



Prince George's County Council

County Administration Building
14741 Governor Oden Bowie
Drive
Upper Marlboro, Maryland
20772-3050

Meeting Minutes - Final County Council

Dannielle M. Glaros, District 3, Chair
Derrick Leon Davis, District 6
Mel Franklin, District 9
Andrea C. Harrison, District 5
Mary A. Lehman, District 1
Obie Patterson, District 8
Deni L. Taveras, District 2
Karen R. Toles, District 7
Todd M. Turner, District 4, Vice Chair

Robert J. Williams, Jr., Council Administrator

Tuesday, September 18, 2018

10:00 AM

Council Hearing Room - PART 1

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

At 9:51 a.m., due to a lack of a quorum of members, a public statement was read and the Agenda Briefing was conducted as an informal discussion in lieu of a public meeting.

10:00 A.M. - CALL TO ORDER - (COUNCIL HEARING ROOM)

The meeting was called to order by Chair Glaros at 10:34 a.m. with seven members present at roll call. Council Member Toles arrived at 10:39 a.m. Council Member Franklin arrived at 10:40 a.m.

Present: 9 - Chair Dannielle Glaros
Council Member Derrick Davis
Council Member Mel Franklin
Council Member Andrea Harrison
Council Member Mary Lehman
Council Member Obie Patterson
Council Member Deni Taveras
Council Member Karen Toles
Vice Chair Todd Turner

Also present:

Robert J. Williams, Jr. Council Administrator

William M. Hunt, Deputy Council Administrator

Redis C. Floyd, Clerk of the Council

Donna J. Brown, Deputy Clerk of the Council

Nathaniel Tutt, III, County Executive's Office

Dinora Hernandez, Office of Law

Kathleen Canning, Legislative Officer

Colette Gresham, Legislative Officer

Leroy Maddox, Legislative Officer

Karen Zavakos, Legislative Officer

Jacqueline Brown, Director, PZED Committee

Sandra Eubanks, Director HEHS Committee

Howard Stone, Director, PSFM Committee

INVOCATION

The Invocation was provided by Pastor Dr. Anita Naves, Speak For Him Faith Nation Ministries, Temple Hills, Maryland. Council Member Glaros requested prayer for residents of North and South Carolina who are affected by the hurricane and for residents in her district displaced by an apartment fire.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Turner.

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

Amyla Rious addressed the Council regarding the Amyla's Cause Bully Backdown and Bond Up Youth Awareness campaign.

LEGISLATIVE DAY NO. 22

1. CONSENT AGENDA

(a) Approval of County Council Minutes

[MIN 09112018](#)

County Council Minutes dated September 11, 2018.

Draft 1

These minutes were approved

(b) First Reading of Bills (Presentation)[CB-086-2018](#)

Draft 1

AN ORDINANCE CONCERNING TOBACCO SHOPS, ELECTRONIC CIGARETTE SHOPS, OR RETAIL TOBACCO SHOPS for the purpose of amending the Zoning Ordinance to include reasonable parameters as to hours of operation as a criterion for approval of Special Exceptions for Tobacco Shops, Electronic Cigarette Shop, or Retail Tobacco Shop uses in furtherance of the public safety, health, and welfare of the citizens and residents of Prince George's County.

Sponsor(s): Toles

Attachment(s): [B2018086](#)
[CB-86-2018 AIS](#)
[CB-086-2018 Report](#)

This Council Bill was presented by Council Member Toles and referred to the Planning, Zoning and Economic Development Committee

[CB-087-2018](#)

Draft 1

AN ORDINANCE CONCERNING M-X-T (MIXED USE-TRANSPORTATION ORIENTED) ZONE for the purpose of providing certain alternate development regulations for townhouse units in the M-X-T (Mixed Use-Transportation Oriented) Zone.

Sponsor(s): Franklin

Attachment(s): [B2018087](#)
[CB-87-2018 AIS](#)
[CB-087-2018 Report](#)

This Council Bill was presented by Council Member Franklin and referred to the Planning, Zoning and Economic Development Committee

[CB-088-2018](#)

Draft 1

AN ORDINANCE CONCERNING CLASS 3 FILL RECLAMATION for the purpose of permitting limited Class 3 fill uses as a method of reclaiming former surface mining properties for public use in the R-A (Residential-Agricultural) Zone, under certain circumstances.

Sponsor(s): Franklin

Attachment(s): [B2018088](#)
[CB-88-2018 AIS](#)
[CB-088-2018 Report](#)
[AMENDMENT #1 TO CB-88-2018 \(DR-2\)](#)

This Council Bill was presented by Council Member Franklin and referred to the Planning, Zoning and Economic Development Committee

[CB-089-2018](#)

Draft 1

AN ORDINANCE CONCERNING CLASS 3 FILL for the purpose of permitting, without the requirement for a special exception, limited Class 3 fill uses as a method of reclaiming former sand and gravel mining properties for public use in the R-A (Residential-Agricultural) Zone, under certain circumstances.

Sponsor(s): Franklin

Attachment(s): [B2018089](#)
[CB-89-2018 AIS](#)
[CB-089-2018 Report](#)
[AMENDMENT #1 TO CB-89-2018 \(DR-2\)](#)

This Council Bill was removed from the Consent Agenda

[CB-090-2018](#)

Draft 1

AN ORDINANCE CONCERNING OFF-STREET PARKING AND LOADING -PARKING FACILITIES - MINIMUM REQUIREMENTS for the purpose of amending the minimum off-street parking requirements to provide specific parking requirements for amusement center, or recreational establishment of a commercial nature, uses in Prince George's County.

Sponsor(s): Harrison

Attachment(s): [B2018090](#)
[CB-90-2018 AIS](#)
[CB-090-2018 Report](#)

This Council Bill was presented by Council Member Harrison and referred to the Planning, Zoning and Economic Development Committee

[CB-091-2018](#)

Draft 1

AN ORDINANCE CONCERNING NONCONFORMING BUILDINGS, STRUCTURES, AND USES for the purpose of allowing certain alterations, enlargement, or extensions to certified nonconforming buildings, structures, and uses under certain circumstances without the requirement of a special exception.

Sponsor(s): Taveras

Attachment(s): [B2018091](#)
[CB-91-2018 AIS](#)
[CB-091-2018 Report](#)

This Council Bill was presented by Council Member Taveras and referred to the Planning, Zoning and Economic Development Committee

[CB-092-2018](#)

Draft 1

AN ORDINANCE CONCERNING C-S-C ZONE for the purpose of amending the commercial table of uses to permit certain multifamily, two-over-two, and townhouse residential uses, as well as certain mixed-use development in the C-S-C (Commercial Shopping Center) Zones of Prince George's County, under specified

circumstances.

Sponsor(s): Toles

Attachment(s): [B2018092](#)
[CB-92-2018 AIS](#)
[CB-092-2018 Report](#)

This Council Bill was presented by Council Member Toles and referred to the Planning, Zoning and Economic Development Committee

[CB-093-2018](#)

Draft 1

AN ORDINANCE CONCERNING ZONING DEFINITIONS-BUSINESS ADVANCEMENT AND FOOD ACCESS INFILL for the purpose of amending the definition of the use, 'business advancement and food access infill', in the zoning ordinance.

Sponsor(s): Davis

Attachment(s): [B2018093](#)
[CB-93-2018 AIS](#)
[CB-93-2018 Report](#)

This Council Bill was presented by Council Member Davis and referred to the Planning, Zoning and Economic Development Committee

[CB-094-2018](#)

Draft 1

AN ACT CONCERNING NUISANCE ABATEMENT BOARD for the purpose of establishing the compensation of members of the Nuisance Abatement Board and generally relating to the Nuisance Abatement Board.

Attachment(s): [B2018094](#)
[CB-94-2018 AIS](#)

This Council Bill was presented by the Chairman, by request of the County Executive, and referred to the Committee of the Whole

(c) Introduction of Resolutions

[CR-064-2018](#)

Draft 1

A RESOLUTION CONCERNING CONTRACT APPROVALS for the purpose of approving a multi-year contract for facility security, equipment, systems and services for Prince George's County, Maryland.

Attachment(s): [R2018064](#)
[CR-64-2018 Attachment A](#)
[CR-64-2018 AIS](#)

CR-64-2018 approves a multi-year contract with Johnson Controls Security Solutions, LLC (formerly Tyco Integrated Security, LLC) for facility security, equipment, systems and services for various Prince George's County

agencies and facilities including but not limited to County Courthouse, Family Justice Center, County Administration Building, Chrysler Building and the Hyattsville Justice Center.

This Resolution was introduced by the Chairman, by request of the County Executive, and referred to the Committee of the Whole

[Consent28-18](#)

Draft 1

MOTION TO ADOPT CONSENT AGENDA

A motion was made by Council Member Davis, seconded by Council Member Lehman, that the Consent Agenda be adopted. The motion carried by the following vote:

Aye 9 - Glaros, Davis, Franklin, Harrison, Lehman, Patterson, Taveras, Toles and Turner

2. CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

[CB-089-2018](#)

Draft 1

AN ORDINANCE CONCERNING CLASS 3 FILL for the purpose of permitting, without the requirement for a special exception, limited Class 3 fill uses as a method of reclaiming former sand and gravel mining properties for public use in the R-A (Residential-Agricultural) Zone, under certain circumstances.

Sponsor(s): Franklin

Attachment(s): [B2018089](#)
[CB-89-2018 AIS](#)
[CB-089-2018 Report](#)
[AMENDMENT #1 TO CB-89-2018 \(DR-2\)](#)

Chair Glaros explained an error in the title of CB-89-2018 and read for the record a new title.

This Council Bill was presented by Council Member Franklin and referred to the Planning, Zoning and Economic Development Committee

3. PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT

There were no items considered.

4. PUBLIC HEARINGS: - (COUNCIL HEARING ROOM)

[APPT-11-18](#)

Draft 1

Appointment of the following individuals to the Fire Commission for Prince George's County:

Mr. Kenneth D. McSwain

Appointment: Sworn Member
 Replacing: Mr. Kenneth F. Stack, Jr.
 Term Expiration: July 1, 2020

Mr. Piero V. Mellits
 Appointment: Volunteer Member
 Replacing: Mr. Tyrone T. Bodrick
 Term Expiration: July 1, 2020

Mr. Julian R. Tucker
 Reappointment: Volunteer Member
 Term Expiration: July 1, 2020

Mr. G. Rick Wilson
 Reappointment: Resident Member
 Term Expiration: July 1, 2020

Attachment(s): [Appointment Fire Commission](#)

Council Member Davis, as Chair of the Public Safety and Fiscal Management Committee (PSFM), provided a verbal report of the actions and recommendations of the Committee. Pursuant to proper notice, the public hearing convened at 10:46 a.m. Nathaniel Tutt, III introduced the nominees to the Council on behalf of the County Executive and spoke to their character and credentials. Each nominee was present but declined to speak. All persons wishing to speak having done so, the public hearing was declared held.

A motion was made by Council Member Lehman, seconded by Council Member Taveras, that these Appointments be confirmed. The motion carried by the following vote:

Aye	8 -	Glaros, Davis, Franklin, Harrison, Lehman, Patterson, Taveras and Turner
Absent		Toles

5. BILLS ELIGIBLE FOR FINAL READING - (ENACTMENT)

[CB-006-2018](#)

Draft 2

AN ACT CONCERNING SCHOOL FACILITIES SURCHARGE for the purpose of amending, without substantive change, the policy and strategies of certain County Regional Transit Districts and Local Centers to provide financial assistance and other tools to promote the development of higher-density housing in transit-oriented and mixed-use communities, consistent with current County Policies and Strategies approved in the 2014 General Plan for the County, *Plan Prince George's 2035*, to meet qualifying statutory criteria for an exemption from

payment of the School Facilities Surcharge enacted by the Maryland General Assembly for certain multifamily dwelling units, or multifamily dwelling units or apartments created through the conversion of vacant office buildings.

Sponsor(s): Patterson and Davis

Attachment(s): [B2018006](#)
[CB-6-2018 AIS](#)
[CB-6-2018 Report](#)

Under discussion, Karen Zvakos, Legislative Officer, and Robert Williams, Jr., Council Administrator, responded to questions posed by the Council.

A motion was made by Council Member Davis, seconded by Council Member Patterson, that this Council Bill be enacted. The motion carried by the following vote:

Aye 6 - Glaros, Davis, Franklin, Harrison, Patterson and Turner
Nay 3 - Lehman, Taveras and Toles

[CB-025-2018](#)

Draft 2

AN ORDINANCE CONCERNING C-O ZONE for the purpose of amending the commercial table of uses in the Zoning Ordinance to permit food and beverage store uses in combination with gas station uses in the C-O (Commercial Office) Zones of Prince George's County, under certain specified circumstances.

Sponsor(s): Harrison and Davis

Attachment(s): [B2018025](#)
[CB-25-2018 AIS](#)
[CB-25-2018 Report](#)

A motion was made by Council Member Davis, seconded by Council Member Harrison, that the Council Rules of Procedure be suspended to allow for an effective date on the date of enactment of this Bill. The motion carried by the following vote:

Aye 9 - Glaros, Davis, Franklin, Harrison, Lehman, Patterson, Taveras, Toles and Turner

Under discussion, Chair Glaros noted that this legislation is in line with the the zoning rewrite.

A motion was made by Council Member Davis, seconded by Council Member Harrison, that this Council Bill be enacted. The motion carried by the following vote:

Aye 9 - Glaros, Davis, Franklin, Harrison, Lehman, Patterson, Taveras, Toles and Turner

6. SECOND READING OF BILLS – (INTRODUCTION)**CB-053-2018**

Draft 1

AN ORDINANCE CONCERNING ZONING DEFINITIONS-EXPEDITED TRANSIT ORIENTED DEVELOPMENT PROJECT for the purpose of amending the definition of "Transit Oriented Development Project, Expedited" in the Zoning Ordinance.

Sponsor(s): Glaros, Davis, Franklin, Turner and Taveras

Attachment(s): [B2018053](#)
[CB-53-2018 AIS](#)
[CB-053-2018 Report](#)

Council Member Harrison, as Chair of the Planning, Zoning and Economic Development Committee (PZED), provided a verbal report of the actions and recommendations of the committee. CB-53-2018 revise the definition of "Transit Oriented Development Project, Expedited" set forth in Section 27-107.01(a)(242.2) of the Zoning Ordinance to include an additional property location requirement for certain proposed expedited transit oriented development projects in Prince George's County.

This Council Bill was introduced by Council Members Glaros, Davis, Turner, Taveras and Franklin

CB-056-2018

Draft 1

AN ORDINANCE CONCERNING R-R ZONE for the purpose of permitting a hospital and/or health campus previously located on County-owned property in the R-R (Rural Residential) Zone without the requirement for a special exception, under certain circumstances.

Sponsor(s): Lehman, Davis, Glaros, Turner, Harrison, Franklin and Patterson

Attachment(s): [B2018056](#)
[CB-56-2018 AIS](#)
[CB-056-2018 Report](#)

Council Member Harrison, as Chair of the Planning, Zoning and Economic Development Committee (PZED), provided a verbal report of the actions and recommendations of the committee. CB-56-2018 amends the Zoning Ordinance Residential Table of Uses to clarify that certain hospitals and health campuses previously located on land owned by Prince George's County are permitted in the R-R Zone without the requirement for a special exception under certain circumstances.

This Council Bill was introduced by Council Members Lehman, Davis, Glaros, Turner, Toles, Harrison, Franklin and Patterson

A motion was made by Council Member Lehman, seconded by Council Member Davis, that this Resolution be adopted. The motion carried by the following vote:

Aye 9 - Glaros, Davis, Franklin, Harrison, Lehman, Patterson, Taveras, Toles and Turner

8. INTRODUCTION AND ADOPTION OF RESOLUTIONS

[CR-063-2018](#)

Draft 1

A RESOLUTION CONCERNING CAR FREE DAYS for the purpose of expressing the County Council's support for declaring Friday, September 21, 2018 and Saturday, September 22, 2018 as Car Free Days in Prince George's County.

Sponsor(s): Turner, Glaros, Toles, Lehman, Taveras, Franklin and Davis

Attachment(s): [R2018063](#)
 [CR-63-2018 AIS](#)

CR-63-2018 expresses the County Council of Prince George's County's support for declaring Friday, September 21, 2018 and/or Saturday, September 22, 2018 as Car Free Day in Prince George's County.

This Resolution was introduced by Council Members Turner, Glaros, Toles, Lehman, Taveras, Franklin and Davis

A motion was made by Council Member Davis, seconded by Vice Chair Turner, that the Council Rules of Procedure be suspended to allow for the immediate adoption of this Resolution. The motion carried by the following vote:

Aye 9 - Glaros, Davis, Franklin, Harrison, Lehman, Patterson, Taveras, Toles and Turner

A motion was made by Vice Chair Turner, seconded by Council Member Patterson, that this Resolution be adopted. The motion carried by the following vote:

Aye 9 - Glaros, Davis, Franklin, Harrison, Lehman, Patterson, Taveras, Toles and Turner

ADJOURN

The meeting went into recess at 11:17 a.m.

COMMITTEE OF THE WHOLE - (COUNCIL HEARING ROOM)

The Committee of the Whole meeting was held. See Separate Standing Committee Report for details.

ADJOURN

The meeting was adjourned at 4:57 p.m.

EXECUTIVE SESSION SUMMARY**[EX 09112018](#)**

Draft 1

Motion to convene in executive session in accordance with Section 3-305(b),(7) and (8), General Provisions Article, Annotated Code of Maryland as follows: 1. to consult with legal counsel to seek legal advice; and 2. to discuss pending or potential litigation.

On 9/11/2018 a motion was made by Vice Chair Turner, seconded by Council Member Patterson, to convene into Executive Session. The motion carried by the following vote: Aye: Glaros, Davis, Franklin, Harrison, Lehman, Patterson, Taveras, Toles and Turner.

Date of Executive Session: September 11, 2018

Beginning Time: 4:00 p.m.

Ending Time: 4:44 p.m.

Members Present:

CM Glaros, Chairman, CM Turner, Vice-Chairwoman, CM Franklin, CM Davis, CM Lehman, CM Patterson, CM Taveras, CM Toles, CM Harrison

Others Present:

Robert Williams, Jr., William Hunt, Raj Kumar, Ree Floyd, Karen Campbell, Leroy D. Maddox, Jr.

Topics Discussed:

- 1) County Council of Prince George's County, Md., Sitting as the District Council v. FCW Justice, Inc., No. 2664, September Term 2014
- 2) County Council of Prince George's County, Sitting as the District Council v. Convenience & Dollar Market/Eagle Management Company, No. 1415, September Term 2014
- 3) Petition of Palmer Road Landfill, Inc - Circuit Court for Prince George's County, Maryland CAL18-07570

Vote Closing the Meeting pursuant to Section 3-305(7,8): 9 - 0

Executive Session Summary

Prepared by:

Donna J. Brown, Deputy Clerk of the Council

Submitted by:

Redis C. Floyd, Clerk of the Council