

SWEARING-IN CEREMONY FOLLOWED BY
REGULAR CITY COUNCIL MEETING

MONDAY, NOVEMBER 21, 2011

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, November 21, 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, Trough and Turner; City Manager Deutsch, Asst. City Manager Fitzwater, City Attorney Karen Ruff, City Clerk Fleming, Members of the Staff, the Press and the Public.

PRESENTATION OF COLORS AND PLEDGE OF ALLEGIANCE:

Boy Scout Troop #403 led the Presentation of Colors and the Pledge of Allegiance to the Flag.

ADMINISTRATIVE REPORT:

Certification of November 8, 2011 City of Bowie Election – Ms. Camilla Gaines, Chairman of the Bowie Board of Elections, read the report from the Board of Elections dated November 17, 2011, certifying the results of the November, 2011 Election, which is attached hereto. Mayor Pro Tem Marcos moved to accept the report. Councilmember Brady seconded the motion and it carried unanimously.

ADMINISTRATION OF OATHS OF OFFICE:

A. G. Frederick Robinson – Mayor – Mr. James Lawson, Office of the Clerk of the Court for Prince George's County, administered the Oath of Office to G. Frederick Robinson in accordance with the Oath prescribed in Section 92A of the City Charter.

B. James L. Marcos, District 1; Diane M. Polangin, District 2; Henri Gardner, District 3; Isaac C. Trough, District 4; Dennis Brady, At-Large; and Todd M. Turner, At-Large – Mayor Robinson swore Councilmembers Marcos, Polangin, Gardner, Trough, Brady and Turner into office in accordance with Section 92A of the City Charter.

C. Remarks by Newly Elected Officials – All newly elected officials thanked their respective families, friends, voters, and members of their campaign staffs for their help in getting them elected.

ORGANIZATIONAL MEETING:

Selection of Mayor Pro Tem – Councilmember Marcos moved the appointment of Diane M. Polangin as Mayor Pro Tem. Councilmember Brady seconded the motion and it carried unanimously.

ADJOURNMENT:

Mayor Pro Tem Polangin moved to adjourn this portion of the meeting into a Regular Meeting. Councilmember Marcos seconded the motion and it carried unanimously.

REGULAR MEETING

CITY BOARDS AND COMMITTEES:

Councilmember Brady moved the appointment of Ms. Susan Fefferman as a Regular Member of the Bowie Arts Committee. Councilmember Turner seconded the motion and it carried unanimously.

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

CONSENT AGENDA:

Mayor Pro Tem Polangin moved approval of the following items: A. Approval of Minutes of October 3, 2011 Council Meeting; B. Approval of Resolution R-72-11, Awarding a Contract for Non-Lethal Canada Goose Management Services to Feather Free Zone Maryland/Virginia; C. Approval of Resolution R-73-11, Establishing a Sign Removal Program for Signs Erected Within the State Highway Rights-of-Way; D. Approval of Resolution R-74-11, Accepting Bid for the Supply and Delivery of Ultra-Violet Lamps for Use at the Wastewater Treatment Plant; E. Approval of Resolution R-75-11, Accepting Bid for Supply and Delivery of a Diesel Generator for use at Pump Station #5 – Safety Turn; F. Approval of Resolution R-76-11, Ratifying the Establishment of School Zones on Northview Drive, Belair Drive, Old Chapel Road, Woodhaven Lane and Race Track Road; G. Introduction of Ordinance O-15-11, Amending the Adopted Budget for the Fiscal Year Beginning July 1, 2011 and Ending June 30, 2012, As Embodied in Ordinance O-11-11, for the Purpose of Amending the Fee Schedule Adopted Thereby to Establish Development Application Fees; H. Introduction of Ordinance O-16-11, Amending Bowie City Code Chapter 2, “Administration”, to Add Article III, “Procurement Involving Federal Funds” to Codify the City’s Bid Protest Procedures Relative to Solicitations Involving Federal Funds; and I. Approval of Letter in Support of PG 411-12 – Qualifying Municipal Corporations – Land Use Decisions. Councilmember Brady seconded the motion and it carried unanimously.

NEW BUSINESS:

A. Anacostia Trails Heritage Area (ATHA) – Mr. Joseph Meinert, City Director of Planning and Economic Development, summarized the staff report dated November 17, 2011, a copy of which is on file at City Hall. He said that staff met with Mr. Aaron Marcavitch, the Executive Director of the Anacostia Trails Heritage Area program to talk about the services his group can provide; staff feels there may be some advantages for the City to look into becoming a part of the program for the promotion of tourism, heritage and economic development in the City. He said there are a number of projects and assets that could lend themselves for identification with this program and would also be beneficial for the Bowie Heritage Trail project.

Mr. Marcavitch provided a presentation about the Anacostia Trails Heritage Area. He provided an informational packet and noted that they are looking for options for the future; they are looking at communities that might have a shared experience or similar resources to the existing heritage area based around transportation themes, automobile suburb development strong arts areas, and good historic resources. Mr. Marcavitch reviewed the contents of the packet and said it would take interest on the City's part and then outlined the process involved in joining the Heritage Area and the membership fees.

Council concurred with taking the information under advisement and to discuss this subject during the FY 2013 Budget process.

B. Animal Holding Area – Mr. John Fitzwater, Assistant City Manager, summarized the staff report dated November 17, 2011, a copy of which is on file at City Hall. He reported that staff had looked at the animal holding area after the move to the new City Hall and noticed a number of issues of concern; the issue were reported to City Council with a status report. He then summarized each of the 7 issues and staff recommendations: 1) plastic covers over 3 electrical outlets should be replaced with metal tamper proof covers – this action has been completed; 2) exhaust system in animal holding area – high powered system with minimum of 300 cubic feet of exhaust is needed; cost would be \$19,754; staff determined that air from this area does not circulate back into the rest of the building and proposed installing an exhaust fan in the outside wall of this area for a cost of \$865; this should resolve any exhaust issues; 3) Hot water outlet – staff has determined that hot water outlet would be sufficient for this area as opposed to outlets for both hot and cold water; proposed cost is \$1,482; 4) Relocating the thermostat from the hallway in the prisoner's holding room area to the animal holding area – staff realized that the thermostat is controlled by a master computer and that it does not matter where the thermostat is located; no adjustment is necessary; 5) Gap issue at the top and bottom of the metal animal pens – this can be resolved at a nominal cost by City staff; 6) Floor drains – the cost to modify the floor so that it drains properly was quoted at \$6,800; a quote using a different product that staff has deemed sufficient has been provided at \$4,000; 7) Relocation of gate to large pen – staff has determined that it is not necessary to relocate the gate. Mr. Fitzwater said that staff had earlier reported to Council that the cost to make the facility useable would be \$29,276; as a result of staff's work the cost has been reduced to \$6,347. He recommended that Council authorize the work to be completed so that this area can be used to determine whether it can meet the needs for the City as a temporary holding area as originally designed.

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

Ms. Sally Hein, Assistant Director of Community Services, summarized a report dated November 18, 2011, a copy of which is on file at City Hall. She reported that an attachment to the report includes 3-4 years of data on animals taken to Prince George's County Animal Shelter by City of Bowie staff. She said that the numbers are moving in a positive direction and that the City Animal Control Officers are not making a lot of trips to the County Animal Shelter.

Following discussion and questions posed by members of the Council, Councilmember Brady moved to table this item until December 5 to allow staff to invite the County Animal Officer to take a look at the City facility. Mayor Pro Tem Polangin seconded the motion and it carried unanimously.

C. Mills Subdivision Access to US 301 – Mr. Joseph Meinert, Director of Planning and Economic Development, summarized the staff report dated November 17, 2011, a copy of which is on file at City Hall. He reported the request is for a consideration to amend some conditions of approval on a Subdivision Plan known as the Mills Property; the property is located on the west side of US 301, just north of Mitchellville Road and includes approximately 28 acres of property. He said that in 2007, Council recommended limitations on access to Rte. 301 for this Subdivision to the County and the County Planning Board concurred; the specific request is to review the access restriction imposed by the County Planning Board in 2007 to provide only one access to the commercial portion of this site. Mr. Meinert said that the applicant is asking for support to go to the County Planning Board to request a reconsideration of the previous decision; the applicant cannot commit to annexing the parcel this time.

Councilmember Truth reported that he submitted an ex parte on this subject on August 23, 2011.

Councilmember Brady reported that he received a telephone call from Ms. Slepicka, the attorney for the applicant, who wanted to discuss the subject.

Ms. Nancy Slepicka, representing Crain Partners, LLC said that her client would be interested in discussing annexation if the terms are lifted with regard to access to the property; to force a carwash on Parcel C to share and have its only access to Parcel B would create an unsafe access at Route 301.

Mr. Brett Schaechter provided details on the design and layout of the carwash.

Ms. Slepicka said they have filed the request with the County Planning Board and the Board will decide whether they will hear the case which would be scheduled for some time in January.

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

Following questions and discussion by Council, Councilmember Truth moved to support the request to lift the impediment regarding the access to Route 301. Councilmember Marcos seconded the motion and it carried unanimously.

D. Total Maximum Daily Load (TMDL) and Watershed Implementation Plan (WIP) – Mr. Joseph Meinert, Director of Planning and Economic Development, summarized the staff report dated November 16, 2011, a copy of which is on file at City Hall. He reported that Dr. Rich Eskin of the Maryland Department of the Environment attended the September 6, 2011 Council meeting and described the process of the TMDL and the WIP which are being required of the State by the Environmental Protection Agency; the City has been given specific load allocations under that program; the requirement is to reduce total nitrogen by 24% and reduce total phosphorus by 37% by 2020 with the interim goal of achieving 70% of those reductions by the year 2017; the reductions are measured against the 2010 baseline level generated by the Chesapeake Bay Model, which assumed no existing stormwater management – 48,521 pounds per year of Total Nitrogen and 4,997 pounds per year of Total Phosphorus. Mr. Meinert further reported that each county is required by the State to submit a WIP II that shows anticipated projects and programs that will help meet allocations; while the counties are responsible for submitting the plan, each entity within them is required to provide its expected implementation needs as well. He then provided details on the implementation of the plan and the series of

milestones set at two-year intervals; the milestones are listed on Page 2 of the staff report. Mr. Meinert said that staff recommends that Council endorse the draft milestones and direct staff to submit them along with other appropriate documentation to Prince George's County for inclusion in the County's WIP II; staff also recommends that staff pursue the services of the University of Maryland Environmental Finance Center to complete an audit of the City's stormwater program and determine possible sources of financing for the future stormwater improvement program.

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

Following discussion and questions posed by Councilmembers, Councilmember Turner moved to approve the staff recommendation. Councilmember Trough seconded the motion and it carried unanimously.

COUNCIL ANNOUNCEMENTS:

Mayor Robinson wished everyone a Happy Thanksgiving and to take a moment to think of those in need by contributing to the Bowie Food Pantry.

ADJOURNMENT:

Mayor Pro Tem Polangin moved to adjourn the meeting. Councilmember Brady seconded the motion and it carried unanimously. The meeting was adjourned at 10:21 p.m.

Respectfully submitted,

Pamela A. Fleming, MMC
City Clerk