



City of Bowie

2614 Kenhill Drive
Bowie, Maryland 20715

REGULAR CITY COUNCIL MEETING

TUESDAY, JANUARY 18, 2011

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Tuesday, January 18, 2011 in the Council Chambers at City Hall. Mayor Robinson called the meeting to order at 8:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Anthony Dejournette of Troop 1009, Boy Scouts of America led the Pledge of Allegiance to the Flag.

SWEARING-IN CEREMONY:

Mayor Robinson swore Henri Gardner into office as the new At-large Councilmember in accordance with Section 92A of the City Charter.

Councilmember Gardner thanked God, his mother, aunt, and the Council, staff and friends for their support during the process of being selected as a member of the Bowie City Council. He introduced several friends and family members who were in the audience and added that he looked forward to working with the Council and serving the citizens of Bowie.

QUORUM:

In attendance were Mayor Robinson, Mayor Pro Tem Marcos, Councilmembers Brady, Gardner, Polangin, Truth, 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.

PRESENTATIONS:

A. Teacher of the Month Recognition – Dr. Dawn Brodus-Yougha announced that Ms. Karen Cain of Grace Christian was the Teacher of the Month for November. Councilmember Polangin presented a Certificate from the City Council and a U.S. Savings Bond from BBT Bank to Ms. Cain.

B. Dr. Brodus-Yougha announced that Mr. Jonathan Jones of Whitehall Elementary School was the Teacher of the Month for December. Councilmember Marcos presented a Certificate from the City Council and a U.S. Savings Bond from BBT Bank to Mr. Jones.

MAYOR G. Frederick Robinson **MAYOR PRO TEM** James L. Marcos

COUNCIL Dennis Brady ♦ Henri Gardner ♦ Diane M. Polangin ♦ Isaac C. Truth ♦ Todd M. Turner **CITY MANAGER** David J. Deutsch
City Hall (301) 262-6200 FAX (301) 809-2302 TDD (301) 262-5013 WEB www.cityofbowie.org

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearings-in – Councilmember Polangin moved the appointment of Douglas Adams as the student member of the Environmental Advisory Committee. Councilmember Brady seconded the motion and it carried unanimously.

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

COUNCIL ANNOUNCEMENTS:

Mayor Robinson said during the past week, America lost a couple of very good people: Bud Marshall who served as the State's Attorney for Prince George's County for many years and who was a Korean War Veteran and served with distinction; and, Dick Winters, a true American hero who served during World War II.

CITY MANAGER'S REPORT:

City Manager David Deutsch reported on the following items: 1) Meeting – Reminded the City Council that County Councilmember Ingrid Turner is hosting a second meeting regarding assessments to help explain how the process is moving forward; 2) Police Chief Recruitment – Friday, January 21, is the deadline for submitting applications; 99 applications have been received thus far; staff is meeting with the consultant to review resumes and interviews are expected to begin in mid-February. 3) Speed Cameras – Reminded everyone that cameras are now live on Route 450 near Bowie High School and Route 197 near Rockledge Elementary School; staff has received positive news regarding on-going efforts to get the County to agree with the City's request to place cameras on County roads; expect to receive proposed agreement this week and expect to have cameras on Race Track Road near Yorktown Elementary School and on Old Chapel Road near Whitehall and Samuel Ogle Elementary Schools.

CONSENT AGENDA:

Mayor Pro Tem Marcos moved the approval of Consent Agenda Item A: Approval of Minutes of January 3, 2011 Council Meeting; B. Approval of Minutes of January 8, 2011 Special Council Meeting; C. Approval of Resolution R-6-11, Accepting Bid Proposal For Consulting Services For The Urban Greening Strategy; D. Approving of Resolution R-8-11, Approving a Contract Between the City of Bowie and Chesapeake Holdings BB MB, LLC for the Acquisition of a 9.53-Acre Parcel of Land Located Between Ayrwood Road and U.S. 301; and E. Amending the Adopted Budget for the Fiscal Year Beginning July 1, 2010 and Ending June 30, 2011, As Embodied in Ordinance O-3-10, As Amended by Ordinance O-7-10, As Amended, For the Purpose of Funding Street Paving at Woodmore Estates, to Purchase ICOP Wireless In-Car Camera System Equipment, to Install Energy Conservation Devices at City-Owned Facilities, to Purchase Single Stream Recycling Containers, to Perform Residential Energy Audits, to Renovate Ballfield Lighting at Allen Pond Park, to Expand the Youth Services Bureau Capacity to Provide Prevention, Intervention and Treatment Services, to Develop a Tree Canopy Plan for the City of Bowie, to Purchase and Install an Electrical Panel With Switch Gear at the Water Treatment Plant, to Relocate a 400 Kilowatt Generator at the Wastewater Treatment Plant and to Provide Funding for Professional Service Fees Incurred. Councilmember Brady seconded the motion and it carried unanimously.

OLD BUSINESS:

A. Resolution R-1-11 - Enlarging the Corporate Boundaries of the City of Bowie by Annexing Into the City Lands Contiguous and Adjoining to the City's Existing Corporate Boundary, Specifically, the Spring Meadows Subdivision and the Adjacent Woodcliff Road Commercial Area and Several Properties Along Church Road, Including the Dixon Property Subdivision, All Consisting of Approximately 123.1612 Acres of Land, Generally Located South of Old Maryland Route 450 (Old Annapolis Road), On Both Sides of Church Road – City Manager Deutsch summarized the resolution and said the resolution was introduced at Council's last meeting and the plan of the annexation was introduced over a month ago; an annexation agreement was executed with K & P Builders, the developers of the Spring Meadows Subdivision. He said the annexation includes Spring Meadows, a 53 lot subdivision off Old Rte. 450 and contains adjacent commercial areas; there are 4 existing residential properties on Church Road and some undeveloped property known as the Dixon Property which is under development by K. Hovnanian Homes and contains 57 lots. Mr. Deutsch said all of the appropriate hearings have been held and necessary advertisements have been placed according to State law; in the case of Spring Meadows, the annexation agreement required residents to sign consent forms indicating they supported the annexation; staff has met with representatives of the homeowners association and all are in agreement to become a part of the City; the County has not released the bonds for the roads as the top coat of asphalt has not been completed by K & P, but expect that as soon as the weather clears, K & P will get the paving contractor to finish the work and the bonds should be released.

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

In response to a question posed by Councilmember Turner with regard to the election district which this property would be located, City Manager Deutsch replied that staff is considering placing both Spring Meadows and Dixon Crossing in District 3; this is subject to revision following redistricting.

Councilmember Turner moved the adoption of Resolution R-1-11. Councilmember Brady seconded the motion and it carried unanimously.

NEW BUSINESS:

A. City Council 2011 Legislative Program – Councilmember Turner announced that he will recuse himself from discussion and voting on this item.

Mr. Leonard Lucchi, Lobbyist for the City, presented his report, a copy of which is on file at City Hall. He reported on his recommendations for the City Legislative Agenda which would serve as a clear and concise message of what the City would like to see accomplished in the next ninety days as follows:

1. Restore Municipal Aid – Recognizing that the State is in dire fiscal straits, the City of Bowie maintains that the first cuts that should be restored when revenue is available are the cuts to municipal Highway User Revenues and municipal police aid.

2. Help Fund Construction of a New Synthetic Turf Field at Whitemarsh Park – The City is seeking \$220,000 to pay a share of the construction costs of a new synthetic turf field at Whitemarsh Park.

3. Preserve the Bowie Training Center as Open Space – The State, County and City governments should partner to acquire this property and use it for open space purposes.

4. Protect the Bowie Health Center – The City urges all stakeholders to collaborate in order to entice a teaching institution, such as the University of Maryland Medical System, to acquire the County Hospital System and keep the Bowie Health Center open.

Councilmember Brady moved to adopt the recommendations as the 2011 Legislative Agenda. Mayor Pro Tem Marcos seconded the motion and it carried unanimously.

B. Animal Welfare Committee – City Manager Deutsch said the issue before Council is a recommendation that came from Council for the creation of an Animal Welfare Committee; staff initially responded by memorandum last April and recently forwarded another memorandum to Council providing the staff prospective on this matter.

Ms. Sally Hein, Assistant Community Services Director, summarized the staff report dated January 13, 2011, a copy of which is on file at City Hall. She said the City of Bowie has an excellent animal control team; the officers are knowledgeable, hard working and care deeply about the animals they are charged with helping; they and the support staff member are available by phone, email and in person from 8 a.m. to 9 p.m. most weekdays and during daylight hours on Saturday; they provide hands-on assistance in the field and information and advice from both the field and office. Ms. Hein said the Animal Control Division is continually working to improve services in the community; enhancements during the past year include the low-cost micro-chipping program and Pet Alert, both of which assist Animal Control Division; when animal related conflicts and violations arise, staff issues municipal infractions, which if appealed by the pet owners, are brought to the existing committee, the Administrative Review Board/Board of Appeals for a hearing. Ms. Hein said she was concerned that time spent in meetings and producing additional committee reports and programs will lessen the ability to serve constituents given the fact the animal control division already has a heavy workload. She asked Council to encourage the Bowie CLAW members to continue to share their thoughts and concerns as well as expand their grass roots efforts in the community to locate more foster and adoptive homes and to consider outreach to the County and/or local veterinarians to provide a local low-cost spay/neuter location; before forming a committee she asked Council and the community to clearly identify the areas where they feel the Animal Control Division is deficient; perhaps these items could be easily addressed without requiring undue expenditure of time by staff, or taking volunteers away from their more needed ventures. Ms. Hein concluded by saying that staff recommends that the status quo be maintained as at the current time the objectives suggested for a new Animal Welfare Committee are being met.

Public Hearing:

1. Ms. Teri Stumpe, 4917 Ridgeview Lane, spoke in favor of the formation of an Animal Welfare Committee. She said she felt the creation of a new committee would serve as a vital link between the City Council and citizens by advising the Council on matters pertaining to animal needs and resources within the community.

2. Ms. Connie Carter, 12100 Rustic Hill Drive, also spoke in favor of the formation of an Animal Welfare Committee. She said she felt the animal holding shelter to be located at the new City Hall is a step in the right direction; the addition of an Animal Welfare Committee will further demonstrate that the City is making an effort for pet owners as has been done for the children and seniors of Bowie.

3. Mr. George Buss, 12640 Millstream Drive, spoke in opposition to the formation of an Animal Welfare Committee. He said he felt that the City already has a professional animal control staff, is getting new space at the new City Hall and felt there was no need for an additional committee.

Councilmember Brady said that he felt that Council and staff were slow to respond to the issue of animal welfare when they brought it forward nearly three years ago. He commended the members of CLAW for their dedication to animals. A copy of Mr. Brady's complete statement is attached hereto. Mr. Brady also presented a proposed resolution to create an Animal Welfare Committee.

Following statements of support from the other members of the City Council, Councilmember Brady moved to direct staff with finalizing the resolution to create an Animal Welfare Committee. Councilmember Truth seconded the motion and it carried unanimously.

Councilmember Brady asked that annual reports be given to the City Council from all city boards and committees which would be presented at a worksession. Following a statement regarding the establishment of a short term holding facility, Mr. Brady asked for Council consensus to direct staff with developing budget numbers for beginning the task of holding pets for a short time so that owners can more easily retrieve their wayward pets in a more timely fashion and for volunteers to have an opportunity to place the picked up pets in foster homes pending placement into permanent homes if their owners do not come forward; it would include the "No Build" option, fitting out the small area in the new City Hall to serve as a holding facility, as well as the construction/renovation of a larger facility on existing City property; the study should also include estimates of revenues resulting from fees charged for stray pets as well as the potential for the cost of such a service/facility to be included in the formula used to determine the County's Tax Differential.

City Manager Deutsch said he was concerned that staff is getting the message that deviates from what staff heard clearly on December 6 when Council received budget guidance from the Finance Director. He said that what he heard from Council unanimously that there would be no new CIP programs in preparing the FY 2012 budget; also thought that Council was unanimous in moving toward the new building with an expectation that Council would take about a year to analyze the results of operating in the new facility with an area to hold animals for a longer period of time before they are taken to the County facility; staff will conduct whatever research and preparation of financial data requested by Council, but is concerned because staff is well underway with budget preparation that the Council seems to be shifting its message; has concerns about timing and what this says about how to approach the FY 2012 budget.

Mayor Robinson said Council's position has not changed from that of not supporting any new capital projects. He said he didn't want anyone to leave this meeting with a predetermined conclusion; the budget will be a challenge because of the loss of substantial State funds and significant loss in the tax base as a result of the assessments and it is highly unlikely there will be any new capital projects.

It was the consensus of Council to direct staff to prepare a report with the budget numbers for beginning the task of holding pets for a short time as well as the "No Build" option fitting out the small area in the new City Hall to serve as a holding facility.

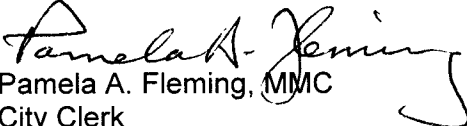
January 18, 2011

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ADJOURNMENT:

Councilmember Gardner moved to adjourn the City Council meeting. Mayor Pro Tem Marcos seconded the motion and it carried unanimously. The meeting was adjourned at 9:35 p.m.

Respectfully submitted,


Pamela A. Fleming, MMC
City Clerk

I want to start out by thanking my colleagues on the Council for their continued interest and support.

Recognize those members of CLAW that are present. (Ask them to stand) Admit to the fact that staff and council were slow to respond to the issue of animal welfare when they brought it forward nearly three years ago. Commend Rhoda Pollack for her compassion and tenacity, Tara Kelly-Baker for her organizational skills, Karen Garretson for her leadership and all of the other members of CLAW for their dedication to the animals.

Commend staff, especially Bowie Animal Control officers, for their dedication to the citizens of Bowie, both the two legged and the four legged ones. Not only is the city a well run municipality, it is one with caring and dedicated staff.

Note for the record the improvements that staff highlights in their memo: improving services to the community (μ -chip clinic and Pet Alert); providing a low-cost spay/neuter program; and assisting at the County's annual rabies clinic. They are to be commended for their response to the suggestions by Bowie CLAW. Also note for the record the success of Bowie CLAW. Their μ -chip clinic rivals what the City does. And their effort to assist families with pets who have fallen on tough economic times by providing them with food and medical care should be a model for other communities to emulate.

The early relationship between the group of citizens who brought this issue forward and the city was both awkward and challenging. The average citizen did not understand how staff was organized or how they carried out their duties. Staff appeared skeptical of the motivation behind this group. And Council was slow to respond. This only added to the tension in the early going. Much progress has been made over the course of the past year but there is still much that can be accomplished.

It has been nearly three (3) years since we began this journey. I see strong parallels between this group's efforts and those of the Bowie Dog Park Association. In my mind, not only have they proven that there is a need for an advisory committee on Animal Welfare, they have stepped up to the plate to assist. We should honor their efforts by establishing a standing City Committee: the Bowie Animal Welfare Committee.

While I see this committee paralleling that of other committees which we have, I see precedence for establishing this committee in nearly every other committee that exists: Education Committee; Community Recreation Committee; Diversity Committee; Bowie Advisory Planning Committee; Community Outreach Committee, just to name a few.

In their memo, staff points out distinctions between the level of effort and role of BAC and that of volunteers such as CLAW. These distinctions argue against establishing this committee. I would suggest that these differences would argue in favor of a committee. And I strongly believe that the creation of this committee will in fact enhance and improve the already stellar performance of our BAC.

I have a modest proposal for a resolution to create Bowie's Animal Welfare Committee. (Hand out copies) I fully expect that there are items which I failed to include and there may be some items that I incorrectly included. I am open to suggested language changes by staff and by the public.

<BREAK FOR DISCUSSION OF RESOLUTION CREATING ANIMAL WELFARE COMMITTEE>

Finally, I quote from the top of the second page of the January 13, 2011 staff memo: "Keeping our Animal Control Officers on the street and available to protect our pets and residents is a primary goal of the Bowie Animal Control program." I fully believe this to be true. I do not believe that the creation of the Animal Welfare Committee will detract from their mission; to the contrary, I strongly believe that it will assist in achieving this goal. I do believe that staff's statement strongly supports the establishment of a short term holding facility. Too much time, energy and effort are routinely spent transporting pets picked up in the City to the County facility.

I would like to comment on the apparent differences between the numbers of lost and stray pets taken to Prince George's County by CLAW and the number reported by staff. It is not that CLAW inflates the numbers in their report or that staff under-reports their numbers. Rather, it is obvious when you look at the data that the numbers reported by staff are actually a sub-set of the totals reported by the County and included in CLAW's report.

I would ask for consensus of my colleagues to task staff with developing budget numbers for beginning the task of holding pets for a short time so that owners can more easily retrieve their wayward pets in a more timely fashion and for volunteers to have an opportunity to place the picked up pets in foster homes pending placement into permanent homes if their owners do not come forward. As with any other assessment, it would include the "No Build" option, fitting out the small area in the new city hall to serve as a holding facility, as well as the construction/renovation of a larger facility on existing city property. The study should also include estimates of revenues resulting from fees charged for stray pets as well as the potential for the cost of such a service/facility to be included in the formula used to determine the County's Tax Differential.

RESOLUTION

OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND

ESTABLISHING THE ANIMAL WELFARE COMMITTEE

WHEREAS, it is the desire of the City Council to provide for the welfare of domesticated and wild animal within the City; and,

WHEREAS, willing volunteers and experts reside within the community which can augment City staff in the area of Animal Welfare; and,

WHEREAS, the City Council wishes to coordinate the efforts of the volunteers with that of City staff;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland that the Animal Welfare Committee is hereby established:

Section 1. Purpose

The Animal Welfare Committee is hereby established to advise the City Council on all policy matters related to animals, both domesticated and wild, to work with City Staff on issues related to animal welfare, and to educate the citizens of Bowie on issues related to animal health, safety and welfare.

Section 2. Functions:

(a) The Animal Welfare Committee shall provide the City Council with advice on all matters relating to animal welfare within the City.

(b) It shall act as a liaison and adviser to the City Council regarding Prince George's County Animal Control.

(c) The City Manager shall refer to the committee for its consideration matters relating to the welfare of animals, both domestic and wild, which he believes to be the proper subject of the committee's study or recommendation; with immediate notification of such referrals to the Council.

(d) The committee shall make recommendations on matters relating to immediate and long-range animal welfare problems, policies or programs as it deems appropriate. Permission to proceed on such recommendations must be approved by the City Council.

Section 3. Membership

The permanent Animal Welfare Committee is to be composed of five members who are qualified voters and residents of the City of Bowie.

Section 4. Rules and Regulations

The committee shall be governed by the Rules and Regulations for City Committees as adopted and amended by the City Council.

Section 5. City Council - Committee Review

The committee shall prepare an annual report on the state of Animal Welfare in the City and present it to Council in a regularly scheduled Council work session.

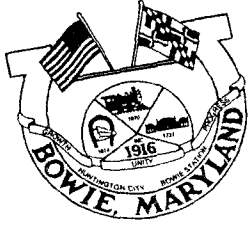
INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a Regular Meeting on

_____.

G. Frederick Robinson
Mayor

Attested:

Pam Fleming
City Clerk



City of Bowie

2614 Kenhill Drive
Bowie, Maryland 20715

AGENDA

REGULAR CITY COUNCIL MEETING
TUESDAY, JANUARY 18, 2011 – COUNCIL CHAMBERS – 8:00 P.M.

- I. CALL MEETING TO ORDER:
- II. PLEDGE OF ALLEGIANCE:
- III. SWEARING-IN CEREMONY:
 - A. Swearing-in of Newly Appointed Member of the City Council
- IV. QUORUM:
- V. AGENDA ADDITIONS/DELETIONS/AMENDMENTS:
- VI. CITIZEN PARTICIPATION:
- VII. PRESENTATIONS:
 - A. Teacher of the Month Recognition
- VIII. CITY BOARDS AND COMMITTEES:
 - A. Appointment of Student Member to the Environmental Advisory Committee
- IX. COUNCIL ANNOUNCEMENTS:
- X. CITY MANAGER'S REPORT:
- XI. CONSENT AGENDA:
 - A. Approval of Minutes of January 3, 2011 Council Meeting
 - B. Approval of Minutes of January 8, 2011 Special Meeting
 - C. Approval of Resolution R-6-11 - Accepting Bid Proposal Applied Ecological Services For Professional Services Required for the Development of a Greening Strategy
 - D. Approval of Resolution R-8-11 – Approving a Contract Between the City of Bowie and Chesapeake Holdings BB MB, LLC for the Acquisition of a 3-Acre Parcel of Land Located Between Ayrwood Road and U.S. 301

- E. Introduction of Ordinance O-2-11 – Amending the Adopted Budget for the Fiscal Year Beginning July 1, 2010 and Ending June 30, 2011, As Embodied in ordinance O-3-10, As Amended by Ordinance O-7-10, As Amended, For the Purpose of Funding Street Paving at Woodmore Estates, to Purchase ICOP Wireless In-Car Camera System Equipment, to Install Energy Conservation Devices at City-Owned Facilities, to Purchase Single Stream Recycling Containers, to Perform Residential Energy Audits, to Renovate Ballfield Lighting at Allen Pond Park, to Expand the Youth Services Bureau Capacity to Provide Prevention, Intervention and Treatment Services, to Develop a Tree Canopy Plan for the City of Bowie, to Purchase and Install an Electrical Panel With Switch Gear at the Water Treatment Plant, to Relocate a 400 Kilowatt Generator at the Wastewater Treatment Plant and to Provide Funding for Professional Service Fees Incurred With Respect to the Speed Camera Program

XII. **OLD BUSINESS:**

- A. Resolution R-1-11 – Enlarging the Corporate Boundaries of the City of Bowie by Annexing Into the City Lands Contiguous and Adjoining to the City's Existing corporate Boundary, Specifically, the Spring Meadows Subdivision and the Adjacent Woodcliff road commercial Area and Several Properties Along Church Road, Including the Dixon Property Subdivision, All Consisting of Approximately 123.1612 Acres of Land, Generally Located South of Old Maryland Route 450 (Old Annapolis Road), On Both Sides of Church Road – Public Hearing/Eligible for Action

XIII. **NEW BUSINESS:**

- A. City Council 2011 Legislative Program – Public Hearing/Eligible for Action
- B. Animal Welfare Committee - Public Hearing/Eligible for Action

XIV. **ADJOURNMENT**

This Meeting will be televised live on Verizon Channel 10 and Comcast Channel 71, repeated on 1/19/11 and 1/22/11 at 7:00 p.m., and web-streamed live at www.cityofbowie.org/studio.asp

**NEXT REGULAR MEETING OF THE BOWIE CITY COUNCIL –
MONDAY, FEBRUARY 7, 2011 - 8:00 P.M. – COUNCIL CHAMBERS**

/PAF