



# City of Bowie

15901 Excalibur Road  
Bowie, Maryland 20716

## REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, DECEMBER 7, 2015

### CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, December 7, 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:

Mayor Robinson led the Pledge of Allegiance to the Flag.

### QUORUM:

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

### COUNCIL ANNOUNCEMENTS:

Mayor Robinson thanked staff for the tree lighting ceremony held at the Mansion.

### CITY MANAGER'S REPORT:

City Manager Deutsch no report at this time.

### CONSENT AGENDA:

Councilmember Polangin moved the approval of Consent Agenda Items: A) Approval of Letter of Support to Maryland Heritage Areas Program, Maryland Historical Trust re: Proposed Boundary Revision – Anacostia Trails Heritage Area (ATHA); B) Approval of Letter to Maryland Department of the Environment re: Watershed Implementation Plan II: 2016-2017 Milestones and Updates to Previous Milestones; C) Approval of Resolution R-85-15 Waiving by Two-Thirds Vote the Competitive Bidding Requirement of Section 61 of the Charter of the City of Bowie and Permitting the Award of a Contract Under the Cooperative Bidding Provisions of Section 62 of the Charter to GameTime c/o Cunningham Recreation in the Amount of \$164,438 to Furnish and Install a New Playground at the Allen Pond Park Tot Lot. Councilmember Truth seconded the motion and it carried 6-0.

### NEW BUSINESS:

A. BGE Annual Update – Mr. Michael Fowler and Mr. Matt Fiery briefed Council on BGE's performance over the past year and the progress of the Electric Reliability Investment Initiative. BGE is a premier provider of reliable and safe energy which has resulted in a reduction of 46% for outages since 2006. They are committed to first-class customer experience, driving Maryland's economic

**MAYOR** G. Frederick Robinson    **MAYOR PRO TEM** Henri Gardner

**COUNCIL** Michael P. Estéve ♦ Courtney D. Glass ♦ James L. Marcos ♦ Diane M. Polangin ♦ Isaac C. Truth    **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)

growth and supporting their communities. BGE's external customer outreach program continues to strive as well as their Electric Reliability Investment initiative. As of October 31<sup>st</sup> there have been 13 minor storms and 1 major storm that have interrupted service for Bowie customers. A copy of the presentation is on file in the City Clerk's office.

Mayor Pro Tem Gardner asked when the last rate increase was. Mr. Fowler responded that they had an increase in 2014, various circumstances drive the request for increases to the commission.

Councilmember Polangin asked if with the increase in residents using solar panels will this cause an increase to the rates to residents that do not use solar panels. Mr. Fiery explained that some sort of usage will still occur from residents with solar panels, and it's mainly the maintenance of the system that drives the rates.

Councilmember Truth asked what the fee is for customers that opt out of the smart meter program. Mr. Fowler responded that there is a one-time fee of \$75 and a monthly fee of \$11.50 which will be reduced to \$5.50 per month beginning in January 2016.

B. Preliminary Plan 4-15024 (Lidl Grocery Store) – Mr. Joe Meinert, Planning Department Director summarized the report. TLBT, LLC is requesting City's approval for a Preliminary Plan for redevelopment of an existing automobile dealership site, including construction of a 31,000 square foot grocery store. The property contains 4.107 acres and is zoned C-S-C (Commercial Shopping Center). Staff recommends the approval with the condition that there shall be a trip cap of 123 AM peak hour trips and 235 PM peak hour trips for the subject application.

Mr. Carl Schuettler, Vice Chair for Bowie Advisory Planning Board, stated that a public hearing was held on November 24<sup>th</sup> and 5 residents signed up to speak and all were in support of the store. At the conclusion of the hearing the Board voted in favor of approving the preliminary plan 4-1.

Mr. Alex Ragonese, Real Estate Acquisitions Manager for Lidl US, gave an overview of who Lidl is. They are the largest grocer in Europe, founded in Germany in 1930 and currently have 10,000 stores throughout 26 countries and as of today they are the 3<sup>rd</sup> largest grocer in the country. They recently established their US headquarters in Arlington, Virginia.

#### **Public Hearing:**

1. Richard Bleach, 6109 Gallery Street – supports the store with conditions of a split face light for left hand turns and conditions restricting height and distance of lighting from nearby residential homes.
2. Claire Powell, 12433 Melling Lane – spoke in favor of the Lidl grocery store.
3. Denise Tyler, 12336 Quarterback Court – is in favor of the new grocery store.

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

Councilmember Esteve commented on the concerns of the left hand turn traffic, it could be difficult at time to see the cars approaching.

Councilmember Polangin made a motion to approve Preliminary Plan 4-15024 with staff condition as well as a consideration to review the lighting plan and a report from SHA of traffic accidents in the intersection. Councilmember Esteve seconded the motion. Motion carried 6-0.

ADJOURNMENT AND MOVE TO CLOSE SESSION:

Mayor Pro Tem Gardner moved to adjourn the City Council meeting and move into Closed Session under General Provisions Article, §3-305(b)(3): To consider the acquisition of real property for a public purpose and matters directly related to the acquisition and §3-305(b)(9): To conduct collective bargaining negotiations or consider matters that relate to the negotiations. Councilmember Truth seconded the motion and it carried 6-0. The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Awilda Hernandez".

Awilda Hernandez, MMC  
City Clerk

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

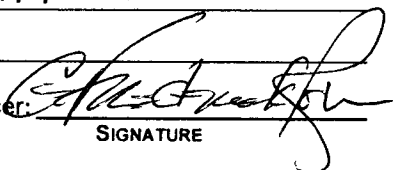
Date: 12/7/15 Time: 9:40 pm Location: City Hall Motion to close meeting made by: Gardner  
 Seconded by Trooth Members voting in favor: Robinson, Trooth, Glass, Polangin  
Esteve Opposed: \_\_\_\_\_ Abstaining: \_\_\_\_\_ Absent Marcos

**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) (3) Discussed land acquisition for indoor recreational facility  
 §3-305(b) (9) Discussed collective bargaining process with FOP.  
 §3-305(b) ( ) \_\_\_\_\_

This statement is made by Mayor 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, Gardner, Trooth, Glass, Polangin, Esteve, Deutsch, Fitzwater, Levan, Gioia

TOPICS ACTUALLY DISCUSSED land acquisition + collective bargaining

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

TIME CLOSED SESSION ADJOURNED: 10:05

PLACE OF CLOSED SESSION Bowie City Hall

PURPOSE OF CLOSED SESSION: Land acquisition + collective bargaining

STATUTORY AUTHORITY FOR THE CLOSED SESSION: §3-305(b) (3); (9); ( )

MEMBERS WHO VOTED TO CLOSE: Robinson, Gardner, Trooth, Glass, Polangin, Esteve