



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, DECEMBER 3, 2012

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, December 3, 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:

Mr. John Henry spoke in reference to a letter received from BGE in response to his suggestions for improvement to BGE's customer service.

PRESENTATIONS:

A. Swearing-in of new City Police Officers - Mayor Robinson swore in the following new Officers to the Bowie Police Department: Private Aaron G. Foote, Private First Class Aaron T. Saunders, and Private Matthew P. Titman.

B. Mayor Robinson presented Bowie Finance Director Robert Patrick and Assistant Finance Director Byron Matthews and their staff the 38th consecutive "Certificate of Achievement for Excellence in Financial Reporting" award.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearing-in – Mayor Pro Tem Polangin moved to appoint Ms. Maureen Regan to the Bowie Board of Personnel Appeals for a 2-year term. Councilmember Brady seconded the motion and it carried unanimously.

B. Councilmember Turner moved to appoint Ms. Cheryl Ndunguru to the Bowie Diversity Committee for a 2-year term. Councilmember Marcos seconded the motion and it carried unanimously.

C. Mayor Robinson swore-in Ms. Regan and Ms. Ndunguru to their respective committees and welcomed them.

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) Answer to question in regards to the Homestead Tax Credit, it only needs to be applied for once and not yearly. 2) City sponsored a flu shot clinic at the Senior Center this evening along with cooperation from Dimensions Health Care and the County Health Department, 214 flu shots were administered.

CONSENT AGENDA:

Mayor Pro Tem Polangin moved the approval of Consent Agenda Item: A) Approval of November 19 Meeting Minutes. Councilmember Brady seconded the motion and it carried unanimously.

OLD BUSINESS:

A. Adoption 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.

Mr. Steve Roberts, City of Bowie Code Compliance Supervisor, gave a brief overview of the amendments to Chapter 5 to clarify definitions, enforcement responsibility, incorporate inoperative vehicles as open storage, requirements for carbon monoxide alarms in rental dwellings, exempt rental properties where immediate family members of the owner resides from the City's rental license program and increase on municipal infraction fines for subsequent violations.

Public Hearing:

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

Councilmember Trough noted that the Fire Department calls carbon monoxide "detectors" and not "alarms".

Councilmember Turner stated that County did pass legislation about six weeks ago that all new residential construction have carbon monoxide detectors installed as well as smoke alarms.

Councilmember Turner made a motion to adopt Ordinance O-8-12. Councilmember Marcos seconded the motion and it carried unanimously.

B. Adoption 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.

Mr. Steve Roberts, City of Bowie Code Compliance Supervisor, gave a brief overview of the amendments to Chapter 26 to clarify and add definitions; require trailers on residential lots to be operative, parked on paved surfaces and display valid registration plates; and place restrictions on commercial vehicles parked on any residentially zoned or improved lots.

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 thanked staff for these changes and commends them.

Councilmember Brady asked if areas with pavers that allow grass to grow in between are considered a paved parking area. Mr. Roberts responded that they are considered in the language.

Mayor Pro Tem Polangin made a motion to adopt Ordinance O-9-12. Councilmember Brady seconded the motion and it carried unanimously.

C. Adoption 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.

Mr. Steve Roberts, City of Bowie Code Compliance Supervisor, gave a brief overview of the amendments to Chapter 14 to prohibit parking of a vehicle on a City street within three feet of a driveway, make illegal the parking of certain vehicles on City streets and increase the fine for parking a vehicle longer than seventy-two hours on a City street.

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 asked how the City would be able to enforce the violation if it is being changed from a municipal infraction if a resident doesn't comply. Mr. Roberts explained that the City would contact if necessary the owner of vehicle and explain safety hazards or issue parking tickets or can get an injunction.

Councilmember Turner asked if there has been any sort of coordination with the County to allow the City to issue parking tickets on County roads within the City. Mr. Roberts explained that at the moment there are none, the County still requires the City to refer to them for enforcement.

Councilmember Gardner commented that seventy-two hours might be too lenient for length of time vehicles parked in one location, would like to maybe change to forty-eight hours. Mr. Roberts explained that seventy-two hours is the common length in most jurisdictions.

Councilmember Turner made a motion to adopt Ordinance O-12-12. Councilmember Brady seconded the motion and it carried unanimously.

D. Adoption 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.

Ms. Karen Ruff, City Attorney, noted that a question was raised after the introduction of this ordinance with respect to page 3, Sub-section B. The question raised was if the position of Bowie Community Forester is not filled or the person is away who would determine if a tree is an imminent danger. It is proposed that after "Community Forester" the words "or Parks & Grounds Superintendent" be added and Council consider this amendment.

Mr. Steve Roberts, City of Bowie Code Compliance Supervisor, gave a brief overview of the amendments to Chapter 22 to create a process whereby a tree or tree limb on private property, imminent danger of falling onto public property is made safe, increase clearance height of tree limbs over a street and require tree limbs to be trimmed from obstructing street and traffic control signs.

Public Hearing:

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

Councilmember Brady made a motion to adopt Ordinance O-13-12 with amendments stated by City Attorney. Councilmember Trough seconded the motion and it carried unanimously.

NEW BUSINESS:

A. Detailed Site Plan #12011, St. James Episcopal Church Day Care – Mr. Joe Meinert, City of Bowie Planning Director, briefed Council on Detailed Site Plan #12011 submitted for a 54-child day care center as an accessory use to a church at 13010 8th Street.

Mr. Robert Antonetti, with law firm Shipley & Horne, representing the Episcopal Diocese of Washington appeared on behalf of the applicant. The church is no longer functioning; the Episcopal Diocese is looking to sell the property and would like to have the child day care accessory use approved to help with the sale of the property. All parking requirements required by the Zoning Ordinance will be met as well as the extension of the 6' fence along 7th Street for the play area. The proposed play area will only be used during daylight hours.

Public Hearing:

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

Councilmember Turner asked Mr. Meinert in regards to staff memorandum of stakeholders meeting held in June, whose consensus was it that the Arts Center is a benefit to the community. Mr. Meinert replied that the property is currently leased by Charis Center for the Arts and they were the majority present at the stakeholders meeting.

Councilmember Marcos asked if the property is being marketed to other religious entities. Mr. Antonetti replied that it is.

Councilmember Marcos moved to approve Detailed Site Plan #12011, St. James Episcopal Church Day Care. Mayor Pro Tem Polangin seconded the motion and it carried unanimously.

B. Budget Guidance for FY2014 – Mr. Rob Patrick, City of Bowie Finance Director, provided a presentation on the budget development schedule, revenue and expenditure policies, capital financing and debt management policies, and the revenue outlook by state, county and city. Mr. Patrick also reported that in July 2012, Standard & Poor's reaffirmed the City's AAA rating by consistently having sound financial position with very strong reserves and conservative fiscal policies. Major factors impacting the FY2014 Budget will be assessment values estimated to increase less than 2%, the continuation of major reductions to Highway User Revenues from the state and potential federal cutbacks.

Following discussion and comments by members of Council, Mayor Robinson thanked Mr. Patrick and Mr. Matthews for the presentation and summarized that the City will continue to keep a strong conservative view and maintain core services for residents.

C. Recycling Schedule Proposal – Mr. Jim Henrikson, City of Bowie Director of Public Works, briefed Council on Public Works objective to investigate how other municipalities manage the collection and disposal of trash and recycling during the holidays. Residents over the years have complained about the lack of pick-up during holidays. At this moment the

recommendation is to add an additional recycling pickup on New Year's Day at a cost of \$5,000 for this year only.

Public Hearing:

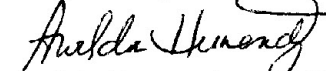
Since there were no speakers signed up to speak, Mayor Robinson declared the public hearing to have been held.

Councilmember Turner made a motion to approve the extra recycling pickup on New Year's Day at a cost of \$5,000 for this year only. Councilmember Truth seconded the motion and it carried 6-0, Councilmember Brady was not present for this vote.

ADJOURNMENT:

Mayor Pro Tem Polangin moved to adjourn the City Council meeting. Councilmember Truth seconded the motion and it carried 6-0, Councilmember Brady was not present. The meeting was adjourned at 10:30 p.m.

Respectfully submitted,


Awilda Hernandez, CMC
City Clerk