

AGENDA MINUTES

Wednesday, September 9, 2009

Business Meeting

(Legislative Day No. 23 to be declared)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

AGENDA BRIEFING – (ROOM 2027) - **BRIEFING HELD**

CALL TO ORDER - *Chairperson Bland called to order at 1:59 PM. with the following Council Members present:*

*Marilynn M. Bland
Will Campos
Samuel H. Dean
Thomas E. Dernoga
Camille A. Exum (Arrived at 2:00 P.M.)
Andrea C. Harrison
Tony Knotts
Eric C. Olson
Ingrid M. Turner*

Others Present:

*Craig S. Price, Council Administrator
Ralph Grutzmacher, Legislative Officer
Todd Turner, Legislative Officer
Kathy Canning, Legislative Officer
Carmen Jackson-Brown, Legislative Officer
Jackie Brown, PZED Committee Director
Frank Porter, PSFM Committee Director
Hawi Sanu, THE Committee Director
Russell King, Associate County Attorney
Josh Hamlin, Associate County Attorney
Marcus Jackson, County Council Liaison, Office of the County Executive*

INVOCATION: - *The Invocation was led by Pastor William T. Tucker, Jr., Remnant of Christ Ministries, Temple Hills, Maryland. Council Member Knotts requested special prayers for the Davis family on the passing of their daughter. Council Member Olson for the family of Mayor Andrew Hanko of New Carrollton on the passing of his wife, Irene and for the family of Alina Smith, (staff member) on the passing of her daughter. Council Member Turner for Kathy Wayman, President of the Prince George's Chapter of the AKA Sorority on*

the passing of her father; Ingrid Harrison (staff member) on the passing of her grandmother and for the family of Phyllis Anderson on the passing of her mother.

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

DESIGNATION OF SEPTEMBER 9, 2009 AS LEGISLATIVE DAY NO. 23
Chairperson Bland designated September 9, 2009 as Legislative Day number 23.

ACKNOWLEDGEMENTS: - *Chairperson Bland acknowledged the memory of September 11, 2001.*

- A moment of silence in observance of September 11, 2001

CONSIDERATION OF APPOINTMENT – (COUNCIL HEARING ROOM)
- **CONFIRMED**

Appointment of the following individual to the Washington Suburban Sanitary Commission for Prince George's County:

Mr. Antonio L. Jones

Appointment
Replacing: Dr. Juanita D. Miller
Term Expiring: 6/1/2013

Public hearing held 7/14/2009; favorably reported out of THE on 7/23/2009
Council Member Dernoga, Chair of the Transportation, Housing and the Environment (THE) Committee, provided a verbal report of the actions and recommendations from the Transportation, Housing and the Environment (THE) Committee to the Council. The Public Hearing was held on 07/14/2009 and on 07/23/2009 was favorably reported out of the Transportation, Housing and the Environment (THE) Committee. Council Member Dean moved confirmation; seconded by Council Member Turner. The motion carried 9-0.

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) **First Reading of Bills (Presentation)**

CB-35-2009 - AN ACT CONCERNING RENTAL HOUSING for the purpose of amending provisions of the County Code relating to rental housing license suspension or revocation, requiring a landlord to begin eviction proceedings against a tenant that has received a certain number of disruptive conduct reports from the Police Department, defining disruptive conduct, and generally relating to rental housing. - **PRESENTED**

Council Bill 35 was presented by Council Member Knotts and referred to the Transportation, Housing and the Environment (THE) Committee.

(b) **Introduction of Resolutions**

CR-58-2009 - A RESOLUTION CONCERNING THE FORMATION OF AN AGRICULTURAL DISTRICT PURSUANT TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION PROGRAM for the purpose of recommending that the Maryland Agricultural Land Preservation Foundation approves the petition of Richard H. and Peggy B. Dobson to establish an agricultural district.
- **INTRODUCED**

Council Resolution 58 recommends that the Maryland Agricultural Land Preservation Foundation approves the petition of Richard H. and Peggy B. Dobson to establish agricultural district, reference Tax Map 78/Grid B3/Parcel 13/Tax Account 07-0718882. Council Resolution 58 was introduced by Council Member Bland.

THIS RESOLUTION REQUIRES A PUBLIC HEARING

Council Member Dean moved adoption of the Consent Agenda; seconded by Council Member Dernoga. The motion carried by voice vote.

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-12-2009 – AN ACT CONCERNING HOUSING AND ZONING VIOLATIONS – CIVIL MONETARY FINES for the purpose of amending the schedule of civil monetary fines for Zoning Ordinance and Housing Code violations. - **INTRODUCED**

Council Member Dernoga, Chair of the Transportation, Housing and the Environment (THE) Committee, provided a verbal report of the actions and recommendations from the Committee to the Council. Council Bill 12 was introduced by Council Members Turner and Dean and was favorably reported out of Transportation, Housing and the Environment (THE) on 7/23/2009.

5. **PUBLIC HEARINGS:**

CR-46-2009 – A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT ANNUAL ACTION PLANS: FY 2005, FY 2006, FY 2007, FY 2008 AND FY 2009 for the purpose of amending the Prince

George's County FY 2005, FY 2006, FY 2007, FY 2008 and FY 2009 Annual Action Plans for Housing and Community Development to restructure and reprogram, and approve Community Development Block Grant ("CDBG") activities generally related to housing and community development. - **PUBLIC HEARING HELD**

Pursuant to proper notice, the public hearing convened on Council Resolution 46. Penny Green, Jeff Carroll, Chad Williams, Lorna Green, Joseph Fisher, Lynette Chacon, and Bert Lawrence spoke on Council Resolution 46. All persons wishing to speak having done so, the public hearing was declared held.

TRANSPORTATION, HOUSING & THE ENVIRONMENT COMMITTEE MEETING SCHEDULED THURSDAY, SEPTEMBER 10, 2009 AT 9:30 A.M.

CR-52-2009 – A RESOLUTION CONCERNING THE 2008 WATER AND SEWER PLAN (APRIL 2009 CYCLE OF AMENDMENTS) for the purpose of changing the water and sewer category designations of properties within the 2008 Water and Sewer Plan.

- **PUBLIC HEARING HELD**

Pursuant to proper notice, the public hearing convened on Council Resolution 52. No persons wishing to speak, the public hearing was declared held.

TRANSPORTATION, HOUSING & THE ENVIRONMENT COMMITTEE MEETING SCHEDULED THURSDAY, SEPTEMBER 10, 2009 AT 9:30 A.M.

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

CB-13-2009 (DR-2) – AN ACT CONCERNING THE BUILDING CODE for the purpose of amending the Prince George's County Building ordinance, adopting certain amendments to the 2006 Edition of the International Building Code, International Mechanical Code, International Energy Conservation Code, and International Residential Code for One and Two-Family Dwellings, and amending certain Sections to include modifications as it relates to building standards. - **PUBLIC HEARING HELD; FINAL ACTION DEFERRED**

Pursuant to proper notice, the public hearing convened on Council Bill 13 (DR-2). Bill Knight and Craig Cousineau spoke to Council Bill 13 (DR-2). All persons wishing to speak having done so, the public hearing was declared held. Final action deferred.

CB-28-2009 (DR-2) – AN ORDINANCE CONCERNING ADULT BOOK STORES AND/OR ADULT VIDEO STORES for the purpose of revising the definition of adult book store; establishing certain timeframes and administrative procedures for processing adult book store and/or adult video store use and occupancy permit applications; extending the time period that adult book stores and/or adult video stores may continue in operation; continuing to permit adult book stores and/or adult video stores by right in the I-2 Zone, under certain circumstances; making additional legislative findings regarding adult book stores and/or adult video stores; increasing certain requirements for adult book stores and/or adult video stores; and generally relating to adult book stores and/or adult video stores.

- **PUBLIC HEARING HELD; AMENDED DR-3 ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 28 (DR-2). Twelve persons wishing to speak having done so, the public hearing was declared held. Council Member Dernoga moved amendment #1; seconded by Council Member Knotts. The motion carried by voice vote. Council Member Dernoga moved enactment of Council Bill 28 (DR-3) as amended; seconded by Council Member Olson. The motion carried 8-0. (Absent: Council Member Exum).

CB-29-2009 (DR-3) – AN ACT CONCERNING ADULT BOOK STORES AND/OR ADULT VIDEO STORES for the purpose of providing a declaration of findings and policies regarding adult book stores and/or adult video stores; providing for the purpose and intent of this legislation; requiring adult book store and/or adult video store licenses; providing for the contents of an adult book store and/or adult video store license application; establishing certain timeframes and administrative procedures for processing adult book store and/or adult video store licenses; providing for certain zoning compliance; providing for the approval and denial of an adult book store and/or adult video store license; providing for the suspension and revocation of an adult book store and/or adult video store license, providing for appeals; and generally relating to adult book store and/or adult video store licensing.

- **PUBLIC HEARING HELD; AMENDED; DR-4 ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 29 (DR-3). Ten persons wishing to speak having done so, the public hearing was declared held. Council Member Dernoga move amendment number 1; seconded by Council Member Olson. The motion carried 9-0. Council Member Dernoga moved enactment of Council Bill 29 (DR-4) as amended; seconded by Council Member Knotts. The motion carried 9-0.

CB-24-2009 (DR-2) – AN ACT CONCERNING REGULATION OF USES WITHIN THE PUBLIC RIGHTS-OF-WAY for the purpose of providing for the regulation and administration of uses within the public rights-of-way, allowing for the use of the public right-of-way under certain circumstances, providing for a permitting process relating to uses within the public right-of-way, and providing for the enforcement of such regulations.

- **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 24 (DR-2). Mike Rozziano, Director of Public Affairs, Prince George's County Association of Realtors, spoke on Council Bill 24 (DR-2). All persons wishing to speak having done so, the public hearing was declared held. Council Member Dernoga moved enactment of Council Bill 24 (DR-2); seconded by Council Member Dean. The motion carried 9-0.

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

CR-13- 2009 (DR-2) - A RESOLUTION CONCERNING SCHEDULE OF MISCELLANEOUS BUILDING PERMIT FEES for the purpose of adopting a schedule of miscellaneous building permit fees under the Building Code.

- **DR-2 SUBSTITUTED; FINAL ACTION DEFERRED**

Council Member Exum, Chair of the Public Safety and Fiscal Management (PSFM) Committee, provided a verbal report of the actions and recommendations from the Committee to the Council. Council Member Exum moved to substitute DR-2 in lieu of DR-1 of Council Resolution 13; seconded by Council Member Harrison. The motion carried 9-0. Predicated upon passage of Council Bill 13, which was on today's Agenda, the final action will be deferred.

8. **INTRODUCTION AND ADOPTION OF RESOLUTIONS**

CR-57-2009 – A RESOLUTION CONCERNING THE PUBLIC FACILITIES ELEMENT OF THE PRELIMINARY BOWIE STATE MARC STATION SECTOR PLAN AND PROPOSED SECTIONAL MAP AMENDMENT for the purpose of identifying inconsistencies between the Preliminary Bowie State MARC Station Sector Plan and Proposed Sectional Map Amendment and existing or proposed State or County facilities; and approving the inclusion of any new transportation proposals prior to the adopting of the sector plan by the Planning Board. - **DEFERRED TO A LATER DATE**

CR-59-2009 – A RESOLUTION CONCERNING THE PUBLIC FACILITIES ELEMENT OF THE PRELIMINARY CENTRAL US 1 CORRIDOR SECTOR PLAN AND PROPOSED SECTIONAL MAP AMENDMENT for the purpose of identifying inconsistencies between the Preliminary Central US 1 Corridor Sector Plan and Proposed Sectional Map Amendment and existing or proposed State or County facilities, and approving the inclusion of any new transportation proposals prior to the adopting of the sector plan by the Planning Board. - **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 59 concerns the Public Facilities Element of the Preliminary Central US 1 Corridor Sector Plan and Proposed Sectional Map Amendment. For the purpose of identifying inconsistencies between the Preliminary Central US 1 Corridor Sector Plan and Proposed Sectional Map Amendment and existing or proposed State or County facilities, and approving the inclusion of any new transportation proposals prior to the adopting of the sector plan by the Planning Board. Council Resolution 59 was introduced by Council Member Olson. Council Member Olson moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 59; seconded by Council Member Dernoga. The motion carried by voice vote. Council Member Olson moved adoption of Council Resolution 59; seconded by Council Member Campos. The motion carried 9-0.

CR-60-2009 – A RESOLUTION CONCERNING CHARTER REVIEW COMMISSION AND COMPENSATION REVIEW BOARD for the purpose of establishing a Charter Review Commission to undertake a comprehensive study of the Charter and recommending appropriate changes, providing that the same body shall serve as the Compensation Review Board to study the rate of current compensation for the County Council and the County Executive and make recommendations regarding the amount of compensation, providing for the selection of the members thereof, and generally relating to the Charter Review Commission and the Compensation Review Board.
- **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 60 establishes a Charter Review Commission to undertake a comprehensive study of the Charter and recommending appropriate changes, providing that the same body shall serve as the Compensation Review Board to study the rate of current compensation for the County Council and County Executive and make recommendations regarding the amount of compensation, providing for the selection of the members thereof, and generally relating to the Charter Review Commission and the Compensation Review Board. Council Resolution 60 was introduced by Council Members Bland, Exum and Dean. Council Member Dean moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 60; seconded by Council Member Exum. Council Member Dean moved adoption of Council Resolution 60; seconded by Council Member Olson. The motion carried 9-0.

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

No persons wished to address the Council

RECESS: *Chairperson Bland recessed the meeting at 3:45 P.M.*

4:34
P.M.

COMMITTEE OF THE WHOLE – (ROOM 2027)

- **THE ADOPTED SUBREGION 5 MASTER PLAN AND ENDORSED SECTIONAL MAP AMENDMENT - REVISED: REFERRED FOR PREPARATION OF AN APPROVING RESOLUTION WITH REVISIONS**

Karen Zavakos, Legislative Officer provided a verbal report of the actions and recommendations from the Committee of the Whole to the Council. Council Member Exum moved to accept additional correspondence received after the close of record; seconded by Council Member Dean. The motion carried 7-1 (Opposed: Council Member Knotts). (Absent: Council Member Dernoga). Council Member Bland moved referral for preparation of an approving Resolution to include amendments articulated during this Committee of the Whole meeting; seconded by Council Member Campos. The motion carried 5-2. (Opposed: Council Members Knotts and Olson. (Absent: Council Members Dernoga and Harrison).

- **THE ADOPTED SUBREGION 6 MASTER PLAN AND ENDORSED SECTIONAL MAP AMENDMENT - REVISED: AMENDED #1 APPROVED; REFERRED FOR PREPARATION OF AN APPROVING RESOLUTION WITH REVISIONS**

Karen Zavakos, Legislative Officer provided a verbal report of the actions and recommendations from the Committee of the Whole to the Council. Council Member Bland moved amendment #1; seconded by Council Member Knotts. The motion carried 6-0-1. (Abstained: Council Member Olson Absent: Council Members Dernoga and Harrison). Council Member Dean moved to accept additional correspondence received after the close of the record; seconded by Council Member Exum. The motion carried 7-0. (Absent: Council Members Dernoga and Harrison). Council Member Bland moved referral for preparation of

an approving Resolution to adoption as amended; seconded by Council Member Campos. The motion carried 5-1-1 (Opposed: Council Member Olson. Abstained: Council Member Turner. Absent: Council Members Exum and Dernoga).

Chairperson Bland concluded the Committee of the Whole at 6:05 P.M.

RECONVENE – (COUNCIL HEARING ROOM)

Chairperson Bland reconvened the meeting at 7:40 P.M. in the Council Hearing Room

INTRODUCTION AND ADOPTION OF RESOLUTIONS – (CONTINUED)

CR-61-2009 – RESOLUTION CONCERNING THE SUBREGION 5 MASTER PLAN AND SECTIONAL MAP AMENDMENT for the purpose of approving, with revisions, as an Act of the County Council of Prince George's County, Maryland, sitting as the District Council, the Subregion 5 Master Plan and Sectional Map Amendment, thereby defining long-range land use and development policies and setting forth detailed zoning proposals in Planning Areas 81A, 81B, 83, 84, and 85A for the area generally bounded by Andrews Air Force Base (to the north) and Charles County (to the south), and between these boundaries, the Potomac River, Gallahan Road, Old Fort Road, Steed Road, Allentown Road and Tinkers Creek (to the west), and Piscataway Creek, a PEPCO electric utility right-of-way and the Pope's Creek CONRAIL railroad (to the east). - **INTRODUCED; RULES SUSPENDED; ADOPTED**

Karen Zavakos, Legislative Officer provided a verbal report of the actions and recommendations from the Committee of the Whole to the Council. Council Resolution 61 approves the Subregion 5 Master Plan and Sectional Map Amendment (Planning Areas 81A, 81B, 83, 84, 85A). Council Resolution 61 was introduced by Council Member Bland. Council Member Dean moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 61; seconded by Council Member Exum. The motion carried by voice vote. Council Member Bland moved adoption of Council Resolution 61; seconded by Council Member Dean. The motion carried 6-3. (Opposed: Council Members Dernoga, Knotts and Olson.)

CR-62-2009 – A RESOLUTION CONCERNING SUBREGION 6 MASTER PLAN AND SECTIONAL MAP AMENDMENT for the purpose of approving with amendments, as an Act of the County Council of Prince George's County, Maryland, sitting as the District Council, the Master Plan and Sectional Map Amendment (SMA) for Subregion 6, thereby defining long-range land use and development policies, and setting forth and adopting detailed zoning proposals in Planning Areas 77, 78 (excluding that portion included in the 2007 Approved Westphalia Sector Plan), 79, 82A, 82B, 85B, 86A, 86B, 87A and 87B for the area generally bounded by the Patuxent River (East), the Charles County line (South), the Conrail Line, PEPCO powerline right of way, Piscataway Creek, Andrews Air Force Base, Old Alexandria Ferry Road, Branch Avenue, Allentown Road, Interstate 95/495, Pennsylvania Avenue, Ritchie Marlboro Road (West), White House Road, Largo Road, Watkins Park Drive, Oak Grove Road, Leeland Road, US 301 and District Branch (North). - **DEFERRED**

Karen Zavakos, Legislative Officer provided a verbal report of the actions and recommendations from the Committee of the Whole to the Council.

JOINT PUBLIC HEARING – (COUNCIL HEARING ROOM)

Chairperson Bland called to order for the Joint Public Hearing at 7:50 P.M.

- **PUBLIC HEARING HELD**

PRINCE GEORGE’S COUNTY PLANNING BOARD OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION AND THE PRINCE GEORGE’S COUNTY COUNCIL SITTING AS THE DISTRICT COUNCIL

**PRELIMINARY SUBREGION 4 MASTER PLAN AND PROPOSED SECTIONAL
MAP AMENDMENT
(PLANNING AREAS 72, 75A AND 75B)**

Pursuant to the provisions of Article 28 of the Annotated Code of Maryland and the Zoning Ordinance of Prince George’s County, being also Subtitle 27 of the Prince George’s County Code, the Prince George’s County Council, sitting as the District Council, and the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission, joint public hearing to receive testimony regarding the preliminary plan generally located within portions of Planning Areas 72, 75A and 75B in accordance with the recommendations of the *Preliminary Subregion 4 Master Plan and Proposed Sectional Map Amendment (SMA)*. The master plan area is generally bounded by US 50 and the CSX rail line on the north, I-495 on the east, Suitland Parkway on the south and the District of Columbia border on the west.

(SEE SEPARATE ACTION AGENDA)

ADJOURN: - *Chairperson Bland adjourned the meeting at 9:36 P.M.*

Prepared By:

Submitted By:

Shirley T. Blake, Administrative Aide

Redis C. Floyd, Clerk of the Council