

REGULAR CITY COUNCIL MEETING

MONDAY, FEBRUARY 6, 2012

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, February 6, 2012 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:

Mayor Robinson added an item to New Business regarding the noise ordinance.

CITIZEN PARTICIPATION:

1. Mr. Rich O'Brien, member of the Public Safety Committee, updated the City Council on preparations for the event scheduled for March 30 where awards will be given to fire, police and EMS professionals in the City. He reported that a fund was being created to provide for future needs that are not budgeted for both volunteer and paid public safety professionals. Mr. O'Brien then provided some information on the award process.

2. Ms. Martha Ainsworth, 16500 Abbey Drive, spoke on behalf of the Sierra Club concerning a film entitled "Bag It: Is your life too plastic?" and requested that the City join them to raise awareness and discuss solutions. She also requested that the Sierra Club be allowed to show the film at City Hall. A copy of Ms. Ainsworth's statement is attached.

3. Mr. Russ Ideo, 16403 Pointer Ridge Drive, President of the Civic Association of South Bowie, spoke about the Pointer Ridge Shopping Center and the need for a grocery store at that location.

4. Mr. Spencer Howard, 16010 Excalibur Road, spoke about rent control and asked for assistance in getting information about this matter.

SWEARING-IN CEREMONY:

Following introduction of the new officers by Chief Nesky, Mayor Robinson swore Officers Valencia Moss, Jason L. Coleman, John Lee III, and Francis X. Stevens III into office in accordance with Section 92A of the City Charter.

CITY BOARDS AND COMMITTEES:

Appointments/Reappointments/Swearings-in – 1. Mayor Pro Tem Polangin moved to appoint Jarryd Hawkins as a member of the Education Committee. Councilmember Brady seconded the motion and it carried unanimously.

2. Councilmember Gardner moved to appoint John Teasdale as a member of the Environmental Advisory Committee. Councilmember Truth seconded the motion and it carried unanimously.

3. Mayor Robinson swore Messrs. Hawkins and Teasdale into office in accordance with Section 92A of the City Charter.

CITY MANAGER'S REPORT:

City Manager David Deutsch reported on the following: 1) Land Use Bill a public hearing is being held on February 8 by the Prince George's Delegation Bi-County Committee. 2) Wastewater Treatment Plant – a power pole came down last summer and caused some damage that effected the plant; there were no environmental problems; staff was able to put through appropriate documentation with the City's insurance carrier and the City received a check for \$115,000; the incident only cost the City the \$1,000 deductible. 3) HB 359 authorizes temporary advertising signs on State highways; within the last 6 months Council agreed to have the City enter into an arrangement to allow the City to assist the State by removing illegal signs from the state right-of-way; staff feels the proposal in HB 359 is a step in the wrong direction and would allow many signs that have caused problems in the past. Mr. Deutsch requested Council direct staff to draft a letter to send to the sponsor and members of the 23rd Legislative District.

In response to comments from Councilmember Turner, Mr. Deutsch said that it appears that the signs that were erected in this County were not in compliance with State law, but were allowed to continue; Council had directed staff to enter into an agreement with SHA so that the signs could be removed; HB 359 would sanction the signs once again.

It was the concurrence of Council to send a letter of opposition to HB 359.

CONSENT AGENDA:

A. Mayor Pro Tem Polangin moved to approve Consent Agenda Items A. Approval of Minutes of January 3, 2012 Council Meeting; B. Approval of Minutes of January 17, 2012 Council Meeting; C. Introduction of Resolution R-11-12 – Enlarging the Corporate Boundaries of the City of Bowie By Annexing to the City of Bowie Certain Property Contiguous and Adjoining to the City's Existing Corporate Boundaries, Known As Mill Branch Crossing (Tax Map 55, Parcels 20, 27, 28, 52, 57, 58, 59 and 71) and Adjacent Parcels (Tax Map 55, Parcels 18, 19 and 32), Consisting of Approximately 92.890+ Acres of Land Located Northeast of the Intersection of US 301 (Crain Highway) and Mill Branch Road; D. Approval of Resolution R-12-

12, Awarding a Contract for the Purchase and Installation of a Replacement HVAC System at the Belair Mansion; E. Approval of Resolution R-13-12, Approving an Annexation Agreement for the Drake Petroleum Company Property (Tax Map 55, Parcels 18 and 19) Commonly Known as the Xtramart Gas Station Property, Located on the East Side of US 301, North of Mill Branch Road, and Authorizing the City Manager to Sign Said Agreement; F. Approval of Resolution R-14-12, Awarding a Contract for the Purchase and Installation of Replacement HVAC Systems and Equipment at the Bowie Gymnasium, Senior Center and Kenhill Center; G. R-15-12, Approving the First Amendment to the Washington Gas Energy Services, Inc. Contract And Approving the Second Amendment to the PEPCO Energy Services Inc. Contract to Allow the Transfer of Five Block Hedge Purchases of 25 MW by a Just in Time Process Rather than By a Novation Process; H. Approval of Resolution R-16-12, Allowing for the Reduction of the Performance Security Guaranteeing Construction of Streets and Storm Drain at Peach Preserve Under Permit SDP 2 0607; I. Approval of Resolution R-17-12, Allowing for the Reduction of the Performance Security Guaranteeing Construction of Stormwater Management at Peach Preserve Under Permit SWM 3-0607; J. Approval of Proclamation P-2-12, Recognizing February as Black History Month; K. Ratifying Letter to Maryland House of Delegates Speaker Busch re: Redistricting; and L. Ratifying Letter to State Highway Administration re: Melford Signage. Councilmember Brady seconded the motion and it carried unanimously.

OLD BUSINESS:

A. State Redistricting – City Manager Deutsch summarized the issue and noted that Council has a letter before them that establishes a position and asked for Council support.

Mayor Robinson reported that the Governor's Commission has recommended a major shift in the original realignment of the City as a result of census driven redistricting. He felt the proposal unnecessarily and unfairly divides the community and divides political access to Annapolis; unsuccessful meetings have been held with the Governor and the Speaker; if the Legislature does not amend the bill, it becomes law. Mayor Robinson reported that Delegate Valentino-Smith has introduced an amendment that will remove the arbitrary distinction of A and B and return District 23 to an at-large system; a second choice was given to Speaker Busch which would be to leave the current boundary lines but put the bulk of Bowie in 23A.

Councilmember Turner thanked the Mayor for his leadership in this matter and said he shares his concerns. He said he appreciated the efforts of the Delegation putting forth the amendment to the redistricting plan.

Mayor Pro Tem Polangin encouraged all residents to write or call the Governor.

Mayor Robinson said that Senator Peters and Delegates Hubbard and Valentino-Smith support the City's efforts.

NEW BUSINESS:

A. Parks and Grounds Operation Review – City Manager Deutsch reported that in the current budget Council authorized an operations review of the Parks and Grounds Division; the City contracted with the Institute for Government Service and Research at the University of Maryland.

Dr. Robin Parker Cox, University of Maryland Institute for Governmental Service, presented an overview of their report, a copy of which is on file at City Hall. She explained the

mission of the Parks and Grounds Division and said the employees take great pride in keeping the City of Bowie beautiful. She reported the study organized the responsibilities of the Division into 8 areas as described in the report; the report is divided into 8 sections each of which outlines a specific responsibility area, compares that area to benchmark cities of Annapolis, Gaithersburg, Greenbelt, Laurel and Rockville using several performance measures, workloads, efficiency and effectiveness and then offers recommendations for improvement. Dr. Cox reported that overall the Division compares well to the benchmark cities; the Division is to be commended for its performance in the areas of ballfield and non-ballfield turf maintenance and park system activities. Dr. Cox then provided recommendations for the areas of Forestry and Stormwater Management. She extended praise to Superintendent Ed Hall and his team for their contribution to the wellbeing, safety and overall quality of life of Bowie residents.

Following several questions posed by Councilmembers, Mayor Robinson thanked Dr. Cox for her report.

B. Environmental Initiatives – Mr. Gary Allen, Chairman of the Environmental Advisory Committee, summarized the 2012 Next Ten Steps Toward a Green Bowie as listed in the staff report dated February 1, 2012, a copy of which is on file at City Hall.

Councilmember Turner referred to the Green Business Tax Credit and asked the Environmental Advisory Committee to take a look at this. He then referred to Item #10, and expanding the portfolio for the current position that deals with water issues. He said he will bring this matter forward during the budget process. Mr. Turner then spoke about the requirements for all local jurisdictions with regard to watershed improvements and asked the EAC to take a look at this matter.

Councilmember Gardner asked staff when will other parts of the City receive the larger recycling containers. Mr. Deutsch replied 3-4 neighborhoods will be receiving the carts shortly as part of a grant from Department of Energy; the remaining homes will receive the carts with funding that will be requested in the FY 2013 budget; the distribution of carts to the community will be complete no later than September 2012; the recycling rate has already increased from 31% to 41% and the number of tons going to the landfill is continuing to drop.

Councilmember Truth asked, in follow-up to Councilmember Turner's question regarding providing information on the state mandated program, if the EAC could provide a cost analysis. He then asked if there is going to be incentives or areas of financial assistance to municipalities.

Councilmember Brady said he was in support of Mr. Allen's request for an additional position of an Environmental Programs Director. He asked questions regarding a Nature Center to which Mr. Allen responded that the committee has been contacting other municipalities to visit their centers. He also said he supports the request to partner with the Sierra Club regarding showing the film.

Mayor Pro Tem Polangin reminded all residents of the City Code requirement to place their recycling containers out of sight.

Mayor Robinson said he was not ready to support the plastic bag tax.

Councilmember Brady moved that the City partner with the Sierra Club in hosting the video regarding the use of plastic bags and hold a public forum to discuss the issue. Councilmember Gardner seconded the motion.

Following concerns expressed by members of the Council regarding the lack of a policy on such matters and that the Council has not yet seen the movie, Councilmember Trough moved to amend the motion that Council not support the movie at this time, but agree that it be shown in the Council Chambers as requested. Councilmember Turner seconded the motion and it carried with a vote of 5-2 (Brady, Gardner).

The motion to approve the use of the Council Chambers to show the film without the co-sponsorship carried unanimously.

C. City Position Letter re: US 301 Viewshed to Pointer Ridge Shopping Center – City Manager Deutsch advised Council that they received a staff report dated February 2, 2012, a copy of which is on file at City Hall, which outlines the request for City support for removal of invasive growth in the median opposite the shopping center to improve visibility to Pointer Ridge Shopping Center.

Mr. Larry Spott, Executive Vice President of The Rappaport Companies, summarized the request and displayed photographs which showed the subject median and the vegetation that is proposed for clearing; the property is owned by the Maryland-National Capital Park and Planning Commission and they have requested City support for the clearing.

Public Hearing:

Mr. James Mobley, 1736 Peachtree Lane, spoke in support for any efforts to bring retail opportunity to South Bowie. A copy of Mr. Mobley's statement is attached.

Councilmember Trough reported that he had received 3 emails from residents and he introduced them into the record; the emails are in support of the applicant's request for removal of vegetation in the median. Copies of the emails are attached hereto. Mr. Trough then moved to support the letter to the Director of Parks and Recreation supporting the request to remove invasive growth in the median opposite the shopping center. Councilmember Gardner seconded the motion.

Councilmember Turner reported that he had submitted an ex parte communication regarding contact from Guy Andes, G.S. Proctor and Associates on behalf of The Rappaport Company. A copy of the communication is on file at City Hall.

The motion carried unanimously.

D. City Redistricting – Assistant City Manager Fitzwater summarized the staff report dated February 2, 2012, a copy of which is on file at City Hall. He reported that every 10 years following the United States Census, the City is required to examine the election districts to ensure there is substantial equity of population between election districts; the Supreme Court of the United States and the Maryland Court of Appeals have held that substantial equity of population is the primary goal of redistricting and can be achieved with population variance of no greater than 10% between districts. Mr. Fitzwater stated further that the 2010 population for the City of Bowie is 54,930; if each election district was evenly divided, the population for each district would be 13,733. He then broke down the current population of existing City districts and said that if Council chose to keep the districts as currently configured, it would be within the 10% level. Mr. Fitzwater then provided an alternative option for City Council consideration noting that if the communities of Long Ridge, Westview, Spring Meadow and Dixon were transferred from District 3 to District 2, the population breakout between districts and percent variation would be well within the 5% level; staff recommends that Council give serious

consideration to this alternative plan since it provides a more even distribution of population among districts with minimal adjustments to the existing district configurations. He added that staff suggests that City Council have an additional public hearing to get the perspectives of the residents regarding this important decision; if City Council chooses to keep the current election districts as is, no action is required by the City; if City Council chooses the alternative plan or chooses some other modification to the existing districts, Section 6-80 of Chapter 6 of the City Code would need to be amended.

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 members of the City Council, Councilmember Turner moved to table this item until February 21, 2012. Councilmember Polangin seconded the motion and it carried unanimously.

E. Noise Ordinance – Mayor Robinson asked for concurrence of the City Council to direct staff to review the section of the City Code dealing with noise and barking dogs and to report back to City Council. Council concurred.

ADJOURNMENT:

Mayor Pro Tem Polangin moved that the meeting be adjourned into an Executive Session for the purpose of discussing personnel and property matters. Councilmember Brady seconded the motion and it carried unanimously. The meeting was adjourned at 10:37 p.m.

Respectfully submitted,

Pamela A. Fleming, MMC
City Clerk