) to consider a matter that concerns the proposal for a business to locate, expand or remain in the State, State Government, Annotated Code of Maryland.

Topics Discussed: Discussion of the Circuit Court decision on CB-40-2010 in the lawsuit Top Dollar Pawnbrokers, Inc. v. P.G. County and discussion of impact of Broadcreek Pumping Station and Town Center at Camp Springs waiver on the impact of the 2005 WSSC Consent Decree.

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE MEETING
– (ROOM 2027) -- COMMITTEE MEETING HELD

Prepared by:

Sherry Bias, Administrative Aide

Submitted by:

Redis C. Floyd, Clerk of the Council