

REGULAR CITY COUNCIL MEETING

MONDAY, DECEMBER 7, 2009

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, December 7, 2009 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, City Attorney Robert Levan, City Clerk Fleming, 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. Alice Asonganyi, member of the Bowie Diversity Committee, said that the Committee is recognizing Asian-Americans as part of their Heritage Month program. She spoke about the heritage of Asian-Americans and provided some background noting they are the third largest minority group in the United States.

PRESENTATIONS:

Teacher of the Month - Ms. Dawn Brodus-Yougha, member of the Education Committee, announced that sponsors are BBT Bank which provides the funds for the \$100 U.S. Savings Bond and Main Street Caterers which provides a lunch for the teacher and principal. She announced the October Teacher of the Month is Ms. Rena Shylanski, a second grade teacher at Rockledge Elementary School. Councilmember Marcos presented a Certificate of Recognition as well as the U.S. Savings Bond and congratulated Ms. Shylanski on behalf of the entire Council. Ms. Shylanski thanked the Council for the recognition.

Ms. Brodus-Yougha then announced the Teacher of the Month for November is Ms. Sheila Bailey, a teacher at Chapel Forge Early Learning Childhood Center. Councilmember Marcos presented a Certificate of Recognition and a U.S. Savings Bond and congratulated Ms. Bailey on behalf of the entire Council. Ms. Bailey thanked the Education Committee and the Council for the recognition.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearings-in - Councilmember Polangin moved the appointment of Heike Nyland as a member of the Heritage Committee. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

B. Councilmember Trouth moved the appointment of Carisa Chappell, Anita Fisher, and Patricia Hibbert as members of the Community Outreach Committee. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

Mayor Robinson swore Ms. Nyland, Ms. Chappell, Ms. Fisher, and Ms. Hibbert into office in accordance with Sec. 92A of the Charter.

COUNCIL ANNOUNCEMENTS:

A. Mayor Robinson announced: 1) the Council met in Executive Session on December 1 to discuss a property matter with legal counsel; 2) the tree lighting ceremony was well attended and thanked staff for a successful event; 3) the groundbreaking for the South Bowie Library is scheduled for December 8 at 10 a.m.

CITY MANAGER'S REPORT:

1) City Manager Deutsch reported that all permits have now been issued by various agencies for the City Hall project; the contractor hopes to be able to pour footings in approximately 4 weeks; the project completion date has been moved up five days because of all the rain in November; the clearing is almost complete.

2) Deputy Chief Nesky provided a short overview of steps the Police Department is taking to ensure safety of shoppers during the Holiday Season; a squad has been dedicated to check on businesses; it seems to be working very well as numbers of incidents are down.

CONSENT AGENDA:

A. Mayor Pro Tem Marcos moved to approve Consent Agenda Items A. Approval of Minutes of October 19, 2009 Council Meeting; B. Approval of Minutes of November 16, 2009 Council Meeting; C. Approval of Resolution R-67-09, By Two Thirds Vote Waiving the Bidding Requirements of Section 61 of the City Charter to Allow the City to Enter Into a Contract With Motorola for Encrypted Mobile and Portable Radios based Upon the Sole Source Authorization Provided By the U.S. Department of Justice and Authorizing the City Manager to Enter Into an Agreement for Those Services; and D. Approval of Resolution R-68-09, Authorizing the City Manager to Enter Into a Memorandum of Understanding With the Bowie State University and the Bowie Business Innovation Center Incorporated to Establish a Business Incubator Program. Councilmember Brady seconded the motion and it carried unanimously.

NEW BUSINESS:

A. Auditor Presentation - City Manager Deutsch introduced Mr. Dan Kenny and Mr. Chris Hamilton, Partners with the Reznick Group. Mr. Reznick reviewed the financial statements, a graph presentation, an Internal Control Report, and the Communication With Those Charged With Governance, copies of which can be found at City Hall. He reported that they have audited the financial statement for the City as of June 30, 2009, and the audit was conducted in accordance with government auditing standards and general auditing standards.

Mr. Hamilton reviewed the slide presentation representing 3 areas: the primary government total net assets, primary government total revenue, and primary government expenses.

Mr. Kenny then reviewed the Internal Control letter and reported that the letter indicates there are no material weaknesses or no control deficiencies noted and no instances of noncompliance to be reported. He then reviewed the Communication With Those Charged With Governance and reported their opinion is unqualified and that there are no significant transactions that were recorded in an improper period. Mr. Kenny said there were no difficulties encountered in performing the audit and no disagreements with management, as well as no other significant audit findings noted. He concluded by saying that he was pleased to report that there were no errors, irregularities or illegal acts.

In response to a question posed by Councilmember Valentino-Smith regarding a fraud hotline, Mr. Deutsch said that in the budget adopted by Council in May 2009, staff committed to having this in place by December 31 and that it is on track.

B. Council Policy on Pending School Boundary Changes - Ms. Una Cooper, Public Communications Coordinator, summarized the staff report dated December 3, 2009, a copy of which is on file at City Hall. She reported that this is the second phase of the school system's boundary changes and addresses schools outside the Beltway at the elementary and middle school level; the proposal was introduced mid-November; the Board of Education will be taking up the proposal shortly. Ms. Cooper said that Council has before them some guidelines and staff recommends that any changes requested by the City Council should be made in accordance with the guidelines. She said staff is examining the boundary change proposal for Bowie area schools and will soon provide Council with details on the specific neighborhoods affected by the changes; Council can then evaluate the boundary changes, using the guidelines to recommend possible changes to the Board of Education. She reviewed the changes for Bowie area schools displaying maps that showed the changes in population in the various schools.

Public Hearing:

1. Ms. Jackie Taylor, 14800 Dunleigh Drive, spoke about the boundary changes and keeping Bowie children in Bowie schools. She said she is the parent of a student who attends Benjamin Tasker Middle School; the most devastating aspect of the plan is that students would be moved to a lower performing school. A copy of Ms. Taylor's statement is attached.

2. Mr. Peter Farney, a resident of the Northview section, expressed appreciation to the School Board for their decisions. He was happy with the proposed changes to the Northview Elementary School which will reduce overcrowding. He said he was concerned with proposals that would move students multiple times, in particular in the future when additional boundary changes may be necessary. He asked that these considerations be examined more carefully.

Councilmember Truth said he would like to add 2 emails he had received into the record from Jackie Taylor and Damon Kyler.

Following discussion between Council and staff, Mayor Robinson referred to Page 2 of the staff report which outlined the guidelines and summarized the changed proposed: Bullet 1 - change the word "community" to "neighborhood" schools; Bullet 6 - draw attention to students in the Pointer Ridge area who have already been moved twice; add new bullet - asking School Board to assure that students that remain enrolled in local schools do have Bowie addresses.

Council directed that a new draft letter be included in this week's packet for Council review and approval.

C. Right-of-Way Maintenance - Mr. John Fitzwater, Assistant City Manager, summarized the staff report dated November 17, 2009, a copy of which is on file at City Hall. He said the issue before Council is roadside maintenance on State and County roads that have been impacted by tree cutting and trimming associated with the BGE Bowie Electric Reliability Program; specifically, Council has asked staff to evaluate the area of Rte. 197 near the Long Ridge community, as well as County right of ways along Old Chapel and Mitchellville Roads where BGE has done extensive tree cutting and trimming. Mr. Fitzwater said that after evaluating these areas staff proposes the options noted on Pages 2-4 of the staff report for Council consideration.

Public Hearing:

Ms. Kathy Johnson, 12301 Chalford Lane, voiced her concerns about the BGE aggressive vegetation management program and said she was speaking tonight to advocate for action for compensation. She summarized her personal experiences and said she was upset about the aggressive removal and trimming that had taken place along Old Chapel Road. She called attention to the program being used in Davidsonville which provides oversight of the right-of-way maintenance and reviews the results of previous hand cutting and pruning efforts. Ms. Johnson suggested that the City consider advocating BGE to execute the City's aggressive vegetation management program with similar deference to the residents of the City of Bowie.

Councilmember Valentino-Smith asked staff to obtain a copy of the Davidsonville plan from BGE since she felt there is something to be learned before BGE does the tree removal and trimming on Race Track Road. Mr. Fitzwater said that there hasn't been a specific reading on Race Track Road and anticipates getting a determination on how aggressive it will be shortly; staff will check on what was done in Davidsonville.

With the respect to the Route 197 fence, Councilmember Valentino-Smith asked if it needs to be taller than the standard 6 feet. Mr. Fitzwater replied that 6 feet is standard for residential back yards; if the fence was increased to 8 feet the cost would be increased significantly and there may be some special exceptions needed for an 8 foot fence in a residential area. He added that staff recommends the 6 foot fence, it would be pressure treated, and it would increase security between the roadway and the residences.

Councilmember Valentino-Smith then asked if a written agreement had been obtained from BGE to extend the time line for the tree replacement. Mr. Fitzwater replied BGE provided confirmation that they would extend the period on Rte. 197 as well as on Old Chapel Road until the fall of 2010.

In response to a question posed by Councilmember Turner concerning work done at Grady's Walk, Mr. Fitzwater said the work was part of the right tree, right place program and BGE paid to have that work done; the role of the City was to remove the stumps along that area. Following further discussion, Councilmember Turner said he was supportive of moving forward with the County with respect to the County rights-of-way and with the State on Route 197.

Councilmember Turner moved to accept the staff recommendation. Councilmember Valentino-Smith seconded the motion and it carried unanimously.

D. SAMHSA (Substance Abuse and Mental Health Services Agency) Grant - City Manager Deutsch said that staff is interested in submitting a grant application to the Federal

Government to the Substance Abuse and Mental Health Services Agency for a five-year Drug Free Communities grant; staff is seeking Council's support to be sure it is an activity Council would want to endorse before staff proceeds with completing the application; it is a significant undertaking, however, the application is not due until March 2010.

Ms. Nancy Branch, Director of the Youth and Family Services Division, provided an overview of the grant program and explained how this grant would be helpful to the City of Bowie. She then introduced Ms. Andra Berry, the City's Prevention Coordinator and provided Ms. Berry's professional background.

Ms. Berry described the Bowie prevention network which is made up of individuals and agencies that work together to promote a healthier community for youth and their families through prevention, interaction and education. She introduced some of the members of the network who were present and described their individual responsibilities. Ms. Berry said if the City is successful in obtaining the grant, they will receive up to \$125,000 annually for five years, up to a maximum of \$625,000; this money is for community-based coalition development; the grant would reduce overall costs to the City, would add no additional costs, and would offset expenses by \$47,700 per year for five years. She further reported that as a recipient of the SAMHSA Drug Free Communities Grant, the Bowie Prevention Network would have access to the training and technical support of the nation's leading sources of scientific and evidence-based prevention strategies. The staff report can be found on file at City Hall.

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

Following discussion, Mayor Robinson said that Council should review the application before it is submitted.

Councilmember Brady moved to support applying for a Drug Free Communities grant and submit the application to SAMSHA. Councilmember Trough seconded the motion and it carried unanimously.

E. Annexation Strategy 2009-2010 - Mr. Joe Meinert, Planning Director, summarized the staff report dated December 3, 2009, a copy of which is on file at City Hall. He reported Senate Bill 350 allows the opportunity to annex small parcels without having to obtain the normally required consent of residents and owners of property in the area to be annexed; there is a limitation on the total acreage of 25 acres for each municipality and none of the individual parcels can be larger than 5 acres. He further reported that the purpose of the legislation was to allow municipalities to clean up irregular boundaries that may exist; the annexations have to be concluded by September 30, 2011.

Mr. Meinert then reported that there is a longer range consideration for the future growth of the City related to the subject of urban tree canopy coverage; there are 11 areas recommended for future annexation to increase the City's overall tree canopy coverage which are listed on Page 2 of the staff report; if all 11 areas are annexed the City would grow by over 600 acres in area and approximately two-thirds would be wooded resulting in increasing the tree canopy by as much as 1.3%. Mr. Meinert showed the areas by displaying a slide presentation.

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

Following discussion, Councilmember Turner moved to table this item. Councilmember Valentino-Smith seconded the motion and it carried unanimously.

ADJOURNMENT:

Mayor Robinson wished everyone a very Happy Holiday and a Happy New Year. He urged all to take a moment to remember those who are serving our country and are away from their families during this time.

Mayor Pro Tem Marcos moved that the meeting be adjourned into Executive Session for the purpose of discussing a personnel matter. Councilmember Brady seconded the motion and it carried unanimously. The meeting was adjourned at 11:03 p.m.

Respectfully submitted,

Pamela A. Fleming, MMC
City Clerk