



# City of Bowie

15901 Excalibur Road  
Bowie, Maryland 20716

## REGULAR CITY COUNCIL MEETING

MONDAY, MAY 16, 2011

### CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, May 16, 2011 in the Council Chambers at the Kenhill Center. 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, Asst. City Manager Fitzwater, City Attorney Robert H. 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.

### CITIZEN PARTICIPATION:

1. Ms. Elveeda Dixon, Chairman of the Bowie Diversity Committee, read a presentation prepared by Committee member, Jennie Guilbaud, about Asian/Pacific-American Heritage Month which is celebrated during the month of May. She spoke about how the Asian American group has grown in number over the years at a rate of 53%. She said the Maryland population as of 2005 was approximately 67,241 people. Ms. Dixon also reported that in 1946 a law was signed by President Truman that gave naturalization rights to Filipino Americans and Asian Americans. A copy of Ms. Dixon's report can be found at City Hall.

2. Christian Dixon and members of the Flying Ostriches Destination Imagination Team, reported that the Team raised \$433 by holding a talent show which will benefit local animal welfare.

3. Mr. Eugene Kiley, former member of the City Council, spoke about the issue of replacing gasoline with methanol. He proposed that the topic, which is the result of over 15 years of research at the Applied Physics Lab in Beltsville, be the subject of a lecture at the Bowie Center for the Performing Arts.

### CITY MANAGER'S REPORT:

City Manager Deutsch reported on the following items: 1) Staff will be submitting a grant application to the Department of Justice; there has been another round of community-oriented police funding issued by the federal government; the application is similar to two others previously submitted; the City would be eligible for a maximum of two officers; the federal program pays for salary and benefits for any officers enrolled in the program for 3 years.

**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](http://www.cityofbowie.org)

CONSENT AGENDA:

Mayor Pro Tem Marcos moved approval of Consent Agenda Items: A. Approval of Minutes of April 19, 2011 Council Meeting; B. Approval of Resolution R-28-11, Accepting Bid for the Renovation of 2,500 sq. ft. of Administrative Office Space at the Public Works Department; C. Approval of Resolution R-29-11, Authorizing the Waiving of Bidding Requirements to Allow for Issuance of a Contract for Hydrants Through a Contract With Washington, D.C. Water and Sewer Authority; D. Approval of Resolution R-30-11, Accepting Bid Proposal for Construction of the Solid Waste Administration Building; E. Approval of Resolution R-32-11, For Good Cause Shown, By Two-Thirds Vote, Waiving the Competitive Bidding Requirement of Section 61 of the Charter of the City of Bowie, Awarding a Center and Authorizing the City Manager to Sign a Contract for These Services; G. Introduction of Resolution R-31-11, Authorizing the City Manager to Execute An Annexation Agreement With March/Hodge Bowie, LLC Establishing the Terms and Conditions Governing the Proposed Annexation of Approximately 7.0886 Acres of Land, Located on the West Side of US 301 Approximately 900 Feet North of Mitchellville Road, Into the Corporate Limits of the City of Bowie; and H. Introduction of Ordinance O-12-11, Amending the Code of the City of Bowie, Chapter 26 "Zoning", to Repeal in Its Entirety Article II "Municipal Zoning Authority" and to Re-enact Same with Amendments to Incorporate Changes to the Prince George's County Zoning Ordinance Since the Adoption of Article II Relating to Requirements, Standards and Procedures for Granting Departures and Variances; Authorizing the City to Grant Alternative Compliance From Landscaping Requirements to Approve the Certification, Revocation and Revision of Nonconforming Uses, and to Approve Minor Changes to Approved Special Exceptions and Establishing Procedures Therefor; Clarifying the Procedure for Filing Exceptions to a Recommendation of the Advisory Planning Board and Increasing the Time for Doing So From 15 Days to 30 Days for Departures; Clarifying the Procedure for Filing An Appeal of the Decision of the City Council and Providing for An Appeal to the District Council for Review on the Record of City Actions Concerning Certifications, Revocations and Revisions of Nonconforming Uses; Providing that Filing Fees Associated With the Various Applications Shall be Established in the City Budget; Making other Non-substantive Organizational Changes to Article II; and Amending Chapter 26, Article III "Service Volume Standards for City Streets" to Renumber the Sections Thereof. Councilmember Brady seconded the motion and it carried unanimously.

OLD BUSINESS:

A. Ordinance O-11-11 – Approving and Adopting a Budget for the Fiscal Year Beginning July 1, 2011 and Ending June 30, 2012 – Mayor Pro Tem Marcos moved the approval and adoption of Ordinance O-11-11. Councilmember Polangin seconded the motion and it carried unanimously.

B. Resolution R-20-11 – Adopting a Capital Improvement Program for Fiscal Years 2012-2017 – Mayor Pro Tem Marcos moved the approval of Resolution R-20-11. Councilmember Trough seconded the motion and it carried unanimously.

Councilmember Gardner thanked the Council for giving him the opportunity to serve the residents of the City of Bowie. He said he looks forward to reviewing many more budgets. He also thanked staff for the many hours put into budget sessions. He added that he hoped that citizens will sign up to receive a hard copy of the City newsletter if they are not able to receive an electronic version.

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Councilmember Turner said the budget process gives the Council the opportunity to set priorities for the City and to make determinations where to spend the taxpayers money. He thanked the Council for the camaraderie during the process and for discussions between Council and staff, as well as those residents who came forward to testify or raise issues they had during the course of the budget process. Mr. Turner cited some of the issues he had raised such as: the Bowie Business Incubator Program and capital projects, including the potential for police dispatch and the animal welfare shelter. He also spoke about the unreserved funds and noted that the Council has decided to spend some of those funds.

Councilmember Brady thanked the Council and staff and noted that over the 18 budgets he has been involved with, the process has always been a team effort. He commended the Department of Finance for assembling the budget and tracking the changes as they were made. He said he was hopeful that the State will continue to reestablish the significant amount of money the City had for street repaving. He felt that it was a reasonable compromise to institute the recycling program over two years rather than 3 years, and it was appropriate to advance the Church Road Park and Whitemarsh Park to the upcoming fiscal year. Mr. Brady also spoke about the increase of operating costs which includes the cost of fuel for City vehicles, and support for the short-term animal welfare shelter.

Mayor Pro Tem Marcos thanked City staff for their help during the process. He said it was an honor to be on the City Council and serve the citizens of Bowie.

Councilmember Polangin said that expenses are always rising and she had some reservations about the City newsletter being sent out electronically; felt there are seniors who do not live in a senior housing facility or belong to the senior center who would not call to opt in to receive a hard copy of the newsletter. She thanked staff for coming up with a workable way so that no one will get left behind. Ms. Polangin thanked the Council for being open minded during the budget process and the staff for their assistance.

Councilmember Trough congratulated and thanked the City staff for their hard work in assisting Council in tough decisions. He thanked the Council for their diligence in handling the tough task of making tough decisions. He added that the City of Bowie as well as other municipalities is facing hard economic conditions; the goal of Council is to maintain core services and they need to be fiscally responsible. Mr. Trough spoke about money approved in the budget, especially money for Church Road Park and Whitemarsh Park.

Mayor Robinson said that the budget is strong, conservative and well balanced; it maintains the core city services, enhances public safety and further enhances commitment in management the environment and recognizes the impact of energy consumption. He said the budget also protects the City's valuable AAA bond rating, one of 2 cities in Maryland that maintain a AAA bond rating, and the combined city/county tax rate which is as low as it has been since 2003. He thanked the Council for working as a team and getting the job done.

#### NEW BUSINESS:

A. Land Use Regulations in Levitt Bowie – Mr. Joe Meinert, Planning Director, summarized the staff report dated May 12, 2011, a copy of which is on file at City Hall. He explained that this issue arose at a recent stakeholders meeting the subject of which was a proposed 3-lot resubdivision within the Buckingham section of the City. He then gave some background on the 2006 Approved Bowie and Vicinity Area Master Plan which has specific policies of protecting existing neighborhoods; there is a specific goal in the Plan to sustain existing suburban residential neighborhoods and a specific policy to protect, maintain and

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enhance the unique historical, cultural, and architectural identity, heritage and character of the City of Bowie; the City worked hard during the Master Plan process to ensure the Master Plan reflected the concern to protect the character and identity of the City. Mr. Meinert further reported that the Master Plan established several strategies which are listed on Page 1 of the staff report. He said staff has provided the Council with a copy of the 2005 letter to the County Council, which specifically addresses the need for neighborhood conservation and noted that the City recommendations were not followed up by the County; Attachment 2 contains the County Zoning Regulations for residential development in Bowie and sets out the regulations that effect development in the Levitt portion of Bowie. Mr. Meinert then explained the effect of "mansionization" and said that while legislation was researched and drafted, nothing was approved to resolve the issue of tearing down individual homes to make way for new homes with extremely large footprints; Attachment 3 provides examples of a residential neighborhood conservation zone which have been used in other communities. Mr. Meinert concluded by saying that it is staff's recommendation that a letter be sent to the City's elected representatives on the County Council requesting their assistance in drafting County legislation to protect the architectural character and integrity of the Levitt neighborhoods in Bowie.

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

Following discussion, Councilmember Polangin moved to approve staff recommendation and direct staff to prepare a letter to the Maryland-National Capital Park and Planning Commission and the District Council to take another look at the serious issues related to protect, maintain and enhance the unique historical, cultural, and architectural identity, heritage and character of the City of Bowie to ensure that infill residential development matches the existing neighborhood in terms of density, style, size, material and design to surrounding neighborhoods. Mayor Pro Tem Marcos seconded the motion.

Councilmember Turner asked that the motion be amended to request a meeting before proposing potential legislation as suggested by Councilmember Brady. The motion as amended carried unanimously.

ADJOURNMENT:

Mayor Pro Tem Marcos moved to adjourn the meeting and move into an Executive Session for the purpose of discussing a personnel matter. Councilmember Brady seconded the motion and it carried unanimously. The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

  
Pamela A. Fleming, MMC  
City Clerk



# City of Bowie

15901 Excalibur Road  
Bowie, Maryland 20716

*Pam*

## AGENDA

### REGULAR CITY COUNCIL MEETING

MONDAY, MAY 16, 2011 – COUNCIL CHAMBERS (Kenhill Center) – 8:00 P.M.

- I. **CALL MEETING TO ORDER:**
- II. **PLEDGE OF ALLEGIANCE:**
- III. **QUORUM:**
- IV. **AGENDA ADDITIONS/DELETIONS/AMENDMENTS:**
- V. **CITIZEN PARTICIPATION:**
- VI. **COUNCIL ANNOUNCEMENTS:**
- VII. **CITY MANAGER'S REPORT:**
- VIII. **CONSENT AGENDA:**
  - A. Approval of Minutes of April 19, 2011 Council Meeting
  - B. Approval of Resolution R-28-11 – Accepting Bid for the Renovation of 2,500 S.F. of Administrative Office Space at the Public Works Department
  - C. Approval of Resolution R-29-11 – Authorizing the Waiving of Bidding Requirements to Allow for Issuance of a Contract for Hydrants Through a Contract With Washington, D.C. Water and Sewer Authority
  - D. Approval of Resolution R-30-11 – Accepting Bid Proposal for Construction of the Solid Waste Administration Building
  - E. Approval of Resolution R-32-11 – Awarding a Contract for the Installation of a Grid-tied Photovoltaic System at the Radio & T.V. Museum
  - F. Approval of Resolution R-34-11 – For Good Cause Shown, By Two-thirds Vote, Waiving the Competitive Bidding Requirement of Section 61 of the Charter of the City of Bowie, Awarding A Contract to Acquire and Install a New Compressor for Air Conditioning at the Bowie Senior Center and Authorizing the City Manager to Sign A Contract for These Services
  - G. Introduction of Resolution R-31-11 – Authorizing the City Manager to Execute An Annexation Agreement with March/Hodge Bowie, LLC Establishing the Terms and Conditions Governing the Proposed Annexation of Approximately 7.0886 Acres of Land, Located on the West Side of US 301 Approximately 900 Feet North of Mitchellville Road, Into the Corporate Limits of the City of Bowie

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H. Introduction of Ordinance O-12-11 – Amending the Code of the City of Bowie, Chapter 26 “Zoning”, to Repeal in Its Entirety Article II “Municipal Zoning Authority” and to Re-enact Same with Amendments to Incorporate Changes to the Prince George’s County Zoning Ordinance Since the Adoption of Article II Relating to Requirements, Standards and Procedures for Granting Departures and Variances; Authorizing the City to Grant Alternative Compliance from Landscaping Requirements, to Approve the Certification, Revocation and Revision of Nonconforming Uses, and to Approve Minor Changes to Approved Special Exceptions and Establishing Procedures Therefor; Clarifying the Procedure for Filing Exceptions to a Recommendation of the Advisory Planning Board and Increasing the Time for Doing So From 15 Days to 30 Days for Departures; Clarifying the Procedure for Filing An Appeal of the Decision of the City Council and Providing for An Appeal to the District Council for Review on the Record of City Actions Concerning Certifications, Revocations and Revisions of Nonconforming Uses; Providing that Filing Fees Associated with the Various Applications Shall Be Established in the City Budget; Making Other Non-substantive Organizational Changes to Article II; and Amending Chapter 26, Article III “Service Volume Standards for City Streets” to Renummer the Sections Thereof

IX. **OLD BUSINESS:**

- A. Ordinance O-11-11 – Approving and Adopting a Budget for the Fiscal Year Beginning July 1, 2011 and Ending June 30, 2012 – Adoption
- B. Resolution R-20-11 – Adopting a Capital Improvements Program for Fiscal Years 2012-2017 – Adoption

X. **NEW BUSINESS:**

- A. Land Use Regulations in Levitt Bowie – Public Hearing/Eligible for Action

XI. **ADJOURNMENT**

**This Meeting will be televised live on Verizon Channel 10 and Comcast Channel 71, repeated on 5/18/11 and 5/21/11 at 7:00 p.m., and web-streamed live at [www.cityofbowie.org/studio.asp](http://www.cityofbowie.org/studio.asp)**

**NEXT REGULAR MEETING OF THE BOWIE CITY COUNCIL –  
MONDAY, JUNE 6, 2011 - 8:00 P.M. – COUNCIL CHAMBERS**

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