

# ***ACTION AGENDA***

**Tuesday, November 15, 2011**

**Legislative Day No. 27**

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

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

**10:13 A.M.                    PRESENTATION OF PROCLAMATIONS/COMMENDATIONS – COUNCIL HEARING ROOM)**

*Presented*                    **PROCLAMATION** presented to **Dr. William R. Hite, Superintendent of Schools, and Members of the Prince George's County School Board**, recognizing the week of November 13-19, 2011, as ***"Education Week"*** in Prince George's County. (Council Member Derrick Leon Davis, Council Chair Ingrid M. Turner and Council Members Will A. Campos, Eric C. Olson, Obie Patterson, Mary A. Lehman and Mel Franklin)

*Presented*                    **PROCLAMATION** presented to **Dr. Charlene Dukes, President, Prince George's Community College**, recognizing Prince George's Community College on being named the ***"White House Champion for Change"*** in Prince George's County. (Council Member Derrick Leon Davis, Council Chair Ingrid M. Turner and Council Members Will A. Campos, Eric C. Olson, Andrea C. Harrison, Karen R. Toles, Obie Patterson and Mel Franklin)

*Presented*                    **PROCLAMATION** presented to **Samuel Wynkoop, Jr., Director, Department of Environmental Resources**, recognizing the month of November 2011, as ***"County Recycle Month"*** in Prince George's County. (Council Chair Ingrid M. Turner, Council Vice Chair Eric C. Olson and Council Members Will A. Campos, Derrick Leon Davis, Andrea C. Harrison, Karen R. Toles, Mel Franklin )

**10:33 A.M.                    CALL TO ORDER**

**INVOCATION:** Ms. Angela J. Rouson, County Employee

**PLEDGE OF ALLEGIANCE**

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) Approval of County Council Minutes dated May 11, 2011.

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

*None*

3. **PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT -- 3(a) and 3(b) added; (see page 9)**

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

*Public hearing held, enacted*

**CB-16-2011 (DR-3) – AN ACT CONCERNING CONTRACTS** for the purpose of amending the Code to allow the use of Project Labor Agreements on County constructions projects of \$1,000,000.

(Introduced by Council Members Toles, Franklin, Harrison, Turner, Patterson, Olson and Lehman on 10/18/2011; favorably reported out of PSFM on 10/5/2011 with amendments)

*Public hearing held; amended; DR-4 enacted*

**CB-17-2011 (DR-3) - AN ACT CONCERNING ECONOMIC DEVELOPMENT AND LOCAL EMPLOYMENT** or the purpose of enhancing the County’s economic development by creating bidding preferences and participation requirements for County-based businesses and County-based small businesses on certain procurement contracts for goods and services with the County; establishing a First Source Hiring Program; requiring “best efforts” for meeting a certain local hiring percentage goal for positions on certain procurement projects funded by the County, requiring submission of quarterly audit reports, maintaining a first source registry, providing for penalties and exemptions to the program; authorizing the use of Community Benefit Agreements on County assisted developments that receive a public benefit of a value greater than \$3,000,000 with certain exceptions; authorizing Labor Peace Agreements for developments receiving a public benefit of a value greater than \$1,000,000 with

certain exceptions; giving priority to County-based Minority Business Enterprises in all Minority Business Enterprise goals for minority contracting and purchasing; requiring subcontracting plans for certain contracts and generally relating to economic development in the County.

(Introduced by Council Members Franklin, Harrison, Turner, Patterson, Olson and Lehman on 10/18/2011; favorably reported out of PSFM on 10/12/2011 with amendments)

**AMENDMENT #1 TO CB-17-2011 (DR-3)**

*Public hearing held; amended; DR-4 enacted*

**CB-21-2011 (DR-3) - AN ACT CONCERNING NOISE CONTROL** for the purpose of authorizing the Director of Environment Resources to administer and enforce the County’s noise control program, adopting by reference certain provisions of the Maryland Department of Environmental Noise Regulations, providing a standard of measurement of permissible noise levels in a residential area under certain conditions, and providing civil penalties for violations of this section.

(Introduced by Council Members Olson, Turner, Franklin, Patterson, Lehman, Campos and Toles on 10/18//2011; favorably reported out of THE on 10/13/2011 with amendments)

**AMENDMENT #1 TO CB-21-2011 (DR-2)**

*Public hearing held; enacted*

**CB-29-2011 (DR-2) – 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.

(Introduced by Council Members Franklin, Lehman, Patterson and Toles on 10/4/2011; favorably reported out of PZED on 9/21/2011 with amendments)

*Public hearing held; amended; DR-2 enacted*

**CB-30-2011 (SUBDIVISION BILL) - AN ACT CONCERNING SUBDIVISIONS – ENVIRONMENTAL REGULATIONS** for the purpose of amending certain definitions, revising certain regulations, and clarifying grandfather provisions concerning environmental features in the Subdivision Ordinance.

(Introduced by Council Member Turner on 10/4/2011; favorably reported out of PZED on 9/7/2011)

**AMENDMENT #1 TO CB-30-2011**

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

*Public hearing held; enacted*

**CB-32-2011 (DR-2) - AN ACT CONCERNING TREES AND VEGETATION - WOODLAND AND WILDLIFE HABITAT CONSERVATION ORDINANCE**

for the purpose of adding or amending certain definitions and otherwise clarifying applicability and certain regulatory requirements of the Woodland and Wildlife Habitat Conservation Ordinance.

(Introduced by Council Member Lehman on 10/4/2011; favorably reported out of THE on 9/23/2011 with amendments)

*Public hearing held; enacted*

**CB-33-2011 (DR-2) - AN ACT CONCERNING TREES AND VEGETATION – TREE CANOPY ORDINANCE**

for the purpose of clarifying applicability requirements, amending regulations, providing certain exemptions, and codifying waiver procedures from requirements of the Tree Canopy Ordinance.

(Introduced by Council Member Turner on 10/18/2011; favorably reported out of THE on 10/13/2011 with amendments)

*Public hearing held; enacted*

**CB-34-2011 (DR-2) - AN ORDINANCE CONCERNING NATURAL RESOURCE INVENTORIES**

for the purpose of clarifying the definition of Natural Resource Inventory, amending environmental submission requirements and required findings concerning applications for certain zoning map amendments, permits, conceptual site plans, detailed site plans, and clarifying applicability requirements in the Zoning Ordinance. (Zoning Bill)

(Introduced by Council Member Turner on 10/4/2011; favorably reported out of PZED on 9/21/2011 with amendments)

*Public hearing held; enacted*

**CB-40-2011(DR-2) - AN ACT CONCERNING PARKING PERMIT AREAS DESIGNATION BY PETITION**

for the purpose of providing for the provision of parking permit areas designated by petition of the residents; providing for ineligibility within a designated parking permit area; providing for exemptions within a designated parking permit area; providing for the issuance of permits requiring the Prince George’s Revenue Authority to promulgate regulations for the administration of parking permit areas by petition; and generally relating to parking permit areas designated by petition.

(Introduced by Council Members Campos, Turner, Toles, Franklin, Patterson, Olson and Lehman on 10/18/2011; favorably reported out of THE on 10/13/2011 with amendments)

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

*Public hearing held; enacted*

**CB-41-2011 (DR-2) – AN ORDINANCE CONCERNING SITE PLANS – COMPREHENSIVE DESIGN PLANS AND SPECIFIC DESIGN PLANS - MASTER PLANS – REQUIRED REFERRALS** for the purpose of requiring the Planning Board to refer Conceptual Site Plan, Detailed Site Plan, Comprehensive Design Plan, Specific Design Plan, and Master Plan proposals to the Prince George’s County Health Department for a health impact assessment review identifying the health impacts or implications of proposed development on the community, and establishing referral requirements for Specific Design Plan applications.

(Introduced by Council Members Turner, Toles, Patterson and Lehman on 10/18/2011; favorably reported out of PZED on 10/11/2011 with amendments)

*Public hearing held; enacted*

**CB-43-2011 - AN ACT CONCERNING MINORITY BUSINESS ENTERPRISE CERTIFICATIONS** for the purpose of amending provisions of the County Code to allow issuance of minority business enterprise certifications to entities at least fifty-one percent (51%) owned by minority individuals; add Native Americans to the definition of minority individuals; refine the definitions of certain groups identified in the definition of minority individuals; and generally relating to certifications of minority business enterprises and generally relating to certifications of minority business enterprises.

(Introduced by Council Members Turner, Franklin, Toles, Patterson, Olson and Campos on 10/18/2011; favorably reported out of PSFM on 10/5/2011)

*Public hearing held; no action taken*

**CB-44-2011 (DR-2) - AN ACT CONCERNING CODE OF ETHICS** for the purpose of amending the Code of Ethics in order to comply with State law.

(Introduced by Council Member Turner on 10/18/2011; reported out of C.O.W. on 10/18/2011 with no recommendation with amendments)

*Public hearing held; enacted*

**CB-48-2011 - AN ACT CONCERNING INTRADEPARTMENTAL TRANSFER OF APPROPRIATIONS AND SUPPLEMENTARY APPROPRIATIONS** for the purpose of transferring General Fund Non-Departmental appropriations from Contingencies to Grants and Transfer Payments in order to provide funds for a transfer to the Special Revenue Fund for Economic Development Incentive and declaring additional revenue and appropriating to the Internal Service Fund and Special Revenue Fund to provide for costs that were not anticipated and included in the Approved Fiscal Year 2012 Budget.

(Introduced by Council Members Turner, Franklin, Toles and Campos on 10/18/2011; favorably reported out of PSFM on 10/5/2011)

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

*Public hearing held; Tabled*

**CB-49-2011 (DR-2) – AN ORDINANCE CONCERNING VIDEO LOTTERY FACILITIES** for the purpose of prohibiting video lottery facilities in Prince George's County.

(Introduced by Council Members Olson, Campos, Harrison and Lehman on 10/18/2011; favorably reported out of PZED on 10/11/2011 with amendments)

*Public hearing held; enacted*

**CB-51-2011 (DR-2) - AN ORDINANCE CONCERNING CAR SHARING – MIXED USED AND OVERLAY ZONES – PARKING INCENTIVES** for the purpose of providing incentives for car sharing facilities in the Mixed Use, Transit District, and Development District Overlay Zones.

(Introduced by Council Members Olson, Campos, Franklin, Toles, and Lehman on 10/18/2011; favorably reported out of PZED on 10/11/2011 with amendments)

*Public hearing held; enacted*

**CB-53-2011 (DR-2) - AN ORDINANCE CONCERNING THE TRANSIT DISTRICT OVERLAY ZONE** for the purpose of amending the regulations for the Transit District Overlay Zone to include adequate public facilities review under certain circumstances.

(Introduced by Council Members Olson, Turner and Lehman on 10/18/2011; favorably reported out of PZED on 10/11/2011 with amendments)

*Public hearing held; enacted*

**CB-55-2011 - AN ORDINANCE CONCERNING NURSING OR CARE HOMES** for the purpose of allowing Nursing or Care Homes in the R-80 Zone under certain circumstances.

(Introduced by Council Member Olson on 10/18/2011; favorably reported out of PZED on 10/5/2011)

*Public hearing held; enacted*

**CB-56-2011 (DR-3) - AN ORDINANCE CONCERNING USE AND OCCUPANCY PERMITS** for the purpose of amending the definitions, and amending the requirements, for certain commercial or industrial uses in Commercial and Industrial Zones.

(Introduced by Council Members Olson, Turner, Toles, Lehman, Franklin, Campos and Patterson on 10/18/2011; favorably reported out of PZED on 10/5/2011 with amendments)

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

*Public hearing held; enacted*

**CB-57-2011 (DR-2) – AN ACT CONCERNING CODE ENFORCEMENT AND PENALTIES** for the purpose of making amendments to certain code enforcement provisions related to violations, fines and appeals in the County; and generally relating to code enforcement.

(Introduced by Council Members Lehman, Turner, Franklin, Toles, Patterson and Olson on 10/18/2011; favorably reported out of THE on 10/13/2011 with amendments)

*Public hearing held; enacted*

**CB-58-2011 (DR-2) – AN ACT CONCERNING VACANT RESIDENTIAL AND COMMERCIAL PROPERTY MAINTENANCE** for the purpose of amending registration requirements; providing maintenance standards for residential and commercial property subject to foreclosure; providing for enforcement by the Department of Environmental Resources; and generally relating to maintenance of foreclosed property.

(Introduced by Council Members Patterson, Turner, Franklin, Toles, Harrison, Olson, Lehman and Campos on 10/18/2011; favorably reported out of THE on 10/13/2011 with amendments)

*Public hearing held; enacted*

**CB-61-2011 (DR-2) – AN ACT CONCERNING PROSTITUTION FREE ZONES** for the purpose of establishing Prostitution Free Zone and enforcement provisions.

(Introduced by Council Members Harrison, Franklin, Toles, Patterson, Olson, Lehman and Campos on 10/18/2011; favorably reported out of PSFM on 10/5/2011 with amendments)

*Public hearing held; Tabled*

**CB-62-2011 - AN ORDINANCE CONCERNING COMMERCIAL ZONES - DEPARTMENT OR VARIETY STORES** for the purpose of amending the maximum permitted gross floor area for Department or Variety Stores.

(Introduced by Council Members Patterson, Olson, Franklin and Lehman on 10/18/2011; favorably reported out of PZED on 10/11/2011)

**AMENDMENT # 1 TO CB-62-2011**

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

*Public hearing held; enacted*

**CB-63-2011 (DR-2) - AN ORDINANCE CONCERNING ZONING CODE ENFORCEMENT AND PENALTIES** for the purpose of making amendments to certain code enforcement provisions related to violations, fines and appeals in the County; and generally relating to zoning code enforcement.

(Introduced by Council Members Lehman, Turner, Franklin, Toles, Patterson and Olson on 10/18/2011; favorably reported out of PZED on 10/11/2011 with amendments)

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

*Adopted*

**CR-63-2011 - A RESOLUTION CONCERNING PROCUREMENT REGULATIONS REGARDING MINORITY BUSINESS ENTERPRISES** For the purpose of approving amendments to the Prince George’s County Procurement Regulations to add Native Americans to the definition of minority individuals and refine the definitions of certain groups identified in the definition of minority individuals.

(Introduced by Council Members Campos and Olson on 9/27/2011; favorably reported out of PSFM on 10/5/2011)

*DR-2 substituted; adopted*

**CR-78-2011 (DR-2) – A RESOLUTION CONCERNING HIGH-CAPACITY FIXED-ROUTE MASS TRANSIT SERVICE IN THE MD 5/US 301 CORRIDOR** for the purpose of expressing the County Council’s continued support for the development of new high-capacity, fixed-route transit service on the 18.8-mile MD Route 5/US 301 corridor alignment between the Branch Avenue Metrorail Station in Prince George’s County and Waldorf/White Plains in Charles County.

(Introduced by Council Members Franklin, Patterson, Harrison, Olson, Lehman and Campos; favorably reported out of C.O.W. on 11/8/2011 with amendments)

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

*Adopted*

**CR-79-2011 - 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 by Council Members Turner, Harrison, Lehman, Campos and Franklin on 11/8/2011; favorably reported out of C.O.W. on 11/8/2011)

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

*Adopted*

**CR-80-2011 - A RESOLUTION CONCERNING STATE OF MARYLAND COMMUNITY LEGACY PROGRAM** for the purpose of approving the application by Prince George’s County, Maryland, to the Maryland Department of Housing and Community Development for funding through the Community Legacy Financial Assistance Fund.

(Introduced by Council Members Franklin and Patterson on 11/8/2011; favorably reported out of C.O.W. on 11/8/2011)

*Adopted*

**CR-81-2011 - A RESOLUTION CONCERNING COMPENSATION AND BENEFITS GENERAL SCHEDULE EMPLOYEES - SALARY SCHEDULE G** for the purpose of amending the Salary Plan of the County to reflect modified benefits for General Schedule Employees.

(Introduced by Council Members Turner, Patterson, Harrison and Lehman on 11/8/2011; favorably reported out of C.O.W. on 11/8/2011)

**ADDITIONS TO THE AGENDA**

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

*Chair authorized to sign* (a) Proposed correspondence to Mr. Michael J. Frenz, Executive Director, Maryland Stadium Authority, expressing the County Council’s support to study the market and economic feasibility of a lacrosse complex in Prince George’s County.

*Chair authorized to sign* (b) Proposed joint signature letter to Mr. Robert F. Scholtz, Esq., Chairman, State Ethics Commission, concerning the Prince George’s County compliance with Chapter 277, Laws of Maryland 2010.

**ADDITIONS TO THE AGENDA – (CONTINUED)**

6. **INTRODUCTION AND ADOPTION OF RESOLUTIONS**

*Introduced; rules  
suspended;  
adopted*

**CR-82-2011 - A RESOLUTION CONCERNING PRINCE GEORGE’S COUNTY GREEN BUSINESS ADVISORY BOARD** for the purpose extending the reporting date for the Prince George’s Green Business Advisory Board to review and evaluate the County’s green business opportunities and to recommend appropriate policies and regulations to implement a green business tax credit program in the County.

*Introduced by Council Members Olson, Turner, Patterson, Franklin, Campos and Lehman*

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

*Introduced;  
convened into  
C.O.W.;  
favorable  
recommendation;  
adopted*

**CR-83-2011 - A RESOLUTION CONCERNING VIDEO LOTTERY TERMINAL FACILITIES** for the purpose of expressing support for conditioning the approval of any location of video lottery terminal facilities in Prince George’s County on the preference designated by a majority of County voters in a statewide referendum on video lottery terminal facilities.

*Introduced by Council Members Turner, Davis, Franklin, Patterson and Toles*

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

7. **DISTRICT COUNCIL ITEM**

*(SEE SEPARATE ACTION AGENDA)*

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

*None*

**4:55 P.M.**

**ADJOURN**

**REMINDERS**

Wed., Nov. 16, 2011	7:00 -9:00 p.m.	<b>TOWN HALL MEETING - ECONOMIC DEVELOPMENT “DEVELOPING GREAT OPPORTUNITIES IN PRINCE GEORGE’S COUNTY” – (Gwynn Park Middle School, 8000 Dyson Road, Brandywine, MD)</b>
Tues., Dec. 6, 2011	11:00 a.m.	County Council Call to Order (Council Hearing Room) EXCHANGE OF GAVEL
Tues., Jan.17, 2012		Anticipated 1 <sup>st</sup> County Council Session of 2012
Mon., Jan. 23, 2012		Anticipated 1 <sup>st</sup> District Council Session of 2012