

AGENDA MINUTES

Tuesday, October 1, 2013

Legislative Day No. 30

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

AGENDA BRIEFING – (ROOM 2027)

CALL TO ORDER- *Council Chair Harrison called to order at 10:25 a.m. with the following Council Members present:*

*Andrea Harrison
Will Campos
Derrick Davis
Mel Franklin
Mary Lehman
Eric Olson
Obie Patterson (arrived at 12:26 p.m.)
Karen Toles
Ingrid Turner*

Others Present:

*Robert Williams, Jr., Council Administrator
William Hunt, Deputy Council Administrator
Redis Floyd, Clerk of the Council
Donna Brown, Deputy Clerk of the Council
Lisa Jackson, County Executive's Office
Steven LeGendra, Office of Law
Leroy Maddox, Legislative Officer
Todd Turner, Legislative Officer
Karen Zavakos, Legislative Officer
Frank Porter, Director of the Public Safety and Fiscal Management (PSFM) Committee
Sandra Eubanks, Director of the Health, Education and Human Services (HEHS) Committee*

INVOCATION- *The Invocation was provided by Reverend Jennifer Gillyard, Ministerial Staff, Hunter Memorial A.M.E. Church in Suitland, Maryland. Council Member Harrison requested prayer for all of the Council Members.*

PLEDGE OF ALLEGIANCE- *The Pledge of Allegiance was led by Council*

Member Toles.

1. **CONSENT AGENDA -- CB-94 ADDED -- 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) Approval of County Council Minutes April 9, 2013. - **APPROVED**

** *Council Member Davis moved to accept the additions package; seconded by Council Member Franklin. The motion carried by voice vote (Absent: Council Members Patterson and Olson).*

ADDITIONS TO THE AGENDA

MOTION REQUIRED TO SUSPEND THE RULES TO ALLOW FOR PRESENTATION OF BILLS AFTER SEPTEMBER 30, 2013

** *Council Member Davis moved to suspend the Council Rules of Procedure to allow for Presentation of Bills after September 30; seconded by Council Member Turner. The motion carried 8-0 (Absent: Council Member Patterson).*

First Reading of Bills (Presentation)

CB-94-2013 - AN ACT CONCERNING LABOR – MINIMUM WAGE for the purpose of specifying the amount of the County minimum wage rate that is in effect for certain time periods and generally relating to the payment of wages. - **PRESENTED**

Council Bill 94 was presented by Council Members Turner, Campos, Davis, Franklin, Harrison, Lehman, Olson, Patterson and Toles and referred to the Public Safety and Fiscal Management (PSFM) Committee.

** *Council Member Davis moved to adopt the Consent Agenda; seconded by Council Member Turner. The motion carried 8-0 (Absent: Council Member Patterson).*

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

There were no items considered.

3. **SECOND READING OF BILLS (INTRODUCTION)**

CB-66-2013 - 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, 2014. - **INTRODUCED**

Council Member, Toles as Chair of the Public Safety and Fiscal Management (PSFM) Committee, provided a verbal report of the actions and recommendations of the Committee. Council Bill 66, which establishes the homestead property tax credit for the County property tax for the taxable year beginning July 1, 201, was introduced by Council Members Davis, Lehman, Franklin and Harrison.

CB-68-2013 - 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 and the Deputy Sheriff's Association of Prince George's County, Inc., to provide for wages and certain other terms and conditions of employment for personnel classifications certified by the Prince George's County Public Employee Relations Board. - **INTRODUCED**

Council Member Toles, as Chair of the Public Safety and Fiscal Management (PSFM) Committee, provided a verbal report of the actions and recommendations of the Committee. Council Bill 68, which amends the labor agreement by and between Prince George's County, Maryland and the Deputy Sheriff's Association of Prince George's County, Inc., to provide for wages and certain other terms and conditions of employment for personnel classifications certified by the Prince George's County Public Employee Relations Board, was introduced by Council Members Franklin, Lehman, Toles, Olson, Harrison, Davis, Turner and Campos.

CB-69-2013 - AN ACT CONCERNING COLLECTIVE BARGAINING AGREEMENT - DEPUTY SHERIFF'S ASSOCIATION OF PRINCE GEORGE'S COUNTY, INC. (CIVILIAN UNITS) for the purpose of approving the labor agreement by and between Prince George's County, Maryland and the Deputy Sheriff's Association of Prince George's County, Inc. (Civilian Units), to provide for wages and certain other terms and conditions of employment for personnel classifications certified by the Prince George's County Public Employee Relations Board. - **INTRODUCED**

Council Member Toles, as Chair of the Public Safety and Fiscal Management (PSFM) Committee, provided a verbal report of the actions and recommendations of the Committee. Council Bill 69, which approves the labor agreement by and between Prince George's County, Maryland and the Deputy Sheriff's Association of Prince George's County, Inc. (Civilian Units), to provide for wages and certain other terms and conditions of employment for personnel classifications certified by the Prince George's County Public Employee Relations Board, was introduced by Council Members Franklin, Lehman, Toles, Olson, Harrison, Davis, Turner and Campos.

SECOND READING OF BILLS (INTRODUCTION) – (CONTINUED)

CB-61-2013 (DR-2) - AN ORDINANCE CONCERNING THE M-X-T ZONE for the purpose of extending the time for abrogation of certain provisions of Section 27-547(b) of the Zoning Ordinance. - **INTRODUCED**

Council Member Franklin, as Chair of the Planning, Zoning and Economic Development (PZED) Committee, provided a verbal report of the actions and recommendations of the Committee. Council Bill 6, Draft 2, which extends the sunset provision to July 1, 2014 for abrogation of certain provisions in Section 27-547 of the Zoning Ordinance which permit limited industrial uses in the M-X-T Zone under certain circumstances, was introduced by Council Members Davis, Harrison, Turner, Campos and Franklin.

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

CB-18-2013 – AN ACT CONCERNING DEPARTMENT OF PERMITTING, INSPECTIONS, AND ENFORCEMENT for the purpose of amending several provisions of the County Code to transfer certain responsibilities and functions to the Department of Permitting, Inspections, and Enforcement. - **PUBLIC HEARING HELD; AMENDED; DR-2 ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 18. There were no speakers. All persons wishing to speak having done so, the public hearing was declared held. Council Member Davis moved to include amendment #1; seconded by Council Member Turner. The motion carried 8-0 (Absent: Council Member Patterson). Council Member Davis moved to enact Council Bill 18 (DR-2); seconded by Council Member Franklin. The motion carried 8-0 (Absent: Council Member Patterson).

CB-67-2013 - AN ORDINANCE CONCERNING R-55 ZONE for the purpose of amending the minimum net lot area in the R-55 Zone under certain circumstances. **PUBLIC HEARING HELD; NO ACTION TAKEN**

Pursuant to proper notice the public hearing convened on Council Bill 67. There were no speakers. All persons wishing to speak having done so, the hearing was declared held. No action was taken on this Bill.

5. **PUBLIC HEARINGS/RESOLUTION ELIGIBLE FOR FINAL READING (ADOPTION)**

CR-89-2013 – A RESOLUTION CONCERNING CONTRACT APPROVALS for the purpose of approving a multi-year Financing Agreement for the refunding of Dimensions Healthcare System, Inc. bonds. **PUBLIC HEARING HELD;**
ADOPTED

Pursuant to proper notice, the public hearing convened on Council Resolution 89. Leroy Maddox, Legislative Officer, provided a verbal report of the action and recommendations of the Committee of the Whole. There were no speakers. All persons wishing to speak having done so, the public hearing was declared held. Council Member Davis moved to adopt Council Resolution 89; seconded by Council Member Franklin. The motion carried 8-0 (Absent: Council Member Patterson).

6. **PUBLIC HEARINGS/RESOLUTIONS**

CR-90-2013 – A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN: FY 2013 for the purpose of amending the Annual Action Plan for Housing and Community Development: FY 2013 and approving the reprogramming of \$1,079,233 in HOME Investment Partnership (“HOME”) funds from the FY 2007, FY 2008, FY 2009, FY 2010, FY 2011, and FY 2012 Annual Action Plans to the “My HOME” program, an existing FY 2013 Annual Action Plan Homebuyer activity. - **ADOPTED ON 9/30/2013**

(Introduced by Council Members Turner, Harrison and Davis on 9/10/2013)

THE PUBLIC HEARING ON THIS ITEM WAS HELD AND WAS ADOPTED ON MONDAY, SEPTEMBER 30, 2013

Chair Harrison announced the Public Hearing on this Resolution was held on Monday, September 30, 2013. The Resolution was adopted at that time. No action was required of the Council.

RECESS-*The meeting recessed at 11:15 a.m.*

7. **COMMITTEE OF THE WHOLE – (COUNCIL HEARING ROOM) -- COMMITTEE MEETING HELD**

CR-99-2013 – A RESOLUTION CONCERNING PILOT AGREEMENT FOR ST. PAUL SENIOR LIVING LIMITED PARTNERSHIP/ST. PAUL SENIOR LIVING II LIMITED PARTNERSHIP for the purpose of approving the terms and conditions of a Negotiated Payment in Lieu of Taxes Agreement (PILOT) by and between Prince George's County, Maryland (the "County") and St. Paul Senior Living Limited Partnership/St. Paul Senior Living II Limited Partnership (collectively the "Owner"). - **FAVORABLE RECOMMENDATION**

Todd Turner, Legislative Officer, provided an overview of the legislation. Thomas Himler, Deputy Chief Administrative Officer for Finance and Administration, and Eric Brown, Director of the Department of Housing and Community Development, spoke to the specifics of the proposal. Council Member Toles moved a favorable recommendation; seconded by Council Member Davis. The motion carried 8-0 (Absent: Council Member Patterson).

CR-110-2013 - A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT PARK VIEW AT LAUREL II for the purpose of approving the terms and conditions of a Negotiated Payment in Lieu of Taxes Agreement between Prince George's County ("County") and Laurel II LLLP, a Maryland limited liability limited partnership ("Owner"). - **FAVORABLE RECOMMENDATION**

Todd Turner, Legislative Officer, provided an overview of the legislation. Thomas Himler, Deputy Chief Administrative Officer for Finance and Administration, and Eric Brown, Director of the Department of Housing and Community Development, spoke to the specifics of the proposal. Council Member Davis moved a favorable recommendation; seconded by Council Member Turner. The motion carried 8-0 (Absent: Council Member Patterson).

CR-112-2013 - A RESOLUTION CONCERNING PILOT AGREEMENT FOR FORT WASHINGTON MANOR APARTMENTS for the purpose of approving the terms and conditions of an Amended and Restated Negotiated Payment in Lieu of Taxes Agreement (PILOT) by and between Fort Washington Manor Limited Partnership (the "Owner") and Prince George's County, Maryland ("County"). - **FAVORABLE RECOMMENDATION**

Todd Turner, Legislative Officer, provided an overview of the legislation. Thomas Himler, Deputy Chief Administrative Officer for Finance and Administration, and Eric Brown, Director of the Department of Housing and Community Development, spoke to the specifics of the proposal. Council Member Davis moved a favorable recommendation; seconded by Council Member Campos. The motion carried 8-0 (Absent: Council Member Patterson).

COMMITTEE OF THE WHOLE – (COUNCIL HEARING ROOM) – (CONTINUED)

CR-113-2013 - A RESOLUTION CONCERNING PILOT AGREEMENT FOR THE RESIDENCES AT WOODLAND SPRINGS for the purpose of approving the terms and conditions of a Negotiated Payment in Lieu of Taxes Agreement (“PILOT”) by and between Woodland Townhomes LLLP, a Maryland limited liability limited partnership (the “Owner”) and Prince George’s County, Maryland (“County”). - **FAVORABLE RECOMMENDATION**

Todd Turner, Legislative Officer, provided an overview of the legislation. Thomas Himler, Deputy Chief Administrative Officer for Finance and Administration, and Eric Brown, Director of the Department of Housing and Community Development, spoke to the specifics of the proposal. Council Member Davis moved a favorable recommendation; seconded by Council Member Turner. The motion carried 8-0 (Absent: Council Member Patterson).

CR-115-2013 - A RESOLUTION CONCERNING PILOT AGREEMENT FOR QUEENS MANOR GARDENS APARTMENTS for the purpose of approving the terms and conditions of a Negotiated Payment in Lieu of Taxes Agreement (PILOT) by and between Queens Manor Gardens Apartments Limited Partnership (the “Owner”) and Prince George’s County, Maryland (the “County”). - **FAVORABLE RECOMMENDATION**

Todd Turner, Legislative Officer, provided an overview of the legislation. Thomas Himler, Deputy Chief Administrative Officer for Finance and Administration, and Eric Brown, Director of the Department of Housing and Community Development, spoke to the specifics of the proposal. Council Member Campos moved a favorable recommendation; seconded by Council Member Davis. The motion carried 8-0 (Absent: Council Member Patterson).

RECONVENE-*The meeting reconvened at 11:42 a.m.*

8. **RESOLUTIONS ELIGIBLE FOR FINAL READING**

CR-85-2013 – A RESOLUTION CONCERNING INITIATION OF A NEW MOUNT RAINIER ARCHITECTURAL CONSERVATION OVERLAY ZONE for the purpose of initiating an Architectural Conservation District designation within the City of Mount Rainier and authorizing the Planning Board to prepare an Architectural Conservation Overlay Zone and Architectural Conservation District Plan. - **ADOPTED**

Council Member Franklin, as Chair of the Planning, Zoning and Economic Development (PZED) Committee, provided a verbal report of the actions and recommendations of the Committee. Council Member Franklin moved to adopt Council Resolution 85; seconded by Council Member Campos. The motion carried 8-0 (Absent: Council Member Patterson).

RESOLUTIONS ELIGIBLE FOR FINAL READING – (CONTINUED)

CR-99-2013 – A RESOLUTION CONCERNING PILOT AGREEMENT FOR ST. PAUL SENIOR LIVING LIMITED PARTNERSHIP/ST. PAUL SENIOR LIVING II LIMITED PARTNERSHIP for the purpose of approving the terms and conditions of a Negotiated Payment in Lieu of Taxes Agreement (PILOT) by and between Prince George's County, Maryland (the "County") and St. Paul Senior Living Limited Partnership/St. Paul Senior Living II Limited Partnership (collectively the "Owner"). - **ADOPTED**

Todd Turner, Legislative Officer, provided a verbal report of the actions and recommendations of the Committee of the Whole. Council Member Davis moved to adopt Council Resolution 99; seconded by Council Member Toles. The motion carried 8-0 (Absent: Council Member Patterson).

CR-110-2013 - A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT PARK VIEW AT LAUREL II for the purpose of approving the terms and conditions of a Negotiated Payment in Lieu of Taxes Agreement between Prince George's County ("County") and Laurel II LLLP, a Maryland limited liability limited partnership ("Owner"). - **ADOPTED**

Todd Turner, Legislative Officer, provided a verbal report of the actions and recommendations of the Committee of the Whole. Council Member Davis moved to adopt Council Resolution 110; seconded by Council Member Turner. The motion carried 8-0 (Absent: Council Member Patterson).

CR-112-2013 - A RESOLUTION CONCERNING PILOT AGREEMENT FOR FORT WASHINGTON MANOR APARTMENTS for the purpose of approving the terms and conditions of an Amended and Restated Negotiated Payment in Lieu of Taxes Agreement (PILOT) by and between Fort Washington Manor Limited Partnership (the "Owner") and Prince George's County, Maryland ("County"). - **ADOPTED**

Todd Turner, Legislative Officer, provided a verbal report of the actions and recommendations of the Committee of the Whole. Council Member Davis moved to adopt Council Resolution 112; seconded by Council Member Turner. The motion carried 8-0 (Absent: Council Member Patterson).

CR-113-2013 - A RESOLUTION CONCERNING PILOT AGREEMENT FOR THE RESIDENCES AT WOODLAND SPRINGS for the purpose of approving the terms and conditions of a Negotiated Payment in Lieu of Taxes Agreement ("PILOT") by and between Woodland Townhomes LLLP, a Maryland limited liability limited partnership (the "Owner") and Prince George's County, Maryland ("County"). - **ADOPTED**

Todd Turner, Legislative Officer, provided a verbal report of the actions and recommendations of the Committee of the Whole. Council Member Franklin moved to adopt Council Resolution 113; seconded by Council Member Turner. The motion carried 8-0 (Absent: Council Member Patterson).

RESOLUTIONS ELIGIBLE FOR FINAL READING – (CONTINUED)

CR-115-2013 - A RESOLUTION CONCERNING PILOT AGREEMENT FOR QUEENS

MANOR GARDENS APARTMENTS for the purpose of approving the terms and conditions of a Negotiated Payment in Lieu of Taxes Agreement (PILOT) by and between Queens Manor Gardens Apartments Limited Partnership (the “Owner”) and Prince George’s County, Maryland (the “County”). - **ADOPTED**

Todd Turner, Legislative Officer, provided a verbal report of the actions and recommendations of the Committee of the Whole. Council Member Davis moved to adopt Council Resolution 115; seconded by Council Member Franklin. The motion carried 8-0 (Absent: Council Member Patterson).

INTRODUCTION AND ADOPTION OF RESOLUTIONS

CR-121-2013 – A RESOLUTION CONCERNING ADMISSIONS AND AMUSEMENT TAX for the purpose of approving a certain incentive for an event in Prince George’s County in the form of a reduction in the amount of the County admissions and amusement tax levy on the event. **INTRODUCED; CONVENED IN C.O.W.; FAVORABLE RECOMMENDATION; ADOPTED**

Council Resolution 121, as proposed by the Chair by request of the County Executive approves a certain incentive for an event in Prince George’s County in the form of a reduction in the amount of County admission and amusement tax levy on the event, was introduced by Council Member Harrison. Chair Harrison convened the Committee of the Whole. Thomas Himler, Deputy Chief Administrative Officer for Finance and Administration, and Eric Brown, Director of the Department of Housing and Community Development, spoke to the specifics of the proposal. Council Member Franklin moved favorable recommendation; seconded by Council Member Turner. The motion carried 8-1 (Opposed: Council Member Lehman). The Committee of the Wholes was concluded and Chair Harrison reconvened the County Council. Leroy Maddox, Legislative Officer, provided a verbal report of the actions and recommendations of the Committee of the Whole. Council Member Davis moved adoption of Council Resolution 121; seconded by Council Member Patterson. The motion carried 8-1 (Opposed: Council Member Lehman).

CR-122-2013 - A RESOLUTION CONCERNING SUPPORT FOR PARTNERSHIPS BETWEEN PRINCE GEORGE’S COUNTY GOVERNMENT AND THE PRINCE GEORGE’S COUNTY PUBLIC SCHOOL SYSTEM for the purpose of supporting the partnership between the Prince George’s County Government and the Prince George’s County Public School System. **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 122, which supports the partnership between the Prince George’s County Government and the Prince George’s County Public School System, was introduced by Council Members Turner, Campos, Davis, Franklin, Harrison, Lehman, Olson, Patterson, Toles. Council Member Davis moved to suspend the Council Rules of Procedure to allow for immediate adoption; seconded by Council Member Patterson. The motion carried 9-0. Council Member Davis moved to adopt Council Resolution 122; seconded by Council Member Turner. The motion carried 9-0.

RECESS- *The meeting went into recess at 12:44 p.m.*

9. **COUNTY COUNCIL SITTING AS THE BOARD OF HEALTH – (COUNCIL HEARING ROOM)**

Washington Adventist Hospital Certificate of Need (CON) Application BRIEFING HELD

Request for Letter of Support

- Joyce Newmyer, President, Washington Adventist Hospital
- Geoff Morgan, Vice President, Expanded Access, Washington Adventist Hospital
- Robert Jepson, Vice President, Business Development, Adventist HealthCare
- Jonathan Sachs, Director of Public Policy, Adventist HealthCare

The Board of Health meeting was convened at 1:26 p.m. . Dr. Joseph Wright, Board of Health Consultant, provided introductory remarks. Robert Jepson who and Joyce Newmyer, facilitated a PowerPoint presentation and responded to questions posed by the Council. (See Administrative Day file for detailed Clerk's notes).

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

- (a) Proposed correspondence to Mr. Ben Steffen, Executive Director, Maryland Health Care Commission, in support of the Certificate of Need (CON) application filed by Washington Adventist Hospital and in support of access to quality health care for all citizens. - **CHAIR AUTHORIZED TO SIGN**

Correspondence was proposed to be sent to Mr. Ben Steffen, Executive Director, Maryland Health Care Commission, in support of the Certificate of Need (CON) application filed by Washington Adventist Hospital and in support of access to quality health care for all citizens. Council Member Davis moved to authorize the Chair's signature; seconded by Council Member Olson. The motion carried 9-0.

- (b) Proposed correspondence to Mr. Ben Steffen, Executive Director, Maryland Health Care Commission, in support of growth that favors improved access to quality healthcare for all citizens. **NO ACTION REQUIRED**

Contents of this letter were condensed into item 10(a) above.

DISTRICT COUNCIL ITEMS

SEE SEPARATE ACTION AGENDA

District Council items were considered (See separate Minutes for details).

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

There were no requests.

ADJOURNED- *The meeting was adjourned at 2:11 p.m.*

Prepared by:

Submitted by:

Donna J. Brown, Deputy Clerk of the Council

Redis C. Floyd, Clerk of the Council