



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, NOVEMBER 19, 2012

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, November 19, 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, Trough and Turner; City Manager Deutsch, Assistant City Manager Fitzwater, City Attorney Levan, City Clerk Hernandez, Members of the Staff, the Press and the Public.

AGENDA ADDITIONS/DELETIONS/AMENDMENTS:

Mayor Robinson asked to add approval of City Position letter to County Council Chair Andrea Harrison in reference to CB-41-2012 as Item F under Consent Agenda.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearing-in – Mayor Pro Tem Polangin moved to appoint Ms. Nikita Johnson-Thelwell to the Bowie Education Committee for a 2-year term. Councilmember Marcos seconded the motion and it carried unanimously.

B. Councilmember Marcos moved to appoint Mr. Patrick Thelwell to the Bowie Financial Advisory Committee for a 2-year term. Councilmember Brady seconded the motion and it carried unanimously.

C. Councilmember Marcos moved to appoint Ms. Rochelle S. Brown to the Bowie Economic Development Committee for a 2-year term. Councilmember Turner seconded the motion and it carried unanimously.

D. Mayor Robinson swore-in Ms. Johnson-Thelwell, Mr. Thelwell and Ms. Brown to their respective committees and welcomed them.

CITY MANAGER'S REPORT:

City Manager Deutsch had no further report.

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

COUNCIL Dennis Brady ♦ Henri Gardner ♦ James L. Marcos ♦ Isaac C. Trough ♦ 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

CONSENT AGENDA:

Mayor Pro Tem Polangin moved the approval of Consent Agenda Items: A) Approval of November 5 Meeting Minutes; B) Introduction of Ordinance O-8-12 - Amending Bowie City Code, Chapter 5 "Building And Property Maintenance," To Alter Certain Definitions, To Effect Certain Clarifications And Alter Certain Designations And Cross-References In A Non-Substantive Manner; And To Amend Section 5-2b, To Clarify The Responsibilities Of The City In Enforcing The Housing And Property Maintenance Code; To Amend Section 5-4 "City Fees And Permit Requirements" To Delete The Requirement That Engineering Details Accompany City Building Permit Applications, And Removing From The Review Process The Electrical Safety Code; To Amend Section 5-7 "Standards" To Delete The Prohibition Of Rooming Houses, To Amend The Provisions Relating To Exterior Structure, Interior Structure, Basic Facilities, Installation And Maintenance, Light And Ventilation And Fire Safety, And To Require Carbon Monoxide Detectors In All Rental Dwelling; To Amend Section 5-9 "Licensing And Inspection Of Rental Dwellings" To Provide That A Rental License Is Not Required When A Tenant Is An Immediate Family Member Of The Owner, And To Amend Section 5-13 "Violations" To Increase The Penalty For More Than One Violation Of Chapter 5 And To Provide For The Penalties For Violations Of Chapter 5 Without Reference To Chapter 1; C) Introduction of Ordinance O-9-12 - Amending Bowie City Code Chapter 26, "Zoning", Article I "In General" Section 26-1 "Definitions" To Clarify The Definition Of Inoperative Vehicle, To Add Machinery To Commercial/Industrial Building, And To Add A Definition Of Watercraft; Amending City Code, Section 26-3 "Inoperative Vehicles" To Add Inoperative Trailers; Amending City Code, Section 26-3a "Commercial Vehicles" To Clarify That It Applies To All Residentially Zoned And Improved Properties; Amending City Code, Section 26-4 "Permitted Vehicle Parking In The R-R And R-E Zones" To Remove The Language As To Where Vehicles May Be Parked On Properties; Amending City Code, Section 26-5 "Vehicle Parking In The R-55, R-80, And R-T Zones", Section 26-6 "Vehicle Parking In The R-30-C Zone", And Section 26-7 "Vehicle Parking In The O-S Zone" To Change The References To "Boat" To "Open Watercraft"; Amending City Code, Section 26-8 "Parking On Unpaved Areas" To Change The References To "Boat" To "Open Watercraft" And To Include All Trailers; And Amending City Code, Section 26-9 "Prohibition Of Parking Cargo Trailers And Storage Of Commercial/Industrial Building Products" To Require That Cargo Trailers Permitted For Construction Be Parked On Paved Surfaces; D) Introduction of Ordinance O-12-12 - Amending Bowie City Code, Chapter 14 "Motor Vehicles And Traffic," Section 14-1 "Definitions" To Make A Grammatical Change; Amending Bowie City Code, Section 14-10 "Parking, Etc. Prohibited In Specified Places" To Provide That Restrictions Relating To Parking On Or Around Driveways Applies To All Driveways In The City And To Prohibit The Parking Of Vehicles On A Street Within Three Feet (3') Of A Driveway; Amending Bowie City Code, "Chapter 14" To Add Section 14-10b "Parking Of Cargo Trailers, Open Watercraft, Boat Trailers And Camping Vehicles Prohibited" To Prohibit The Parking Of Such Items On Streets In The City; And Amending Section 14-25 "Penalty For Violation Of This Chapter" By Placing All Of The Sections For Which A \$50 Fine May Be Assessed In Subsection (B)(3), Increasing The Fine For A Violation Of Section 14-13 From \$35 To \$50, And Establishing Fines For The Violation Of Section 14-10(V) And Section 14-10b In The Amount Of \$50; E) Introduction of Ordinance O-13-12 - Amending Bowie City Code, Chapter 22 "Streets And Sidewalks", Section 22-18 "Trees And Shrubbery - Trimming And Removal" To Declare It Unlawful For A Person To Allow Any Tree, Shrub Or Branch Growing On The Person's Property Or Within The Public Right-Of-Way Abutting The Property To Obscure Street Signs Or Traffic Control Signs, And To Declare Any Tree Growing Or Standing On Private Property In Such A Manner That Creates An Imminent Danger To City Property, A Public Right-Of-Way Or The Public A Public Nuisance, Providing For Notification To The Property Owner To Take Appropriate Action Regarding The Offending Tree, Allowing For The City To Take The Appropriate Action If The Owner Fails To Do So And Making It A Municipal Infraction To Fail To

Comply With Any Such Notice; F) Approval of City Position Letter to County Council in reference to CB-41-2012 Animal Control – Ear Tipped Cats. Councilmember Brady seconded the motion and it carried 6-0. Councilmember Turner recused himself from this vote due to conflict with Item F.

NEW BUSINESS:

A. Introduction to Brennan, Sullivan, McKenna, Manzi & Shay Law Firm – Ms. Elissa Levan, City Attorney, introduced Mr. Bob Manzi, attorney with firm. Ms. Levan and Ms. Ruff have joined Mr. Manzi's firm which will be representing the City. Mr. Manzi is excited to have them join his firm and looks forward to their expansion of municipal representation.

Mayor Robinson thanked Mr. Manzi and looks forward to working with them.

B. County Recycling Legislation (CB-87-2012) – Councilmember Turner recused himself from this item since he is the drafter of this bill. Mr. Joe Meinert, City of Bowie Planning Director introduced Mr. Gary Allen, Chairman of the Bowie Environmental Advisory Committee who will be briefing Council on this legislation. CB-87-2012 is a County bill intended to update and improve the County's recycling program. This bill affects many aspects of the County's refuse and recycling program which do not apply directly to the City but there are some provisions that will pertain to properties located in the City. CB-87-2012 will also prohibit acceptance of yard waste disposed of in plastic bags at the County yard waste facility after January 1, 2014, which will affect how City residents dispose of their yard waste since the City uses the County's yard waste disposal facility. The EAC recommends Council approve a letter of support from the City of CB-87-2012. The EAC also proposes that the City investigate and provide a report to City Council regarding the establishment of a fee-based system to provide for business recycling pick up within the City by July 2013.

Public Hearing:

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

Councilmember Gardner asked Mr. Allen about the advantages of business recycling programs and how it could affect the City. Mr. Allen responded that as the City proceeds with the Sustainable Maryland Community designation it notes that cities that have this program have been given recognition for this effort.

City Manager Deutsch stated that many businesses in the City already recycle, mainly grocery stores with their cardboard boxes.

Councilmember Brady agrees with the committee's suggestions and warrants more investigation by City Staff and suggests the City provide better information to citizens on what can be recycled. Councilmember Brady also recommends suggesting to County Council two changes to the bill. Under Section 21-142(j) – the City recommends the solid waste stream analysis be done each year, rather than every two years and under Section 21-143(a) – clarification so that the rate is specifically expressed in tonnage.

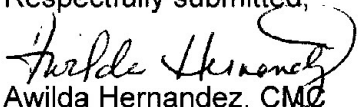
Mayor Pro Tem Polangin moved to approve staff recommendation to support County Legislation to improve broader recycling in the County and further direct staff to review the potential for greater recycling participation by businesses in the City and report back the conclusion to City Council by June 30, 2013. Councilmember Marcos seconded the motion.

Councilmember Brady moved to amend the motion to include his two recommendations on pages 5 and 7 of the legislation. Motion carried unanimously 6-0. (Councilmember Turner recused himself from this vote)

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)(3): To consider the acquisition of real property for a public purpose and matters directly related thereto; and Section 10-508(a)(9): To conduct collective bargaining negotiations or consider matters that relate to the negotiations (Attached). Councilmember Brady seconded the motion and it carried unanimously. The meeting was adjourned at 8:35 p.m.

Respectfully submitted,


Awilda Hernandez, CMG
City Clerk

**WRITTEN STATEMENT FOR CLOSING A MEETING
UNDER THE OPEN MEETINGS ACT**

Date: 11/14/12 Time: 8:35 Location: City Hall Motion to close meeting made by: DP

Seconded by DB, Members voting in favor: FR, DP, HG, IT, JM, DB, TT

Opposed: _____ Abstaining: _____ Absent: _____

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:

- (✓) Acquisition of Real Property
- (✓) Police Collective Bargaining
- () _____

Persons attending closed session: Robinson, Polansky, Brady, Gardner, Marcos, Trovati, Turner, Deutsch, Fitzwater, Levan

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

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

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

Time closed session adjourned: 9:15

Appendix C