

Prince George's County Council

Agenda Item Summary

Meeting Date: 4/18/2006
Reference No.: CR-020-2006
Draft No.: 2
Proposer(s): Campos
Sponsor(s): Campos
Item Title: A Resolution to approve a partial waiver of the adequate public safety facilities surcharge for all residential units within the EYA Hyattsville Redevelopment Project.

Drafter: Steven M. Gilbert, Principal Counsel
Resource Personnel: Bradley W. Frome, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	Executive Action:
Committee Referral: 3/14/2006 - PSFM	Effective Date:
Committee Action: 3/22/2006 - FAV(A)	
Date Introduced: 3/14/2006	
Public Hearing:	
Council Action (1) 4/18/2006 - ADOPTED	
Council Votes: MB:A, WC:A, SHD:A, TD:A, CE:A, DCH:A, TH:-, TK:A, DP:A	
Pass/Fail: P	
Remarks:	

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

PUBLIC SAFETY AND FISCAL MANAGEMENT

Date 3/22/2006

Committee Vote: Favorable as amended, 4-0, (In favor: Councilmembers Peters, Campos, Dean and Knotts.)

This resolution will approve a waiver of the adequate public safety facilities surcharge for all residential units within the mixed-use development project known as the EYA Hyattsville Redevelopment (Phase I) and located within the County's developed tier.

This project located on 6.77 acres is a mixed-use development with 124 single-family attached (townhouse) units, 13 residential studio (line-work) units and 6,610 square feet of community space.

Because of the importance of the Hyattsville area generally and the US1 corridor in Hyattsville, the EYA Redevelopment project will have numerous positive effects on the business and residential environment in this area. Therefore, the adequate public safety surcharge required as a result of CB-55-2005 and CR-56-2005 should be waived. This will allow building permits to be issued for the residential dwelling units within the project without payment of the surcharge.

The Legislative Officer advised the Committee that there was no legislative authority to provide any form of partial

waiver and that payment of the municipal portion of surcharge was stated as a percentage of the waiver. Accordingly, there is no authority to pay the City of Hyattsville its full portion of the surcharge. The Office of Law concurred in this assessment. Conversely, the Chairman of PSFM noted that there was no legislative language prohibiting a partial waiver and that the matter will be defined by the County Council and County Executive on a case-by-case basis.

The Office of Law requested that a line be added for the signature of the County Executive.

The resolution was amended as follows:

1. On page 1, line 3, add “partial” before “waiver”
2. On page 2, line 18, 21 and 28, add “partially” before “waiver”
3. On page 2, line 24, add “partial” before “waiver”
4. On page 3, delete lines 1-3 and add:

The PSFM Committee was advised that the sponsor of House Bill 1129 (Prince George’s County - Public Safety Surcharge) had requested an opinion from the Attorney General’s Office on whether the waiver provision of HB 1129 permits the County to waive the surcharge on some percentage of the units in a development rather than all or none of them. In a letter dated April 17, 2005, Assistant Attorney General Kathryn M. Rowe stated that Prince George’s County has the authority to partially waive the public safety surcharge in the developed tier. A copy of the opinion is attached for the record.

As a result of the partial waiver of the adequate public facilities surcharge fee, the negative fiscal impact on the County will be reduced from \$274,000 to \$32,469 for Phase I and \$94,000 for Phase II of this project.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

The Resolution approves a waiver of the adequate public safety facilities surcharge for the EYA Hyattsville Redevelopment Project on US 1. The County's governing body (Council and Executive) is authorized to approve such waivers within the Developed Tier.

CODE INDEX TOPICS:

INCLUSION FILES:
