

AGENDA

Tuesday, November 17, 2009

Legislative Day No. 32

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

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

9:45 A.M. PRESENTATION OF PROCLAMATIONS/COMMENDATIONS – (COUNCIL HEARING ROOM)

Proclamation presented to Angelica Simpson-Marcus, Principal, recognizing Largo High School as meeting the “Adequate Yearly Progress” goal in Prince George’s County. (Council Chairperson Marilyn M. Bland and Council Member Samuel H. Dean)

Proclamation presented to Carlton Carter, Principal, recognizing Dr. Ernest Everett Just Middle School as meeting the “Adequate Yearly Progress” goal in Prince George’s County. (Council Chairperson Marilyn M. Bland and Council Member Samuel H. Dean)

10:00 A.M. CALL TO ORDER

INVOCATION: Bishop David J. Billings, III Presiding Prelate of United Fellow of Churches, Int.

PLEDGE OF ALLEGIANCE

NOVEMBER ACKNOWLEDGEMENTS

- **NATIONAL ALZHEIMER’S DISEASE AWARENESS MONTH**
- **GREAT AMERICAN SMOKE-OUT – NOVEMBER 19TH**

COMMITTEE OF THE WHOLE – (COUNCIL HEARING ROOM)

- Proposed letter to Dr. David Lever, R.A., D.A., Executive Director, Interagency Committee on State School Construction, expressing the County’s support of the Prince George’s County Board of Education’s proposed FY 2011 capital budget request and to identify the projects that this administration considers most critical.

- Joint letter to Dr. Rolph Grafwallner, Assistant State Superintendent, Division of Early Childhood Development, regarding the “Preschool For All Business Plan”.

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

- (a) Proposed letter to Chair Verjeana M. Jacobs, Esquire, Board of Education, approving the final FY 2009 categorical Budget Transfer Request.

(Favorably reported out of HEHS on 11/5/2009)

- (b) Proposed letter to Dr. David Lever, R.A., D.A., Executive Director, Interagency Committee on State School Construction, expressing the County’s support of the Prince George’s County Board of Education’s proposed FY 2011 capital budget request and to identify the projects that this administration considers most critical.

The Chairman (by request – County Executive)

- (c) Joint letter to Dr. Rolph Grafwallner, Assistant State Superintendent, Division of Early Childhood Development, regarding the “Preschool For All Business Plan”.

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

CB-40-2009 (DR-3) - 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.

(Introduced by Council Members Exum, Dernoga, Knotts, Dean and Bland on 10/20/2009; favorably reported out of THE on 10/13/2009 with amendments)

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.

(Introduced by Council Members Campos, Dernoga, Olson and Turner on 10/20/2009; favorably reported out of PZED on 10/7/2009 with amendments)

CB-36-2009 (DR-3) – AN ORDINANCE CONCERNING FARM WINERY for the purpose of permitting farm wineries in residential zones assessed for agricultural use subject to certain requirements.

(Introduced by Council Members Dernoga, Bland, Dean, Turner, Olson and Exum on 10/20/2009; favorably reported out of PZED on 10/7/2009 with amendments)

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.

(Introduced by Council Members Dernoga, Olson, Dean, Bland and Knotts on 10/20/2009; favorably reported out of PZED on 10/7/2009 with amendments)

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.

(Introduced by Council Member Olson on 10/20/2009; favorably reported out of PZED on 10/7/2009 with amendments)

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

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.

(Introduced by Council Member Dernoga on 10/20/2009; favorably reported out of PZED on 10/7/2009)

CB-49-2009 (SUBDIVISION BILL) – AN ACT CONCERNING EXEMPTIONS FROM SUBDIVISION REQUIREMENTS for the purpose of amending Subtitle 24 to permit certain intra-family transfers of property without filing a subdivision plat.

(Introduced by Council Member Dernoga on 9/29/2009; favorably reported out of PZED on 10/7/2009 with recommended amendments)

AMENDMENT #1 TO CB-49-2009

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 on 10/20/2009; PZED Committee scheduled 11/13/2009)

CB-60-2009 – AN ORDINANCE CONCERNING R-R AND C-O ZONES for the purpose of amending the commercial uses permitted in the R-R and C-O Zones.

(Introduced by Council Member Dean on 10/20/2009; PZED Committee scheduled 11/13/2009)

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.

(Introduced by Council Member Bland on 10/20/2009; favorably reported out of PSFM on 11/5/2009)

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

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.

(Introduced by Council Member Dean on 10/20/2009; favorably reported out of PSFM on 11/5/2009)

PUBLIC HEARINGS/BILLS ELIGIBLE FOR THIRD READING – (ENACTMENT) – (CONTINUED)**CB-41-2009 (DR-2) - 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.

(Held in C.O.W. on 10/27/2009; discharged from PZED; DR-2 substituted and introduced by Council Members Dean and Olson on 10/20/2009)

AMENDMENT #1 TO CB-41-2009 (DR-2)**CB-52-2009 (SUBDIVISION BILL) – AN ACT CONCERNING SUBDIVISION IN URBAN CENTERS AND CORRIDOR NODES DEVELOPMENT CODE OF PRINCE GEORGE’S COUNTY**

for the purpose of amending the Subdivision 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.

(Introduced by Council Member Dean on 10/6/2009; PZED Committee scheduled 11/13/2009)

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.

(Introduced by Council Member Dean on 10/20/2009; PZED Committee scheduled 11/13/2009)

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.

(Introduced by Council Member Dean on 10/20/2009; PZED Committee scheduled 11/13/2009)

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

CR-70-2009 - A RESOLUTION CONCERNING COUNTY REAL PROPERTY 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.

(Introduced by Council Member Bland on 10/6/2009; C.O.W. held on 10/6/2009)

4. **DISTRICT COUNCIL ITEMS**

SEE SEPARATE AGENDA

5. **RESOLUTIONS ELIGIBLE FOR FINAL READING – (ADOPTION)**

CR-65-2009 (DR-2) – A RESOLUTION CONCERNING FY 2002 – 2011 TEN YEAR SOLID WASTE PLAN for the purpose of amending the Prince George’s County Ten Year Solid Waste Management Plan by adding the Sun Services, LLC Recycling Facility located at Somerset Avenue and Old Baltimore Pike, Beltsville.

(Introduced by Council Member Dernoga on 9/22/2007; favorably reported out of THE on 11/12/2009 with amendments)

MOTION REQUIRED TO SUBSTITUTE DR-2 IN LIEU OF DR-1 PRIOR TO ADOPTION

CR-75-2009 (DR-2) - A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN: FY 2008 for the purpose of approving the reprogramming of \$1,100,000 in HOME Investment Partnership funds (“HOME”) from the FY 2000, FY 2001, FY 2002, FY 2003, and FY 2004 Annual Action Plans to the FY 2008 Annual Action Plan for the Marlton Plaza Senior Housing project.

(Introduced by Council Member Bland on 10/6/2009; favorably reported out of THE on 11/12/2009 with amendments)

MOTION REQUIRED TO SUBSTITUTE DR-2 IN LIEU OF DR-1 PRIOR TO ADOPTION

RESOLUTIONS ELIGIBLE FOR FINAL READING – (ADOPTION) – (CONTINUED)

CR-84-2009 – A RESOLUTION CONCERNING DEBRIS MANAGEMENT PLAN FOR PRINCE GEORGE’S COUNTY for the purpose of adopting the County’s Debris Management Plan in order to be eligible for Federal assistance after a debris-generating disaster in Prince George’s County.

(Introduced by Council Member Dernoga on 11/3/2009; favorably reported out of THE on 11/12/2009)

CR-85-2009 - A RESOLUTION CONCERNING WOODMORE TOWNE CENTRE AT GLENARDEN 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 Financing Act”), such development district to be located in the City of Glenarden, Maryland, adjacent to Maryland Route 202 and to be known as the “Woodmore Towne Centre at Glenarden 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; 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 Financing Act; providing that the City of Glenarden’s share of incremental taxes shall not be included or deposited into the Tax Increment Fund; 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 Financing Act and secured by the tax increment fund; and generally relating to the Woodmore Towne Centre at Glenarden Development District.

(Introduced by Council Member Harrison on 11/10/2009; PSFM Committee scheduled 11/16/2009)

6. **INTRODUCTION AND ADOPTION OF RESOLUTIONS**

CR-88-2009 – A RESOLUTION CONCERNING UNEMPLOYED WORKERS for the purpose of encouraging County government contractors to hire unemployed qualified workers in Prince George’s County.

To be introduced by Council Member Knotts

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

INTRODUCTION AND ADOPTION OF RESOLUTIONS – (CONTINUED)

CR-89-2009 – A RESOLUTION CONCERNING PRINCE GEORGE’S COUNTYWIDE MASTER PLAN OF TRANSPORTATION for the purpose of approving the Adopted Countywide Master Plan of Transportation with amendments.

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

CR-90-2009 – A RESOLUTION CONCERNING THE MARLBORO PIKE SECTOR PLAN AND SECTIONAL MAP AMENDMENT for the purpose of approving, with revisions and amendments, as an Act of the County Council of Prince George’s County, Maryland, sitting as the District Council, the Marlboro Pike Sector Plan and Sectional Map Amendment, thereby defining long range land use and development policies and setting forth detailed zoning proposals in Planning Areas 75A and 75B for the area generally bounded by the Capital Beltway I95/495 (to the east), Southern Avenue at the District of Columbia line (to the west), Pennsylvania Avenue (to the south), and properties fronting Marlboro Pike including adjoining neighborhoods within one-half mile of the corridor (to the north).

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

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

JOINT BASE ANDREWS NAVAL AIR FACILITY WASHINGTON JOINT LAND USE STUDY (JLUS)

Christopher Izzo, Project Leader, M-NCPPC

8. **PUBLIC HEARINGS – (COUNCIL HEARING ROOM)**

- **Appointment of the following individual as Director of Corrections for Prince George’s County:**

Ms. Mary Lou McDonough

- **Appointment of the following individual as Director of Central Services for Prince George’s County:**

Mr. Edward M. Scott

- **Appointment of the following individual as Director of Housing and Community Development for Prince George’s County:**

Mr. James E. Johnson

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

ADJOURN

REMINDERS

Thurs., Nov. 26, 2009

THANKSGIVING DAY HOLIDAY

Fri., Nov. 27, 2009

CLOSED - EMPLOYEE APPRECIATION DAY

Tues., Dec. 1, 2009

10:00 a.m. Exchange of Gavel (Council Hearing Room)