

REGULAR CITY COUNCIL MEETING

MONDAY, MARCH 19, 2012

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, March 19, 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, Truth, and Turner; City Manager Deutsch, Assistant 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/DELETIONS:

Mayor Robinson announced that a letter to County Executive Baker regarding legislation on temporary road signs is added to New Business as Item B.

CITIZEN PARTICIPATION:

A. Mr. Spencer Howard, a resident of Pin Oak Village, spoke about problems with parking at the complex. He felt there was not enough parking spaces for the number of residents.

B. Ms. Sarah Potter and Ms. Michelle Hess, 3327 Memphis Lane, spoke about residents in wheelchairs and the need for a street sign to slow down traffic.

CITY BOARDS AND COMMITTEES:

Appointments/Reappointments/Swearings-in – A. Councilmember Brady moved the appointment of Sylvia Zborowski as Chairman of the Animal Welfare Committee. Councilmember Turner seconded the motion and it carried unanimously.

B. Councilmember Gardner moved the reappointment of Gary Allen as Chairman of the Environmental Advisory Committee. Councilmember Brady seconded the motion and it carried unanimously.

COUNCIL ANNOUNCEMENTS:

Mayor Robinson thanked staff for their work on the rededication of the Hall of Honor on March 18, 2012 which was well attended. He noted that members of the Council have received many favorable comments.

CONSENT AGENDA:

Mayor Pro Tem Polangin moved the approval of Consent Agenda Items: A) Approval of Minutes of March 5, 2012 Council Meeting; B) Approval of Resolution R-21-12 - Approving a Contract with Constellation New Energy – Gas Division, LLC to Purchase Natural Gas for the City of Bowie Through the Baltimore Regional Cooperative Purchasing Committee; C. Approval of Resolution R-22-12 – Endorsing a Membership Roster for the Bowie Green Team Established Under the Sustainable Maryland Certified Program; and D. Approval of Resolution R-23-12 – Accepting Bid for the Upgrade of the Electrical System at Pump Station #1, Located at 12812 Holiday Lane. Councilmember Truth seconded the motion and it carried unanimously.

OLD BUSINESS:

A. City Redistricting – City Manager Deutsch summarized the staff report dated March 15, 2012, a copy of which is on file at City Hall. He reported staff has tried to cover all the issues raised by Council over the last couple of months; information regarding a possible redistricting plan that only affects Districts 2 and 3 was presented to Council on February 2nd; four residents spoke at the March 5th public hearing. Mr. Deutsch reported that a new map and data sheet showing a proposal that takes the neighborhood of Long Ridge from District 3 to District 2 is before Council this evening; data was also given to Council on five districts, six districts, and staff responded to a proposal from Councilmember Brady about expanding the size of the Council. He said that given the scope of the issues before Council, staff sees the possibility of a short term decision on redistricting and a longer term decision of 3-4 months of looking at the other issues relating to the length of Council terms, term limits, etc.; if Council is in a position to move forward on a redistricting decision, then staff can start preparing for the 2013 election.

Councilmember Turner said that he is in support of moving Long Ridge from District 3 to District 2.

Councilmember Brady said the cost associated with expanding the Council would be a fruitful investment, but he will support whatever the vote is; does not support six single member districts. He added that he was not supportive of term limits and with regard to the length of terms, the issue should be placed on the ballot as a question to the voters; is in favor of a 4 year term rather than a 3 year term.

Mayor Pro Tem Polangin, who was not present at the March 5th meeting, said she had watched the video of that meeting and had some time to think about the redistricting issue. She supports the staff recommendation and moved that the Long Ridge subdivision be moved from District 3 to District 2. Councilmember Marcos seconded the motion and it carried with a vote of 6-1 (Brady).

B. Ordinance O-1-12 – Amending the Code of the City of Bowie, Maryland, Chapter 17, “Parks 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) – City Attorney Levan summarized the staff report dated February 24, 2012, a copy of which is on file at City Hall. She said the ordinance will delete the requirement that users of the Skateboard Park become members of the facility and obtain a user card; this is consistent with general practice throughout the State.

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

City Manager Deutsch reported that the City Financial Advisory Committee and the Community Recreation Committee endorse adoption of the ordinance.

Councilmember Marcos moved the adoption of Ordinance O-1-12. Councilmember Gardner seconded the motion and it carried unanimously.

NEW BUSINESS:

A. Appeal of Bowie Advisory Planning Board Resolution #BV-1-12, 6801 Garth Street – Mr. Joe Meinert, Director of Planning, summarized the staff report dated March 14, 2012, a copy of which is on file at City Hall. He provided some background and said the appeal is of the Bowie Advisory Planning Board (BAPB) decision which was taken on February 28, 2012; the request is for a variance from Section 27-420(a) of the Prince George’s County Zoning Ordinance to construct a privacy fence consisting of 8 feet of fence plus 1 foot of lattice with the required side and reared sides of the property; City staff recommended denial and the BAPB concurred. Mr. Meinert said the City Code requires that the Council be provided copies of contents of the official case file of the record, the BAPB resolution, the staff report as well as the transcript; the taping equipment had failed to record the hearing so the transcript is not available; the oral argument is limited to the facts and information already in the record and no new evidence can be provided for this hearing, and only a person who is a party of record can testify; at the conclusion of the hearing, the Council may accept, deny or modify the recommendation of the BAPB, or return the application to take further testimony and reconsider its recommendation.

Ms. Diedre Trass, Chairman of the Bowie Advisory Planning Board, reported the Planning Board met on February 28, 2012 to discuss the variance request. She said while the Board was sympathetic to the request, they found that the applicant did not meet the criteria for the variance; the vote of the Planning Board was 3-2 to deny the variance.

Ms. Suzanne Butler, 6801 Garth Street, the applicant, requested that the Council reconsider the recommendation of denial; the trespassing and loitering on her property from the shopping center has increased.

Ms. Vernell Archer, 6803 Garth Street, spoke in opposition to reconsideration of the recommendation of denial. She said she had no problem with a 6 foot fence, but felt a 9 foot fence was excessive; was concerned about decreasing the value of her property.

Councilmember Marcos said he was concerned about the safety of the residents and the pathway that has been created on the property; there has been a lot of vandalism. He asked that the appeal for the variance be granted.

Mayor Pro Tem Polangin moved to approve Resolution R-20-12 denying BV-1-12 to construct approximately 163 linear feet of a 202 foot privacy fence, eight (8) feet high plus one (1) foot lattice, within the required side and rear yards of 6801 Garth Street. Councilmember Brady seconded the motion and it carried with a vote of 6-1 (Marcos).

B. Letter to County Executive Baker Re: Temporary Road Signs Legislation – Mayor Robinson summarized the letter and said that the letter offers to work with the County to develop County legislation that would improve the appearance of County roads in Bowie and throughout Prince George’s County.

Councilmember Marcos moved approval of the letter to include copies to both members of the County Council who represent Bowie. Councilmember Truth seconded the motion and it carried with a vote of 6-0-1 (Turner abstaining).

ADJOURNMENT:

Mayor Pro Tem Polangin moved to adjourn the meeting into Executive Session for the purpose of discussing legal and personnel matters with counsel. Councilmember Brady seconded the motion and it carried unanimously. The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Pamela A. Fleming, MMC
City Clerk