

REGULAR CITY COUNCIL MEETING

TUESDAY, FEBRUARY 21, 2012

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Tuesday, February 21, 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 Karen Ruff, 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:

A. Mayor Robinson added an item regarding a draft letter to the 23<sup>rd</sup> Legislative Delegation on SB 971 (gasoline tax) under New Business.

B. Councilmember Turner requested that Item B under the Consent Agenda re: HB 359 be moved to New Business for the purpose of a vote.

PRESENTATIONS:

A. Government Finance Officers Association Distinguished Budget Presentation Award – Mayor Robinson read and presented the award to Finance Director Rob Patrick and Assistant Finance Director Byron Matthews. He congratulated them on behalf of the entire Council and commended them for the outstanding efforts provided by the Finance Department.

B. Martin Luther King, Jr. Art Contest Winners – Ms. Elveeda Dixon, Chairman of the Diversity Committee, introduced and presented awards to the winners of the Coloring, Poster and Photography categories. A list of the winners is attached hereto. Mayor Robinson congratulated the contest winners on behalf of the Council.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearings-in – Mayor Pro Tem Polangin moved the appointment of Nancy Franklin as a member of the Administrative Review Board. Councilmember Brady seconded the motion and it carried unanimously.

B. Councilmember Turner moved the appointment of Duane Cuyler as a member of the Diversity Committee. Councilmember Brady seconded the motion and it carried unanimously.

C. Mayor Robinson swore Ms. Franklin and Mr. Cuyler into office in accordance with Section 92A of the City Charter.

COUNCIL ANNOUNCEMENTS:

Mayor Robinson reported on the following: 1) The deadline for the Governor's redistricting proposal is the end of the week; the proposal is not in the City's best interest, arguments have been made against the legislation, but it does not seem likely there will be a change; 2) The beer and wine bill has been put on hold; 3) Testimony was given in opposition to the Highway Sign legislation which would again allow signs to be erected along state highways; 4) The hearing on the Land Use legislation is scheduled for February 22.

CITY MANAGER'S REPORT:

City Manager David Deutsch reported that a copy of HB 712 was given to Council; this legislation is sponsored by Delegate Carr who is a former local elected official in Montgomery County and a supporter of local governments; the bill relates to street lights, is technical, and it is in the City's interest that the bill be passed. The legislation would give the City the ability to provide maintenance of street lights that were purchased some 20 years ago; if it is not passed then the City would be paying BGE for the maintenance. The hearing is scheduled for February 23 and with Council concurrence, the Public Works Director will testify in support of the legislation in order for the City to continue maintenance of the street lights.

Councilmember Turner recused himself from voting and suggested the matter be placed under New Business.

CONSENT AGENDA:

Mayor Pro Tem Polangin moved approval of the following items: A. Approval of Minutes of February 6, 2012 Council Meeting; C. Ratifying Letter to Maryland House of Delegates Speaker Busch re: Statewide Redistricting Plan; and D. Approval of Resolution R-18-12, Awarding a Contract for the Installation of a Grid-Tied Photovoltaic System at the Bowie Parks and Grounds Maintenance Facility. Councilmember Brady seconded the motion and it carried unanimously.

OLD BUSINESS:

A. City Redistricting – Councilmember Turner moved to schedule another public hearing prior to adopting a plan. Councilmember Brady seconded the motion and it carried unanimously.

NEW BUSINESS:

A. Police Chief Briefing – Chief Nesky summarized the staff report dated February 15, 2012, a copy of which is on file at City Hall. His report including information on holiday activities, community activities, staffing, speed cameras, SRO program, grant purchases, police activities, and crime trends. He also provided a report on Non-Priority Calls for Service, Priority Calls for Service, Total Calls for Service, Crime and Citation Statistics, and data on accidents that have occurred from January 2008 to September 2011.

Following a question posed by Mayor Pro Tem Polangin concerning the drug take back program, Chief Nesky said there will be drop boxes at the Police Department and Senior Center for prescription drugs and they will be monitored by the Department.

Councilmember Truth asked if there is a time for the safety program to be held at Pin Oak Village. Chief Nesky replied that the program will be at 11 a.m. on March 1.

Chief Nesky replied to Councilmember Gardner about the graduation of officers and said that the event will be held in June. Mr. Gardner then asked about the adjustment of the speed cameras on Route 450. Chief Nesky replied that the cameras are placed on concrete slabs and because the stretch of road is so long between Bowie High School and St. Pius X School, there are two slabs in each direction so that the cameras can be moved back and forth.

Councilmember Turner requested an historical perspective of the response times over a five year period as well as a break down by location of speed camera enforcement citations. Mr. Turner then spoke about a recent fatal accident on Governor Bridge Road at Rte. 301 and asked how accident data is retrieved. Chief Nesky replied that the data is requested from the State Highway Administration.

Councilmember Brady said it would be helpful to see a 3-5 year trend of response times and an explanation of why numbers are very different from one year to another due to weather or other issues that may skew the figures. He would also like to see information on whether there are problems when drivers try to avoid the speed cameras and drivers not stopping at red lights.

Mayor Robinson summarized by saying that there are very positive crime and service trends; all the positive trends are indicators of leadership of the department and commended Chief Nesky and the members of the organization on behalf of the City Council.

B. Mid-Year Budget Review – City Manager Deutsch provided an overview of the Fiscal Year 2011-2012 mid-year budget as contained in the report dated February 21, 2012, a copy of which is on file at City Hall. He highlighted the cover letter and reported that staff is estimating that revenues are expected to be \$1.5 million over budget and expenditures approximately \$1.1 million under budget; the City has a history of strong financial performance and continues to be in a strong financial position. Mr. Deutsch also highlighted other items in the report including a citizen survey, emergency management, content management service, legislation regarding temporary signs on state highways, stream restoration at Sussex Lane, watershed management, update of snow database, and status of Church Road Park.

Mr. Deutsch then reported on the financial summary as contained in the report. He said there are no serious situations regarding revenue during the fiscal year; Council is

aware of the situation regarding highway revenue and properties taxes that most cities have confronted. He reviewed data in the General Fund that compares FY 2012 to FY 2011. Mr. Deutsch concluded his report by summarizing the forecast data and the water and sewer fund.

Following questions from several Councilmembers, Mayor Robinson thanked City Manager Deutsch for his report.

C. Draft Letter re: Gas Tax Bill – Mayor Robinson asked for support from Council for a letter to the 23<sup>rd</sup> Legislative Delegation which addresses the Administration's request for a gas tax bill to go to the State Legislature. He said that there were major flaws in the bill, it does nothing to restore revenue losses for local governments, protect future participation, providing limitation in future raiding of the funds, and does not address issues that suggest that there is belief that it is not a shared tax but a revocable grant; there also has been public comment that there is no statutory or constitutional requirement that funds raised by this tax are required to be spent for this purpose. Mayor Robinson asked that Council support the letter and said that the City would continue to work with the Maryland Municipal League to address the obvious flaws in the proposed legislation.

Councilmember Brady thanked the Mayor for adding the letter to the agenda, but felt that it did not touch on all sides of the equation. He suggested the letter be expanded to encourage adding language that formalizes the formula driven language rather than the grant; emphasize that the Council could support the legislation if it were to go into a program that addressed the transportation needs in the State and to help municipalities.

Mayor Robinson said that there has not been discussion by the Council on whether to support the gas tax, but felt it was important to send the message that the proposed bill is exceedingly flawed. He said a draft of the letter will be forwarded to Council for approval.

D. Letter re: HB 359 – Temporary Signs – Mayor Robinson reported that this item was removed from the Consent Agenda so that a vote could be recorded. Councilmember Truth moved approval of the letter. Councilmember Gardner seconded the motion and it carried with a vote of 6-0-1 (Turner abstaining).

E. Letter re: HB 712 – Street Lights – City Manager Deutsch said Council is being asked to actively support and endorse the bill. Councilmember Truth moved to support the bill. Mayor Pro Tem Polangin seconded the motion and it carried with a vote of 5-0-2 (Turner abstaining, Gardner absent).

#### ADJOURNMENT:

Mayor Pro Tem Polangin moved to adjourn the meeting. Councilmember Brady seconded the motion and it carried unanimously. The meeting was adjourned at 10:03 p.m.

Respectfully submitted,

Pamela A. Fleming, MMC  
City Clerk