City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

TUESDAY, JANUARY 22, 2013

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Tuesday, January 22, 2013 in the Council Chambers at City Hall. Mayor Pro Tem Polangin called the meeting to order at 8:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Pro Tem Polangin led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Pro Tem Polangin, Councilmembers Brady (Arrived 8:11p.m.), 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:

Mr. Benjamin Woolery, 12302 Manship Lane, spoke on behalf of the Bowie Ethics Commission. The commission is in need of new members and is requesting a dedicated space in City Hall so that their attorney can maintain Ethics Commission files in the building. City Manager Deutsch will work with the commission to provide space.

PRESENTATIONS:

A. GFOA Distinguished Budget Presentation Award – Mayor Pro Tem Polangin presented Mr. Robert Patrick, City Finance Director and Mr. Byron Matthews, Assistance Finance Director with the 2012 GFOA Distinguished Budget Award and commended them for the great work they are doing.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearing-in – Councilmember Turner moved to appoint Mr. Louis D. Edwards as an Alternate Member to the Bowie Administrative Review Board for a 2-year term. Councilmember Gardner seconded the motion. Motion carried 5-0, Councilmember Brady was not present. Mayor Pro Tem Polangin swore-in Mr. Edwards and welcomed him.

CITY MANAGER'S REPORT:

City Manager Deutsch reported on the following: 1) City of Bowie license plate program is almost ready to launch, staff is working closely with MVA on lithography requirements. 2) The City will receive an additional $1,007,000 in Highway User Revenues for Fiscal 2014 from the State if the Governor's proposed budget is adopted as presented.

CONSENT AGENDA:

Councilmember Turner moved the approval of Consent Agenda Items: A) Approval of Resolution R-2-13 – Approving a Contract with Dispatch & Tracking Solutions (DTS) to Manage and Track Towing Services Requested by the City of Bowie, Approving the Use of Ray's Towing Services, LLC., Walker Towing, Inc. and Central Heavy Duty Towing to Provide Towing Services on Behalf of the City of Bowie and Authorizing the City Manager to Sign the Appropriate Contracts with the Aforementioned Businesses to Provide Towing Services for the City; B) Approval of Resolution R-6-13 – Waiving the Bidding Requirements of Section 61 of the City Charter to Authorize the City Manager to Enter Into a Contract with Fresh Air Concepts, Inc. for the Replacement of HVAC System Related Pumps at the Belair Mansion in an amount not to Exceed $62,181; C) Approval of Resolution R-7-13 – Declaring and Dedicating Health Center Drive, A 60' Wide Right-of-Way, to Public Use and Accepting Health Center Drive as a City Right-of-Way; D) Approval of Resolution R-8-13 – Authorizing the Waiving of Bidding Requirements by Two-Thirds Vote to Allow for the MDE Fuel System Compliance Work; E) Approval of Resolution R-9-13 – Accepting Bid Proposal for Energy Assessment Services for the HUD CDBG Senior Citizen "Green" Housing Rehabilitation Program; F) Introduction of Ordinance O-1-13 – Amending the Adopted Budget for the Fiscal Year Beginning July 1, 2012 and Ending June 30, 2013, as Embodied in Ordinance O-3-12, as Amended, to Reflect the Receipt of Additional Grant Funds for Certain Specified Purposes that are not Included in the Adopted Budget, and to Appropriate Funds for: the Replacement of One Police Vehicle, the Expansion of the Youth Services Bureau Capacity to Provide Prevention, Intervention and Treatment Services, the Funding of Closeout Costs for the Church Road Park Restroom and Concession Stand Facility, an Increase in the Amount of the Appropriation in the Adopted Budget for the Purchase and Installation of a Fueling Station at Public Works, Repairs to the Compressor at the Bowie Ice Arena, a Needs Assessment for an Indoor Sports Facility, the installation of Ball Field Lighting at Allen Pond Park, the Installation of a Synthetic Turf Field at Whitemarsh Park and Improvements to the Wastewater Treatment Plant. Councilmember Marcos seconded the motion. Motion carried unanimously.

NEW BUSINESS:

A. Auditors Presentation – Mr. Dan Kenney and Mr. Jonathan Olsen, Jr with audit firm CohnReznick LLP presented a review of the City's finances for Fiscal Year 2012 a copy of reports on file at City Hall. The City also received Certificate of Excellence in Budget Reporting for the year. Councilmembers thanked Mr. Kenney and Mr. Olsen for their report and staff for work done.

B. Zoning Map Amendment #10019 – Mr. Joe Meinert, City Planning Director, gave an overview of a Zoning Map Amendment request, filed by Santos, LLC, for rezoning of a 7.88 acre property from the R-R (Rural Residential) to C-M (Commercial Miscellaneous) zone. The property was among the parcels included in a recent City annexation that encompassed over 123 acres consisting of Spring Meadows, Dixon Crossing, several properties along Church Road and numerous parcels located off of Woodcliff Road. The Annexation Resolution (R-1-11) was approved on January 18, 2011 and became effective on March 4, 2011. The City entered into an Annexation Agreement (R-71-10) with several property owners including Santos, LLC which states under paragraph F that the City favors the rezoning of the Santos Property from the R-R zone to the C-M zone either through a piecemeal rezoning application by Santos, LLC of said property or rezoning through a future sectional map amendment.

Mr. Dan Lynch, with the law firm McNamee Hosea, representing Santos, LLC, requested Council's support of the zoning map amendment per the Annexation Agreement dated November 2010.

Public Hearing:

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

Councilmember Brady asked the City Attorney if the City would be in violation of the Annexation Agreement if they did not support the request for the amendment to the zoning map. City Attorney Ruff responded that they would be.

Councilmember Turner asked Mr. Lynch what type of development would be established on the property. Mr. Lynch responded that it would be similar to what is already in the surrounding area, 2-story office, condominium type of buildings.

Councilmember Gardner made a motion to support Zoning Map Amendment #10029 and having the developer return before City Council with development proposals for the property. Councilmember Brady seconded the motion. Motion carried unanimously.

C. Detailed Site Plan #DSP-05101/01 – Mr. Frank Stevens, City Planning Staff, briefed Council on the request received by M-NCPPC for review and recommendation of a proposed operation of a day care center for up to 70 children at the site of a future church, Restoration Praise Center on Old Stage Road. A day care center is permitted by the County's Zoning Ordinance as an accessory use to a church and is subject to the review and approval of a Detailed Site Plan. The zoning ordinance establishes requirements for a day care operation as an accessory use to a church in the R-R zone which will be addressed by the applicant.

Mr. Mike Nagy, with the law firm Rifkin, Livingston, Levitan & Silver in Upper Marlboro, representing Restoration Praise Center agrees with staffs recommendations and conditions and asks Council to approve DSP-05101/01.

Public Hearing:

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

Councilmember Gardner asked if the day care center would be open to the community at large or just for church members. Pastor Kelvin Mitchell responded that it will be opened to the community at large. Councilmember Gardner also asked if the day care would be open when there are church services performed. Mr. Nagy responded that the day care will only be open Monday thru Friday and church services would be held on Sundays.

Councilmember Trouth asked about the hours of operation for outdoor play area. Mr. Nagy replied that it will be from 7:00 a.m. to 7:00 p.m.

Mayor Pro Tem Polangin urges the applicant to consider the 6' height requirements for the fence surrounding the play area.

Councilmember Brady agrees with Mayor Pro Tem Polangin o the need for a 6' high fence. He also requested a note be added on the site plan that if lights are added to play area they be directed downwards. Applicant is in agreement with those conditions.

Councilmember Turner asked about the status of construction of the church. Pastor Mitchell replied that they are scheduled to break ground in March of this year and if everything goes well, they are looking for completion in March of 2014.

Councilmember Gardner made a motion to approve Detailed Site Plan #DSP-05101/01 with six modifications required by staff. Councilmember Turner seconded the motion. Motion carried unanimously.

D. Public Art Master Plan – Ms. Annette Esterheld, City Arts Specialist and staff liaison for the Arts Committee introduced Ms. Kathleen Parker, Chair for the Bowie Arts Committee. Ms. Parker briefed Council on the development of the Public Art Master Plan which will provide a list of potential public art pieces, a location for each piece, a budget figure and a timeline for its fabrication and installation. A copy of the plan is on file in City Hall.

Public Hearing:

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

Councilmember Turner thanked staff for the report and asked what is being considered for the wall mounted sculpture in the lobby. Ms. Esterheld replied that they are considering a sculpture made of different types of media, maybe wood and metal.

Councilmember Trouth wondered if it's feasible to include art students from Bowie High School. Ms. Esterheld replied that they will be used in some capacity.

Councilmember Brady commended staff for the document presented, and suggests that the art pieces be placed throughout the entire City.

Councilmember Brady made a motion to adopt the Public Art Master Plan. Councilmember Trouth seconded the motion. Motion carried unanimously.

ADJOURNMENT:

Councilmember Marcos moved to adjourn the City Council meeting. Councilmember Trouth seconded the motion and it carried unanimously. The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Awilda Hernandez

Awilda Hernandez, CMC
City Clerk