

ACTION AGENDA

Tuesday, November 28, 2006

Business Meeting

(Legislative Day No. 35 to be declared)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

9:30 A.M.

AGENDA BRIEFING – (ROOM 207) -- BRIEFING HELD

10:43 A.M.

CALL TO ORDER

INVOCATION: Capacine Abdul-Aziz, Islamic Research & Humanitarian Services
of America, Inc., Capitol Heights, MD 20743

PLEDGE OF ALLEGIANCE

Designated

DESIGNATION OF NOVEMBER 28, 2006 AS LEGISLATIVE DAY NO. 35

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.

Approved

- (a) Approval of County Council minutes dated November 23, 30, 2004; January 11, 13, 18, 25, 2005; February 1, 15, 22, 2005, March 1, 3, 2005; May 13, 2004 and May 11, 2006.

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

None

3. **PUBLIC HEARINGS:**

*Public hearings
held; all
confirmed and
sworn-in*

▪ **Appointment of the following individuals to the Youth Commission for Prince George's County:**

Phillip Mark Denton - Bishop McNamara High School
Marsainah Ferrell - Bladensburg High School
Manuel Nunez - Bowie High School
Selena Haggins - Central High School
Cameron Alvin Gachett - Charles Herbert Flowers High School
Jada Prince -Croom High School
Shalita Marie Robinson - Crossland High School
Rachel Reese - DuVal High School
Amber Grey - Eleanor Roosevelt High
Simone Alcorn - Elizabeth Seton High
Dometries Cobb - Fairmount Heights High School
Justin T. Barlow - Forestville Military Academy
Amanda Higgs - Frederick Douglas High School
Tamisha Hawkins - Friendly High School
Ashley N. Robertson - Gwynn Park High School
Shanita Williams - Dr. Henry A. Wise Jr. High
Korpo Cooper - High Point High School
Amanda Naomi Lopez - High Road Academy
Meghan S.L. Stevenson - Jericho Christian Academy
Arun Puracken - Largo High School
Robert Matthew Tolver - Florence Bertell Academy of Prince George's County
Brandon D. White - High Road School of Prince George's County
Sernika Catholic - Laurel High School
Chad Christian - National Christian Academy
Ariel Alexander - New Hope Academy
Paola Flores - Northwestern High School
Haywood L. Perry III - Oxon Hill High School
ShaDawn Ferguson - Parkdale High School
Dashea Williams - Potomac High School
Sydney M. Gibson - Queen Anne School
Ian Spears - Riverdale Baptist School
Greg Schlichter - St. Vincent Pallotti High School
Nadia Sasso - Suitland High School
John C. Scott - Surratsville High School
Nathaniel A. Flowers, Jr. - Tall Oaks Vocational High School

**Swearing-in of the Members of the Youth Commission conducted by
Rosalyn E. Pugh, Clerk of the Circuit Court for Prince George's County.**

PUBLIC HEARINGS – (CONTINUED)

- Public hearing held; confirmed* ■ **Appointment of the following individual as Director of the Office of Management and Budget for Prince George’s County:**

Mr. Jonathan R. Seeman

(No action taken in C.O.W. on 11/14/2006)

4. **PUBLIC HEARINGS/RESOLUTIONS ELIGIBLE FOR FINAL READING – (ADOPTION)**

Public hearing held; rules suspended; adopted

CR-81-2006 - A RESOLUTION CONCERNING THE 2001 WATER AND SEWER PLAN LOCUST HILL PROPERTY for the purpose of changing the water and sewer category designation of property within the 2001 Water and Sewer Plan.

(Introduced by Council Member Dean on 10/24/2006)

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

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

Public hearing held; DR-3 substituted; enacted

CB-69-2006 (DR-2) - AN ACT CONCERNING THE ISSUANCE AND SALE OF SPECIAL OBLIGATION BONDS for the purpose of providing that one or more series of special obligation bonds may be issued from time to time under the provisions of this Act, Article 41, Sections 14-201 through 14-214 of the Annotated Code of Maryland, as amended (2003 Replacement Volume and 2005 Supplement) (the “Tax Increment Act”), and pursuant to Section 10-269 of the Prince George’s County Code, as amended (2003 Edition, 2004 Supplement) and Section 9-1301 of Article 24 of the Annotated Code of Maryland, as amended (2005 Replacement Volume) (collectively, the “Special Taxing District Act”) and Resolution CR-65-2006 of the County Council of Prince George’s County, Maryland (the “Formation Resolution”), and a portion of the County property taxes, not to exceed three hundred million dollars (\$300,000,000) [reflecting gross debt service payments less earnings on debt service and construction funds], representing the levy on the tax increment that would normally be paid to the County shall be paid into a special fund to be applied in accordance with the provisions the Tax Increment Act (hereinafter referred to as the “County Contribution”) to secure the issuance of, an amount not to exceed the aggregate principal amount of One Hundred Sixty Million Dollars (\$160,000,000) or the amount required to finance the construction by Greenbelt MetroPark LLC which is owned by GB Development

Company, Inc. and Metroland Developers, LLC, which will be owned by Greenbelt Ventures, LLC and/or their respective successors and /or assigns (hereinafter collectively referred to as the “Developers”) of the parking improvements to be exchanged with WMATA for a future mixed use development site and vertical improvements as more particularly described Exhibit A hereto (the “Project”) with an agreement prior to the sale of any Bonds to be in the form of a Memorandum of Understanding (“MOU”) between the Developers and the County Executive in which the County Executive and Developers reconfirm and determine that (1) the Project was not feasible unless the total amount of County Contribution agreed upon by the County Executive and the Developers was a financing source for the Project, (2) the total amount of the County Contribution was required to preserve an internal rate of return to the Developers in an amount determined to be reasonable by the County Executive based on industry standards for comparable projects—such internal rate of return determination to be based on projected cash flows, represented to be accurate by Developers based upon the best information available to developers at the time of issuance of the Bonds and calculated in the manner set forth in Appendix A hereto, which is being provided for illustration purposes only, and (3) which provides a mechanism for the County to be paid all revenues from the Development (as described below) in excess of Developers’ internal rate of return as calculated in the manner set forth in Appendix A hereto, which is being provided for illustration purposes only, (“Developers’ IRR”, which means the interest rate that makes net present value of all cash flow equal zero); making a provision for use of Special Tax Revenues after the Special Tax Bonds have been retired but in no event shall the amounts of Special Tax Revenues exceed the amounts that would have been paid had the Bonds been retired under the Bonds’ amortization schedule; making findings and determinations concerning the public benefit and purpose of such special obligation bonds; providing that such special obligation bonds authorized to be issued hereby shall be payable, from the amounts levied and deposited in the Tax Increment Fund (as defined in the Formation Resolution) and any other tax revenues deposited therein as more fully set forth herein and that the special obligation bonds shall not constitute a general obligation debt of the County or a pledge of the County’s full faith and credit or taxing power other than the taxes representing the levy on the Tax Increment (as defined in the Formation Resolution) and redeemed from Project revenues accruing after receipt by Developers of the Developers’ IRR as determined in the MOU and the MBE utilization goals have been met; authorizing the County Executive of the County to specify, prescribe, determine, provide for and approve certain details, forms, documents or procedures in connection with such special obligation bonds issued hereunder and any other matters necessary or desirable in connection with the authorization, issuance, sale and payment of such special obligation bonds and make certain commitments on behalf of the County in connection with the issuance, sale and delivery of such special obligation bonds; authorizing the execution and delivery of such special obligation bonds and such other documents as may be necessary and desirable to effectuate the financing of the infrastructure improvements and the issuance, sale and delivery of such special obligation bonds; and generally providing for, and determining various matters in connection with, the issuance, sale, delivery and payment of such special obligation bonds.

(Introduced by Council Members Dernoga, Hendershot, Peters and Campos on 10/31/2006)

MOTION REQUIRED TO SUBSTITUTE DR-3 IN LIEU OF DR-2 PRIOR TO ENACTMENT

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

*Public hearing
held; enacted*

CB-85-2006 – AN ACT CONCERNING THE CLASSIFICATION PLAN FOR PRINCE GEORGE’S COUNTY for the purpose of amending the Classification Plan which, pursuant to CB-44-2006, eliminated and added certain classes of work in accordance with the Public Employee Relations Board (PERB) Representation Amendment of Certification, and established a new Y Salary Schedule. This act amends the Classification Plan by correcting the class code for two classes of employees.

(Introduced by Council Members Dernoga, Bland, Harrington, Exum, Dean and Knotts on 10/31/2006; favorably reported out of C.O.W. on 11/14/2006)

*Public hearing
held; rules
suspended;
enacted*

CB-86-2006 - AN ACT CONCERNING PROPERTY TAX CREDIT – NONPROFIT SWIM CLUBS for the purpose of granting a tax credit against property taxes imposed on nonprofit swim clubs that use their facilities exclusively to provide a recreational outlet for a local community.

(Introduced by Council Members Peters, Dernoga, Campos and Harrington on 10/24/2006)

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

*Public hearing
held; enacted*

CB-87-2006 – AN ACT CONCERNING COLLECTIVE BARGAINING AGREEMENT – DEPUTY SHERIFF’S ASSOCIATION OF PRINCE GEORGE’S COUNTY, INC. for the purpose of amending the labor agreement by and between Prince George’s County, Maryland (“County”) and the Deputy sheriff’s Association of Prince George’s County, Inc. (“DSA”), covering July 1, 2005 through June 30, 2007, by amending Salary Schedule W for the position of Deputy Sheriff Private (W21).

(Introduced by Council Members Peters, Knotts, Dean, Dernoga, Exum, Harrington and Bland on 10/31/2006; favorably reported out of C.O.W. on 11/14/2006)

*Public hearing
held; motion to
enact failed*

CB-88-2006 – AN ACT CONCERNING SENIOR ASSISTANCE PROGRAM for the purpose of establishing a Senior Assistance Program to assist senior citizens of the County who are the head of household and County residents and who are in need of financial assistance, and generally relating to administration of the Senior Assistance Program.

(Introduced by Council Members Harrington, Bland, Hendershot, Exum, Dernoga, Dean, Knotts and Peters; no action taken in C.O.W. on 11/14/2006)

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

*DR-2 substituted;
adopted*

CR-65-2006 (DR-2) – A RESOLUTION CONCERNING GREENBELT STATION SPECIAL TAXING DISTRICT AND GREENBELT STATION DEVELOPMENT DISTRICT FOR THE CREATION OF RETAIL, COMMERCIAL AND RESIDENTIAL AREA for the purpose of designating a contiguous area within Prince George's County, Maryland (the "County") as a "development district" as that term is used in Sections 14-201 through 14-214, inclusive of Article 41 of the Annotated Code of Maryland, as amended (2003 Replacement Volume, 2005 Supplement) (the "Tax Increment Act"), as well as for the purpose of designating a contiguous area within the County that would be coincident with the development district as a "special taxing district" as that term is used in Section 10-269 of the Prince George's County Code, as amended (2003 Edition, 2005 Supplement) and as that term is used in Section 9-1301 of Article 24 of the Annotated Code of Maryland, as amended (2005 Replacement Volume) (collectively, the "Special Taxing District Act") such development district and special taxing district to be located in the City of Greenbelt, Maryland and in an unincorporated area of the County known as Branchville, Maryland, adjacent to the Capital Beltway as shown on CSP 01008 and to be known as the "Greenbelt Station Special Taxing District" and the "Greenbelt Station Development District"; providing for, and determining, various matters in connection with the establishment of a development district and a special taxing district, creating a tax increment fund with respect to the development district and a special fund with respect to the special taxing district, allocating certain property taxes with respect to the development district to be paid over to the tax increment fund as provided in the Tax Increment Act; providing for the levy of a special tax and the allocation of the special tax with respect to the special taxing district to be paid over to the special fund as provided in the Special Taxing District Act; making certain findings and determinations with respect to the tax increment fund and the special fund and the respective uses of such funds; providing that special obligation bonds may be issued from time to time pursuant to an ordinance or ordinances enacted in accordance with the Tax Increment Act and the Special Taxing District Act and secured by the tax increment fund and the special fund; and generally relating to the Greenbelt Special Taxing District.

(Introduced by Council Members Dernoga, Hendershot and Peters on 7/18/2006)

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

Adopted

CR-84-2006 – A RESOLUTION CONCERNING COMPENSATION AND BENEFITS, SALARY SCHEDULE W, SCHEDULE OF PAY GRADES DEPUTY SHERIFF'S ASSOCIATION OF PRINCE GEORGE'S COUNTY, INC. for the purpose of amending Salary Schedule W for the position of Deputy Sheriff Private to reflect the terms of the collective bargaining agreement by and between Prince George's County, Maryland ("County") and the Deputy Sheriff's Association of Prince George's County, Inc. ("DSA").

(Introduced by Council Members Bland, Harrington, Exum, Dernoga, Dean, Knotts and Peters on 10/31/2006; favorably reported out of C.O.W. on 11/14/2006)

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

CR-85-2006 – A RESOLUTION CONCERNING CONSOLIDATION OF MUNICIPAL BONDS FOR SALE for the purpose of authorizing that bonds authorized to be sold by separate acts of authorizing legislation be consolidated for sale and issued, sold and delivered as one or more single issues of bonds.

(Introduced by Council Members Dernoga and Peters on 10/31/2006; reported out of C.O.W. on 11/14/2006 with no recommendation)

7. **INTRODUCTION AND ADOPTION OF RESOLUTIONS -- CR-90-2006 ADDED (SEE PAGE 9)**

*Introduced;
rules
suspended;
adopted*

CR-86-2006 - A RESOLUTION CONCERNING SPENDING AFFORDABILITY LIMITS FOR THE WASHINGTON SUBURBAN SANITARY COMMISSION for the purpose of establishing spending control limits on the Fiscal Year 2008 Water and Sewer Operating and Capital Budgets of the Washington Suburban Sanitary Commission (WSSC).

Introduced by Council Members Dernoga and Harrington

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

*Introduced;
rules
suspended;
amended;
DR-2 adopted*

CR-87-2006 - A RESOLUTION CONCERNING AGRICULTURAL PRESERVATION WORK GROUP for the purpose of establishing the Agricultural Preservation Work Group to review and evaluate present agricultural preservation policies and recommend to the County Council appropriate revisions to existing policies and laws.

Introduced by Council Members Dernoga, Bland, Exum and Harrington

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

*Introduced;
rules
suspended;
amended;
DR-2 adopted*

CR-88-2006 - A RESOLUTION CONCERNING TELECOMMUNICATIONS TRANSMISSION FACILITY COMMITTEE for the purpose of temporarily suspending the duties of the Telecommunications Transmission Facility Committee.

Introduced by Council Member Dernoga

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

INTRODUCTION AND ADOPTION OF RESOLUTIONS – (CONTINUED)

*Introduced;
rules
suspended;
adopted*

CR-89-2006 - A RESOLUTION CONCERNING ECONOMIC DEVELOPMENT for the purpose of establishing the County's policy for the use of Tax Increment Financing and other financial tools and incentives to fund economic and community development projects and initiatives in Prince George's County.

Introduced by Council Members Dean, Harrington, Hendershot, Exum and Bland

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

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

*Public hearing
held;
recommitted to
HEHS*

CB-67-2006 (DR-2) – AN ACT CONCERNING MOBILE FOOD VENDING IN URBAN AREAS for the purpose of enhancing Livable Communities by authorizing the sale of certain food items by mobile food vendors and providing a licensing standard and definition for mobile food vendors.

(Introduced by Council Member Campos on 10/31/2006)

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

CB-82-2006 – AN ACT CONCERNING CABLE TELEVISION for the purpose of granting a cable television franchise for the operation of a cable television system in Prince George's County, Maryland by prescribing certain terms and conditions to be included in a franchise agreement.

(Introduced by Council Members Dean, Knotts, Peters, Hendershot, Harrington, Campos, Bland and Dernoga on 10/31/2006; no action taken in C.O.W. on 11/14/2006)

5:32 P.M.

COMMITTEE OF THE WHOLE

*Favorable with
amendments*

Proposed letter to Dr. David Lever, R.A., D.A., Executive Director, Interagency Committee on State School Construction, expressing the County's support of the Prince George's County Board of Education's proposed FY 2008 State capital budget request, and specifying the County's construction projects that the County deems critical.

9. **PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT**

(a) **THE COUNTY COUNCIL SITTING AS THE BOARD OF HEALTH**

*Chairman
authorized to
sign*

Proposed letter to S. Anthony McCann, Secretary, Department of Health and Mental Hygiene concerning the nomination of Dr. Donald Shell as Health Officer for Prince George's County.

The Chairman (by request – County Executive)

(Favorably reported out of C.O.W. on 11/14/2006)

*Chairman
authorized to
sign*

- (b) Proposed letter to Dr. David Lever, R.A., D.A., Executive Director, Interagency Committee on State School Construction, expressing the County's support of the Prince George's County Board of Education's proposed FY 2008 State capital budget request, and specifying the County's construction projects that the County deems critical.

The Chairman (by request – County Executive)

(Favorably reported out of C.O.W. on 11/28/2006 with amendments)

*Chairman
authorized to
sign*

- (c) Proposed letter to Samuel H. Dean, Chairman, Blue Ribbon Committee on High Stakes Testing, granting extension of the timeframe for submittal of recommendations to January 8, 2007.

Council Member Dernoga

ADDITIONS TO THE AGENDA

7. **INTRODUCTION AND ADOPTION OF RESOLUTIONS – (page 7)**

*Introduced;
rules
suspended;
amended;
DR-2 adopted*

CR-90-2006 – A RESOLUTION CONCERNING COMMUNITY LEGACY PROGRAM for the purpose of approving the application and receipt of financing for a Community Legacy Project in Langley Park, Maryland, to be financed either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or thorough other departments or agencies of the State of Maryland.

Introduced by Council Members Campos, Exum, Harrington, Bland and Dean

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

ADDITIONS TO THE AGENDA – (CONTINUED)

Motion to convene into Executive Session made by Council Member Dean; seconded by Council Member Exum; motion carried 8-0. (Absent: Council Member Peters)

10. **EXECUTIVE SESSION – (ROOM 2027) -- EXECUTIVE SESSION HELD**

Consult with counsel to obtain legal advice in accordance with Maryland Annotated Code, State Government, Section 10-508 (a) (7).

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

Mr. William Orleans addressed to Council.

6:44 P.M.

ADJOURN**REMINDER**

Tues., Dec. 5, 2006

10:30 a.m.

County Council Agenda Briefing (Room 2027)

11:00 a.m.

Call to Order – (Exchange of Gavel)

DECEMBER RECESS