

REGULAR CITY COUNCIL MEETING

MONDAY, MARCH 7, 2011

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, March 7, 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, Marcos, Polangin, Trough, and Turner; City Manager Deutsch, 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.

AGENDA ADDITIONS/DELETIONS/AMENDMENTS:

Mayor Robinson announced that Item A under Old Business, Ordinance O-3-11, is moved to the March 21, 2011 agenda.

CITIZEN PARTICIPATION:

A. Mr. Bob Rapczynski, presented a stained glass replica of the Railroad Museum to the Museum Director, Pam Williams, where it will be placed in the Welcome Center for display. He said it was made by a class at the Bowie Senior Center.

B. Mr. George Buss, 12640 Millstream Drive, spoke about a code compliance issue regarding automobiles that are parking in driveways with a cover. He asked the Council to consider that residents who have an historically tagged, insured and operable vehicle be able to park off the driveway and covered with agricultural quality shelter. He explained that this would free up the parking in the resident's driveway.

CITY BOARD AND COMMITTEES:

A. Appointments/Reappointments/Swearings-in – Councilmember Brady moved the appointment of Jamali Phillips as a member of the Information Technology Committee. Council-member Turner seconded the motion and it carried unanimously.

B. Councilmember Turner moved the appointment of Tony Best as a member of the Community Recreation Committee. Councilmember Brady seconded the motion and it carried unanimously.

C. Mayor Robinson swore Messrs. Phillips and Best into office in accordance with Section 92A of the City Charter.

CITY MANAGER'S REPORT:

City Manager David Deutsch reported on the following items: Race Track Property – Legislation has gained support and is moving forward in the General Assembly; a hearing is scheduled for next week. 2) State Budget – The House Appropriations Committee expects to have a decision next week to be followed by Senate action. 3) Highway User Revenue – A letter was received from the State Highway Administration confirming the \$107,000 anticipated revenue; 4) Woodmore Estates – The contractor had to spend time to make sure Miss Utility was contacted before paving operation began; the project will be completed in about 3 weeks; 5) CB-1 – A draft has been received regarding implementing change regarding land use authority; staff is reviewing with other municipalities and expect to have a recommendation within the next several days; 6) Mr. Deutsch asked Asst. City Manager Fitzwater to report on the City Hall project – Offices will be complete by March 13; anticipating that the lobby will be substantially complete by March 27; a Use and Occupancy Permit will be obtained; the sundial is scheduled to be installed April 15; moving from the current City Hall to the new facility will occur April 15 and 16 with the new facility opening on April 18.

Mayor Robinson thanked Assistant City Manager John Fitzwater for his outstanding work on getting the new city hall project done on schedule.

CONSENT AGENDA:

Mayor Pro Tem Marcos moved approval of the following items: A. Approval of Resolution R-11-11, Approving an Amendment to the Annexation Agreement for the Collington Plaza Shopping Center Property and B. Approval of Resolution R-12-11, Awarding a Contract for an Operational and Performance Review. Councilmember Brady seconded the motion and it carried unanimously.

OLD BUSINESS:

A. Ordinance O-4-11 – Amending the Bowie City Code to Repeal Chapter 7 “Electricity” – Mr. Steve Roberts, Code Compliance Supervisor, summarized the ordinance.

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

Mayor Pro Tem Marcos moved the adoption of Ordinance O-4-11. Councilmember Brady seconded the motion and it carried unanimously.

B. 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 – Mr. Steve Roberts summarized the ordinance.

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

Mayor Pro Tem Marcos moved the adoption of Ordinance O-5-11. Councilmember Brady seconded the motion and it carried unanimously.

C. Ordinance O-6-11 – Amending 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 – Mr. Steve Roberts summarized the ordinance.

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 Ordinance O-6-11 until the March 21, 2011 meeting. Councilmember Truth seconded the motion and it carried unanimously.

D. 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 – Mr. Roberts summarized the ordinance.

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

Councilmember Brady moved the adoption of Ordinance O-7-11. Councilmember Turner seconded the motion and it carried unanimously.

E. 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 – Mr. Roberts summarized the ordinance.

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 Ordinance O-8-11 until the March 21, 2011 meeting. Councilmember Truth seconded the motion and it carried unanimously.

F. 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 – Mr. Roberts summarized the ordinance.

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

Following discussion, Councilmember Turner moved the adoption of Ordinance O-9-11 with an amendment to extend the amount of time for a homeowner to correct a violation from 10 days to 15 days. Councilmember Trough seconded the motion and it carried unanimously.

NEW BUSINESS:

A. Job Fair – Councilmember Gardner said that he and Councilmember Polangin would like to bring to the residents of Bowie a Job Fair that would provide resources for jobs; a number of firms have committed to attend and some local retailers have agreed to participate; a firm will provide some resume building information and interviewing techniques. He said the focus would be on Bowie residents and range in areas from light industry to which and blue collar services; Saturday, April 9, 2011 is the anticipated date for the event. He asked for Council's support.

Ms. Vivian Bowers, SRP, LLC said that in support of Councilmember Gardner, she felt Job Fairs are very important; in a voluntary capacity, her firm would look at resumes and try to match them with companies in attendance. She said she has been in the staffing business for 13 years and on the professional permanent placement area they have done over 300 permanent placements.

Councilmember Gardner added that this would also give an opportunity for young people that are looking for summer jobs.

Council concurred with holding the Job Fair as presented by Councilmember Gardner which would include involving the University of Maryland, Bowie State University and Prince George's Community College as suggested by Councilmember Turner.

B. Resolution R-13-11 – By Two-Thirds Vote Waiving the Competitive Bidding Requirements of Section 61 “Purchasing and Contracting” of the Charter of the City of Bowie to Award a Contract to Gant Brunett Architects for Architectural and Design Services for the Belair Mansion NVAC System and Window and Door Renovation Project in the Amount of \$75,000 – City Manager Deutsch summarized the staff report dated March 3, 2011. He reported there was \$230,000 in the budget to replace the failing HVAC system at this 260 year old facility; the dilemma is that the money allocated about a year ago is insufficient to replace the HVAC system; there are significant issues in the building and the recommended solution is 2 phased: using some of the current \$230,000 appropriation and to award a contract for \$75,000 to the firm of Gant Brunett Architects; the firm has experts in historic buildings and have worked with the City on the Belair Mansion as well as other city facilities; they have also worked on a number of facilities throughout Maryland and mid-Atlantic states, their work has been approved by the Historic Trust on a number of occasions. Mr. Deutsch reported that there is no other option and urged the Council to act positively to approve entering into the contract which would not only replace the HVAC system, but also the

windows and doors that also are beyond their useful life; in the upcoming budget, staff would recommend re-appropriating the balance of this year's funds along with needed additional funds to complete the project appropriately in 2012.

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

In response to a question posed by Councilmember Turner with regard to doing both projects in the same fiscal year, Mr. Deutsch said staff recognizes the broad budget constraints that the City will be operating under during the next couple of years; one thing that has already been done is the deferral of projects originally scheduled in the current budget; a list has been prepared of projects to be deferred beyond FY 2012 of over one million dollars; at some point, staff would ultimately come back and recommend their implementation over the cycle of the CIP; staff has identified 7 projects where savings can be achieved in FY 2012 and it is expected that \$75,000 of this year's allocation would be used. Mr. Deutsch said the balance would not be spent this year and would be available for re-appropriation, and yields over \$100,000 which helps mitigate about 15% of the project; owning historic properties is different from other properties and before there is deterioration and damage in the building because of the inability to control heat and cold, staff feels there is a need to move forward.

Following discussion and questions from the Council, Mayor Pro Tem Marcos moved to approve Resolution R-13-11. Councilmember Brady seconded the motion and it carried unanimously.

C. Smoking Policy at City Facilities – City Manager Deutsch summarized the staff report dated March 2, 2011, a copy of which is on file at City Hall. He said the reason this matter is being brought to Council is a concern for City employees and visitors to facilities and concern from a fiduciary perspective regarding health insurance costs. He said the policy proposal would prohibit smoking within 100 feet of any city building; a similar restriction is suggested regarding playgrounds and ballfields; currently, all city buildings are smoke free and have been for some 20 years; the policy is intended to encourage healthy behavior and protect the health of visitors and employees.

Public Hearing:

1. Mr. Bill Alli, 2803 Baker Lane, said he is a retired federal employee who worked on the Occupational Safety and Health Advisory Committee and he totally endorses the recommendation. He submitted some material on the impact of second-hand smoke.

2. Mr. John O'Hara, 3038 Traymore Lane, spoke in favor of the proposal and said he would like to see it expanded to include public parks.

Councilmember Brady said he did not have any problem with the policy as proposed, but suggested that the 100 foot be limited to city-owned property and not within a 100 feet of the property.

Councilmember Polangin asked if the policy would include Allen Pond and the events held during the summer months. City Manager Deutsch said the policy could be expanded to include parks; other municipalities have adopted policies to include public parks.

In response to a question posed by Councilmember Turner regarding posting notification on buildings and in parks and would an ordinance be drafted, City Manager Deutsch said it comes to whether it is going to be a policy by resolution or an ordinance that would carry penalties for violation; staff can handle the employee related issues. He said he would like to review the matter with the City Attorney before the next stage of the process.

Mayor Robinson summarized by saying that there is a consensus to move forward and that the policy statement would have a reference on how the sites would be clearly posted to be smoke free facilities, the signage clear and readable, and there would be receptacles available; it would be recognized that adopting this policy would automatically apply to all of the events that occur in city parks.

Councilmember Truth moved that Council support the proposed policy with the change to add language to include city parks. Councilmember Polangin seconded the motion and it carried unanimously.

ADJOURNMENT:

Mayor Pro Tem Marcos moved to adjourn the meeting. Councilmember Brady seconded the motion and it carried unanimously. The meeting was adjourned at 9:43 p.m.

Respectfully submitted,

Pamela A. Fleming, MMC
City Clerk