

# ***AGENDA MINUTES***

**Tuesday, May 11, 2010**

**Business Meeting**

**(Legislative Day No. 13 to be declared)**

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

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

**COMMITTEE OF THE WHOLE – (ROOM 2027) @ 12:46 P.M.**

- **PROPOSED AMENDMENTS TO THE ADOPTED CENTRAL US 1 CORRIDOR SECTOR PLAN AND ENDORSED SECTIONAL (ZONING) MAP AMENDMENT  
(DIGEST OF TESTIMONY)**

Chad Williams, Planner, Project Manager

*A letter from the Department of Public Works and Transportation (DPW&T) was accepted into the record. Staff directed to prepare approving Resolution.*

**CALL TO ORDER:** - *Chair Dernoga called to order at 2:02 P.M. with the following Council Members present:*

*Marilynn B. Bland  
Will Campos  
Samuel H. Dean  
Thomas E. Dernoga  
Camille A. Exum  
Andrea C. Harrison  
Tony Knotts  
Eric C. Olson  
Ingrid M. Turner*

*Others Present:*

*Craig S. Price, Council Administrator  
Robert J. Williams, Jr., Deputy Council Administrator  
Carmen Jackson-Brown, Legislative Officer  
Steve McGibbon, Deputy County Auditor  
Russell King, Office of Law  
Marcus Jackson, County Council Liaison, Office of the County Executive*

**INVOCATION:** - *The Invocation was led by Johnie L. Higgs, County Employee. Council Member Bland requested special prayers for Joe Pollard recovering from a medical procedure.*

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

**DESIGNATION OF MAY 11, 2010 AS LEGISLATIVE DAY NO. 13**

*Chair Dernoga designated May 11, 2010 as Legislative Day number 13*

1. **CONSENT AGENDA -- CR-35-2010 REMOVED FROM CONSENT AGENDA (SEE PAGE 5); CB-39, 40, 41 AND 42-2010 ADDED (SEE PAGE 7); 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-26-2010 (SUBDIVISION BILL) – AN ACT CONCERNING GREEN INFRASTRUCTURE PLAN IMPLEMENTATION** for the purpose of updating the overall ordinance; amending the process for requesting impacts to regulated areas to apply countywide; clarifying the definition of regulated streams and their associated buffers; amending submittal requirements for minor, major and conservation subdivisions; and implementing the recommendations of the Countywide Green Infrastructure Functional Master Plan, approved June 14, 2005. - **PRESENTED**

*Council Bill 26 was presented by Council Member Dernoga and referred to the Planning, Zoning and Economic Development (PZED) Committee.*

**CB-27-2010 – AN ACT CONCERNING WOODLAND, WILDLIFE HABITAT AND TREE CANOPY CONSERVATION** for the purpose of updating the overall ordinance, clarifying design criteria concerning woodland, wildlife habitat and tree canopy conservation; including provisions for variances under certain circumstances; and implementing the recommendations of the Countywide Green Infrastructure Functional Master Plan, approved June 14, 2005. - **PRESENTED**

*Council Bill 27 was presented by Council Member Dernoga and referred to the Transportation, Housing and the Environment (THE) Committee.*

**CB-28-2010 – AN ORDINANCE CONCERNING GREEN INFRASTRUCTURE PLAN IMPLEMENTATION** for the purpose of updating the overall ordinance; clarifying the requirements related to Subtitle 25, Division 2 the Woodland and Wildlife Conservation Ordinance and Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, adding a process for requesting and evaluating impacts to regulated environmental features; amending submittal requirements; and implementing the recommendations of the Countywide Green Infrastructure Master Plan, approved June 14, 2005. - **PRESENTED**

*Council Bill 28 was presented by Council Member Dernoga and referred to the Planning, Zoning and Economic Development (PZED) Committee.*

**CB-29-2010 – AN ACT CONCERNING WOODLAND CONSERVATION AND THE PURCHASE OF DEVELOPMENT RIGHTS PROGRAM** for the purpose of clarifying provisions of the Purchase of Development Rights Program relating to woodland conservation. - **PRESENTED**

*Council Bill 29 was presented by Council Member Dernoga and referred to the Transportation, Housing and the Environment (THE) Committee.*

**CB-30-2010 – AN ACT CONCERNING HOUSING AND PROPERTY STANDARDS AND ANTI-LITTER AND WEED ORDINANCE** for the purpose of revising certain definitions to conform to the revisions proposed to the Woodland and Wildlife Habitat Conservation Ordinance. - **PRESENTED**

*Council Bill 30 was presented by Council Member Dernoga and referred to the Transportation, Housing and the Environment (THE) Committee.*

**CB-31-2010 – AN ACT CONCERNING CONSTRUCTION-DEMOLITION FILLS** for the purpose of revising certain submission requirements to conform to the revisions proposed to the Woodland and Wildlife Habitat Conservation Ordinance. - **PRESENTED**

*Council Bill 31 was presented by Council Member Dernoga and referred to the Transportation, Housing and the Environment (THE) Committee.*

**CB-32-2010 – AN ACT CONCERNING GREEN INFRASTRUCTURE PLAN IMPLEMENTATION** for the purpose of revising certain definitions, practices and requirements to conform to the revisions proposed to other subtitle and to implement the recommendations of the Countywide Green Infrastructure Plan, approved June 14, 2005. - **PRESENTED**

*Council Bill 32 was presented by Council Member Dernoga and referred to the Transportation, Housing and the Environment (THE) Committee.*

**CB-33-2010 – AN ACT CONCERNING SCENIC EASEMENT TAX CREDIT** for the purpose of amending requirements related to the tax credit criteria for the Scenic Easement Tax Credit. - **PRESENTED**

*Council Bill 33 was presented by Council Member Dernoga and referred to the Public Safety and Fiscal Management (PSFM) Committee.*

**CB-34-2010 – AN ORDINANCE CONCERNING CHECK CASHING BUSINESSES** for the purpose of amending the definition and regulations for check cashing businesses. - **PRESENTED**

*Council Bill 34 was presented by Council Members Exum and Knotts. Council Bill 34 was referred to the Planning, Zoning and Economic Development (PZED) Committee.*

**CB-35-2010 – AN ACT CONCERNING PRIVATE PROPERTY TOWING** for the purpose of amending the County Code to revise the definition of towing company for private property tows to include the Revenue Authority of Prince George's County. - **PRESENTED**

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

**CB-36-2010 - AN ACT CONCERNING TAXICABS AND LIMOUSINES** for the purpose of amending provisions of the Code regulating taxicabs, amending certain definitions and requirements for certificates of registration, licensees, fees and otherwise relating to the regulation of taxicabs. - **PRESENTED**

*Council Bill 36 was presented by Council Members Bland, Dean, Dernoga, Knotts and Olson. Council Bill 36 was referred to the Transportation, Housing and the Environment (THE) Committee.*

**CB-37-2010 - AN ACT CONCERNING VACANT RESIDENTIAL PROPERTY REGISTRATION AND MAINTENANCE INTERGOVERNMENTAL INFORMATION** for the purpose of amending the registration provisions of vacant or unoccupied residential structures with the Department of Environmental Resources by authorizing information sharing with Prince George's County municipalities. - **PRESENTED**

*Council Bill 37 was presented by Council Member Campos and referred to the Transportation, Housing and the Environment (THE) Committee.*

**CB-38-2010 – AN ACT CONCERNING THE PRINCE GEORGE'S COUNTY PLASTIC BAG REDUCTION PROGRAM** for the purpose of establishing a voluntary plastic bag reduction program for disposable bags in Prince George's County. - **PRESENTED**

*Council Bill 38 was presented by Council Member Harrison and referred to the Transportation, Housing and the Environment (THE) Committee.*

(b) **Introduction of Resolutions**

**CR-34-2010 A RESOLUTION CONCERNING HAZARD MITIGATION PLAN** for the purpose of adopting an updated County-wide Hazard Mitigation Plan as required by the Federal Emergency Management Agency (FEMA) in order to be eligible for federal mitigation assistance for any natural hazards. - **INTRODUCED**

*Council Resolution 34 adopts the updated County-wide Hazard Mitigation Plan as required by the Federal Emergency Management Agency (FEMA) in order to be eligible for federal mitigation assistance for any natural hazards. Council Resolution 34 was introduced by Council Members Dean, Harrison and Dernoga. Council Resolution 34 was referred to the Transportation, Housing and the Environment (THE) Committee.*

**CR-35-2010 – A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT ANNUAL ACTION PLANS: FY 2006 AND FY 2008** for the purpose of amending the Prince George’s County FY 2006 and FY 2008 Annual Action Plans for Housing and Community Development to reprogram and approve Community Development Block Grant (“CDBG”) activities related to housing and community development. - **REMOVED FROM CONSENT AGENDA**

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

*Council Member Harrison moved to remove CR-35-2010 from the Consent Agenda; seconded by Council Member Dean. The motion carried 9-0.*

*Council Member Dean moved to accept additional items to the Agenda; seconded by Council Member Harrison. The motion carried by voice vote.*

3. **PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER’S REPORT -- 3(b) ADDED (SEE PAGE 8)**

- (a) Proposed letter to, The Honorable Nancy Floreen, President of the Montgomery County Council, transmitting the Prince George’s County Council’s proposed recommendations on the Fiscal Year 2011 Operating and Capital Budgets of the Washington Suburban Sanitary Commission, the Maryland-National Capital Park and Planning Commission and the Washington Suburban Transit Commission. - **CHAIRMAN AUTHORIZED TO SIGN**

*A letter was proposed for sending to, The Honorable Nancy Floreen, President of the Montgomery County Council, transmitting the Prince George’s County Council’s proposed recommendations on the Fiscal Year 2011 Operating and Capital Budgets of the Washington Suburban Sanitary Commission, the Maryland-National Capital Park and Planning Commission and the Washington Suburban Transit Commission. Council Member Dean moved to authorize the Chair’s signature; seconded by Council Member Bland. The motion carried 9-0.*

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

**CB-13-2010 (DR-2) - AN ORDINANCE CONCERNING URBAN CENTERS AND CORRIDOR NODES DEVELOPMENT AND ZONING CODE** for the purpose of temporarily amending the requirements for the approval of a regulating plan in Prince George's County. - **PUBLIC HEARING HELD; ENACTED**

*Pursuant to proper notice, the public hearing convened on Council Bill 13 (DR-2). No persons wishing to speak, the public hearing was declared held. Council Member Dean moved enactment of Council Bill 13; seconded by Council Member Harrison. The motion carried 9-0.*

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

**CR-13-2010 (DR-2) – A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT ANNUAL ACTION PLANS: FY 2006, FY 2007, FY 2008, FY 2009, AND FY 2010** for the purpose of amending the Prince George's County FY 2006, FY 2007, FY 2008, FY 2009, and FY 2010 Annual Action Plans for Housing and Community Development to restructure, reprogram, and approve Community Development Block Grant ("CDBG") activities related to housing and community development. - **DR-2 SUBSTITUTED; ADOPTED**

*Council Member Olson, 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 Member Olson moved to substitute (DR-2) in lieu of (DR-1) of Council Resolution 13; seconded by Council Member Exum. The motion carried 9-0. Council Member Olson moved adoption of Council Resolution 13 (DR-2) as amended; seconded by Council Member Dean. The motion carried 9-0.*

**CR-19-2010 – A RESOLUTION CONCERNING THE 2008 WATER AND SEWER PLAN (DECEMBER 2009 CYCLE OF AMENDMENTS)** for the purpose of changing the water and sewer category designations of properties within the 2008 Water and Sewer Plan. - **AMENDED; DR-2 ADOPTED**

*Council Member Olson, 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 Member Bland moved amendment #1 of Council Resolution 19; seconded by Council Member Harrison. The motion carried 9-0. Council Member Bland moved adoption of Council Resolution 19 (DR-2) as amended; seconded by Council Member Harrison. The motion carried 9-0.*

**CR-26-2010 (DR-2) – A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT CONSOLIDATED PLAN: FY 2011-2015** for the purpose of approving and adopting the Prince George's County FY 2011-2015 Consolidated Plan for Housing and Community Development.

- **DR-2 SUBSTITUTED; AMENDED; DR-3 ADOPTED**

*Council Member Olson, 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 Member Olson moved to substitute (DR-2 in lieu of DR-1) for Council Resolution 26; seconded by Council Member Turner. Council Member Olson moved amendment #3 for Council Resolution 26; seconded by Council Member Harrison. The motion carried 7-0. (Absent: Council Members Exum and Knotts). Council Member Olson moved adoption of Council Resolution 26 (DR-3) as amended; seconded by Council Member Harrison. The motion carried 7-0. (Absent: Council Members Exum and Knotts).*

**CR-27-2010 (DR-2) – A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN: FY 2011** for the purpose of approving and adopting the Prince George's County Fiscal Year 2011 Housing and Community Development Annual Action Plan consisting of federal programs, including their federal funding applications which, along with other resources, serve to implement housing and community development strategies set forth in the County's FY 2011-2015 Consolidated Plan, adopted by CR-26-2010, which Plan was required by the U.S. Department of Housing and Urban Development (HUD) as a prerequisite to consideration of the funding applications.

- **DR-2 SUBSTITUTED; AMENDED; DR-3 ADOPTED**

*Council Member Olson, 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 Member Olson moved to substitute (DR-2 for Council Resolution 27 in lieu of DR-1); seconded by Council Member Harrison. The motion carried 8-0. (Absent: Council Member Knotts). Council Member Olson moved amendment #1 for Council Resolution 27(DR-2); seconded by Council Member Dean. The motion carried 8-0. (Absent: Council Member Knotts). Council Member Turner moved adoption of Council Resolution 27(DR-3) as amended; seconded by Council Member Olson. The motion carried 8-0. (Absent: Council Member Knotts).*

**ADDITIONS TO THE AGENDA**1. **CONSENT AGENDA**

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-39-2010 – AN ACT CONCERNING COLLECTIVE BARGAINING AGREEMENT - COUNCIL 67, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), AFL-CIO, AND ITS AFFILIATED LOCALS 2462, 2735, 3389 AND 1170** for the purpose of amending the labor agreement by and between Prince George's County, Maryland and Council 67, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO, and its affiliated Locals 2462, 2735, 3389 and 1170 to provide for wage increases and certain other terms and conditions of employment for personnel classifications certified by the Prince George's County Public Employee Relations Board. - **PRESENTED**

*Council Bill 39 was presented by Council Member Dernoga and referred to the Public Safety and Fiscal Management (PSFM) Committee.*

**CB-40-2010 - AN ACT CONCERNING SECONDHAND AND PAWN DEALERS** for the purpose of further clarifying the definition of tangible personal property and general regulations as it relates to the second hand dealer licensing. - **PRESENTED**

*Council Bill 40 was presented by Council Member Olson and Dernoga. Council Bill 40 was referred to the Transportation, Housing and the Environment (THE) Committee.*

**CB-41-2010 – AN ACT CONCERNING PERSONNEL LAW – ADMINISTRATIVE LEAVE** for the purpose of allowing County employees up to twelve hours of administrative leave per year to volunteer in schools. - **PRESENTED**

*Council Bill 41 was presented by Council Member Dean and referred to the Public Safety and Fiscal Management (PSFM) Committee.*

**CB-42-2010 - AN ACT CONCERNING NOTICE TO PURCHASERS OF REAL ESTATE OF CERTAIN LAND RECORDS** for the purpose of amending the Consumer Protection laws of the County to require disclosure in residential real estate contracts of certain information in the land records maintained in the County of the subject property and to provide provisions for the failure to provide the required notice. - **PRESENTED**

*Council Bill 42 was presented by Council Member Harrison and referred to the Transportation, Housing and the Environment (THE) Committee.*



*Council Member Harrison moved adoption of the Consent Agenda; seconded by Council Member Turner. The motion carried by voice vote.*

3. **PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT – (page 5)**

- (b) Proposed letter to President C.D. Mote, President, University of Maryland concerning plans to close Campus Drive to transit during this summer.
- **CHAIRMAN AUTHORIZED TO SIGN**

*A letter was proposed for sending to President C.D. Mote, President, University of Maryland concerning plans to close Campus Drive to transit during this summer. Council Member Olson moved to authorize the Chair's signature; seconded by Council Member Campos. The motion carried 9-0.*

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

*No persons wished to address the Council.*

**RECESS:** - *Chair Dernoga recessed the meeting at 2:58 P.M.*

**COMMITTEE OF THE WHOLE (BUDGET WORKSESSION) – (ROOM 2027)**  
- **COMMITTEE MEETING HELD @ 3:20 P.M.**

● **BOARD OF EDUCATION FY 2011 OPERATING BUDGET REVIEW**

**BOARD OF EDUCATION FY 2011-2016 CAPITAL IMPROVEMENT PROGRAM  
BUDGET REVIEW**

**RECONVENE:** - *Chair Dernoga reconvened the meeting at 7:18 P.M.*

8. **PUBLIC HEARING – (COUNCIL HEARING ROOM) -- PUBLIC HEARING HELD**

**PRINCE GEORGE'S COUNTY PROPOSED FY 2011  
OPERATING BUDGET, SIX-YEAR CAPITAL PROGRAM  
(INCLUDING THE CAPITAL IMPROVEMENT BUDGET)  
AND THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION  
PORTION OF THE COUNTY FY 2011 OPERATING BUDGET,  
PROPOSED BUDGET OF THE  
REDEVELOPMENT AUTHORITY, REVENUE AUTHORITY  
AND INDUSTRIAL DEVELOPMENT AUTHORITY OF  
PRINCE GEORGE'S COUNTY, AND  
THE CONSTANT YIELD TAX RATE**

**(SEE SEPARATE ACTION AGENDA)**

**ADJOURN:** - *Chair Dernoga adjourned the meeting at 8:28 P.M.*

Prepared By:

Submitted By:

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Shirley T. Blake, Administrative Aide

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Donna J. Brown,  
Deputy, Clerk of the Council