



Prince George's County Council

County Administration Bldg
14741 Governor Oden Bowie
Drive
Upper Marlboro, Maryland
20772-3050

Meeting Minutes - Final County Council

Mel Franklin, District 9, Chairman
Derrick Leon Davis, District 6, Vice Chair
Dannielle M. Glaros, District 3
Andrea C. Harrison, District 5
Mary A. Lehman, District 1
Obie Patterson, District 8
Deni L. Taveras, District 2
Karen R. Toles, District 7
Todd M. Turner, District 4

Robert J. Williams, Jr., Council Administrator

Tuesday, June 2, 2015

1:30 PM

Council Hearing Room

1:00 P.M. - AGENDA BRIEFING - (ROOM 2027)

1:30 P.M. - CALL TO ORDER - (COUNCIL HEARING ROOM)

*The meeting was called to order at 1:47 p.m. with eight members present at roll call.
Council Member Harrison was out on County business.*

Present: 8 - Chairman Mel Franklin
Vice Chairman Derrick Davis
Council Member Dannielle Glaros
Council Member Mary Lehman
Council Member Obie Patterson
Council Member Deni Taveras
Council Member Karen Toles
Council Member Todd Turner

Absent: Council Member Andrea Harrison

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

Jacqueline Brown, Director, PZED Committee

INVOCATION:

The Invocation was provided by Pleshette Monroe, County Employee. Council Member Glaros requested prayer for Chrystal Williams. Council Member Toles requested prayer for the family of the Vice President. Council Member requested prayer for the Santos family, whose children were injured/killed on East/West Highway.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Lehman.

LEGISLATIVE DAY NO. 19

Chairman Franklin declared Legislative Day number nineteen.

1. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Vice Chairman Davis , seconded by Council Member Turner, to approve the Consent Agenda. The motion carried by the following vote:

Aye	8 - Franklin, Davis, Glaros, Lehman, Patterson, Taveras, Toles and Turner
Absent	Harrison

(a) Approval of County Council Minutes[MIN 05122015](#)

County Council Minutes dated May 12, 2015.

These minutes were approved**(b) First Reading of Bills (Presentation)**[CB-034-2015](#)

AN ACT CONCERNING ELECTRONIC CIGARETTE REGULATION for the purpose of defining electronic cigarettes, regulating distribution, placement and packaging of electronic cigarettes, and restricting smoking of electronic cigarettes inside of public housing, senior citizen housing, and eating and drinking establishments.

Attachment(s): [B2015034.doc](#)

This Council Bill was presented by Council Members Turner, Glaros, Harrison, Lehman, Taveras and Toles and referred to the Health, Education and Human Services Committee

[CB-036-2015](#)

AN ACT CONCERNING EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT for the purpose of updating the County's erosion and sediment control regulations to be consistent with the State of Maryland's revised erosion and sediment control regulations and the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control (Standards and Specifications), as adopted by the Maryland Department of Environment in January 2012, and incorporating by reference the Prince George's County Stormwater Design Manual.

Sponsor(s): Franklin, Turner and Davis

Attachment(s): [B2015036.doc](#)
[I-CB-36-2015 Manual.pdf](#)
[CB-36-2015 Report.doc](#)

This Council Bill was presented by the Chairman, by request of the County Executive, and referred to the Committee of the Whole

[CB-037-2015](#)

AN ACT CONCERNING TELECOMMUNICATION TAX for the purpose of revising the telecommunications tax rate.

Attachment(s): [B2015037.doc](#)
[CB-37-2015 Report.doc](#)

This Council Bill was presented by the Chairman, by request of the County Executive, and referred to the Committee of the Whole

CONSENT AGENDA - (CONTINUED)[CB-038-2015](#)

AN ACT CONCERNING PRINCE GEORGE'S COUNTY RECORDATION TAX RATE for the purpose of setting the recordation tax rate.

Attachment(s): [B2015038.doc](#)
[CB-38-2015 Report.doc](#)

This Council Bill was presented by the Chairman, by request of the County Executive, and referred to the Committee of the Whole

[CB-039-2015](#)

AN ACT CONCERNING HOTEL AND MOTEL TAXES for the purpose of revising the hotel and motel tax rate.

Sponsor(s): Franklin, Davis, Glaros, Taveras and Lehman

Attachment(s): [B2015039.doc](#)
[CB-39-2015 Report.doc](#)

This Council Bill was presented by the Chairman, by request of the County Executive, and referred to the Committee of the Whole

[CB-040-2015](#)

AN ACT CONCERNING SUPPLEMENTAL PROPERTY TAX CREDIT for the purpose of establishing a tax credit for real property.

Attachment(s): [B2015040.doc](#)

This Council Bill was presented by the Chairman, by request of the County Executive, and referred to the Committee of the Whole

[CB-041-2015](#)

AN ACT CONCERNING DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT for the purpose of adding certain fees; increasing certain fees; amending provisions of the County Code to remove fee references directly from the County Code that fall under Department of Permitting, Inspections and Enforcement; requiring the Department of Permitting, Inspections and Enforcement to publish an annual comprehensive Table of Fees submitted by the County Executive to be approved by the County Council after legislative review and approval by resolution, after notice and public hearing; providing that this Act shall be retroactively effective to July 1, 2015; and generally relating to fees.

Sponsor(s): Franklin

Attachment(s): [B2015041.doc](#)
[CB-41-2015 Report.doc](#)

This Council Bill was presented by the Chairman, by request of the County Executive, and referred to the Committee of the Whole

2. CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

There were no items considered.

3. PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT**[LTR 06022015](#)**

Proposed letter to the Honorable Elizabeth M. Hewlett, Chairman, Prince George's County Planning Board, approving the request for a three-month extension of the timeframe to complete the preliminary Prince George's Plaza Transit District Development Plan and Proposed Transit District Overlay Zoning Map Amendment.

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

Aye	8 - Franklin, Davis, Glaros, Lehman, Patterson, Taveras, Toles and Turner
Absent	Harrison

4. PUBLIC HEARINGS/BILLS ELIGIBLE FOR THIRD READING – (ENACTMENT)**[CB-007-2015](#)**

AN ACT CONCERNING PROPERTY TAX CREDIT FOR ACCESSIBILITY FEATURES for the purpose of establishing a tax credit for real property equipped with accessibility features.

Sponsor(s): Turner, Davis, Glaros, Taveras and Franklin

Attachment(s): [B2015007.doc](#)
[CB-07-2015 Report.doc](#)

Pursuant to proper notice, the public hearing was convened at 1:56 p.m. 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 Turner, seconded by Council Member Glaros, that this Council Bill be enacted. The motion carried by the following vote:

Aye	8 - Franklin, Davis, Glaros, Lehman, Patterson, Taveras, Toles and Turner
Absent	Harrison

PUBLIC HEARINGS/BILLS ELIGIBLE FOR THIRD READING – (ENACTMENT) (CONTINUED)**[CB-008-2015](#)**

AN ORDINANCE CONCERNING RURAL RESIDENTIAL (R-R) ZONE for the purpose of permitting commercial uses in the Rural Residential (R-R) Zone, under certain circumstances.

Sponsor(s): Davis

Attachment(s): [B2015008.doc](#)
[CB-008-2015 Report](#)

Pursuant to proper notice, the public hearing was convened at 1:57 p.m. 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 Vice Chairman Davis, seconded by Council Member Glaros, that this Council Bill be enacted. The motion carried by the following vote:

Aye	8 - Franklin, Davis, Glaros, Lehman, Patterson, Taveras, Toles and Turner
Absent	Harrison

5. PUBLIC HEARING – RESOLUTIONS**[CR-016-2015](#)**

A RESOLUTION CONCERNING THE 2008 WATER AND SEWER PLAN (DECEMBER 2014 CYCLE OF AMENDMENTS) for the purpose of changing the water and sewer category designations of properties within the 2008 Water and Sewer Plan.

Sponsor(s): Franklin

Attachment(s): [R2015016.doc](#)
[I-CR-16-2015 Attachments A & B.doc](#)

Pursuant to proper notice, the public hearing was convened at 1:58 p.m. Julius McManus, Dennis Cheseldine, Chris Hatcher and Renee Ketter provided verbal testimony. All persons wishing to speak having done so, the public hearing was declared held.

The public hearing was held for this Resolution.

[CR-018-2015](#)**A RESOLUTION CONCERNING HOUSING AND COMMUNITY**

DEVELOPMENT ANNUAL ACTION PLAN: FY 2015 for the purpose of amending the Annual Action Plan for Housing and Community Development: Fiscal Year (FY) 2015 to include a new, eligible HOME Investment Partnerships Program (“HOME”) activity, the Rainier Manor Phase II senior rental housing project and approving the reallocating and commitment of \$850,000 in HOME funds from the FY 2015 Annual Action Plan for this activity.

Sponsor(s): Turner, Lehman, Harrison, Davis, Glaros, Franklin and Taveras

Attachment(s): [R2015018.doc](#)
[I-CR-18-2015 Attachment B.pdf](#)
[I-CR-18-2015 Attachment C.pdf](#)
[CR-018-2015 Report](#)

Pursuant to proper notice, the public hearing was convened at 2:04 p.m. 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 Resolution.

RECESS

The meeting went into recess at 2:05 p.m.

COMMITTEE OF THE WHOLE - (COUNCIL HEARING ROOM)

The Committee of the Whole convened at 2:11 p.m.

[CB-036-2015](#)

AN ACT CONCERNING EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT for the purpose of updating the County's erosion and sediment control regulations to be consistent with the State of Maryland's revised erosion and sediment control regulations and the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control (Standards and Specifications), as adopted by the Maryland Department of Environment in January 2012, and incorporating by reference the Prince George's County Stormwater Design Manual.

Sponsor(s): Franklin, Turner and Davis

Attachment(s): [B2015036.doc](#)
[I-CB-36-2015 Manual.pdf](#)
[CB-36-2015 Report.doc](#)

COMMITTEE RECOMENDATION: FAVORABLE

Kathy Canning, Legislative Officer provided an overview of the Resolution. Mary Giles, Associate Director of the Department of Permitting, Inspections and Enforcement, spoke to the specifics of the proposal and responded to questions posed by the Council. Council Member Davis moved a favorable committee recommendation seconded by Council Member Turner. The motion carried 8-0 (Absent: Council Member Harrison).

[CB-037-2015](#)

AN ACT CONCERNING TELECOMMUNICATION TAX for the purpose of revising the telecommunications tax rate.

Attachment(s): [B2015037.doc](#)
[CB-37-2015 Report.doc](#)

COMMITTEE RECOMENDATION: FAVORABLE WITH AMENDMENTS

Kathy Canning, Legislative Officer provided an overview of the Resolution. Council Member Davis moved to include amendment number one; seconded by Council Member Glaros. The motion carried 6-2 (Opposed: Council Members Lehman and Patterson; Absent: Council Member Harrison). Council Member Davis moved a favorable committee recommendation with amendments; seconded by Council Member Turner. The motion carried 6-2 (Opposed: Council Members Lehman and Patterson, Absent: Council Member Harrison).

COMMITTEE OF THE WHOLE - (COUNCIL HEARING ROOM) (CONTINUED)**[CB-038-2015](#)**

AN ACT CONCERNING PRINCE GEORGE'S COUNTY RECORDATION TAX RATE for the purpose of setting the recordation tax rate.

Attachment(s): [B2015038.doc](#)
[CB-38-2015 Report.doc](#)

COMMITTEE RECOMENDATION: FAVORABLE WITH AMENDMENTS

Kathy Canning, Legislative Officer provided an overview of the Resolution. Council Member Davis moved to include amendment number one; seconded by Council Member Turner. The motion carried 8-0 (Absent: Council Member Harrison). Council Member Lehman moved a favorable committee recommendation with amendments; seconded by Council Member Davis. The motion carried 8-0 (Absent: Council Member Harrison).

[CB-039-2015](#)

AN ACT CONCERNING HOTEL AND MOTEL TAXES for the purpose of revising the hotel and motel tax rate.

Sponsor(s): Franklin, Davis, Glaros, Taveras and Lehman

Attachment(s): [B2015039.doc](#)
[CB-39-2015 Report.doc](#)

COMMITTEE RECOMENDATION: FAVORABLE WITH AMENDMENTS

Kathy Canning, Legislative Officer provided an overview of the Resolution. Council Member Davis moved to include amendment number one; seconded by Council Member Toles. The motion carried 8-0 (Absent: Council Member Harrison). Council Member Lehman moved a favorable committee recommendation with amendments; seconded by Council Member Davis. The motion carried 8-0 (Absent: Council Member Harrison).

[CB-040-2015](#)

AN ACT CONCERNING SUPPLEMENTAL PROPERTY TAX CREDIT for the purpose of establishing a tax credit for real property.

Attachment(s): [B2015040.doc](#)

RESCHEDULED TO A LATER DATE

COMMITTEE OF THE WHOLE - (COUNCIL HEARING ROOM) (CONTINUED)**[CB-041-2015](#)**

AN ACT CONCERNING DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT for the purpose of adding certain fees; increasing certain fees; amending provisions of the County Code to remove fee references directly from the County Code that fall under Department of Permitting, Inspections and Enforcement; requiring the Department of Permitting, Inspections and Enforcement to publish an annual comprehensive Table of Fees submitted by the County Executive to be approved by the County Council after legislative review and approval by resolution, after notice and public hearing; providing that this Act shall be retroactively effective to July 1, 2015; and generally relating to fees.

Sponsor(s): Franklin

Attachment(s): [B2015041.doc](#)
[CB-41-2015 Report.doc](#)

RESCHEDULED TO A LATER DATE

RECONVENE

The meeting was reconvened at 2:38 p.m.

6. SECOND READING OF BILLS – (INTRODUCTION)**[CB-020-2015](#)**

AN ORDINANCE CONCERNING SPECIFIC TEMPORARY USES -EMPLOYMENT OR TRAINING CENTER- R-R (RURAL RESIDENTIAL) ZONE for the purpose of providing for employment or training center as a permitted temporary use in the R-R Zone, under certain circumstances.

Sponsor(s): Patterson, Toles and Franklin

Attachment(s): [B2015020.doc](#)
[CB-020-2015 Report](#)

Jackie Brown, Director of the Planning, Zoning and Economic Development Committee, provided a verbal report of the actions and recommendations of the committee. CB-20-2015 amends the Zoning Ordinance to include the use "employer or training center" as part of a contractor's construction-related facilities as an authorized temporary use in the Zoning Ordinance.

This Council Bill was introduced by Council Members Patterson, Toles and Franklin

SECOND READING OF BILLS – (INTRODUCTION) - (CONTINUED)[CB-024-2015](#)

AN ORDINANCE CONCERNING RESIDENTIAL ZONES for the purpose of permitting artist's studio, barber shop, beauty shop, and medical practitioner's office in certain residential zones under certain circumstances.

Sponsor(s): Harrison and Franklin

Attachment(s): [B2015024.doc](#)
[CB-024-2015 Report](#)

Jackie Brown, Director of the Planning, Zoning and Economic Development Committee, provided a verbal report of the actions and recommendations of the committee. CB-24-2015 permits artist's studio, beauty shop and medical practitioner office in the R-18 Zone under certain circumstances provided in a new footnote to the residential zones use table.

This Council Bill was introduced by Council Member Franklin

[CB-026-2015](#)

AN ORDINANCE CONCERNING ASSISTED LIVING FACILITIES, CONGREGATE LIVING FACILITIES, AND NURSING OR CARE HOMES IN THE MIXED USE ZONES for the purpose of permitting Assisted Living Facilities, Congregate Living Facilities, and Nursing or Care Homes in the M-X-T (Mixed Use - Transportation Oriented) and M-X-C (Mixed Use Community) Zones, subject to certain requirements.

Sponsor(s): Harrison and Turner

Attachment(s): [B2015026.doc](#)
[CB-026-2015 Report](#)

Jackie Brown, Director of the Planning, Zoning and Economic Development Committee, provided a verbal report of the actions and recommendations of the committee. CB-26-2015 amends the Zoning Ordinance to permit assisted living facilities, congregate living facilities, and nursing or care homes in the M-X-T Zone.

This Council Bill was introduced by Council Member Turner

SECOND READING OF BILLS – (INTRODUCTION) - (CONTINUED)[CB-035-2015](#)

AN ORDINANCE CONCERNING APPROVED COMPREHENSIVE PLANS, FUNCTIONAL PLANS AND DEVELOPMENT DISTRICT PLANS - MINOR AMENDMENT PROCESS for the purpose of providing a minor plan amendment process for approved comprehensive plans, functional plans, development district plans, and associated approved Development District Overlay (D-D-O) Zones.

Sponsor(s): Taveras

Attachment(s): [B2015035.doc](#)

CB-35-2015 sets forth procedures in the Zoning Ordinance for approval of minor amendments by the District Council for approved comprehensive plans, functional master plans, development district plans, and associated approved Development District Overlay (D-D-O) Zones. This bill replaces CB-14-2015 and CB-15-2015. As permitted by the rules, and because this bill has already been through Committee as CB-14-2015 and CB-15-2015, no committee referral is needed.

This Council Bill was introduced by Council Member Taveras

[CB-036-2015](#)

AN ACT CONCERNING EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT for the purpose of updating the County's erosion and sediment control regulations to be consistent with the State of Maryland's revised erosion and sediment control regulations and the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control (Standards and Specifications), as adopted by the Maryland Department of Environment in January 2012, and incorporating by reference the Prince George's County Stormwater Design Manual.

Sponsor(s): Franklin, Turner and Davis

Attachment(s): [B2015036.doc](#)
[I-CB-36-2015 Manual.pdf](#)
[CB-36-2015 Report.doc](#)

Kathy Canning, Legislative Officer, provided a verbal report of the actions and recommendations of the Committee of the Whole. CB-36-2015 updates the County's erosion and sediment control regulations to be consistent with the State of Maryland's revised erosion and sediment control regulations and the Maryland Standards and Specifications for Soil Erosion and Sediment Control.

This Council Bill was introduced by Council Members Franklin, Turner and Davis

SECOND READING OF BILLS – (INTRODUCTION) - (CONTINUED)[CB-037-2015](#)

AN ACT CONCERNING TELECOMMUNICATION TAX for the purpose of revising the telecommunications tax rate.

Attachment(s): [B2015037.doc](#)
[CB-37-2015 Report.doc](#)

Kathy Canning, Legislative Officer, provided a verbal report of the actions and recommendations of the Committee of the Whole. CB-37-2015 sets the telecommunications tax rate at nine percent (9%) effective July 1, 2015.

Draft 2 of this Council Bill was introduced by Council Members Franklin and Davis

[CB-038-2015](#)

AN ACT CONCERNING PRINCE GEORGE'S COUNTY RECORDATION TAX RATE for the purpose of setting the recordation tax rate.

Attachment(s): [B2015038.doc](#)
[CB-38-2015 Report.doc](#)

Kathy Canning, Legislative Officer, provided a verbal report of the actions and recommendations of the Committee of the Whole. CB-38-2015 sets the recordation tax rate at Two Dollars and Seventy Five Cents (\$2.75) for each Five Hundred Dollars (\$500.00) on all instruments of writing subject to the tax, effective July 1, 2015.

Draft 2 of this Council Bill was introduced by Council Members Franklin and Davis

[CB-039-2015](#)

AN ACT CONCERNING HOTEL AND MOTEL TAXES for the purpose of revising the hotel and motel tax rate.

Sponsor(s): Franklin, Davis, Glaros, Taveras and Lehman

Attachment(s): [B2015039.doc](#)
[CB-39-2015 Report.doc](#)

Kathy Canning, Legislative Officer, provided a verbal report of the actions and recommendations of the Committee of the Whole. CB-39-2015 sets the hotel and motel tax rate at seven percent (7%), effective July 1, 2015.

This Council Bill was introduced by Council Members Franklin, Davis, Taveras, Glaros, Lehman

SECOND READING OF BILLS – (INTRODUCTION) - (CONTINUED)[CB-040-2015](#)

AN ACT CONCERNING SUPPLEMENTAL PROPERTY TAX CREDIT for the purpose of establishing a tax credit for real property.

Attachment(s): [B2015040.doc](#)

Introduction of this Council Bill was deferred

[CB-041-2015](#)

AN ACT CONCERNING DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT for the purpose of adding certain fees; increasing certain fees; amending provisions of the County Code to remove fee references directly from the County Code that fall under Department of Permitting, Inspections and Enforcement; requiring the Department of Permitting, Inspections and Enforcement to publish an annual comprehensive Table of Fees submitted by the County Executive to be approved by the County Council after legislative review and approval by resolution, after notice and public hearing; providing that this Act shall be retroactively effective to July 1, 2015; and generally relating to fees.

Sponsor(s): Franklin

Attachment(s): [B2015041.doc](#)
[CB-41-2015 Report.doc](#)

Introduction of this Council Bill was deferred

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

There were no requests.

ADJOURN

The meeting was adjourned at 2:49 p.m.

EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

[EX 06022015](#)

Motion to convene in executive session, in accordance with Section 3-305(b), (4), (7), and (8), General Provisions Article, Annotated Code of Maryland, as follows:

1. to consider a matter that concerns the proposal for a business to locate, expand, or remain in the State;
2. to consult with legal counsel to seek legal advice; and
3. to discuss pending or potential litigation.

Topic discussed:

- Status update on Waste Management contract

A motion was made by Vice Chairman Davis, seconded by Council Member Turner, to convene into Executive Session. The motion carried by the following vote:

Aye	8 - Franklin, Davis, Glaros, Lehman, Patterson, Taveras, Toles and Turner
Absent	Harrison

Prepared by:

Donna J. Brown, Deputy Clerk of the Council

Submitted by:

Redis C. Floyd, Clerk of the Council