City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, OCTOBER 15, 2012

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, October 15, 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, and Turner; City Manager Deutsch, Assistant City Manager Fitzwater, City Attorney Ruff, City Clerk Hernandez, Members of the Staff, the Press and the Public.

AGENDA ADDITIONS/DELETIONS/AMENDMENTS:

Mayor Robinson asked to add Resolution R-84-12 Emergency Replacement of Compressor at Ice Arena as Item B under Consent Agenda.

CITIZEN PARTICIPATION:

A. Mr. Gene Kiley invited Council to attend a presentation about plants that can produce methanol at competitive prices.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearing-in – Councilmember Brady moved to appoint Mr. James R. Peters to the Bowie Information Technology Committee for a 2-year term. Councilmember Marcos seconded the motion and it carried unanimously (6-0) Councilmember Trouth was absent. Mayor Robinson swore-in Mr. Peters and welcomed him.

COUNCIL ANNOUNCEMENTS:

Mayor Robinson reminded citizens of the October 16th deadline to register to vote, and early voting dates which will be October 27th to November 1st.

CITY MANAGER'S REPORT:

City Manager Deutsch reported on the following: 1) BGE will hold its second open house meeting on the smart meters program on October 23rd from 9:30 to 11:30 a.m at the Bowie

Senior Center; 2) South Bowie Library will have its grand opening on October 25^{tth} at 2:00 p.m.; 3) City wide leaf collection begins November 5th.

CONSENT AGENDA:

Mayor Pro Tem Polangin moved the approval of Consent Agenda Items A) Approval of Resolution R-82-12 – Waiving the Bidding Requirements of Section 61 of the City Charter to Authorize the City Manager to Enter Into a Contract with TJ Distributors for the Renovation and Automation of the Hussey Bleacher System at the Bowie Gymnasium in an Amount Not to Exceed $24,140; B) Approval of Resolution R-84-12 – Waiving the Competitive Bidding Requirements of Section 61 of the Charter of the City of Bowie and Authorizing the City Manager to Enter Into an Agreement With Silver Creek Mechanical Services, Inc., to Provide for the Repair of a York Compressor at a Cost of $21,062.81. Councilmember Brady seconded the motion and it carried unanimously (6-0).

NEW BUSINESS:

A. Police Chief Update – Police Chief Nesky and Deputy Police Chief Preston briefed Council on various statistics from the Police Department as well as upcoming events. The Police Department is authorized for staffing of 57 police officers, at the moment there are 55 actual officers in the department with one in the academy. Average response time for total calls for service is 5.5 minutes. Crime and Citation statistics are all on pace to be down for 2012 vs. 2011. Student Resource Officer Program is doing well at Bowie High School, looking to possibly expand to middle and elementary schools. The Department received a grant for $18,000 which allowed them to purchase more mobile licensing for their records management systems. SB422 effective January 1, 2013 mandates the issuance of citations for 322 misdemeanors that before would require a full custody arrest.

Members of the Bowie Public Safety Committee commented on the great relationship they have with the Police Department and commend them for work they are performing.

Councilmember Turner asked how the new service hours are working. Chief Nesky replied that it is working great; a lot of residents have taken advantage of the new hours. Councilmember Turner commented on his recent attendance to a few HOA meetings were the issue of doing a community camera program has been brought up; he would like more information on the program from any other cities that are currently doing this. City Manager Deutsch responded that there is an extensive program currently in Baltimore and will gather information and present to Council.

Councilmember Brady commented on SB422 that it seems it is an unfunded mandate from the State to the City and suggests getting feedback from Maryland Municipal League to approach legislators about reimbursement or future funding strategies.

Mayor and Councilmembers thanked the Chief and all the officers for the extraordinary job they are doing with the department.

B. Detailed Site Plan #DSP-12007 – Mr. Frank Stevens, City Planning Staff member described Detailed Site Plan #DSP-12007 which proposes the construction of a 948 sq. ft., one-story addition onto the existing 1,440 sq. ft. building owned and used by the Knights of St. John. The existing structure is used as a church and as a community building/meeting facility, which are permitted uses in the M-U-I (Mixed-Use Infill) zone.

Mr. William Shipp with the law firm of O'Malley, Miles, Nylan and Gilmore, representing Knights of St. John expressed that the applicants are in complete agreement with all the recommendations stated by City Staff and will adhere to them.

Public Hearing:

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

Mayor Pro Tem Polangin is delighted with the improvements to the building but suggests that they increase the number of handicap parking spaces. Mr. Shipp will go back and review plans with City and County staff and look at possibility of adding at least one more handicap space.

Councilmember Brady asked staff if the planting requirements on page 4 of the memo will have any obstruction of view for vehicle traffic. Mr. Stevens responded that there will not be any.

Councilmember Turner asked what will be the use or purpose of the expansion. Mr. Shipp stated that it will be primarily used for additional meeting space.

Councilmember Gardner would like to know if the space will be available for use by other organizations outside of the Knights of St. John. Mr. Jones responded that it will be open to other organizations in Old Town Bowie.

Councilmember Marcos made a motion to approve Detailed Site Plan #DSP-12007. Mayor Pro Tem Polangin seconded the motion and it carried unanimously (6-0).

C. Detailed Site Plan #DSP-12008 – Mr. Frank Stevens, City Planning Staff member described Detailed Site Plan #DSP-12008 which is seeking the City's approval for the purpose of locating a day care center use in an existing building presently used as a church. The property is zoned C-S-C (Commercial Shopping Center), where the proposed use is permitted by right as accessory use, in conjunction with a church. Staff recommends approval of Detailed Site Plan #DSP-12008 with conditions 1-4 on staff report being addressed.

Pastor Shaun McBride representing New Life Community Church thanked Staff for helping them get to this point.

Public Hearing:

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

Mayor Robinson asked the applicant if they had any objections to the recommendations from Staff. Mr. McBride replied that they had no objections.

Councilmember Marcos asked if this is the same business that has been operating there for the past year. Pastor McBride responded that it is and that they have an agreement with six other smaller congregations that use the space between Friday and Sunday, there main focus is to be able to help citizens with affordable day care.

Councilmember Brady had a question for Staff in reference to the number of children allowed to use the outdoor play area not being noted on the Site Plan. Mr. Stevens said it will not be a problem to add a note to site plan.

Mayor Pro Tem Polangin made a motion to approve Detailed Site Plan #DSP-12008 with the amended recommendations from staff and Councilmember Brady. Councilmember Turner seconds the motion and it carried unanimously (6-0).

D. Non-Profit Policy – Ms. Una Cooper, Communication Coordinator, summarized the draft policy. Ms. Cooper stated that the City works with several nonprofit organizations for the benefit of its residents which include partnerships and co-sponsorship of events and programs, advocacy, requests for use of City facilities, parks and fields. Preference is given to local nonprofits throughout the policy; that is consistent with how the City addresses local nonprofits in the budget.

Public Hearing:

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

Councilmember Turner thanked Ms. Cooper for the work done on this policy and asked if a not for profit wants to use a city facility or use a road does it have to have a connection with Bowie in order to do that. Ms. Cooper responded that in the current facilities rental policy it is stated that they could use based on a higher rate, this policy favors organizations within the City but it is stated that the City Manager has the discretion to grant exceptions to the policy and will keep Council abreast of any of these requests.

Councilmember Brady made a motion to have Council endorse the City Policy on working with Non-Profit organizations. Mayor Pro Tem Polangin seconds the motion and it carried unanimously (6-0).

E. County Stormwater Restoration Program – City Manager Deutsch informed Council on HB 987 from last year's General Assembly session which requires the County to participate in the SWRP which imposes a stormwater remediation fee. The City is not included in the County's Stormwater Management District, nor is money collected from Bowie residents to fund the County Stormwater Management District Fund. The County is requesting a response from the City in regards to participating in their program. The City Attorney has reviewed HB 987 and has determined that the law does not apply to the City, since it applies to a county or municipality that is subject to a National Pollutant Discharge Elimination System Phase I Municipal Separate Storm Sewer System Permit. The City will indicate this position as part of its response to DER's solicitation by October 22, 2012.

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 endorse the draft letter to Mr. Wynkoop in response to the Stormwater Restoration Program. Councilmember Brady seconds the motion and it carried unanimously (6-0).

ADJOURNMENT:

Mayor Pro Tem Polangin moved to adjourn the City Council meeting and move to Executive Session as permitted by the Maryland Public Open Meetings Act, Section 10-508(a)(1): To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals (Attached). Councilmember Turner seconded the motion and it carried unanimously (6-0). The meeting was adjourned at 9:58 p.m.

Respectfully submitted,

Awilda Hernandez

Awilda Hernandez, CMC
City Clerk

WRITTEN STATEMENT FOR CLOSING A MEETING UNDER THE OPEN MEETINGS ACT

Date: 12/15/12 Time: 9:58pm Location: City Hall Motion to close meeting made by: Polangin ;

Seconded by Turner, Members voting in favor: Robinson, Brady, Marcos, Polangin, Turner, Gardner Opposed: ______ Abstaining ______ Absent Trouth

STATUTORY AUTHORITY TO CLOSE SESSION, State Government Article, §10-508(a) (check all that apply):

✓ (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
____ (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;
____ (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;
____ (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
____ (5) To consider the investment of public funds;
____ (6) To consider the marketing of public securities;
____ (7) To consult with counsel to obtain legal advice on a legal matter;
____ (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
____ (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
____ (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
____ (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
____ (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
____ (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
____ (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

FOR EACH CITATION CHECKED ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED:

(X) City Council was briefed on an employee removal.
( ) ______
( ) ______

Persons attending closed session: Robinson, Brady, Marcos, Polangin, Turner, Gardner, Deutsch, Fitzwater, Ruff

This statement is made by Mayor Robinson, Presiding Officer: [signature]
SIGNATURE

************* FOR USE IN MINUTES OF NEXT REGULAR MEETING: *****************

TOPICS DISCUSSED AND ACTION(S) TAKEN (IF ANY):

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______

Time closed session adjourned: 10:17 PM

Appendix C