City of Bowie

15901 Fred Robinson Way
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, OCTOBER 17, 2022

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, October 17, 2022, in the Council Chambers at City Hall. Mayor Adams called the meeting to order at 8:02 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Adams led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Adams, Councilmembers Boafo, Esteve, Gardner, Harrison, Ndebumadu (virtual) and Woolfley, City Manager Lott, Assistant City Manager Mears, City Attorney Levan, City Clerk Hernandez, and Staff.

AGENDA ADDITIONS/DELETIONS/AMENDMENTS:

Councilmember Harrison motioned to add a discussion and approval of City's support on County Council Resolution CR-121-2022 Mill Branch Revitalization Tax Credit District under New Business. Councilmember Gardner seconded the motion. Motion passed 6-0.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearing-In:

1. Mayor Adams swore in Robert W. Day, Sr. as a regular member to the Bowie Advisory Planning Board for a two-year term.

COUNCIL ANNOUNCEMENTS:

Councilmember Harrison announced the opening of the Liberty Sports Park on October 23, 2022.

Mayor Pro Tem Boafo reminded residents that early voting will be October 27 thru November 3 at the City Gymnasium.

CONSENT AGENDA:

Mayor Pro Tem Boafo made a motion to approve Consent Agenda items: A) Approval of September 19, 2022 Meeting Minutes; B) Approval of October 3, 2022 Meeting Minutes; C) Adoption of Resolution R-56-22 Waiving the Competitive Bidding Requirements of the City Charter to Allow the City to Enter Into Contracts With Various Snowplow Contractors That May Exceed $25,000 in Aggregate

Value; D) Adoption of Resolution R-58-22 Awarding a Contract for Roof Replacement and Repairs for Bowie Playhouse; E) Approval of Letter to M-NCPPC re: FY2024 Proposed Budget. Councilmember Harrison seconded the motion. Motion passed 7-0.

OLD BUSINESS:

A. Detailed Site Plan #22016, Dash-In Convenience Store and Gas Station - Mr. Joe Meinert, City Planning Director summarized the staff report. This item was before Council in their September 6, 2022 meeting, where Council requested more information from the developer on detailed market studies, and sustainability standards. The developer is requesting the City's approval recommendation for a redevelopment plan that includes a 4,500 square foot convenience store, gas station and car wash to replace the existing 5,641 square foot Applebee's restaurant. The 1.68-acre site is located in the northwest corner of US 301/Heritage Boulevard in the TAC-E (Town Activity Center-Edge) zone.

Mr. Dan Lynch with the law firm McNamee, Hosea representing the applicant, summarized a letter submitted to Council with the answers to Council's previous questions. (Copy of letter attached).

Councilmember Woolfley asked is electric charging stations will be installed at this location. Mr. Lynch responded that in this particular location the area is too small and will not have any installed.

Councilmember Gardner would like to see charging stations placed in this location and asked about how many jobs will this station provide. Mr. Lynch responded that it will be about 25-30 jobs.

Councilmember Harrison stated that she would like to see something different built in that location, perhaps a higher end eatery.

Mayor Pro Tem Boafo motioned to approve DSP #22016 with the addition of having the applicant consider the installation of EV charging stations on the property. Councilmember Esteve seconded the motion. Motion passed 6-1 (Harrison).

B. Adoption of Resolution R-50-22 Amending Resolution R-16-01 "Rules and Regulations of City Boards, Commissions, and Committees – City Clerk Hernandez stated that this item was before Council at the October 3, 2022 meeting and it was requested by Council to include the requirement to have Council interview applicants in the resolution.

Mayor Pro Tem Boafo motioned to adopt Resolution R-50-22 as amended. Councilmember Gardner seconded the motion. Motion passed 7-0.

NEW BUSINESS:

A. Adoption of Resolution R-54-22 for Category 2 Designation and Water Service Connection for the Property at 13314 Forest Drive, Bowie, Maryland – Assistant Public Works Director Hong Yin summarized the staff report. The property owner, Capitol Development Design Inc. applied for a water service connection to the City's water system on August 4, 2022, for a proposed new property at 13314 Forest Drive. Upon approval of a Category 2 designation, the City will reserve the required water capacity for a period of two years. During that time, the applicant will be responsible for all costs associated with design, permitting, construction, and inspection of the proposed City water connection. The Public Works Department and the Planning and Community Development Department have reviewed the application and recommends conditional approval of a Category 2 designation.

Public Hearing:

Since there were no comments submitted and no one signed up to speak, Mayor Adams declared the Public Hearing to have been held.

Councilmember Woolfley asked if this item was advertised appropriately. Ms. Yin responded that it was advertised in the newspaper per the City Code. Councilmember Woolfley is concerned that the neighborhood where this change is taking place, was not clearly notified of this proposed change.

Councilmember Woolfley motioned to table this item to the next Council meeting and request that notice of this change be sent to all the residents in the neighborhood. Councilmember Gardner seconded the motion. Motion passed 6-1 (Esteve).

B. Discussion on Council Vacancies Procedures – Councilmember Esteve discussed the possibility of revising the procedures for filling Council vacancies. Currently all applicants are interviewed by Council before a selection is made which could be time consuming depending on the number of applicants. Would his colleagues consider reviewing the applications first and then selecting the top five or six contenders for an interview.

Mayor Adams feels that all applicants should be considered for an interview.

Councilmember Harrison is in agreement with the Mayor specially since there are only three qualifications for applicants which are to be 18 years of age, reside n the City of Bowie at least one year and are registered voters.

Council concluded to proceed with interviewing all applicants.

C. Discussion and approval of City's support on County Council Resolution CR-121-2022 Mill Branch Revitalization Tax Credit District – Mr. Gibbs with the law firm Gibbs and Haller, representing the developer summarized the resolution. The resolution will designate Mill Branch Crossing property as a revitalization tax credit district pursuant to Section 10-235.03(c) of the Prince George's County Code.

Councilmember Harrison motioned to send the letter of support for CR-121-2022. Councilmember Ndebumadu seconded the motion. Motion passed 5-2 (Esteve, Woolfley).

<u>ADJOURNMENT AND MOVE TO CLOSE SESSION:</u>

Mayor Pro Tem Boafo motioned to adjourn the Regular City Council meeting and move to Close Session under the statutory authority of the Md. Annotated Code, 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)(7): "To consult with counsel to obtain legal advice." Councilmember Gardner seconded the motion. Motion passed 7-0. The meeting adjourned at 10:10 p.m.

Respectfully submitted,

Awilda Hernandez

Awilda Hernandez, MMC
City Clerk

McNamee Hosea
Attorneys & Advisors

McNamee Hosea
6411 Ivy Lane, Suite 200 O 301.441.2420
Greenbelt, Maryland 20770 F 301.982.9450

mhlawyers.com

Daniel F. Lynch, Esquire
Admitted in Maryland

Email: DLynch@mhlawyers.com
Direct Dial: Extension 250

September 12, 2022

VIA ELECTRONIC MAIL
Joseph M. Meinert, AICP
Director of Planning and Sustainability
City of Bowie
15901 Fred Robinson Way
Bowie, MD 20716

Re. DSP-22016
Dash-In Food Stores

Dear Joe:

On behalf of my client, Dash-In Food Stores, Inc., I am writing for the purpose of addressing the questions posed by the City Council during the hearing on the above referenced Detailed Sited Plan on September 6, 2022.

As a preface to providing these answers, it is important to note that this application will be reviewed by Park and Planning based on the criteria set forth in Section 27-285(b) of the Zoning Ordinance of Prince George's County which provides:

(1) The plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use;

The application package submitted to the City of Bowie and Park and Planning adequately addresses this criteria. Although the questions posed by the City Council are important and we are more than happy to provide answers, these questions and the enclosed responses to not relate to the applications compliance with Section 27-285(b) of the Zoning Ordinance. I think it is important for everyone to understand what the criteria of approval is for this application. That being said, please accept the following as the applicant's response to the questions posed by the City Council.

1. Provide a market study or additional information as to why this site was chosen.

Response: Generally, a market study demonstrating that there is lower concentration of fueling positions in the defined market area overall based on both the total population and number of registered vehicles ratios was not performed on this site. Such an analysis is sometimes required for certain land use applications in Prince George's County and therefore filed with those applications. However, in the case of the C-M Zone, a market study is not required as part of the review and approval of a Detailed Site Plan. My client did perform a site analysis that takes into consideration pass-by traffic, the number of other stations in the market, site access, site visibility and zoning to determine whether or not the site is acceptable. That analysis in conjunction with its 95 years of experience and success in this market was used to determine whether it would be successful at this site. My client knows when a site will be successful, and it would not be investing 6 to 8 million dollars if the site analysis was not favorable and if it did not believe it would be successful on this site.

2. Why is Applebee's leaving the property

Response: Applebee's is leaving the property based on the fact that their lease term is about to expire. The property owner spoke with a number of potential tenants that included quick service restaurant operators and other gas station operators but did not receive any inquiries from a sit-down restaurants or retail commercial uses.

3. What philanthropic activities are proposed in Bowie?

Response: The Wills Group, the parent company of Dash-In Food Stores, Inc., is heavily involved in the communities where it operates and gives back to the communities it serves. My client has donated 4.5 million dollars since 2006 to 45 local organizations throughout the Mid-Atlantic Region. My client would be more than happy to sit down with representatives of the City of Bowie to discuss whether there are any local organizations that could be added to its list of future beneficiaries of this charitable giving.

4. Provide additional information regarding diversity within the company.

Response: I have attached a summary of the history of diversity, equity and inclusion as well and the 2022 DEI Learning Journey Curriculum.

I believe the above addresses that questions posed by the City Council at the September 6th hearing. Please let me know if you have any questions regarding the above.

Sincerely,

MCNAMEE HOSEA

By: ______________________
Daniel F. Lynch

Enclosure

PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT") UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)

This form has two sides. ***Complete items 1 – 4 before closing the meeting.***

1. **Recorded vote to close the meeting:** Date: 10-17-22; Time: 10:10; Location: City Hall;
Motion to close meeting made by: Brafo Seconded by Gardner;
Members in favor: All; Opposed: ______;
Abstaining: ______; Absent: ______.

2. **Statutory authority to close session (check all provisions that apply).**
This meeting will be closed under General Provisions Art. § 3-305(b) only:

(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; 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"; **(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." **(15)**☐ "To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information . . . or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices."

Continued →

3. **For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.**

Citation (insert # from above)	Topic	Reason for closed-session discussion of topic
§3-305(b) 3	Real Property Acquisition	Status of due diligence
§3-305(b) 7	Consult with Legal Counsel	Need for outside Counsel
§3-305(b) ☐		
§3-305(b) ☐		
§3-305(b) ☐		

4. **This statement is made by** Timothy J. Adams**, Presiding Officer.**

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WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION FOR SUMMARY TO BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING. (See also template for summary.)

➢ **For a meeting closed under the statutory authority cited above:**

Time of closed session: 10:15
Place: City Hall
Purpose(s): Real Property Acquisition - Consult with legal counsel
Members who voted to meet in closed session: Adams Gardner Harrison Esteve Woolfley Boafo Ndebumadu
Persons attending closed session: Adams Gardner Harrison Esteve Woolfley Boafo Ndebumadu Meinert Levain Lott Mears
Authority under § 3-305 for the closed session: (3) (7)
Topics actually discussed: Real Property Acquisition Issues, Need for Outside Counsel
Actions taken: ______
Each recorded vote: ______

➢ **For a meeting recessed to perform an administrative function (§ 3-104)**: Time: ______
Place: ______
Persons present: ______
Subjects discussed: ______