



Prince George's County Council

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

Meeting Minutes - Final County Council

Mel Franklin, District 9, Chairman
Will A. Campos, District 2, Vice Chair
Derrick Leon Davis, District 6
Andrea C. Harrison, District 5
Mary A. Lehman, District 1
Eric C. Olson, District 3
Obie Patterson, District 8
Karen R. Toles, District 7
Ingrid M. Turner, District 4

Robert J. Williams, Jr., Council Administrator

Tuesday, September 2, 2014

1:30 PM

Council Hearing Room

1:00 P.M. - AGENDA BRIEFING - (ROOM 2027)

1:30 P.M. - CALL TO ORDER - (COUNCIL HEARING ROOM)

The meeting was called to order at 1:44 p.m. with seven members present at roll call.

Present: 7 - Chairman Mel Franklin
Vice Chair Will Campos
Council Member Derrick Davis
Council Member Mary Lehman
Council Member Eric Olson
Council Member Obie Patterson
Council Member Karen Toles

Absent: 2 - Council Member Andrea Harrison
Council Member Ingrid Turner

Also present:

*Robert J. Williams, Jr. Council Administrator
William M. Hunt, Jr., Deputy Council Administrator
Redis C. Floyd, Clerk of the Council
Donna J. Brown, Deputy Clerk of the Council
Nathaniel Tutt, III, County Executive's Office
Lisa Jackson, County Executive's Office
Lakeecia Allen, Office of Law
Kathleen Canning, Legislative Officer
Colette Gresham, Legislative Officer
Todd Turner, Legislative Officer*

INVOCATION:

The Invocation was provided by Pastor Victor L. Furr, Victorious Life of Faith Church, District Heights, Maryland. Council Member Lehman requested prayer for Kathleen Pantano as she recovers from surgery. Council Member Olson requested prayer for the family involved in a fatal accident in Riverdale. Council Member Toles requested prayer for students as they return to school.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice-Chair Campos.

LEGISLATIVE DAY NO. 24

1. CONSENT AGENDA

A motion was made by Council Member Olson, seconded by Council Member Lehman, that the Consent Agenda be adopted and all actions approved. The motion carried by the following vote:

Aye: 7 - Franklin, Campos, Davis, Lehman, Olson, Patterson and Toles

Absent: 2 - Harrison and Turner

(a) Approval of County Council Minutes dated July 23, 2014.

These minutes were approved.

CONSENT AGENDA - (CONTINUED)**(b) First Reading of Bills (Presentation)**

CB-064-2014

AN ORDINANCE CONCERNING CHESAPEAKE BAY CRITICAL AREA –VARIANCES - PROCEDURE - BOARD OF ZONING APPEALS for the purpose of providing specific authority to the Board of Zoning Appeals to grant variances from the requirements of Subtitle 5B of the Prince George’s County Code for property located within the Chesapeake Bay Critical Area of the County, providing certain procedural requirements for the exercise of said power and duty by the Board of Zoning Appeals, and making certain clarifying amendments relating to variances for property located within the Chesapeake Bay Critical Area of the County.

This Council Bill was presented by the Chairman, by request of the Planning Board, and referred to the Planning, Zoning and Economic Development Committee

CB-065-2014

AN ACT CONCERNING CHESAPEAKE BAY CRITICAL AREA for the purpose of amending the development standards for properties located within the Chesapeake Bay Critical Area of the County and clarifying the authority of the Board of Zoning Appeals to grant variances from the requirements of Subtitle 5B of the County Code for property located within the Chesapeake Bay Critical Area of the County.

This Council Bill was presented by the Chairman, by request of the Planning Board, and referred to the Planning, Zoning and Economic Development Committee

CB-066-2014

AN ACT CONCERNING TREE CANOPY COVERAGE ORDINANCE - EXEMPTIONS for the purpose of providing certain exemptions from requirements of the Tree Canopy Coverage Ordinance set forth in Subtitle 25 of the of the County Code for properties located within the Chesapeake Bay Critical Area Overlay Zones of the County.

This Council Bill was presented by the Chairman, by request of the Planning Board, and referred to the Planning, Zoning and Economic Development Committee

CONSENT AGENDA - (CONTINUED)**CB-067-2014**

AN ACT CONCERNING LOCAL ECONOMIC OPPORTUNITY for the purpose of enhancing the County's economic development by expanding the applicability of procurement assistance for County-based minority businesses, County-based businesses, and minority businesses; establishing a "County-located business" certification; and prescribing requirements and assistance for certified County-located businesses.

This Council Bill was presented by Council Members Franklin, Davis and Turner and referred to the Public Safety and Fiscal Management Committee

CB-071-2014

AN ORDINANCE CONCERNING WATERLESS AUTOMOBILE DETAILING IN THE C-S-C ZONE for the purpose of defining Waterless Automobile Detailing and providing for Waterless Automobile Detailing as a permitted use in the Commercial Shopping Center (C-S-C) Zone, under certain circumstances.

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

(c) Introduction of Resolutions**CR-079-2014**

A RESOLUTION CONCERNING STATE OF MARYLAND COMMUNITY INVESTMENT TAX CREDIT PROGRAM for the purpose of approving the project submitted by the Ivy Community Charities of Prince George's County, Inc. to the Maryland Department of Housing and Community Development for participation in the Department's Community Investment Tax Credit Program.

This Resolution was introduced by Council Members Lehman, Franklin, Toles, Davis and Patterson and referred to the Transportation, Housing and the Environment Committee

CR-080-2014

A RESOLUTION CONCERNING STATE OF MARYLAND COMMUNITY LEGACY PROGRAM for the purpose of approving the application submitted by CASA de Maryland, Inc. to the Maryland Department of Housing and Community Development for Community Legacy Program funds in the approximate amount of \$131,264.11.

This Resolution was introduced by Council Members Lehman, Olson, Franklin, Campos, Davis and Patterson and referred to the Transportation, Housing and the Environment Committee

CR-081-2014

A RESOLUTION CONCERNING STATE OF MARYLAND COMMUNITY INVESTMENT TAX CREDIT PROGRAM for the purpose of approving the project to be 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.

This Resolution was introduced by Council Members Lehman, Olson, Franklin, Campos, Davis and Patterson and referred to the Transportation, Housing and the Environment Committee

ADDITIONS TO THE AGENDA

A motion was made by Council Member Davis, seconded by Council Member Olson, to accept the additions package. The motion carried by the following vote:

Aye: 7 - Franklin, Campos, Davis, Lehman, Olson, Patterson and Toles

Absent: 2 - Harrison and Turner

CONSENT AGENDA - (CONTINUED)

(b) First Reading of Bills (Presentation)

CB-072-2014

AN ORDINANCE CONCERNING HOME OCCUPATIONS for the purpose of amending the definition of Home Occupation to include the practice of acupuncture.

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

2. CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

There were no items considered.

3. PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT

There were no items considered.

4. SECOND READING OF BILLS – (INTRODUCTION)**CB-068-2014**

AN ACT CONCERNING COMPENSATION OF ELECTED OFFICIALS for the purpose of administratively codifying determinations of the Compensation Review Board, in accordance with procedures set forth in the Charter and in compliance with State law, including the Compensation Review Board’s recommendations to amend the compensation of the County Executive and County Council members, including for the Chair and Vice-Chair of the County Council; codifying the Compensation Review Board’s recommendations to provide for an increase in the County contribution to a certain Plan for the County Executive and County Council members; making certain references to State law; and generally relating to the compensation of elected officials.

This Council Bill was introduced by Chairman Franklin and referred to the Committee of the Whole

RECESS

The meeting went into recess at 1:54 p.m.

COMMITTEE OF THE WHOLE - (COUNCIL HEARING ROOM)

The Committee of the Whole convened at 1:55 p.m.

CB-068-2014

AN ACT CONCERNING COMPENSATION OF ELECTED OFFICIALS for the purpose of administratively codifying determinations of the Compensation Review Board, in accordance with procedures set forth in the Charter and in compliance with State law, including the Compensation Review Board’s recommendations to amend the compensation of the County Executive and County Council members, including for the Chair and Vice-Chair of the County Council; codifying the Compensation Review Board’s recommendations to provide for an increase in the County contribution to a certain Plan for the County Executive and County Council members; making certain references to State law; and generally relating to the compensation of elected officials.

COMMITTEE RECOMMENDATION: FAVORABLE

Kathleen Canning, Legislative Officer, provided an overview of the legislation. She and Robert J. Williams, Jr. Council Administrator, responded to questions regarding the timing of and increase amounts proposed within the bill. Council Member Davis moved a favorable committee recommendation; seconded by Council Member Toles. The motion carried 7-0 (Absent: Council Members Harrison and Turner).

RECONVENE

The meeting reconvened at 2:08 p.m.

4. SECOND READING OF BILLS – (INTRODUCTION) - (CONTINUED)

CB-069-2014 **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, 2015.

This Council Bill was introduced by Council Members Lehman, Davis and Patterson and referred to the Committee of the Whole

CB-070-2014 **AN ORDINANCE CONCERNING ELEEMOSYNARY OR PHILANTHROPIC INSTITUTIONS IN THE O-S AND R-E ZONE** for the purpose of providing an exception to the special exception requirement for eleemosynary or philanthropic institutions in the Open Space (O-S) and Residential - Estate (R-E) Zones, under certain circumstances.

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

5. INTRODUCTION AND ADOPTION OF RESOLUTIONS - (CR-83 ADDED TO AGENDA)

CR-082-2014 **A RESOLUTION CONCERNING STATE OF MARYLAND COMMUNITY LEGACY PROGRAM** for the purpose of approving the application submitted by the Redevelopment Authority of Prince George's County to the Maryland Department of Housing and Community Development for Community Legacy Program funds in the approximate amount of \$500,000.00.

This Resolution was introduced by Council Members Lehman, Franklin, and Patterson.

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

Aye: 7 - Franklin, Campos, Davis, Lehman, Olson, Patterson and Toles

Absent: 2 - Harrison and Turner

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

Aye: 7 - Franklin, Campos, Davis, Lehman, Olson, Patterson and Toles

Absent: 2 - Harrison and Turner

CR-083-2014 **A RESOLUTION CONCERNING PRINCE GEORGE'S COUNTY**

CONSTRUCTION AND DEMOLITION DIVERSION WORK GROUP for the purpose of extending the reporting deadline for the Prince George's County Construction and Demolition Diversion Work Group and generally relating to the diversion of construction and demolition waste.

This Resolution was introduced by Council Members Franklin, Toles and Patterson.

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

Aye: 7 - Franklin, Campos, Davis, Lehman, Olson, Patterson and Toles

Absent: 2 - Harrison and Turner

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

Aye: 7 - Franklin, Campos, Davis, Lehman, Olson, Patterson and Toles

Absent: 2 - Harrison and Turner

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

There were no requests.

ADJOURN

The meeting was adjourned at 2:14 p.m.

EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

EX 09022014

Discussion of personnel issues; consult with counsel to obtain legal advice and to consult with staff, consultants, or other individuals about pending or potential litigation in accordance with Section 10-508(a)(1, 7 and 8), State Government, Annotated Code of Maryland.

Topics Discussed:

District Council litigation update

Request for issuance of a subpoena

Appointments to the MGM Compliance Board

A motion was made by Council Member Toles, seconded by Council Member Olson, to convene into Executive Session. The motion carried by the following vote:

Aye: 7 - Franklin, Campos, Davis, Lehman, Olson, Patterson and Toles

Absent: 2 - Harrison and Turner

Prepared by:

Donna J. Brown, Deputy Clerk of the Council

Submitted by:

Redis C. Floyd, Clerk of the Council

Meeting Reconvened