

AGENDA MINUTES

Tuesday, July 12, 2011

Business Meeting

(Legislative Day No. 18 to be declared)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

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

The agenda briefing was held at 9:55 a.m.

PRESENTATION OF PROCLAMATIONS/COMMENDATIONS – (COUNCIL HEARING ROOM)

Proclamation **presented to Kenniss Henry (mother) in memory of Natasha Pettigrew, a candidate for United States Senate, who died as a result of a tragic accident in Cheverly, Prince George's County, Maryland.** (Council Member Andrea C. Harrison, Council Chair Ingrid M. Turner, Council Vice Chair Eric C. Olson and Council Members Karen R. Toles, Mary A. Lehman, Will A. Campos, Mel Franklin and Obie Patterson)- **PRESENTED**

*Council Chair Turner and Council Members Harrison, Olson, Toles, Lehman, Campos, Franklin and Patterson presented a proclamation to **Kenniss Henry (mother) in memory of Natasha Pettigrew, a candidate for United States Senate, who died as a result of a tragic accident in Cheverly, Prince George's County, Maryland.***

CALL TO ORDER – (ROOM 2027)-Council Chair Turner called to order at 11:10 a.m. with the following Council Members present:

*Ingrid Turner
Will Campos
Mel Franklin
Andrea Harrison
Leslie Johnson
Mary Lehman
Eric Olson
Obie Patterson
Karen Toles*

Others present:

Robert Williams, Jr., Council Administrator

William Hunt, Deputy Council Administrator

Karen Zavakos, Legislative Officer

Frank Porter, Director of the Public Safety and Fiscal Management Committee

Brad Frome, Deputy Chief of Staff, Council Liaison

Josh Hamlin, Office of Law

Terry Myers, Legislative Information Coordinator

Andre Green, County Attorney

Hawi Sanu, Director of the Transportation Housing and the Environment Committee

Todd Turner, Legislative Officer

Jackie Brown, Director of the Planning Zoning and Economic Development Committee

INVOCATION- *The Invocation was provided by Ms. Sylvia Taylor, County Employee.*

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

DESIGNATION OF JULY 12, 2011 AS LEGISLATIVE DAY NO. 18

DESIGNATED-*Council Chair Turner designated July 12, 2011 as Legislative Day number eighteen.*

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-29-2011 – AN ORDINANCE CONCERNING DETAILED SITE PLAN AND SPECIFIC DESIGN PLAN APPLICATIONS for the purpose of requiring the Planning Board to refer Detailed Site Plan and Specific Design Plan applications to the Prince George’s County Police Department to ensure implementation of the principles of Crime Prevention Through Environmental Design (CPTED), and establishing referral requirements for Specific Design Plan applications.- **PRESENTED**

Council Bill 29 was presented by Council Member Franklin and referred to the Planning Zoning and Economic Development Committee.

(b) **Introduction of Resolutions**

CR-54-2011 - A RESOLUTION CONCERNING THE ENACTMENT OF CERTAIN ORDINANCE OF THE CITY OF COLLEGE PARK for the purpose of approving the enactment of Ordinance 11-O-03 amending Chapter 190 of the Code of the City of College Park, concerning municipal zoning authority.- **INTRODUCED**

Council Resolution 54 which approves the enactment of Ordinance 11-O-03 amending Chapter 190 of the Code of the City of College Park, concerning municipal zoning authority was introduced by Council Members Olson and Lehman and referred to the Planning Zoning and Economic Development Committee. Council Chair Turner announced that this Resolution requires a public hearing.

***Council Member Olson moved to adopt the Consent Agenda; seconded by Council Member Campos. The motion carried by voice vote.*

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

No items were considered.

Council Member Franklin moved to accept the additions; seconded by Council Member Patterson. The motion carried 9-0.

3. **PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT -- 3(c) ADDED (SEE PAGE 8)**

- (a) Proposed correspondence to Mr. Franklin D. Jackson, Chairman of the Board of License Commissioners, expressing the Council's concerns with proposed policy changes on home delivery of alcoholic beverages. **CHAIR AUTHORIZED TO SIGN**

Correspondence was proposed to be sent to Mr. Franklin D. Jackson Chairman of the Board of License Commissioners expressing the Council's concerns with proposed policy changes on home delivery of alcoholic beverages. Council Member Franklin moved to authorize the Chair's signature; seconded by Council Member Toles. The motion carried 9-0.

- (b) Proposed correspondence to Donald Shell, M.D., M.A., Prince George's County Health Officer in support of the Prince George's County Health Department application for the Community Transformation Grant. **CHAIR AUTHORIZED TO SIGN**

Correspondence was proposed to be sent to Donald Shell, MD., MA. Prince George's County Health Officer, in support of the Prince George's County Health Department's application for the Community Transformation Grant. Council Member Olson moved to authorize the Chair's signature; seconded by Council Member Toles. The motion carried 9-0.

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

CB-5-2011 – AN ORDINANCE CONCERNING LOT COVERAGE REGULATIONS for the purpose of amending lot coverage regulations in the Open Space Zone and Residential Agriculture Zone under certain conditions.- **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 5. No persons wishing to speak, the public hearing was declared held. Council Member Olson moved to enact Council Bill 5; seconded by Council Member Patterson. The motion carried 9-0.

CB-6-2011 – AN ORDINANCE CONCERNING ZONING - DEFINITIONS – GROSS FLOOR AREA for the purpose of amending the definition of Gross Floor Area in the Zoning Ordinance.- **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 6. No persons wishing to speak, the public hearing was declared held. Council Member Olson moved to enact Council Bill 5; seconded by Council Member Patterson. The motion carried 9-0.

(Introduced by Council Member Turner on 6/14/2011; favorably reported out of PZED on 6/1/2011)

CB-7-2011 (DR-2) – AN ORDINANCE CONCERNING VALIDITY PERIODS FOR DETAILED SITE PLANS AND SPECIFIC DESIGN PLANS for the purpose of temporarily extending the validity periods of all approved applications for Detailed Site Plans and Specific Design Plans that were in a valid status as of January 1, 2011. **PUBLIC HEARING HELD; AMENDED; DR-3 ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 7. All persons wishing to speak having done so, the public hearing was declared held. Council Member Patterson moved to amend Council Bill 7 (DR-2); seconded by Council Member Toles. The motion carried 9-0. Council Member Patterson moved to enact Council Bill 7 (DR-3); seconded by Council Member Toles. The motion carried 9-0.

CB-11-2011 - 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, 2012.- **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 11. HAmer Campbell and Tom Haller spoke to the measure. All persons wishing to speak having done so, the public hearing was declared held. Council Member Patterson moved to enact Council Bill 11; seconded by Council Member Harrison. The motion carried 9-0.

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

CR-21-2011 (DR-2) - A RESOLUTION CONCERNING THE 2008 WATER AND SEWER PLAN (REACHING HEARTS INTERNATIONAL, INC. 2010 CYCLE OF AMENDMENTS) for the purpose of changing the water and sewer category designations of properties within the 2008 Water and Sewer Plan.- **DR-2 SUBSTITUTED; ADOPTED**

Council Member Olson, as Chair of the Transportation, Housing and Environment Committee provided an overview of the actions and recommendation from the Committee to the Council. Council Member Lehman moved to substitute DR-2 in lieu of DR-1; seconded by Council Member Olson. The motion carried 9-0. Council Member Lehman moved to adopt Council Resolution 21(DR-2); seconded by Council Member Olson. The motion carried 9-0.

CR-33-2011 (DR-2) – A RESOLUTION CONCERNING ADEQUATE TRANSPORTATION FACILITIES – BRANDYWINE ROAD CLUB for the purpose of suspending the Brandywine Road Club as a means of satisfying the adequate transportation facilities requirement in considering proposals for development in the Brandywine area.- **DR-2 SUBSTITUTED; AMENDED; DR-3 ADOPTED**

Council Member Campos, as Chair of the Public Safety and Fiscal Management Committee provided a verbal overview of the actions and recommendation of the Committee to the Council. Council Member Franklin moved to substitute DR-2 in lieu of DR-1; seconded by Council Member Campos. The motion carried 9-0. Council Member Franklin moved to include Amendment #1; seconded by Council Member Campos. The motion carried 9-0. Council Member Franklin moved adoption of Council Resolution 33 (DR-3); seconded by Council Member Campos. The motion carried 8-1 (Opposed: Council Member Johnson).

6. **INTRODUCTION AND ADOPTION OF RESOLUTIONS**

CR-55-2011 – A RESOLUTION CONCERNING COMPENSATION OF THE CHAIRPERSON OF THE PRINCE GEORGE’S COUNTY PLANNING BOARD for the purpose of establishing and providing for the compensation of the Chairperson of the Prince George’s County Planning Board.- **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 55 which establishes and provides for the compensation of the Chair person of the Prince George’s County Planning Board was introduced by Council Chair Turner by request of The County Executive. Council Member Harrison moved to suspend the Council Rules of procedure to allow for the immediate adoption of Council Resolution 55; seconded by Council Member Olson. The motion carried 9-0. Council Member Harrison moved adoption of Council Resolution 55; seconded by Council Member Campos. The motion carried 9-0.

RECESS-Council Chair Turner recessed the meeting at 11:46 a.m.

PUBLIC HEARINGS: - (COUNCIL HEARING ROOM)

- ◇ **Appointment of the following individual as Fire Chief for Prince George’s County: PUBLIC HEARING HELD; CONFIRMED**

Mr. Marc S. Bashoor

Frank Porter, Director of the Public Safety and Fiscal Management Committee provided a verbal overview of the nominee. Pursuant to proper notice the public hearing convened on the appointment of Mr. Marc Bashoor, as Fire Chief for Prince George’s County. County Executive Rushern Baker introduced the nominee to the Council. Mr. Bashoor spoke to his qualifications for the position. Jim Estepp, Howard Stone, Bob Ross and Chief Michael White spoke on Mr. Bashoor’s behalf, having done so, the public hearing was declared held. Council Member Campos moved confirmation; seconded by Council Member Toles. The motion carried 9-0.

- ◇ **Appointment of the following individual as Director of the Department of Housing and Community Development for Prince George's County: PUBLIC HEARING HELD; CONFIRMED**

Mr. Eric C. Brown

Council Member Olson as Chair of the Public Safety and Fiscal Management Committee provided a verbal overview of the nominee. Pursuant to proper notice the public hearing on the appointment of Mr. Eric Brown, as the Director of Housing and Community Development for Prince George's County. County Executive Rushern Baker introduced the nominee to the Council. Mr. Brown spoke to his qualifications for the position. Regina Mitchell, Trudy Mc Fall and Rev. Vandy Kennedy spoke on Mr. Brown's behalf, having done so, the public hearing was declared held. Council Member Olson moved confirmation; seconded by Council Member Campos. The motion carried 9-0

- ◇ **Appointment of the following individual as Director of the Office of Central Services for Prince George's County: PUBLIC HEARING HELD; CONFIRMED**

Ms. Monica J. Johnson

Frank Porter, Director of the Public Safety and Fiscal Management Committee provided a verbal overview of the nominee. Pursuant to proper notice the public hearing on the appointment of Ms. Monica Johnson as the Director of the Office of Central Services for Prince George's County. County Executive Rushern Baker introduced the nominee to the Council. Ms. Johnson spoke to her qualifications for the position. All persons wishing to speak on her behalf having done so, the public hearing was declared held. Council Member Franklin moved confirmation; seconded by Council Member Olson. The motion carried 9-0.

- ◇ **Appointment of the following individual as Director of the Department of Environmental Resources for Prince George's County: PUBLIC HEARING HELD; CONFIRMED**

Mr. Samuel E. Wynkoop, Jr.

Council Member Olson as Chair of the Public Safety and Fiscal Management Committee provided a verbal overview of the nominee. Pursuant to proper notice the public hearing on the appointment of Mr. Samuel E. Wynkoop, Jr. as the Director of the Department of Environmental Resources for Prince George's County. County Executive Rushern Baker introduced the nominee to the Council. Mr. Wynkoop spoke to his qualifications for the position. Andre Gingles and Larry Coffman spoke on Mr. Wynkoop's, behalf having done so, the public hearing was declared held. Council Member Turner moved confirmation; seconded by Council Member Harrison. The motion carried 9-0.

8. **PUBLIC HEARINGS: - (COUNCIL HEARING ROOM)**

Appointment of the following individuals to the Maryland-National Capital Park and Planning (M-NCPPC) for Prince George's County: PUBLIC HEARING HELD; CONFIRMED

Ms. Elizabeth M. Hewlett

Appointment Chair
Replacing: Samuel J. Parker, Jr.
Term Expiring: 6/15/2013

Ms. A. Shuanise Washington

Appointment
Replacing: Mr. Sylvester J. Vaughns
Term Expiration: 6/15/2012

Ms. Dorothy F. Bailey

Appointment
Replacing: Mr. Jesse Clark
Term Expiring: 6/15/2015

Council Member Patterson as Vice-Chair of the Planning, Zoning and Economic Development Committee provided a verbal overview of the nominees. Pursuant to proper notice the public hearing convened on the appointment of Ms. Elizabeth M. Hewlett as Chair of the Maryland- National Park and Planning Commission (M-NCPPC). County Executive Rushern Baker introduced the nominee to the Council. Ms. Hewlett spoke to her qualifications for the position. All persons wishing to speak having done so, the public hearing was declared held. Council Member Turner moved confirmation; seconded by Council Member Harrison. The motion carried 9-0.

Council Member Patterson, as Vice-Chair of the Planning Zoning and Economic Development Committee, provided a verbal overview of the nominee. Pursuant to proper notice the public hearing convened on the appointment of Ms. A. Shuanise Washington to the Maryland- National Park and Planning Commission (M-NCPPC). County Executive Rushern Baker introduced the nominee to the Council. Ms. Washington spoke to her qualifications for the position. All persons wishing to speak having done so, the public hearing was declared held. Council Member Harrison moved confirmation; seconded by Council Member Toles. The motion carried 9-0.

Council Member Patterson as Vice-Chair of the Planning Zoning and Economic Development Committee provided a verbal overview of the nominee. Pursuant to proper notice the public hearing convened on the appointment of Ms. Dorothy Bailey to the Maryland- National Park and Planning Commission (M-NCPPC). County Executive Rushern Baker introduced the nominee to the Council. Ms. Bailey spoke to her qualifications for the position. All persons wishing to speak having done so, the public hearing was declared held. Council Member Toles moved confirmation; seconded by Council Member Harrison. The motion carried 9-0.

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

CR-56-2011 – A RESOLUTION CONCERNING MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION – PRINCE GEORGE’S COUNTY MEMBERS – APPOINTMENT AND GEOGRAPHIC BALANCE for the purpose of addressing the geographic distribution and balance of the membership of the Maryland-National Capital Park and Planning Commission and confirming Elizabeth M. Hewlett to serve as a member of the Maryland-National Capital Park and Planning Commission and as Chairperson of the Prince George’s County Planning Board to serve on a full-time basis. **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 56 addresses the geographic distribution and balance of the membership of the Maryland-National Capital Park and Planning Commission and confirms Elizabeth M. Hewlett to serve as a member of the Maryland-National Capital Park and Planning Commission and as Chairperson of the Prince George’s County Planning Board to serve on a full-time basis Council Resolution 56 was introduced by Council Chair Turner and Council Members Franklin, Toles, Harrison, Johnson and Campos. Council Member Olson moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 56; seconded by Council Member Harrison the motion carried 9-0. Council Member Toles moved adoption of Council Resolution 56; seconded by Council Member Franklin, The motion carried 9-0.

CR-57-2011 – A RESOLUTION CONCERNING MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION – PRINCE GEORGE’S COUNTY MEMBERS – APPOINTMENT AND GEOGRAPHIC BALANCE for the purpose of addressing the geographic distribution and balance of the membership of the Maryland-National Capital Park and Planning commission and confirming A. Shuanise Washington as a member. **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 57 which addresses the geographic distribution and balance of the membership of the Maryland-National Capital Park and Planning commission and confirms A. Shuanise Washington as a member was introduced by Council Chair Turner and Council Members Franklin, Toles, Harrison, Johnson and Campos. Council Member Olson moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 57; seconded by Council Member Franklin the motion carried 9-0. Council Member Olson moved adoption of Council Resolution 57; seconded by Council Member Toles the motion carried 9-0.

CR-58-2011 – A RESOLUTION CONCERNING MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION – PRINCE GEORGE’S COUNTY MEMBERS – APPOINTMENT AND GEOGRAPHIC BALANCE for the purpose of addressing the geographic distribution and balance of the membership of the Maryland-National Capital Park and Planning Commission and confirming Dorothy F. Bailey as a member. **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 58 which addresses the geographic distribution and balance of the membership of the Maryland-National Capital Park and Planning Commission and confirms Dorothy F. Bailey as a member was introduced by Council Chair Turner and Council Members Franklin, Toles, Harrison, Johnson and Campos. Council Member Franklin moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 58; seconded by Council Member Toles. The motion carried 9-0. Council Member Patterson moved adoption of Council Resolution 58; seconded by Council Member Harrison. The motion carried 9-0.

RECESS-*Council Chair Turner recessed the meeting at 3:50 p.m.*

RECONVENE-*Council Chair Turner reconvened the meeting at 3:54 p.m.*

PUBLIC HEARING: - (COUNCIL HEARING ROOM) -- PUBLIC HEARING HELD

SPEED CAMERA MONITORING SYSTEMS AND POTENTIAL PROPOSED SITES FOR SPEED MONITORING SYSTEMS

The Prince George's County Council is conducting a public hearing to obtain public comment on potential locations for the installation of speed monitoring systems prior to their installation. Pursuant to Section 3 of CB-37-2009 (DR-2) the County Council shall hold at least one (1) public hearing.

The Prince George's County Department of Public Works & Transportation and Police Department have developed a list of potential locations for speed camera installation sites. The listing of proposed and potential sites for speed monitoring systems is available on the County Council's website -

<http://www.princegeorgescountymd.gov/council>

Todd Turner, Legislative Officer provided a verbal overview of the Legislation to the Council. Major Robert Liberatti responded to concerns raised by staff to clarify the method used in monitoring speed, the Public Hearing was declared held.

ADDITIONS TO THE AGENDA

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

- (c) Proposed correspondence to the U.S. General Services Administration, National Capital Region, providing comments on the reconsideration of the lease consolidation of the U.S. Department of Health and Human Services in Suburban Maryland.-

CHAIR AUTHORIZED TO SIGN

Correspondence was proposed to be sent to the U.S. General Services Administration, National Capital Region, providing comments on the reconsideration of the lease consolidation of the U.S. Department of Health and Human Services in Suburban Maryland Council Member Olson moved authorization of the Chair's signature; seconded by Council Member Harrison. The motion carried 9-0.

10. **CONSIDERATION OF EXECUTIVE VETO****CB-12-2011 (DR-3) - AN ACT CONCERNING COMMON OWNERSHIP**

COMMUNITIES PROGRAM for the purpose of amending the Common Ownership Communities Program to assist governing bodies, owners, and residents of homeowners' associations, residential condominiums, and cooperative housing corporations with education, training, and dispute resolution and/or administrative hearing procedures in matters relating to these communities. **MOTION TO OVERRIDE VETO FAILED**

Enacted by the Council on 6/14/2011 by a 9-0 vote. In favor: Council Members Turner, Campos, Franklin, Harrison, Johnson, Lehman, Olson, Patterson, and Toles. Vetoed by the County Executive on 7/7/2011.

Council Chair Turner posed the question "shall the earlier action of the Council be affirmed notwithstanding the objections of the executive? The Council called for a roll call vote. The motion to override the veto failed 1-7-1 (In favor: Council Member Johnson, Abstained Council Member Toles).

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

There were no requests to address the Council.

ADJOURNED-Council Chair Turner adjourned the meeting at 5:26 p.m.

Prepared by:

Sherry Bias, Administrative Aide

Submitted by:

Redis C. Floyd, Clerk of the Council