

### **Prince George's County Council**

Meeting Minutes - Final County Council

Mel Franklin, District 9, Chairman Will A. Campos, District 2, Vice Chair Derrick Leon Davis, District 6 Andrea C. Harrison, District 5 Mary A. Lehman, District 1 Eric C. Olson, District 3 Obie Patterson, District 8 Karen R. Toles, District 7 Ingrid M.Turner, District 4

Robert J. Williams, Jr., Council Administrator

#### Wednesday, November 19, 2014

10:00 AM

**Council Hearing Room** 

#### 9:30 A.M. - AGENDA BRIEFING - (ROOM 2027)

#### 10:00 A.M. - CALL TO ORDER - (COUNCIL HEARING ROOM)

The meeting was called to order at 10:54 a.m. with nine members present at roll call.

Present:9 -Chairman Mel Franklin<br/>Vice Chair Will Campos<br/>Council Member Derrick Davis<br/>Council Member Andrea Harrison<br/>Council Member Mary Lehman<br/>Council Member Eric Olson<br/>Council Member Obie Patterson<br/>Council Member Karen Toles<br/>Council Member Ingrid Turner

County Administration Bldg 14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772-3050 Also present: Robert J. Williams, Jr. Council Administrator William M. Hunt, Jr., Deputy Council Administrator Redis C. Floyd, Clerk of the Council Donna J. Brown, Deputy Clerk of the Council Nathaniel Tutt, III, County Executive's Office LaKeecia Allen, Office of Law Kathleen Canning, Legislative Officer Colette Gresham, Legislative Officer Leroy Maddox, Legislative Officer Todd Turner, Legislative Officer Sandra Eubanks, Director HEHS Committee Frank Porter. Director. PSFM Committee

#### **INVOCATION:**

The Invocation was provided by Reverend April Jenkins, Associate Minister, Maple Springs Baptist Church, Capitol Heights, Maryland. Council Member Harrison requested prayer for the family of Orem Bice as he battles cancer and for all of the leadership of the County. Council Member Lehman requested prayer for those less fortunate and for those with mental health issues during this holiday season. Council Member Toles requested prayer for Mary Budd, Administrative Aide for the District ', office, in her recovery from surgery and for students of Suitland and Potomac High Schools. Council Member requested prayer for each of the outgoing Council Member - Council Members Campos, Olson and Turner.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Campos.

#### **DESIGNATION OF NOVEMBER 19, 2014 AS LEGISLATIVE DAY NO. 36**

Chairman Franklin designated Legislative Day number thirty-six.

#### **<u>1. CONSENT AGENDA</u>**

A motion was made by Council Member Davis, seconded by Council Member Olson, that this be adopted and all actions approved. The motion carried by the following vote:

Aye:8 -Franklin, Campos, Davis, Harrison, Lehman, Olson,<br/>Patterson and TurnerAbsent:1 -Toles

(a) Approval of County Council Minutes dated November 12, 2014.

These minutes were approved.

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

There were no items considered.

#### 3. PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT

LTR 11192014 a Proposed joint signature letter to Dr. David Lever, R.A., D.A., Executive Director, The Interagency Committee on State School Construction, endorsing the Prince George's County Board of Education's proposed FY-2016 capital budget request and to identify the projects considered most critical.

Attachment(s): FY 2016 IAC Letter.pdf

A motion was made by Council Member Davis, seconded by Council Member Olson, that this Agenda Letter be authorized for Chair's signature. The motion carried by the following vote:

Aye:9 -Franklin, Campos, Davis, Harrison, Lehman, Olson,<br/>Patterson, Toles and Turner

# LTR 11192014 b Proposed correspondence to Chair, Board of Education, Segun C. Eubanks, Ed.D., in support of their FY 2014 Final Operating Budget Transfer Request.

Attachment(s): <u>ltr-fy2014 BOE.doc</u> fy2014 BOE Attachment.pdf

Council Member Patterson, as Chair of the Health, Education, and Human Services Committee, provided a verbal report of the actions and recommendations of the Committee.

A motion was made by Council Member Davis, seconded by Council Member Patterson, that this Agenda Letter be authorized for Chair's signature. The motion carried by the following vote:

#### PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT - (CONTINUED)

<u>LTR 11192014 c</u> Proposed correspondence to Chair, Board of Education, Segun C. Eubanks, Ed.D., in support of their FY 2015 Operating Budget Transfer Request.

<u>Attachment(s)</u>: <u>ltr-fy2015 BOE.doc</u> <u>fy2015 BOE Attachment.pdf</u>

Council Member Patterson, as Chair of the Health, Education, and Human Services Committee, provided a verbal report of the actions and recommendations of the Committee.

A motion was made by Council Member Davis, seconded by Council Member Olson, that this Agenda Letter be authorized for Chair's signature. The motion carried by the following vote:

Aye:9 -Franklin, Campos, Davis, Harrison, Lehman, Olson,<br/>Patterson, Toles and Turner

#### **ADDITION TO THE AGENDA**

A motion was made by Council Member Davis, seconded by Council Member Turner, that this be accepted the additions package. The motion carried by the following vote:

Aye:9 -Franklin, Campos, Davis, Harrison, Lehman, Olson,<br/>Patterson, Toles and Turner

# LTR 11192014 dProposed joint signature letter to Mr. James T. Smith, Jr., Secretary, Maryland Departmen<br/>of Transportation regarding proposed 2014-2015 Priority Projects List for the FY<br/>2015-2020 State Consolidated Transportation Program (CTP).

<u>Attachment(s)</u>: <u>2014-15 CTP Letter.doc</u> <u>2014-15 Transportation Priority List.pdf</u>

Under discussion, Council Member Patterson expressed deep concern regarding timelines for State of Maryland transportation priorities in South County. Council Members Harrison, Davis, Toles and Franklin reiterated the concerns raised by Council Member Patterson.

A motion was made by Council Member Davis, seconded by Council Member Turner, that this Agenda Letter be authorized for Chair's signature. The motion carried by the following vote:

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

 CB-083-2014
 AN ACT CONCERNING BUSINESSES AND LICENSES - CHILD CARE

 FACILITIES
 For the purpose of repealing provisions of the County Code pertaining to business licensing functions to comport with State law for functions which are handled by the Office of Child Care (OCC) in the Maryland State Department of Education.

Sponsor(s): Franklin, Lehman and Patterson

<u>Attachment(s)</u>: <u>B2014083.docx</u> <u>CB-083-2014 Report</u>

*Pursuant to proper notice, the public hearing was convened. There were no speakers. All persons wishing to speak having done so, the public hearing was declared held.* 

The public hearing was held for this Council Bill

A motion was made by Council Member Davis, seconded by Council Member Turner, that this Council Bill be enacted. The motion carried by the following vote:

Aye:9 -Franklin, Campos, Davis, Harrison, Lehman, Olson,<br/>Patterson, Toles and Turner

 CB-087-2014
 AN ACT CONCERNING THE COMMISSION FOR CHILDREN, YOUTH, AND

**FAMILIES** for the purpose of amending provisions of the County Code relating to the composition of the Commission for Children, Youth, and Families.

**Sponsor(s):** Davis, Franklin, Patterson, Toles and Turner

Attachment(s): B2014087.docx CB-087-2014 Report

*Pursuant to proper notice, the public hearing was convened. There were no speakers. All persons wishing to speak having done so, the public hearing was declared held.* 

The public hearing was held for this Council Bill

A motion was made by Council Member Davis, seconded by Council Member Patterson, that this Council Bill be enacted. The motion carried by the following vote:

<u>CB-041-2014</u> <u>AN ACT CONCERNING BUILDING FEE WAIVER</u> for the purpose of establishing a building fee waiver for certain not-for-profit organizations, and generally relating to building fee exemptions in Prince George's County.

**Sponsor(s)**: Olson, Davis, Franklin, Harrison, Patterson and Turner

<u>Attachment(s)</u>: <u>B2014041.doc</u> <u>CB-041-2014 Report</u>

*Pursuant to proper notice, the public hearing was convened. There were no speakers. All persons wishing to speak having done so, the public hearing was declared held.* 

#### The public hearing was held for this Council Bill

A motion was made by Council Member Olson, seconded by Council Member Harrison, that this Council Bill be enacted. The motion carried by the following vote:

Aye:9 -Franklin, Campos, Davis, Harrison, Lehman, Olson,<br/>Patterson, Toles and Turner

CB-086-2014

#### AN ACT CONCERNING SUBTITLE 32 - WATER RESOURCES PROTECTION

**AND GRADING CODE** for the purpose of amending the Rain Check Rebate Program, a enacted as part of CB-40-2012, by increasing the maximum lifetime rebate allowable to County property owners who install approved stormwater management practices, authorizing rebate disbursement prior to construction and expanding program eligibility fc homeowners, condominium, and civic associations.

**Sponsor(s):** Davis, Franklin, Lehman, Olson, Patterson, Toles and Turner

<u>Attachment(s)</u>: <u>B2014086.doc</u> CB-086-2014 Report

*Pursuant to proper notice, the public hearing was convened. There were no speakers. All persons wishing to speak having done so, the public hearing was declared held.* 

The public hearing was held for this Council Bill

A motion was made by Council Member Olson, seconded by Council Member Davis, that this Council Bill be amended (1). The motion carried by the following vote:

Under discussion, Council Members Lehman and Davis expressed support and the thanked the Department of the Environment.

A motion was made by Council Member Olson, seconded by Council Member Davis, that Draft 2 of this Council Bill be enacted. The motion carried by the following vote:

Aye:9 -Franklin, Campos, Davis, Harrison, Lehman, Olson,<br/>Patterson, Toles and Turner

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

<u>CB-078-2014</u> <u>AN ACT CONCERNING ADMINISTRATION</u> for the purpose of prohibiting certain employers from conducting a criminal background check or otherwise inquiring into an applicant's criminal record until the conclusion of a first interview; requiring certain employers to provide prior notice to an applicant or employee when taking an adverse action concerning the applicant's or employee's employment; providing for enforcement l the Executive Director of the Human Relations Commission; and generally regulating the use of criminal records in the hiring process by certain employer.

*Sponsor(s)*: Patterson, Davis, Franklin, Harrison and Toles

<u>Attachment(s)</u>: <u>B2014078.doc</u> CB-78-2014 Report.doc

Pursuant to proper notice, the public hearing was convened. Bob Ross, Jason Perkins Cohen, Fred Price, Jr., Kenneth Battle, David Harrington and Ron Wineholt spoke in support. All persons wishing to speak having done so, the public hearing was declare held.

#### The public hearing was held for this Council Bill

Colette Gresham, Legislative Officer, explained the proposed amendments. Under discussion, Council Members Lehman, Davis, Toles, Olson, Franklin and Harrison commended Council Member Patterson for his work on this issue.

A motion was made by Council Member Patterson, seconded by Council Member Davis, that this Council Bill be amended (1). The motion carried by the following vote:

Aye:9 -Franklin, Campos, Davis, Harrison, Lehman, Olson,<br/>Patterson, Toles and Turner

A motion was made by Council Member Patterson, seconded by Council Member Harrison, that Draft 3 of this Council Bill be enacted. The motion carried by the following vote:

CB-080-2014

## AN ACT CONCERNING HUMAN TRAFFICKING - LODGING

**ESTABLISHMENTS - EMPLOYEE TRAINING** for the purpose of requiring lodging establishments to provide certain employee training; providing for a certain registration; providing for the updating of certain information; requiring the Human Relations Commission in collaboration with the Police Department to provide certain training materials; requiring lodging establishments to perform annual employee training certification; and generally relating to lodging establishment regulation in the County.

*Sponsor(s)*: Toles, Harrison, Lehman and Olson

<u>Attachment(s)</u>: <u>B2014080.doc</u> <u>CB-80-2014 Report</u>

Pursuant to proper notice, the public hearing was convened. David Reel, Vanay Pate Tina Frundt, Margaret Boles, Jennifer Jones, Sgt. David Coleman spoke to the Bill. A persons wishing to speak having done so, the public hearing was declared held.

The public hearing was held for this Council Bill

A motion was made by Council Member Toles, seconded by Council Member Davis, that this Council Bill be amended (1). The motion carried by the following vote:

Aye:9 -Franklin, Campos, Davis, Harrison, Lehman, Olson,<br/>Patterson, Toles and Turner

A motion was made by Council Member Harrison, seconded by Council Member Olson, that Draft 3 of this Council Bill be enacted. The motion carried by the following vote:

<u>CB-081-2014</u> <u>AN ACT CONCERNING MASSAGE ESTABLISHMENT LICENSING</u> for the purpose of amending the County Code provisions for licensing of massage establishments operators, managers and technicians to require certain information and generally related to licensing of massage establishments.

**Sponsor(s):** Toles, Franklin, Harrison and Lehman

<u>Attachment(s)</u>: <u>B2014081.doc</u> <u>CB-81-2014 Report</u>

Pursuant to proper notice, the public hearing was convened. Tina Frundt and Jennife Jones spoke in support. All persons wishing to speak having done so, the public hearing was declared held.

#### The public hearing was held for this Council Bill

Under discussion, Council Member Turner requested clarification of the fee structure in the this legislation. Todd Turner, Legislative Officer, explained the justification fo the proposed fee increase.

A motion was made by Council Member Toles, seconded by Council Member Davis, that this Council Bill be enacted. The motion carried by the following vote:

Aye:9 -Franklin, Campos, Davis, Harrison, Lehman, Olson,<br/>Patterson, Toles and Turner

<u>CB-082-2014</u> <u>AN ACT CONCERNING THE NUISANCE ABATEMENT BOARD</u> for the purpose of amending the provisions concerning the administration and functions of the Prince George's County Nuisance Abatement Board.

**Sponsor(s):** Olson, Toles, Franklin, Lehman and Patterson

<u>Attachment(s)</u>: <u>B2014082.doc</u> <u>CB-82-2014 Report</u>

*Pursuant to proper notice, the public hearing was convened. There were no speakers. All persons wishing to speak having done so, the public hearing was declared held.* 

#### The public hearing was held for this Council Bill

Under discussion, Council Member Toles thanked Council Member Olson for his wor on this issue.

A motion was made by Council Member Olson, seconded by Council Member Harrison, that this Council Bill be enacted. The motion carried by the following vote:

<u>CB-084-2014</u> <u>AN ACT CONCERNING CODE OF ETHICS</u> for the purpose of amending the Code of Ethics in order to conform to State law, changing certain responsibilities to the Office of Ethics and Accountability, and changing the Board of Ethics reporting period.

**Sponsor(s)**: Turner

<u>Attachment(s)</u>: <u>B2014084.doc</u> <u>CB-84-2014 Report</u>

*Pursuant to proper notice, the public hearing was convened. There were no speakers. All persons wishing to speak having done so, the public hearing was declared held.* 

#### The public hearing was held for this Council Bill

A motion was made by Council Member Harrison, seconded by Council Member Patterson, that this Council Bill be enacted. The motion carried by the following vote:

Aye:	9 -	Franklin, Campos, Davis, Harrison, Lehman, Olson,
		Patterson, Toles and Turner

<u>CB-090-2014</u> <u>AN ACT CONCERNING SUPPLEMENTARY APPROPRIATIONS</u> for the purpose of declaring additional revenue and appropriating to the General Fund to provide for costs that were not anticipated and included in the Approved Fiscal Year 2015 Budget.

**Sponsor(s):** Franklin and Turner

<u>Attachment(s)</u>: <u>B2014090.doc</u> <u>I-CB-90-2014 Attachment.pdf</u> <u>CB-90-2014 Report</u>

*Pursuant to proper notice, the public hearing was convened. There were no speakers. All persons wishing to speak having done so, the public hearing was declared held.* 

The public hearing was held for this Council Bill

A motion was made by Council Member Davis, seconded by Council Member Harrison, that this Council Bill be enacted. The motion carried by the following vote:

CB-079-2014AN ACT CONCERNING HUMAN TRAFFICKING - LODGING<br/>ESTABLISHMENTS - ROOM RENTAL for the purpose of prohibiting lodging<br/>establishments from renting rooms for certain rental periods; providing exceptions to<br/>certain rentals; providing for the enforcement of and penalties required pursuant to this<br/>Act; and generally relating to lodging establishment regulation in the County.

**Sponsor(s):** Toles, Olson, Franklin, Harrison, Lehman and Patterson

<u>Attachment(s)</u>: <u>B2014079.doc</u> CB-79-2014 Report .doc

Pursuant to proper notice, the public hearing was convened. Vanay Patel, Tina Frundt, Mary Katherine Burke, Jennifer Jones, James Estepp, Sgt. David Coleman, Michael Lyles, David Harrington and Renee Battle-Brooks spoke to the Bill. All persons wishing to speak having done so, the public hearing was declared held.

#### The public hearing was held for this Council Bill

Kathy Canning, Legislative Officer, explained the proposed amendments. Under discussion, Council Member Lehman congratulated Council Members Olson and Tolon their work on this issue. Council Member Toles sought clarification as to the inter of certain provisions in the amendment and it's correlation to nuisance abatement. Nathaniel Tutt, III spoke to the County Executive's position on the provision related to the exemptions clause. There was a robust discussion regarding the trucker rental language.

A motion was made by Council Member Davis, seconded by Council Member Harrison, to close the debate on this Council Bill. The motion failed by the following vote:

Aye:	4 -	Franklin, Campos, Davis and Harrison
Nay:	5 -	Lehman, Olson, Patterson, Toles and Turner

*This substitute motion was to amend amendment number one to remove provision 6 and restore the criminal penalties of the Bill.* 

A motion was made by Council Member Olson, seconded by Council Member Toles, that this Council Bill be amended (2). The motion failed by the following vote:

Aye:	3 -	Campos, Lehman and Olson
Nay:	6 -	Franklin, Davis, Harrison, Patterson, Toles and Turner

This is the original motion to amend Council Bill 79.

A motion was made by Chairman Franklin, seconded by Council Member Davis, that this Council Bill be amended (1). The motion carried by the following vote: Aye: 9 - Franklin, Campos, Davis, Harrison, Lehman, Olson,

Patterson, Toles and Turner

A motion was made by Council Member Toles, seconded by Council Member Olson, that Draft 4 of this Council Bill be enacted. The motion carried by the following vote:

Aye:9 -Franklin, Campos, Davis, Harrison, Lehman, Olson,<br/>Patterson, Toles and Turner

**RECESS** 

*The meeting went into recess at 2:09 p.m.* 

#### **<u>5. COMMITTEE OF THE WHOLE - (COUNCIL HEARING ROOM)</u>**

<u>CR-099-2014</u> <u>A RESOLUTION CONCERNING CONTRACT APPROVAL</u> for the purpose of approving a multi-year public-private partnership agreement for the design, construction, management, operation and maintenance of up to 4,000 acres of County property comprising Prince George's County's Urban Stormwater Retrofit Program.

**Sponsor(s)**: Davis

Attachment(s):R2014099.docxI-CR-99-2014 Attachment A.pdfI-CR-99-2014 Attachment B.pdfI-CR-99-2014 Attachment C.pdfI-CR-99-2014 Attachment D.pdfI-CR-99-2014 Attachment D.pdfI-CR-99-2014 Attachment E.pdf

COMMITTEE RECOMMENDATION: FAVORABLE WITH AMENDMENTS The Committee of the Whole convened at 3:49 p.m. Colette Gresham, Legislative Officer, provided an overview of the Resolution. Adam Ortiz, Director of the Department of the Environment, Roland Jones, Director of the Office of Central Services and Josue Pierre of the Office of Law responded to questions posed by the Council. A motion was made by Council Member Davis, seconded by Council Memb Olson, for a favorable committee recommendation with amendments. The motion carried 7-0 (Absent: Council Members Harrison and Lehman) (See Administrative Day file for detailed Clerk's notes). The committee concluded at 3:49 p.m.

#### **RECONVENE**

The meeting was reconvened at 3:53 p.m.

#### 6. PUBLIC HEARING – RESOLUTION ELIGIBLE FOR FINAL READING (ADOPTION)

<u>CR-099-2014</u> <u>A RESOLUTION CONCERNING CONTRACT APPROVAL</u> for the purpose of approving a multi-year public-private partnership agreement for the design, construction, management, operation and maintenance of up to 4,000 acres of County property comprising Prince George's County's Urban Stormwater Retrofit Program.

**Sponsor(s)**: Davis

<u>Attachment(s)</u> :	<u>R2014099.docx</u>
	I-CR-99-2014 Attachment A.pdf
	I-CR-99-2014 Attachment B.pdf
	I-CR-99-2014 Attachment C.pdf
	I-CR-99-2014 Attachment D.pdf
	I-CR-99-2014 Attachment E.pdf

Chairman Franklin read into the record a statement regarding Council Member Lehman's recusal of herself from consideration of Council Resolution 99. Pursuant to proper notice, the public hearing was convened. Lunique Estime, Diane Cameron, Jason Washington and Dan Smith spoke in support. All persons wishing to speak having done so, the public hearing was declared held.

The public hearing was held for this Resolution

A motion was made by Council Member Davis, seconded by Council Member Olson, to substitute Draft 2 in lieu of Draft 1 of this Resolution. The motion carried by the following vote:

Aye:	8 -	Franklin, Campos, Davis, Harrison, Olson, Patterson,
		Toles and Turner
Absent:	1 -	Lehman

Under discussion, Adam Ortiz, Director of the Department of the Environment responded to pertinent questions posed by Council Member Davis.

A motion was made by Council Member Davis, seconded by Council Member Olson, that Draft 2 of this Resolution be adopted. The motion carried by the following vote:

Aye:	8 -	Franklin, Campos, Davis, Harrison, Olson, Patterson,
		Toles and Turner
Absent:	1 -	Lehman

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

<u>CR-042-2014</u> <u>A RESOLUTION CONCERNING COUNTY REAL PROPERTY</u> for the purpose of declaring certain parcels of County-owned real property as surplus, and approving the County Executive's plan for disposal of such parcels.

**Sponsor(s):** Franklin

<u>Attachment(s)</u>: R2014042.doc I-CR-42-2014 Attachment A.pdf CR-42-2014 Report

Council Member Toles, as Chair of the Public Safety and Fiscal Management Committee, provided a verbal report of the actions and recommendations of the Committee.

 A motion was made by Council Member Olson, seconded by Council Member
 Toles, that this Resolution be adopted. The motion carried by the following vote:
 Aye: 8 - Franklin, Campos, Davis, Harrison, Olson, Patterson, Toles and Turner
 Absent: 1 - Lehman

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

There were no requests.

#### POINT OF PERSONAL PRIVILEGE

Chairman Franklin acknowledged outgoing Council Members Campos, Olson and Turner and thanked them for their service to the citizens of Priince George's County.

#### ADJOURN

The meeting was adjourned at 4:15 p.m.

Prepared by:

Donna J. Brown, Deputy Clerk of the Council

Submitted by:

Redis C. Floyd, Clerk of the Council