

REGULAR CITY COUNCIL MEETING

MONDAY, MAY 5, 2008

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, May 5, 2008 in the Council Chambers at City Hall. Mayor Robinson called the meeting to order at 8:00 p.m.

QUORUM:

In attendance were Mayor Robinson, Councilmembers Brady, Marcos, Polangin, Truth Turner and Valentino-Smith; City Manager Deutsch, Asst. City Manager Fitzwater, City Attorney Robert Levan, Members of the Staff, the Press and the Public.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Council led the Pledge of Allegiance to the Flag.

AGENDA ADDITIONS/DELETIONS/AMENDMENTS:

Mayor Robinson announced that Item F under the Consent Agenda is moved to Item D under New Business.

CITIZEN PARTICIPATION:

1. Hon. James Hubbard, Maryland House of Delegates, spoke in support of Councilmember Turner; a copy of his statement is attached.

2. Ms. Jennie Guilbard, Chairman of the Diversity Committee, announced that May is Asian Pacific Heritage Month. She said in celebrating this month, she would like to talk about the former Secretary of Commerce and Transportation who was the son of Japanese immigrant parents and provided some background.

3. Mr. John Bush, 12412 Starlight Lane, spoke on speeding and traffic calming. He said he had moved to Bowie last summer and enjoys life here. He added that his family had a concern about speed and dangerous driving throughout the community. He asked the Council to consider looking at traffic calming measures.

4. Mr. John Allender, 14206 Pleasant View Drive, spoke on behalf of Councilmember Todd Turner and asked for resolution in favor of Mr. Turner.

5. Mr. Tom Nicholas, 4108 Nesconset Lane, also spoke in support of Councilmember Turner and felt no one should have to choose between their full-time job and being a public servant.

6. Ms. Marie Farney, 4201 Nesconset Drive, spoke in support of Councilman Turner and said the voters knew of his position with the Council when he was elected.

7. Ms. Dolores Scott, spoke in support of Councilman Turner and felt he represented a commitment to Bowie and is a leader.

8. Ms. Jenny McDiarmid, 15104 Nebraska Lane, also spoke in support of Councilman Turner.

9. Mr. Mike McDiarmid, 15104 Nebraska Lane, agreed with the previous speakers and asked that Councilman Turner be allowed to continue to serve District 3.

10. Mr. Mike Lyles, 106 Johnsberg Lane, said he joined with residents of Districts 3 and 4 in urging the Council in putting the perceived conflict of interest to rest and to reject the Bowie Ethics Commission's opinions and recommendations concerning Mr. Turner's County position and allow him to retain both his County position and his City Council seat. A copy of Mr. Lyles' statement is attached.

11. Mr. Frederick Penn, 16401 Elysian Lane, spoke in favor of Councilman Turner requested the Council to support him.

12. Mr. Allen Knotts, 15817 Erwin Court, agreed with the previous speakers and felt Councilmember Turner was doing a good job.

13. Ms. Deborah Sell, 2705 Birdseye Lane, said it would be a detriment to lose Councilmember Turner and urged Council support him.

14. Ms. Patricia Williams, 14327 Driftwood Road, felt that Councilmember Turner serves his district well and urged Council to support him.

15. Mr. Arno Frost, 16313 Elysian Lane, also supported Councilman Turner and spoke about his qualifications and character.

16. Ms. Mary Nusser, 3631 Majestic Lane, spoke about funding of fencing near Bowie High School and the Library to block off the City of Bowie's stream; mischief, drugs, assaults, armed robberies, etc. have occurred in the area. She also spoke about incidents that have occurred and spoke about the quick response of the Bowie Police.

17. Mr. Rushern Baker, former member of the Maryland House of Delegates, spoke in support of Councilman Turner and hoped he could remain on the City Council.

18. Mr. Richard Padgett, 2910 Tallow Lane, spoke about the Ethics Commission resolution and felt it was confusing and created questions. He felt that the Ethics Commission should not be allowed to take precedence over voters and should only recommend action by the Council.

Councilmember Turner thanked the residents who spoke on his behalf.

SWEARING-IN CEREMONY:

Mayor Robinson swore in PFC James Sullivan, PFC Timothy Welsh and PFC Christopher Bell as officers in the Bowie Police Department in accordance with Section 92A of the City Charter.

CITY BOARDS AND COMMITTEES:

A. Councilmember Brady moved the appointment of George Tuggle as a Member of the Arts Committee. Mayor Pro Tem Turner seconded the motion and it carried unanimously.

Mayor Robinson swore Mr. Tuggle into office in accordance with Sec. 92A of the City Charter.

CITY MANAGER'S REPORT:

City Manager Deutsch reminded residents of the following items: 1) there will be a workshop on foreclosures on May 10 at the YMCA; information will be provided as well as advice. 2) there will be a digital television workshop on May 6; representatives of Verizon, Comcast and other companies will be presenting information and will answer questions; 3) there will be a community shredding event on May 17 at Bowie High School which is co-sponsored by the PNC Bank and the City of Bowie

CONSENT AGENDA:

Mayor Pro Tem Turner moved approval of Consent Agenda Items: A) Approval of Minutes of April 7, 2008 Council Meeting; B) Approval of Minutes of April 14, 2008 Council Meeting; C. Approval of Proclamation P-8-08, Observing the Week of May 11, 2008 as Police Week in Bowie and May 15, 2008 as Peace Officers' Memorial Day; D. Approval of Proclamation P-9-08, Proclaiming May 1 Through May 31, 2008 as "Click It Or Ticket Month" in Bowie; E. Approval of Resolution R-27-08, Extending the Term of the Baltimore Gas and Electric/Citizen Task Force; and F. Approval of Letter re: Naming of Future Bridge – WB&A Trail. Councilmember Brady seconded the motion and it carried unanimously.

OLD BUSINESS:

A. Ordinance O-1-08 – Approving and Adopting a Budget for the 2009-2010 Fiscal year Beginning July 1, 2008 and Ending June 30, 2009 –

Public Hearing:

1. Dr. Gerald George, member of the Bowie Arts Committee, spoke on the proposed budget. A copy of his statement is attached.

2. Mr. David Dixon, member of the Financial Advisory Committee, presented a report from the committee. He said the committee felt the budget is consistent with previous budgets; the police department and new city hall are welcome additions; indications are that the City is fiscally healthy and is focused on maintaining the current level of services.

3. Mr. Bryan Anderson spoke about traffic calming and speeding and asked the Council to take some action.

B. Resolution R-21-08 – Adopting a Capital Improvement Program for the Fiscal Years 2009-2014 –

Since there were no persons signed up to speak, Mayor Robinson declared the public hearing to have been held.

C. Constant Yield Tax – City Manager Deutsch reported that a State required notice was placed in the newspapers to advertise the public hearing on the Constant Yield Tax. He said 1) for the tax year beginning July 1, 2008, the estimated real property assessable base will increase by 8.92% from \$4,793,755,416 to \$5,221,576,904; 2) if the City maintains the current tax rate of \$.352 per \$100 of assessment, real property tax revenues will increase by 8.92% resulting in \$1,505,932 of new real property tax revenues; 3) in order to fully offset the effect of increasing assessments, the real property tax rate should be reduced to \$.323, the constant yield tax; and 4) the City is considering not reducing its real property tax rate enough to fully offset increasing assessments; the City proposes to adopt a real property tax rate of \$.38 per \$100 of assessment; this tax rate is 17.65% higher than the constant yield tax rate and will generate \$2,976,299 in additional property tax revenues.

NEW BUSINESS:

A. Hilltop Plaza Shopping Center Development Plan – Mr. Tom Haller, attorney for the applicant, provided a briefing on the proposed development for the 17-acre property located at the intersection of MD 450 and Race Track Road. He displayed a PowerPoint presentation which showed the Retail Site Plan, Conceptual Site Plan, architectural renderings, materials, and residential elevations. He said that the developer intends to submit a rezoning application for the M-X-T (Mixed Use Transportation Oriented) zone; the current zoning of the shopping center is C-S-C (Commercial Shopping Center); the rear of the center is zoned R-R- (Rural Residential); the proposal would rezone the entire property to the M-X T zone and add multi-family residential development where the current R-R zoning exists. Mr. Haller said that it will take 12-18 months to start getting approvals because of the multiple stages of review; they want to be sure the City is comfortable with recommendations in the Master Plan for introducing the residential component and that the City feels they are moving in the right direction.

Mr. Haller received questions from the Council concerning marketing for senior housing or active adult housing. He responded that it was considered; however, to provide this type of age restricted community there is not much room to put in the amenities and the type of residences they are proposing are not conducive to senior or active adults because they are not single story buildings. In response to a question concerning whether McDonald's would remain, Mr. Haller said they are interested in staying at the center and are looking at the area where the bank is located. Mr. Haller was asked if he would consider partnership with the developer of Market Place with regard to senior housing, and maybe between the two proposals if it could be packaged as a single unit and it may meet the threshold.

Mayor Robinson summarized by saying that the developer has to get approval from the County before moving forward on the residential portion, but can move forward independently on the commercial portion. Mr. Haller said that by the time they get to the Conceptual Site Plan the commercial work will be underway and possibility near completion. Mayor Robinson said there is interest in linking Market Place, Free State Mall, and Hilltop Shopping Center together and improving the overall operation along Rte. 450; any design along the lines of providing for the senior population would enhance the Council's comfort level for this development.

B. Resolution R-28-08 – Approving Projects for the Consolidated Plan for the Community Development Grant Program – Mr. Jesse Buggs, Grants Contract Administrator, summarized the staff report dated May 5, 2008, a copy of which is on file at City Hall. He reported that the City has been an entitlement community for about 4 years and has a splendid record of passing all audits. He said a survey was conducted which delineates certain categories which are of interest to the community; the survey indicated that a major citizen-identified "High Need" could be satisfied through CDBG proceeds for the elderly throughout the City; HUD's funding, regulations, and statutes provide a mechanism to address some of the housing maintenance and repair needs of the elderly population. Mr. Buggs concluded by saying that staff recommends that City Council adopt the findings of the surveys and the results of the demographic data and analysis, and approve Resolution R-28-08 directing staff to design programs to accommodate the CDBG Entitlement funds the City receives from HUD for the new Consolidated Plan for the period July 1, 2008-June 30, 2013 to provide certain housing maintenance and repairs for the elderly consistent with HUD's regulations and statutes.

Since there were no persons signed up to speak, Mayor Robinson declared the public hearing to have been held.

Following discussion and questions from the Council, Mayor Pro Tem Turner moved the approval of Resolution R-28-08. Councilmember Truth seconded the motion and it carried unanimously.

C. City Gymnasium – City Manager Deutsch summarized the staff report dated April 30, 2008, a copy of which is on file at City Hall. He reported that at a budget worksession several weeks ago, several councilmembers expressed interest in a second city gymnasium; a schedule has been suggested to include: evaluation, planning and site study in 2009, architecture and engineering in FY10, and construction starting in FY11. He said there are a number of issues that would need to be analyzed during the evaluation period; the issues are listed on Page 1 of the staff report and will include the involvement of user groups, the Community Recreation Committee, the Financial Advisory Committee and potential for partnerships with other entities. Mr. Deutsch reviewed potential costs for construction and said concerns were raised for such a project given existing constraints; if Council moves forward there would be a \$600,000 ± cost to operate and a debt service of about \$800,000 if a 20-year \$10 million bond issue is chosen; these numbers are variables and would go up or down depending on the project. He said the schedule would require tax increases of one cent in FY 2011 and two cents in FY 2012. He then focused on available locations for a new gymnasium and noted there is a potential at Jericho Park where a pad site was cleared several years ago; this could be a less costly option since its location may not require the high quality façade of the present City gymnasium.

Since there were no persons signed up to speak, Mayor Robinson declared the public hearing to have been held.

Following discussion and questions from Council, Councilmember Brady moved to add \$25,000 to the FY 2009 budget for a study to assess the needs, the feasibility, the site, potential costs and funding structure for a new gymnasium, to be reported out by the end of the calendar year; also add a CIP page in the current program with a target date of FY 2014 for the gymnasium; when the mid-year budget review occurs the project can be moved forward. Councilmember Marcos seconded the motion.

City Manager Deutsch requested an extension of two months until the end of February which would tie into the mid-year budget review; this would give staff enough time to receive

comments while preparing the FY 2010 budget. The maker and seconder of the motion concurred.

Mayor Pro Tem Turner offered an amendment to place potential construction of the gymnasium in the FY 2012 budget rather than 2014. Councilmember Trough seconded the motion and it carried 4-3 (Robinson, Polangin and Brady).

The original motion offered by Councilmember Brady as amended by Mayor Pro Tem Turner carried unanimously.

D. Letter to the Prince George's County Council on the Fiscal year 2009 Proposed Operating Budget and Fiscal 2009 – Fiscal Year Proposed Capital Improvement Program - Mayor Robinson said he asked for discussion of this matter because he was concerned that the proposed high school site on Mitchellville Road which was approved by the County Council in FY 2006, scheduled for construction in FY 2010, has now been moved to FY 2015 at the earliest. He said he felt this was in direct contradiction to their stated acceptance of the City's needs and rejects the City's willingness to partner with the County. Mayor Robinson said the wording in the letter to the County Council Chairman needs to be stronger and proposed additional language. He asked the Council to make the letter more forceful to convey the message clearly. Council concurred with a vote of 6-0-1 (Turner - recused).

City Manager Deutsch said staff will draft a revised letter for Council review.

ADJOURNMENT:

Mayor Pro Tem Turner moved to adjourn the meeting. Councilmember Trough seconded the motion and it carried unanimously. The meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Pamela A. Fleming, CMC
City Clerk