

REGULAR CITY COUNCIL MEETING

TUESDAY, FEBRUARY 22, 2011

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Tuesday, February 22, 2011 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, Gardner, Polangin, Marcos, Trough, and Turner; City Manager Deutsch, Asst. City Manager Fitzwater, City Attorney Karen Ruff, 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.

AGENDA ADDITIONS/DELETIONS/AMENDMENTS:

Mayor Robinson announced that under New Business, Item B, the order of the reports from the Chairman of the Environmental Advisory Committee and the Public Works Director would be reversed.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearings-in – Councilmember Brady moved the appointment of Marsie Ross as a member of the Diversity Committee. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

B. Mayor Robinson swore Ms. Ross into office in accordance with Section 92A of the City Charter.

PRESENTATIONS:

A. Recognition of Martin Luther King, Jr. Contest Winners – Ms. Elveeda Dixon, Chairman of the Diversity Committee, read the names of the winners and the prize amounts in the K-2nd Grade Category – Coloring Contest, 3rd-5th Grade Category – Poster Contest, and 6th-12th Grade – Graphic Arts/Photography/Mixed Media Contest. The names of the winners are attached.

Mayor Robinson thanked the winners on behalf of the City Council and thanked Ms. Dixon as Chair of the Diversity Committee for the work she and the members do on the City's behalf.

CITY MANAGER'S REPORT:

City Manager Deutsch reported on the following items: 1) Legislative Update – Council received a brief memorandum concerning two pieces of legislation: a) relates to the Bowie Race Track and is sponsored by Delegates Valentino-Smith and Hubbard; it amends the 1992 legislation which requires the Race Track to be in continuous operation as a horse training facility; the thrust of the legislation is to say that the owners of the property could convey the property to the State of Maryland under Program Open Space; a hearing will be held on February 23 in the House and on February 24 in the Senate; with Council's concurrence Mayor Robinson will testify in support of the bill at the first hearing and Mayor Pro Tem Marcos will testify at the following day's hearing. b) The second bill also relates to the Race Track and sponsored by Delegates Valentino-Smith and Hubbard as well as Senator Peters; it will require the State Racing Commission to post its agendas on the its web site at least 7 days prior to its meeting; there have been some concerns on part of the public that it has been difficult to find out exactly what is on the Commission's agenda; with Council's concurrence Mayor Robinson is prepared to testify at the first hearing and Mayor Pro Tem Marcos will testify at the following day's hearing. 2) CB-1-2011 – Earlier this month, Council received a status report on this bill; it will correct last year's bill regarding Land Use Authority (CB-16) and will adjust some of the flaws that went too far in carving out the ability of the County Council to call back up for review certain actions of local government that had taken authority under the State legislation; the current legislation restricts that to certification of non-conforming uses which is not an issue the City has to confront very often; the bill was before the County's Planning, Zoning and Environmental Committee last week; a letter was provided to the Committee Chair in which the staff indicated support of CB-1; the City Council had not taken action on the letter because it was staff's decision that CB-1 is merely a correcting measure and consistent with policy regarding the prior bill, CB-16. In the hearing the Committee chose not to pass the bill on to the full County Council because they realized that it had not been advertised for the necessary amount of days under County rules; it will return on a Committee agenda in March and there will be ample opportunity to bring the matter back before the City Council with another letter for action.

CONSENT AGENDA:

Mayor Pro Tem Marcos moved approval of the following items: A. Approval of Resolution R-10-11, Establishing the Animal Welfare Committee; B. Introduction of Ordinance O-3-11 – Amending the Bowie City Code Chapter 5 "Building and Property Maintenance," Section 5-6 "Definitions" to Add a Definition for "Tent"; and Amending Section 5-7 "Standards" of the City Code to Reflect That Walls and Gazebos are Accessory Structures, to Declare that Tents Are Not and to Prohibit Tents, to Articulate the Manner in Which Firewood is to be Stored on Property in the City, to Declare that the Exterior of All Buildings Shall be Free of Peeling, Chipping and Flaking Paint, Moss, Mold and Mildew, to Increase the Allowable Size of House Numbers to Four (4) Inches and to Address the Maintenance of Shutters on Houses in the City of Bowie; C. Introduction of Ordinance O-4-11 – Amending the Bowie City Code to Repeal Chapter 7 "Electricity"; D. Introduction of Ordinance O-5-11 – Amending the Bowie City Code, Chapter 8 "Fire Prevention and Fire Protection", Section 8-1 "County Fire Code Adopted" to Update the Reference Therein to the Location of the Fire Safety Law of Prince George's County, Maryland; E. Introduction of Ordinance O-6-11 – Amending the Bowie City Code, Chapter 13, "Environmental Noise Control", Section 13-3 "Additional Noise" to Specifically Articulate the Applicable Times Certain Noise is Permitted and to Prohibit the Operation of Lawn Care, Snow Removal Equipment, Household Tools and Appliances, and Amending Bowie City

Code, Section 13-5 "Penalty" to Declare the Violation of Section 13-3(A)(8) "Construction or Repairing Of Buildings" is Subject to Different Penalties than the Violation of Other Provisions of Section 13-3(A); and All Matters Generally Relating to Environmental Noise Control; F. Introduction of Ordinance O-7-11 – Amending the Bowie City Code, Chapter 14 "Motor Vehicles and Traffic", Section 14-10 "Parking, Etc. Prohibited in Specified Places" to Prohibit the Parking of Vehicles on the Grass Between the Curb and Lot Line of Any Adjacent Property; G. Introduction of Ordinance O-8-11- Amending the Bowie City Code, Chapter 18, "Peddlers, Solicitors, Etc." Section 18-1 "Definition of 'Peddler' 'Solicitor' to Include Those Who Introduce, Describe or Promote any Service, Product or Thing of Value; Amending Section 18-4 "License-Application" to Alter the Description of the Business Required on the Application to Include Wares, Services and things of Value to be Sold Promoted or Described; and Amending City Code, Section 18-11 "Separate License for Each Person Engaged in Hawking" to Require a Separate License for Each Person Who Solicits or Who Introduces, Promotes or Describes Services, Merchandise or Things of Value Door to Door in the City of Bowie; H. Introduction of Ordinance O-9-11 – Amending Bowie City Code, Chapter 22 "Streets and Sidewalks", Article I "In General" Section 22-18.1 "Removal of Obstruction to Vision of Driver of A Motor Vehicle" to Prohibit Visual Obstructions More Than Three Feet in Height on a Corner Lot; and Amending Bowie City Code, Section 22.18.2 "Grass and Weeds – Trimming and Removal" to Prohibit Grass and Weeds Greater Than Eight Inches in Height From Growing Within a Public Right of Way Adjoining Private Property, to Provide for Notification to the Owner, Tenant or Responsible Party to Correct a Violation of Section 22.18.2 and to Authorize the City to Correct Same and Charge the Property Owner Therefor. Councilmember Brady seconded the motion and it carried unanimously.

NEW BUSINESS:

A. Building-Mounted Signage Revisions – Brady Building (MD Rte. 197 & Rte. 450 Intersection) – Mr. Frank Stevens, City Planning Department, summarized the staff report dated February 17, 2011, a copy of which is on file at City Hall. He referred to the attachments to the staff report that provide a chronological history that established the number and locations for building-mounted signs for this facility; a letter agreement dated April 16, 1987 between the building owner and the City limited the number of signs on the building to a total of four (4) – 3 on the MD 197 elevation and 1 on the 450 elevation; several months later the owner and City agreed to amend that agreement to limit 2 on each elevation, and agreed to allow the signs on the lower fascia of the building so that the signage would be direct proportion to the length of the building on each frontage. He reported that under the Zoning Ordinance a building would be permitted to have up to 2 sq ft of sign area for each 1 foot of building width, but not more than 400 square feet. He further reported that there are 4 existing signs on the building and the total area for all signs is 177 square feet; there is no free standing sign and none is proposed. Mr. Stevens said the proposal is to use the existing 2 x 25 square foot space and with the same fabrication to include flush-mounted, internally illuminated, individual channel letters, with corporate logs; 2 signs are proposed on the Rte. 197 elevation and 3 signs on the Rte. 450 elevation; the total area of all signs including the gym sign would be 284 square feet which is within the maximum allowed by the County Zoning Ordinance. He said it is staff's recommendation that because the signs are inconsistent with the adopted sign criteria for the building and the intent of the City's Development Review Guidelines are not met, that the request be denied for the 5 additional signs; staff is also recommending that the State Farm sign be removed from the building.

Mr. George Neubeck, P.O. Box 123, Upper Marlboro, MD, representing the applicant addressed the Council. A copy of Mr. Neubeck's statement is attached.

Public Hearing:

1. Ms. Donna O'Bryan, Property Manager, 6000 Laurel-Bowie Road, provided past tenant history and listed the current tenants now in the building. She reported on renovations made to the building as well the number of vacancies. She said that given the high vacancy rate, tenants need to be attracted to the building and asked that the proposed signage be allowed.

2. Ms. Denise Cogar, Co-owner Wow-U Salon, 6000 Laurel-Bowie Road, said it is very important that people know where a business is located and asked that the proposed signage be allowed.

Following discussion and questions from Council, Councilmember Polangin moved to table this item until March 21 so that the tenants and the City have an opportunity to find common ground and to bring the 1987 agreement up to date. Councilmember Trough seconded the motion and it carried unanimously.

B. Environmental Initiatives –

1. Report by Director of Public Works on Pilot Program with Large Recycling Carts – Mr. Jim Henrikson, Public Works Director, summarized the staff report dated February 17, 2011, a copy of which is on file at City Hall. He reported that staff was tasked with implementing a pilot program to determine if providing large recycling carts would increase recycling in Bowie; a Howard County bid was used to piggyback for the purchase of 1,886 sixty-five gallon carts with hinged lids; the bid cost was \$42.02 per cart; automatic cart tippers were purchased and installed on 3 recycling trucks to assist the crews when a cart was fully loaded; the total cost for the pilot program including the carts and tippers, is being paid for with a portion of the Energy Efficiency Block Grant. Mr. Henrikson also reported that carts were distributed to Saddlebrook East, Chapel Forge, Overbrook, Yorktown, Idlewild and Victoria Heights and then to Saddlebrook West when additional grant funding was received. He reported on weighing of the recycling before the program began and again later on in the program; an additional 15.59 tons of recycling was collected which represents a 28% increase that can be attributed to the large carts; the potential cost savings would be \$59,048. He said the City will own the carts and will be replaced if necessary; the program was well received by the residents and only 18 out of 886 asked that the carts be taken back; the total estimated cost to provide carts to the remaining Bowie homes would be approximately \$860,000. Mr. Henrikson said the benefits to go forward with the program would be reducing the future use of limited landfill space and increasing recycling would reduce the natural resources and pollution that would be associated with producing non-recycled products. He said staff is recommending moving forward with the purchase of carts for the remaining Bowie homes breaking it up over a 3-year period.

City Manager Deutsch added that staff will be making a recommendation as part of the budget that Council will receive in the first part of April, which will provide a 3-year path over full City expansion of the program.

Following discussion, Mayor Robinson asked for a consensus of Council to move forward with increasing recycling in Bowie by the purchase of large recycling carts over a 3-year period. Council concurred.

2. Presentation by Environmental Advisory Committee (EAC) – Mr. Gary Allen, Chairman of the Environmental Advisory Committee, displayed a PowerPoint presentation entitled “Next 10* Steps toward a Green Bowie” and asked for the Council’s support of the steps. He summarized the steps as well as a proposed resolution contained in the attached statement and asked the Council for support of his recommendations for the expansion of the large recycling container program to take place in the coming fiscal year as well as for the creation of a new position for a Environmental Programs Director.

C. Police Department Updates – Acting Chief of Police John Nesky summarized the staff report dated February 16, 2011, a copy of which is on file at City Hall. He reviewed the total calls for service and noted that they are going down throughout the County; the average response time is under five minutes; response time for priority calls is 5.1 minutes and slightly under 5 minutes for non-priority calls for service. Acting Chief Nesky reported on Crime & Citation Statistics and said they were holding steady; moving violations increased because the introduction of e-citation and license plate recognition system; the Photo Enforcement Citations program began in May 2010. He reported on programs such as Shop with a Cop for needy children and the Polar Bear Plunge for the Special Olympics. He also reported on staffing and said the authorized strength is 52; with the Chief vacancy the Department is down to 47; there are 4 applicants who have passed background checks and are waiting for the academy in April. With regard to speed cameras, Acting Chief Nesky said the program has been very active but expects to see the numbers drop as drivers slow down; the MOU for the County sites on Old Chapel and Race Track Roads is still being worked on and he expects a 2-3 week lag between the signing of the MOU and the cameras being installed; notification will be provided on where the cameras are located and when they will begin operating; since this program began in May of 2010, 43,592 citations have been issued; the program works and speeding has declined. Acting Chief Nesky then reported on investigations and said investigation units started November 1, 2010 and the Department has seen outstanding cooperation between detectives and patrol officers to close cases. He also spoke about grants which have been used to purchase many programs and equipment for the Department. He concluded his report by saying that they are still at looking at operational costs for dispatching calls.

Ms. Monica Best, Chairman of the Bowie Public Safety Committee, introduced other members of the committee. She said the committee would like to commend Acting Chief Nesky and the Department on their accomplishments and successes; they support the traffic calming measures.

Mayor Robinson added he was pleased to hear about the renewed cooperation between Bowie and Prince George’s County being successful and that the Bowie Police Department is well ahead of the 10 year build out plan. It reflects the leadership of the Department as well as the City Manager.

D. City Grants to Organizations and Individuals – City Manager Deutsch summarized the staff report dated February 14, 2011, a copy of which is on file at City Hall. He said the report examines the budget and various city grant programs to individuals and organizations which are listed in the staff report. He pointed out that the top two organizations, the Volunteer Fire Department and the Bowie Food Pantry Emergency Aid Fund, is 80% of the total. He strongly suggested that this support continue. He spoke about the non-profit capital matching grants and suggested that since the program only awarded two grants and that the \$5,000 has not been allocated in the current year, this program be considered for elimination in the current year and in the future. Mr. Deutsch said 3 committees, Education, Community Outreach and Arts, are involved in reviewing grant applications for various groups totaling \$31,000; only one

person has qualified for mortgage assistance for first-time homebuyers because there are very strict qualifications for credit; staff feels this program can be deleted in FY 2012; the Education Scholarship is self-funded through a gift program which began some 20 years ago and the Council budgets for an Arts Scholarship; the last item on the list is the Youth Leadership Bowie grant that has been around for the last 8-10 years and is a joint program between the City and the Chamber of Commerce.

Following discussion, it was the consensus of Council to eliminate the non-profit capital matching grants as recommended by staff.

ADJOURNMENT:

Mayor Pro Tem Marcos moved to adjourn the meeting. Councilmember Brady seconded the motion and it carried unanimously. The meeting was adjourned at 11:05 p.m.

Respectfully submitted,

Pamela A. Fleming, MMC
City Clerk