

Prince George's County Council

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

Meeting Minutes - Final County Council

Derrick Leon Davis, District 6, Chairman
Mel Franklin, District 9

Dannielle M. Glaros, District 3, Vice Chairwoman
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, September 12, 2017

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 10:31 a.m. with eight members present at roll call. Council Member Patterson was absent due to illness.

Present: 8 - Chairman Derrick Davis

Vice Chair Dannielle Glaros Council Member Mel Franklin Council Member Andrea Harrison Council Member Mary Lehman Council Member Deni Taveras Council Member Karen Toles Council Member Todd Turner

Absent: Council Member Obie Patterson

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

Dinora Hernandez, Office of Law Kathleen Canning, Legislative Officer Karen Zavakos, Legislative Officer

Jacqueline Brown, Director, PZED Committee Howard Stone, Director, PSFM Committee

INVOCATION:

The Invocation was provided by Howard Stone, County Employee. Council Member Lehman requested prayer for Jayla Smith, who is currently missing. Chairman Davis requested prayer for the victims of the September 11, 2001 attacks and for those affected by the recent hurricanes.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Harrison.

DESIGNATION OF SEPTEMBER 12, 2017 AS LEGISLATIVE DAY NO. 25

Chairman Davis designated Legislative Day number twenty-five.

1. CONSENT AGENDA

(a) Approval of County Council Minutes

MIN 06272017

County Council Minutes dated June 27, 2017.

Draft 1

<u>Attachment(s)</u>: <u>06272017</u>

These minutes were approved

MIN 07042017

County Council Minutes dated July 4, 2017.

Draft 1

Attachment(s): 07042017

These minutes were approved

MIN 07182017

County Council Minutes dated July 18, 2017.

Draft 1

Attachment(s): 07182017

These minutes were approved

(b) First Reading of Bills (Presentation)

CB-080-2017

AN ACT CONCERNING HOMESTEAD PROPERTY TAX CREDIT for the Draft 1 purpose of establishing the homestead property tax credit for the County property tax for the taxable year beginning July 1, 2018.

Sponsor(s): Davis and Turner

Attachment(s): B2017080

> CB-80-2017 AIS.pdf **CB-80-2017 Report**

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

CB-081-2017

Draft 1

AN ORDINANCE CONCERNING C-O ZONE for the purpose of permitting consolidated storage uses in the C-O (Commercial Office) Zones of Prince George's County, under certain circumstances.

Sponsor(s): Davis

Attachment(s): B2017081

CB-81-2017 AIS.pdf

This Council Bill was presented by Council Member Davis and referred to the Planning, Zoning and Economic Development Committee

CB-082-2017

Draft 1

AN ORDINANCE CONCERNING I-1 AND I-2 ZONES for the purpose of providing for gas station and food or beverage store uses within the I-1 (Light Industrial) and I-2 (Heavy Industrial) Zones, under certain circumstances.

Sponsor(s): Davis

Attachment(s): B2017082

CB-82-2017 AIS.pdf

This Council Bill was presented by Council Member Davis and referred to the Planning, Zoning and Economic Development Committee

CB-083-2017

Draft 1

AN ORDINANCE CONCERNING THE R-55 ZONE for the purpose of amending the development regulations in the Zoning Ordinance for the R-55 (One-Family Detached Residential) Zone to provide a maximum number of bathrooms permitted for residential structures.

Sponsor(s): Glaros

Attachment(s): B2017083

CB-83-2017 AIS.pdf

This Council Bill was presented by Council Member Glaros and referred to the Planning, Zoning and Economic Development Committee

CB-084-2017

Draft 1

AN ORDINANCE CONCERNING ISSUANCE OF GRADING, BUILDING,

<u>AND USE AND OCCUPANCY PERMITS</u> for the purpose of clarifying the authority of the Director of the Department of Permitting, Inspections, and Enforcement to issue grading, building, and use and occupancy permits.

Sponsor(s): Franklin

<u>Attachment(s)</u>: <u>B2017084</u>

CB-84-2017 AIS.pdf

This Council Bill was presented by Council Member Franklin and referred to the Planning, Zoning and Economic Development Committee

CB-085-2017

Draft 1

AN ACT CONCERNING LANDLORD TENANT - RETALIATORY ACTION

for the purpose of adopting a landlord-tenant anti-retaliation statute and generally relating to landlord-tenant relations.

Sponsor(s): Taveras

Attachment(s): B2017085

CB-85-2017 AIS.pdf

This Council Bill was presented by Council Member Taveras and referred to the Transportation, Housing and the Environment Committee

CB-086-2017

Draft 1

<u>AN ACT CONCERNING RELOCATION ASSISTANCE</u> for the purpose of providing relocation assistance for the demolition, redevelopment or condemnation of certain rental properties under circumstances, and generally regarding relocation assistance.

Sponsor(s): Taveras

Attachment(s): B2017086

CB-86-2017 AIS.pdf

This Council Bill was presented by Council Member Taveras and referred

to the Transportation, Housing and the Environment Committee

CB-087-2017

Draft 1

AN ACT CONCERNING EARNED SICK AND SAFE LEAVE for the

purpose of requiring certain employers in the County to provide earned sick and safe leave to certain employees working in the County due to domestic violence, sexual assault, or stalking; provide enforcement by the Human Relations Commission; and generally regulating the sick and safe leave benefits provided to an employee working in the County for certain employers.

Sponsor(s): Toles

<u>Attachment(s)</u>: <u>B2017087</u>

CB-87-2017 AIS.pdf

This Council Bill was presented by Council Member Toles and referred to the Health, Education and Human Services Committee

Add74

Draft 1

ADDITIONS TO THE AGENDA

A motion was made by Vice Chair Glaros, seconded by Council Member Franklin, to accept the additions package. The motion carried by the following vote:

Aye 8 - Davis, Glaros, Franklin, Harrison, Lehman, Taveras, Toles

and Turner

Absent Patterson

CB-088-2017

Draft 1

<u>AN ORDINANCE CONCERNING R-R ZONE</u> for the purpose of amending, under certain specified circumstances, the local land use and development requirements for health campus uses in the R-R (Rural Residential) Zones of Prince George's County, Maryland.

Sponsor(s): Franklin

Attachment(s): B2017088

<u>CB-88-2017 AIS</u> <u>CB-88-2017 Report</u>

This Council Bill was presented by Council Member Franklin and referred to the Committee of the Whole

(c) Introduction of Resolutions

CR-063-2017

Draft 1

A RESOLUTION CONCERNING PILOT AGREEMENT FOR THE

<u>GLENARDEN PHASE I PROJECT</u> for the purpose of approving the terms and conditions of a negotiated Payment in Lieu of Taxes (PILOT) Agreement between

Prince George's County, Maryland (County) and Glenarden Phase I, LLC (Owner) for the Glenarden Phase I Project (Project).

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

Attachment(s): R2017063

CR-63-2017 Attachment B

Council Resolution 63 approves the terms and conditions of a negotiated Payment in Lieu of Taxes (PILOT) Agreement between Prince George's County, Maryland (County) and Glenarden Phase I, LLC to facilitate the development and construction of Phase 1 of the Glenarden Project, which will develop a one hundred fourteen (114) mixed income multifamily rental housing complex.

This Resolution was introduced by Council Members Harrison, Toles, Lehman, Davis, Glaros, Franklin and Taveras and referred to the Public Safety and Fiscal Management Committee

CR-064-2017

Draft 1

A RESOLUTION CONCERNING WAIVER APPROVAL FOR

PROCUREMENT OF GREATER THAN \$500,000 for the purpose of approving the waiver of the participation requirement of at least forty percent (40%) certified County-Based Small Businesses (CBSB) in procurements greater than Five Hundred Thousand (\$500,000) pursuant to Section 10A-161(a)(1) of the Prince George's County Code (Code).

Sponsor(s): Davis

Attachment(s): R2017064

<u>CR-64-2017 AIS.pdf</u> CR-64-2017 Report

Council Resolution 64 approves waivers of the forty percent (40%) County-Based Small Business participation requirements for certain procurements greater than Five Hundred Thousand (\$500,000).

This Resolution was introduced by Chairman Davis and referred to the Committee of the Whole

CR-068-2017

Draft 1

A RESOLUTION CONCERNING CONTRACT APPROVALS for the purpose of approving a multi-year agreement to supplement pay for eligible Developmental Disabilities Administration (DDA) providers in Prince George's County.

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

<u>Attachment(s)</u>: <u>R2017068</u>

CR-68-2017 AIS.pdf

Council Resolution 68 approves a multi-year agreement to supplement pay for eligible Developmental Disabilities Administration (DDA) providers in Prince George's County toensure that DDA providers have funding for the difference between the State and Prince George's County minimum wage rates.

This Resolution was introduced by Council Members Harrison, Turner, Davis, Glaros, Franklin, Taveras and Toles and referred to the Committee of the Whole

2. CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

There were no items considered.

Consent195

Draft 1

MOTION TO ADOPT CONSENT AGENDA AND APPROVE ALL ACTIONS

A motion was made by Council Member Turner, seconded by Council Member Franklin, that the Consent Agenda be adopted and all actions approved. The motion carried by the following vote:

Aye 8 - Davis, Glaros, Franklin, Harrison, Lehman, Taveras, Toles

and Turner

Absent Patterson

3. PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER'S REPORT

There were no items considered.

4. SECOND READING OF BILLS – (INTRODUCTION)

CB-003-2017

Draft 2

<u>AN ACT CONCERNING VOLUNTEER FIREFIGHTERS</u> for the purpose of amending the Code to provide for a medical presumption of occupational disease for Volunteer Firefighters.

Sponsor(s): Lehman

<u>Attachment(s)</u>: <u>B2017003</u>

CB-3-2017 AIS.pdf CB-3-2017 Report #2 CB-3-2016 Report #1

Introduction of this Council Bill was deferred

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

CB-059-2017

Draft 2

<u>AN ORDINANCE CONCERNING I-4 ZONE</u> for the purpose of amending the requirements of the Zoning Ordinance to permit gas station, food or beverage store, or vehicle lubrication or tune-up facility uses within the I-4 (Limited Intensity Industrial) Zone, under certain circumstances.

Sponsor(s): Franklin, Harrison and Davis

Attachment(s): B2017059

CB-59-2017 AIS.pdf CB-059-2017 Report

The public hearing was held for this Council Bill.

A motion was made by Vice Chair Glaros, seconded by Council Member Franklin, that the Council Rules of Procedure be suspended to allow for an effective date on the date of enactment of this Bill. The motion carried by the following vote:

Aye 7 - Davis, Glaros, Franklin, Harrison, Lehman, Taveras and

Turner

Absent Patterson and Toles

A motion was made by Chairman Davis that this Council Bill be enacted. The motion carried by the following vote:

Aye 7 - Davis, Glaros, Franklin, Harrison, Lehman, Taveras and

Turner

Absent Patterson and Toles

CB-069-2017

Draft 2

<u>AN ORDINANCE CONCERNING C-S-C ZONE</u> for the purpose of permitting certain residential development in the C-S-C (Commercial Shopping Center) Zone, under certain specified circumstances.

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

Attachment(s): B2017069

<u>CB-69-2017 AIS.pdf</u> <u>CB-069-2017 Report</u>

The public hearing was held for this Council Bill.

A motion was made by Vice Chair Glaros, seconded by Council Member Franklin, that this Council Bill be enacted. The motion carried by the following vote: Aye 8 - Davis, Glaros, Franklin, Harrison, Lehman, Taveras, Toles

and Turner

Absent Patterson

CB-066-2017

Draft 2

AN ACT CONCERNING PROMOTING CLEAN NEIGHBORHOODS for the

purpose of amending certain provisions regarding curbside collection and on-premise collection of trash and recyclables; requiring outreach to persons who are eligible to obtain, and those who already obtain on-premise collection services; providing for certain fines; and generally relating to curbside collection and on-premise collection service of trash and recyclables.

Sponsor(s): Glaros, Davis, Toles, Lehman, Harrison, Taveras, Patterson and

Attachment(s): B2017066

<u>CB-66-2017 AIS</u> CB-66-2017 Report

The public hearing was held for this Council Bill.

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

Aye 8 - Davis, Glaros, Franklin, Harrison, Lehman, Taveras, Toles

and Turner

Absent Patterson

6. PUBLIC HEARING - RESOLUTION - (COUNCIL HEARING ROOM)

CR-058-2017

Draft 1

A RESOLUTION CONCERNING THE 2008 WATER AND SEWER PLAN

(APRIL 2017 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): Turner, Davis, Taveras and Patterson

Attachment(s): R2017058

CR-58-2017 AIS.pdf

Pursuant to proper notice, the public hearing was convened at 10:49 a.m.. Michelle LaRocca provided verbal testimony. All persons wishing to speak having done so, the public hearing was declared held. Chairman Davis announced that this item would be considered by the Transportation, Housing and the Environment Committee on Wednesday, September 20, 2017 at 1:30 p.m.

The public hearing was held for this Resolution.

RECESS

The meeting went into recess at 10:50 a.m.

RECONVENE

The meeting reconvened at 11:34 a.m.

4. SECOND READING OF BILLS – (INTRODUCTION) - (continued)

CB-080-2017

Draft 1

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, 2018.

Sponsor(s): Davis and Turner

Attachment(s): B2017080

<u>CB-80-2017 AIS.pdf</u> <u>CB-80-2017 Report</u>

Karen Zavakos, Legislative Officer, provided a verbal report of the actions and recommendations of the Committee of the Whole. Council Bill 80 establishes the homestead property tax credit for the County property tax at 102% for the taxable year beginning July 1, 2018, based on current Consumer Price Index (CPI) trends.

This Council Bill was introduced by Council Members Turner and Davis

8. RESOLUTIONS ELIGIBLE FOR FINAL READING – (ADOPTION)

CR-064-2017

A RESOLUTION CONCERNING WAIVER APPROVAL FOR

Draft 1

PROCUREMENT OF GREATER THAN \$500,000 for the purpose of approving the waiver of the participation requirement of at least forty percent (40%) certified County-Based Small Businesses (CBSB) in procurements greater than Five Hundred Thousand (\$500,000) pursuant to Section 10A-161(a)(1) of the Prince George's County Code (Code).

Sponsor(s): Davis

Attachment(s): R2017064

<u>CR-64-2017 AIS.pdf</u> <u>CR-64-2017 Report</u>

Karen Zavakos, Legislative Officer, provided a verbal report of the actions and recommendations of the Committee of the Whole.

A motion was made by Vice Chair Glaros, seconded by Council Member Turner, that this Resolution be adopted. The motion carried by the following vote:

Aye 8 - Davis, Glaros, Franklin, Harrison, Lehman, Taveras, Toles

and Turner

Absent Patterson

9. INTRODUCTION AND ADOPTION OF RESOLUTIONS

CR-065-2017

Draft 1

A RESOLUTION CONCERNING APPROVAL OF A CERTAIN REFUNDING PLAN OF THE WASHINGTON SUBURBAN SANITARY COMMISSION for

the Issuance of Refunding Bonds for the purpose of approving the Refunding Plan of the Washington Suburban Sanitary Commission for the refunding of certain bonds of Washington Suburban Sanitary District through the issuance of Build America Bonds 2009B, Build America Bonds 2010B, Consolidated Public Improvement Bonds of 2011, and Consolidated Public Improvement Bonds of 2013 of the Washington Suburban Sanitary District.

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

<u>Attachment(s)</u>: <u>R2017065</u>

<u>CR-65-2017 Exhibit A</u> <u>CR-65-2017 AIS.pdf</u>

Council Resolution 65 approves refunding of certain bonds of Washington Suburban Sanitary District to realize debt service savings in approximately 22.3 million dollars.

This Resolution was introduced by Council Members Davis, Turner, Glaros amd Taveras

A motion was made by Vice Chair Glaros, seconded by Council Member Turner, that the Council Rules of Procedure be suspended to allow for the immediate adoption of this Resolution. The motion carried by the following vote:

Aye 8 - Davis, Glaros, Franklin, Harrison, Lehman, Taveras, Toles

and Turner

Absent Patterson

Under discussion, Council Member Turner clarified that this request was due to the commission finding more favorable rates and that this would result in a significant cost savings.

A motion was made by Vice Chair Glaros, seconded by Council Member Turner, that this Resolution be adopted. The motion carried by the following vote: Aye 8 - Davis, Glaros, Franklin, Harrison, Lehman, Taveras, Toles

and Turner

Absent Patterson

CR-066-2017 Draft 1 A RESOLUTION CONCERNING CAR FREE DAY for the purpose of expressing the County Council's support for declaring September 22, 2017 as Car Free Day in Prince George's County.

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

<u>Attachment(s)</u>: R2017066

CR-66-2017 AIS.pdf

Council Resolution 66 supports and proclaims September 22, 2017 as Car Free Day in Prince George's County.

This Resolution was introduced by Council Members Glaros, Turner, Lehman, Taveras, Franklin and Davis

A motion was made by Council Member Lehman, seconded by Vice Chair Glaros, that the Council Rules of Procedure be suspended to allow for the immediate adoption of this Resolution. The motion carried by the following vote:

Aye 8 - Davis, Glaros, Franklin, Harrison, Lehman, Taveras, Toles

and Turner

Absent Patterson

Under discussion, Council Member Turner thanked his colleagues for participating in this annual observance.

A motion was made by Vice Chair Glaros, seconded by Council Member Turner, that this Resolution be adopted. The motion carried by the following vote:

Aye 8 - Davis, Glaros, Franklin, Harrison, Lehman, Taveras, Toles

and Turner

Absent Patterson

CR-067-2017 Draft 1 A RESOLUTION CONCERNING THE DUVALL TENANT HOUSE SITE & AND THE SCHOLZ MARK '64/LANG HOUSE for the purpose of designating the Duvall Tenant House Site (Archeological Site 18PR1020) and the Scholz Mark '64/Lang House (Documented Property 80-058) as Historic Sites in Prince George's County, Maryland.

Sponsor(s): Davis, Lehman, Glaros and Toles

<u>Attachment(s)</u>: R2017067

<u>CR-67-2017 AIS.pdf</u> <u>M-NCPPC Letter</u>

Council Resolution 67 approves two requests for designation as Historic Sites as to two properties in Prince George's County, The Duvall Tenant House Site & and the Scholz Mark '64/Lang House.

This Resolution was introduced by Council Members Lehman, Davis, Glaros and Toles

A motion was made by Vice Chair Glaros, seconded by Council Member Turner, that the Council Rules of Procedure be suspended to allow for the immediate adoption of this Resolution. The motion carried by the following vote:

Aye 8 - Davis, Glaros, Franklin, Harrison, Lehman, Taveras, Toles

and Turner

Absent Patterson

A motion was made by Vice Chair Glaros, seconded by Council Member Toles, that this Resolution be adopted. The motion carried by the following vote:

Aye 8 - Davis, Glaros, Franklin, Harrison, Lehman, Taveras, Toles

and Turner

Absent Patterson

10. BRIEFING – (COUNCIL HEARING ROOM)

BR 09122017

Draft 1

VEHICLE USE REVIEW BOARD FINAL REPORT

Dr. Jacqueline L. Brown, Chair

Attachment(s): Vehicle Use Review Board Final Report

The briefing convened at 11:49 a.m. Dr. Jacqueline Brown, Chair provided an overview of the findings and recommendations of the Vehicle Use Review Board. She was accompanied by Samuel Epps, IV, Board Member. Chairman Davis thanked the board for their hard work indicated that the report will be provided to the Charter and Compensation Review Board for its consideration.

This Briefing was held

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

There were no requests.

POINT OF PERSONAL PRIVILEGE

Chairman Davis announced the passing of Nancy Jacobson, community activist, and spoke to her service to Prince George's County.

ADJOURN

The meeting was adjourned at

EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE ROOM)

EX 09122017 Draft 1 Motion to convene in executive session to consult with counsel to seek legal advice and to discuss pending or potential litigation in accordance with section 3-305(b)(7, 8), General Provisions Article, Annotated Code of Maryland.

Topics Discussed:

- · Waste Management case
- · Skillman case
- · Price case
- King Oak Enterprises case
- · Comey case

Attendees:

Council Members Davis, Franklin, Glaros, Harrison, Lehman, Taveras, Toles and Turner, Robert J. Williams, Jr. Council Administrator, William M. Hunt, Jr., Deputy Council Administrator, Kathy Canning, Legislative Officer, Leroy Maddox, Legislative Officer, Redis Floyd, Clerk of the Council, Jared McCarthy, County Attorney

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

Aye 8 - Davis, Glaros, Franklin, Harrison, Lehman, Taveras, Toles

and Turner

Absent Patterson

COMMITTEE OF THE WHOLE - (ROOM 2027)

The Committee of the Whole meeting was held. See Separate Standing Committee Report for details.

DISTRICT COUNCIL ITEMS - (COUNCIL HEARING ROOM)

District Council items were considered. See separate meeting minutes for

details.

Prepared by:

Donna J. Brown, Deputy Clerk of the Council

Submitted by:

Redis C. Floyd, Clerk of the Council