

REGULAR CITY COUNCIL MEETING

MONDAY, MAY 17, 2010

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, May 17, 2010 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, Assistant City Manager Fitzwater, City Attorney Elissa Levan, City Clerk Fleming, Members of the Staff, the Press and the Public.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The City Council led the Pledge of Allegiance to the Flag.

AGENDA ADDITIONS/DELETIONS/AMENDMENTS:

Mayor Robinson announced that Consent Agenda Items E and F are moved to New Business as Items B and C.

CITIZEN PARTICIPATION:

A. Ms. Jennifer Wolff spoke about home schooling and asked if home school parents could be included in the City's Teacher of the Month program.

B. Ms. Tricia Patterson also spoke about including home school parents in the Teacher of the Month Program.

C. Mr. Richard Stein spoke about the Prince George's County Animal Shelter and felt the care of animals was not good because the Shelter is short on staff and volunteers.

D. Mr. Peter Farney spoke on behalf of the residents of Northview regarding adherence to the Master Plan with regard to planning future developments. He would like to see the environment in Bowie continue.

E. Ms. Deborah Sell, 12906 Crickmore Trace, said she believed that the Harmony Place project should be adult senior living and should be condominium and not rental.

COUNCIL ANNOUNCEMENTS:

Mayor Robinson announced that the City's annual Memorial Day Parade will be held on Saturday, May 29. He urged everyone to come out and enjoy the festivities.

CITY MANAGER'S REPORT:

City Manager David Deutsch reported that the 30-day Speed Camera warning period will expire shortly; violators will now have to pay a fine of \$40 if their speed exceeds 12 mph over the speed limit; staff is working with the vendor to install a camera at the Bowie High School Annex on Belair Drive by the end of May. He added that a letter has been sent to the County regarding the request for cameras on County roads.

CONSENT AGENDA:

Mayor Pro Tem Marcos moved the approval of Consent Agenda Item A: Approval of Minutes of May 3, 2010 Council Meeting; B. Approval of Proclamation P-3-10, Celebrating Memorial Day 2010, by Honoring Those Whose Lives Were Given in Service to Their Country; C. Approval of Resolution R-26-10, Exercising an Option to Extend an Agreement With the Reznick Group, P.C., to Conduct the 2009-2010 Annual Audit; and D. Approval of Resolution R-28-10, By Two-Thirds Vote Waiving Normal Bidding Requirements for Extension of the City's I-Net to the New City Hall and Awarding a Contract to Comcast. Councilmember Truth seconded the motion and it carried unanimously.

OLD BUSINESS:

A. Ordinance O-3-10 - Approving and Adopting a Budget for the Fiscal Year Beginning July 1, 2010 - Mayor Pro Tem Marcos moved to adopt Ordinance O-3-10 as amended. Councilmember Brady seconded the motion.

Mayor Robinson spoke about the budget document and thanked the Council and City staff for their commitment to purpose and for their very professional and effective effort to ensure a safe, fiscally solid, and family-friendly community with a solid, balanced budget. A copy of Mr. Robinson's entire statement is attached.

Mayor Pro Tem Marcos said it was his honor to complete another budget with such an amazingly qualified group of individuals that includes both his colleagues and City staff. A copy of Mr. Marcos' entire statement is attached.

Councilmember Polangin thanked the staff and City Manager for their diligent work in producing a clear and concise budget for Council's consideration. A copy of Ms. Polangin's entire statement is attached.

Councilmember Turner thanked the Council and staff for budget review and work and that he believed the Budget is the most important decision the Council makes. A copy of Mr. Turner's entire statement is attached.

Councilmember Truth also thanked the City Council for their diligence, hard work and cooperativeness in working on the July 1, 2010-June 30, 2011 budget. He also thanked the City Manager and staff for their hard work, long hours and support to Council. A copy of Mr. Truth's statement is attached.

Councilmember Valentino-Smith thanked staff for their work on the budget. She said that in these complex and challenging economic times, she believed the City Council needs to be vigilant to keep property taxes as low as possible; believed Council had the responsibility to review government operations carefully to insure that a return on investment is received from

each department. Ms. Valentino-Smith added that she was disappointed that the proposal to decrease the tax increase to 1.5 cents was not successful; given that decision, she felt she was in a difficult position to vote for or against the budget; at this time, she felt the budget document as a whole reflects the level of services necessary to maintain the quality of service citizens are accustomed to as well as the capital projects necessary to insure the outstanding representation of the City is maintained. She concluded by saying that she will support the budget which represents an overall tax cut of 2+ cents given the reduction in County taxes for funding police and other services.

Councilmember Brady noted that this was his 17th budget; the process had started in November of 2009. He said that the challenging economic times required tough choices on the part of the Council and he believed that they acted appropriately. A complete copy of Mr. Brady's statement is attached.

The motion to adopt Ordinance O-3-10 carried with a vote of 6-1 (Turner).

B. Resolution R-22-10 - Adopting a Capital Improvement Program for the Fiscal Years 2011-2016 - Mayor Pro Tem Marcos moved to adopt Resolution R-22-10. Councilmember Brady seconded the motion and it carried unanimously.

Due to a migraine headache, Councilmember Polangin left at this point in the meeting.

C. Ordinance O-4-10 - Repealing and Re-enacting Chapter 21B, "Stormwater Management Control", of the Code of the City of Bowie, to Conform to Current State Law and Regulations - Councilmember Brady moved to table Ordinance O-4-10 until the June 7, 2010 Council meeting. Mayor Pro Tem Marcos seconded the motion and it carried unanimously by those members of the Council present (Polangin absent).

D. Ordinance O-5-10 - Amending the Adopted Budget for the Fiscal Year Beginning July 1, 2009, and Ending June 30, 2010, As Embodied in Ordinance O-1-09, As Amended, for the Purpose of Increasing the Funding Sources for the Wastewater Treatment Plant Enhanced Nutrient Removal System - City Manager Deutsch said Council is being asked to appropriate an additional \$602,200 in the Water and Sewer Fund because the Enhanced Nutrient Removal project is proceeding faster than expected; more expenditures are being experienced prior to June 30 than anticipated; passage would reflect the pace of the expenditures and the City is on track for the construction portion of the project being completed in December of this year. He urged Council's support of the Ordinance.

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

Councilmember Truth moved the adoption of Ordinance O-5-10. Mayor Pro Tem Marcos seconded the motion and it carried unanimously by members of the Council present (Polangin absent).

NEW BUSINESS:

A. Revision to Specific Design Plan #SDP-0313/05 - TD Bank at Bowie Corporate Center - Mr. Frank Stevens, City Planner, summarized the staff report dated May 13, 2010, a copy of which is on file at City Hall. He displayed a PowerPoint presentation and reported that this is a Limited Detailed Site Plan that is restricted to the review of parking, signage, landscaping, lighting and architecture. The PowerPoint presentation included an aerial

photograph of the property showing the location, a tax map, zoning, contour map, environmental features map, the Specific Design Plan indicating location of the bank in the middle of the site, the landscape plan, elevations, signage including building mounted signs, directional signs, and a ground mounted sign which is proposed in the southeastern corner of the property. Mr. Stevens reported there are 4 findings that need to be met under the Zoning Ordinance in order for the design plan to be approved which are identified on Page 4 of the staff report. He said that based on staff review, staff finds that the proposed plan meets the requirements for approval of a Specific Design Plan; therefore, staff recommends approval with the conditions as noted on Pages 11, 12 and 13 of the staff report.

Mr. Dan Lynch, attorney for the applicant, said they were excited about the proposal. He said they disagreed with Condition #5(d), but agreed with all other conditions.

Mr. Mark Cahill, architect on the TD Bank project, described the interior and exterior of the building which included a drive-through and ATM. He also described materials to be used as well as other features of the building; they are trying to achieve either Silver or Gold LEED certification.

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

Mr. Lynch addressed the issue of the free-standing sign and said they were only proposing a sign of 27.5 square feet in size on a brick base; it helps identify the property.

In response to Councilmember Turner's concerns regarding security, Mr. Lynch said there is full video surveillance within the building, a full alarm system on the building, as well as exterior and interior lighting that meets the TD Bank standards. With regard to the ground-mounted sign, Mr. Turner suggested that there be one ground-mounted sign that would suit the needs of all the tenants located on the property.

Following discussion between members of the City Council and the applicant, Councilmember Turner moved approval of the staff recommendation. Councilmember Valentino-Smith seconded the motion and it carried with a vote of 6-0 (Polangin absent).

E. CB-26 and CB-28-2010 - Green Infrastructure Plan Implementation - Councilmember Turner recused himself from discussion and voting on this item. Councilmember Brady moved approval of the City position. Councilmember Truth seconded the motion and it carried with a vote of 5-0-1 (Turner - recused; Polangin - absent).

ADJOURNMENT:

Mayor Pro Tem Marcos moved to adjourn the City Council meeting and move into Executive Session for the purpose of discussing a legal matter with counsel. Councilmember Brady seconded the motion and it carried unanimously by those members of the Council present. The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Pamela A. Fleming, MMC
City Clerk