

REGULAR CITY COUNCIL MEETING

TUESDAY, JULY 6, 2010

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Tuesday, July 6, 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, and Valentino-Smith; City Manager Deutsch, Asst. City Manager Fitzwater, City Attorney Elissa Levan, City Clerk Fleming, Members of the Staff, the Press and the Public. Councilmember Turner was not present.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Boy Scout Russell Van Buskirk, Troop 1688, led the Pledge of Allegiance to the Flag.

PRESENTATIONS:

Teacher of the Month - Ms. Dawn Brodus-Yougha, Chairman of the Education Committee, announced that sponsors for the Teacher of the Month program 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 then announced that the June Teacher of the Month is Alice Williams, a Head Start teacher at Chapel Forge Early Childhood Center; Ms. Williams has been a teacher for 25 years.

Councilmember Valentino-Smith presented a Certificate of Recognition from the City as well as the \$100 Savings Bond from BBT Bank. She congratulated Ms. Williams on behalf of the entire Council. Ms. Williams thanked the Council for the recognition and felt it was a wonderful experience to be recognized by the Council and community.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearings-in -

1. Councilmember Brady moved the appointment of Lisa Avery as a member of the Bowie Advisory Planning Board. Mayor Pro Tem Marcos seconded the motion and it carried unanimously by those members of the Council present.

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

2. Mayor Robinson moved the reappointment of Ronald Skotz, Terry Rogers, Jr., James Golato and Chris Hedman as members of the Bowie Advisory Planning Board. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

3. Mayor Robinson moved the reappointment of Seymour Alloy and David Cromer as members of the Board of Personnel Appeals. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

4. Mayor Robinson moved the reappointment of William Schmitt, William Boyer and Jerry Sanford as members of the Administrative Review Board. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

5. Mayor Robinson moved the reappointment of Monica Best James, Leonard Lucchi, Delmer Billings, Ronald Gill, Glenda Wilson, Richard O'Brien, Kelly Anderson, John Busch as members of the Public Safety Committee. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

6. Councilmember Brady moved the reappointment of Bernard Smolen, John Dutrow, Robert Deegan, Pat Switts, and Juernine Wright as members of the Community Recreation Committee. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

7. Councilmember Polangin moved the reappointment of Gary Allen, John Allender, Maria Arnold, Michael Bottega, Katie Costello, Leslie Wood Mummert, Bernice Smith, Thomas Sykes, Karin Taschenberger, Charles Traweek, John Gabel and Student Member Kimberly Adams as members of the Environmental Advisory Committee. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

8. Mayor Pro Tem Marcos moved the reappointment of Bonnie Moore as a member of the Financial Advisory Committee. Councilmember Brady seconded the motion and it carried unanimously.

9. Mayor Pro Tem Marcos moved the reappointment of Boyd Campbell, Alan Coppola, Henri Gardner, Al Golato, Kimberly LeBlanc, Edward Leyden, Emeka Onwezi, Joan Pitkin, Lisa Ransom and Stanley Rodenhauser as members of the Economic Development Committee. Councilmember Brady seconded the motion and it carried unanimously.

10. Councilmember Valentino-Smith moved the reappointment of Dawn Brodus-Yougha as a member of the Education Committee. Councilmember Brady seconded the motion and it carried unanimously.

11. Councilmember Valentino-Smith moved the reappointment of Elveeda Dixon, Jennie Guibaud, Erica Kennedy and Sade Dennis as members of the Diversity Committee. Councilmember Brady seconded the motion and it carried unanimously.

12. Councilmember Brady moved the reappointment of John Cleaver, Kenneth Wenzel, and Frank Figlozzi as members of the Information Technology Committee. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

COUNCIL ANNOUNCEMENTS:

A. Mayor Robinson thanked staff and the volunteers for a very successful and spectacular July 4th Celebration at Allen Pond Park.

CITY MANAGER'S REPORT:

1) City Manager Deutsch referred to a letter to the Editor in the recent issue of the Bowie Blade-News regarding the traffic pattern at the intersection of Route 197 and Kenhill Drive. He said a few weeks ago, the State changed the operation of the intersection to make a dedicated right turn lane and shifted the intersection; this created some difficulties and staff has been working with SHA and they expect to do some restriping on Kenhill Drive to try to provide greater access to the furthest south right turn lane; cars are not able to get to that lane because of oncoming traffic heading east. Mr. Deutsch said the difficulty has been further complicated because in making the changes at the intersection, the State relocated the stop bar before the point at which the cars would trip the detector which indicates a car wanted to turn. He said the City Public Works Department have been working with the State to get these items corrected and will handle some of the short-term issues by designing and developing a longer term solution which would expand Kenhill Drive several feet to the south; staff will keep Council updated on the progress.

CONSENT AGENDA:

A. Mayor Pro Tem Marcos moved to approve Consent Agenda Items A. Approval of Minutes of June 21, 2010 Council Meeting; B. Approval of Resolution R-43-10, Waiving the competitive Bidding Requirements of Section 61 "Purchasing and Contracting" of the City of Bowie by a Two Thirds Vote to Allow for the Rental of Leaf Collection Trucks and Authorizing the City Manager to Enter Into a Contract With Hertz Equipment Rental in the Amount of \$46,680; C. Approval of Resolution R-44-10, Accepting Bid Proposal for Hot Mix Resurfacing and Coldmilling; D. Approval of Resolution R-46-10, 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 THC Enterprises, Inc. T/A Mid Atlantic Waste Systems for Purchase and Installation of Two Cart Tippers; Based Upon the Direct Purchase Authorization Provided by the U.S. Department of Energy and Authorizing the City Manager to Enter Into an Agreement for This Purchase. Councilmember Brady seconded the motion and it carried unanimously.

Councilwoman Valentino-Smith suggested that with the savings from the bid on the Hot Mix Resurfacing and Coldmilling, that the money be used to purchase temporary speed humps and develop parameters that communities could use to apply for the speed humps. Mayor Robinson said that this would have to be a separate appropriation; the savings goes back into the budget.

NEW BUSINESS:

A. Resolution R-45-10 - Adopting a Tax Increment Finance Policy (TIF) - City Manager Deutsch made some introductory remarks and said the issue came about last fall with a suggestion that Council should consider a Tax Increment Finance Policy; Council held a worksession earlier this year and directed staff to prepare a policy for Council consideration. He said staff nor Council is examining an application from any prospective developer or property owner; the policy is critical and, if adopted, would need to precede any future application.

Mr. John Henry King, Economic Development Director, summarized the attachment to Resolution R-45-10, dated July 1, 2010, a copy of which is on file at City Hall. He reviewed the sections noted in the Policy: Purpose of the Policy, Development Objectives, General

Guidelines in the Use of Tax Increment Financing, Economic Analysis and Risk Assessment Process, Application for Tax Increment Financing, Evaluation Process and Criteria and City's interest and Discretion.

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

In response to questions raised by Councilmember Polangin, City Manager Deutsch said that if Council adopts a policy and there is an actual application, bond counsel would be engaged as well as the City financial advisor to review it; the City has been told by bond counsel that there is no immediate impact on the bond rating and the bond rating, although an important assessment of City financing, is not important until such time as the Council would want to issue new general obligation debt. Mr. Deutsch added with regard to whether property values go down rather than up, the City would have to be careful of the scenario of increased value and assessments; the base line would have to be determined as accurate, have commercial values hit the bottom, and would not want to see a situation in the early years of such a relationship that there is not enough money to pay the bonds. He said a declining revenue base would not be good for this type of financing and if there is a policy and staff is recommending implementing it, the numbers would have to make sense and this would happen in a rising commercial market. He said if the developer is unable through increased value or resources to pay the debt service, the property is the collateral. With regard to the fee, Mr. Deutsch said the \$1,000 fee is a fee that reflects a certain amount of staff time assessing the application and the \$9,000 represents recouping potential cost of bringing in outside experts who are needed to assist staff in properly analyzing an application.

Mr. Deutsch replied to a question posed by Mayor Pro Tem Marcos regarding a developer/owner falling behind and whether the City was protected by saying that the developer/owner is the responsible party for paying the debt service and there will be lawyers involved on Council's behalf seeking a method to extract payment.

Mr. King replied to a question from Councilmember Truth regarding whether there would be any recourse and advance notice if a developer/owner could not meet their obligations. He said the City would engage an expert firm to provide the ongoing day to day, year to year management and reporting; the cost is reimbursable through the bond proceeds; before getting to this point, the City's own bond counsel would be consulted to make sure all of the detail is there; the City would recoup the costs for the experts from the applicant up front.

Councilwoman Valentino-Smith asked for an amendment to the resolution to add "This policy will not mandate the use of tax increment financing by the City". She also asked for several other minor amendments that clarified wording in the policy. She said the resolution should be approved by a super majority rather than simple majority of the Council because she felt this would have the impact of developer lobbying future Councils and felt they should be protected by being able to avail themselves of a super majority.

In response to Councilmember Valentino-Smith's request regarding changing wording in the policy from "one or more" to "two or more", Councilmember Brady said he did not agree; it is a tool and does not have to be used. He said he was concerned about the reference to super majority and recalled that it is State law requirement for budgets. He asked if State law would require this in a Tax Increment Financing policy. City Attorney Levan responded that the policy can be amended and the two-third majority requirement could be changed if it were contained in the TIF policy. Ms. Levan suggested the question be put aside at this time to allow time to do additional research; the policy could be amended at a later date.

Councilmember Polangin moved to approve Resolution R-45-10 with an amendment to add another Whereas paragraph to read "This policy will not mandate the use of tax increment financing by the City." Councilmember Brady seconded the motion.

The suggested amendments to the TIF policy itself are noted below:

Change wording in the policy from "one or more objectives" to "two or more objectives" - failed.

Page 3, IV. B. first bullet - strike "purpose" and insert "benefit" - Council concurred.

Page 4, V - change fee from \$1,000 and \$9,000 to \$2,500 and \$7,500; add words "upon action by the City Council" - Council concurred.

Page 5, 4. - add word "public" before "benefits" - Council concurred.

Page 6 - relabel paragraph from VI to VII and change title to read "City's Interest and Discretion" - Council concurred.

The motion to approve Resolution R-45-10 adopting the Tax Increment Policy attached thereto carried with a vote of 6-0 (Turner absent).

ADJOURNMENT:

Mayor Pro Tem Marcos moved that the meeting be adjourned. Councilmember Brady seconded the motion and it carried unanimously. The meeting was adjourned at 9:28 p.m.

Respectfully submitted,

Pamela A. Fleming, MMC
City Clerk