

REGULAR CITY COUNCIL MEETING

MONDAY, JUNE 20, 2011

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, June 20, 2011 in the Council Chambers at City Hall. Mayor Robinson called the meeting to order at 8:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Council led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Robinson, Mayor Pro Tem Marcos, Councilmembers Brady, Gardner, Polangin, Trough, 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.

CITIZEN PARTICIPATION:

A. Ms. Maria Arnold, a Bowie resident, provided an update about the Bowie Gardens for Wildlife Community Habitat and spoke about the Bowie-Upper Marlboro Beekeepers Association. She then presented the City with a Proclamation from Governor O'Malley proclaiming June 20-26, 2011 as Maryland Pollinator Week. A copy of Ms. Arnold's statement is attached.

B. Ms. Linda Thompson, member of BUMBA, spoke about the club and educating the public of the importance of honey bees. A copy of Ms. Thompson's statement is attached.

C. Mr. Tony Wilson, former basketball commissioner for the Bowie Boys and Girls Club, spoke about his non-profit organization which he started to provide student athletes opportunities to compete at the highest level for scholarship in college. He added that he would like to provide his services to the City.

D. Mr. George Tuggle, a Bowie resident, suggested adding a sign at Rte. 301 and Governor's Bridge Road saying vehicles in right lane must turn right at the light. He said many accidents occurred at the intersection.

E. Ms. Mary Nusser, a Bowie resident, spoke in support of the School Resource Officer and urged Council to approve hiring this additional officer.

PRESENTATIONS:

Ms. Marsie Ross, member of the Diversity Committee, stated that the month of June is Caribbean Heritage Month and provided some background on observances. She said there were many famous Americans with Caribbean heritage who have made significant contributions in this country.

COUNCIL ANNOUNCEMENTS:

Mayor Robinson announced that he had been informed by the Superintendent of Schools, Dr. Hite, that 3 local principals were being promoted: Jane Spence of Bowie High School, Kathleen Brady of Samuel Ogle Middle School, and Chris Mills of Kenilworth Elementary School. He said they all have been outstanding administrators and on behalf of the City Council, wished them well in their new endeavors.

CITY MANAGER'S REPORT:

City Manager David Deutsch reported that the Council received a letter from the Maryland Department of Natural Resources inviting the City to participate in the Baltimore Washington Partners to Forest Stewardship to support the efforts to improve the ecological services by signing a Memorandum of Understanding. He said that with Council's concurrence, a resolution will be placed on the July 5, 2011 Council agenda that supports participation in this partnership. Council concurred.

CONSENT AGENDA:

Mayor Pro Tem Marcos moved the approval of Consent Agenda Item A: Approval of Minutes of June 6, 2011 Council Meeting; B. Approval of Resolution R-40-11 – Accepting Bid for the Redevelopment of Water Well 4R Located at 2912 Bradford Lane; C. Approval of Resolution R-44-11 – Accepting Bid for the Complete Design, Fabrication, Construction and Installation of a 1,800 Square Foot Prefabricated Restroom/Concession Building at Church Road Park; D. Approval of Resolution R-45-11 – Approving Variance Application BV-2-11, a Request By Ms. Deborah O'Reilly for a Variance to Permit a 6-Foot High Fence Along Beechtree Lane in the Required Front Yard and Within a Portion of the Required Side Yard Along the Common Lot Line Between 12806 Beaverdale Lane and 12808 Beaverdale Lane When, According to the Prince George's County Zoning Ordinance, Such Fencing Shall Not Be More Than Four (4) Feet High; E. Approval of Resolution R-46-11 – Accepting Bid Proposal for Emergency Operations Center Equipment; F. Approval of Resolution R-47-11 – Accepting the Bid Proposal for Hot Mix Resurfacing and Coldmilling; G. Approval of Resolution R-48-11 – Authorizing the Transfer of Certain Amounts in the 2010-2011 Budget; H. Approval of Letter to County Executive Re: City Opting Out of County CDBG Program for the Federal Fiscal Years 2012-2014; and I. Approval of Letter to County Council Chair Re: CB-5-2011 (Lot Coverage in the R-A Zone). Councilmember Brady seconded the motion and it carried unanimously.

OLD BUSINESS:

A. Ordinance O-12-11 (Amended) – Amending Chapter 26 “Zoning”, To Repeal In Its Entirety Article II “Municipal Zoning Authority” and to Re-Enact Same with Amendments to Incorporate Changes To the Prince George’s County Zoning Ordinance Since the Adoption of Article II Relating to Requirements, Standards and Procedures for Granting Departures and Variances; Authorizing the City to Grant Alternative Compliance From Landscaping Requirements, to Approve the Certification, Revocation and Revision of Nonconforming Uses, and to Approve Minor Changes to Approved Special Exceptions and Establishing Procedures Therefor; Clarifying the Procure for Filing Exceptions to a Recommendation of the Advisory Planning Board and Increasing the Time for doing so From 15 Days to 30 Days for Departures; Clarifying the Procedure for Filing an Appeal of the Decision of the City Council and Providing for an Appeal to the District Council for Review on the Record of City Actions Concerning Certifications, Revocations and Revisions of Nonconforming Uses; Providing That Filing Fees Associated With the Various Applications Shall be Established in the City Budget; Making Other Non-substantive Organizational Changes to Article II; and Amending Chapter 26, Article III “Service Volume Standards for Streets” to Renumber the Sections Thereof – Mr. Joseph Meinert, City Planning Director, summarized the ordinance and noted it was introduced on May 16, 2011, a public hearing was held on June 6, 2011, and the Council chose to table any action on the ordinance pending a discussion of several changes which were added at the last minute. He explained the changes and said the ordinance will provide the City with additional range of responsibilities to include minor changes to special exceptions, site plans, certifications and revisions to non-conforming uses, as well as an alternative compliance provision not currently in the ordinance. Mr. Meinert further reported that the staff report describes the 3 changes made after consulting with the City Attorney and said staff recommends that the Council adopt Ordinance O-12-11 with the recommended changes.

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

Mayor Pro Tem Marcos moved the adoption of Ordinance O-12-11. Councilmember Polangin seconded the motion and it carried unanimously.

NEW BUSINESS:

A. Council of Governments – City Manager Deutsch introduced Mr. David Robertson, Executive Director of the Metropolitan Washington Council of Governments. Mr. Robertson presented a PowerPoint presentation. He said that COG is an independent, non-profit association which includes 21 local governments, members of the Maryland and Virginia legislatures, and members of the U.S. Congress. The presentation included COG’s vision, mission, how it works, its roles, partnerships and programs.

In response to a question posed by Mayor Robinson regarding emission control and pollution, Mr. Robertson replied that there is a regional attorney’s commission which will be examining this issue to see the relevance to local governments.

Mr. Robertson responded to several questions regarding regional activity centers, roads and transit.

Mayor Robinson thanked Mr. Robertson for this update on behalf of the City Council.

B. School Resource Officer – City Manager Deutsch summarized the staff report dated June 7, 2011, a copy of which is on file at City Hall. He said the program has been in existence for approximately 6 years and staff believes that Council should endorse the program and the City should move forward with implementation; the original organizational chart prepared in 1995 did show a School Resource Officer. Mr. Deutsch also urged Council to take the additional step of acknowledging that this only works if an additional officer can be added to the police force beyond the two that were funded in the budget; staff will be requesting Council support at an upcoming meeting for an additional appropriation which will be approximately \$130,000 to cover an officer's salary for a year, a vehicle, uniform and equipment; the net cost would be under \$50,000; the other benefit of the program is that in the 16 weeks when school is not in session, the City will have the officer available for "typical" patrol assignment.

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

Following discussion and questions from Council, Councilmember Polangin moved to endorse moving forward with implementation of the program and to endorse an additional appropriation for an additional police officer to be brought back to Council early in Fiscal Year 2012 in the form of a supplemental appropriation ordinance. Councilmember Brady seconded the motion and it carried with a vote of 6-0 (Truth absent).

C. Creating a Bowie Economic Development Incentive Fund – Mr. John Henry King, Economic Development Director, summarized the staff report dated June 16, 2011, a copy of which is on file at City Hall. He said that Council had authorized staff to proceed to propose a program for Council review and approval; both the State of Maryland and Prince George's County have incentive funds as one of the tools they can use to attract and retain businesses. Mr. King said this is a tool that Bowie does not have and asked Council for direction to proceed to develop such a tool which would be brought back for final approval.

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

Councilmember Truth moved to direct staff to prepare a draft Incentive Fund for further discussion and eventual implementation. Councilmember Polangin seconded the motion and it carried unanimously.

D. Council Position on County Redistricting – City Manager Deutsch summarized the staff report dated June 16, 2011, a copy of which is on file at City Hall. He reported that there have been a series of meetings and hearings held by the County Redistricting Commission and they are required to have a report available by September 1, 2011; the plan is expected to become law by November 30, 2011. He said that if Council chooses to take an affirmative statement and make a policy decision, the choices would be to recommend that Bowie be consolidated as much as possible into one councilmanic district or to recommend more of an even split; Council would be making a political judgment call as to which is more advantageous in terms of the impact that this City would then have in the upcoming 10 years of County Council elections following implementation in 2014 of the new districts.

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

Councilmember Brady said he felt that Bowie would be best served if the City was split evenly between 2 different districts if 9 districts are retained; this would give more input to obtain

the ear of the County representatives. He also said County districts could be changed from 9 to 5 single member districts with 4 at large seats thereby giving voters the ability to influence 5 of the 9 seats.

Councilmember Truth said he felt residents would be best served by 1 district rather than 2 districts.

Councilmember Turner also said he preferred 1 district and not split the City into 2 districts.

Councilmember Polangin said she would like to wait to see what the County will come up with before taking a position. She said she supported at large seats.

Councilmember Gardner said he believed the City is stronger when it is one City with more representation; the more representatives at the County level who are possibly Bowie residents and would be voting on Bowie issues the better; would like to see an equal division of the City between 2 County Council districts.

Mayor Pro Tem Marcos said he felt residents would be better supported in a single councilmanic district.

Mayor Robinson said if the City became a single County district, there would only be 1 County Council member representing Bowie; there is clearly an advantage to having 2 representatives. He said there were several alternatives: 1) Status quo; 2) Look at contingencies and alternatives, hold off on making a formal position until the draft is available and communicate to County Council that the City is interested in engaging and participating in the discussion.

Mayor Robinson asked for consensus of Council to prepare a communication to the Commission that the City wants to be engaged but wants to wait until there is a draft available for review. Council concurred unanimously.

E. Council Position on Proposed Liquor Board Regulation on Home Delivery – City Manager Deutsch summarized the staff report dated June 14, 2011, a copy of which is on file at City Hall. He reported that there is a plan to consider a regulation that would permit liquor stores to take orders over the telephone and deliver to residences within the County; there are some concerns that also exist in the law enforcement community which might involve not being able to verify the age of customers and problems of providing more liquor to people who may already be intoxicated. Mr. Deutsch said staff recommends attempting to attack this legislatively through the State Delegation to see if they can intervene and talk the Commission out of this contemplated action.

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

Councilmember Turner asked that the City's County representatives also be included.

Councilmember Turner then moved to send letters to the Board of Liquor License Commissioners asking them to stand down from this proposal and to the elected officials in the 23rd Legislative District and the County Council representatives. Councilmember Gardner seconded the motion and it carried unanimously.

ADJOURNMENT:

Councilmember Gardner moved to adjourn the City Council meeting. Mayor Pro Tem Marcos seconded the motion and it carried unanimously. The meeting was adjourned at 10:04 p.m.

Respectfully submitted,

Pamela A. Fleming, MMC
City Clerk