

# ***ACTION AGENDA***

**Tuesday, October 20, 2009**

**Legislative Day No. 29**

## **COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**9:30 A.M.**

### **AGENDA BRIEFING – (ROOM 2027) – BRIEFING HELD**

**11:02 A.M.**

### **PRESENTATION OF PROCLAMATIONS/COMMENDATIONS – (COUNCIL HEARING ROOM)**

*Presented*

Proclamation presented to **Business and Professional Women's Foundation of Prince George's County recognizing October 18-24, 2009 as "National Business Women's Week" in Prince George's County.** (Council Chairperson Marilynn M. Bland and Council Vice Chair Thomas E. Dernoga)

*Presented*

Proclamation presented to **Ms. Debra Pierce on being named BPW Foundation's 2009 "Woman of the Year" in Prince George's County.** (Council Chairperson Marilynn M. Bland and Council Vice Chair Thomas E. Dernoga)

*Presented*

Proclamation presented to **the Maryland Crime Victims' Resource Center, Inc., on being named BPW Foundation's 2009 "Employer of the Year" in Prince George's County.** (Council Chairperson Marilynn M. Bland and Council Vice Chair Thomas E. Dernoga)

*Unable to attend*

Proclamation presented to **Ms. Rachel Miller on being named 2009 "Miss Maryland Agriculture"** (Council Chairperson Marilynn M. Bland and Council Vice Chair Thomas E. Dernoga)

**11:25 A.M.**

### **CALL TO ORDER**

**INVOCATION:** Reverend Darrell Hazard, Accokeek First Church of God, Accokeek, Maryland

**PLEDGE OF ALLEGIANCE**

**OCTOBER ACKNOWLEDGEMENTS**

*Acknowledged*

- **National Dental Hygiene Month**

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 September 29, 2009.
- (b) **Introduction of Resolutions**

*Introduced*

**CR-76-2009 - A RESOLUTION CONCERNING COMPENSATION AND BENEFITS GENERAL SCHEDULE EMPLOYEES - SALARY SCHEDULE G**

for the purpose of amending the Salary Plan of the County to reflect pay rates and other modified benefits for General Schedule employees.

The Chairman (by request – County Executive); referral to PSFM

*Introduced by Council Member Bland*

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

*-None-*

3. **PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER’S REPORT**

*Chairperson authorized to sign*

- (a) Joint signature letter to Ms. Jeanne Hitchcock, Maryland Secretary of Appointments, submitting a list of three individuals for consideration to the Prince George’s County Property Tax Assessment Appeals Board and strongly supporting the reappointment of Ms. Elizabeth G. “Susie” Proctor.

(Favorably reported out of C.O.W. on 10/13/2009)

4. **SECOND READING OF BILLS – (INTRODUCTION)**

*Introduced; Expedited*

**CB-23-2009 (DR-2) – AN ORDINANCE CONCERNING CHECK CASHING BUSINESSES** for the purpose of defining check cashing business, requiring a special exception for this use under certain circumstances, and grandfathering those with valid state licenses for check cashing issued prior to September 1, 2009.

(Favorably reported out of PZED on 10/7/2009 with amendments)

*Introduced by Council Members Campos, Dernoga, Olson and Turner*

**CLERK SHALL BE DIRECTED TO EXPEDITE SCHEDULING OF CB-23-2009 (DR-2)**

*Amended; DR-3 introduced; Expedited*

**CB-36-2009 (DR-2) – AN ORDINANCE CONCERNING FARM WINERY** for the purpose of permitting farm wineries in residential zones assessed for agricultural use subject to certain requirements.

(Favorably reported out of PZED on 10/7/2009 with amendments)

**AMENDMENT # 1 TO CB-36-2009 (DR-2)**

*Introduced by Council Members Dernoga, Bland, Dean, Turner, Olson and Exum*

**CLERK SHALL BE DIRECTED TO EXPEDITE SCHEDULING OF CB-36-2009 (DR-2)**

*Introduced; Expedited*

**CB-39-2009 (DR-2) – AN ORDINANCE CONCERNING AGRITOURISM OR BED-AND-BREAKFAST INN** for the purpose of defining agritourism or bed-and-breakfast inn and permitting these uses in certain residential zones.

(Favorably reported out of PZED on 10/7/2009 with amendments)

*Introduced by Council Members Dernoga, Olson, Dean, Bland and Knotts*

**CLERK SHALL BE DIRECTED TO EXPEDITE SCHEDULING OF CB-39-3009 (DR-2)**

**SECOND READING OF BILLS – (INTRODUCTION) – (CONTINUED)**

*Introduced;  
Expedited*

**CB-43-2009 (DR-2) – AN ORDINANCE CONCERNING R-R ZONE** for the purpose of modifying the minimum lot size requirements of certain lots in the R-R Zone recorded prior to November 29, 1949.

(Favorably reported out of PZED on 10/7/2009 with amendments)

*Introduced by Council Member Olson*

**CLERK SHALL BE DIRECTED TO EXPEDITE SCHEDULING OF CB-43-3009 (DR-2)**

*Introduced;  
Expedited*

**CB-47-2009 – AN ORDINANCE CONCERNING O-S ZONE** for the purpose of amending the net lot area for certain one-family detached dwellings in the O-S Zone.

(Favorably reported out of PZED on 10/7/2009 with amendments)

*Introduced by Council Member Dernoga*

**CLERK SHALL BE DIRECTED TO EXPEDITE SCHEDULING OF CB-47-2009**

*Amended;  
DR-3 Introduced*

**CB-40-2009 (DR-2) - AN ACT CONCERNING TOWING REGULATIONS** for the purpose of amending provisions of the Code relating to towing regulations and towing of vehicles from private property, establishing license fees and penalties, and transferring certain responsibilities regarding towing regulations from the Police Department to the Department of Environmental Resources.

(Favorably reported out of THE on 10/13/2009 with amendments)

*Introduced by Council Members Exum, Dernoga, Knotts, Dean and Bland*

*Introduced;  
Expedited*

**CB-54-2009 - AN ORDINANCE CONCERNING THE URBAN CENTERS AND CORRIDOR NODES DEVELOPMENT CODE OF PRINCE GEORGE’S COUNTY** for the purpose of establishing a new Subtitle to the County Code that specifies development review and approval procedures and design regulations to control and ensure future transit-oriented, pedestrian-friendly, mixed-use development in selected Centers and Corridor Nodes within Prince George’s County, Maryland.

The Chairperson (by request – Planning Board); referral to PZED

*Introduced by Council Member Dean*

**CLERK SHALL BE DIRECTED TO EXPEDITE SCHEDULING OF CB-54-2009**

**SECOND READING OF BILLS – (INTRODUCTION) – (CONTINUED)**

*Introduced;  
Expedited*

**CB-55-2009 - AN ORDINANCE CONCERNING URBAN CENTERS AND CORRIDOR NODES DEVELOPMENT CODE OF PRINCE GEORGE’S COUNTY** for the purpose of amending the Zoning Ordinance of Prince George’s County, Maryland to incorporate appropriate references, regulations, and procedures pertaining to Subtitle 27A of the Prince George’s County Code, and to delete an obsolete section pertaining to the Interim General Plan Amendment for Growth Policy.

The Chairperson (by request – Planning Board); referral to PZED

*Introduced by Council Member Dean*

**CLERK SHALL BE DIRECTED TO EXPEDITE SCHEDULING OF CB-55-2009**

5. **PUBLIC HEARINGS:**

*Public Hearings held;  
All nominees confirmed*

- **Appointment of the following individuals to the Historic Preservation Commission for Prince George’s County:**

Ms. Susan H. Pruden	Appointment/Board of Realtors Representative Replacing: Ms. Joyce A. Hawkins Term Expiring: 6/30/2012
Ms. Lillian K. Beverly	Reappointment/Municipal Representative Term Expiring: 6/30/2010
Mr. Robert H. Schnabel (Unable to attend)	Reappointment/Historical & Cultural Trust Representative Term Expiring: 6/30/2010
Mr. Jack I. Thompson, Jr.	Reappointment/Preservation Restoration Representative Term Expiring: 6/30/2011
Mr. John Peter Thompson	Reappointment/Chamber of Commerce Representative Vice Chair Term Expiring: 6/30/2012

Mr. David A. Turner

Reappointment/History Expert/Chair  
Term Expiring: 6/30/2012

Mr. Herman A. Windsor

Reappointment/Farm Bureau Representative  
Term Expiring: 6/30/2010

(Favorably reported out of HEHS on 10/1/2009)

*Public Hearings held;  
All nominees confirmed*

• **Appointment of the following individuals to the Prince George's County Historical and Cultural Trust:**

Ms. Phyllis L. Anderson

Appointment  
Replacing: Ms. Dawn Davit  
Term Expiring: 6/30/2010

Delegate Gerron S. Levi  
(Unable to attend)

Appointment/Maryland General Assembly  
Replacing: Delegate Justin Ross  
Term Expiring: 6/30/2010

Ms. Karen R. Toles

Appointment  
Replacing: Mr. George D. Denny, Jr.  
Term Expiring: 6/30/2012

Dr. John T. Wulu, Jr.

Appointment  
Replacing: Ms. Phyllis L. Cox  
Term expiring: 6/30/2013

Ms. Lynne A. Anderson

Reappointment  
Term Expiring: 6/30/2012

Ms. Nancy Dixon-Saxon

Reappointment  
Term Expiring: 6/30/2013

Ms. Mildred R. Gray

Reappointment  
Term Expiring: 6/30/2011

Mr. Michael S. Leventhal (Unable to attend)	Reappointment Term Expiring: 6/30/2010
Mr. Alfonso A. Narvaez	Reappointment Term Expiring: 6/30/2011
Ms. Susan H. Pruden	Reappointment Term Expiring: 6/30/2013
Ms. Carolyn C. Rowe	Reappointment Term Expiring: 6/30/2012
Mr. Robert H. Schnabel (Unable to attend)	Reappointment Term Expiring: 6/30/2011
Mr. Jack I. Thompson, Jr.	Reappointment Term Expiring: 6/30/2012

(Favorably reported out of HEHS on 10/1/2009)

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

*Public Hearing held;  
Enacted*

**CB-12-2009 – AN ACT CONCERNING HOUSING AND ZONING VIOLATIONS – CIVIL MONETARY FINES** for the purpose of amending the schedule of civil monetary fines for Zoning Ordinance and Housing Code violations.

(Introduced by Council Members Turner and Dean on 9/9/2009; favorably reported out of THE on 7/23/2009)

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

*Public hearing held;  
Adopted*

**CR-58-2009 - A RESOLUTION CONCERNING THE FORMATION OF AN AGRICULTURAL DISTRICT PURSUANT TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION PROGRAM** for the purpose of recommending that the Maryland Agricultural Land Preservation Foundation approves the petition of Richard H. and Peggy B. Dobson to establish an agricultural district.

(Introduced by Council Member Bland on 9/9/2009; favorably reported out of THE on 9/24/2009)

8. **BILLS ELIGIBLE FOR FINAL READING (ENACTMENT)**

*Amended;  
DR-2 Enacted*

**CB-4-2009 – AN ACT CONCERNING CONTRACT APPROVALS** for the purpose of approving the lease of certain improvements by Prince George’s County.

(Introduced by Council Member Olson on 6/23/2009; public hearing held 7/21/2009 with no action taken; reported out of PSFM on 10/7/2009 with recommended amendments)

**AMENDMENT #1 TO CB-4-2009**

9. **INTRODUCTION AND ADOPTION OF RESOLUTIONS**

*Deferred to  
10/27/2009*

**CR-78-2009 – A RESOLUTION CONCERNING THE PUBLIC FACILITIES ELEMENT OF THE PRELIMINARY SUBREGION 1 MASTER PLAN AND PROPOSED SECTIONAL MAP AMENDMENT** for the purpose of identifying inconsistencies between the Preliminary Subregion 1 Master Plan and existing or proposed State or County facilities and approving the inclusion of any new transportation proposals prior to the adoption of the sector plan by the Prince George’s County Planning Board.

The Chairperson (by request – Planning Board)

To be introduced by:

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

**INTRODUCTION AND ADOPTION OF RESOLUTIONS – (CONTINUED)**

*Deferred to  
10/27/2009*

**CR-73-2009 – A RESOLUTION CONCERNING THE PUBLIC FACILITIES ELEMENT OF THE PRELIMINARY GLENN DALE-SEABROOK-LANHAM AND VICINITY SECTOR PLAN AND PROPOSED SECTIONAL MAP AMENDMENT**

for the purpose of identifying inconsistencies between the Preliminary Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and Proposed Sectional Map Amendment and existing or proposed State or County facilities, and approving the inclusion of any new transportation proposals prior to the adopting of the Sector Plan by the Planning Board.

The Chairperson (by request – Planning Board)

To be introduced by:

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

*Amended;  
DR-2  
Introduced;  
Rules  
Suspended;  
Adopted*

**CR-79-2009 – A RESOLUTION CONCERNING THE PUBLIC FACILITIES ELEMENT OF THE PRELIMINARY SUBREGION 4 MASTER PLAN AND PROPOSED SECTIONAL MAP AMENDMENT**

for the purpose of identifying inconsistencies between the Preliminary Subregion 4 Master Plan and existing or proposed State or County facilities and approving the inclusion of any new transportation proposals prior to the adoption of the sector plan by the Prince George’s County Planning Board.

The Chairperson (by request – Planning Board)

*Introduced by Council Members Harrison, Dean and Exum*

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

**ADDITIONS TO THE AGENDA**

1. **CONSENT AGENDA**

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.

(b) **Introduction of Resolutions**

*Introduced*

**CR-77-2009 – A RESOLUTION CONCERNING ONE LARGO METRO DEVELOPMENT DISTRICT** 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 12-201 through 12-213, inclusive, of the Economic Development Article of the Annotated Code of Maryland, as amended (the “Tax Increment Act”), such development district to be located in an unincorporated area of the County known as Largo, Maryland and to be known as the “One Largo Metro Development District”; providing for, and determining, various matters in connection with the establishment of a development district, creating a tax increment fund with respect to the development district, and 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; making certain findings and determinations with respect to the tax increment fund and the uses of such fund; 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 secured by the tax increment fund; and generally relating to the One Largo Metro Development District.

The Chairperson (by request – County Executive); referral to PSFM

*Introduced by Council Members Dean and Knotts*

4. **SECOND READING OF BILLS – (INTRODUCTION) – (page 3)**

*Discharged from PZED;  
DR-2  
substituted;  
Introduced*

**CB-41-2009 - AN ORDINANCE CONCERNING MARYLAND –NATIONAL CAPITAL PARK AND PLANNING COMMISSION – PRINCE GEORGE’S COUNTY DISTRICT COUNCIL – DELEGATION OF POWERS** for the purpose of allowing the governing body of a municipal corporation to exercise certain powers of the district council, subject to certain limitations.

*Introduced by Council Members Dean and Olson; referral to PZED*

**CLERK SHALL BE DIRECTED TO EXPEDITE SCHEDULING OF CB-41-2009**

*Deferred*

**CB-46-2009 – AN ACT CONCERNING ELECTRICAL CODE** for the purpose of amending the Prince George’s County Electrical Code, adopting certain amendments to the 2008 Edition of the National Electrical Code and amending certain sections as it relates to building standards.

**MOTION REQUIRED TO DISCHARGE TRANSPORTATION, HOUSING & THE ENVIRONMENT COMMITTEE PRIOR TO INTRODUCTION**

To be introduced by:

*Introduced;  
Expedited*

**CB-57-2009 - AN ORDINANCE CONCERNING R-L ZONE** for the purpose of modifying the regulations applicable to development of open space in the R-L Zone.

*Introduced by Council Member Bland; referral to PZED*

**CLERK SHALL BE DIRECTED TO EXPEDITE SCHEDULING OF CB-57-2009**

*Introduced*

**CB-58-2009 – AN ACT CONCERNING SUPPLEMENTARY APPROPRIATIONS** for the purpose of appropriating funding from grants in the amount of \$10,682,603 to the Department of Housing and Community Development, Health Department, Department of Family Services, Office of the State’s Attorney, Office of Homeland Security, Fire/EMS Department, Volunteer Fire Department, Police Department, and making a technical correction to CB-19-2009. The Chairperson (by request – County Executive); referral to PSFM

The Chairperson (by request – County Executive)

*Introduced by Council Member Bland*

*Introduced*

**CB-59-2009 – (EMERGENCY BILL) – AN ACT CONCERNING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, AND THE AUTHORIZATION TO ENTER INTO RELATED AND/OR ALTERNATIVE ARRANGEMENTS, TO FINANCE PUBLIC SCHOOL FACILITIES IN AN AMOUNT NOT TO EXCEED \$29,638,000** for the purpose of authorizing and empowering Prince George's County, Maryland to issue and sell an amount not to exceed Twenty-nine Million Six Hundred Thirty-Eight Thousand Dollars (\$29,638,000) in aggregate principal amount of general obligation bonds for the purpose of financing in whole or in part costs of the construction, rehabilitation or repair of certain capital projects for public school facilities set forth in the capital budget of the County for the fiscal year ending June 30, 2010, or usable portions thereof, including describing the capital projects to be financed in whole or in part from the proceeds of the bonds hereby authorized and the estimated costs and probable useful lives thereof; prescribing or providing for the procedures for the issuance and sale of such bonds at public or private or negotiated sale; declaring the County's official intent to reimburse itself for certain expenditures paid before the issuance of the bonds authorized hereby in accordance with applicable federal law; authorizing the consolidation of such bonds with other bonds for purposes of such sale; showing compliance with the power of the County to incur indebtedness; directing the application of the proceeds of such bonds; pledging the full faith and credit and taxing power of the County to the payment of such bonds and providing for the levy and collection of taxes necessary for the payment of the principal of such bonds when due; showing compliance with the limitations on the power of the County to incur indebtedness; authorizing the County Executive to enter into agreements with the Prince George’s County Board of Education and public instrumentalities of the County or the State of Maryland to finance said capital projects, including agreements

regarding sale and leaseback (or other similar arrangements) appropriate to said financing; covenanting or providing for the making of certain covenants on matters relating to the tax-exempt status of interest on such bonds and/or the credit against federal income tax on such bonds issued as qualified school construction bonds; providing for compliance with Securities and Exchange Commission Rule 15c2-12; authorizing the County Executive to delegate to appropriate officials the power to make certain determinations and sign certain documents, certificates or agreements authorized to be made or signed by the County Executive herein; and otherwise generally determining or providing for the determination of certain matters in connection with the issuance, sale and delivery of the general obligation bonds and/or alternative arrangements authorized by this Act.

**In accordance with the provisions of Section 317 of the Charter, the County Council hereby declares that a public emergency exists affecting the public health, safety, and welfare; said emergency being the County's immediate need to take advantage of the federal allocation to the Prince George's County Public Schools of Twenty-five Million One Hundred Two Thousand Dollars (\$25,102,000) of qualified school construction bond volume cap in calendar year 2009 in order to achieve savings in the cost of debt service.**

The Chairperson (by request – County Executive); referral to PSFM

*Introduced by Council Member Dean*

*Motion to convene in Executive Session made by Council Member Dean; seconded by Council Member Knotts. Motion carried 9-0.*

**EXECUTIVE SESSION – (1ST FLOOR EXECUTIVE CONFERENCE ROOM)**  
**– EXECUTIVE SESSION HELD**

- (a) To consult with counsel, staff, consultants, or other individuals to obtain legal advice and discussion regarding pending or potential litigation in accordance with Maryland Annotated Code, State Government, Section 10-508 (a) (7) and (8).

**Topic discussed:** Briefing by Office of Law on litigation concerning the Energy Tax.

1:28 P.M.

**DISTRICT COUNCIL ITEMS**

**(SEE SEPARATE ACTION AGENDA)**

1:43 P.M.

**ADJOURNED**

**1:00 P.M.**

**COMMITTEE OF THE WHOLE – (ROOM 2027)**

*Deferred to  
11/10/2009*

**ADOPTED NEW CARROLLTON TRANSIT DISTRICT DEVELOPMENT  
PLAN AND TRANSIT DISTRICT OVERLAY ZONING MAP AMENDMENT**

**(DIGEST OF TESTIMONY)**

Mr. William Washburn, Project Leader, M-NCPPC

**2:00 P.M.**

**HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE – (ROOM  
2027) -- COMMITTEE MEETING HELD**

**REMINDERS**

Wed., Oct. 21, 2009	10:00 a.m.	PZED Committee Meeting (Room 2027)
	1:30 p.m.	PSFM Committee Meeting (Room 2027)
Thurs., Oct. 22, 2009	9:30 a.m.	THE Committee Meeting (Room 2027)
Mon., Oct. 26, 2009	1:00 p.m.	District Council Agenda Briefing (Room 2027)
	1:30 p.m.	Call to Order (Council Hearing Room)
	7:00 p.m.	Joint Public Hearing (Council Hearing Room)
		Master Plan of Transportation