# City of Bowie

**15901 Excalibur Road**
**Bowie, Maryland 20716**

## REGULAR CITY COUNCIL MEETING MINUTES

## MONDAY, JULY 9, 2012

### CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, July 9, 2012 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:

The Council led the Pledge of Allegiance to the Flag.

### QUORUM:

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

### CITIZEN PARTICIPATION:

Ms. Sherray Gibson, Dance Coordinator for the Symphony of Soul D.I.V.A. Auxiliary Danceline of Bowie State University gave a brief presentation on the group and would like to have the City of Bowie become a sponsor for the group. Mayor Robinson explained to Ms. Gibson that Council has already adopted the budget for this year but will look into any other possibilities.

### PRESENTATIONS:

A. Swearing-in ceremony – Mayor Robinson swore in the following new Officers to the Bowie Police Department: Private Michael Dover, Private First Class Mark E. Larson, Private Ellise C. Saunders, Private First Class Richard Vargas and Private Robert J. Warrington.

B. Councilmember Brady made a motion to present a proclamation to Mr. Pete Mellits for being elected President of the Eastern Division of the International Association of Fire Chiefs. Motion was seconded by Councilmember Marcos and it carried unanimously.

### CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearing-in – Mayor Robinson swore-in the following members of the Bowie Green Team Executive Committee for a 2-year term: John Allender, Becky Sunday, John R. Teasdale, Linda Cooper, Maysen Gore-Duran, Thomas W. Sykes and Jamie Vavra.

B. Mayor Robinson moved the reappointment of James Golato, Terry Rogers, Ronald Skotz and Lisa Avery as members to the Advisory Planning Board for a 2-year term. Councilmember Brady seconded the motion and it carried unanimously.

C. Mayor Robinson moved the reappointment of William Schmitt, Jerry Sanford and William Boyer as members of the Administrative Review Board for a 2-year term. Mayor Pro Tem Polangin seconded the motion and it carried unanimously.

D. Councilmember Trouth moved the reappointment of Monica James, Delmer Billings, Richard O'Brien, Bill Healy, Leonard Lucchi, Ronald Gill, Jr., and John Busch as members of the Public Safety Committee for a 2-year term. Councilmember Marcos seconded the motion and it carried unanimously.

E. Mayor Robinson moved the reappointment of Emerson DeWitt Ruth as a member of the Board of Personnel Appeals for a 2-year term. Councilmember Marcos seconded the motion and it carried unanimously.

F. Councilmember Turner moved the reappointment of Patricia Switts, John Dutrow, William Shipley, Robert Deegan, Juernine Wright, Chris Lawson and Joe Hoyt as members of the Community Recreation Committee for a 2-year term. Councilmember Brady seconded the motion and it carried unanimously.

G. Councilmember Turner moved the reappointment of Elveeda Dixon and Jennie Guilbaud as members of the Diversity Committee for a 2-year term. Councilmember Brady seconded the motion and it carried unanimously.

H. Councilmember Marcos moved the reappointment of Bonnie Moore to the Financial Advisory Committee for a 2-year term. Mayor Pro Tem Polangin seconded the motion and it carried unanimously.

I. Councilmember Marcos moved the reappointment of Edward Leyden, Al Golato, Joan Pitkin, Alan Coppola, Stanley Rodenhauser and Lisa Ransom to the Economic Development Committee for a 2-year term. Mayor Pro Tem Polangin seconded the motion and it carried unanimously.

J. Mayor Pro Tem Polangin moved the reappointment of Beth Lingg, Susan Stephenson and Frank Evans to the Heritage Committee for a 2-year term. Councilmember Turner seconded the motion and it carried unanimously.

K. Mayor Pro Tem Polangin moved to have Kelly Pierce remain as Chairman of the Heritage Committee for a 2-year term. Councilmember Brady seconded the motion and it carried unanimously.

L. Mayor Pro Tem Polangin moved the reappointment of Dawn Brodus-Yougha, Regina Spruill and Steven Theodore to the Education Committee for a 2-year term. Councilmember Trouth seconded the motion and it carried unanimously.

M. Councilmember Brady moved the reappointment of George Tuggle, Jr. to the Arts Committee for a 2-year term and that Kathleen Parker remain as chairman. Councilmember Turner seconded the motion and it carried unanimously.

N. Councilmember Brady moved the reappointment of Kenneth Wenzel, Taiwo Awosika and Frank Figlozzi to the Information Technology Committee for a 2-year term. Councilmember Turner seconded the motion and it carried unanimously.

O. Councilmember Trouth moved the reappointment of Dale Grant and Mary Ellen Winlund to the Community Outreach Committee for a 2-year term. Councilmember Brady seconded the motion and it carried unanimously.

P. Councilmember Gardner moved the reappointment of Gary Allen, Maria Arnold, Bernice Smith, Karin Taschenberger, John Allender, Leslie Wood Mummert, Thomas Sykes and Charles "Mike" Traweek to the Environmental Advisory Committee for a 2-year term. Councilmember Turner seconded the motion and it carried unanimously.

COUNCIL ANNOUNCEMENTS:

Mayor Robinson commented on the recent storms that have occurred in the area and on behalf of the Council would like to thank the City staff for their extraordinary work during the emergency. While doing all that, they also managed to pull together a wonderful 4th of July celebration at Allen Pond Park.

Mayor Pro Tem Polangin commented on calls she has received from citizens in reference to land lines still not in service. City Manager Deutsch said that they have been in touch with Verizon and have been informed that they suffered significant damage to their infrastructure not just locally but throughout the region and are working to get it repaired; Mr. Deutsch will follow-up with Verizon this week.

Councilmember Brady would like to have a work session held with BGE to address some of the issues occurred during the latest storm.

CITY MANAGER'S REPORT:

City Manager Deutsch reported on the following: 1) Public Works and Parks and Grounds are actively collecting debris from the storm and it will probably take a couple more weeks to complete. 2) Personnel Appeals Board is down to just one member and request Council to spread the word to the community that we need members for this committee; City Clerk has posted vacancies on the city website. 3) Grant application submitted by the city was not successful for Federal Community Oriented Policing Money; the only municipality awarded in the State of Maryland was the City of Hagerstown.

Councilmember Turner would like to place on a future agenda a discussion on city policy for non-profit organizations. City Manger Deutsch noted that it is on the list.

CONSENT AGENDA:

Councilmember Marcos moved the approval of Consent Agenda Items A: Approval of minutes from June 18 meeting; B: Approval of Resolution R-55-12 – Approving Variance Application BV-7-12, A Request by Ms. Barbara Wright for a Variance to Validate Existing Lot Coverage of 34.8% at 2512 Knighthill Lane; C: Approval of Resolution R-56-12 – Establishing An Urban Tree Canopy Goal of 45%; D: Approval of Resolution R-57-12 – Awarding Facility Management Consulting Services to Management Partners Incorporated; E: Approval of Resolution R-58-12 – Accepting the Bid to Furnish and Deliver a Hook Lift Truck: F: Approval of Resolution R-60-12 – Accepting Bid Proposal for the Pumping, Hauling and Disposal of Sludge

From Sludge Separator Tanks at the Wastewater Treatment Plant; G: City Position Letter Re: CB-28-2012 (Draft #2) M-X-T Zone Flex Space Legislation; H: City Position Letter Re: CB-58-2012 Corner Lot Fence Regulations. Councilmember Brady seconded the motion and it carried unanimously.

NEW BUSINESS:

A. Hall Station Specific Design Plan (SDP) Revision #SDP-0801/01 – Mr. Joseph Meinert, City Planning Director, summarized the staff report dated June 28, 2012, a copy which is on file at City Hall. Mr. Meinert reported that the property is located at the intersection of Hall Road and Central Avenue (MD Route 214) and contains 14.6 acres. Its existing zoning is L-A-C (Local Activity Center). The applicant in this matter Cenhall, LLC, has applied for a revision to the approved SDP for the following: A) Revised fence design along the residential portion of the site; B) Addition of building-mounted signage to the Prince George's Community Federal Credit Union building; C) Review of footprint and building architecture for free-standing coffee house, located adjacent to the County library building; and D) Review of footprint and building architecture of a new 13,240 sq. ft. retail building (12,704 leasable sq. ft.) to replace the 14,726 sq. ft. pharmacy building approved as part of the original Hall Station SDP. Staff finds that the proposed plan meets the requirements for approval of a Specific Design Plan and recommends to Council approval of Specific Design Plan #SDP-0801/01 for the Hall Station Village Center with conditions stated in staff report.

Mr. Dan Lynch, attorney with the law firm McNamee, Hosea, Jernigan, Kim, Greenan and Lynch, on behalf of the applicant discussed the revisions being requested to the site plan. He indicated that there is no tenant for the coffee house at this time, and that community-oriented retail uses will replace the previously-approved Rite Aid pharmacy use.

**Public Hearing:**

1. Mr. Russ Ideo, 16403 Pointer Ridge Drive, spoke in regards to concern with the high volume of traffic in the area.

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

Councilmember Trouth asked the applicant if they were aware that there will be two competing coffee shops on the property, one inside the library and the free standing one shown on site plan. Mr. Kevin Kennedy with Cenhall, LLC stated that he was not aware of that and he was told that the library did not intend to have a coffee house on premises but he will look into it. Councilmember Trouth also agrees with high traffic concern stated by Mr. Ideo.

Councilmember Turner asked what the status of the residential portion of site is. Mr. Kennedy responded that it is not done, maybe about two-thirds of the way complete. Councilmember Turner also asked if developer has considered limiting the amount of retail locations to minimize the traffic concerns. Mr. Lynch has field calls from several residents looking for retail to service their needs.

Following discussion and questions posed by members of Council, Councilmember Trouth moved approval of Specific Design Plan Revision #SDP-0801/01 with conditions stated on pages 7 and 8 in the staff report and an added recommendation for the applicant to review the internal traffic flow on the site and report back to Council. Councilmember Brady seconded the motion and it carried unanimously.

B. CVS Pharmacy Special Exception #SE-4726 and Preliminary Subdivision Plan #4-11032 – Mr. Joseph Meinert, City Planning Director, summarized the staff report dated July 5, 2012, a copy which is on file at City Hall. Mr. Meinert reported that the property is located at the intersection of south bound of U.S. Route 301 and Mitchellville Road and contains 2.68 acres. Its existing zoning is C-M (Commercial Miscellaneous). The applicant in this matter, The Velmeir Companies, has applied for Preliminary Subdivision Plan #4-11032 approval and an application for a Special Exception #SE-2746 for the proposed pharmacy use, which is classified under the Zoning Ordinance as a Department or Variety Store with Food and Beverage Sales. Under Section 27-461(b)(E) of the Zoning Ordinance, Department/Variety Stores are a Special Exception use in the C-M zone. Since the development proposal meets adequate Public Facilities test and complies with the criteria for approval of a Preliminary Subdivision Plan, it is recommended that Preliminary Plan of Subdivision #4-11032 be approved. Application for Special Exception #SE-4726 for the proposed 13,225 sq. ft. CVS Pharmacy, with 65 on-site parking spaces and two (2) drive-through lanes on a 2.68 acre site generally meets the requirements of Section 27-317 and Section 27-348.02, it is recommended that the application be approved with conditions stated in the staff report, a copy of which is on file at City Hall.

Ms. Stacy Silber attorney for the applicant provided background information regarding the use and site. She noted that the area of the proposed store, 13,225 sq. ft., is larger than the existing store at Point Ridge Plaza. The new store will offer expanded options of medical supplies, more services, a broader line of merchandise and drive-through windows for customer convenience.

**Public Hearing:**

1. Mr. Russ Ideo, 16403 Pointer Ridge Drive, spoke on the Subdivision Plan regarding the traffic studies. He opposed the construction of the CVS Pharmacy.

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

Councilmember Trouth asked staff if the property is in the City of Bowie. Mr. Meinert said that it is not currently in the city. Councilmember Trouth asked for clarification on staff comment on the pedestrian walkways within the parking lot to promote safety. Staff felt that there was not enough pedestrian access to the pharmacy in the previous plans, this new plan has safer pedestrian access to the site from the adjoining residential community. Mr. Chris Bohler, representing the developer, stated that the traffic report has been submitted to State Highway Administration and are awaiting their response, but at the present time there are no plans of installation of any traffic delineators.

Mayor Pro Tem Polangin commented that developer should consider not decreasing the number of parking spaces from 71 to 65. Mr. McGhee said that the number of spaces is based on the square footage of the building which meets the requirements.

Councilmember Brady asked if any proposed landscaping will impede visibility of traffic on the property. Ms. Silber responded no. Councilmember Brady also asked if any of the handicap parking spaces van accessible. Spaces are wide enough to accommodate handicap vans.

Following discussion and questions posed by members of Council, Councilmember Trouth moved approval of Special Exception #SE-4726 with conditions stated on page 11 of staff report and additional recommendations: 4) proper lane markings for right turn only from southbound U.S. 301 onto property; 5) implementation of traffic delineators to avoid traffic cutting across U.S. 301 for left hand turns; and 6) westbound Mitchellville Road will have a right hand only turn lane and the left lane be straight through. Councilmember Marcos seconded the motion and it carried unanimously.

Mayor Pro Tem Polangin made a motion to approve Subdivision Plan #4-11032, seconded by Councilmember Marcos. Motion approved unanimously.

C. Collective Bargaining – Mr. Patrick McAndrew, legal counsel for the Bowie Fraternal Order of Police Lodge #140 is requesting City Council authorize collective bargaining rights for the Fraternal Order of Police Lodge 140 – Bowie Police Department and direct staff to draft a charter amendment to affirm request.

**Public Hearing:**

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

Councilmember Turner made a motion to direct staff to prepare a Charter Amendment Resolution that will allow the collective bargaining process to proceed. Councilmember Marcos seconded the motion and it carried unanimously.

ADJOURNMENT:

Mayor Pro Tem Polangin moved to adjourn the City Council meeting. Councilmember Gardner seconded the motion and it carried unanimously. The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Awilda Hernandez

Awilda Hernandez, CMC
City Clerk

**Awilda Hernandez**

**From:** Anne Ford
**Sent:** Thursday, June 28, 2012 9:35 AM
**To:** Mayor; Diane Polangin; Henri Gardner; James Marcos; Isaac Trouth; Todd M. Turner; 'councilman.brady@verizon.net'
**Cc:** Awilda Hernandez
**Subject:** FW: Proposed Resolution to increase Bowie's urban tree canopy by 20,000
**Importance:** High

Good morning! On David's behalf, I'm forwarding the following email from Karen Sharp to you.

*Anne S. Ford*
*Executive Office Associate II*
*City Manager's Office*

**From:** Bob and/or Karen Sharp [mailto:karenmsharp@comcast.net]
**Sent:** Thursday, June 28, 2012 08:49 AM
**To:** David Deutsch
**Subject:** Proposed Resolution to increase Bowie's urban tree canopy by 20,000

Mr. Deutsch,

I would appreciate your passing along in this weeks Council packet my thoughts regarding this proposed resolution to the entire City Council and appropriate staff.

I urge the City Council to consider, seriously, this taxpayer's point of view before making a decision on this proposal presented by Gary Allen, Chair, Environmental Action Committee, on June 18.

Aside from the cost to the City, **and thus the taxpayers of Bowie, and the revenue brought into the City by each taxpayer** wanting or needing to **remove a mature tree**, I hope the Council will consider **all the additional costs** which a taxpayer could--and most probably would--**incur** as a result of the enactment of this proposal.

Because of the expense, most homeowners remove trees **only because they need to** allow for new construction; take care of damaged, dying or dead, or uprooted trees, or those which may cause or may have caused damage to their home or their property. I imagine that seldom do homeowners remove trees on their property for no reason.

Please keep in mind that most often the removal of trees with a circumference of 48 inches or greater costs dearly. The cost of grinding their stumps also is quite a sum--and a requirement if new trees are mandated to replace them. Add to that the proposed requirement that the homeowner replace the removed trees with those of 5-6 inches in circumference, at a price of about $250 each, plus planting/installation if the homeowners are unable, physically, to plant the trees themselves. I would imagine that a possible $25 rebate for each tree from the Marylanders Plant Trees program would be little incentive for any homeowner to follow through.

Additionally, what would the requirement be if homeowners experienced the felling of trees by natural disaster? Are homeowners, then, responsible for footing the bill for the trees' removal, as well as any damage which may have incurred by the disaster (which may or may not be offset by any insurance payout)?

Please also keep in mind that most Bowie residents, during the current economic times, may already be strapped by the expenses they already incur for mortgage, taxes, child care, financial support of extended family members, etc.

Thank you for your serious consideration of my thoughts.

Karen Mallon Sharp
12616 Chanler Lane
Bowie, MD 20715
301-262-8425

File

-----Original Message-----
From: James Mobley <jmobleyus@yahoo.com>
To: Bowie Council Member Isaac Trouth <itrouth@aol.com>
Sent: Sun, Jul 8, 2012 3:57 pm
Subject: Re: City of Bowie District 4 Update(Hall Road Specific Design Plans for Coffee shop and other stores and new the CVS Pharmacy Special Exception)

Thanks Councilman Trouth

Thanks for providing updates on developments in the South Bowie Area!!! In regards to changes to the Hall Station Site Plan. It is my personal opinion that it is far to easy for developers to ask for changes after they get what they want, and that is to build and sell residential homes. Now that they are just about sold out, they want to use market conditions so they can get away with building anything just to complete the project. We need a Pharmacy in the area, the developer sold the community on the concept. They sold homes in record time, the community helped them to get the library, and I am not sure if it was their marketing strategy or just timing that resulted in the credit union selecting that site. So what has the developer done to market this area. I have seen their leasing websites. What else have they done to market the retail component of Hall Station? Too many developments are moving forward for the city and community just to accept market conditions as the only reason for approving a change for the site plan. We have waited all this time, a few more years will not make a difference now. I am hopeful, the the community and city officials will tell the developer "no". We will wait until market conditions improve and not allow them to change the site plan as far as the retail mix. Until market conditions change, they can plant grass seeds for an alternate area for the Hall Station home owners to walk their dogs. Many of the Hall Station homeowners now use Pin Oak parkway as their dog park.

Thank you. James Mobley

**From:** Bowie Council Member Isaac Trouth <itrouth@aol.com>
**To:** itrouth@aol.com
**Sent:** Sunday, July 8, 2012 2:17 PM
**Subject:** City of Bowie District 4 Update(Hall Road Specific Design Plans for Coffee shop and other stores and new the CVS Pharmacy Special Exception)

Hello All,

Please see attachment for Council meeting on Monday, July 9, 2012, at 8:00 PM. There are a couple of items relating to District 4 (Hall Road Specific Design Plans for Coffee shop and other stores and new the CVS Pharmacy Special Exception).

I have an update that the Hall Road Station Library will open around mid October 2012.

Regards,

Councilman Trouth