

REGULAR CITY COUNCIL MEETING

TUESDAY, JULY 5, 2011

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Tuesday, July 5, 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, 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. Councilmember Trough was out of town and could not be present.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Council led the Pledge of Allegiance to the Flag.

CITIZEN PARTICIPATION:

Ms. Elveeda Dixon, City Diversity Committee Chairman, spoke about the month of July being designated as Freedom Month and called on all residents to work through their differences to promote sustained unity and democracy for all. She also said that the U.S. Troops should be recognized for their hard work and sacrifices to promote liberty throughout the world.

PRESENTATIONS:

A. Teacher of the Month Recognition – Dr. Dawn Brodus-Yougha, Chairman of the Bowie Education Committee, announced the Teachers of the Month for April, May and June. She introduced Ms. Emily Hogan, Whitehall Elementary School, as the Teacher of the Month for April. Mayor Pro Tem Marcos presented a Certificate from the City Council and a U.S. Savings Bond from BBT Bank and congratulated Ms. Hogan on behalf of the entire Council.

B. Dr. Brodus-Yougha then introduced Mr. Christopher Taylor, Tulip Grove Elementary School, as the Teach of the Month for May. Councilmember Turner presented a Certificate from the City Council and a U.S. Savings Bond from BBT Bank and congratulated Mr. Taylor on behalf of the entire Council.

C. Dr. Brodus-Yougha then introduced Ms. Patricia Kerner, Rockledge Elementary School, as the Teacher of the Month for June. Councilmember Polangin presented a Certificate from the City Council and a U.S. Savings Bond from BBT Bank and congratulated Ms. Kerner on behalf of the entire Council.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearings-in – Mayor Robinson moved the reappointment of Jarnot Troyer, Raymond Loftin, Scott Willis and Deidre Trass as members of the Bowie Advisory Planning Board for another 2-year term. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

B. Mayor Robinson moved the reappointment of Dorothy Campbell, John Scoulios and Valerie Hall as members of the Administrative Review Board for another 2-year term. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

C. Mayor Robinson moved the reappointment of Jeffrey Cooper as a member of the Public Safety Committee for another 2-year term. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

D. Mayor Robinson moved the reappointment of Benjamin Woolery, Lee Weimer, Lori Glaze and Veda Pryor as members of the Ethics Commission for another 2-year term. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

E. Councilmember Turner moved the reappointment of Harlan Tucker, Donna McCorkle and Charlie Jacobs as members of the Community Recreation Committee for another 2-year term. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

F. Mayor Pro Tem Marcos moved the reappointment of Jose Boluda and Meglan Knights as members of the Financial Advisory Committee for another 2-year term. Councilmember Turner seconded the motion and it carried unanimously.

G. Mayor Pro Tem Marcos moved the reappointment of Alana Heinle and Kelly Pierce as members of the Economic Development Committee for another 2-year term. Councilmember Turner seconded the motion and it carried unanimously.

H. Councilmember Polangin moved the reappointment of Kelly Pierce, Patricia Wingert, Corinne Schulimson and Heike Nyland as members of the Heritage Committee for another 2-year term. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

I. Councilmember Polangin moved the reappointment of Norma Martof and Marylouise Lopez as members of the Bowie Education Committee for another 2-year term. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

J. Councilmember Brady moved the reappointment of Babatunde Alegbeleye and Alice Asonganyi as members of the Diversity Committee for another 2-year term. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

K. Councilmember Brady moved the reappointment of Kathleen Parker, Margaret Suddeth, Margaret Herman and Nichelle Fullen as members of the Arts Committee for another 2-year term. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

L. Councilmember Brady moved the reappointment of Taiwo Awosika as a member of the Information Technology Committee for another 2-year term. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

M. Mayor Robinson moved the reappointment of B.A. Akinlosotu, Sharon Hunt, Brenda August and Carisa Chappell as members of the Community Outreach Committee for another 2-year term. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

N. Councilmember Brady moved the appointment of Gwendolina McClain-Digby as a member of the Diversity Committee. Councilmember Turner seconded the motion and it carried unanimously 6-0.

Mayor Robinson swore Ms. McClain-Digby into office in accordance with Section 92A of the City Charter.

#### COUNCIL ANNOUNCEMENTS:

Mayor Robinson thanked City staff and volunteers for an outstanding 4<sup>th</sup> of July celebration at Allen Pond Park.

#### CITY MANAGER'S REPORT:

City Manager Deutsch reported on the pending rule change by the Board of License Commissioners acting as the Liquor Board to allow for home delivery of alcoholic beverages which apparently has been allowed for many years but not yet implemented. He said the Board of License Commissioners has issued guidelines whereby additional approval will be granted; the public hearing is scheduled for July 26, 2011.

#### CONSENT AGENDA:

Mayor Pro Tem Marcos moved approval of the following items: A. Approval of Resolution R-49-11, Awarding a Contract for Phase 2 Work as Part of the Photovoltaic System Installation at the Radio & T.V. Museum; B. Approval of Resolution R-51-11, Authorizing the City Manager to Enter Into a Memorandum of Understanding with the Baltimore Washington Partners to Forest Stewardship; C. Approval of Resolution R-52-11, Approving Variance Application BV-3-11, a Request by Ms. Desiree Baldwin for Variances to Construct Approximately 103 Linear Feet of 6-Foot High Fence in the "Side Yard" Between 3000 Trinity Drive and 3016 Belair Drive When, According to the Prince George's County Zoning Ordinance, Such Fencing Shall Not be More Than Four (4) Feet High, and to Validate Existing Lot Coverage at 30.8%; D. Approval of Resolution R-53-11, Waiving the Competitive Bidding Requirements of Section 61 "Purchasing and Contracting" of the Charter of the City of Bowie by a Two Thirds Vote to Allow for the Rental of Leaf Collection Trucks and Authorizing the City Manager to Enter Into a Contract With Hertz Equipment Rental in the Amount of \$47,880; and E. Approval of Resolution R-55-11, Authorizing the City Manager to Execute a Quitclaim Deed for Certain Property Dedicated to Public Use as Shown on the Plat of Subdivision for the Subdivision Known as "Ashleigh Station". Councilmember Brady seconded the motion and it carried 6-0.

#### OLD BUSINESS:

A. County Redistricting – City Manager Deutsch reported that this is the third time this item has been on the City Council agenda; the County has established a Redistricting Commission which will report by September with a plan for use in the 2014 election; the City

Council has been provided with a 10-year old letter that demonstrated Council's position in 2001 which was to endorse the City being in one councilmanic district. There are 2 sides of the issue: 1) a similar position of 10 years ago that the City be in one councilmanic district as much as possible; and 2) to consider an alternate plan that would have equal representation within two county districts.

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

Following discussion by Council, Councilmember Turner moved to send a letter to the Chairman of the Redistricting Commission indicating the City of Bowie would like to be located in one councilmanic district. The motion was seconded by Mayor Pro Tem Marcos and carried with a vote of 5-1-0 (Brady nay, Truth absent).

Councilmember Turner then moved that a separate letter be sent to County Council Chair Ingrid Turner asking that a charter amendment relating to at large positions be considered. Councilmember Brady seconded the motion and it carried 6-0.

#### NEW BUSINESS:

A. Introduction of Ordinance O-13-11 – Amending Chapter 2, “Administration”, Article IV, “Public Ethics” to Incorporate Changes Required by MD Code Ann., State Government Title 15 (Supp. 2010), Including But Not Limited to Clarifying That All Conflict of Interest Provisions Apply to All City Employees, Persons Appointed to City Boards and Commissions and City Elected Officials, Requiring City Elected Officials and Candidates to Be City Elected Officials Be Governed by Conflict of Interest Provisions and Financial Disclosure Requirements That Are at Least Equivalent to Those of the State; To Require That Certain Employees and Appointed Officials Be Subject to Conflict of Interest Provisions and Financial Disclosure Requirements That Are at Least Similar to Those of the State; to Incorporate Changes to the City Lobbying Provisions Necessitated by Changes to State Law; And to Incorporate Changes Required By Regulations Promulgated Pursuant Thereto By the State Ethics Commission That are Set Forth in the Code of Maryland Regulations, Title 19A, “State Ethics Commission”, Subtitle 04, “Local Government Ethics Law”; and All Matters Generally Relating to Public Ethics – City Attorney Elissa Levan reported that the State Ethics Commission is going to be meeting to consider draft changes to State law; direction is needed from the City Council to send to the State Ethics Commission. She said this ordinance can be adopted in August or in September as an emergency ordinance in support of legislation mandating that local governments revise their ethics provisions to make them stricter. Ms. Levan then summarized the contents of Ordinance O-13-11.

Following discussion by Council, Councilmember Brady moved to change the words “appropriate authority” to “City Council” on Page 27, Subsection 2. Councilmember Gardner seconded the motion and it carried 6-0.

Councilmember Turner then moved to make the wording on Page 28, Subsection C consistent with the language on Page 27. Councilmember Polangin seconded the motion and it carried 6-0.

Mayor Robinson said these changes would be sent to the State Ethics Commission and the Ordinance will be back on the City Council's agenda of August 1, 2011.

B. Holiday Parade Proposal – Ms. Una Cooper, Communications Coordinator, summarized the staff report dated June 30, 2011, a copy of which is on file at City Hall. She reported that the City has been approached by Asymmetrix Entertainment which is a nonprofit organization headed by Mr. Rodney Chambers, about having a holiday parade in Bowie; Councilmember Gardner is a member of the Board of Directors and his former employer Obverse is a sponsor of the organization; the organization hosts band camps and band competitions, raises money for scholarships and promotes academic excellence through music education and performance. She said that Mr. Chambers plans to solicit sponsors and sell advertising in a parade program to underwrite the costs of producing the parade; he would depend heavily on a cadre of volunteers to help manage the parade. After concluding her report, Ms. Cooper said that staff recommends that permission for such a parade be contingent upon the support of the Bowie Town Center management; if they do not endorse the idea or believes that it would hurt holiday business, then the City Council should not pursue the idea further. She added that if the Simon Property Group does support the proposal and Council wishes to work with Asymmetrix Entertainment, then Council should vote to endorse the event as a limited cosponsor; further, Council should direct staff to work with the City Attorney to draft a policy as to when and to what extent the City government will work with nonprofits.

Mr. Rodney Chambers, Asymmetrix Entertainment, presented a PowerPoint presentation which provided information about his company and the parades that they have put on. He described how a Bowie parade would look and where it would take place as well as media coverage.

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

Following discussion by Council, Councilmember Turner moved to table this item until the August 1 Council meeting in order to provide time for staff to draft a policy. Councilmember Polangin seconded the motion and it carried 6-0.

C. Whitemarsh Master Plan – Mr. Matt Reno, Project/Facility Manager, summarized the staff report dated June 30, 2011, a copy of which is on file at City Hall. He reported that the City consultant, Lardner/Klein Landscape Architects, PC, completed the preparation of a master for Whitemarsh Park in March of 2011; the master plan primarily focused on enhancing the “developed” or active use area of the park; the improvements identified in the master plan will be phased in over a 5-10 year period as funding becomes available. Mr. Reno said that staff is confident the master plan satisfies the current demands of the youth and adult athletic programs who use the park, preserves undeveloped portions of the park, enhances access to the Bowie Playhouse, and provides for much need year-round restroom facilities. He said staff seeks Council’s acceptance of the master plan.

### **Public Hearing:**

Ms. Allison Reagal, a neighbor of Whitemarsh Park, and Mr. Fred Tutman addressed the Council and said there are concerns about the process and noted that the people most affected were not contacted; they were also concerned about the horse range on Ms. Reagal’s property. Ms. Reagal handed out some material showing the original master plan and the new plan as it relates to the parking area.

City Manager Deutsch said there is no plan to build a new parking area until the earliest date of 2016.

Councilmember Brady moved to table this item until the next Council meeting so that staff and Ms. Reagal can identify and address the issues raised. Mayor Pro Tem Marcos seconded the motion and it carried 6-0.

ADJOURNMENT:

Mayor Pro Tem Marcos moved to adjourn the meeting. Councilmember Brady seconded the motion and it carried unanimously. The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Pamela A. Fleming, MMC  
City Clerk