

# Prince George's County Council

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



## **Zoning Agenda - Final**

**Monday, June 12, 2017**

**10:00 AM**

**Council Hearing Room**

## **Sitting as the District Council**

*Derrick Leon Davis, District 6, Chairman*

*Mel Franklin, District 9*

*Dannielle M. Glaros, District 3, Vice Chairwoman*

*Andrea C. Harrison, District 5*

*Mary A. Lehman, District 1*

*Obie Patterson, District 8*

*Deni L. Taveras, District 2*

*Karen R. Toles, District 7*

*Todd M. Turner, District 4*

*Robert J. Williams, Jr., Council Administrator*

**RULES OF COURTESY**

You are now participating in the process of representative government. We welcome your interest and hope you will attend Prince George's County District Council meetings often. Good government depends on the interest and involvement of you and your fellow citizens.

To insure fair and orderly meetings, the District Council has adopted rules which apply to all members of the Council, administrative staff, news media, citizens and visitors which provide that no one may delay or interrupt the proceedings or refuse to obey the orders of the presiding officer. No posters or placards may be brought into the hearing room, nor any food and drink. Citizens are admitted up to the Fire Safety capacity only.

**ORAL ARGUMENT HEARINGS**

Testimony at Oral Argument Hearings is limited to thirty (30) minutes for each side, including questions from the Council Members, unless extended by the Chairman of the Council. Persons wishing to give oral argument on a specific case should sign the forms provided in the front of the hearing room. Testimony at Oral Argument Hearings must be based on the record, and no new evidence will be permitted. Only persons of record may testify.

**EVIDENTIARY HEARINGS**

A verbatim transcript is prepared for all Evidentiary Hearings. Testimony and evidence are presented and exhibits introduced. Transcripts of these hearings along with any exhibits, constitute the record in the case.

**ORDER OF PRESENTATION AT HEARINGS**

1. Orientation by the Planning Staff or appropriate staff person
2. Testimony from the side requesting the hearing
3. Testimony from the side favoring the decision
4. Comments by the People's Zoning Counsel
5. Five (5) minute rebuttal from the side requesting hearing
6. Five (5) minute rebuttal from the side favoring decision

**PARTICIPATION IN ZONING MEETINGS**

Meetings of the District Council are formal proceedings and are recorded. If you are eligible to participate, register with the Clerk, and when called by the presiding officer, follow the following steps:

1. Come forward to the speaker's podium and state your name and address for the record.
2. Present comments as succinctly as possible.
3. Confine remarks to information contained in the record, except for Evidentiary Hearings.
4. Observe time limitations as directed by the presiding officer.
5. Give any written statements to the Clerk of the Council

In accordance with ADA Requirements, accommodations for hearing impaired, disabled persons and visually impaired can be provided upon reasonable notice to the Clerk of the Council. Sign language interpreters are available with advance notice by calling 301-952-3600. In the event of inclement weather, please call 301-952-4810 to confirm the status of County Business.

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PLEASE SILENCE ALL CELLULAR PHONES WHILE IN THE HEARING ROOM.

**9:30 AM AGENDA BRIEFING - (ROOM 2027)**

**10:00 AM CALL TO ORDER - (COUNCIL HEARING ROOM)**

**INVOCATION**

*Y. Pleshette Monroe, County Employee*

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF DISTRICT COUNCIL MINUTES**

[MINDC 05152017](#)

**District Council Minutes dated May 15, 2017**

**Attachment(s):**

[5-15-2017 District Council Minutes DRAFT](#)

[MINDC 05162017](#)

**District Council Minutes dated May 16, 2017**

**Attachment(s):**

[5-16-2017 District Council ADDITIONS Minutes DRAFT](#)

**ORAL ARGUMENTS****DSP-16010****Cabin Branch Village****Applicant(s):**

VP, LLP  
c/o Mark Vogel

**Location:**

Located in the northwestern quadrant of the intersection of Armstrong Lane and Ryon Road. The project is located within the boundaries of the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment (24.59 Acres; M-X-T / R-R / M-I-O Zones).

**Request:**

Requesting approval of a Detailed Site PPlan for 204 single-family attached dwelling units (townhouses).

**Council District:**

6

**Appeal by Date:**

4/27/2017

**Review by Date:**

4/27/2017

**Action by Date:**

6/23/2017

**History:**

02/22/2017	M-NCPPC Technical Staff	approval with conditions
03/23/2017	M-NCPPC Planning Board	approval with conditions
04/10/2017	Sitting as the District Council	deferred
	<i>This item was deferred to April 24, 2017.</i>	
04/24/2017	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 5-0; Absent: Council Members Franklin, Glaros, Lehman, and Toles).</i>	

**Attachment(s):**

[DSP-16010\\_Zoning AIS](#)  
[DSP16010 Planning Board Resolution 17-41](#)  
 DSP-16010\_PORL  
[DSP-16010 Technical Staff Report condensed](#)

**MANDATORY REVIEW (Using Oral Argument Procedures)****CSP-16002****Shaban Property****Applicant(s):**

Randy and Nahida Shaban

**Location:**

Located in the northwest quadrant of the intersection of Edgewood Road and Rhode Island Avenue. Specifically located at 4924 and 4926 Edgewood Road and 9900 Rhode Island Avenue in College Park.

**Request:**

Requesting approval of a Conceptual Site Plan proposing to rezone the property from the Commercial Shopping Center (C-S-C) and Open Space (O-S) Zones to the Mixed Use–Infill (M-U-I) Zone for a future mixed-use development, including residential and commercial uses.

**Council District:**

1

**Appeal by Date:**

5/25/2017

**Action by Date:**

7/5/2017

**Comment(s):**

District Council review of this case is required by Section 27-548.26(b) of the Zoning Ordinance

**Municipality:**

City of College Park

**History:**

03/20/2017

M-NCPPC Technical Staff

approval with conditions

04/20/2017

M-NCPPC Planning Board

approval with conditions

05/15/2017

Sitting as the District Council

announced hearing date

**Attachment(s):**[CSP-16002 Zoning AIS](#)[CSP-16002 Planning Board Resolution 17-57](#)

CSP-16002\_PORL

[CSP-16002 Technical Staff Report](#)

**MANDATORY REVIEW (Using Oral Argument Procedures) (Continued)****DSP-16014****EPIC-SMVI****Applicant(s):**

Southern Maryland Vocational Industries, Inc. d/b/a EPIC

**Location:**

Located on the west side of Plaza Drive, approximately 1,650 feet south of its intersection with Silver Hill Road (1.07 Acres; R-55 Zone).

**Request:**

Requesting approval of a Detailed Site Plan to use an existing building as an eleemosynary/philanthropic institution.

**Council District:**

7

**Appeal by Date:**

5/25/2017

**Action by Date:**

7/5/2017

**Comment(s):**

District Council review of this case is required by Section 27-441(b)(3) of the Zoning Ordinance.

**History:**

03/23/2017

M-NCPPC Technical Staff

approval with conditions

04/20/2017

M-NCPPC Planning Board

approval with conditions

05/15/2017

Sitting as the District Council

announced hearing date

**Attachment(s):**[DSP-16014 Zoning AIS](#)[DSP-16014 Planning Board Resolution 17-60](#)

DSP-16014\_PORL

[DSP-16014 Technical Staff Report](#)

**NEW CASE(S)****DSP-13014-01 Amend Forestville Plaza Shopping Center (Amendment of Conditions) Conditions**

**Applicant(s):** PMM Enterprises, LLC t/a Forestville Plaza Shopping Center

**Location:** Located in the northeast quadrant of the intersection of Forestville Road and Old Marlboro Pike (MD 725), also identified as 7702-7794 Forestville Road, District Heights, Maryland (18.17 Acres; I-1 / D-D-O Zones).

**Request:** Requesting approval of an Amendment of Conditions for an amendment to Conditions 1(a)(1) and 2 of the District Council's October 1, 2013 approval of Detailed Site Plan 13014.

**Council District:** 6

**Appeal by Date:** 6/8/2017

**Action by Date:** 10/23/2017

**Opposition:** None

**History:**

10/01/2013	Sitting as the District Council	approval with conditions
	<i>Council adopted the prepared Order of approval, with conditions (Vote: 8-0; Absent: Council Member Olson).</i>	
10/31/2013	Person of Record	filed
	<i>Benjamin J. Woolery, Esq. filed a petition for Judicial Review on behalf of the opposition.</i>	
01/31/2014	Circuit Court	transmitted
	<i>Petition for Judicial Review in Circuit Court (CAL13-32250) was dismissed.</i>	
02/06/2017	Applicant	filed
	<i>Thomas H. Haller, Esq., attorney for the applicant, filed a request for Amendment of Conditions.</i>	
02/07/2017	Clerk of the Council	transmitted
	<i>The Clerk of the Council transmitted the case to the Zoning Hearing Examiner for a Public Hearing.</i>	
05/24/2017	Zoning Hearing Examiner	approval with conditions

**Attachment(s):** [DSP-13014-01 Zoning AIS](#)  
[DSP-13014-01 Zoning Hearing Examiner Decision](#)  
 DSP-13014-01 PORL  
[DSP 13014 District Council Order 10-1-2013](#)  
 DSP-13014 Appeal Letter  
[DSP-13014 Planning Board Resolution 13-79](#)  
[DSP-13014 Technical Staff Report](#)

**NEW CASE(S) (Continued)**[ERR-266](#)**Vizion Realty, LLC****Validation of Multifamily Rental License No. M-370 Issued In Error****Applicant(s):**

Vizion Realty, LLC

**Location:**

Located at 4775 Huron Avenue, Suitland, Maryland (0.319 Acres; M-U-TC / D-D-O Zones).

**Request:**

Request for validation of Prince George's County Multifamily Rental License No. M-370 issued in error for a 15 unit apartment building located in the M-U-TC (Mixed-Use Town Center) and the D-D-O (Development District Overlay) (Southern Green Line) Zones.

**Council District:**

7

**Appeal by Date:**

6/8/2017

**Action by Date:**

10/9/2017

**Opposition:**

None

**History:**

05/09/2017

Zoning Hearing Examiner

approval

**Attachment(s):**[ERR-266 Zoning Hearing Examiner Decision](#)

ERR-266 PORL



**NEW CASE(S) (Continued)**[ERR-267](#)**Vizion Realty, LLC****Validation of Multifamily Rental License No.M-369 Issued in Error****Applicant(s):**

Vizion Realty, LLC

**Location:**

Located at 4785 Huron Avenue, Suitland, Maryland (0.5400 Acres; M-U-TC / D-D-O Zones).

**Request:**

Requesting validation of Prince George's County Multifamily Rental License No. M-369 issued in error for a 15 unit apartment building, located in the M-U-TC (Mixed-Use Town Center) and the D-D-O (Development District Overlay) (Southern Green Line) Zones.

**Council District:**

7

**Appeal by Date:**

6/8/2017

**Action by Date:**

10/9/2017

**Opposition:**

None

**History:**

05/09/2017

Zoning Hearing Examiner

approval

**Attachment(s):**[ERR-267 Zoning Hearing Examiner Decision](#)

ERR-267 PORL

**REFERRED FOR DOCUMENT****A-10036 Remand****Donnell Drive (Remand)****Companion Case(s):** A-10036**Applicant(s):** Visconsi Land Co., Ltd**Location:** Located in the southeast quadrant of the intersection of Donnell Drive and Pennsylvania Avenue (MD 4), identified as 3700 and 3710 Donnell Drive, District Heights, Maryland (2.42 Acres; R-T (M-I-O) Zone).**Request:** Requesting approval of a Zoning Map Amendment for the rezoning of approximately 2.42 acres of R-T (Townhouse) zoned land to the C-M (Commercial Miscellaneous) Zone.**Council District:** 6**Appeal by Date:** 2/13/2017**Action by Date:** 6/12/2017**Opposition:** Linda Dabney**History:**

02/18/2016 M-NCPPC Technical Staff disapproval

*Disapproval of the C-M Zone*

02/18/2016 M-NCPPC Technical Staff approval

*Approval of the C-O Zone for Parcel A*

05/05/2016 M-NCPPC Planning Board approval with conditions

*Approval of the C-M Zone, with conditions*

08/10/2016 Zoning Hearing Examiner approval with conditions

*Approval of the C-M Zone, with conditions*

08/24/2016 Clerk of the Council transmitted

*The Clerk of the Council transmitted a router indicating that due to its relationship with a pending Zoning Map Amendment, and in accordance with Section 27-213.28, it is appropriate for this request to be Remanded back to the Zoning Hearing Examiner until after final action by the Council on the respective Zoning Map Amendment.*

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08/25/2016	Applicant	filed
	<i>Thomas Haller, Esq., attorney for the applicant, filed a letter with the Clerk of the Council requesting that the District Council remand this case to the Zoning Hearing Examiner in accordance with Section 27-213.28.</i>	
09/12/2016	Sitting as the District Council	referred for document
	<i>Council referred item to staff for preparation of a document of Remand to the Zoning Hearing Examiner in accordance with Section 27-213.28 (Vote: 7-0; Absent: Council Members Harrison and Taveras).</i>	
09/12/2016	Sitting as the District Council	remanded
	<i>Council adopted the prepared Order of Remand (Vote: 7-0; Absent: Council Members Harrison and Taveras).</i>	
01/12/2017	Zoning Hearing Examiner	approval with conditions
02/13/2017	Sitting as the District Council	referred for document
	<i>Stan Brown, People's Zoning Counsel, brought to the Council's attention that this case is still eligible for appeal until close of business today, February 13, 2017. He noted that the Council could take preliminary action today; however, if an appeal is filed timely, the case would be scheduled for oral argument hearing.</i>	
	<i>Council referred item to staff for preparation of an approving document, with conditions (Vote: 8-0; Absent: Council Member Harrison).</i>	
02/13/2017	Person of Record	appealed
	<i>Ms. Linda Dabney filed an appeal in opposition to the proposal and requested Oral Argument.</i>	
04/14/2017	Applicant	filed
	<i>Thomas S. Haller, Esq., attorney for the applicant, filed a response to the February 13, 2017 appeal filed by Ms. Dabney.</i>	

04/24/2017                      Sitting as the District Council                      hearing held; case taken under advisement

*Chirstina Pompa, M-NCPPC, provided an overview of the Zoning Map Amendment application. Linda Dabney spoke in opposition. Thomas Haller, Esq., spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.*

*Council took this case under advisement.*

05/08/2017                      Sitting as the District Council                      referred for document

*Council referred item to staff for preparation of an approving document, with conditions (Vote: 7-0; Absent: Council Member Lehman; Abstain: Council Member Turner).*

**Attachment(s):**

[A-10036 Remand\\_Zoning AIS](#)

[A-10036 REMAND\\_Zoning Hearing Examiner Decision](#)

A-10036 Remand\_POR

[A-10036 Donnell Drive - Remand Order](#)

[A-10036 Zoning Hearing Examiner Decision](#)

[A-10036 Planning Board Resolution 16-57](#)

[A-10036 Technical Staff Report](#)

**ITEM(S) FOR DISCUSSION**

[CNU-24691-2016](#)

**Hampshire View, Lot 4, Block 2**

**Applicant(s):**

Aster DeMissie Revocable Trust

**Location:**

Located on the east side of Red Top Road in Takoma Park, approximately 510 feet south of the intersection of Red Top Road and East-West Highway (MD 410) (0.1240 Acres; R-18 Zone).

**Request:**

Requesting approval for certification of an existing, three-unit multifamily apartment building that was built in 1951. Because development regulations were changed or adopted after the apartment use was lawfully established, the complex became nonconforming.

**Council District:**

2

**Appeal by Date:**

3/23/2017

**Review by Date:**

3/23/2017

**Action by Date:**

7/7/2017

**History:**

12/27/2016	M-NCPPC Technical Staff	approval
02/16/2017	M-NCPPC Planning Board	approval
02/27/2017	Sitting as the District Council	elected to review
	<i>Council elected to review this item (Vote: 5-0; Absent: Council Members Glaros, Harrison, Lehman and Toles).</i>	
05/08/2017	Sitting as the District Council	hearing held; case taken under advisement

*Christina Pompa, M-NCPPC, provided an overview of the application for Certification of a Non-conforming Use. Paul Jackson, Esq., spoke in support on behalf of the current property owner. Stan Brown, People's Zoning Counsel, spoke to the legalities of the argument presented.*

*Council took this case under advisement.*

**Attachment(s):**

[CNU-24691-2016 Zoning AIS](#)

[CNU-24691 Planning Board Resolution 17-16](#)

CNU-24691-2016\_PORL

[CNU-24691-2016 Technical Staff Report](#)

**PENDING FINALITY**

*The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision or an appeal is filed.*

**PLANNING BOARD****DSP-16033****Stimulating Minds Child Development Center****Applicant(s):**

Latrice Tibbs

**Location:**

Located on the north side of Central Avenue (MD 332), between its intersections with Akin Avenue and Bayou Avenue, more specifically, it is located at 5922 Central Avenue in Capitol Heights, Maryland (C-S-C / T-D-O).

**Request:**

Requesting approval of a Detailed Site Plan (DSP) for a day care for 20 children in an existing building.

**Council District:**

7

**Appeal by Date:**

6/29/2017

**Review by Date:**

6/29/2017

**Municipality:**

Town of Capitol Heights

**History:**

04/26/2017

M-NCPPC Technical Staff

approval with conditions

05/25/2017

M-NCPPC Planning Board

approval with conditions

**Attachment(s):**[DSP-16033 Planning Board Resolution 17-68](#)

DSP-16033\_PORL

[DSP-16033 Technical Staff Report](#)

**PENDING FINALITY****DSP-16035****Lidl (Brandywine)****Applicant(s):**

Lidl US Operations, LLC

**Location:**

Located in the southwestern quadrant of the intersection of Robert S. Crain Highway (US 301/MD 5) and Cadillac Drive (4.00 Acres; C-M Zone).

**Request:**

Requesting approval of a Detailed Site Plan (DSP) for a 36,185-square-foot food and beverage store.

**Council District:**

9

**Appeal by Date:**

7/6/2017

**Review by Date:**

7/6/2017

**History:**

04/26/2017

M-NCPPC Technical Staff

approval with conditions

06/01/2017

M-NCPPC Planning Board

approval with conditions

**Attachment(s):**[DSP-16035 Zoning AIS](#)

**PENDING FINALITY**[DSP-16040](#)**Mt. Olives United Missionary Baptist Church****Applicant(s):**

Mt. Olives United Missionary Baptist Church

**Location:**

Located on the eastern side of Annapolis Road, approximately 415 feet south of its intersection with Cooper Lane, at 6659 Annapolis Road in Hyattsville, Maryland (0.65 Acres; C-S-C Zone).

**Request:**

Requesting approval of a Detailed Site Plan for a 2,840-square-foot addition to an existing 1,306-square-foot church (total 4,146 square feet).

**Council District:**

5

**Appeal by Date:**

6/29/2017

**Review by Date:**

6/29/2017

**Municipality:**

Town of Landover Hills

**History:**

04/21/2017

M-NCPPC Technical Staff

approval with conditions

05/25/2017

M-NCPPC Planning Board

approval with conditions

**Attachment(s):**[DSP-16040\\_Zoning AIS](#)[DSP-16040 Planning Board Resolution 17-71](#)

DSP-16040\_PORL

[DSP-16040 Technical Staff Report](#)



**PENDING FINALITY****DSP-16046****Sonic Laurel****Applicant(s):**

Somar Hospitality, LLC

**Location:**

Located at 14113 Baltimore Avenue and 8302 and 8304 Holly Street, in the northeastern quadrant of its intersection with Baltimore Avenue (US 1) (1.03 Acres; C-S-C / R-55 Zones).

**Request:**

Requesting approval of a Detailed Site Plan for a 1,683-square-foot eating and drinking establishment with drive-through service and associated parking facilities.

**Council District:**

1

**Appeal by Date:**

6/15/2017

**Review by Date:**

6/15/2017

**History:**

04/05/2017

M-NCPPC Technical Staff

approval with conditions

05/11/2017

M-NCPPC Planning Board

approval with conditions

**Attachment(s):**[DSP-16046 Zoning AIS](#)[DSP-16046 Planning Board Resolution 17-64](#)

DSP-16046\_PORL

[DSP-16046 Technical Staff Report](#)

**PENDING FINALITY**[DSP-16063](#)**Greenbelt Town Center Metro Garage  
Expedited Transit-Oriented Development Project****Applicant(s):**

A.H. Smith Greenbelt Management, LLC

**Location:**

The overall Greenbelt Station development is located on the north side of Greenbelt Road (MD 193) and south of the Capital Beltway (I-95/495). The North Core of the project covered by this DSP is located in the northern portion of the larger development, south of the Capital Beltway, east of the WMATA rail lines, and west of Cherrywood Lane (121.48 Acres; M-X-T / D-D-O Zones).

**Request:**

Requesting approval for a Detailed Site Plan for infrastructure proposing to grade and develop infrastructure including the location and design of public roadways, an eight-story Washington Metropolitan Area Transit Authority (WMATA) parking garage, WMATA 'Kiss and Ride' and bus loop, event bus layover area, proposed pipes and trails on the subject property to prepare for a future multiphase mixed-use development, to possibly include a location for the Federal Bureau of Investigation (FBI).

**Council District:**

4

**Appeal by Date:**

6/22/2017

**Review by Date:**

6/22/2017

**Municipality:**

City of Greenbelt

**History:**

04/21/2017

M-NCPPC Technical Staff

approval with conditions

05/18/2017

M-NCPPC Planning Board

approval with conditions

**Attachment(s):**[DSP-16063 Zoning AIS](#)[DSP-16063 Planning Board Resolution 17-66](#)

DSP-16063\_PORL

[DSP-16063 Technical Staff Report](#)

**PENDING FINALITY**[DSP-99044-12](#)**Prince George's Plaza, DSW & ULTA Signage****Applicant(s):**

PR Prince George's Plaza, LLC

**Location:**

Located in the northwest quadrant of the intersection of East-West Highway (MD 410) and Belcrest Road, approximately 1,600 feet west of the intersection of MD 410 and Queens Chapel Road (MD 500) (51.78 Acres; M-U-I \ T-D-O Zones).

**Request:**

Requesting approval of a Detailed Site Plan for two new building-mounted signage, 6.5 feet in height, to advertise two new retail stores at Prince George's Plaza Shopping Center.

**Council District:**

2

**Appeal by Date:**

6/29/2017

**Review by Date:**

6/29/2017

**Municipality:**

City of Hyattsville

**History:**

04/25/2017

M-NCPPC Technical Staff

approval

05/25/2017

M-NCPPC Planning Board

approval

**Attachment(s):**[DSP-99044-12\\_Zoning AIS](#)[DSP-99044-12 Planning Board Resolution 17-70](#)

DSP-99044-12\_PORL

[DSP-99044-12 Technical Staff Report](#)

**PENDING FINALITY****[SDP-1202-04](#)****Canter Creek, Phase 2****Applicant(s):**

Walton Canter Creek Development, LLC

**Location:**

Located on the west side of Frank Tippet Road, approximately 1,000 feet south of its intersection with Rosaryville Road (59.81 Acres; R-S / M-I-O Zones).

**Request:**

Requesting approval of a Specific Design Plan for Phase 2 of the Canter Creek development, which proposes 143 single-family detached dwelling units. The subject application includes 12 architectural models to be built by Mid-Atlantic Builders and 22 architectural models to be built by Ryan Homes. All 32 models by the two builders were previously approved in Specific Design Plan SDP-1202-01 for Phase 1.

9

**Council District:****Appeal by Date:**

6/15/2017

**Review by Date:**

6/15/2017

**History:**

04/11/2017	M-NCPPC Technical Staff	approval with conditions
04/11/2017	M-NCPPC Technical Staff	approval with conditions
05/11/2017	M-NCPPC Planning Board	approval with conditions
05/11/2017	M-NCPPC Planning Board	approval with conditions

**Attachment(s):**[SDP-1202-04 Zoning AIS](#)[SDP-1202-04 Planning Board Resolution 17-65](#)

SDP-1202-04\_PORL

[SDP-1202-04 Technical Staff Report](#)**[EX 06122017](#)**

Motion to convene in executive session in accordance with Section 3-305(b), (1) (i) (ii), (7) and (8), General Provisions Article, Annotated Code of Maryland, as follows: 1. to discuss personnel issues, 2. to consult with legal counsel to seek legal advice; and 3. to discuss pending or potential litigation.