

REGULAR CITY COUNCIL MEETING

MONDAY, AUGUST 1, 2011

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, August 1, 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:

Councilmember Turner requested that discussion be held on the County Redistricting Plan as Item E under Old Business.

CITIZEN PARTICIPATION:

1. Mr. Gary Allen, 13003 Beechtree Lane, spoke about the 25th Anniversary of the Bowie Coin Club. He passed out coins to the Council which commemorated the event and provided some trivia about United States coins.

2. Mr. Babatunde Alegbeleye, member of the Diversity Committee, announced that August is Women's History Month and spoke about women in history who have contributed significantly to our country.

3. Ms.Nita Armstrong, the Goddard School, announced that the school will be opening on September 7 and that it will provide quality pre-school child care to the residents of Bowie; the school is located in West Bowie on Old Annapolis Road.

4. Mr. Dwayne Campbell, a Bowie resident, spoke about installation of street lights in his neighborhood.

CITY MANAGER'S REPORT:

City Manager David Deutsch reported on the following: 1) Speed Cameras – Cameras were installed last week on two County roads, Race Track Road near Yorktown Elementary School and Old Chapel Road near Samuel Ogle and Whitehall Elementary Schools; 2) Legislation – A few years ago Council supported legislation that was not passed regarding the potential opportunity for a grocery store to sell beer and wine under certain conditions in the City; there is still a concern about the inability to attract certain grocers to vacant spaces in the City; asked for Council concurrence to work with the Delegation and City Lobbyist to see if a similar bill could be put forth during the 2012 legislative session. Council concurred.

CONSENT AGENDA:

A. Mayor Pro Tem Marcos moved to approve Consent Agenda Items A. Approval of Minutes of June 20, 2011 Council Meeting; B. Approval of Minutes of July 5, 2011 Council Meeting; C. Approval of Resolution R-57-11, Approving Departure Application #BD-01-11, a Request by RFF Properties for Departures From the Prince George's County Code From the Required Number of Parking Spaces From Design Standards to Reduce the Size of parking Spaces (Non-Parallel/Non-Handicap Spaces) to Use Universal-Sized Parking Spaces and to Retain Existing Driveway Aisle Widths at 6000 Laurel-Bowie Road; D. Approval of Resolution R-58-11, Exercising an Option to Extend an Agreement With the Resnick Group, P.C. to Conduct the 2010-2011 Annual Audit; and E. Approval of Resolution R-59-11, Accepting a Bid Proposal From ODB Corporation for Two Leaf Vacuums for the Total Amount of \$34,282.00; and Authorizing the City Manager to Enter Into a Contract With ODB Corporation for the Acquisition Thereof. Councilmember Turner seconded the motion and it carried unanimously.

OLD BUSINESS:

A. Resolution R-56-11 – Creating a Bowie Economic Development Incentive Fund – Mr. John Henry King, Economic Development Director, summarized the staff report dated July 28, 2011, a copy of which is on file at City Hall. He said staff has addressed questions raised by the Council and are asking Council to support approving Resolution R-56-11. He said that no other municipality has an incentive fund as proposed.

Public Hearing:

Ms. Vania McNeary-Edwards, President-elect, Greater Bowie Chamber of Commerce, said that the Chamber is in support of Resolution R-56-11 and thanked the City Council for their support of the Chamber.

Mayor Pro Tem Marcos moved approval of Resolution R-56-11. Councilmember Truth seconded the motion and it carried unanimously.

B. Whitemarsh Master Plan – City Attorney Elissa Levan reported that it has been brought to her attention that the annexation agreement that was provided to Council is not the agreement to which the neighboring property owner was a signatory. She said that Council should take this into account during the discussions.

City Manager Deutsch reported that this item was tabled at the last Council meeting for further review of the concerns raised by Ms. Allison Reagle, the adjoining property owner; staff met with Ms. Reagle and Mr. Fred Tutman last week near the property owned by Ms. Reagle. He reported that in developing the Master Plan there were 3 planned variations for parking, each time moving the proposed parking further from the Reagle property line; appropriate landscaping buffering was also proposed; the language contained on Page 43 of the Master Plan acknowledges the concern by stating that any parking development in this area is dependent on providing appropriate buffers to adjacent property owners. Mr. Deutsch concluded by stating that he believes that the City has been and will continue to be good neighbors and urged Council to accept the Master Plan for Whitemarsh Park.

Public Hearing:

Mr. Fred Tutman, representing Ms. Allison Reagle, the owner of property adjacent to the park, said he appreciated the City working with Ms. Reagle to alleviate her concerns and including language concerning buffering into the Master Plan is greatly appreciated.

In response to a question raised by Councilmember Turner, City Manager Deutsch said that language is already in the Master Plan that any parking development is dependent upon providing appropriate buffers to adjacent property owners; this suggests to staff and the consultant that this is a concern that has to be dealt with in later years; the development of additional parking is not an imminent project and is about 5-6 years or more before Council would appropriate funds for such a project and as implementation of the Master Plan moves forward, staff will be fully cognizant of this language.

Following questions and discussion by Council, Councilmember Polangin moved to support the Whitemarsh Master Plan as presented in the staff report with clarifying language regarding buffering of the adjacent property. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

C. Ordinance O-13-11 – Amending Chapter 2, “Administration”, Article IV, “Public Ethics” to Incorporate Changes Required By MD Code Ann., State Gov’t. 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 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 the ordinance was introduced on July 5, 2011; the ordinance proposes more stringent reporting requirements on elected officials and creates a two tier system whereby the reporting requirements for appointees and employees will be less stringent; in addition, it provides additional responsibilities to the Ethics Commission. Ms. Levan added that there are some other changes that are housekeeping changes as described in the staff report. She recommended that Council proceed with the public hearing but defer any action because comments from the State Ethics Commission have not yet been received.

Public Hearing:

Mr. Benjamin Woolery, Chairman of the Bowie Ethics Commission, referred to a letter addressed to the Bowie City Council signed by him as Chairman of the Ethics Commission, which addressed opposition to several amendments that divest the Commission of authority to enforce the law and impose sanctions, and instead bestow this authority to the City Council. A copy of Mr. Woolery's letter is attached hereto.

Mayor Pro Tem Marcos moved to continue the public hearing until September 6, 2011. Councilmember Brady seconded the motion and it carried unanimously.

C. 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 – City Manager Deutsch reported that the ordinance was introduced on July 11, 2011, seeking additional appropriations for several items: 1) A sum of \$129,500 to cover the first year cost of an additional police officer to accommodate within the Police Department providing for a School Resource Officer at Bowie High School; 2) a roll over of cost from the last fiscal year to complete the photovoltaic system installation at the Harmel property in the amount of \$8400; 3) the concession and restroom facility at Church Park Road in the amount of \$437,900; and 4) improvements to the well at Bradford Lane \$199,500. He recommended Council support these appropriations and adopt Ordinance O-14-11.

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-14-11. Councilmember Brady seconded the motion and it carried unanimously.

E. County Redistricting Plan – Councilmember Turner said that after previous discussions, the City Council sent a letter to the County Redistricting Commission expressing the City's view that the City should be placed in one councilmanic district as part of their proposal; since then the Commission has met several times and has prepared a preliminary map for each of the nine County Council districts; staff has provided Council a copy of the proposed map for District 4 which incorporates the entire City into a single district; the hearing is scheduled for Saturday, August 13.

Council concurred with waiting until after the public hearing on August 13 to communicate the Council's comments to the County Redistricting Commission.

NEW BUSINESS:

A. Prince George's County Fire Department – Mr. Marc Bashoor, Fire Chief, introduced his staff and displayed a PowerPoint presentation which included an overview of the Fire/EMS Department. He reported on the annual call volume, the operating budget, comparison with other jurisdictions, and service delivery in the City of Bowie.

Councilmember Polangin presented an American Flag to Chief Bashoor which has all of the names of the EMT, fire and emergency personnel who lost their lives on 9/11 imprinted on the flag. She said that she knew that Chief Bashoor had always wanted to be a fireman as he

grew up and felt she wanted to extend her congratulations on his appointment as the Fire Chief in this special way.

Chief Bashoor said the State of Maryland is dedicating a memorial in Baltimore to the Maryland Firefighters who lost their lives on September 11, 2011.

Mayor Robinson announced the City will be hosting an event at Allen Pond in recognition of the 10th Anniversary of September 11.

B. City Transportation Priority List for 2011-2012 – Mr. Joseph Meinert, City Planning Director, summarized the staff report dated July 28, 2011, a copy of which is on file at City Hall. He said reported that the City's highest priority with respect to State roads includes Route 450 from Stonybrook Drive to Route 3 which is in the design and engineering phase; the second highest priority is Route 197 between the Kenhill Drive area to Route 450; and the third highest priority is Route 197/301 Interchange. He noted that Prince George's County elevated all three projects within the Transportation Priority List within the past year. Mr. Meinert then reviewed several other projects the Council felt needed emphasis: a new interchange on Route 50 at Route 193, a new interchange at Route 3 at the Maryland Science & Technology Center also known as Melford, and a new roadway connecting Route 197 near Bowie State University with Route 3 in Anne Arundel County. He said that staff feels that the current priority continue and recommend that, with regard to State roads, the Council elevate to a higher priority status the section of Route 301 between Excalibur Road and Route 214.

Mr. Meinert then reviewed the priorities with regard to County roads and said that staff recommends that Council reiterate the list that was sent to the County last year which included a number of road and sidewalk projects. He added that staff recommends with regard to transit projects, that Council reiterate the City's priorities, including implementation of the County's Five-Year Transit Services and Operations Plan recommendations for Bowie as soon as possible. He concluded his report by saying that consistent with past policy, the City should support the major projects shown in the CIP, including Church Road, Mount Oak/Woodmore Roads, Old Stage Road, Race Track Road, the Bowie Heritage Trail and Public Transit.

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

Councilmember Polangin suggested writing a letter to the State Highway Administration requesting that the signage at the entrance to the MSTC be changed to reflect the change in name of the property to Melford. Council concurred.

Following discussion and questions posed by members of the Council, Councilmember Turner moved approval of the staff recommendation. Councilmember Brady seconded the motion. Councilmember Turner then asked under the transit section of the staff report, that a separate letter be sent to WMATA acknowledging the fact that the City knows they are starting a regional transit plan and that the City has an interest in being on record as wanting to get additional services; in addition, WMATA could be invited to a meeting to discuss the plan with Council.

C. Melford Signage Detailed Site Plan – Mr. Joseph Meinert, City Planning Director, summarized the staff report dated July 28, 2011, a copy of which is on file at City Hall. He reported that this item was reviewed by the Bowie Advisory Planning Board and their report is part of the staff report; the members of the Planning Board who were present at the hearing had

no opposition to the proposal; however, since there was not a quorum present at the Board hearing, a vote and formal recommendation was not presented; a revised set of conditions which is discussed in the Planning Board's report are reflected in the staff report. After further review of the staff report, Mr. Meinert said that Detailed Site Plan 11008 will meet the findings of approval contained in the County Zoning Ordinance, specifically that it represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use, and it is in general conformance with the approved Conceptual Site Plan; therefore, staff recommends approval with the conditions found on Page 15, 16, and 17 of the staff report.

Mr. Robert Antonetti, attorney for the applicant, displayed slides of the proposed signs and noted they provide identity to the development. He detailed each of the categories of signs proposed for the DSP. He concluded by stating the applicant supports the staff recommendation and conditions.

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

Following discussion and questions from the City Council, Councilmember Polangin moved approval of Detailed Site Plan #11008 for signage with the conditions noted in the staff report. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

D. Kia of Bowie Auto Dealership – City Manager Deutsch reported that Council has before them a letter regarding the proposed Kia Dealership presented by Toyota of Bowie; the applicant is requesting the Council's support to have this proposal reviewed at the County level in a Limited Minor Amendment process since the proposed building is contemplated in the initial development review of the overall site. He said after review staff supports the applicant's request and recommends Council approval.

Mr. Thomas Haller, attorney for the applicant, stated the applicant would like a separate building and in order to accomplish this, a revision is needed to the Detailed Site Plan in the form of a Limited Minor Amendment.

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

Councilmember Turner disclosed that he had a conversation with Mr. Haller and has filed an ex parte form to the City Clerk.

Councilmember Brady strongly encouraged the applicant to consider annexing his property into the City.

Councilmember Turner then moved that Council support the staff recommendation to approve the request to revise the Detailed Site Plan via the Limited Minor Amendment process. Councilmember Trough seconded the motion and it carried unanimously.

E. Hall of Honor Plaques – City Manager Deutsch asked that this item be tabled so that staff and Council can work collectively to tour the building to come up with an agreement of an acceptable site for the plaques.

Councilmember Brady moved to table discussion on the Hall of Honor Plaques. Councilmember Turner seconded the motion and it carried unanimously.

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ADJOURNMENT:

Mayor Pro Tem Marcos moved that the meeting be adjourned. Councilmember Brady seconded the motion and it carried unanimously. The meeting was adjourned at 10:17 p.m.

Respectfully submitted,

Pamela A. Fleming, MMC
City Clerk