

# ***ACTION AGENDA***

**Tuesday, July 21, 2009**

**Legislative Day No. 21**

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

**9:30 A.M.                    AGENDA BRIEFING – (ROOM 2027)**

**10:26 A.M.                    CALL TO ORDER**

**INVOCATION: Mayor Lee P. Walker, Town of Landover Hills**

**PLEDGE OF ALLEGIANCE**

**ACKNOWLEDGEMENT**

*Acknowledged*

- **INTERNATIONAL GROUP B STREP (GBS) AWARENESS MONTH**

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.

*Approved*

- (a) Approval of County Council Minutes dated May 21 and July 7, 2009.

- (b) **Introduction of Resolutions**

*Introduced*

**CR-52-2009 – A RESOLUTION CONCERNING THE 2008 WATER AND SEWER PLAN (APRIL 2009 CYCLE OF AMENDMENTS)** for the purpose of changing the water and sewer category designations of properties within the 2008 Water and Sewer Plan.

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

*Introduced by Council Member Bland*

**THIS RESOLUTION REQUIRES A PUBLIC HEARING**

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

*-None-*

3. **PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT – 3(a) ADDED – (see pg 11)**

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

*Amended;  
DR-2 adopted*

**CR-47-2009 – A RESOLUTION CONCERNING EMPLOYEE FURLOUGH PLAN** for the purpose of approving a Furlough Plan to reduce the compensation expenditures reflected in the Fiscal Year 2010 County Budget and to offset an ascertained shortfall in revenue.

(Introduced by Council Member Bland on 7/7/2009; favorably reported out of C.O.W. on 7/14/2009)

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

*Introduced*

**CB-28-2009 (DR-2) – AN ORDINANCE CONCERNING ADULT BOOK STORES AND/OR ADULT VIDEO STORES** for the purpose of revising the definition of adult book store; establishing certain timeframes and administrative procedures for processing adult book store and/or adult video store use and occupancy permit applications; extending the time period that adult book stores and/or adult video stores may continue in operation; continuing to permit adult book stores and/or adult video stores by right in the I-2 Zone, under certain circumstances; making additional legislative findings regarding adult book stores and/or adult video stores; increasing certain requirements for adult book stores and/or adult video stores; and generally relating to adult book stores and/or adult video stores.

(Presented by Council Members Dernoga, Bland, Campos, Olson and Dean on 6/23/2009; favorably reported out of PZED on 7/14/2009 with amendments)

*Introduced by Council Members Dernoga, Bland, Campos, Olson, Dean and Knotts*

*Amended;  
DR-3 introduced*

**CB-29-2009 (DR-2) – AN ACT CONCERNING ADULT BOOK STORES AND/OR ADULT VIDEO STORES** for the purpose of providing a declaration of findings and policies regarding adult book stores and/or adult video stores; providing for the purpose and intent of this legislation; requiring adult book store and/or adult video stores licenses; providing for the contents of an adult book store and adult/or video store license application; establishing certain timeframes and administrative procedures for processing adult book store and/or adult video store licenses; providing for certain zoning compliance; providing for the approval and denial of an adult book store and/or adult video store license; providing for the suspension and revocation of an adult book store and/or adult video store license; and generally relating to adult book store and/or adult video store licensing.

(Presented by Council Members Dernoga, Bland, Campos, Olson and Dean on 6/23/2009; favorably reported out of PZED on 7/14/2009 with amendments)

**AMENDMENT # 1 TO CB-29-2009 (DR-2)**

*Introduced by Council Members Dernoga, Bland, Campos, Olson, Dean and Knotts*

5. **PUBLIC HEARINGS: -- PUBLIC HEARINGS HELD**

- **Appointment of the following individuals to the Art in Public Places Panel for Prince George's County:**

<i>Confirmed</i>	Ms. Allita M. Irby	Appointment/Citizen Representative Term Expiring: 12/1/2012 Replacing: Grace Simmons
<i>Confirmed</i>	Ms. Ola M. Hill	Reappointment/County Executive Representative Term Expiring: 12/1/2011
<i>Confirmed</i>	Ms. Ann Beverly Taylor	Reappointment/Council Representative Term Expiring: 12/1/2011

(Favorably reported out of HEHS on 6/23/2009)

- **Appointment of the following individuals to the Commission for Women for Prince George's County:**

<i>Confirmed</i>	Ms. Diane C. Stevens	Appointment Term Expiring: 5/1/2011 Replacing: Ms. Lisa Proctor
<i>Confirmed</i>	Ms. Oretha Bridgwaters	Reappointment Term Expiring: 5/1/2012
<i>Confirmed</i>	Ms. Jennifer B. Jones	Reappointment Term Expiring: 5/1/2011
<i>Confirmed</i>	Ms. Mi Young Pak	Reappointment Term Expiring: 5/1/2012
<i>Confirmed</i>	Dr. Jane Ross	Reappointment Term Expiring: 5/1/2011
<i>Confirmed</i>	Ms. Yvonne Walker	Reappointment Term Expiring: 5/1/2011

(Favorably reported out of HEHS on 6/23/2009)

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

*Public Hearing held;  
Enacted*

**CB-14-2009 (DR-2) – AN ORDINANCE CONCERNING BEDROOM PERCENTAGES – MULTIFAMILY DWELLINGS** for the purpose of varying the bedroom percentages for multifamily dwellings within one-half mile of the campus center of the University of Maryland at College Park under certain circumstances.

(Introduced by Council Member Olson on 6/16/2009; favorably reported out of PZED on 6/9/2009 with amendments)

*Public Hearing held;  
Enacted*

**CB-15-2009 (DR-2) – AN ORDINANCE CONCERNING GATEWAY SIGNS** for the purpose of providing regulations for gateway signs in an integrated shopping center.

(Introduced by Council Members Olson and Harrison on 6/23/2009; favorably reported out of PZED on 6/17/2009 with amendments)

*Public Hearing held;  
Enacted*

**CB-20-2009 (DR-2) – AN ORDINANCE CONCERNING APPEALS** for the purpose of amending the notification period by an appellant to the Board of Zoning Appeals for a refusal of permit, zoning violation notice or other decision.

(Introduced by Council Members Bland and Dernoga on 6/23/2009; favorably reported out of PZED on 6/17/2009 with amendments)

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

**CB-22-2009 (DR-2) – AN ORDINANCE CONCERNING FENCES AND WALLS** for the purpose of defining how fences and walls are measured and prohibiting barbed, razor wire and electrically charged/energized fences and walls.

(Introduced by Council Members Olson, Dernoga and Turner on 6/23/2009; favorably reported out of PZED on 6/17/2009 with amendments)

**AMENDMENT # 1 TO CB-22-2009 (DR-2)**

*Public Hearing held;  
Enacted*

**CB-25-2009 – AN ACT CONCERNING ROADS AND SIDEWALKS** for the purpose of amending the provisions for surety bond reductions posted for certain road construction and the payment of extension fees for road construction and storm drain permits until April 15, 2011.

(Introduced by Council Members Turner, Dean, Bland, Dernoga, Exum and Knotts on 6/23/2009; favorably reported out of PSFM on 6/22/2009)

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

*Public Hearing  
held;  
Enacted*

**CB-30-2009 - AN ACT CONCERNING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS** for the purpose of authorizing and empowering Prince George's County, Maryland to issue and sell an amount not to exceed Eighty-Eight Million Two Hundred Fifty-Seven Thousand Dollars (\$88,257,000) in aggregate principal amount of general obligation bonds with serial maturities, including mandatory sinking fund installments in lieu of serial maturities, for the purpose of providing funds for financing in whole or in part costs of the planning, construction, reconstruction, establishment, extension, enlargement, demolition, improvement or acquisition of certain capital projects set forth in the capital budget of the County for the fiscal year ending June 30, 2010, . . .

(Introduced by Council Member Exum on 6/23/2009; favorably reported out of C.O.W. on 7/14/2009)

*Public Hearing  
held;  
DR-2 Enacted*

**CB-31-2009 (DR-2) - AN ACT CONCERNING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS** for the purpose of authorizing and empowering Prince George's County, Maryland to issue and sell an amount not to exceed Sixty-Five Million Six Hundred Ninety-Four Thousand Dollars (\$65,694,000) in aggregate principal amount of general obligation bonds with serial maturities, including mandatory sinking fund installments in lieu of serial maturities, for the purpose of providing funds for financing in whole or in part costs of the planning, construction, reconstruction, establishment, extension, enlargement, demolition, improvement or acquisition of certain capital projects set forth in the capital budget of the County for the fiscal year ending June 30, 2009, . . .

(Introduced by Council Member Exum on 6/23/2009; favorably reported out of C.O.W. on 7/14/2009 with amendments)

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

*Public Hearing  
held;  
Enacted*

**CB-33-2009 - AN ACT CONCERNING THE ISSUANCE AND SALE OF GENERAL OBLIGATION STORMWATER MANAGEMENT BONDS** for the purpose of authorizing and empowering Prince George's County, Maryland to issue and sell an amount not to exceed Twenty-three Million Eight Hundred Seventy-one Thousand Dollars (\$23,871,000) in aggregate principal amount of general obligation stormwater management bonds for the purpose of providing funds for financing in whole or in part costs of the planning, acquisition, construction, reconstruction, establishment, extension, enlargement, demolition or purchase of certain capital projects set forth in the capital budget of the County for the fiscal year ending June 30, 2010, . . .

(Introduced by Council Member Exum on 6/23/2009; favorably reported out of C.O.W. on 7/14/2009)

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

*Public Hearing  
held;  
Enacted*

**CB-34-2009 – AN ACT CONCERNING THE ISSUANCE AND SALE OF REIMBURSEMENT BONDS TO REFINANCE THE COSTS OF THE DUVALL WING OF THE PRINCE GEORGE’S COUNTY COURTHOUSE IN AN AMOUNT NOT TO EXCEED \$30,000,000 OR IN THE ALTERNATIVE THE AUTHORIZATION OF THE COUNTY EXECUTIVE TO ENTER INTO A SALE AND LEASEBACK OR LEASE AND LEASEBACK OF THE DUVALL WING OF THE PRINCE GEORGE’S COUNTY COURTHOUSE** for the purpose of authorizing and empowering Prince George’s County, Maryland to issue and sell an amount not to exceed Thirty Million Dollars (\$30,000,000) in aggregate principal amount of bonds for the purpose of providing a means to refinance in whole or in part costs of the reconstruction, rehabilitation or repair of the Duvall Wing of the Prince George’s County Courthouse, including describing the project to be refinanced in whole or in part from the proceeds of the bonds hereby authorized and the costs and probable useful life thereof; prescribing or providing for the procedures for the issuance and sale of such bonds at private or negotiated sale; showing compliance with the power of the County to incur indebtedness; directing the application of the proceeds of such bonds; pledging payments from the County’s General Fund, subject to annual appropriation, to the payment of such bonds and providing for the payment of the principal of such bonds when due; showing compliance with the limitations on the power of the County to incur indebtedness; authorizing the County Executive to delegate to appropriate officials the power to make certain determinations and sign certain documents, certificates or agreements authorized to be made or signed by the County Executive herein; providing for compliance with Securities and Exchange Commission Rule 15c2-12; to the extent the reimbursement bonds are not issued, authorizing the County Executive to enter into a sale and leaseback or lease and leaseback of the Duvall Wing of the Prince George’s County Courthouse in order to effect the reconstruction, rehabilitation or repair of the facility; and otherwise generally determining or providing for the determination of certain matters in connection with the issuance, sale and delivery of the bonds authorized by this Act.

(Introduced by Council Member Exum on 6/23/2009; favorably reported out of C.O.W. on 7/14/2009)

*Public Hearing  
held;  
Enacted*

**CB-26-2009 (DR-3) – AN ACT CONCERNING PEDDLERS AND LICENSED VENDORS** for the purpose of prohibiting unlicensed vendors from peddling items relating to an event held at the Professional NFL Stadium.

(Introduced by Council Member Harrison and Exum on 6/23/2009; favorably reported out of THE on 6/22/2009 with amendments)

*Public Hearing  
held;  
Final action  
deferred*

**CB-4-2009 – AN ACT CONCERNING CONTRACT APPROVALS** for the purpose of approving the leases of certain improvements by Prince George’s County.

(Introduced by Council Member Olson on 6/23/2009)

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

*DR-2 adopted*

**CR-12-2009 (DR-2) – AN ACT CONCERNING ECONOMIC RENEWAL GRANT FUNDING** for the purpose of expressing a preference that any economic recovery plan funds provided to Prince George’s County and the State of Maryland be spent by the County and the State on goods and services made or performed in the United States of America.

(Introduced by Council Members Olson, Turner, Harrison and Dernoga on 3/24/2009; favorably reported out of PSFM on 7/14/2009 with amendments)

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

*Adopted*

**CR-44-2009 – A RESOLUTION CONCERNING ADMISSIONS AND AMUSEMENT TAX** for the purpose of approving a certain incentive for an event in Prince George’s County in the form of a reduction in the amount of the County admissions and amusement tax levy on the event.

(Introduced by Council Member Harrison on 6/23/2009; favorably reported out of PSFM on 7/14/2009)

*DR-2 substituted; Adopted*

**CR-48-2009 (DR-2) – A RESOLUTION CONCERNING AN INTERDEPARTMENTAL TRANSFER OF APPROPRIATIONS** for the purpose of transferring surplus appropriations reflecting savings from the Office of Information Technology and Communications, Police Department, and Non-Departmental accounts to the Fire/EMS Department and Board of Elections.

(Introduced by Council Member Bland on 7/7/2009; reported out of PSFM on 7/14/2009 with no recommendation as amended)

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

*Adopted*

**CR-49-2009 – A RESOLUTION CONCERNING ADJUSTMENTS TO APPROVED POSITION GRADES** for the purpose of adjusting the number of positions in certain grades in the Department of Corrections.

(Introduced by Council Member Bland on 7/7/2009; favorably reported out of PSFM on 7/14/2009)



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

*DR-2  
Substituted;  
Adopted*

**CR-42-2009 (DR-2) - A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN: FY 2010** for the purpose of approving and adopting the Prince George’s County Fiscal Year 2010 Housing and Community Development Annual Action Plan consisting of federal programs, including their federal funding applications which, along with other resources, serve to implement housing and community development strategies set forth in the County’s FY 2006-2010 Consolidated Plan, adopted by CR-41-2005, which Plan was required by the U.S. Department of Housing and Urban Development (HUD) as a prerequisite to consideration of the funding applications.

(Introduced by Council Member Bland on 6/23/2009; favorably reported out of C.O.W. on 7/16/2009 with amendments)

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

8. **INTRODUCTION AND ADOPTION OF RESOLUTIONS -- CR-55 & 56-2009 ADDED; ( see pg. 11)**

*Introduced;  
Rules  
Suspended;  
Adopted*

**CR-51-2009 (DR-2) – A RESOLUTION CONCERNING THE MARLBORO PIKE SECTOR PLAN AND SECTIONAL MAP AMENDMENT** for the purpose of proposing amendments to the adopted Marlboro Pike Sector Plan and endorsed Sectional Map Amendment and directing that a public hearing be held to receive testimony on the proposed amendments

The Chairperson (by request – Planning Board)

*Introduced by Council Members Dean, Exum and Dernoga*

**COUNCIL SHOULD EITHER CONVENE AS THE COMMITTEE OF THE WHOLE OR SUSPEND THE RULES PRIOR TO ADOPTION**

*Introduced;  
Rules  
Suspended;  
Adopted*

**CR-53-2009 – A RESOLUTION CONCERNING THE KLEINER-DAVIDSON WHITE HOUSE** for the purpose of designating the Kleiner-Davidson White House as a Prince George’s County Historic Site (67-022-24).

The Chairperson (by request – Planning Board)

*Introduced by Council Members Bland and Olson*

**COUNCIL SHOULD EITHER CONVENE AS THE COMMITTEE OF THE WHOLE OR SUSPEND THE RULES PRIOR TO ADOPTION**

**INTRODUCTION AND ADOPTION OF RESOLUTIONS – (CONTINUED)**

*Introduced;  
Rules  
Suspended;  
Adopted*

**CR-54-2009 - A RESOLUTION CONCERNING PRINCE GEORGE’S COUNTYWIDE MASTER PLAN OF TRANSPORTATION** for the purpose of proposing amendments to the Adopted Countywide Master Plan of Transportation, and directing that a public hearing be held to receive testimony on the proposed amendments.

The Chairperson (by request – Planning Board)

*Introduced by Council Members Bland and Knotts*

**COUNCIL SHOULD EITHER CONVENE AS THE COMMITTEE OF THE WHOLE OR SUSPEND THE RULES PRIOR TO ADOPTION**

**12:15 P.M.**

**RECESS**

*Motion to convene in Executive Session made by Council Member Exum; seconded by Council Member Dean; motion carried 9-0*

9. **EXECUTIVE SESSION – (EXECUTIVE CONFERENCE ROOM) – EXECUTIVE SESSION HELD**

- (a) Discussion of appointment of officials over whom the Council has jurisdiction in accordance with Maryland Annotated Code, State Government, Section 10-508 (a) (1) (i).
- (b) Discussion of a personnel matter that affects one or more specific individuals in accordance with Maryland Annotated Code, State Government, Section 10-508 (a) (1) (ii).

**Topic Discussed:**

- (a) Continuation of discussion and vote to finalize appointees to the Charter Review Commission and Compensation Review Board.
- (b) Discussion of Process and consensus to exercise subpoena power in granting petitioner request for issuance of subpoena in pending personnel board case.

**12:52 P.M.**

**RECONVENE**

10. **DISTRICT COUNCIL ITEM**

(SEE SEPARATE ACTION AGENDA)

**ADDITIONS TO THE AGENDA**

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

*Chairperson  
authorized to  
sign*

- (a) Proposed letter to the Honorable Jack B. Johnson, County Executive, Prince George’s County, endorsing the recommendations of Members and the designation of the Chairman of the Charter Review Commission and Compensation Review Board.

8. **INTRODUCTION AND ADOPTION OF RESOLUTIONS (page 9)**

*Introduced;  
Rules  
Suspended;  
Adopted*

**CR-55-2009 – A RESOLUTION CONCERNING PERSONNEL BOARD SUBPOENA** for the purpose of issuing a subpoena pursuant to Section 1012 of the Charter for Prince George’s County in response to a request initiated by the Personnel Board pursuant to Section 16-105 of the County Code.

*Introduced by Council Member Bland*

**COUNCIL SHOULD EITHER CONVENE AS THE COMMITTEE OF THE WHOLE OR SUSPEND THE RULES PRIOR TO ADOPTION**

*Introduced;  
Rules  
Suspended;  
Adopted*

**CR-56-2009 - A RESOLUTION CONCERNING FEDERAL HEALTH CARE REFORM** for the purpose of expressing the Prince George’s County Council support, in partnership with the Maryland Black Mayors, Inc. for Federal legislation providing comprehensive health care coverage.

*Introduced by Council Member Dean*

**COUNCIL SHOULD EITHER CONVENE AS THE COMMITTEE OF THE WHOLE OR SUSPEND THE RULES PRIOR TO ADOPTION**

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

*Dr. Fern Piret, Planning Director, addressed the Council to introduce Cheryl Harrington and Penelope Mendoza, who will represent Prince George’s County in the Census Process.*

*Nakia Nqwala addressed the Council regarding the Bell Haven Project.*

**1:36 P.M.**

**ADJOURN**

**REMINDERS**

Thurs., July 23, 2009          9:30 a.m.          THE Committee Meeting (Room 2027)

**AUGUST RECESS**

Wed., Sept. 9, 2009	1:00 p.m.	County Council Agenda Briefing (Room 2027)
	1:30 p.m.	Call to Order
	7:00 p.m.	Joint Public Hearing (Subregion 4 Master Plan/SMA)