



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, APRIL 2, 2018

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, April 2, 2018 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, Councilmembers Esteve, Gardner, Marcos, and Woolfley; City Manager Lott, Assistant City Manager Mears, City Attorney Levan, City Clerk Hernandez, City staff, the Press, and the Public.

AGENDA ADDITIONS/DELETIONS/AMENDMENTS:

Councilmember Woolfley asked to move Item H from Consent Agenda to the next regular Council Meeting on April 16.

PRESENTATIONS:

- A. Mayor Pro Tem Gardner and members of Council presented Proclamations to staff from Navy Federal Credit Union that helped during the Hurricane Relief Fundraiser "Pocket Change" that the City held to help raise funds for the victims of Hurricane Harvey in Houston, Texas.

COUNCIL ANNOUNCEMENTS:

Mayor Robinson on behalf of Council thanked the 23rd Delegation for their efforts along with City Lobbyists Mr. Lucchi and Mr. Pounds that resulted in the City receiving two bond bills. One in the amount of \$200,000 that will go towards improvements at the Senior Center and the other in the amount of \$100,000 that will go towards the Bowie Emergency Call Center.

CITY MANAGER'S REPORT:

City Manager Lott had no report. City Attorney Levan introduced her new colleague Karen Federman Henry.

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

COUNCIL Michael P. Estève ♦ Courtney D. Glass ♦ James L. Marcos ♦ Isaac C. Trough ♦ Dufour Woolfley **CITY MANAGER** Alfred D. Lott
City Hall (301) 262-6200 FAX (301) 809-2302 TDD (301) 262-5013 WEB www.cityofbowie.org

CONSENT AGENDA:

Mayor Pro Tem Gardner moved the approval of Consent Agenda Items: A) Approval of January 2 Meeting Minutes; B) Approval of Proclamation P-2-18 Proclaiming April 2018 as Earth Month in Bowie; C) Approval of Proclamation P-3-18 Proclaiming April 22, 2018 as Earth Day in Bowie; D) Approval of Resolution R-18-18 Accepting a Bid Proposal for Saddlebrook Outfall Repairs; E) Approval of Resolution R-19-18 Waiving by a Two-Thirds Vote, the Bidding Requirements of Section 61 of the City Charter and Authorizing the City Manager to Enter Into an Annual Support and Licensing Agreement With Avaya to Provide Maintenance of the Telephone System; F) Approval of Resolution R-20-18 Awarding a Contract for Heating, Ventilation, and Air Conditioning (HVAC) Preventative, Predictive, and On-Call Services for City Facilities; G) Approval of Resolution R-21-18 Awarding a Contract for Heating, Ventilation, and Air Conditioning (HVAC) Preventative, Predictive, and On-Call Services for City Facilities. Councilmember Marcos seconded the motion and it carried 5-0.

NEW BUSINESS:

A. Bowie Green Team Committee Presentation – Green Team Vice Chair, Mr. Dustin Kuzan presented an overview of multi-modal transportation and public spaces in Bowie. Many of the subgroups activities are aligned with the City’s approved sustainability plan. The group’s goals are to increase active transportation options in order to reduce traffic; connect neighborhoods with community destinations; encourage developments to build a unique sense of place and to promote a vibrant and active culture. A copy of the presentation is on file in the City clerks Office.

Councilmember Esteve encouraged staff to take seriously, what this group is presenting especially when it comes to multi-modal connections and thinking actively whenever we are talking about a particular commercial project, finding better ways to move people from immediate neighborhoods into those centers.

Councilmember Woolfley asked if there has been any discussion on bike-share programs. Mr. Kuzan replied that they have not discussed it particularly but could investigate and see what possibilities might be available.

Mayor Robinson thanked Mr. Kuzan for this presentation.

B. CDBG Consolidated Plan FY 2019-2023 – Resolution R-17-18 – Mr. Jesse Buggs, City’s Director of Grant Development and Administration summarized this year’s plan and the results of the survey done to receive input from the community. The City receives Community Development Block Grant (CDBG) funds from the US Department of Housing and Urban Development (HUD) through an entitlement. The plan will analyze housing, human services, and non-housing community development needs throughout the City, identify and prioritize community needs, and include a strategy to address those needs. The five year Consolidated Plan is required by the US Department of Housing and Urban Development for all Entitlement Communities receiving HUD funding. Consistent with the Council approved Citizen Participation Plan, staff has engaged in several community outreach and information gathering activities over the past four months that includes public outreach meetings, and a community outreach survey. The majority of the high need requests from the survey were senior services, housing rehab and job training and placement.

Public Hearing:

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

Councilmember Woolfley made a motion to approve Resolution R-17-18 and authorize staff to prepare the Consolidated Plan. Councilmember Marcos seconded the motion. Motion carried 5-0.

C. Retail Village East at the Melford Town Center – Mr. Frank Stevens, City Planning Staff summarized the staff report. The applicant is seeking the City's recommendation of approval of a Detailed Site Plan, which proposes to construct 57,845 sq. ft. of retail/commercial space in five buildings on 6.32 acres. The subject site is located in the northeastern quadrant of the Melford Boulevard/East-West Boulevard future intersection, opposite Tesla Drive. The property is zoned M-X-T (Mixed Use – Transportation Oriented), where the proposed use is permitted by right under the Prince George's County Zoning Ordinance.

Representatives of Bignell, Watkins and Hasser went over the different layouts of the buildings proposed as well as the walkable pathways and crosswalks. The nature of the buildings are inspired from the Melford House with the red brick architecture with lighter color cornice, follow the design but not compete against it.

Mr. Michael Byrd, Vice Chair for the Bowie Advisory Planning Board presented a report from the meeting held on March 14. In conclusion, the BAPB moved for approval of the proposed Detailed Site Plan with conditions and recommendations contained in staff report and revisions made to conditions 2.A and 7.C and with the exception of condition 3.C (i) and (ii) which should be deleted.

Public Hearing:

1. Brian Suddeth, Brunswick Lane – Voiced concerns with traffic on Route 3/301 and residents using Belair Drive to avoid the traffic congestion.
2. Ed Frazee, Buckingham Drive – Asked if there is any way that St. John Properties go to the State and request and exit off of Route 50 into Melford to help alleviate traffic in the City.
3. Councilmember Woolfley read comments received from Deborah Rice with concerns about number of retail buildings being built when current ones are still vacant; more impermeable areas being developed near wetlands, stormwater controls.

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

Councilmember Woolfley asked who would own Road B. Mr. Stevens replied that it would be a City street.

Councilmember Woolfley asked if the applicant has considered installing electric car charging stations. Mr. Roud replied that there are four stations proposed at the Aspen building and will take a look at maybe installing at the retail location.

Councilmember Woolfley then asked if any solar panels are being considered. Mr. Roud stated that they will examine that.

Councilmember Woolfley asked if there is any room for basketball courts in this site whether built by St. John or a 3rd party affiliate. Mr. Roud responded that the flex buildings can be rented for that purpose, but no private sector has approached them.

Councilmember Esteve asked if they can go over the stormwater management plan. Mr. Antonetti replied that there are several very large regional facilities which will handle the quantity of stormwater runoff and has the capacity to carry more water than what would be generated by this project.

Councilmember Esteve also asked what retail is there now. Mr. Antonetti replied that there is currently a deli.

Councilmember Woolfley made a motion to return this issue to staff and the developer for the following purposes:

1. To incorporate solar into the site plan
2. To incorporate level 2 and high speed electric vehicle charging into the site plan
3. To discuss and consider/explore the potential for indoor basketball court in the design (public or private ownership, or public/private partnership) as an amenity for the residents
4. To adopt maximum store size in square feet into the site plan to ensure minimal traffic impact on the neighboring community. (In other words, make sure the site plan will keep this from being a destination shopping center)
5. To develop and incorporate a security plan for the site and review with the Bowie Police department and incorporate feedback as appropriate
6. To use stamped concrete instead of pavers
7. To meet with staff to discuss and establish a partnership with the City of Bowie to attain improvements to the Route 3 corridor in the Bowie area from the County and the State in order to help mitigate traffic issues between Route 3, Route 50 and the County line and the cut through traffic on Belair Drive

Councilmember Esteve seconded the motion. Motion died 2-3 (Gardner, Marcos, Robinson).

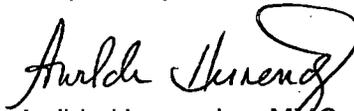
Councilmember Marcos made a second motion to approve the Detailed Site Plan with the recommendations from staff in their report. Mayor Pro Tem Gardner seconded the motion. Councilmember Esteve asked Councilmember Marcos if he would consider amending his motion to include Councilmember Woolfley's suggestion of incorporating solar panels, charging stations and stamped concrete instead of pavers.

Councilmember Marcos amended his motion to include the consideration of solar panels. Mayor Pro Tem Gardner seconded the motion. Motion carried 4-1 (Woolfley)

ADJOURNMENT AND MOVE TO CLOSE SESSION:

Mayor Pro Tem Gardner moved Statutory Authority to Close Session, General Provisions Article, §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 and §3-305(b)(7): To consult with counsel to obtain legal advice on a legal matter. Councilmember Marcos seconded the motion and it carried 5-0. The meeting adjourned at 10:15 p.m.

Respectfully submitted,



Awilda Hernandez, MMC
City Clerk

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

Date: 4/2/18 Time: 10:15pm Location: CH182 Motion to close meeting made by: Gardner
 Seconded by Marcos, Members voting in favor: Robinson, Marcos, Gardner, Woolfley
Esteve Opposed: _____ Abstaining: _____ Absent Truth, Glass

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

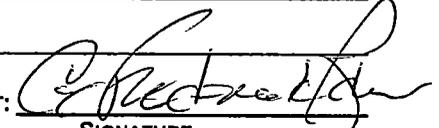
- (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific 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) Discuss Economic Development Incentives

§3-305(b) (7) Discuss Economic Development Incentives

§3-305(b) (7) Opioid Litigation

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: Levan, Woolfley, Gardner, King, Robinson, Esteve, Marcos, Lott, Mears

TOPICS ACTUALLY DISCUSSED Review of Econ. Dev. Incentive offer. Discuss Opioid

ACTION(S) TAKEN (IF ANY) AND RECORDED VOTES: Engage Robbins Gellar Rudman & Dowd Litigation, LLP to proceed with opioid litigation. Council Consensus

TIME CLOSED SESSION ADJOURNED: 10:40pm

PLACE OF CLOSED SESSION City Hall

PURPOSE OF CLOSED SESSION: Discuss Economic Development Incentives

STATUTORY AUTHORITY FOR THE CLOSED SESSION: §3-305(b) (4); (7); (1)

MEMBERS WHO VOTED TO CLOSE: _____

**COMPLIANCE CHECKLIST
FOR MEETINGS SUBJECT TO THE MARYLAND OPEN MEETINGS ACT ***

Name of public body City of Bowie Council Date of Meeting: 4/2/18

1. Did you give "reasonable advance notice" and keep a copy or screenshot?
2. Did you make an agenda available when notice was posted, or, if not yet determined, as soon as practicable, but at least 24 hours before the meeting?
3. Did you make arrangements for the public to attend?
4. Is someone prepared to keep minutes in writing or, otherwise, to run the equipment for minutes in the form of live and archived video or audio streaming?
5. If part of this meeting might be closed to the public, have you first:
 - Made sure that the public body designated a member to take training in the Act? (eff. 10/1/17)
 - Made sure that the topic to be discussed falls entirely within one or more of the 14 "exceptions" that allow the closed session? (see over for the list)
 - Given notice of the open meeting to be held right before the closed session, so that the presiding officer can hold the required public vote to close?
 - Made sure that the initial open meeting will be attended by a member designated to take training in the Act, and, if a designated member cannot attend, made sure that the public body is ready to complete this compliance checklist at the open meeting and keep it to attach to the minutes? (eff. 10/1/17)
 - Equipped the presiding officer to prepare a written statement with the required disclosures? (for a model form with instructions, go to <http://www.marylandattorneygeneral.gov/Pages/OpenGov/Openmeetings/default.aspx>)
 - Equipped the presiding officer to limit the closed session discussion to the exceptions and topics cited on the written closing statement?
 - Arranged for closed-session minutes to be kept and adopted as sealed?
 - Equipped someone in the closed session to keep a record of each item of information that must be disclosed in the minutes of the next open meeting? (for the list, see the model closing statement).
 - For a meeting recessed to hold a closed administrative session, arranged to disclose, in the minutes of the next open meeting, the date, time, and place, persons present, and subjects discussed?
6. Have you arranged for the preparation, the adoption as soon as practicable, and posting online if practicable, of minutes of the open meeting, including summaries of any prior closed sessions, and this form (when required), completed on this side?

**This checklist is designed for general use as well as for use at open meetings of public bodies that hold closed meetings on or after 10/1/2017, when a member designated for training cannot attend the initial open meeting. See GP § 3-213(d). Like the earlier checklists, this checklist gives general guidance, does not guarantee "compliance" with every provision of the Open Meetings Act, and will be revised occasionally.*