



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, NOVEMBER 17, 2014

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, November 3, 2014 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:

Mayor Robinson led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Robinson, Mayor Pro Tem Truth, Councilmembers Brady, Gardner, Marcos, Polangin and Turner; City Manager Deutsch, Assistant City Manager Fitzwater, City Attorney Levan, Staff, the Press, and the Public.

CITIZEN PARTICIPATION:

1. Gary Allen, 16304 Bawtry Ct – congratulated Councilmember Turner on his election to the County Council and introduced the new Senior Pastor of St. Matthews United Methodist Church, Rev. Daniel Mejia.
2. Rev. Daniel Mejia, St. Matthews United Methodist Church – extended an invitation to Council to attend one of their “Thanksgiving” Services were they will be thanking teachers, veterans, police officers, firefighters and several other great community members for their service.

PRESENTATIONS:

- A. Councilmember Brady made a motion to approve Proclamations P-14-14 and P-15-14 and presented the proclamations to Robert Fezell and Brittany Hollins on their recognition by the Local Government Insurance Trust as recipients of the 2014 “Life Savers Award”. Councilmember Turner seconded the motion and it passed unanimously.
- B. Councilmember Truth made a motion to approve Proclamation P-18-14 and presented the proclamation to Dr. Theo W. Hodge, Jr. recognizing him for his years of dedication and service in the medical field. Councilmember Gardner seconded the motion and it passed unanimously.
- C. Mayor Robinson made a motion to approve Proclamation P-16-14 and presented Councilmember Turner with the proclamation recognizing him for his service on the Bowie City Council. Councilmember Brady seconded the motion and it passed unanimously.
- D. Ms. Tara Kelley-Baker and Mr. Michael Semeniuk representing CLAW presented a check to Council in the amount of \$20,000 to defray the cost of construction of the City’s animal holding facility. As the facility is completed, CLAW will present another check to the City for \$84,000.

MAYOR G. Frederick Robinson **MAYOR PRO TEM** Isaac C. Truth

COUNCIL Dennis Brady ♦ Henri Gardner ♦ James L. Marcos ♦ Diane M. Polangin ♦ 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 BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearing-In:

1. Councilmember Polangin moved the reappointment of Louis F. D'Orsaneo, Camilla M. Gaines, Yolanda Jones, Heike Nyland, Tope Ogunrinu and Irving Salzberg as members of the Board of Elections for a 2-year term. Councilmember Marcos seconded the motion and it carried unanimously.

COUNCIL ANNOUNCEMENTS:

Mayor Robinson encouraged citizens to enjoy the Thanksgiving holiday with their families.

CITY MANAGER'S REPORT:

City Manager Deutsch reported the construction of the animal holding room began this morning and it is expected to be completed within a month and work also began this morning on the demolition of the house on Pond Meadow Lane.

CONSENT AGENDA:

Councilmember Turner moved the approval of Consent Agenda Items: A) Introduction of Ordinance O-9-14 – Amending the Adopted Budget for the Fiscal Year Beginning July 1, 2014 and Ending June 30, 2015, As Embodied in Ordinance O-3-14, to Amend the Gymnasium Fees; B) Approval of Position Letter re: Proposed Event Areas Within Parking Areas of Bowie Town Center. Councilmember Brady seconded the motion and it carried 7-0.

NEW BUSINESS:

A. Approval of Resolution R-70-14 Endorsing Trap-Neuter-Return as a Humane Method of Addressing Free-Roaming and Feral Cat Populations in Bowie – Mr. Steve Roberts, Animal Control Supervisor briefed Council on the program. TNR is a nationally accepted method to humanely and effectively manage community cat colonies. The primary goal is the reduction of free-roaming cats by care givers who trap, spay or neuter, and vaccinate the cats. The resolution will assist TNR organizations toward obtaining funding from the Maryland Department of Agriculture Spay and Neuter Grant program and PetSmart charities.

Ms. Elizabeth Holt, representing Alley Cat Allies briefed Council on the benefits of the Trap-Neuter-Return Program to the city. The program will help stabilize and reduce the number of free roaming and feral cats which in turn will result in fewer cat nuisance complaints to Bowie Animal Control.

Public Hearing:

1. Terri Stumpf, 4917 Ridgeview Lane – expressed support of the TNR program.
2. Lila Pavelec, 12203 Stanfield Ct – is in favor of the TNR program.
3. Connie Carter, 12100 Rustic Hill Drive – also supports the program and the benefits of it.

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

Councilmember Brady asked if the approval of this resolution would cause any changes to be made to the City Code dealing with animal control enforcement.

Mr. Roberts said that changes will be needed to the City Code and those changes will be presented to Council at a meeting in January.

Councilman Brady also asked if Prince George's County is doing the program. Mr. Roberts replied that at the current time they are not but are actively looking into it.

Councilmember Brady made a motion to approve Resolution R-70-14. Mayor Pro Tem Truth seconded the motion. Motion carried 7-0.

B. Bowie Marketplace Redevelopment and Approval of Resolution R-69-14 Authorizing the City Manager to Enter Into an Agreement for the Payment of Incentives from the Bowie Economic Development Incentive Fund for the Redevelopment of the Bowie Marketplace Shopping Center – Mr. John Henry King, Economic Development Director introduced Mr. Brian Berman from Berman Enterprises who briefed Council on the status of the redevelopment of Bowie Marketplace Shopping Center. In order for the shopping center to be a success there is a need for an anchor store, Berman Enterprises is very close to signing an agreement with Harris Teeter to become that anchor store for Bowie Marketplace. They have also secured buyout rights for Rite Aid, Letter of Intent with Glory Days and secured month to month leases with the remaining tenants. Prince George's County has approved a \$1 million incentive program to help in the redevelopment and pending approval of an incentive plan from the City.

Mr. King stated that in order for Berman Enterprises' plans for the property to come to fruition the following items need to be addressed by Council. A subdivision request that will shift lot lines from City owned property at Acorn Hill Park and transfer of ownership of "Parcel A" which is a 0.3 acre piece of land that is at the end of Sage Lane and an exit from the Marketplace parking lot adjacent to Acorn Hill Park. The City does not maintain this paved parcel; the City will still maintain ownership of the park. They will also need an incentive from the City to help defray the costs of demolishing the existing deteriorated structure as well as a cash grant to close the gap between what the grocer will pay in rent and what the rent revenue should be. These items are what are stated in Resolution R-69-14 that is before Council this evening for approval. The total amount of the incentive would be \$950,000.

Public Hearing:

1. Michael Gorman, 2008 Althea Lane – proposed that the developer consider using some of the property to provide classroom spaces for graduate education courses.
2. Ron Ciuffetelli, 3549 Madonna Lane – operator of Shell gas station on corner of Marketplace is against the construction of the gas station by Harris Teeter.
3. Carl Bethke Jr., 15651 Annapolis Rd – is opposed to the new gas station and has concerns with zoning variances.
4. Ikenna Udejiofo, 3204 Chelmont Lane – has concerns with the granting of the incentives from the City.

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

Councilmember Polangin asked if the developer is not able to get either the gas pad or the liquor license will Harris Teeter not sign the lease agreement. Mr. Berman replied yes, both are required.

Councilmember Turner asked how many existing businesses are willing to remain in the shopping center after the redevelopment. Mr. Berman said that they are working closely with all current tenants to have them remain.

Councilmember Brady encourages the developer to increase the residential portion for senior living to more than just 20%.

Councilmember Polangin made a motion to approve Resolution R-69-14 Authorizing the City Manager to Enter Into an Agreement for the Payment of Incentives from the Bowie Economic Development Incentive Fund for the Redevelopment of the Bowie Marketplace Shopping Center. Mayor Pro Tem Truth seconded the motion. Motion passed unanimously.

C. Sustainability Plan Initiative – Mr. Joe Meinert, Planning Director summarized the plan to Council. City staff was contacted by Maryland-National Capital Park and Planning Commission staff about the possibility of collaborating on a Sustainability Plan, through the Planning Board’s “Planning Assistance to Municipalities and Communities” program. The costs for Sustainability Plans vary depending on the size of the jurisdiction and whether consulting services are used. These costs should be minimized by using M-NCPPC and City staff as much as possible. The City’s Environmental Advisory Committee and Green Team Executive Committee will serve in an oversight capacity throughout the project and regular progress briefings will be provided to Council.

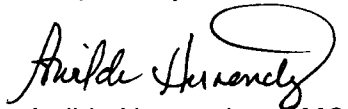
Councilmember Turner made a motion to support the proposed Sustainability Plan initiative and directed staff to send a letter to the Planning Board outlining the expectations of the project. Councilmember Polangin seconded the motion. Motion passed unanimously.

D. Remarks by Councilmember Turner – Councilmember Turner announced his resignation as City Councilmember effective November 30, 2014; as he has been elected to serve on the Council for Prince George’s County. He thanked his colleagues, staff and residents for all the support during his tenure as Councilmember.

ADJOURNMENT:

Mayor Pro Tem Truth moved to adjourn the City Council meeting and move to Close Session, State Government Article §3-305(b)(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 and §3-305(b)(4): To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. Councilmember Brady seconded the motion and it carried 7-0. The meeting was adjourned at 10:50 p.m.

Respectfully submitted,


Awilda Hernandez, CMC
City Clerk

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

Date: 11/17/14 Time: 10:50p^m Location: City Hall Motion to close meeting made by: Truth

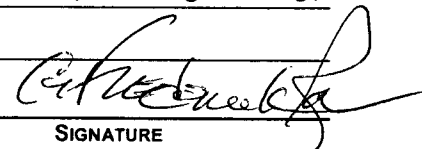
Seconded by Brady, Members voting in favor: Robinson, Turner, Truth, Marcos, Gardner, Brady, Polansin
Opposed: _____ Abstaining _____ Absent _____

STATUTORY AUTHORITY TO CLOSE SESSION, General Provisions Article, §3-305(b) (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:

§3-305(b) (i) Council considered leave for employees around the holidays
 §3-305(b) (4) City Manager informed City Council about request to reauthorize leave.
 §3-305(b) () _____

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

WORKSHEET FOR USE IN CLOSED SESSION (CHECKLIST OF DISCLOSURES TO BE MADE IN MINUTES OF NEXT REGULAR MEETING- NOT A PART OF THE CLOSING STATEMENT)

PERSONS ATTENDING CLOSED SESSION: Robinson, Brady, Truth, Gardner, Polansin, Deutsch, Fitzwater, LCS97

TOPICS ACTUALLY DISCUSSED _____

ACTION(S) TAKEN (IF ANY) AND RECORDED VOTES: _____

TIME CLOSED SESSION ADJOURNED: 11:00 p.m

PLACE OF CLOSED SESSION _____

PURPOSE OF CLOSED SESSION: _____

STATUTORY AUTHORITY FOR THE CLOSED SESSION: §3-305(b) (i); (4); ()

MEMBERS WHO VOTED TO CLOSE: _____