



# City of Bowie

15901 Excalibur Road  
Bowie, Maryland 20716

## REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, JANUARY 5, 2015

### CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, January 5, 2015 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:

Boy Scout Troop 403 led the Pledge of Allegiance to the Flag.

### QUORUM:

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

### AGENDA ADDITIONS/DELETIONS/AMENDMENTS:

Councilmember Brady requested that Item M – Approval of Letter to State Highway Administration re: US 301 Concept Sketches under the Consent Agenda be moved to New Business for further discussion.

### CITIZEN PARTICIPATION:

1. Lynn Beiber, 5000 Rochester Lane – commented about issues with smart meters and fire hazards.
2. Thea Scarato, 6 Hillside Greenbird Rd – commented on health issues related to cell towers.

### CITY BOARDS AND COMMITTEES:

1. Councilmember Polangin made a motion to appoint Ms. Patricia Chastang to the Diversity Committee for a two-year term. Mayor Pro Tem Truth seconded the motion. Motion passed unanimously.
2. Councilmember Brady made a motion to appoint Ms. Jacqueline Lord to the Environmental Advisory Committee and the Green Team Executive Committee for a two-year term. Mayor Pro Tem Truth seconded the motion. Motion passed unanimously.
3. Councilmember Brady made a motion to appoint Mr. Larry Marx to the Green Team Executive Committee for a two-year term. Mayor Pro Tem Truth seconded the motion. Motion passed unanimously.
4. Mayor Robinson swore-in the members to their respective committees.

**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](http://www.cityofbowie.org)

CITY MANAGER'S REPORT:

City Manager Deutsch reported that the construction of the animal holding room will be completed by Thursday of this week, and the speed camera on Rt. 197 by Tasker Middle School is now live but in warning phase until January 19<sup>th</sup>.

CONSENT AGENDA:

Councilmember Marcos moved the approval of Consent Agenda Items: A) Approval of October 20 Meeting Minutes; B) Approval of November 3 Meeting Minutes; C) Approval of November 17 Meeting Minutes; D) Approval of December 1 Meeting Minutes; E) Approval of Resolution R-1-15 Approving Variance Application BV-5-14, A Request by Deborah M. and John W. Rice for a Variance of Three Feet From the Minimum Eight Foot Side Yard Setback Prescribed by the Prince George's County Zoning Ordinance to Validate an 11 Foot by 14 Foot Wood Deck on the South Side of the Existing Dwelling and to Permit the Construction of an 11 Foot by 14 Foot Sunroom Over the Existing Deck at 3127 Belair Drive; F) Approval of Resolution R-2-15 Adopting a Climate Action Plan for the City; G) Approval of Resolution R-4-15 Authorizing the City Manager to Execute an Annexation Agreement with Bowie Veterinary Properties, LLC. Establishing the Terms and Conditions Governing the Proposed Annexation of Approximately 1.21419 Acres of Land Owned by Bowie Veterinary Properties, LLC, Located on the West side of Maryland Route 197, North of Millstream Drive, Into the Corporate Limits of the City of Bowie; H) Approval of Resolution R-5-15 Adopting an Annexation Plan for the Annexation of Parcel 316 on Prince George's County Tax Map 37, Also Known as 6700 Laurel Bowie Road, Owned by Bowie Veterinary Properties, LLC, and a Portion of the Maryland Route 197 Right-of-Way, North of Millstream Drive; I) Introduction of Resolution R-6-15 Enlarging the Corporate Boundaries of the City of Bowie, by Annexing Into the City Lands Contiguous to and Adjoining the City's Existing Corporate Boundary, Property Known as Parcel 316 on Prince George's County Tax Map 37, Also Known as 6700 Laurel Bowie Road, and a portion of the Maryland Route 197 Right-of-Way, Approximately 14 Feet Wide by 274 Feet Long, Located on the West Side of Maryland Route 197, North of Millstream Drive; J) Approval of Resolution R-7-15 Setting Forth City of Bowie's Commitment to Obesity Prevention; K) Approval of Resolution R-8-15 To Piggyback on a Montgomery County Contract With Solar City to Enter Into a Power Purchase Agreement to Install a Nine Acre Ground Mounted 2.434 MW Solar Array on the City Owned Entzian Property; L) Introduction of Ordinance O-3-15 Amending the Bowie City Code, to Add Chapter 28 "Storm Drain Illicit Discharge" Prohibiting Certain Discharges Into the Municipal Separate Storm Sewer System Establishing Inspection and Enforcement Procedures and Penalties for Noncompliance. Councilmember Gardner seconded the motion and it carried 6-0.

OLD BUSINESS:

A. Approval of Ordinance O-1-15 Declaring a Certain Parcel Located Generally Within the Shopping Center Known as Bowie Marketplace to be Surplus Property and Authorizing the Transfer of Said Property by the City to BE Bowie LLC to Facilitate the Redevelopment of Bowie Marketplace. City Manager Deutsch summarized the ordinance to Council which authorizes the transfer of ownership of a parcel of land to 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 and has always expected the Marketplace owner to do paving and maintenance.

**Public Hearing:**

1. Lynn Beiber, 5000 Rochester Lane – wanted clarification that there was no transfer of City funds for this parcel of property.

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

Councilmember Polangin made a motion to approve Ordinance O-1-15 Declaring a Certain Parcel Located Generally Within the Shopping Center Known as Bowie Marketplace to be Surplus Property and Authorizing the Transfer of Said Property by the City to BE Bowie LLC to Facilitate the Redevelopment of Bowie Marketplace. Councilmember Brady seconded the motion. Motion passed unanimously.

B. Approval of Ordinance O-2-15 Amending the Adopted Budget for the Fiscal Year Beginning July 1, 2014 and Ending June 30, 2015, as Embodied in Ordinance O-3-14 and Amended by Ordinance O-9-14, to Appropriate Funds for the Redevelopment of the Bowie Marketplace Shopping Center. City Manager Deutsch summarized the ordinance for Council which amends the FY 2015 budget to provide a supplemental appropriation to use funding from the Bowie Economic Development Incentive Fund to assist with the cost of demolishing and replacement of the Bowie Marketplace Shopping Center.

**Public Hearing:**

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

Councilmember Polangin made a motion to approve Ordinance O-2-15 Amending the Adopted Budget for Fiscal Year 2015 as Embodied in Ordinance O-3-14 and Amended by Ordinance O-9-14, to Appropriate Funds for the Redevelopment of the Bowie Marketplace Shopping Center. Mayor Pro Tem Truth seconded the motion. Motion passed unanimously.

**NEW BUSINESS:**

A. Presentation by Prince George's County Fire Chief Marc Bashoor – Fire Chief Bashoor spoke about the recent fires that have occurred in Bowie and surrounding areas, and the importance of having working smoke alarms in the homes. On December 26 his department held a press conference announcing a new program the Fire Department is starting called Adopt a Neighborhood Initiative which allows businesses to adopt certain neighborhoods and sponsor the installation of smoke alarms in homes that do not have them. They will also be holding a meeting in City Hall on January 31<sup>st</sup> to explain the program to citizens and business owners.

B. Approval of Resolution R-3-15 Approving Application 14-1 to Provide Category 1 Water and Sewer Designation for Survey's Inc. for a Single Family Detached House at the Southeast Corner of Bartlett Lane and Beaverdale Lane. Assistant City Manager Fitzwater summarized the resolution to Council which will provide an allocation of 165 gallons per day of water and 165 gpd of sewer for the construction of a single family dwelling.

**Public Hearing:**

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

Councilmember Polangin made a motion to approve Resolution R-3-15 Approving Application 14-1 to Provide Category 1 Water and Sewer Designation for Survey's Inc. for a Single Family

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Detached House at the Southeast Corner of Bartlett Lane and Beaverdale Lane. Councilmember Marcos seconded the motion and passed unanimously.

C. Approval of Letter to State Highway Administration re: US 301 Concept Sketches – Councilmember Brady would like to make a modification to the letter to include verbiage to extend a third lane all the way to Central Avenue. Councilmember Brady made a motion to approve the letter as modified. Mayor Pro Tem Truth seconded the motion and it passed unanimously.

ADJOURNMENT AND MOVE TO CLOSE SESSION:

Mayor Pro Tem Truth moved to adjourn the City Council meeting and move to Close Session, State Government Article §3-305(b)(3): To consider the acquisition of real property for a public purpose and matters directly related thereto 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 6-0. The meeting was adjourned at 8:49 p.m.

Respectfully submitted,



Awilda Hernandez, CMC  
City Clerk

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

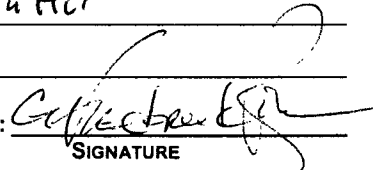
Date: 1/5/15 Time: 8:49pm Location: City Hall Motion to close meeting made by: Truth  
Seconded by Brady, Members voting in favor: Robinson, Brady, Gardner, Polangin  
Truth, Marcos Opposed: \_\_\_\_\_ Abstaining: \_\_\_\_\_ Absent: \_\_\_\_\_

**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) (4) Discussed golf course lease.  
§3-305(b) (1) Attorney updated Council on personnel legal matter  
§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, Truth, Brady, Gardner, Polangin, Marcos, Deutsch, Fitzmaurice LC 47

TOPICS ACTUALLY DISCUSSED Golf Course Lease / Personnel legal matter

ACTION(S) TAKEN (IF ANY) AND RECORDED VOTES: \_\_\_\_\_

TIME CLOSED SESSION ADJOURNED: 9:20 p.m.

PLACE OF CLOSED SESSION: \_\_\_\_\_

PURPOSE OF CLOSED SESSION: \_\_\_\_\_

STATUTORY AUTHORITY FOR THE CLOSED SESSION: §3-305(b) ( ) ; ( ) ; ( ) \_\_\_\_\_

MEMBERS WHO VOTED TO CLOSE: \_\_\_\_\_