

REGULAR CITY COUNCIL MEETING

MONDAY, MARCH 5, 2012

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, March 5, 2012 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, Truth 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. Mayor Robinson announced that Mayor Pro Tem Polangin would not be present.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Council led the Pledge of Allegiance to the Flag.

CITIZEN PARTICIPATION:

Ms. Yvette Jardine, 4302 Hickory Leaf Ct., spoke about her concern that a Big Lots was replacing the Borders book store at the Bowie Gateway Center.

Mayor Robinson advised Ms. Jardine that the decision to replace a store is made solely by the property owner.

CITY BOARDS AND COMMITTEES:

Mayor Robinson moved the appointment of Ms. Diedre Trass as Chairman of the Bowie Advisory Planning Board. Councilmember Turner seconded the motion and it carried unanimously by those members of the Council present.

CITY MANAGER'S REPORT:

City Manager Deutsch reported on House Bill 359 which will again allow temporary signs on State Highways; an agreement with the State Highway Administration was signed to require a 90 days waiting period before enforcement occurs and that waiting period expired 2 weeks ago. He said 176 signs have been removed by City personnel from State highways and fines totaling \$2,400 have been issued to 8 different companies; some signs did not have enough information for the City to contact the company; hopefully, companies receiving these fines will curtail the activities and the legislation will be defeated.

CONSENT AGENDA:

Councilmember Marcos moved approval of Consent Agenda Items: A) Approval of Minutes of February 21, 2012 Council Meeting; B) Approval of Proclamation P-3-12, Congratulating Whitehall Elementary School On Receiving a 2012 Blue Ribbon Award From the Maryland State Department of Education; C) Introduction of Ordinance O-1-12, Amending the City Code Chapter 17, "Park Rules and Regulations", Section 17-2 "Rules", Subsection (dd) "Skateboards, Inline Skates and Bicycles", Subsection (3) "Skate Park Rules" to Remove the Requirement that One Must Register with the City and Obtain A User Identification Card to Use the Bowie Skate Park, and to Renumber the Remaining Subsections of Section 17-2(dd)(3); and D) Approval of Resolution R-19-12, Awarding a Contract for the Removal and Disposal of the Existing Lighting Systems at Allen Pond Park Softball Fields #1 and #2 and Murtaugh Soccer Fields #1 and #2 and the Installation of New Field Lighting at the Fields to R.E. Lee Electric Co., Inc. in the Amount of \$536,776. Councilmember Brady seconded the motion and it carried unanimously by those members of the Council present.

OLD BUSINESS:

A. City Redistricting – City Manager Deutsch summarized the staff report dated February 2, 2012, a copy of which is on file at City Hall. He reported there are 2 proposals before Council for review. He summarized the current population breakout of existing City Districts and the percent variation as shown on Page 2 of the staff report. He then summarized the alternate plan as proposed by staff which only effects Districts 2 and 3 and would move 4 neighborhoods into District 2: Long Ridge, Westview, Spring Meadow and Dixon Crossing. Mr. Deutsch reported that a letter was sent to all the homeowners in the 4 neighborhoods and information posted on the City's website.

Mayor Robinson announced that Council will conduct the public hearing this evening, but wait to take action until Councilmember Polangin returns from medical leave.

Public Hearing:

1. Rob Liberati, Long Ridge resident, presented a petition signed by 37 residents who are in favor of the alternate plan. A copy of Mr. Liberati's statement is attached and the petition is on file at City Hall.

2. Mr. Phillip Smith, Long Ridge resident, also supported the alternate plan and felt the neighborhood would then be more commonly aligned.

3. Mr. Joe Ryan, Long Ridge resident, said he also supports the staff recommendation.

4. Mr. Dufour Woolfley, Long Ridge resident, said he supports the staff recommendation and felt that because Long Ridge was a Levitt neighborhood; it should be in District 2 so that it is commonly aligned with the other Levitt neighborhoods in District 2.

Councilmember Brady said he felt a better approach would be to consider expanding the Council to nine members, with five districts, 3 at-large and the mayor; felt that creation of a fifth district would better capture the Levitt sections in two districts. He asked staff to take a look at this suggestion.

Councilmember Truth asked staff to obtain information from other municipalities who have a nine member Council to find out if they have a problem establishing a quorum on a consistent basis.

In response to a question posed by Councilmember Turner, City Manager Deutsch said the City Charter does not require a referendum for a change in the structure of the City Council; the structure of the next Council would have to be established before a redistricting plan could be implemented. He referred to Mr. Brady's comments about the Levitt sections being in two districts and said that there are Levitt sections in at least 3 of the districts now. Mr. Deutsch said staff would provide Council with information on the costs associated with creating a new district and adding 2 councilmembers as requested by Councilmember Brady.

In response to a question from Mayor Robinson regarding the time frame, Mr. Deutsch replied that in addition to making the decision about redistricting, the subdistricts within the 4 voting districts need to be equalized because there are some serious numerical dislocations that are inefficient and cause difficulty in managing the election; this is a significant administrative task and this process cannot be dealt with until the decision to change the districts is made. He added that even though the election is not until November, 2013, in reality, applicants for candidacy could begin filing 9 or 10 months from now and time becomes critical; the question of the districts should be resolved by the end of the calendar year.

Mayor Robinson said if there is an interest in considering this matter further, the decision could be made at the next Regular Council Meeting. Mr. Deutsch said that staff would prepare a report on the information requested. Council concurred.

Councilmember Brady moved to table the City Redistricting matter until the March 19, 2012 Council meeting. Councilmember Truth seconded the motion and it carried unanimously by those members of the Council present.

NEW BUSINESS:

A. Comprehensive Energy Efficiency and Conservation Strategy (CEECS) – Mr. Jesse Buggs, Director of the Office of Grant Development and Administration, summarized the staff report dated March 1, 2012, a copy of which is on file at City Hall. He provided a brief history regarding the \$464,000 grant the City received from the Department of Energy (DOE). He then reviewed the report that provides an update regarding the status of achieving the strategies outlined in the plan. Mr. Buggs said the projects that have been completed are: Energy and Conversation Strategy Study, updating the ballfield lighting at Allen Pond Park, installing photovoltaic cells at the Genealogy Library, increasing the siding and insulation at the mechanics building at Public Works, investing in recycling containers, conducting residential energy audits in senior citizens' homes, installing photovoltaic cells at the Radio and TV Museum, and are in the process of increasing the photovoltaic cells at the Parks and Grounds facility. In addition to these projects, Mr. Buggs reported there are a number of other projects listed in the staff report which include 33 initiatives that the City is considering to reduce energy consumption and greenhouse gases.

Assistant City Manager Fitzwater reported that following the adoption of the CEECS last March, 2010, a departmental staff team was formed to implement the strategies outlined in the report; the work team reviewed the 33 strategies and determined who in the organization would work to implement them; this team will expand to become the Municipal Green Team. Mr. Fitzwater then highlighted some of the 33 strategies. He reported that staff will be proposing in the FY2013 budget the purchase of a new system at Public Works to better measure fuel

consumption; in subsequent budgets, staff will be proposing the purchase of the Utility Management System which will help with the variables of weather and growth in measuring energy consumption in City facilities. He further reported that staff will be proposing the hiring of a consultant to help analyze facility management.

Mr. Buggs then reported on the next steps related to accomplishing everything reported by Mr. Fitzwater plus pulling the data together and providing reports on how well the City has done, what problems have been encountered and how they will be resolved; in the next 3-5 years the City will have to continue to report to the Department of Energy on how the funds were spent and how well the implementation of the projects are working. Mr. Buggs asked the City Council to accept the report.

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

Following discussion and questions from Councilmembers, Councilmember Brady moved to accept the report. Councilmember Marcos seconded the motion and it carried unanimously by those members of the Council present.

B. Zoning Map Amendment #A-10016 (Reconsideration) Hilltop Plaza Shopping Center – Mr. Frank Stevens, City Planning Department, summarized the staff report dated March 1, 2012, a copy of which is on file at City Hall. He also displayed a PowerPoint presentation showing the location of the site, the current zoning map of the subject property as well as properties in the vicinity. He reported that the applicant is requesting to rezone the entire site from the 2 present zones of R-R/CSC to M-X-T (Mixed Use Transportation Oriented) as was recommended in the 2006 Master Plan and Sectional Map Amendment; this would add a residential component on the rear 5 acre site. Mr. Stevens then reported that after a public hearing, the Bowie Advisory Planning Board unanimously voted for approval of the Zoning Map Amendment on July 28, 2009. He then gave a brief history and background of the property as included in the staff report which included the 3 criteria for approval of Zoning Map Amendment. Mr. Stevens concluded his report by saying that staff recommends approval of the Zoning Map Amendment and referred to 2 letters of support from tenants of the shopping center which are attached hereto.

Mr. Thomas Haller, Gibbs and Haller, the attorney for the applicant, spoke about the residential component proposed for the rear of the property. He said that the lack of activity that currently exists raises concerns for security. He asked for support from the Council for their request to reconsider the Council's current position which opposed the Zoning Map Amendment application.

Mr. Bruce Levine, Storch Management Corporation, spoke about what has been accomplished at the shopping center in terms of the renovation and said he felt that residents are happy with the improvements; felt it was a positive addition to the City, was pedestrian oriented, and convenient for residents. Mr. Levine spoke about the proposal for the rear portion of the property.

Public Hearing:

1. Mr. William Atkins, 16321 Abbey Drive, who is a real estate office tenant, spoke in support of the rezoning application and the proposal for the rear of the property.

2. Mr. Kenneth Dalk, 6766 Race Track Road, spoke in support of the rezoning application and the residential proposal for the rear of the property.

3. Ms. Dina Bennett and Karen Whitney, owners of a retail business in the rear of the property, said that the back part of the property is the last step in the renovation and needs to be finished to reflect the same standards as the front of the property; they spoke in support of the rezoning application.

4. Mr. Greg Sinkovic, owner of The Cakery located in the rear of the property, said that the increased business at the shopping center would help in these bad economic times. He spoke in favor of the rezoning.

5. Mr. Domenic Greco, owner of That Look located in the shopping center, said the renovation is a big improvement and spoke in favor of the rezoning and proposal for the rear of the property.

6. Mr. K.J. Vigue, II said he endorses the rezoning and improvements to the rear of the property.

7. Mr. Derrick Thompson, 6828 Race Track Road, proprietor of the art gallery, spoke in support of the rezoning.

8. Ms. Marie Schablein, 6906 Race Track Road, past president of the Belair Town II Homeowners Association, spoke in opposition to the rezoning and the increased traffic on Race Track Road.

9. Mr. Roderick O'Savio, 6806 Race Track Road, said he has been a tenant for 18 years and the renovation of the shopping center has made a big difference in business; felt the rezoning will benefit everyone.

10. Ms. Charlene Beairsto, 3642 Morningside Lane, spoke in opposition to the residential proposal; there were already 150 houses behind the shopping center.

Following discussion and questions posed by members of the Council, Councilmember Marcos moved approval of the staff recommendation to approve Zoning Map Amendment #A-10016. Mayor Robinson seconded the motion. The motion failed with a vote of 3-3 (Brady, Gardner, Turner – Nay).

C. Position Letters Re: HB 563 and SB 567 – Telecommunications Commission – City Manager Deutsch reported the legislation calls for the creation of a commission which would review disparity in telecommunications taxes throughout the State; staff is concerned that the study would include cable franchise fees and public education and government fees (PEG); staff is also concerned that the legislation as structured could lead the State toward State franchising which would be the State usurping the right of cities and counties to have these fees and sources of revenue; the structure of the legislation does not have appropriate municipal representation which has been pointed out in the proposed letters.

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 Council, Councilmember Brady moved to approve the letters to Senator Nancy J. King regarding SB 567 and Delegate

Sheila A. Hixson regarding HB 563. Councilmember Marcos seconded the motion and it carried with a vote of 5-0-1 (Turner abstaining).

D. Position Letter on HB 944 - Speed Monitoring Systems- Enforcement – City Manager Deutsch reported the legislation is a positive step and is cosponsored by Delegate Hubbard in the House and Senator Rosapepe in the Senate; it would eliminate the current requirement under the speed monitoring program that a certified police officer has to review every citation and sign off on it; the words such as “a person properly trained in speed camera citation” would be inserted to review the work that is currently done by a police officer. He said it was a logical allocation of resources and the community would be much better served in having the police officer in the streets doing crime prevention than in the office doing work that can be done by a civilian.

Following discussion and questions posed by members of the Council, Councilmember Brady moved approval of the letters to Senator Jamie Raskin regarding SB 486 and Delegate James Hubbard regarding HB 944.

Since there were no persons signed up to speak, Mayor Robinson declared the public hearing to have been held. Councilmember Marcos seconded the motion and it carried with a vote of 5-0-1 (Turner abstaining).

ADJOURNMENT:

Councilmember Marcos moved to adjourn the meeting into an Executive Session for the purpose of discussing a property matter with counsel. Councilmember Truth seconded the motion and it carried by those members of the Council present. The meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Pamela A. Fleming, MMC
City Clerk