

REGULAR CITY COUNCIL MEETING

MONDAY, AUGUST 4, 2008

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, August 4, 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, Mayor Pro Tem Turner, Councilmembers Brady, Marcos, Polangin, Trouth and Valentino-Smith; City Manager Deutsch, Assistant City Manager Fitzwater, City Attorney Karen Ruff, 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.

CITIZEN PARTICIPATION:

A. Ms. Rhoda Pollack, 13318 Yarland Lane, spoke about an animal shelter for Bowie. She said that there was no emergency shelter that allowed pets during times of power outages.

B. Ms. Robin Aubrey, 3109 New Coach Lane, spoke about an animal shelter for Bowie. A copy of her statement is attached.

C. Ms. Tara Kelley-Baker, 11716 Backus Drive, also spoke about an animal shelter for Bowie and said she was willing to work with the City.

D. Mr. Richard Stein, 2712 Filbert Lane, also spoke about the need for an animal shelter.

Mayor Robinson said that staff is currently looking at alternative uses for the existing City Hall when it is vacated and the new City Hall opens. He asked for consensus of Council to direct staff to include in the examination an assessment of a potential for options and alternatives for using the current building for the use suggested by the residents who had just spoken. Council concurred.

City Manager Deutsch added that there is an objective in the adopted budget in which Council has asked staff to produce a report by the end of the fiscal year on the future of the existing City Hall property; the consideration of this type of activity can be included in the report.

E. Mr. Michael Katz, 16100 Philmont Lane, spoke about the property which he rents; a notice was sent to the owner of the property concerning a code violation. He said he did not receive a copy and asked if tenants could receive a copy of violations.

City Manager Deutsch noted that properties are inspected that are on the rental property list, if there is a violation notice, it goes to the property owner and an attempt is made to get a copy to the tenant; staff will check to see if this is being done.

F. Mr. Charles Burton, 12410 Canfield Lane, spoke about several items: a) Parking at Whitehall Elementary School. He spoke about signs that have been erected at other schools throughout the City and said something needs to be done at the school before someone gets hurt. b) DWI individual - Mr. Burton spoke about a neighbor who has been arrested and has had accidents. He asked for assistance in getting this individual off the streets.

CITY BOARDS AND COMMITTEES:

A. Councilmember Valentino-Smith moved to appoint Ms. Valerie Hall as a member of the Education Committee. Councilmember Brady seconded the motion and it carried unanimously.

COUNCIL ANNOUNCEMENTS:

Mayor Robinson announced: A. National Night Out is scheduled for Tuesday, August 5 from 6-8 p.m. at Allen Pond Park; and

B. The next community shredding event is scheduled for Saturday, August 16 from 8 a.m. to 2 p.m. in the Bowie High School Parking Lot; the event is co-sponsored by the City and PNC Bank.

CITY MANAGER'S REPORT:

City Manager Deutsch reported on the following items: 1) Shredding Event - residents can dispose documents on August 16 from 8 a.m. to 2 p.m. at Bowie High School parking lot; the event is cosponsored by PNC Bank; 2) Household Hazardous Waste Day - residents can dispose household hazardous waste on November 1 at the Bowie Baysox parking lot; residents can also bring electronic equipment. 3) New City Hall - the Value Engineering portion of the design process has started; under the direction of the project management team, architects and engineers are examining a series of drawings that have been produced by Grimm & Parker; will attempt to recommend alternatives to try to get cost savings out of the design as it is currently produced. 4) Federal Bill entitled "American Housing Rescue and Foreclosure Prevention Act" was passed last week; 3.9 billion dollar is included for local governments to address the foreclosure issue; that element is designed to assist communities that have been hit hard; doesn't believe Bowie is included even though there have been some foreclosures within the City; staff is in contact with HUD who has 60 days from the signing of the bill to prepare the regulations; as soon as the details are available, staff will report whether there is any opportunity for the City to apply and make use of any of the funds from the Federal government. 5) Bank Failure - A question was submitted to staff about the safety and security of municipal funds; the City's funds are primarily invested with local banks and the majority of the funds are invested with the Maryland Local Government Investment Pool; this state pool is AAA rated by Standard and Poor; the money invested with 2 local banks is FDIC insured up to \$100,000 for each account; amounts above \$100,000 are covered by collateral pledged to the City and the State of Maryland has gone to a significant extent to protect municipalities from losing any money in any investments; no investments have been made in so-called synthetic investments that would raise a flag about the safety of any type of security. 6) Playhouse Renovation - the project has been underway for 3 weeks on a tight timetable; staff has discovered that about \$50,000 more than anticipated needs to be spent on replacing the roof; staff will have details and a specific request for additional funds at the next Council meeting.

CONSENT AGENDA:

A. Mayor Pro Tem Turner moved to place the Consent Agenda items on the table. Councilmember Brady seconded the motion.

Councilman Valentino-Smith raised a question concerning Item H, to allow for the purchase of an asphalt roller. City Manager Deutsch replied that if a piece of equipment that is being replaced because it is a high maintenance item and has reached the end of its useful life, and if it is not being traded in to the vendor, an ad is placed in a local newspaper in an attempt to sell the equipment. He added there have been some occasions when the equipment has been donated to the vocational school because no one else wanted them.

Councilmember Valentino-Smith raised questions concerning items F and J and requested that these items be moved to New Business for discussion.

Mayor Pro Tem Turner moved approval of the following Consent Agenda: A) Approval of Minutes of June 16, 2008 Council Meeting; B) Approval of Minutes of July 7, 2008 Council Meeting; C. Approval of Resolution R-46-08 - Accepting Bid Proposal for the Pumping, Hauling and Disposal of Sludge, Grit and Debris from Sludge Separator Tanks and Dumpster at the Wastewater Treatment Plant; D. Approval of Resolution R-47-08, Waiving the Competitive Bidding Requirement in Accordance with Section 61 of the Charter of the City of Bowie to Award a Construction Contract to Atlas Track and Tennis to Install a Synthetic Turf Field at Allen Pond Park's Murtagh I Soccer Field; E. Approval of Resolution R-48-08, Waiving the Competitive Bidding Requirement in Accordance with Section 61 of the Charter of the City of Bowie by a Two Thirds Vote to Allow the Rental of Leaf Collection Trucks and Authorizing the City Manager to Enter Into a Contract with Hertz Equipment Rental in the Amount of \$46,200; G. Approval of Resolution R-52-08, Accepting Bid Proposal for Services for Initiation of the Bowie Business Incubator Program; H. Approval of Resolution R-53-08, Authorizing the Waiving of Bidding Requirements to Allow for the Purchase of An Asphalt Roller; and I. Approval of Resolution R-54-08, Accepting Bid Proposals for the Annual Supply of Chemicals Utilized by the Water Treatment Plant and the Wastewater Treatment Plant. Councilmember Brady seconded the motion and it carried unanimously.

NEW BUSINESS:

A. Pointer Ridge Shopping Center Update - Mr. Gary Rappaport, owner of the shopping center, provided a briefing on the renovation. Before he displayed drawings, he gave an update on the Hall Road project; some construction is underway which is installing a sewer line from the project underneath the railroad line; the next step is to negotiate for the library as well as the credit union, a proposed drug store and a coffee shop. He displayed drawings of the layout of the Amber Ridge and Pointer Ridge Shopping Centers; State Highway Administration has approved a cross-over on Route 301 to enable tenants to be brought into the center. Mr. Rappaport gave some history of the shopping centers and said they have done some lighting improvements at Pointer Ridge and are waiting for an anchor to replace the Giant Food store; Bloom has shown interest in putting in a store at Pointer Ridge and they would be able to open in 2009.

Following questions and discussion, Mayor Robinson thanked Mr. Rappaport for his presentation.

B. Resolution R-51-08, Adopting a Consolidated Plan and Annual Action Plan - Mr. John Fitzwater, Assistant City Manager, summarized the staff report dated July 31, 2008, a copy of which is on file at City Hall. He reported that there are two items before Council this evening: the Consolidated Plan for Fiscal Years 2009-2013 and the Annual Action Plan for Fiscal Year 2009. He reported that traditionally the City has used CDBG money for infrastructure improvements in Old Town; the Consolidated Plan proposed to move the City's CDBG

program in a different direction because Old Town no longer qualifies for a low and moderate income area and HUD staff has indicated that the City's program needs to move in the direction of housing assistance rather than for infrastructure improvements. Mr. Fitzwater summarized the planning process objectives and said in order to determine the types of programs for the Consolidated Plan, HUD requires the City to develop a Citizen Participation Plan, conduct a Community Needs assessment, assess current demographic conditions, analyze changes in demographic conditions and develop municipal priorities; the City has completed all of these tasks. He further reported that in May, 2008, Council endorsed this direction by adopting R-28-08 directing staff to continue to develop the Consolidated Plan for the senior citizen housing rehab program; R-43-08, adopted in July of this year, approved accepting additional monies from the Open Door Housing fund to supplement the CDGB program in the area of energy efficiency and green building improvements; if Council approves the Consolidated Plan, staff will continue to develop the program to include: development a formal application and intake process; development detailed program specifications, program qualifications, selection standards and guidelines, a list of contractors, program contracts, program rules and regulations, project monitoring, and contract closeout procedures. Mr. Fitzwater said that staff recommends that Council approve R-51-08 and authorize the Five Year Strategic Plan/Consolidated Plan FY-09-13 and Annual Action Plan to be sent to HUD for their review and approval.

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

Following questions from Council, Mayor Pro Tem Turner moved approval of R-51-08. Councilwoman Valentino-Smith asked if security systems could be included in the objectives. City Manager Deutsch said that staff would inquire. The motion carried unanimously.

C. Detailed Site Plan #07068, Heritage Square Day Care Center - Ms. Elizabeth Chaisson, City Planning staff, summarized the staff report dated July 29, 2008, a copy of which is on file at City Hall. She displayed a PowerPoint presentation which showed the zoning, location, an aerial photograph, and the site plan of the property. She reported that the Bowie Advisory Planning Board (BAPB) hearing was on June 24; the hearing was continued and heard again on July 8. She said the facility is a 8,656 square foot day care facility for a maximum of 141 children ranging from 6 weeks to 5 years of age; the Planning Department has recommended disapproval of the DSP and the BAPB recommended approval with conditions. She said the issue in the staff report is grading and that staff believes the grading is excessive as noted in the Planning Department memorandum dated July 3, which is contained as part of the staff report, and does not meet the site design guidelines. Ms. Chaisson then reported that there are variance findings and staff felt that the applicant did not meet the variance findings for the setback; therefore, staff concludes that the variance will substantially impair the intent, purpose, and integrity of the Master Plan because it will allow a "gap" in the Green Infrastructure Network to be regarded with an excessive amount of fill, which will not preserve or enhance the existing environmental feature on the site; the criterion for the five foot setback from the rear property line has not been met. She said the BAPB did not agree and will address this in their report.

Mr. Toussaint Gaskins, Chairman of the Bowie Advisory Planning Board, said the reason for the continuance of the BAPB hearing was the grading of the property. He reported that the BAPB disagreed with the condition for approval for the reduction of parking spaces and removed this condition; the Board agreed with providing a variance because the applicant complied with the spirit of the requirement of the Green Infrastructure and the Board voted for approval.

Mr. Robert Antonetti, attorney for the applicant, summarized the application said that the project is in compliance with the Master Plan; the applicant agrees with the BAPB conditions

with the exception of Condition #6. He said the concern was that the connection of the trail is not appropriate at this location and would prefer the condition be stricken. With regard to Condition #7, Mr. Antonetti said it is in conflict with a number of the proposed spaces needed for operation and asked that the condition be stricken; Condition #9 - felt that 6 feet is more than adequate for the dumpster enclosure and recommended the condition be stricken.

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

Following discussion between Council and the applicant, Mayor Pro Tem Turner moved approval of the BAPB recommendations with the following amendments: Condition #7 - delete; Condition #9 - reduce the proposal to 6 feet as recommended by the applicant; Add new #9 - requesting SHA determination regarding the deceleration/acceleration along Hall Road; Condition #6 - add frontage improvements to provide a sidewalk because connectivity is needed. Councilmember Trough seconded the motion and it carried unanimously.

D. City Transportation Priority List - Mr. Joseph Meinert, City Planning Director, summarized the staff report dated July 30, 2008, a copy of which is on file at City Hall. He referred to the attachments to the staff report: 1) Letter to Maryland Department of Transportation which indicates the City's transportation priorities for State roads; 2) a letter to County Executive which identifies the City's transportation priorities for County roads including transit and hiker/biker trails; 3) a listing of SHA current projects in the Bowie area; and 4) the current County CIP program in the Bowie area. He said the transportation priority list is essentially the same as last year's. Mr. Meinert then displayed a PowerPoint showing the project planning phase, design and engineering phase, right-of-way acquisition phase, and construction phase; each one of the phases is funded separately. He then summarized the State Transportation Projects found on Page 2 of the staff report, the County Transportation Projects found on Page 3 of the staff report, Trail/Sidewalk Projects, on Page 4 of the staff report, and Road Projects on Pages 4 and 5 of the staff report.

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

Mayor Pro Tem Turner asked that the letter include that the State and County try to improve the opportunities for additional transit service. Council concurred.

Councilmember Trough asked that emphasis be placed on a sidewalk at the Hall Station Village on one side of Hall Road for the purpose of safety for pedestrians.

Councilmember Brady requested that the evaluation and replacing the Hall Road bridge be added. Mr. Meinert said that this could be added to the letter. Mr. Brady said it would be appropriate to add a paragraph to the letter to the County Executive regarding the request to the State for project planning for the interchange at Rtes. 50/193. Council concurred.

Councilmember Marcos moved to approve the draft letter with amendments for review by the Council. Councilmember Brady seconded the motion and it carried unanimously.

E. Legislative Priorities - Mr. David Deutsch, City Manager, summarized the staff report dated July 31, 2008, a copy of which is on file at City Hall. He provided a listing of the City's legislative priorities as noted in the attachment to the staff report which include: Land Use Authority, Parks and Recreation, Speed Cameras, Transportation Projects, South Bowie High School, Program Open Space and Funding of New Police Headquarters.

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

Councilmember Brady asked staff to report back to Council regarding cooperative agreements and to what extent State or Federal authorities need to inform local governments when events occur such as what recently happened in Berwyn Heights. Council concurred.

Mayor Pro Tem Turner moved to approve the Legislative Agenda. Councilmember Valentino-Smith seconded the motion and it carried unanimously.

F. Approval of Resolution R-49-08, Waiving the Competitive Bidding Requirement in Accordance with Section 61 of the Charter of the City of Bowie Authorizing the City Manager to Enter Into a Contract with Colonial Equipment Company for Acquisition of a Senior Bus - Councilmember Valentino-Smith noted that in the January report about the Senior Center Transportation Program listed 9 buses and 1 van. She asked whether the fleet exceeds the ability to use the entire fleet at any one time and whether or not it was an opportunity to look at potential for savings and consider meeting the needs with a smaller fleet. City Manager Deutsch said the report indicates 5-6 drivers are scheduled to work on a specific day; it also indicates that lunches are delivered to the homebound, shopping trips are scheduled, as well as medical appointments; there are a series of different types of elements of the program and there is a broader daily program for the entire fleet. He added that there may be some days when the entire fleet is not road worthy due to needed normal maintenance or repairs that are necessary; staff is looking at economical ways to run every program, this is the program that exists today and believes this bus is necessary to continue the same scope of program; staff recommends approval of the action requested.

Councilmember Brady moved to approve R-49-08. Councilmember Truth seconded the motion and it carried unanimously.

G. Introduction of Ordinance O-3-08, Providing Supplemental Appropriation for the Annual Budget for the Fiscal Year Ending June 30, 2009 for the Purpose of Funding the Replacement of a Senior Center Bus - City Manager Deutsch reported that because the bus that is being discussed was originally recommended in FY '10, staff is recommending a supplemental appropriation to authorize the expenditure; the action is to introduce O-3-08 and then it will be scheduled for public hearing at a later date.

Mayor Pro Tem Turner moved to introduce Ordinance O-3-08. Councilmember Brady seconded the motion and it carried unanimously.

ADJOURNMENT:

Mayor Pro Tem Turner moved to adjourn the meeting in an Executive Session for the purpose of discussing a legal matter. Councilmember Brady seconded the motion and it carried unanimously. The meeting was adjourned at 11:04 p.m.

Respectfully submitted,

August 4, 2008

7

Pamela A. Fleming, CMC
City Clerk

