

AGENDA MINUTES

Tuesday, September 28, 2010

Business Meeting

(Legislative Day No. 26 to be declared)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

TRANSPORTATION, HOUSING AND THE ENVIRONMENT COMMITTEE MEETING – (ROOM 2027) -- COMMITTEE MEETING HELD

AGENDA BRIEFING – (ROOM 2027) -- BRIEFING HELD

PRESENTATION OF PROCLAMATIONS/COMMENDATIONS – (COUNCIL HEARING ROOM) - *Chairman Thomas E. Dernoga commenced the Presentation of Proclamations/Commendations at 11:30 a.m.*

**Certificate presented to David Matthew Duffany recognizing the “Police Banner” he
donated to the National Law Enforcement Museum in honor of the brave men and
women of law enforcement.** (Council Chair Thomas E. Dernoga and Council Members Tony
Knotts, Eric C. Olson, Marilynn M. Bland, Ingrid M. Turner and Andrea C. Harrison) -
PRESENTED

*A proclamation was presented to David Matthew Duffany recognizing the “Police Banner” he
donated to the National Law Enforcement Museum. Mr. Duffany was present to accept.*

**Proclamation presented to the African Leadership Empowerment Council (ALEC)
recognizing their “Exceptional Contributions” in Prince George’s County.** (Council Chair
Thomas E. Dernoga, Council Vice Chair Andrea C. Harrison and Council Members Tony
Knotts, Marilynn M. Bland, Ingrid M. Turner and Eric C. Olson) - **PRESENTED**

*A proclamation was presented to the African Leadership Empowerment Council (ALEC)
recognizing their “Exceptional Contributions” in Prince George’s County. Representatives
from ALEC were present to accept.*

**Proclamation presented to John Anna recognizing the more than 20 years of “Outstanding
Contributions” to Prince George’s County.** (Council Chair Thomas E. Dernoga and Council
Vice Chair Andrea C. Harrison) - **DEFERRED**

This item was deferred.

Proclamation recognizing October 2010, as “Breast Cancer Awareness Month” in Prince George’s County. (Council Chair Thomas E. Dernoga, Council Member Ingrid M. Turner and Council Members Tony Knotts, Marilynn M. Bland, Eric C. Olson and Andrea C. Harrison) - **PRESENTED**

A proclamation was presented recognizing October 2010, as “Breast Cancer Awareness Month” in Prince George’s County.

Proclamation presented to Alysa Jackson for being named “Maryland Princess State Cover Girl,” in Prince George’s County. (Council Chair Thomas E. Dernoga and Council Members Ingrid M. Turner, Marilynn M. Bland, Andrea C. Harrison, Eric C. Olson and Tony Knotts) - **PRESENTED**

A proclamation was presented to Alysa Jackson for being named “Maryland Princess State Cover Girl.” Ms. Jackson was present to accept.

** *Chairman Dernoga concluded Presentation of Proclamations at 11:45 a.m.*

CALL TO ORDER: - *Chair Dernoga called to order at 11:55 a.m. with the following Council Members present:*

*Marilynn B. Bland
Samuel H. Dean
Thomas E. Dernoga
Camille A. Exum
Andrea C. Harrison
Tony Knotts
Eric C. Olson
Ingrid M. Turner*

*Absent:
Will Campos*

*Others Present:
Robert J. Williams, Jr., Deputy Council Administrator
Collette Gresham, Legislative Officer
Todd Turner, Legislative Officer
Hawi Sanu, THE Committee Director
Jackie Brown, PZED Committee Director
Sandra Eubanks, HEHS Committee Director
Frank Porter, PSFM Committee Director
Josh Hamlin, Office of Law
Marcus Jackson, County Council Liaison, Office of the County Executive*

INVOCATION - *The Invocation was led by Pastor Anthony Maclin, The Sanctuary at Kingdom Squire, Capitol Heights, Maryland. Council Member Knotts requested prayer for the victims of a Medivac crash, which occurred one year ago. Council Member Bland requested prayer for Ms. Mamie Johnson and Dr. David Billings in their recovery from surgery. Council Member Turner requested a prayer of thanks for Council Member Exum on her birthday.*

PLEDGE OF ALLEGIANCE - *The pledge of allegiance was led by Council Member Turner.*

DESIGNATION OF SEPTEMBER 28, 2010 AS LEGISLATIVE DAY NO. 26 - *Chairman Dernoga designated September 28, 2010 as Legislative Day number 26.*

1. **CONSENT AGENDA -- CR-90, 91, 92, 93, 94, 95, 96, 97, 98-2010 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 for Council Session held on November 10 and 17, 2009; April 27, 2010; May 4, 11, 18, 25, and 27, 2010; June 8, 15, 22, 23, and 29, 2010; July 6, 20 and 27, 2010 – **APPROVED**

** *Council Member Dean moved to accept additional items to the agenda; seconded by Council Member Harrison. The motion carried by voice vote (Absent: Campos, Exum and Knotts).*

(b) **Introduction of Resolutions**

CR-90-2010 - A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT GLENARDEN WOODS APARTMENTS PROJECT for the purpose of approving the financing of the Glenarden Woods Apartment project through the Community Development Administration (“CDA”) of the Maryland Department of Housing and Community Development. - **INTRODUCED**

Council Resolution, as proposed by the Chair by request of the County Executive, approves financing of the moderate rehabilitation of Glenarden Woods Apartments by Glenarden Housing of Maryland, Inc. and Preservation Services, LLC, consisting of a Permanent Loan and a Short Term Loan under the Maryland Department of Housing and Community Development’s New Bond Issuance Program of approximately \$3,651,173 and \$1,758,809, respectively; a Maryland Housing Rehabilitation Program Loan of approximately \$500,000; approximately \$2,759,972 in Low Income Housing Tax Credit Equity; approximately \$900,000 in Prince George’s County HOME funds; a Loan from National Foundation for Affordable Housing Solutions, Inc. of approximately \$256,916; a Seller’s Note of approximately \$4,000,000; approximately \$267,832 in Interim Income, and approximately \$764,424 in developer equity. Council Resolution 90 was introduced by Council Member Harrison and referred to the Transportation, Housing and the Environment Committee (THE).

CONSENT AGENDA (CONTINUED)**CR-91-2010 - A RESOLUTION CONCERNING HOUSING AND COMMUNITY**

DEVELOPMENT ANNUAL ACTION PLAN: FY 2011 for the purpose of approving the amendment of the FY 2011 Annual Action Plan to include the Glenarden Woods Apartments project and the reprogramming of \$900,000 in HOME Investment Partnerships ("HOME") funds from FY 2007, 2008, and 2009 to the project. - **INTRODUCED**

Council Resolution 91, as proposed by the Chair by request of the County Executive, approves the reprogramming of \$900,000 in HOME Investment Partnerships ("HOME") funds from FY 2007, 2008, and 2009 to the Glenarden Woods Apartments project, which will be described in the County's FY 2011 Annual Action Plan. Council Resolution 91 was introduced by Council Member Harrison and referred to the Transportation, Housing and the Environment Committee (THE). Chairman Dernoga announced that a Public Hearing is required to be held for Council Resolution 91.

CR-92-2010 - A RESOLUTION CONCERNING HOUSING AND COMMUNITY

DEVELOPMENT ANNUAL ACTION PLAN: FY 2011 for the purpose of approving the amendment of the FY 2011 Annual Action Plan to include the Glenreed Apartments project and the reprogramming of \$1,200,000 in HOME Investment Partnerships funds ("HOME") from FY 2005, 2006, and 2007 to the project. - **INTRODUCED**

Council Resolution 92, as proposed by the Chair by request of the County Executive, approves reprogramming of \$1,200,000 in HOME Investment Partnerships ("HOME") funds from the FY 2005, 2006, and 2007 Annual Action Plans to the Glenreed Apartments project, which will be described in the FY 2011 Annual Action Plan. Council Resolution 92 was introduced by Council Member Harrison and referred to the Transportation, Housing and the Environment Committee (THE). Chairman Dernoga announced that a Public Hearing is required to be held for Council Resolution 92.

CR-93-2010 - A RESOLUTION CONCERNING HOUSING AND COMMUNITY

DEVELOPMENT GLENREED APARTMENTS PROJECT for the purpose of approving the financing of the Glenreed Apartments project through the Community Development Administration ("CDA") of the Maryland Department of Housing and Community Development. - **INTRODUCED**

Council Resolution 93, as proposed by the Chair by request of the County Executive, approves financing of the moderate rehabilitation of Glenreed Apartments by Glenreed Housing Inc. and Preservation Services, LLC consisting of a Permanent and Short Term Loan under the Maryland Department of Housing and Community Development's New Bond Issuance Program for approximately \$3,458,600 and \$1,603,189, respectively; a Maryland Housing Rehabilitation Program Loan of approximately \$500,000; approximately \$2,216,976 in Low Income Housing Tax Credit Equity; approximately \$1,200,000 in Prince George's County HOME funds; a Loan of approximately \$89,967 from the National Foundation for Affordable Housing Solutions, Inc.; a Seller's Note of approximately \$2,500,000; approximately \$251,996 in Interim Income, and approximately \$265,386 in developer equity. Council Resolution 93 was introduced by Council Member Harrison and referred to the Transportation, Housing and the Environment Committee (THE).

CONSENT AGENDA (CONTINUED)

CR-94-2010 - A RESOLUTION CONCERNING STATE OF MARYLAND COMMUNITY LEGACY PROGRAM for the purpose of approving the application by Housing Initiative Partnership, Inc. (“HIP”), a Maryland nonprofit, to the Maryland Department of Housing and Community Development for funding through the Community Legacy Financial Assistance Fund. - **INTRODUCED**

Council Resolution 94, as proposed by the Chair by request of the County Executive, approves the application by Housing Initiative Partnership, Inc. to the Maryland Department of Housing and Community Development for funding through the Community Legacy Financial Assistance Fund. Council Resolution 94 was introduced by Council Member Dernoga and referred to the Transportation, Housing and the Environment Committee (THE).

CR-95-2010 - A RESOLUTION CONCERNING STATE OF MARYLAND COMMUNITY INVESTMENT TAX CREDIT PROGRAM for the purpose of approving the project submitted by CASA de Maryland, Inc. to the Maryland Department of Housing and Community Development for participation in the Department’s Community Investment Tax Credit Program. - **INTRODUCED**

Council Resolution 95, as proposed by the Chair by request of the County Executive, approves a project submitted by CASA de Maryland, Inc. for inclusion in the Maryland Community Investment Tax Credit Program as it relates to its Multicultural Service Center. Council Resolution 95 was introduced by Council Member Dernoga and referred to the Transportation, Housing and the Environment Committee (THE).

CR-96-2010 – A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN: FY 2011 for the purpose of amending the Prince George’s County FY 2011 Annual Action Plan for Housing and Community Development to reprogram, restructure and approve Community Development Block Grant (“CDBG”) and Community Development Block Grant Recovery (“CDBG-R”) activities related to housing and community development. - **INTRODUCED**

Council Resolution 96, as proposed by the Chair by request of the County Executive, amends the Prince Georges County FY 2011 Annual to reprogram, restructure and add new CBDG and CBDG-R projects. Council Resolution 96 was introduced by Council Member Dernoga and referred to the Transportation, Housing and the Environment Committee (THE). Chairman Dernoga announced that a Public Hearing is required to be held for Council Resolution 96.

CONSENT AGENDA (CONTINUED)**CR-97-2010 – A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN: FY-2011**

for the purpose of approving the commitment of \$900,000 in HOME Investment Partnerships (“HOME”) funds to the Bradbury Heights project. - **INTRODUCED**

Council Resolution 97, as proposed by the Chair by request of the County Executive, approves the commitment of \$900,000 in HOME Investment Partnerships (“HOME”) funding from the FY 2008 and FY 2011 Annual Action Plans to Bradbury Homes, a new project to be included in the County’s FY 2011 Annual Action Plan. Council Resolution 97 was introduced by Council Member Dernoga and referred to the Transportation, Housing and the Environment Committee (THE). Chairman Dernoga announced that a Public Hearing is required to be held for Council Resolution 97.

CR-98-2010 – A RESOLUTION CONCERNING ECONOMIC DEVELOPMENT for the purpose of revising CR-89-2006 and 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. - **INTRODUCED**

Council Resolution 98 amends the County’s policy for the use of Tax Increment Financing by revising certain proposed financial tools and initiatives used to fund economics and community development projects in the County. Council Resolution 98 was introduced by Council Members Dean and Exum and referred to the Public Safety and Fiscal Management Committee (PSFM).

** *Council Member Olson moved adoption of the Consent Agenda; seconded by Council Member Bland. The motion carried by voice vote (Absent: Campos).*

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-69 (DR-2), 94, 95, 96, 97, 98-2010 ADDED**

CB-94-2010 - AN ORDINANCE CONCERNING THE L-A-C ZONE for the purpose of permitting a Country Inn in the L-A-C Zone under certain circumstances. - **INTRODUCED; EXPEDITED**

Council Bill 94 amends the Use Tables for Comprehensive Design Zones in the Zoning Ordinance to permit a Country Inn in the L-A-C (Local Activity Center) Zone provided the use is located on a property with an existing home having at least 25,000 square feet of enclosed area. Council Bill 94 was introduced by Council Member Dean and referred to the Planning, Zoning and the Environment Committee (PZED). Chairman Dernoga directed that the Clerk expedite scheduling of CB-94-2010.

CB-95-2010 - AN ACT CONCERNING THE ISSUANCE OF SPECIAL OBLIGATION TAX INCREMENT FINANCING BONDS FOR WOODMORE TOWNE CENTRE DEVELOPMENT DISTRICT for the purpose of providing that special obligation tax increment financing bonds may be issued under the provisions of this Act, Sections 12-201 through 12-213 of the Economic Development Article of the Annotated Code of Maryland, as amended (the “Tax Increment Financing Act”), and CR-085-2009 of the County Council of Prince George’s County, Maryland (the “Formation Resolution”) in an aggregate principal amount of Seventeen Million Dollars (\$17,000,000) in order for the County to acquire, finance or reimburse the public infrastructure improvements as more particularly described herein; making certain findings and determinations, among others, concerning the public benefit and purpose of such bonds; providing that such bonds authorized to be issued hereby shall be payable solely from real property taxes deposited in the Tax Increment Fund (as defined in the Formation Resolution) and that the bonds shall not constitute a general obligation debt of the County or a pledge of the County’s full faith and credit or taxing power other than the taxes representing the levy on the Tax Increment (as defined in the Formation Resolution); authorizing the County Executive of the County to specify, prescribe, determine, provide for and approve certain details, forms, documents or procedures in connection with such bonds issued hereunder and any other matters necessary or desirable in connection with the authorization, issuance, delivery and payment of such bonds consistent with the provisions of this Act; authorizing the County Executive to take certain actions, to execute documents and make certain commitments on behalf of the County in connection with the issuance and delivery of such bonds consistent with the provisions of this Act; authorizing the execution and delivery of such bonds and such other documents as may be necessary and desirable to effectuate the financing of the infrastructure improvements and the issuance and delivery of such bonds; and generally providing for, and determining various matters in connection with, the issuance, delivery and payment of such bonds. - **INTRODUCED**

Council Bill 95 authorize the issuance of special obligation tax increment financing (TIF) bonds in an amount of Seventeen Million Dollars (\$17,000,000) to finance certain infrastructure (include but not limited to parking facilities, road improvements and stormwater management) relating to Woodmore Towne Centre at Glenarden Development District. Council Bill 95 was introduced by Council Member Harrison and referred to the Public Safety and Fiscal Management Committee (PSFM).

SECOND READING OF BILLS – (INTRODUCTION) – (CONTINUED)

CB-96-2010 - AN ACT CONCERNING YOUTH COMMISSION for the purpose of amending the provisions of the County Code relating to the composition and membership of the Youth Commission. - **INTRODUCED**

Council Bill 96 amends the County Code modifying the composition and membership of the Youth Commission. Council Bill 96 was introduced by Council Members Bland, Turner and Olson and referred to the Health, Education and Human Services Committee (HEHS).

CB-69-2010 (DR-2) - AN ORDINANCE CONCERNING THE R-R ZONE for the purpose of modifying development requirements for commercial uses, institutional uses, and multifamily dwellings and permitting certain commercial uses, institutional uses and multifamily dwellings in the R-R Zone, subject to Detailed Site Plan under certain circumstances. - **INTRODUCED; EXPEDITED**

(Favorably reported out of PZED on 9/20/2010 with amendments)

Council Bill 69, Draft 2 modifies development requirements for commercial uses, institutional uses, and multifamily dwellings and permitting certain commercial uses, institutional uses and multifamily dwellings in the R-R Zone subject to a Detailed Site Plan under certain circumstances. Council Bill 69, Draft 2 was introduced by Council Member Knotts. Chairman Dernoga directed that the Clerk expedite scheduling of CB-69-2010, Draft 2.

CB-97-2010 – AN EMERGENCY ACT CONCERNING CONTRACT APPROVAL for the purpose of approving the lease or sale of the county's interest in certain real property and the subsequent leaseback or installment purchase of said real property for purposes of financing a new emergency operations center. - **AMENDED; DR-2 INTRODUCED**

Council Bill 97, as proposed by the Chair by request of the County Executive, is an emergency act to approve the lease and leaseback or sell and purchase overtime of a new Emergency Operations Center which will house the Office of Homeland Security and the 9-1-1 emergency dispatch center. The Chair stated for the record that a public emergency exists affecting the public health, safety, or welfare of the citizens and residents of Prince George's County, said emergency being the County's immediate need to finance a new emergency operations center housing the Office of Homeland Security and a new 9-1-1 emergency dispatch center at 17321 Melford Boulevard, Bowie, Maryland 20715 to provide enhanced essential public safety services in Prince George's County. Council Member Dean moved to include amendment 1; seconded by Council Member Turner. The motion carried by voice vote (Absent: Campos). Council Bill 97, Draft 2 was introduced by Council Members Dernoga, Bland, Dean, Exum, Harrison, Knotts, Olson and Turner and referred to the Public Safety and Fiscal Management (PSFM).

SECOND READING OF BILLS – (INTRODUCTION) – (CONTINUED)**CB-98-2010 - AN ACT CONCERNING THE ISSUANCE OF SPECIAL OBLIGATION BONDS FOR THE KINGDOM SQUARE DEVELOPMENT DISTRICT AND KINGDOM SQUARE SPECIAL TAXING DISTRICT**

For the purpose of ratifying the designation of a contiguous area within Prince George's County, Maryland (the "County") that would be coincident with the Kingdom Square Development District as a "special taxing district" as that term is used in Section 10-269 of the Prince George's County Code, as amended, and as that term is used in Section 9-1301 of Article 24 of the Annotated Code of Maryland, as amended (collectively, the "Special Taxing District Act"); amending, ratifying and confirming CR-76-2010 adopted by the County Council of Prince George's County, Maryland (the "County Council") on July 13, 2010 (the "Formation Resolution"); providing that special obligation bonds may be issued under the provisions of this Act, Sections 12-201 through 12-213 of the Economic Development Article of the Annotated Code of Maryland, as amended (the "Tax Increment Financing Act"), and the Special Taxing District Act in an aggregate principal amount not to exceed Sixteen Million One Hundred Thousand Dollars (\$16,100,000) in order for the County to finance costs related to the construction or acquisition of the public infrastructure improvements as more particularly described herein; making certain findings and determinations, among others, that prior to the issuance of such special obligation tax increment financing bonds the criteria set forth in CR-89-2006, as amended from time to time, that includes but are not limited to the following: the "But-For Test", the "Trigger Mechanism/Look Back Provision", LMBE participation, and the impact of the County credit/bond rating shall have been satisfied; providing that such bonds authorized to be issued hereby shall be payable, first, from amounts deposited in the Tax Increment Fund established by the Formation Resolution, and, second, to the extent the Tax Increment Fund does not contain monies in an amount sufficient for payment of debt service on such special obligation bonds and to the extent amounts are required for deposit in funds and accounts created within the indenture providing for the issuance of the special obligation bonds to replenish deficiencies therein and to pay the administrative expenses of the County, from the special tax to be levied and deposited in the Special Taxing District Fund established under the Formation Resolution, and that the bonds shall not constitute a general obligation debt of the County or a pledge of the County's full faith and credit or taxing power other than the County's pledge of the taxes representing the levy on the Tax Increment, the Hotel Taxes and the Special Taxes (each as defined in the Formation Resolution); authorizing the County Executive of the County to specify, prescribe, determine, provide for and approve certain details, forms, documents or procedures in connection with such bonds issued hereunder and any other matters necessary or desirable in connection with the authorization, issuance, delivery and payment of such bonds; authorizing the County Executive to take certain actions, to execute documents and make certain commitments on behalf of the County in connection with the issuance and delivery of such bonds; authorizing the execution and delivery of such bonds and such other documents as may be necessary and desirable to effectuate the financing of the infrastructure improvements and the issuance and delivery of such bonds; and generally providing for, and determining various matters in connection with, the issuance, delivery and payment of such bonds. -

INTRODUCED

Council Bill 98, as proposed by the Chair by request of the County Executive, authorizes the issuance of special obligation tax increment financing (TIF) bonds in an amount of \$16,100,000 to finance construction of residential and commercial facilities, structured

parking, a hotel and install the infrastructures improvements in the Kingdom Square Development District. Council Bill 98 was introduced by Council Members Dernoga, Exum and Dean and referred to the Public Safety and Fiscal Management Committee (PSFM).

CB-59-2010 (DR-2) – AN ORDINANCE CONCERNING PRIVATE AUTOMOBILE AND OTHER MOTOR VEHICLE AUCTIONS for the purpose of defining Private Automobile and Other Motor Vehicle Auctions; permitting the use in the I-1 and I-2 Zones with certain improvements; and making related amendments to the Zoning Ordinance. - **INTRODUCED; EXPEDITED**

Council Member Dean, as Chair of the Planning Zoning and Economic Development Committee (PZED), provided a verbal report of the actions and recommendations of the Committee. Council Bill 59, which defines Private Automobile and Other Motor Vehicle Auctions; permits the use in the I-1 and I-2 Zones; requires certain improvements where the use is lawfully nonconforming; and makes related amendments to the Zoning Ordinance, was favorably reported out of PZED on 9/16/2010 with amendments. Council Bill 59 was introduced by Council Member Knotts. Chairman Dernoga directed that the Clerk expedite scheduling of CB-59-2010, Draft 2.

CB-65-2010 - AN ORDINANCE CONCERNING LANDSCAPE MANUAL REGULATIONS for the purpose of adopting the Comprehensive Update to the Prince George's County Landscape Manual and repealing redundant or obsolete provisions of the Zoning Ordinance relating to the Landscape Manual. - **INTRODUCED; EXPEDITED**

Council Member Dean, as Chair of the Planning Zoning and Economic Development Committee (PZED), provided a verbal report of the actions and recommendations of the Committee. Council Bill 65, which adopts the Comprehensive Update to the Prince George's County Landscape Manual and repeals redundant or obsolete provisions of the Zoning Ordinance relating to the Landscape Manual, was favorably reported out of PZED on 9/16/2010. Council Bill 65 was introduced by Chairman Dernoga. Chairman Dernoga directed that the Clerk expedite scheduling of CB-65-2010.

CB-66-2010 – AN ORDINANCE CONCERNING DEPARTURES FROM DESIGN STANDARDS for the purpose of amending the requirements for departures from design standards as it relates to the Alternative Compliance process. - **INTRODUCED; EXPEDITED**

Council Member Dean, as Chair of the Planning Zoning and Economic Development Committee (PZED), provided a verbal report of the actions and recommendations of the Committee. Council Bill 66, which amends the requirements for departures from design standards as it relates to the Alternative Compliance process, was favorably reported out of PZED on 9/16/2010. Council Bill 66 was introduced by Chairman Dernoga. Chairman Dernoga directed that the Clerk expedite scheduling of CB-66-2010.

SECOND READING OF BILLS – (INTRODUCTION) – (CONTINUED)

CB-67-2010 (DR-2) – AN ORDINANCE CONCERNING OFF-STREET PARKING AND LOADING for the purpose of making amendments to the off-street parking requirements in order to fulfill the requirements of internal green areas within parking lots on redevelopment sites. - **INTRODUCED; EXPEDITED**

Council Member Dean, as Chair of the Planning Zoning and Economic Development Committee (PZED), provided a verbal report of the actions and recommendations of the Committee. Council Bill 67, Draft 2, which makes amendments to the off-street parking requirements in order to fulfill the requirements of internal green areas within parking lots on redevelopment sites, was favorably reported out of PZED on 9/20/2010 with amendments. Council Bill 67, Draft 2 was introduced by Chairman Dernoga. Chairman Dernoga directed that the Clerk expedite scheduling of CB-67-2010, Draft 2.

CB-68-2010 – AN ORDINANCE CONCERNING SPECIAL EXCEPTION

LANDSCAPING for the purpose of amending the Special Exception requirements to change the exemptions referenced to the Landscape Manual. - **INTRODUCED; EXPEDITED**

Council Member Dean, as Chair of the Planning Zoning and Economic Development Committee (PZED) provided a verbal report of the actions and recommendations of the Committee. Council Bill 68, which removes the exemption for Special Exception applications that do not propose the construction, enlargement, or extension of a building, was favorably reported out of PZED on 9/16/2010. Council Bill 68 was introduced by Chairman Dernoga. Chairman Dernoga directed that the Clerk expedite scheduling of CB-68-2010.

CB-72-2010 (DR-2) - AN ORDINANCE CONCERNING INDUSTRIAL USES for the purpose of revising certain provisions of the Table of Uses for the I-3 Zone and creating a definition for a new use entitled “University Research and Development Park”. - **INTRODUCED; EXPEDITED**

Council Member Dean, as Chair of the Planning Zoning and Economic Development Committee (PZED,) provided a verbal report of the actions and recommendations of the Committee. Council Bill 72, Draft 2, which adds and defines a new use entitled “University Research and Development Park” to the Zoning Ordinance, permits the use by right in the I-3 Zone, permits an eating or drinking establishment within a University Research and Development Park if the establishment is not freestanding and permits research and development in the I-3 Zone where it is currently prohibited, was favorably reported out of PZED on 9/20/2010 with amendments. Council Bill 72, Draft 2 was introduced by Council Members Dernoga, Exum, Turner, Bland and Dean. Chairman Dernoga directed that the Clerk expedite scheduling of CB-72-2010, Draft 2.

SECOND READING OF BILLS – (INTRODUCTION) – (CONTINUED)

CB-73-2010 (DR-2) - AN ORDINANCE CONCERNING ACCESSORY USES for the purpose of clarifying the definition of Accessory Uses and making associated changes to the Zoning Ordinance related thereto. - **INTRODUCED; EXPEDITED**

Council Member Dean, as Chair of the Planning Zoning and Economic Development Committee (PZED), provided a verbal report of the actions and recommendations of the Committee. Council Bill 73, Draft 2, which amends the Zoning Ordinance concerning accessory uses to clarify the definition of an accessory use, was favorably reported out of PZED on 9/20/2010 with amendments. Council Bill 73, Draft 2 was introduced by Council Member Dernoga. Chairman Dernoga directed that the Clerk expedite scheduling of CB-73-2010, Draft 2.

CB-74-2010 (DR-2) - AN ORDINANCE CONCERNING POSTPONEMENT OF COUNCIL ACTIONS for the purpose of making a clarifying amendment to the time within which the District Council is required to take action and providing for its retroactive application to February 1, 2010. - **INTRODUCED; EXPEDITED**

Council Member Dean, as Chair of the Planning Zoning and Economic Development Committee (PZED), provided a verbal report of the actions and recommendations of the Committee. Council Bill 74, Draft 2, which amends the Zoning Ordinance concerning time limits for the District Council to take action on certain matters to allow an extension of the time limit due to a weather emergency, was favorably reported out of PZED on 9/20/2010 with amendments. Council Bill 74, Draft 2 was introduced by Council Members Dernoga, Exum, Bland and Dean. Chairman Dernoga directed that the Clerk expedite scheduling of CB-74-2010, Draft 2.

CB-70-2010 - AN ACT CONCERNING MOBILE UNITS for the purpose of clarifying the definition and general operation of Mobile Units in the Prince George's County Health Code. - **AMENDED; DR-2 INTRODUCED**

Council Member Turner, as Chair of the Health, Education and Human Services Committee (HEHS), provided a verbal report of the actions and recommendations of the Committee. Council Bill 70, which clarifies the definition and general operation of manually propelled "push" Mobile Units in the Prince George's County Health Code, was favorably reported out of HEHS on 9/22/2010. Council Bill 70 was introduced by Council Members Olson and Turner.

SECOND READING OF BILLS – (INTRODUCTION) – (CONTINUED)

CB-71-2010 - AN ACT CONCERNING VACANT COMMERCIAL PROPERTY REGISTRATION for the purpose of adding the registration requirement provisions of vacant or unoccupied commercial structures with the Department of Environmental Resources. - **INTRODUCED**

Council Member Olson, as Chair of the Transportation, Housing and the Environment Committee (THE), provided a verbal report of the actions and recommendations of the Committee. Council Bill 7, which amends the registration provisions of vacant and unoccupied Commercial structures with the Department of Environmental Resources, was favorably reported out of THE on 9/23/2010. Council Bill 71 was introduced by Council Members Dean, Exum, Turner, Olson, Bland and Dernoga.

CB-80-2010 (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. - **DR-2 SUBSTITUTED; AMENDED; DR-3 INTRODUCED**

Council Member Olson, as Chair of the Transportation, Housing and the Environment Committee (THE), provided a verbal report of the actions and recommendations of the Committee. Council Bill 80, Draft 2, which concerns Storm Water Management for the purpose of providing a model stormwater management ordinance for the County and generally relating to stormwater management in compliance with the Stormwater Management Act of 2007, was favorably reported out of THE on 9/28/2010 with amendments. Council Bill 80, Draft 2 was introduced by Council Members Dernoga and Olson.

CB-85-2010 (DR-2) – AN ACT CONCERNING ANIMAL CONTROL for the purpose of amending the definitions of farm animal and livestock and generally relating to animal control. - **INTRODUCED**

Council Member Olson provided a verbal report of the actions and recommendations of the Committee of the Whole (C.O.W.). Council Bill 85, Draft 2, which amends the definitions of farm animal and livestock in the Animal Control Subtitle, was favorably reported out of C.O.W. on 9/22/2010 with amendments. Council Bill 85, Draft 2 was introduced by Council Members Dean and Dernoga.

SECOND READING OF BILLS – (INTRODUCTION) – (CONTINUED)

CB-92-2010 (DR-2) - AN ORDINANCE CONCERNING AGRICULTURE, AGRITOURISM, EQUINE ACTIVITIES AND EQUINE FACILITY for the purpose of amending the definitions of agriculture and agritourism; adding definitions for equine activities and equine facility; and permitting these uses in certain residential zones and generally relating to these uses. - **AMENDED; DR-3 INTRODUCED**

Jackie Brown, Director of the Planning, Zoning and Economic Development Committee (PZED), provided a verbal report of the actions and recommendations of the Committee of the Whole (COW). Council Bill 92, Draft 2, which amends the definitions of agriculture and agritourism; adds definitions for equine activities and equine facility, and to permits these uses in certain residential zones, was favorably reported out of C.O.W. on 9/22/2010 with amendments. Council Member Exum moved to include amendment number 1; seconded by Council Member Dean. The motion carried by voice vote (Absent: Campos and Olson). Council Member Exum moved to include amendment number 2; seconded by Council Member Dean. The motion carried by voice vote (Absent: Campos and Olson). Council Bill 92, Draft 3, was introduced by Council Members Dean, Bland, Knotts, Exum and Dernoga.

CB-61-2010 (DR-2) – AN ACT CONCERNING HIGH PERFORMANCE BUILDING TAX CREDIT for the purpose of establishing a tax credit for real property meeting certain Leadership in Energy and Environmental Design (LEED) green building rating system certifications. - **INTRODUCED**

Council Member Exum, as Chair of the Public Safety and Fiscal Management Committee (PSFM), provided a verbal report of the actions and recommendations of the Committee. Council Bill 61, Draft 2, which creates a tax credit for real property for high performance buildings, pursuant Section 9-242 of the Tax-Property Article of the Annotated Code of Maryland, as a means of providing energy efficient and green buildings use in the County, was favorably reported out of PSFM on 9/22/2010 with amendments. Council Bill 61, Draft 2 was introduced by Council Members Turner, Harrison and Dernoga.

CB-64-2010 (DR-2) - AN ACT CONCERNING THE BUSINESS INCUBATOR REAL PROPERTY TAX CREDIT for the purpose of amending the tax credit for real property used for publicly supported business incubator programs. - **INTRODUCED**

Council Member Exum, as Chair of the Public Safety and Fiscal Management Committee (PSFM), provided a verbal report of the actions and recommendations of the Committee. Council Bill 64, Draft 2, which amends the provisions of the Real Property Tax Credit for Business Incubator Programs by extending the tax credit to ten (10) consecutive years instead of the currently authorized five (5) consecutive years, was favorably reported out of PSFM on 9/22/2010 with amendments. Council Bill 64, Draft 2 was introduced by Council Member Knotts and Dernoga.

SECOND READING OF BILLS – (INTRODUCTION) – (CONTINUED)**CB-81-2010 - AN ACT CONCERNING THE CLASSIFICATION PLAN FOR PRINCE GEORGE'S COUNTY** for the purpose of eliminating certain obsolete classes of work. - **INTRODUCED**

Council Member Exum, as Chair of the Public Safety and Fiscal Management Committee (PSFM), provided a verbal report of the actions and recommendations of the Committee. Council Bill 81, which eliminates various classes of work that have not been filled by County agencies within the last five (5) years from the County's Classification Plan, was favorably reported out of PSFM on 9/22/2010. Council Bill 81 was introduced by Council Member Dernoga.

CB-84-2010 – AN ACT CONCERNING HOMESTEAD PROPERTY TAX CREDIT for the purpose of establishing the homestead property tax credit for the County property tax for the taxable year beginning July 1, 2011. - **INTRODUCED**

Council Member Exum, as Chair of the Public Safety and Fiscal Management Committee (PSFM), provided a verbal report of the actions and recommendations of the Committee. Council Bill 84, which establishes the homestead property tax credit for the County property tax for the taxable year beginning July 1, 2011, as required by State law, was favorably reported out of PSFM on 9/22/2010. Council Bill 84 was introduced by Council Members Dernoga and Exum.

CB-88-2010 – 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 Thirty-Eight Million Nine Hundred Sixty Thousand Dollars (\$38,960,000) . . . - **INTRODUCED**

Council Member Exum, as Chair of the Public Safety and Fiscal Management Committee (PSFM), provided a verbal report of the actions and recommendations of the Committee. Council Bill 88, which authorizes the County to issue and sell general obligation stormwater management bonds in an amount not to exceed \$38,960,000 for stormwater management projects, and reflects the amount programmed in the FY-2011 approved Capital Budget, was favorably reported out of PSFM on 9/22/2010. Council Bill 88 was introduced by Council Member Exum.

SECOND READING OF BILLS – (INTRODUCTION) – (CONTINUED)

CB-89-2010 - AN ACT CONCERNING CONTRACT APPROVALS for the purpose of approving a multi-year Lease Financing Agreement for the lease/purchase of Snow Removal Equipment and Fire/EMS Ambulances. - **INTRODUCED**

Council Member Exum, as Chair of the Public Safety and Fiscal Management Committee (PSFM), provided a verbal report of the actions and recommendations of the Committee. Council Bill 89, which approves the Lease Financing Agreement for the lease/purchase of 45 pieces of snow removal equipment for use by the Department of Public Works and Transportation and the Office of Central Service and ambulances for use by Fire/EMS Department, was favorably reported out of PSFM on 9/22/2010. Council Bill 89 was introduced by Council Members Exum, Turner, Bland, Dernoga, Dean and Olson.

CB-90-2010 (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 Seventy-Six Million Fifty-Six Thousand (\$76,056,000) . . . - **INTRODUCED**

Council Member Exum, as Chair of the Public Safety and Fiscal Management Committee (PSFM), provided a verbal report of the actions and recommendations of the Committee. Council Bill 90, Draft 2, which provides the authority to issue and sell up to \$76,056,000 in general obligation bonds to finance County, School and Community College capital projects in the FY 2011 Capital Budget, general obligation bond anticipation notes in anticipation of any such bonds, and general obligation refunding bonds, was favorably reported out of PSFM on 9/22/2010 with amendments. Council Bill 90, Draft 2 was introduced by Council Member Exum.

CB-93-2010 – AN ORDINANCE CONCERNING M-X-T for the purpose of amending the regulations for townhouses in the M-X-T Zone under certain circumstances. - **INTRODUCED; EXPEDITED**

Council Bill 93, amends the Zoning Ordinance regulations for townhouses in the M-X-T Zone to allow townhouses proposed for development as condominiums to be substituted for multifamily dwellings originally approved pursuant to a Conceptual Site Plan approved prior to April 1, 2004 subject to approval of the District Council at the time of Detailed Site Plan. Council Bill 93 was introduced by Council Member Turner and referred to the Planning, Zoning and Economic Development Committee (PZED). Chairman Dernoga directed that the Clerk expedite scheduling of CB-93-2010

SECOND READING OF BILLS – (INTRODUCTION) – (CONTINUED)

CB-78-2010 - AN ACT CONCERNING THE ISSUANCE OF SPECIAL OBLIGATION TAX INCREMENT FINANCING BONDS FOR BRANDYWINE CROSSING DEVELOPMENT DISTRICT for the purpose of providing that special obligation tax increment financing bonds may be issued under the provisions of this Act and Sections 12-201 through 12-213 of the Economic Development Article of the Annotated Code of Maryland, as amended (the “Tax Increment Financing Act”) in an aggregate principal amount of Four Million Five Hundred Thousand Dollars (\$4,500,000) . . . - **DISCHARGED FROM PUBLIC SAFETY AND FISCAL MANAGEMENT (PSFM); CONVENED AS COMMITTEE OF THE WHOLE (COW); REPORTED OUT WITH NO RECOMMENDATION; DR-2 SUBSTITUTED; DR-2 INTRODUCED**

(No action taken in PSFM Committee on 9/22/2010)

Council Member Bland moved to discharge Council Bill 78 from the Public Safety and Fiscal Management Committee (PSFM); seconded by Council Member Exum. The motion failed 5-1-1- (Opposed Olson; Abstained: Dernoga; Absent: Campos and Harrison). Later in the agenda, Council Member Bland moved to discharge Council Bill 78 from the Public Safety and Fiscal Management Committee (PSFM); seconded by Council Member Knotts. The motion carried 6-0-1 (Abstained: Dernoga; Absent: Campos and Olson). Chairman Dernoga convened the Committee of the Whole (C.O.W.), wherein William Hunt, Audits and Investigations, provided an overview of the legislation and responded to questions and concerns raised by Council. Council Member Exum moved a committee action of no recommendation; seconded by Council Member Turner. The motion carried 7-0 (Absent: Campos and Olson). Chairman Dernoga reconvened the Council Session. Frank Porter, Director of the Public Safety and Fiscal Management Committee (PSFM), provided a verbal report of the actions and recommendations of the Committee of the Whole (C.O.W.). Council Member Dernoga moved to include amendment number 1; seconded by Council Member Bland. The motion carried by voice vote (Absent: Campos and Harrison). Council Bill 78, Draft 2 was introduced by Council Member Bland.

CB-83-2010 – AN ACT CONCERNING REVITALIZATION TAX CREDITS for the purpose of increasing the maximum amount of eligible improvements per dwelling unit for residential improvements. - **DISCHARGED FROM PUBLIC SAFETY AND FISCAL MANAGEMENT(PSFM); CONVENED AS COMMITTEE OF THE WHOLE (COW); REPORTED OUT WITH NO RECOMMENDATION; INTRODUCED**

(No action taken in PSFM Committee on 9/22/2010)

Council Member Olson moved to discharge Council Bill 83 from the Public Safety and Fiscal Management Committee (PSFM); seconded by Council Member Dean. The motion carried 7-0 (Absent: Campos and Turner). Chairman Dernoga convened the Committee of the Whole (C.O.W.), wherein Council Member, as sponsor of the Bill spoke to the merits of the legislation. Concerns were raised by Council Members Exum, Turner, Dernoga and Dean (See Administrative Day File for detailed Clerk’s notes). Council Member Exum moved a committee action of no recommendation; seconded by Council Member Knotts. The motion carried 8-0 (Absent: Campos). Chairman Dernoga reconvened the Council Session. Frank Porter, Director of the Public Safety and Fiscal Management Committee (PSFM), provided a verbal report of the actions and recommendations of the Committee of the Whole (C.O.W.). Council Bill 83 was introduced by Council Member Olson.

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

CR-62-2010 - A RESOLUTION CONCERNING YOUTH AND GANG VIOLENCE PREVENTION STEERING COMMITTEE

for the purpose of establishing the Youth and Gang Violence Prevention Steering Committee to encourage continued coordination and intra-governmental collaboration with nonprofit organizations, law enforcement, and the education community working towards the prevention, intervention, and suppression of youth and gang violence. - **ADOPTED**

(Introduced by Council Members Olson, Harrison, Dean, Dernoga, Exum, Bland, Knotts, Campos and Turner on 7/13/2010; favorably reported out of HEHS on 9/22/2010)

Council Member Turner, as Chair of the Health, Education and Human Services Committee (HEHS), provided a verbal report of the actions and recommendations of the Committee. Council Member Olson moved adoption of Council Resolution 62; seconded by Council Member Turner. The motion carried 8-0 (Absent: Campos).

CR-70-2010 (DR-2) – A RESOLUTION CONCERNING FY 2002-2011 TEN YEAR SOLID WASTE MANAGEMENT PLAN for the purpose of amending the Prince George's County FY 2002-2011 Solid Waste Management Plan by adding the Brandywine Recycling Center located at 14167, 14169 and 14175 Brandywine Road, Brandywine, Maryland. - **DR-2 SUBSTITUTED; ADOPTED**

(Introduced by Council Member Bland on 7/13/2010; public hearing held on 9/21/2010; favorably reported out of THE on 9/23/2010 with amendments)

Council Member Olson, as Chair of the Transportation, Housing and the Environment Committee (THE), provided a verbal report of the actions and recommendations of the Committee. Council Member Exum moved to substitute Draft 2 of Council Resolution 70 in lieu of Draft 1; seconded by Council Member Olson. The motion carried by voice vote (Absent: Campos). Council Member Bland moved adoption of Council Resolution 70, Draft 2; seconded by Council Member Olson. The motion carried 8-0 (Absent: Campos).

CR-84-2010 – A RESOLUTION CONCERNING NEIGHBORHOOD BUSINESSWORKS PROGRAM

for the purpose of supporting the financing of the Potomac Gourmet Pantry under the Neighborhood BusinessWorks Program of the Maryland Department of Housing and Community Development. - **ADOPTED**

(Introduced by Council Member Harrison on 9/21/2010; favorably reported out of THE on 9/23/2010)

Council Member Olson, as Chair of the Transportation, Housing and the Environment Committee (THE), provided a verbal report of the actions and recommendations of the Committee. Council Member Harrison moved adoption of Council Resolution 84; seconded by Council Member Bland. The motion carried 8-0 (Absent: Campos).

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

CR-77-2010 – A RESOLUTION CONCERNING LOANS TO VOCUS, INC. (“VOCUS”) FROM THE MARYLAND ECONOMIC DEVELOPMENT ASSISTANCE FUND (“MEDAF”) AND PRINCE GEORGE’S COUNTY, MARYLAND (THE “COUNTY”)

for the purpose of endorsing a loan not to exceed \$400,000 to Vocus from MEDAF and authorizing a loan by the County to Vocus not to exceed \$40,000 for eligible project costs associated with leasing a facility in the County and capital expenditures. - **ADOPTED**

(Introduced by Council Member Dernoga on 9/7/2010; favorably reported out of PSFM on 9/22/2010)

Council Member Exum, as Chair of the Public Safety and Fiscal Management Committee (PSFM), provided a verbal report of the actions and recommendations of the Committee. Council Member Knotts moved adoption of Council Resolution 77; seconded by Council Member Olson. The motion carried 8-0 (Absent: Campos).

6. **BILLS ELIGIBLE FOR FINAL READING - (ENACTMENT)**

CB-40-2010 (DR-2) - AN ACT CONCERNING SECONDHAND AND PAWN DEALERS

for the purpose of further clarifying the definition of tangible personal property and general regulations as it relates to the second hand dealer licensing. - **AMENDED; DR-3 ENACTED**

(Favorably reported out of THE on 7/8/2010 with amendments; introduced by Council Members Olson, Dernoga, Harrison, Bland, Turner, Exum and Knotts on 7/13/2010; public hearing held on 9/7/2010)

Council Member Olson moved enactment of Council Bill 40, Draft 2; seconded by Council Member Harrison. Council Member Olson proffered a substitute motion to include amendment 1; seconded by Council Member Knotts. The substitute motion carried by voice vote (Absent: Campos). The main motion, now for enactment of Council Bill 40, Draft 3 carried by roll call vote of 8-0 (Absent: Campos).

DISTRICT COUNCIL ITEMS

(SEE SEPARATE AGENDA MINUTES)

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

There were no requests to address the Council.

ADJOURNED - Chair Dernoga adjourned the meeting at 1:31 p.m.

Prepared by:

Submitted by:

Donna J. Brown, Deputy Clerk

Redis C. Floyd, Clerk of the Council