

REGULAR CITY COUNCIL MEETING

MONDAY, APRIL 2, 2012

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, April 2, 2012 in the Council Chambers at City Hall. Mayor Robinson called the meeting to order at 8:05 p.m.

QUORUM:

In attendance were Mayor Robinson, Mayor Pro Tem Polangin, Councilmembers Gardner, Marcos, and Trouth; City Manager Deutsch, Assistant City Manager Fitzwater, City Attorney Elissa Levan, City Clerk Fleming, Members of the Staff, the Press and the Public. Mayor Robinson announced that Councilmembers Brady and Turner would not be present.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Council led the Pledge of Allegiance to the Flag.

CITIZEN PARTICIPATION:

Ms. Nancy Wlodarski, Multiple Sclerosis, Society, spoke about the Walk for MS 2012 which will be held on April 14th at 9:00 a.m. starting at the Bowie Town Center Food Court. She thanked the Council and Police Department for their past support.

PRESENTATIONS:

A. Teacher of the Month Recognition – Dr. Dawn Brodus-Yougha, Chairman of the Education Committee, announced the January and February Teachers of the Month. She said the sponsors were the Texas Road House Restaurant who will provide dinner for two and the City of Bowie who will present a Certificate of Recognition and a check for \$50 to each teacher. Dr. Brodus-Yougha announced that the Teacher of the Month for January is Melony Dillon, who teaches at the Grace Christian School. Councilmember Marcos presented the Certificate of Recognition and the check for \$50 to Ms. Dillon and congratulated her on behalf of the entire Council.

Dr. Brodus-Yougha then announced that the Teacher of the Month for February is Valerie Jones, a second grade teacher at Pointer Ridge Elementary School. Councilmember Trouth presented the Certificate of Recognition and the check for \$50 to Ms. Jones and congratulated her on behalf of the entire Council.

B. Paraprofessional Award – Ms. Mary Louise Lopez, member of the Education Committee, announced that Ms. Wanda Boyce, Highbridge Elementary School, is the recipient of the Paraprofessional Award. Mayor Pro Tem Polangin presented the Certificate of Recognition to Ms. Boyce and congratulated her on behalf of the entire Council.

CITY BOARDS AND COMMITTEES:

Appointments/Reappointments/Swearings-in - A. Mayor Pro Tem Polangin moved the appointment of Joe Hoyt as a member of the Community Recreation Committee. Councilmember Marcos seconded the motion and it carried unanimously by those members of the Council present.

B. Councilmember Marcos moved the appointment of John Sanwo and Dustin Kuzan as members of the Financial Advisory Committee. Councilmember Trough seconded the motion and it carried unanimously by those members of the Council present.

CITY MANAGER'S REPORT:

A. City Manager David Deutsch reported on the following items: 1) Staff has filed an application with the Department of Justice for grant funding under the Community Oriented Policing Program; the application has been accepted and the funds will provide federal money for hiring police officers. 2) Council had asked if staff was pursuing the designation as a sustainable community; staff was working on an application and expect to submit it for the June application period. He said this is becoming a requirement at the State level in order to secure grant funding throughout the State government; additional details will be provided as the process proceeds and a public hearing will be held on April 12th to get community input.

CONSENT AGENDA:

A. Mayor Pro Tem Polangin moved approval of the following Consent Agenda items: A) Approval of Minutes of March 19, 2012 Council Meeting; B. Introduction of Ordinance O-2-12, Amending the Code of the City of Bowie, Maryland, Chapter 4 "Animal Control", Section 4-13 "Public Nuisance Conditions and Animals"; Procedures" to Clarify the Circumstances Under Which a Municipal Infraction May Be Issued for a Violation of Section 4-13; C Introduction of Ordinance O-4-12, Amending Chapter 2 "Administration", Article II, "Personnel System", In Order to Revise the City's Personnel Regulations for Clarification and in Order to Make the Operation of City Government More Effective and Efficient; D. Approval of Resolution R-24-12, Waiving By Two-Thirds Vote the Bidding Requirements of Section 61 of the City Charter, to Allow the City to Enter Into a Contract with Teltronic, Inc. for the Purchase of a Bi-Directional Amplifier (BDA) Distributed Antenna for Use By the Bowie Police Department; E. Approval of Resolution R-26-12, Waiving by a Two-Thirds Vote the Competitive Bidding Requirement of Section 61 of the City Charter and Awarding a Contract to GameTime in the Amount of \$249,849.63 to Furnish and Install a New Playground at Opportunity Park in Allen Pond Park; and F. Approval of Resolution R-27-12, Accepting the Stormwater Management Facility Constructed Under Permit SWM 1-0607 at Ashleigh Station and Releasing the Construction Securities Therewith. Councilmember Marcos seconded the motion and it carried unanimously by those members of the Council present.

OLD BUSINESS:

A. 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 U.S. 301 (Crain Highway) and Mill Branch Road – Mr. Joe Meinert, City Planning Director, summarized the staff report dated February 2, 2012, a copy of which is on file at City Hall. He reported that the property is located on Route 301 just below the Rip's property and north of Mill Branch Road; the annexation area includes the Xtramart gas station and vacant land south of that property; certain legal requirements have been met and in addition Council approved the Annexation Plan

identifying the proposed annexation area by resolution adopted earlier in the year. Mr. Meinert said the resolution will become effective on May 17, 2012.

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

Mayor Pro Tem Polangin moved approval of Resolution R-11-12. Councilmember Gardner seconded the motion and it carried unanimously by those members of the Council present.

NEW BUSINESS:

A. Proposed Zoning Text Amendment Regarding Flex Space (Melford Property) – City Manager Deutsch reported that Council has received a letter from Mr. Andrew Roud, representing St. John Properties and he is present this evening to address this matter.

Mr. Roud referred to the proposed legislation which would define flex space on the Melford property. He said that the current M-X-T zone is not in harmony with the covenants; they are asking for an adjustment. He requested Council support the proposed legislation.

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

Mr. Robert Antonetti, attorney for the applicant, referred to the Table of Uses contained on Page 3 of the draft legislation and pointed out that the only change is the addition of the underlined words “Flex space”.

Councilmember Marcos moved to support the staff recommendation to support the proposed legislation. Councilmember Gardner seconded the motion and it carried unanimously.

B. Request for Collective Bargaining by Bowie Fraternal Order of Police (FOP) Lodge #140 – Officer Rachel Jefferson of the Bowie Police Department and President of the Fraternal Order of Police Lodge 140. She said she is requesting that the City Council grant the Bowie Police Officers collective bargaining.

Mr. Patrick McAndrew, attorney representing the FOP, spoke in support of the request and felt that the collective bargaining process is the natural progression of the development of the Police Department.

In response to a question raised concerning the staff recommendation, Mr. Deutsch said that when the Department was under consideration in 2005, Council discussed the issue of collective bargaining; the discussions centered around the fact a union has represented the Public Works and Parks and Grounds employees for more than 40 years with a good working relationship. He added that if collective bargaining begins, the organization has the experience to do it for Council. He recommended taking the issue under advisement and determine the time frame for a formal response to the FOP.

In response to a question posed by Mayor Robinson, City Attorney Levan responded that the police officers have the right to join the FOP and establish an FOP chapter; they don't have the right to collective bargaining unless they are permitted by law and that would need Council's consent and action by ordinance to grant permission.

Following further discussion, Mayor Robinson asked for concurrence of members of the Council to take this matter under advisement in anticipation of the process. Council concurred.

ADJOURNMENT:

Mayor Pro Tem Polangin moved to adjourn the meeting into Executive Session as permitted by the Maryland Public Open Meetings Act, Section 10-508(a)(7) (attached). Councilmember Marcos seconded the motion and it carried unanimously. The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Pamela A. Fleming, MMC
City Clerk