

REGULAR CITY COUNCIL MEETING

TUESDAY, SEPTEMBER 6, 2011

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Tuesday, September 6, 2011 in the Council Chambers. 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/AMENDMENTS:

Mayor Robinson announced that an item regarding CR-54-11 to increase municipal zoning authority in College Park is added to the agenda under New Business as Item C.

CITIZEN PARTICIPATION:

1. Ms. Connie Carter, a resident of the Rockledge section, spoke about a fundraiser to be held at the Free State Mall Fire Station on September 30. She asked Council to support the event. She then spoke about a holding room for animals. A copy of Ms. Carter's statement is attached.

CITY BOARDS & COMMITTEES:

Councilmember Trough moved the reappointment of Ms. Patricia Hibbert as a member of the Community Outreach Committee. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

COUNCIL ANNOUNCEMENTS:

Mayor Robinson: 1) Congratulated staff on behalf of the Council for the way the recent earthquake and hurricane emergencies were handled; 2) announced there will be a concert in remembrance of the 10th anniversary of the September 11, 2001 attack to be held at Allen Pond Park on Sunday, September 11th; 3) asked staff to schedule a worksession with BGE regarding the company's response to the outages during the hurricane.

CITY MANAGER'S REPORT:

City Manager Deutsch reported on the following items: 1) Thanked the Mayor for his remarks concerning staff in light of the recent emergencies and noted that they will be passed on to those who were involved in the 24 hour coverage of the recent storm; 2) The sidewalk project on Rte. 197 that Council approved earlier this year is expected to begin in about 2 weeks; the project is from Evergreen Parkway to Mitchellville Road and the cost is being split between the State and the City; 3) earlier this summer Council had supported a request by St. John Properties to change signage relating to Melford; the State has agreed to make the changes and they will be coordinating with staff.

CONSENT AGENDA:

Mayor Pro Tem Marcos moved approval of Consent Agenda Items: A. Approval of Minutes of July 11, 2011 Council Meeting; B. Approval of Minutes of August 1, 2011 Council Meeting; C. Approval of Proclamation P-10-11 – Declaring the Week of September 17-23, 2011 As Constitution Week in Bowie; D. Approval of Proclamation P-11-11, Declaring September 2011 As National Preparedness Month in Bowie; E. Approval of Resolution R-60-11, Joining the National Moment of Remembrance of the 10th Anniversary of September 11th; F. Approval of Resolution R-61-11, Accepting the Private Streets Known as Elkhorn Circle, Elkhorn Lane, Eider Street, Elysian Lane, Eves Court and Europe Lane and Appurtenances Thereto Located Within Pin Oak village and Approving an Agreement Between the City and Pin Oak Village Townhouse Homeowners Association Incorporated; G. Approval of Resolution R-62-11, Approving a Contract With Washington Gas Energy Services, Inc. to Act As An Agent of the City and Perform Purchasing Transactions for Electricity on the PJM Hourly Pricing and Wholesale Fixed Rate Block Markets; H. Approval of Resolution R-63-11, Regarding Variance Application BV-4-11, a Request by Mr. James Hawkins for a Variance to Validate Existing Lot Coverage at 34.8% and to Approve 208 Square Feet of Additional Lot Coverage (2.2%) for a Total of 37% Lot Coverage at 12634 Millstream Drive When, According to the Prince George's County Zoning Ordinance, Lot Coverage in the R-80 Zone Shall Not Be More Than 30%; I. Approval of Resolution R-64-11, Authorizing the City Manager to Enter Into a Contract to Provide Janitorial Services at City Hall; J. Approval of Resolution R-65-11, Waiving Bidding Requirements By a Two-Thirds Vote in Accordance With City Charter Section 61 for the Purchase of Equipment to Provide for Emergency Repairs at the Wastewater Treatment Plant; and K. Approval of Priority Preservation Area Functional Master Plan Joint Public Hearing City Position Statement. Councilmember Brady seconded the motion and it carried unanimously.

In response to a question raised by Councilmember Truth regarding Item D, Mr. Deutsch replied that staff is committed to updating the public information regarding emergency management procedures for residents; there is a sufficient amount of information in formats that can be disseminated in various methods available; will work with staff to make sure it gets done and have it part of the routine so that it can frequently be seen in various publications. Mr. Truth also asked that the Public Safety Committee be included.

OLD BUSINESS:

A. 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 (Suppl. 2010), Including Nut 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 City 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 Required by Regulations Promulgated Pursuant Thereto by the State Ethics Commission that are Set Forth in the Code of Maryland Regulations, Title 9A, "State Ethics Commission", Subtitle 04, "Local Government Ethics Law"; and All Matters Generally Related to Public Ethics – City Attorney Levan reported that Council deferred consideration of the Ordinance the last time it was presented; staff was waiting for a response from the State Ethics Commission; the draft before Council this evening includes amendments in response to the State Ethics Commission comments which requested that the language be restored that was in the proposed model; the State Ethics Commission had no comment with regard to the changes to the enforcement procedure. Ms. Levan noted that the memorandum accompanying the Ordinance summarizes the changes, a copy of which is on file at City Hall.

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

Councilmember Turner moved to adopt Ordinance O-13-11. Councilmember Brady seconded the motion.

Councilmember Brady said he was concerned that a situation is being created whereby anything that would involve this body would put them in a very difficult situation to enforce the rules and hold their own members accountable. He then moved to amend the motion with regard to Enforcement subsection a) 3 and c), that rather than it be the Council as the body alone, it should be that the Council as the body are the ones making decisions unless a member of the body is involved at which time the Bowie Ethics Commission can seek the appropriate authority. He felt this was the appropriate level of oversight. Mayor Pro Tem Marcos seconded the motion. The motion failed with a vote of 3-4 (Robinson, Gardner, Turner, and Truth).

The original motion to adopt Ordinance O-13-11 carried unanimously.

NEW BUSINESS:

A. Total Maximum Daily Load (TMDL) Program – Planning Director Meinert summarized the staff report dated August 31, 2011, a copy of which is on file at City Hall. He reported this is in connection with the Watershed Implementation Plan (WIP); Phase II requires each jurisdiction to develop a plan of action to meet its pollution reduction goals; the City agreed to join the County in the planning effort; implementation of the allocations will fall to the City once the allocations have been made through the State which will be received shortly. Mr. Meinert reported that at that time the City will need to develop interim two-year milestones and long-term strategies to meet the reductions that are assigned.

Dr. Richard Eskin, Director of the Science Services Administration with the Maryland Department of the Environment, briefed the Council on the requirements of the TMDL and how it will affect the City.

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

B. Detailed Site Plan #95092/09 – Cornerstone Assembly of God Church – Day Care for Children – Planning Director Meinert summarized the staff report dated August 31, 2011, a copy

of which is on file at City Hall. He reported that the City has received an application for a 48-child day care center at the facility located on MD 450, just east of Race Track Road; the subject property includes 7.8 acres and is zoned Rural-Residential (R-R). He said the site went through a significant change in 2005 when the school was expanded; at that time the County approved a revision to the Detailed Site Plan for the 43,000 square foot, two-story school addition; the site was also upgraded with additional parking and play areas, as well as a new access to Race Track Road; staff believes that had the day care center been proposed along with the previous building program, it would have been approved at that time.

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

Mayor Pro Tem Marcos moved approval of the staff recommendation to approve DSP #95092/09. Councilmember Polangin seconded the motion and it carried unanimously.

C. CR-54-2011 Review By County Council PZED Committee – Enactment of College Park Ordinance Concerning Municipal Zoning Authority – Mayor Robinson asked for support of Council to approve a letter of support for CR-54-2011 which will allow College Park to exercise the expanded provisions authorized under CB-1-2011 which was approved by the County Council earlier this year.

Councilmember Turner moved to approve the letter to the Prince George's County Planning, Zoning and Economic Development Committee. Councilmember Brady seconded the motion and it carried unanimously.

ADJOURNMENT:

Mayor Pro Tem Marcos moved to adjourn the meeting into an executive session to discuss a property matter and a personnel matter. Councilmember Brady seconded the motion and it carried unanimously. The meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Pamela A. Fleming, MMC
City Clerk