



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

TUESDAY, SEPTEMBER 2, 2014

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Tuesday, September 2, 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, City Clerk Hernandez, Staff, the Press, and the Public.

CITIZEN PARTICIPATION:

1. Bruck Nigusse, 12314 Welling Lane – Spoke to Council in regards to Code Compliance issues with a new fence installation.

Council directed staff to review the City Code section that deals with installation of fences and report to Council with a staff recommendation in 60 days. Also, during that time frame, a hold will be put on Mr. Nigusse's citation.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearing-In:

1. Councilmember Polangin moved the appointment of Sandra Edwards and Taylor Ballard as members of the Education Committee for a 2-year term. Councilmember Brady seconded the motion and it carried 7-0.
2. Mayor Robinson swore-in the new members to their committee.

COUNCIL ANNOUNCEMENTS:

Councilmember Polangin read a statement disclosing her husband's former contractual relationship with Berman Enterprises for the purpose of transparency.

Mayor Robinson announced the Patriotic Concert being held September 7th at 7p.m at Allen Pond Park.

CITY MANAGER'S REPORT:

City Manager Deutsch reported on the status of the signal light installation on Rt. 197 and Evergreen Parkway; BGE representative stated that the electric meter was installed last week. SHA will be performing a safety study on pedestrian crossing on Rt. 301 which will take about 60 days and report back to the City. Longtime member of the City's Advisory Planning Board Jarrot (Ty) Treyor passed away last Friday, he had served on the board since 1966.

CONSENT AGENDA:

Councilmember Marcos moved the approval of Consent Agenda Items: A) Approval of August 4 Meeting Minutes; B) Adoption of Resolution R-49-14 – Authorizing the City Manager to Enter Into an Agreement With Mansfield Oil Company for the Purchase of Regular Unleaded Gasoline in Truck Transport Quantities; C) Adoption of Resolution R-50-14 – Authorizing the City Manager to Enter Into an Agreement With James River Solutions for the Purchase of Regular Unleaded Gasoline in Tank Wagon Quantities; D) Approval of Letters re: City Transportation Priority List for 2014-2015; E) Adoption of Resolution R-52-14 – Recommending Denial of Variance Application BV-8-13, a Request by Mr. Shahid Rizvi for a Variance of 4.5% (461 square feet) From the 30% Maximum Permitted Lot Coverage Regulation and a Variance of up to Five Feet From the Minimum Front Yard Setback of 25 Feet (Along Mitchellville Road) Prescribed by the Prince George's County Zoning Ordinance to Construct a 16 Foot by 42 Foot Roof Over an Existing Deck and Stairs, Including a 4.5 Foot Open Lattice Roof Over the Existing Stairs at 16101 Audubon Lane; F) Approval of Memo re: 2014-2015 Watershed Implementation Plan Milestones; G) Adoption of Resolution R-53-14 – By Two-Thirds Vote Waives Bidding Requirements for the Hauling/Disposal of Biosolids From the Bowie Waste Water Treatment Plant and Authorizing a Contract Pursuant to the Terms and Conditions of an Agreement Between the Washington Suburban Sanitary Commission and Recyc Systems, Inc.. Councilmember Gardner seconded the motion and it carried 7-0.

OLD BUSINESS:

A. Adoption of Ordinance O-7-14 – Authorizing the Purchase of the Garner Property, Also Known as Block 29, Lots 6-8 and Lots 9-11 in the Subdivision Known as "Plan of the City of Huntington "Bowie", Maryland", Located at 13104 10th Street, Bowie, Maryland at a Purchase Price of \$175,000 and Authorizing the City Manager to Execute Contract of Sale Therefor.

City Manager Deutsch summarized the ordinance which authorizes the purchase of a property approximately 15,000 square feet that adjoins a planned City park and playground at the end of 10th Street, near the MD 564 bridge over the Amtrak railroad tracks. Acquisition of the property will provide more area for park development and off-street parking.

Public Hearing:

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

Councilmember Marcos made a motion to adopt Ordinance O-7-14. Councilmember Turner seconded the motion. Motion carried 7-0.

NEW BUSINESS:

A. Reconsideration of Gymnasium User Charges for FY 2015 Budget – Mr. Larry Pierce, City of Bowie Community Services Director, summarized the memorandum from the City's Community

Recreation Committee recommending an increase in fees. The increase will provide additional revenue and address the consultant's recommendation of achieving rates closer to area markets and cost recovery percentage could rise from 29% to 60% over a five year plan.

Public Hearing:

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

Councilmember Turner asked why the fees were not discussed during budget preparation time. Mr. Deutsch replied discussion at budget time related to a future new facility and data supplied from Sports Facility Advisory, suggested that fees should be gradually increased to increase cost recovery; Council then directed staff to review fees and report back to them before year end.

Councilmember Brady stated that he is reluctant to do this increase mid-year, it should be done at the time of budget preparations and it does need to be done gradually.

Councilmember Gardner asked if the increase in fees is comparable to surrounding municipalities. Mr. Pierce responded that the fees are much lower even with the recommended increase. Mr. Deutsch said the proposed fees information will be shared with user groups.

Councilmember Polangin made a motion to direct staff to prepare an ordinance to amend the budget so that new rates become effective January 1, 2015. Mayor Pro Tem Truth seconded the motion. Motion carried 6-1 (Brady).

B. Adoption of Emergency Ordinance O-8-14 – Extending the Terms of the Cable Franchise granted to Comcast of Maryland, Inc.

City Attorney Levan summarized the ordinance which will extend the City's current franchise agreement with Comcast until negotiations of a new agreement with them have been achieved. This will guarantee that City residents have uninterrupted cable service during these negotiations.

Public Hearing:

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

Councilmember Turner made a motion to adopt Emergency Ordinance O-8-14. Mayor Pro Tem Truth seconded the motion. Motion carried 7-0.

C. Adoption of Resolution R-51-14 – Housing and Community Development Consolidated Annual Performance and Evaluation Report (CAPER) FY 2014. Mr. Jesse Buggs, Director Office of Grant Development & Administration summarized the staff report dated August 20, 2014, a copy which is on file at City Hall. The report identifies the extent to which the City has satisfied specific goals and objectives delineated in its Annual Action Plan for Fiscal Year 2014.

Public Hearing:

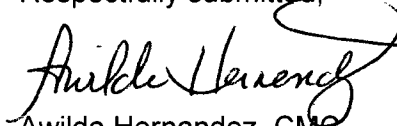
Since there were no speakers signed up to speak, Mayor Robinson declared the public hearing to have been held.

Following comments from Council, Councilmember Marcos made a motion to adopt Resolution R-51-14 and have staff forward the report to HUD. Councilmember Brady seconded the motion. Motion carried 7-0.

ADJOURNMENT:

Mayor Pro Tem Truth moved to adjourn the City Council meeting and move into Closed Session under State Government Article, §10-508(a)(3): To consider the acquisition of real property for a public purpose and matters directly related thereto and §10-508(a)(4): To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. Councilmember Turner seconded the motion and it carried 7-0. The meeting was adjourned at 8:52 p.m.

Respectfully submitted,



Awilda Hernandez, CMC
City Clerk

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

Date: 9/2/14 Time: 8:52pm Location: CH 182 Motion to close meeting made by: Truth ;
Seconded by Turner , Members voting in favor: Marcos, Polangin, Truth, Robinson
Brady, Turner, Gardner Opposed: _____ Abstaining _____ Absent _____


STATUTORY AUTHORITY TO CLOSE SESSION, State Government Article, §10-508(a) (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:

- (X) Possible acquisition of real property for a public purpose
- (X) Consider a proposal for a business to remain in the state
- () _____

Persons attending closed session: Robinson, Truth, Turner, Marcos, Polangin, Brady, Gardner, Deutsch, Fitzwater, King, Levan

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

***** FOR USE IN MINUTES OF NEXT REGULAR MEETING: *****

TOPICS DISCUSSED AND ACTION(S) TAKEN (IF ANY):

Time closed session adjourned: 9:50

Appendix C
