



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

TUESDAY, SEPTEMBER 18, 2012

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Tuesday, September 18, 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, Truth, 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:

A. Mr. Michael Lore and Mr. Tony Langbemn spoke about "Citizens United Constitutional Amendment Local Efforts".

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearing-in – Councilmember Marcos moved to appoint Ms. Phyllis C. Thompson to the Economic Development Committee for a 2-year term. Mayor Pro Tem Polangin seconded the motion and it carried unanimously.

B. Mayor Pro Tem Polangin moved to appoint Ms. Lynette Washington to the Administrative Review Board for a 2-year term. Councilmember Turner seconded the motion and it carried unanimously.

C. Mayor Pro Tem Polangin moved to appoint Mr. Emerson DeWitt Ruth as Chairman of the Board of Personnel Appeals. Councilmember Brady seconded the motion and it carried unanimously.

D. Mayor Robinson swore-in Phyllis Thompson to the Economic Development Committee for a 2-year term.

COUNCIL ANNOUNCEMENTS:

MAYOR G. Frederick Robinson **MAYOR PRO TEM** Diane M. Polangin

COUNCIL Dennis Brady ♦ Henri Gardner ♦ James L. Marcos ♦ 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 MANAGER'S REPORT:

City Manager Deutsch reported on the following: 1) Afternoon storm today that resulted in about 250 customers without power, as of 7:00 p.m. Mr. Fowler reported they were down to 9 customers without power. 2) Follow-up on special licenses plates designating a city logo on them, state requires a minimum of 25, as of 9/18/12 the City has 14 requests for them. City will continue to publicize, expect to get to the 25 threshold and be able to move forward with them. 3) With interest on West Nile Virus Mr. Deutsch reminded Council and citizens that there is mosquito spraying on Tuesdays and Thursdays and will continue until October 11th. 4) City received letter from the firm of Grimm & Parker, the architects for the City Hall stating that the U.S. Green Building Council has awarded the City with the Gold Standard for LEED.

CONSENT AGENDA:

Mayor Pro Tem Polangin moved the approval of Consent Agenda Items A) Approval of September 4 Meeting Minutes; B) Approval of Proclamation P-14-12 – Establishing Saturday, September 22, 2012 As Car Free Day. Councilmember Brady seconded the motion and it carried unanimously.

NEW BUSINESS:

A. Metropolitan Washington Council of Governments – Mr. Paul DesJardin, Director of Community Planning & Services briefed the City Council on the proposed Region Forward Activity Centers map. Activity Centers are locations that will accommodate the majority of the region's future growth; they are entirely based on local goals, local comprehensive plans and local visions on how communities should grow. There are currently 136 Activity Centers located in every COG member jurisdiction with 67% of the centers being served by high-capacity transit and 60% fall within old Activity Center boundaries. There are currently two centers in Bowie, one by Bowie MARC and the other at Bowie Town Center.

Councilmember Turner thanked Mr. DesJardin for the updates and asked Mayor and Staff if a letter could be sent to COG expressing the City's position with respect to the inclusion of the two centers in Bowie.

B. BGE Storm Assessment – Mr. Andy Dodge, Vice President of Electric System Operations & Planning, and Ms. Jeannette Mills, Vice President, Customer Operations and Chief Customer Officer of BGE briefed City Council on the electrical outages that occurred in the City from the June 29, 2012 derecho storm. This was a very powerful storm with wind gusts in the 70-90mph range and extreme lightning. Lack of advance notice, scope of storm and severe destruction presented a challenging environment for damage assessment and restoration. The majority of the damage was caused by high winds, uprooted trees and snapped tree branches. BGE mobilized staff to respond within 1 hour of the storm's impact, service restoration began immediately. The average customer outage duration in Bowie was 38 hours. They received more than 1.3 million calls and more than 6,100 emails throughout restoration.

Public Hearing:

Mr. John Henry – Suggests BGE establish Customer Advisory Committees within Bowie to assist BGE in improving their reliability and targeting restoration efforts when outages occur. Also would like to see BGE supervisors on site wear more clearly identifiable gear so that residents can interact with the proper individual.

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

Mayor Pro Tem Polangin stated that she can only provide information to her constituents based on as good information received from BGE and with all the talk of the down lines caused by trees; it speaks volumes for underground wiring.

Councilmember Marcos said that some of his constituents reported fires in the eaves of their homes by the power lines after the power was restored and they were told that it is their responsibility, not BGE's. He asked for clarification.

Mr. Dodge responded that he would need to look further into those cases and get back to Council with answers.

Councilmember Brady wanted to know if BGE had any issues with their telephone communication system. Ms. Mills stated that they do know that they had a problem with one of their lines due to capacity issue and they are looking at how to improve that.

Councilmember Turner stated that BGE continues to do tree trimming to help avoid down lines caused by trees but it seems that it's never enough. He also asked what the cause was of the 18% of customer outages that were not due to vegetation.

Mr. Dodge said he would have to look into it and provide answer at a later meeting.

Councilmember Gardner stated that his power was out for over 125 hours and at one point was on hold with BGE for over two hours.

Councilmember Truth wanted to know what the proper procedures for the City to contact BGE are during these types of storms.

Mr. Dodge said that there are two ways, one is having City Manager contact Mr. Fowler or refer calls to personnel at their Emergency Operations Center in Prince Georges County.

Mayor Robinson stated that BGE has made some improvements to their service but there is still room for more improvement, at some point underground wiring will have to be a direction to take.

C. Smart Meters – Ms. Rhea Lewis Marshall with BGE Corporate Communication Department briefed Council on status of installation of Smart Meters. BGE is upgrading all residential and small commercial meters over the next few years. Installation in Bowie began in September along with some areas in Anne Arundel County. The Smart Meters contains an online tool to provide customers detailed energy usage and saving tips based on their usage. It also allows BGE to remotely check if meters are in service and confirming that power has been restored to homes after an outage. Customers will receive a postcard a few weeks before installation along with a phone message reminder one day before installation. Once the installation is complete there will be a door hanger letting citizens know that their meter has been changed.

Public Hearing:

Dr. Anita Moore – spoke against the installation of Smart Meters in the homes. (Copy of her speech on file at City Hall)

Ms. Patricia Doyle spoke against the installation of Smart Meters and the cost that will be incurred by citizens which outweighs the savings they are supposed to receive with the meters.

Ms. Linda Simonson-Brown spoke against the installation of Smart Meters and the health dangers of the radio frequencies emitted by these types of meters.

Ms. Suzanne Sweet resident of Bowie stated her opposition to the installation of Smart Meters, personal information being able to be stolen and the dangers to health.

Ms. Connie Carter expressed her concerns about the minimal testing that has been done on the meters, and is against the installation of Smart Meters in homes.

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

Mayor Pro Tem Polangin commented that switching to Smart Meters will be displacing a lot of meter readers raising unemployment rates. She also has concerns on all the health issues that have been brought up caused by the radio frequencies.

Councilmember Marcos asked how the meters will affect commercial businesses in Bowie.

Ms. Lewis-Marshall responded that the meters will not control the usage in small businesses or residences; it is just measuring the usage. Small commercial businesses will be receiving notices of installation like the residences; larger commercial businesses will not be using these meters.

Councilmember Trough would like to know what the impact is or dangers to people that have pacemakers.

Ms. Lewis-Marshall stated that based on their research there is no impact but do encourage customers to talk to their doctors and understand what their guidelines are which might be in line with some of the other types of appliances that operate on radio frequency.

Councilmember Gardner would like to know what the City of Bowie can do to stop the installation of the meters.

City Manager Deutsch responded that the City Council has no authority to halt this process; it is up to the Public Service Commission, at this point all that can be done is to register the concerns with the Commission.

Councilmember Turner suggests that BGE temporarily stop the installation of meters until the issue of notifications to citizens is addressed, along with notification about the opt-out information.

Councilmember Brady has concerns on how private information is being collected which raises the risk of identity theft.

Mayor Robinson asked how many installations have already been done in Bowie and does BGE have an approximate time frame of completion.

Ms. Lewis-Marshall responded that a few hundred have already been done and it will probably be about 3 or 4 more months before installations are complete in the City.

Mayor Robinson recommends that a letter be addressed to PSC noting the concerns raised at this meeting by the citizens and Council and also a letter to BGE in reference to better notification about installation and opt-out options to the citizens.

D. Melford Covenants – Mr. Robert Antonetti Jr. representing St. John Properties Inc. is requesting approval of the City for revisions to the covenants to allow SJPI to introduce a certain mix of residential uses (consisting primarily of multi-family residential and senior age restricted housing) within a defined and currently undeveloped portion of Melford. The zoning on the property is M-X-T which permits residential, but does not require it. The existing covenants prohibit residential development.

Public Hearing:

Mr. Bruce Pletsch, President of Sherwood Manor Civic Association, would like to see more commercial/retail usage rather than residential.

Mr. Gary Allen would like for Council to consider what their vision for this property is.

Mayor Pro Tem Polangin read a letter for the record received from Martha Ainsworth of Abbey Drive in Sherwood Manor. (Letter attached)

Councilmember Gardner asked how much space will be left for commercial if residential is built.

Mr. Roud responded that there will be about 261,000 sq ft. of office space still available and about 24,000 sq. ft. of retail space.

Councilmember Turner stated for the record that he has met with Mr. Roud earlier in the month and has filed an Ex-parte form with the City Clerk. The meeting was in reference to the same request they are presenting this evening.

Councilmember Trough stated his concerns with relinquishing of rights to what can be developed on the property.

Councilmember Marcos expressed the need for senior housing in Bowie.

Councilmember Brady is not in agreement with the new vision and is not inclined to approve the amendments to the covenants.

Mayor Robinson would like to review another option that will work better for the usage of the property and asked City Attorney Ruff what will be the City's position with the Court of Appeals decision if Council accepts these amendments.

City Attorney Ruff stated that the change will be permanent if the City proceeds with the agreement as drafted.

Mr. Antonetti said that the draft is a starting working tool, to further open discussion for a mutual agreement on the development of the property.

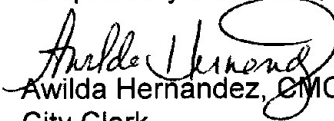
Mayor Pro Tem Polangin made a motion to authorize staff to start discussions with SJPI regarding potential changes to the covenants. Councilmember Turner seconded the motion and it carried unanimously.

Mayor Pro Tem Polangin and Councilmember Gardner would like support from the rest of Council to support the City to do a College Fair the first weekend of November. City Manager Deutsch will look into accommodations.

ADJOURNMENT:

Mayor Pro Tem Polangin moved to adjourn the City Council meeting. Councilmember Turner seconded the motion and it carried unanimously. The meeting was adjourned at 12:00 a.m.

Respectfully submitted,


Awilda Hernández, CMC
City Clerk

Awilda Hernandez

From: DIANE POLANGIN [dpolangin@verizon.net]

Sent: Monday, September 24, 2012 11:49 AM

To: Awilda Hernandez

Subject: Re: Letter for the Record

Here you are.

Di

From: Martha Ainsworth <mainsworth@starpower.net>

To: dpolangin@cityofbowie.org

Sent: Tuesday, September 18, 2012 6:54 AM

Subject: Melford/MSTC Covenants

Dear Diane,

I can't make it to tonight's Council meeting, but wanted to give you some feedback on the proposal from St. Johns Properties asking that the City amend its covenants to allow multifamily residential development at Melford (the Md Science and Tech Center), some of it senior housing, with supportive retail (another shopping center) and (according to the plan) some of it developed as a recreational area for the housing.

The proposed changes to the covenants are a bad idea for Bowie's development and viable for senior housing.

Melford is a prime area for employment uses and economic development in Bowie, at the intersection of two major highways, and surrounded by tens of thousands of housing units already. It makes no sense to sacrifice an employment center for more housing. Every morning we face congestion on the highways leading west, as nearly everyone drives somewhere else to work. To reduce this, we need more employment uses in Bowie, so people who already live in Bowie can work here too. It will also diversify the tax base. I can't think of any more wasteful use of this precious economic development space than to install apartment buildings, more shopping, and more recreational uses.

The proposal to add senior housing to the mix also doesn't make sense. As someone who already lives behind the complex, I can tell you that any seniors living back here would be isolated from Bowie's amenities and services. They will have to be able to drive to get around. The only way that senior housing behind the current MSTC would work would be if the whole parcel were made into a senior campus with their own self-contained services, like the Erikson retirement communities (Riderwood Village, where my mother lives). Of course, senior housing isn't at all compatible with the notion of mixed use employment and residential, since retired people presumably wouldn't be working at the center. I agree that Bowie can use more senior housing, but there are many other areas of Bowie already within walking distance of retail and other services that would be far more suitable for quality senior housing.

It's important to consider the effect of putting housing on that parcel on the interests of the other current employment uses on the site. The owner of the Marriott hotel parcel purchased the property predicated on the assurance that it would draw business from an employment center. The Institute for Defense Analysis certainly thought it was going to be part of a business park when it purchased its property; security is a major concern. IDA previously expressed concern about the effect of residential on their security.

Thanks for hearing me out. I hope that the Council will step back from this offer. If there's any thought of pursuing it, I hope that there will be consultation with the stakeholders in the community before any decisions are taken.

Best,

Martha Ainsworth

9/24/2012

16500 Abbey Drive
Bowie MD 20715

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Diane Polangin

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9/24/2012