

REGULAR CITY COUNCIL MEETING

MONDAY, APRIL 16, 2012

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, April 16, 2012 in the Council Chambers at City Hall. Mayor Robinson called the meeting to order at 8:05 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Council led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Robinson, Mayor Pro Tem Polangin, Councilmembers Brady, Gardner, Marcos, Trough, and Turner; City Manager Deutsch, Assistant City Manager Fitzwater, City Attorney Karen Ruff, City Clerk Fleming, Members of the Staff, the Press and the Public.

CITIZEN PARTICIPATION:

A. Jerry George, Ray Chatterry, Bob Richards, and Bob Flick, members of the Free State Detachment of the Marine Corps League, presented Mayor Robinson with an Honorary Membership. Mayor Robinson thanked the members of the League for the recognition.

B. Mr. Fred Phipps, 16211 Cambridge Ct., spoke about Consent Agenda item H regarding Resolution R-30-12. He said he was representing the Bowie Boys and Girls Club and was concerned about the wording regarding the award of the contract as to when the project would be complete. Mayor Robinson explained that the commitment and the funding is in place; the reason for the delay is that the City did not want to destroy the field during the 2012 playing cycle. A copy of Mr. Phipps' statement is attached.

City Manager Deutsch responded to Mr. Phipps by reiterating that the funds are in place and said City staff would like nothing more than to start the project now, but the project is not a longer project than six weeks, staff had administrative issues with the change in the consortium staff was working with and the City had to reapply; the company had a number of projects and told City staff recently that they were not comfortable taking on the project in 2012 given the number of projects they had already committed to; there was also delay in the County permitting process. Mr. Deutsch added that it was unfair to suggest that anyone working for the City has artificially delayed this project; the City did not want to take the football field out of commission with construction during the 2012 football season.

C. Mr. Richard O'Brien, member of the Public Safety Committee, referred to the recent public safety awards program and said he hoped the City will continue to sponsor public safety events. He added that the joint Chamber/City committee has decided to hold the 2013 event on August 23, 2013 and, as a result of the later date, there is no need for the City to budget funding

for the FY 2013 budget because the new date will fall in the FY 2014 budget cycle. A copy of Mr. O'Brien's statement is attached.

PRESENTATIONS:

A. Proclamation P-4-12 – Declaring May 2012 As Business Appreciation Month – Mayor Pro Tem Polangin presented the proclamation to Edward Leyden, Chairman of the Bowie Economic Development Committee. Mr. Leyden thanked the City Council.

CITY BOARDS AND COMMITTEES:

Appointments/Reappointments/Swearings-in – A. Councilmember Brady moved the appointment of Mr. Marion Shipman as a member of the Bowie Arts Committee. Councilmember Trough seconded the motion and it carried unanimously.

B. Mayor Robinson swore Mr. Shipman into office in accordance with Sec. 92A of the City Charter.

COUNCIL ANNOUNCEMENTS:

Mayor Robinson announced that this meeting was the last one for City Clerk Pamela Fleming as she will be retiring at the end of the month. The City Council congratulated her and wished her best wishes in her retirement.

CONSENT AGENDA:

Mayor Pro Tem Polangin moved the approval of Consent Agenda Item A: Approval of Minutes of April 2, 2012 Council Meeting; and B. Approval of Minutes of April 9, 2012 Special Council Meeting; C. Approval of Proclamation P-5-12, Recognizing April 28, 2012 As Arbor Day in Bowie; D. Approval of Proclamation P-6-12, Proclaiming the Month of May as National Bike Month; E. Approval of Proclamation P-7-12, Proclaiming May 18, 2012 As Bike to Work Day in Bowie; F. Approval of Resolution R-28-12 – Approving Variance Application BV-2-12, a Request by Mr. Ryan McNally and Ms. Mackenzie Dutton for a Variance to Construct Approximately 190 Linear Feet of Six Foot (6) High Fence in the Front and Side Yards of 15239 Noblewood Lane When, According to the Prince George's County Zoning Ordinance, Such Fencing Shall not be More Than Four Feet High; G. Approval of Resolution R-29-12 – Approving a Agreement Between the City of Bowie and Sport Fit Fitness Club Regarding the Installation and Maintenance of a New Freestanding Sign Along Whitemarsh Park Drive at Its Intersection With MD Route 3 and Authorizing the City Manager To Sign the Agreement; H. Approval of Resolution R-30-12 – Waiving by a 2/3 Vote the Competitive Bidding Requirement of Section 61 of the Charter of the City of Bowie and Awarding a Design and Construction Contract to FieldTurf USA, Inc. in the Amount of \$970,433.07 for the Installation of a Synthetic Turf Field at the Whitemarsh Park Football Field. Approval of Letter to the Prince George's County Council re: FY 2013 Proposed County Budget and FY 2013 - 2018 Capital Improvement Program; J. Approval of Letter to the Prince George's County Council re: Maryland-National Capital Park and Planning Commission Portion of FY 2013 Proposed County Budget and FY 2013 - 2018 Capital Improvement Program; K. Introduction of Ordinance O-5-12 – Amending the Adopted Budget for the Fiscal Year Beginning July 1, 2012 and Ending June 30, 2012, as Embodied in Ordinance O-11-11 as Amended by Ordinance O-14-11, to Reflect the Receipt of Additional Grant Funds; and to Appropriate Funds for the Following Projects and Purchases: Replacement of Ball Field Lighting at Allen Pond Park, Replacement of the Bulkhead and Floating Dock at Allen Pond Park, Installation of Photovoltaic Systems at the Parks Maintenance Facility and the

National Capital Radio and Television Museum, Purchase of Single Stream Recycling Containers, Expansion of the Capacity of the Youth Services Bureau to Provide Prevention Counseling, Replacement of One Hybrid Vehicle and One Police Vehicle, Construction and Closeout for (1) City Hall, (2) the Solid Waste Administration Building and (3) Church Park Restroom and Concession Stand, Replacement of the HVAC System at the Genealogy Library, Construction Of Pedestrian Pathway on Rte. 197, and Repair of Drainage Systems for Several City Properties. Councilmember Brady seconded the motion and it carried unanimously.

OLD BUSINESS:

A. Ordinance O-3-12 – Approving and Adopting a Budget for the Fiscal Year Beginning July 1, 2012 and Ending June 30, 2012 –

B. Resolution R-25-12 – Adopting a Capital Improvement Program for Fiscal Years 2013-2018 –

Public Hearing:

1. Ms. Karen Shipley, 12623 Kernett Lane, spoke on behalf of Bowie CLAW in support of an animal shelter. She provided some history of how the organization was formed.

2. Ms. Teri Stumpf, 4917 Ridgeview Drive, spoke of support received from many citizens of Bowie in the form of donations and items for pets for the animal shelter. She noted some of the activities that Bowie CLAW has participated in order to raise funds.

3. Ms. Connie Carter, 12100 Rustic Hill Drive, provided a report to the Council, a copy of which is on file at City Hall. The report included information about animals which have been picked up by Bowie Animal Control.

4. Ms. Margaret Herman, 2627 Felter Lane, a member of the Bowie Arts Committee, spoke about the need for support for space for art exhibits.

C. 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 – City Attorney Ruff summarized the ordinance and said it provides that the circumstances under which a municipal infraction may be issued for a violation of Section 4-13 could be done by any observance of a Code Enforcement Officer or based upon an affidavit by at least two witnesses who reside in separate households who are at least 18 years of age and have personal knowledge of the violation. She said this would be consistent with Chapter 13, Section 13-3 Environmental Noise Control provision.

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

Councilmember Marcos moved the adoption of Ordinance O-2-12. Councilmember Brady seconded the motion and it carried unanimously.

D. 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 – City Attorney Ruff summarized the ordinance reported that some housekeeping corrections were made and Personnel Director was changed to Human Resources Director, clarifying that the Human Resources Director and the City Manager have access to personnel records, clarifying that the investigation of potential employees include criminal background and credit checks as authorized by law. She said some of the other changes include recommending that new part-time employees not accrue personal, vacation leave or part-time disability benefits; this will not effect current part-time employees; the section on procedures of dismissal and grievance processes was clarified; the section regarding the Board of Personnel Appeals was changed to make the function more efficient in the conduct of grievance hearings and provide guidance regarding the scope of services for employee discipline hearings; the ordinance requires collective bargaining units to make an affirmative election as to whether they wish to proceed under the grievance process contained in the collective bargaining agreement or the grievance process written in the City Code.

Public Hearing:

Mr. Seymour Alloy, 2506 Korvale Lane, said he was speaking as an interested taxpayer, but noted that he was the first member of the Board of Personnel Appeals when it was formed. He spoke about the construction and operation of personnel appeal systems.

Councilmember Turner moved the adoption of Ordinance O-4-12. Mayor Pro Tem Polangin seconded the motion and it carried unanimously.

E. Hilltop Plaza Rezoning Request (Zoning Map Amendment #A-10016) – Mr. Frank Stevens, Senior Planner, summarized the staff report dated March 1, 2012, a copy of which is on file at City Hall. He referred to a memorandum dated June 30, 2009 from the Bowie Advisory Planning Board and noted the Board voted unanimously in favor of the staff recommendation to approve the rezoning request. Mr. Stevens gave some background information of the site, reported on the Stakeholder's meeting, provided information on the criteria for approval of the M-X-T zone, and the 10 purposes of the M-X-T zone. He concluded his report by stating that staff finds that, because the rezoning proposal meets and complies with the criteria for approval of the Zoning Map Amendment, and since the requested rezoning to a mixed use zone (M-X-T) is in conformance with the approved 2006 Bowie and Vicinity Master Plan and Sectional Map Amendment, staff recommends that Zoning Map Amendment #A-10016 be approved.

Mr. Edward Leyden, Chairman of the Economic Development Committee, reported that the committee met and discussed the Hilltop Shopping Center proposal and voted to recommend approval of the M-X-T zone; the compelling factor driving the recommendation is that approval of the M-X-T zone by the City Council is necessary in order to harmonize the existing site with the County Master Plan. He said the Committee voted 7-1-1 in favor of the recommendation.

Mr. Thomas Haller, representing the owner of the property, said he wanted to provide some additional context and overview since the Council last heard this matter; the overview included history of the property and noted that the subject parcel which is now a parking lot was originally zoned for townhouses; the zoning was changed to R-R several years later. Mr. Haller spoke about problems that have arisen in the rear of the shopping center such as an increase in vandalism, loitering and other activities which are of concern not only to the tenants but also

to the residents of the community behind the shopping center; the County had recommended in 2006 that mixed uses be introduced on the property to provide additional interaction in the area; in 2008, a presentation was made to renovate the center with the idea of putting residential in the rear; the City Council recommended approval in 2009 and recommended senior housing be built in the subject area; there were many concerns and problems raised by the owner of the property who then decided to move forward with the renovation and put the residential idea on hold. Mr. Haller said they are proposing to change the zoning and were not asking the Council to approve the specific number of units or specific development type; they have no problem with pursuing senior housing but they do not have a builder; if the property is rezoned, they will work with City staff to select a broker who will market the property to senior housing developers; they do not know at this time what will work, but will engage the community to address all of the concerns.

Public Hearing:

1. Mr. Boyd Campbell, 16211 Cambridge Ct., said he was a small business owner, and spoke in support of the requested rezoning. He said he had spoken to other tenants who also were in support of the rezoning.

2. Mr. Tony Alessandro, 13413 Idelwild Drive, spoke in opposition to the rezoning; felt that Bowie was a very unique city and did not want to see it change.

3. Mr. Briar Smith, 13318 Idlewild Drive, spoke in opposition to the rezoning. He had concerns regarding traffic turn lanes which he felt were hard to navigate and that Race Track Road is becoming overcrowded with traffic.

4. Ms. Monica Best James, a resident of the Idlewild section, spoke in opposition to the rezoning. A copy of Ms. James' statement is attached.

5. Ms. Anissa Sorokin, 13427 Idlewild Drive, also spoke in opposition to rezoning of the property. She felt that Race Track Road would become dangerous.

6. Mr. Jesse Barnes, 3619 Morningside Lane, asked the City Council to not vote for approval since there would be additional congestion on Race Trace Road.

7. Mr. Rex Schroyer, 13029 Victoria Heights Drive, spoke in opposition to the rezoning.

8. Mr. William Green, 13107 7th Street, also spoke in opposition.

9. Mr. Al Mellits, 13307 Idlewild Drive, also spoke in opposition to the rezoning because of increased traffic and crowding in the parking lot.

10. Mr. John Heine, 13019 Victoria Heights Drive, was opposed to the rezoning proposal.

11. Mr. Ray Alcorn, a resident of Davidsonville, also said he was opposed to the rezoning and felt it was the wrong type of development for the property.

12. Mr. Dufoor Woolfley, 2705 Largo Place, spoke in opposition and said that a stakeholders meeting was needed.

13. Mr. Steve Krukar, 2915 Yarmouth Lane, said he agreed with the previous speakers.

14. Ms. Fiona Moodie, 13205 Ithan Lane, spoke in opposition to the rezoning.

15. Mr. Domenic Greco, a business owner in the Hilltop Plaza Shopping Center, spoke in favor of the project and felt that growth of the community cannot be stopped.

16. Mr. K.J. Vigue, spoke in favor of the project.

17. Ms. Lynn Romanek, 13324 Idlewild Drive, said she was a teacher at Samuel Ogle Middle School and was concerned that the proposed development is not in the residents' control.

Mayor Robinson read a letter into the record from Geraldine Valentino-Smith, Maryland House of Delegates, which indicated opposition to the project. A copy of Delegate Valentino-Smith's letter is attached.

Mr. Haller responded to questions from the Council and said this property owner is here to stay to take care of the property. He said he understood the concerns of the townhouse association; the process is a long one and he wished that he could bring to Council exactly what they propose to build.

Following comments by members of the Council concerning involving the community when the developer comes up with a vision of what is to be built at the rear of the shopping center, Councilmember Marcos moved to deny Hilltop Plaza Rezoning Request (Zoning Map Amendment #A-10016) and that the developer is to come back at a later date with the plan. Councilmember Trowth seconded the motion.

Councilmember Turner asked that several emails he had received from residents be included in the record.

The motion carried with a vote of 6-1 (Robinson).

NEW BUSINESS:

A. Prince George's County Human Relations Commission – Mr. Michael Lyles, Director of the Commission, provided some background about the Commission and said it is the civil rights law enforcement agency in Prince George's County; the County Executive had tasked him with coming up with a new direction and vision; a marketing campaign provided a new logo and a tag line; the new vision is that the Human Relations Commission is committed to develop Prince George's County as a great place to live, work and play unhindered by bias, misunderstanding and conflict based on race, religion, color, gender or national origin.

Councilmember Turner asked that the PowerPoint presentation be presented to the Bowie Diversity Committee who will be meeting this week.

B. Legislative Report: Review of Recently Completed General Assembly Session by City Lobbyist – City Manager Deutsch summarized the report provided Mr. Len Lucchi, City Lobbyist, dated April 16, 2012, a copy of which is on file at City Hall. He reported on the following:

1. The General Assembly is likely to go back into session next month regarding budget matters; the immediate impact if taxes are not raised, is that the City will lose the \$297,000 in police aid;
2. There is continued funding for the Bowie Health Center through an ongoing agreement that brings in the University of Maryland Medical System;
3. The Land Use Authority legislation did not pass and will be the subject of a summer study;
4. The proposal for an expanded beer and wine license for certain grocery stores will also be studied this summer;
5. Council was informed of the Communication Taxes and Fees legislation earlier this year which is a bill to study whether the states structure for taxing communication companies was enacted; some municipal representatives were added which Bowie and the Maryland Municipal League had requested;
6. The proposal Home Delivery of Alcoholic Beverages legislation failed;
7. Legislation to allow a non-law enforcement officer to certify speed camera violation citations also failed and was referred for interim study;
8. Bowie State University was allocated \$3.1 million in the capital budget for a new Natural Sciences Center.

Mr. Deutsch concluded his report by stating that staff will continue to monitor the Annapolis process and keep Council apprised of anything new that may arise with regard to the budget.

C. County Legislation - Architectural Conservation Overlay Zones (CB-5-2012, Draft #3)
– Mr. Joseph Meinert, City Planning Director, summarized the staff report dated April 12, 2012, a copy of which is on file at City Hall. He said that Council is being requested to support the legislation which affects architectural conservation overlay zones in Prince George's County; it provides additional flexibility in the existing law and staff feels the flexible approach will help with protecting the community character; the bill is enabling legislation which sets forth the parameters under which a local ordinance could be submitted to the County Council for approval and is in line with City policy. He concluded by saying that staff recommends approval of the draft letter to the Chairman of the County Council; the hearing is scheduled for May 1, 2012.

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

Councilmember Turner moved to support the staff recommendation. Councilmember Marcos seconded the motion and it carried unanimously.

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ADJOURNMENT:

Mayor Pro Tem Polangin moved to adjourn the City Council meeting. Councilmember Polangin seconded the motion and it carried unanimously. The meeting was adjourned at 11:35 p.m.

Respectfully submitted,

Pamela A. Fleming, MMC
City Clerk