

REGULAR CITY COUNCIL MEETING

MONDAY, OCTOBER 18, 2010

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, October 18, 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, Polangin, Marcos, Truth, Turner and Valentino-Smith; Asst. 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 Council led the Pledge of Allegiance to the Flag.

CITIZEN PARTICIPATION:

A. Mr. Sammy Pulliam, 5802 Spring Meadows Drive, spoke about the recent incidents at the West Bowie Village Hall. He thanked the City for working promptly on this issue and said he was concerned about the close proximity of the hall to residences; the residents are putting together a petition and are drafting a letter to the City.

B. Ms. Eddimae Tisdale, 5706 Umber Place, also spoke about the recent incidents at the West Bowie Village Hall and said she agreed with Mr. Pulliam. She added she was concerned about the types of activities at the hall as well as the loud volume of noise which continues through to the early hours of the morning.

Mayor Robinson said the City is reviewing the matter and added that the owner of the hall has a Use and Occupancy permit. Councilmember Turner added that the U & O and zoning is a County issue and that residents should also contact their County Council representatives.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearings-in - Councilmember Turner moved the appointment of Mr. William Shipley as a member of the Community Recreation Committee. Councilmember Brady seconded the motion and it carried unanimously.

B. Councilmember Brady moved the appointment of Mr. Bill Healy as a member of the Public Safety Committee. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

C. Mayor Robinson swore Messrs. Shipley and Healey into office in accordance with Sec. 92A of the City Charter.

**COUNCIL ANNOUNCEMENTS:**

Mayor Robinson made the following announcements: 1) Street leaf pick-up will begin on November 1; and 2) Early Voting will run from October 22 through October 28 with the exception of Sunday, October 24.

**CONSENT AGENDA:**

Mayor Pro Tem Marcos moved approval of the following items: A. Approval of Minutes of September 20, 2010 Council Meeting; B. Approval of Resolution R-68-10, Accepting Bid Proposal for Construction Inspection and Lead-Based Paint Inspection for the HUD CDBG Senior Citizen "Green" Housing Rehabilitation Program; C. Approval of Resolution R-69-10 Authorizing the City Manager to Enter Into a Settlement Agreement and Release of the City's Claims Against Bond Safeguard Insurance Company And Lexon Insurance Company in Connection With a Performance Bond Posted By Washington Management Co., Securing the Construction of Streets and Related Improvements in Phase III of the Subdivision Known As Woodmore Estates, In Consideration Of the Payment By the Releasees to the City in the Amount of Two Hundred Thousand Dollars; D. Approval of Resolution R-70-10, Adopting Official Parade Rules; and Approval of Proposed Building-Mounted Sign - Smiles Pediatric Dental Care, 6000 MD Route 197 (Brady Building). Councilmember Brady seconded the motion and it carried unanimously.

**NEW BUSINESS:**

A. District Council Remand of Detailed Site Plan #DSP-0766 (Harmony Place) - Mr. Frank Stevens, City Planner, summarized the staff report dated October 14, 2010, a copy of which is on file at City Hall. He gave some background on this history of the application and the accompanying departure for parking standards, as well as the reasons the City Council recommended disapproval of the Detailed Site Plan (DSP) in 2008. He also gave a summary of the process that the County Planning Board conducted to review the DSP in this case and the action taken by the District Council in 2008 which began the process of the remand of the DSP. In section 2, he said the report talks about the remanded DSP and the current plan provided to the City at the end of September which is the same as the DSP submitted in 2008; in this particular plan there are no departure applications for parking that accompanied the latest plan. Mr. Stevens concluded by saying that staff recommends that Council approve the letter provided as an attachment to the staff report which would be accompanied with the appropriate documentation substantiating the City's position.

**Public Hearing:**

1. Ms. Deborah Sell, 12906 Crickmore Trace, Fairwood, commended the Council for their due diligence in this regard; felt that Bowie lacked senior housing.

2. Mr. Peter Farney, 4201 Nesconset Drive, said it has been challenging to keep abreast of this situation; the Council's communication on the matter has been helpful on when the City will take action.

Following a question from Councilmember Turner regarding whether there any parts of the plan that are different from that what was reviewed, Mr. Stevens replied that the plan received on September 28, 2010 is the same plan reviewed in 2008 where parking departures were necessary for the number of required on site parking spaces as well as the size of those spaces; the number of units in the 2 buildings are the same, the total number of units for the entire project are the same, the green space, open space and the bedroom space are all the same. Mr. Turner referred to a proffer made in 2008 to make the smaller of the 2 buildings a senior building and asked if this has been communicated to the City. Mr. Stevens said it had not.

Councilmember Turner then moved: 1) to accept the staff recommendation to disapprove Detailed Site Plan DSP-0766 as contained in the proposed letter as drafted by staff, with one addition: to include information about not approving parking departure previously and indicating as part of this motion that the City's position stands with regard to not approving that parking departure and Park & Planning cannot do an "either/or" recommendation about approving this plan; the plan should either be approved as submitted or it can't be approved until the City of Bowie approves the parking departure which has not been done at this time; the basis for disapproval is the fact that it does not comply with the 2006 Bowie Master Plan and the City has not approved the parking departure for the structure as the remand has been submitted. Councilmember Brady seconded the motion. Councilmember Valentino-Smith asked that the report that showed the status of the City with respect to aging and senior housing needs be added to the letter as an attachment. The maker and seconder of motion agreed and the motion carried unanimously. 2) Mr. Turner said that as part of the litigation that the applicant has taken against the City of Bowie earlier this year, the City agreed to stay the matter voluntarily under the assumption that the County case would be allowed to proceed; in seeking the public hearing before the Planning Board on October 21, the applicant misrepresented to the City what their intent was. He moved that the City Attorney be directed to file a motion to vacate the consent to stay the appeal and place the matter before the Court of Special Appeals as soon as possible. Councilmember Valentino-Smith seconded the motion and it carried unanimously.

#### EXECUTIVE SESSION:

Mayor Robinson announced that the City Council met in Executive Session at 7:30 p.m. with the City Attorney to discuss a legal matter related to Detailed Site Plan DSP-0766, Harmony Place.

#### ADJOURNMENT:

Mayor Pro Tem Marcos moved to adjourn the meeting. Councilmember Brady seconded the motion and it carried unanimously. The meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Pamela A. Fleming, MMC  
City Clerk