

REGULAR CITY COUNCIL MEETING

MONDAY, MARCH 21, 2011

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, March 21, 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, Mayor Pro Tem Marcos, Councilmembers Brady, Gardner, Polangin, Truth, and Turner; 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 Council led the Pledge of Allegiance to the Flag.

AGENDA ADDITIONS/AMENDMENTS:

Mayor Robinson announced that Resolution R-16-11, Demand Response Service, is being added to the Consent Agenda as Item G.

CITIZEN PARTICIPATION:

A. Ms. Nancy Wlodarski, 1800 M Street, N.W, spoke about the 2011 Walk MS and invited everyone to participate on April 10th at the Bowie Town Center. She said the route is new this year and will take walkers past the new City Hall.

SWEARING-IN CEREMONY:

Mayor Robinson swore in John Nesky as the new City of Bowie Police Chief in accordance with Section 92A of the City Charter.

Chief Nesky thanked the City Council and the City Manager for having faith and confidence in him and to allow him to continue his journey. He thanked his family, friends and citizens of Bowie for their support.

Mayor Robinson extended his congratulations on behalf of the City Council and said they felt that Chief Nesky was the best and right person for the job at the right time.

CITY MANAGER'S REPORT:

A. City Manager David Deutsch reported on the following items: 1) Speed Cameras - Close to having resolved the agreement pending between the City and County regarding

placing speed cameras on two County roads; there were a number of issues in the proposed agreement received from the County; suggested changes were sent to the County and staff hopes to have the matter resolved within the next couple of weeks. 2) Church Road Park – bids will open for the combination concession stand/restroom facility for the South Bowie Boys & Girls Club on April 21 and expect to have a recommendation for contract award a week to 10 days later.

CONSENT AGENDA:

A. Mayor Pro Tem Marcos moved approval of the following Consent Agenda: A) Approval of Minutes of February 22, 2011 Council Meeting; B. Approval of Resolution R-7-11, Authorizing the City Manager to Execute an Agreement With the State of Maryland for Use of City-Owned Property for Forest Mitigation Associated With the Intercounty Connector Project; C. Approval of Resolution R-14-11, By Two Thirds Vote Waiving the Competitive Bidding Requirements of the Charter of the City of Bowie, Section 61 "Purchasing and Contracting" to Award a Contract in the Amount of \$22,351.92 to Johnson Controls, Inc. to Furnish and Install a Metasys Control System Upgrade to the Heating and Cooling System at the Bowie Senior Center; D. Approval of Resolution 15-11, Authorizing the Waiving of Bidding Requirements by Two-Thirds Vote to Allow for the Repair of the Motor From Well #3R; E. Approval of Council Letter in Support of CB-1-2011 (Draft 2); F. Approval of County Letter Supporting Metro Funding; and G. Approval of Resolution R-16-11, By Two-Thirds Vote Authorizing the Waiving of Bidding Requirements to Authorize the City Manager to Execute an Agreement for Electric Demand Response Services. Councilmember Brady seconded the motion and it carried unanimously.

OLD BUSINESS:

A. Building-Mounted Signage Revisions – Brady Building – Mr. Frank Stevens, City Planner, summarized the staff report dated March 17, 2011, a copy of which is on file at City Hall. He summarized the original proposal which was before Council on February 22, 2011. He then displayed the attachments to the report showing proposed the location, size and type of signs to be placed on the building. Mr. Stevens said the new proposal is for 3 new building-mounted signs. With regard to the sign on the lower fascia below the existing State Farm sign, he said that staff is recommending that this sign be installed so that it is centered above the door and below the State Farm sign; two other proposed signs are recommended to be installed so that they are centrally located one beneath the other; all signs fit within the 50 square foot signage envelope which has been established over the years for the existing and preceding signage on the building; the proposal is well within what is permitted by the County Zoning Ordinance. Mr. Stevens said staff believes that allowing the 3 proposed building-mounted signs would result in a balance of signage on the two-story portion of the building; the applicant agrees with the establishment of criteria to restrict the 6 building-mount signs on the two-story portion of the building which would allocate the signage to existing and future tenants based on the square footage of the various suites within the building. Mr. Stevens concluded his report by saying staff is recommending approval of the new proposal based on the reasons cited on Page 3 of the staff report and 3 conditions listed on Page 4 of the report.

Public Hearing:

Ms. Donna O'Bryan, Property Manager of 6000 Laurel-Bowie Road, stated that she is in agreement with the staff recommendation.

Councilmember Brady suggested that staff be directed to look at revising the legal documents so that enforcement is not endangered when enforcing the documents. He then asked with regard to Condition #3 that it be made clear that the total number of signs is six (6).

Councilmember Polangin moved approval of the staff recommendation with the amendment to Condition #3. Councilmember Trough seconded the motion and it carried unanimously.

B. Ordinance O-3-11 – Amending Bowie City Code Chapter 5 “Building and Property Maintenance”, Section 5-6 “Definitions” to Add a Definition for “Storage Tent”; and Amending Section 5-7 “Standards” of the City Code to Reflect That Walls and Gazebos are Accessory Structures, to Declare that Storage Tents Are Not and to Prohibit Storage 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, To Remove the Requirement that for Houses Located at the End of a Driveway, House Numbers be Located at the End of the Driveway and to Address the Maintenance of Shutters on Houses in the City of Bowie – Mr. Steve Roberts, Code Enforcement Supervisor, summarized the amendments to 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-8-11. Councilmember Trough 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 Remove From Those Noises Declared to Violate the Ordinance Those Noises Associated With Lawn, Garden and Home Tools and Equipment; Amending Bowie City Code Section 13-4 “Exemptions” to Allow the Operation of Lawn Care Equipment, Snow Removal Equipment, Household Tools and Household Appliances During Emergencies and to Allow Such Generators to be Tested and Maintained During Certain Hours; and Amending Bowie City Code Section 13-5 “Penalty” to Declare the Violation of Section 13(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. 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-6-11. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

D. Ordinance O-8-11 – Amending 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 and Services, Products and Things of Value to be Introduced, 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; Creating a New Section 18-13 “Time Limitations on

Peddling and Soliciting” to Limit Peddling and Soliciting in the City to Between the Hours of 9:00 a.m. and 7:00 p.m.; and Renumbering Existing Sections 18-13 and 1814 – 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 Polangin moved the adoption of Ordinance O-8-11. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

NEW BUSINESS:

A. Introduction of Ordinance O-10-11 – Amending Bowie City Code Chapter 15 “Nuisances” to Designate Existing Provisions as Article I and to Add Article II “Smoking” Prohibiting Smoking In or On City Property and to Prohibit Smoking by City Employees While on Duty – City Manager Deutsch reported that this matter was brought before Council two weeks ago and following discussion gave a directive that went beyond the staff proposal to come back to Council with a proposed ordinance to restrict smoking on all City property; the ordinance was prepared and is before Council this evening. He summarized the ordinance and noted that it includes authorization posting of signs, authorization of various actions such as ejection from a city park and a municipal infraction subject to a fine of up to \$50.00. Mr. Deutsch said that staff believes this is a comprehensive approach and is one that is employed by an increasing number of municipalities, not only in this state, but nation wide.

Public Hearing:

1. Mr. James Hannon, 12201 Rockledge Drive, spoke in favor of the ordinance. A copy of his statement is attached.

2. Mr. John O’Hara, 3038 Traymore Lane, provided a handout that was a copy of some of the briefing he had given at a conference in India on worldwide tobacco control. He spoke in favor of the ordinance and agreed with banning smoking on all City property, including parks.

3. Mr. Bill Alli, 2803 Baker Lane, also spoke in favor of the ordinance and asked to continue on the path of protecting the residents from smoke in public.

4. Ms. Barbara Mills, 3634 Maroon Lane, said she did not want children to be exposed to smoke while they are playing in the City parks. She also said it was important to ban smoking in parks because of the possibility of fires from someone throwing away a cigarette butt.

City Attorney Levan asked that a change be made on Page 3, second line, to add the words “by the City” after the word “owned”. Council concurred.

Mayor Pro Tem Marcos said he was concerned about placing parks in the ordinance because he felt children may not be able to go to the park if they have family members who smoke. He asked for additional information concerned designated areas in the parks. Council concurred with adding it for discussion at the next Council meeting.

Councilmember Brady moved to introduce Ordinance O-10-11 with the addition of language suggested by City Attorney Levan. Councilmember Trough seconded the motion and it carried unanimously.

ADJOURNMENT:

Mayor Pro Tem Marcos moved to adjourn the meeting and move into Executive Session for the purpose of discussing legal and personnel matters with counsel. Councilmember Brady seconded the motion and it carried unanimously. The meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Pamela A. Fleming, MMC
City Clerk

