

REGULAR CITY COUNCIL MEETING

MONDAY, JULY 11, 2011

CALL MEETING TO ORDER

The Regular Meeting of the Bowie City Council was held on Monday, July 11, 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, Trough and Turner; City Manager Deutsch, Assistant City Manager Fitzwater, City Attorney Karen Ruff, 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 moved with Council approval, the addition of two items to the Consent Agenda: C. Letter to Chair Sharon Taylor of the County Redistricting Commission regarding one Councilmanic District, and D. Letter to County Council Chair Ingrid Turner regarding at-large County Council seats.

Councilmember Turner requested and Council approved item D. be moved to New Business as item C.

COUNCIL ANNOUNCEMENTS

Mayor Robinson noted that Councilmember Polangin is absent tonight because she is recovering from a surgical procedure. The Mayor welcomed Scout Joe Timon from Boy Scout Troop 1249.

CITY MANAGER'S REPORT

Mr. Deutsch noted that the speed camera installations on two County roads are expected to be complete and operational within two to three weeks. The City was able to overcome permit hurdles at the County level and now it is a question of construction. Mr. Deutsch discussed another item relating to a proposed project endorsed earlier (FY11) by City Council of sidewalk installation on the south side of MD Route 197 between Evergreen Parkway and Mitchellville Road with one-half of the project cost being paid by the State; the cost of the project was earlier estimated at \$98,000. Based on the City's understanding that there were no funds available in the State Highway Administration budget for this project, this project was moved to a later year (FY15) in the CIP. The City was notified today that the State has funds for the project and, upon receipt of an indication from the City that it is prepared to move forward, the project can be implemented this summer. The cost estimate for the project has risen to

\$118,095, making the City's share \$59,048. The City Manager recommended Council support this project; it will require a supplemental budget appropriation at a future date and the City will not pay anything until the end of the project sometime in the fall. This public safety project would probably be implemented within the next 60 days.

Councilmember Brady said he was grateful that SHA found the necessary funds and moved that Council act favorably and agree to the 50% sharing of the cost with State Highway. The motion was seconded by Councilmember Truth and carried by a vote of 6-0 (Polangin absent); staff was directed to communicate with State Highway that the City will participate.

CONSENT AGENDA

Councilmember Marcos moved approval of the following Consent Agenda items: A. Approval of Resolution R-50-11 – Approving a Site Lease Between the City of Bowie and New Cingular Wireless PCS, LLC to Install a Monopole and Related Wireless Telecommunication Equipment at Allen Pond Park Located Off Mitchellville Road; B. Approval of Resolution R-54-11 – By Two-thirds Vote Authorizing the Waiving of Bidding Requirements to Allow for Issuance of a Contract for the Purchase of Large Recycling Carts Through a Howard County Contract; C. Introduction of Ordinance O-14-11 – Amending the Budget for the Fiscal Year Beginning July 1, 2011 and Ending June 30, 2012, As Embodied in Ordinance O-11-11, As Amended, To Reflect the Receipt of Additional Grant Funds for Certain Specified Purposes That Are Not Included in the Adopted Budget, to Appropriate Funds for an Additional Police Officer Position, to Increase the Amount of the Appropriation in the Adopted Budget for the Design and Construction of a Concession and Restroom Facility at Church Road Park, and to Appropriate Funds for Extensive Repairs to Water Well 4R Located at 2912 Bradford Lane; and D. Approval of Draft Letter to Chair of County Redistricting Commission Asking for Consideration of City's Position to Unite All City Neighborhoods in One Councilmanic District – District 4. The motion was seconded by Councilmember Brady and carried by a vote of 6-0 (Polangin absent).

NEW BUSINESS

A. Economic Development Incentive Fund – Economic Development Director John Henry King summarized the staff report dated July 7, 2011, a copy of which is on file at City Hall. Staff has created an Economic Development Incentive Fund, the purpose of which is to aid in the retention and growth of private employers which furthers the objective of growing the commercial tax base in the City. Mr. King reviewed proposed additional wording in the draft document under III. Eligibility.: “The following entities in the following order of priority will be eligible to apply for loans or grants from the Fund:” He noted that wording will be improved in B. under V. Incentive Fund Use Procedures; it will be made very clear that no money will be disbursed without the approval of the City Council.

Mr. King said staff doesn't envision the Fund being set up and immediately having funds appropriated into it, nor in any given year does staff see it as being an item that is immediately funded into the budget; it's a tool that would exist and into which funds could be put for a specific use. Staff thinks that if this Fund is used, the City is going to need someone who knows what they are doing to manage it; that capacity can be added to staff, or the City can partner and contract with somebody else who has the expertise to do it. The direction staff is suggesting Council take is for the City to sign an agreement with an outside fund manager, possibly the people who currently manage the County's incentive fund -- the County's Economic Development Corporation.

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

Council collectively expressed support for the Economic Development Incentive Fund.

Councilmember Brady suggested that item B. under V. Incentive Fund Use Procedures be separated into two different functions; B. being about notification and a D. added to clearly show Council will publicly approve or deny any requested use of funds. Budgetary aspects were discussed; if there will be an ongoing cost associated with the administration of the Fund, should there be a line item in the budget rather than funding in a reactive way; if the money isn't spent, then it's like a contingency fund and rolls over from year to year.

With regard to Fund Management, Mr. King noted that there is a one-time up-front fee in the County's agreement with the Economic Development Corporation. They get a percentage of the amount of the incentive up front; the up-front fee covers the life of the management of one particular deal.

In response to a question from Councilmember Brady, Mr. King noted that if over the agreed upon time, a company's performance is less than agreed upon, money is then owed to the Incentive Fund, but if the performance is equal to what a company agreed to perform or better, it is then a grant. That is a detail covered in the ultimate implementing language.

In response to a question from Councilmember Turner, Mr. King said the management occurs once the incentive has been funded and granted to the company; it is most often periodic reports as to the performance by the company. Councilmember Turner said he is not sure why staff can't do that, even if it means giving staff the resources to be able to manage that; expectation is that the City will probably only have a small number of these requests; he understands that staff may need some technical expertise from outside, depending upon the nature of the business. Councilmember Turner said he would like to see a policy within the document about the payback which he understood would be contingent upon the agreement reached with a particular entity – state publicly generally that if milestones are not met, the City retains the right to have that money returned to the City.

Mayor Robinson commented that the Incentive Fund is a logical extension of the City's work with the County and the Greater Bowie Chamber of Commerce; a logical extension of work being done with the Incubator program partnering with the County, the Chamber and Bowie State University.

It was moved by Mayor Pro Tem Marcos and seconded by Councilmember Brady to direct staff to finalize the proposed Incentive Fund and bring to City Council for adoption. The motion carried by a vote of 6-0 (Polangin absent).

B. Economic Development Committee Update – EDC Chair Ed Leyden acknowledged the presence of two members of the Committee, Joan Pitkin and Alan Coppola. Mr. Leyden reviewed and discussed with Council the Committee's June 8, 2011 letter which recommended pursuing commercial annexation to expand the City's tax base, along with consideration of potential for rezoning to commercial category appropriate parcels of land.

In response to a question from Councilmember Truth, Mr. Leyden said that each Councilmanic District has within it the potential for commercial properties to be created from currently residentially zoned property.

In a response to Councilmember Gardner, Mr. Leyden said that at this point there is a mix of businesses being looked at by the Committee.

Councilmember Turner mentioned the EDC's work on items for FY 2012. One item being continued support for the Business Incubator Program, noting that the MOU has been signed with Bowie

State University; Mr. Deutsch said an update on the Incubator has been listed on Council's tentative agenda for the October 3 Regular Meeting. Other items included recommendations from the Committee on the Arts & Entertainment District and whether the City should pursue that; and evaluating the City's current contracting process to make sure small local businesses have an opportunity to participate.

Councilmember Turner noted that Council recently incorporated two commercial areas into the City, along the MD 301 corridor by the car dealerships, as well as on old MD 450 where the City annexed residential and commercial to benefit the City. The City has encouraged some of the businesses on Governor's Bridge Road to annex.

Councilmember Brady said he believes Council has always done basically what the EDC is suggesting Council do; maybe that's not apparent because the residential or commercial property owner has to agree to it. Over the years Council and staff have done a commendable job in trying to get people to annex; problem is that with exception of Police Department there are limited if any incentives for commercial to come in. He said he has concerns with converting existing properties that are developed or developing open space. Councilmember Brady said he is supportive of the Committee's goal of expanding the City's tax base by annexing commercial parcels and looks forward to working with the EDC.

Mayor Robinson suggested that the EDC share opportunities the City might explore for marketing the City and that perhaps the Committee could invite some businesses to a meeting to share their perspective on the business climate and the advantages to locate here. He commented that over the next 10-15 years, the City will probably be faced with some significant redevelopment issues and the most effective way to handle is for the County to convey the authority to make land use decisions to the City.

C. Draft Letter to Chair of County Council Ingrid Turner – The Mayor noted the proposed letter communicates to County Council that they may want to consider at some future time a change to allow for restructuring of County Council. The letter requests County Council's support for placing a referendum on the ballot to change the County Charter to provide for four at-large County Council seats, combined with five County Council District seats.

Councilmember Turner said he did not support putting a referendum on the ballot at this time but does support the County Council considering this and potentially putting it on. He mentioned an email he sent about a Task Force that is considering redistricting on the State level and part of that a discussion about School Board Districts and boundaries; in a published report last week it was mentioned that consideration is being given to making the School Board Districts consistent with the County Council Districts. He suggested Council discussion of the school boundaries issue. Councilmember Turner suggested that copies of the letter to the Redistricting Commission also be sent to the 23rd District Delegation.

Councilmember Brady commended staff on the letter, and said that it does in fact reflect what Council decided last week; that colleagues fully supported contacting the County Council and suggesting that they look at putting it on the next ballot as a referendum question.

Councilmember Brady moved that Council approve the letter as written by staff; the motion was seconded by Mayor Pro Tem Marcos. Vote 5-1 (Turner nay; Polangin absent). Mayor Robinson suggested minor changes to the letter.

ADJOURNMENT

It was moved by Mayor Pro Tem Marcos and seconded by Councilmember Brady that Council adjourn to meet in Executive Session to discuss a security matter. The motion carried by a vote of 6-0 (Polangin absent). The meeting adjourned at 9:14 p.m.

Respectfully submitted,

Anne S. Ford, Acting City Clerk