



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, NOVEMBER 21, 2016

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, November 21, 2016 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:

Scouts from Boy Scout Troop 524 led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Robinson, Councilmembers Esteve, Glass, Marcos and Trouth; Acting City Manager Fitzwater, City Attorney Levan, City Clerk Hernandez, Staff, the Press, and the Public.

CITIZEN PARTICIPATION:

1. Robin Robinson, Debenham Way – Commented on the new City Manager, Alfred Lott.
2. Jimmy Robinson, Debenham Way – Commented on the new City Manager, Alfred Lott.

COUNCIL ANNOUNCEMENTS:

Mayor Robinson wished everyone a Happy Thanksgiving holiday and announced the tree lighting ceremony will be held on December 4th at 7:00p.m. at the Belair Mansion.

CITY MANAGER'S REPORT:

Acting City Manager Fitzwater reported: 1) City offices will be closed in observance of Thanksgiving Day on Thursday and Friday, November 24 and 25 there will be no trash or recycling pick up on those days, the ice arena and gym will be open on Friday; 2) Maryland Comptroller's office performed a tax audit for the years 2010 to 2014 of several municipalities and discovered errors resulting in a one-time payback to the City of \$1,454,847.

CONSENT AGENDA:

Councilmember Esteve moved the approval of Consent Agenda Items: A) Approval of November 7 Meeting Minutes; B) Approval of Resolution R-68-16 Adopting a Sustainability Plan for the City of Bowie; C) Approval of Resolution R-69-16 Supporting the Maryland Department of Housing and Community Development Neighborhood Businessworks Program Financing to Ernest L. Murphy and Hospitality Development Company III, LLC for a Courtyard by Marriott Hotel Located Within the Melford Business Park at 16800 Science Drive, Bowie, Maryland; D) Approval of Resolution R-70-16 Accepting

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

COUNCIL Michael P. Estéve ♦ Courtney D. Glass ♦ James L. Marcos ♦ Diane M. Polangin ♦ Isaac C. Trouth **CITY MANAGER** David J. Deutsch
City Hall (301) 262-6200 FAX (301) 809-2302 TDD (301) 262-5013 WEB www.cityofbowie.org

a Bid Proposal for Route Planning for Residential Trash and Recycling Collections. Councilmember Marcos seconded the motion and it carried 5-0.

OLD BUSINESS:

A. Approval of Ordinance O-6-16 Amending Chapter 22, "Streets and Sidewalks", of the City of Bowie Code, Article I, "In General", Section 22-11, "Erecting, Etc., Buildings or Obstructions in Streets or Alleys Prohibited", and Article II, "Road and Street Improvements", Division 1, "Permits", Section 22-23A, "Other Types of Permits"; and Adding Chapter 22, "Streets and Sidewalks", Article I, "In General", Section 22-11A, "Permit Limitations", and Division 3, "Wireless Facilities and Support Structures", Section 22-53, "Application for Permit", Section 22-54, "Requirements and Findings", and Section 22-55, "Exceptions" to Provide That Permits, Right-of-Way Protection and Restoration, and Compensation are Required for Installation of Communications Facilities on City Streets, Sidewalks and Other Rights-of-Way, and to Provide for Limitations on Such Installations.

Ms. Elissa Levan, City Counsel, summarized the staff report. Federal law include various provisions intended to encourage growth, innovation and access in the telecommunications industry. The City is beginning to see requests for installation of small cell facilities and currently the City Code does not make adequate provisions for permits and standards with respect to the installation of wireless facilities in City rights-of-way. This ordinance attempts to address these omissions by adding new standards and permitting requirements to Chapter 22 of the Code.

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 Ordinance O-6-16. Councilmember Trough seconded the motion. Motion carried 5-0.

NEW BUSINESS:

A. Belt Woods Hunting – Ranger Steve McCoy, Mr. Mike Riley and Mr. David Heilmeier, representatives of the Maryland Department of Natural Resources, briefed Council on the process they take to manage the hunting at Belt Woods. Part of the reason hunting is being allowed is to be able to manage this old growth forest and control the overabundance of deer which impacts surrounding areas in terms of increased number of deer and vehicle strikes and deer coming onto private property and eating vegetation. DNR owns and manages the property, there is currently no exterior management group associated with this property.

Public Hearing:

1. Matthew Kegley, Fletchertown Rd – Spoke in regards to whose responsible for clearing a dead deer that is left in the field or road.
2. Dennis Brady, Paisley Ln – Spoke against allowing hunting on the property, a copy of his comments is attached.
3. Gary Allen, Bawtry Ct – Spoke about concerns that will impact the environment if hunting continues to be allowed on the property.
4. Pam Cooper, Church Rd – Expressed her concerns on the rules and regulations not being followed by hunters.

5. Kurt Schwarz, representing Maryland Ornithological Society – Presented comments from the Maryland Ornithological Society, a copy of comments attached.

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

Councilmember Marcos asked how are the hunting boundaries marked on the property. Ranger McCoy replied that there are signs posted along the boundary.

Councilmember Trouth asked how many hunters are allowed and what is the number of deer that have been killed so far. Mr. Heilmeire responded that only eight hunters are allowed per day and as of today there have been 13 deer killed.

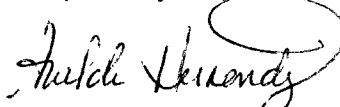
Councilmember Glass asked if they could provide stats comparing past years hunting to this year. Mr. Heilmeire replied that this is the first time hunting has been allowed on the Belt Woods property so they cannot provide any comparable.

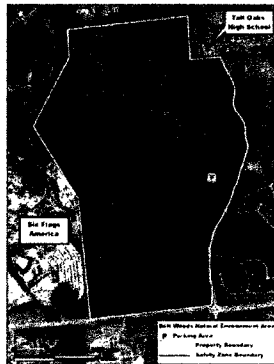
Mayor Robinson thanked staff from DNR for their participation and encouraged City staff to work with DNR on an updated management plan.

ADJOURNMENT:

Councilmember Trouth moved to adjourn the City Council Meeting and move to Close Session under Statutory Authority to Close Session, General Provisions Article, §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 was adjourned at 9:47 p.m.

Respectfully submitted,


Awilda Hernandez, MMC
City Clerk



Seton Belt Woods

History

- 1984 – Maryland acquired 109 acres establishing the Belt Woods Wildlands.
- 1997 – The remaining 515 acres were purchased by Maryland, Prince George's County, Maryland National Capital Park and Planning Commission, The Nature Conservancy, the Western Shore Conservancy and **The City Of Bowie**.

History

- Following acquisition, the major contributors agreed to participate on the Belt Woods Management Council:

Belt Woods Management Council Members

The Honorable, Lt. Governor, Senator, Maryland General Assembly
 Michael J. Nelson, Jr., Kenneth Stankus, Dept. of Natural Resources
 Pithao Hinas, Lt. Peter Milers, Prince George's County Dept. of Public Works & Transportation
 Richard Dolles, Lt. Chris Wagner, Md. National Capital Park and Planning Commission
 Steven Bunker, The Nature Conservancy
 Pamela Cooper, Western Shore Conservancy
 David Seating, City of Bowie

History

- Following acquisition, the major contributors began work on the draft of the **Belt Woods Management Plan**.

History

- In 1997, The Western Shore Conservancy was named the interim site manager for the Belt Woods.

DNR Opens Belt Woods to Hunters

- “There is a new public hunting opportunity available in Prince George’s County.”
 - Change from preservation of a sensitive ecosystem to a resource for hunters.

DNR Opens Belt Woods to Hunters

- “After a comprehensive analysis and review of existing activities and practices on the property, park managers, in consultation with wildlife biologists and experts, decided to continue the limited and managed deer hunt program as a vital tool in ongoing efforts to manage the local population of white-tailed deer.”
 - Where is this comprehensive analysis? How does one obtain a copy of it? Peer reviewed?

DNR Opens Belt Woods to Hunters

- “According to DNR the shots will not go beyond the buffer zone and exit the property”
 - What is the basis for this conclusion?
 - For rifles, what is the maximum and nominal distances the a projectile can be fired?

DNR Opens Belt Woods to Hunters

- “DNR owns the property so this is considered public lands. There is currently no exterior management group associated with this property.”
 - A **Belt Woods Management Plan** needs to be adopted and the site should be overseen by the **Belt Woods Management Council**.

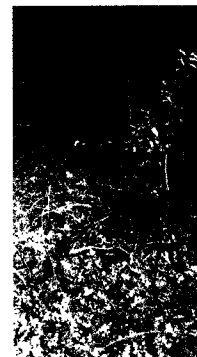
DNR Opens Belt Woods to Hunters

- “DNR’s perspective is that this is a much more structured and managed process.”
 - What is the current population of deer?
 - What is the “managed” deer population goal?
 - Potential for 718 deer to be removed by Jan. 31st.

DNR Opens Belt Woods to Hunters

- “Leave No Trace Seven Principles”
 - Know the regulations and special concerns
 - Dispose of Waste Properly
 - Pack it in, pack it out.
 - Deposit solid human waste in catholes.
 - Pack out toilet paper and hygiene products.
 - Do not touch cultural or historic structures/artifacts.
 - Respect other visitors.
 - Be courteous.

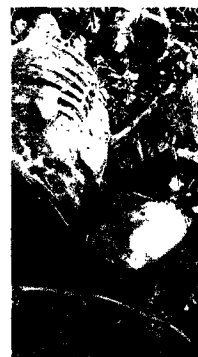
DNR Opens Belt Woods to Hunters



DNR Opens Belt Woods to Hunters



DNR Opens Belt Woods to Hunters



Deed Restrictions

SUBJECT TO the express condition and limitation that the premises conveyed **shall forever be held as a nature preserve for scientific and educational purposes, reforestation and limited public access**; that the management of the premises shall be limited to that which is in the best interest of the health and integrity of the rare, threatened, or endangered species or exemplary natural communities or ecosystems that may exist thereon, and that the premises shall be kept entirely in its natural state.

Belt Woods Future

- Current hunting should be suspended until the Management Council is established and a Management Plan is adopted. If this is not feasible, then DNR needs to closely monitor the hunting activities on Belt Woods.
- All parties to the preservation of Belt Woods should finalize a **Belt Woods Management Plan** by 1 October 2017.
- All parties to the preservation of Belt Woods should identify their representative to the **Belt Woods Management Council** by 1 October 2017.



MARYLAND ORNITHOLOGICAL SOCIETY



November 21, 2016

Rear Admiral (ret.) Mark Belton
Secretary
Maryland Department of Natural Resources
580 Taylor Ave.
Annapolis, MD 21401

Dear Secretary Belton:

The Maryland Ornithological Society (MOS), the American Bird Conservancy (ABC), the Howard County Bird Club (HCBC), Prince George's Audubon Society (PGAS), and the Patuxent Chapter of MOS are very concerned about recent changes in management of the Belt Woods Natural Environmental Area (NEA), which were instituted in October without public comment or consultation of stake-holders. Earlier informal communications of these concerns to DNR's Wildlife and Heritage Service have gone unanswered.

As you are probably aware, Belt Woods NEA was opened to public hunting on October 20, 2016. Prior to that time, deer had been controlled by managed hunts, operated by the site manager, and of a very limited time span. The current public hunting, while limited to 8 hunters per day, authorizes access for 6 days a week from October 20 to January 31, 2016. And Sundays are available for scouting for game.

The deed for Belt Woods was executed February 7, 1997, and stipulates that the property be "held as a nature preserve for scientific and educational purposes, reforestation and *limited public access*, that management of the premises shall be limited to that which is in the best interests of the health and integrity of the rare, threatened, or endangered species or exemplary natural communities or ecosystems..."¹ The Draft Management Plan for Belt Woods on 1998 calls for prevention of deer from overpopulating the area, and calls for the "least intrusive and most humane methods of control...and if no other viable methods can be applied to protect the integrity the Wildland, DNR may elect to conduct managed hunts."²

It has been our observation that the opening of Belt Woods to the public versus managed hunting appears to be contrary to the Deed, which calls for limited public access. Public hunting also appears to contradict the as yet unapproved Draft Management Plan, which only mentions managed hunting. The public hunt has led to far more human access to the property. Prior to the institution of public hunting at Belt Woods, deer were controlled by a managed hunt, which generally meant only 1-2 hunters were on the property for 4-8 hours per day.³ This new policy could result in an increase of 400% or more in hunters on the property. In addition, since the start of public hunting on October 20 there have been instances of deer poaching, and hunters defecating in the woods and failing to police their mess. We have photos of both of these instances. Unauthorized persons have also entered the property when the gate is open.

Please note that MOS considers hunting and other lethal means of culling to be the only effective means of deer control, and hunting is a necessary tool of management at Belt Woods. We do not oppose hunting! However, we do not feel this increased human access is consistent with the Deed and the 1998 Draft Management Plan. Belt Woods is a rare patch of habitat in the middle a desert of suburbia,⁴ which has

never been logged. In fact, it serves as a “significant site for many bird species including Forest Interior Dwelling birds [Forest Interior Dwelling Species, FIDS] of coastal Maryland” and has “one of the highest breeding bird densities ever reported for a pure deciduous forest in the South Woods portion of the Wildland.”⁵ Obviously, human access as a result of hunting is not an issue for breeding FIDS. However, during fall and winter months, when hunting is on-going, Belt Woods serves as stop-over habitat for migrating bird species such as warblers, thrushes, and sparrows; and as over-wintering habitat for sparrows. Increased human access makes the habitat less suitable for migrant and over-wintering birds. It also is home to the state-endangered Wilding’s Coralroot, a state-endangered snail, and the state-threatened Glade Fern. These species are subject to increased threat of trampling with increased human access.

We are also very concerned these changes of management were made without any public comment, nor consultation of stake-holders. MOS is one such stake-holder, having contributed \$1,926 toward the purchase of Belt Wood in 1997.⁶ The Howard County Bird Club (HCBC), a chapter of MOS, also contributed \$2,000 in 1997.⁷ HCBC had arranged a tour for 15 of its members for Saturday, October 29, 2016, only to have to cancel because the property was opened to hunting on October 20.⁸ MOS and HCBC received no news whatsoever of these management changes from DNR. Our concerns were communicated informally to DNR’s Heritage and Wildlife Service in early October 2016,⁹ but we have yet to receive a reply.

We ask that you instruct DNR to reconsider its plan for public hunting at Belt Woods, and to reinstitute closely managed hunting geared to maintaining the herd at sustainable population, while removing sick, inbred (piebald) individuals, with emphasis on does and yearlings. It is vital that the nesting substrate for FIDS be sustained. We also urge greater transparency in changing management plans, and that stake-holders be consulted. We would also ask that the Draft Management Plan of 1998 be finally adopted, of course, with updates as needed, but also with public comment and consultation of stake-holders.

The favor a reply is requested.

Sincerely,

Kurt R. Schwarz
Conservation Chair
Maryland Ornithological Society
www.mdbirds.org
9045 Dunloggin Ct.
Ellicott City, MD 21042
443-538-2370
krschwal@verizon.net
443-538-2370

Steve Holmer
Vice President of Policy
American Bird Conservancy &
Director, Bird Conservation Alliance
<https://abcbirds.org>
202-888-7490
sholmer@abcbirds.org

John Harris
President
Hoard County Bird Club
www.howardbirds.org
6400 Ripe Apple Ln.

Columbia, MD 21044
jaybee.harris@gmail.com

Ken Cohen
President
Prince George's Audubon Society
<http://www.pgaudubon.org>
P.O. Box 1311,
Bowie, MD 20718-1311
kvulture@aol.com

Fred Fallon
President
Patuxent Chapter, Maryland Ornithological Society
http://mdbirds.org/about/chapters/PxChp_v04.pdf
6711 Venus Dr
Huntingtown, MD 20639
fwfallon@ymail.com

cc: Paul Peditto, Director, Wildlife and Heritage Service
cc: Nita Settina, Superintendent, Maryland Park Service

¹ Deed between Mercantile Deposit and Trust Company and the State of Maryland, February 7, 1997, hardcopy.

² Maryland Department of Natural Resources, Belt Woods Management Plan, Draft, September 1998, pages 18-19, hard copy.

³ Cooper, Pamela, Western Shore Conservancy, email to Kurt Schwarz November 10, 2016.

⁴ Belt Woods NEA, Googlemaps,
<https://www.google.com/maps/place/Belt+Woods+Natural+Environment+Area/@38.8776765,-76.7687212,14153m/data=!3m1!1e3!4m5!3m4!1s0x89b7eb39ebfa8fe1:0xd77a2d591edcd32f8m2!3d38.9068473!4d-76.7613888>

⁵ Maryland Department of Natural Resources, Belt Woods Management Plan, Draft, September 1998, page 14, hard copy.

⁶ Cooper, Pamela, Western Shore Conservancy, letter to MOS, January 19, 1998, hard copy.

⁷ Solem, Bob, email to Kurt Schwarz, personal communication. November 2, 2016.

⁸ DNR, Hunting Opportunity in Prince George's County, September 21, 2016,
<http://news.maryland.gov/dnr/2016/09/21/hunting-opportunity-in-prince-georges-county/>

⁹ McKnight, Jonathan, email to Kurt Schwarz, October 4, 2016.

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

Date: 11/21/14 Time: 9:47pm Location: CH 182 Motion to close meeting made by: Truth

Seconded by Marcos, Members voting in favor: Robinson, Glass, Marcos, Truth, Esteve
Opposed: _____ Abstaining: _____ Absent Polangin, Gardner

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) (7) Potential City Litigation. Discuss with City Attorney

§3-305(b) () _____

§3-305(b) () _____

This statement is made by Mayor Robinson, Presiding Officer: [Signature]
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, Marcos, Glass, Esteve, Fitzwater, Leary

TOPICS ACTUALLY DISCUSSED: Stephanos
Potential City Litigation. Discuss with City Attorney

ACTION(S) TAKEN (IF ANY) AND RECORDED VOTES: _____

TIME CLOSED SESSION ADJOURNED: 10:20 p.m.

PLACE OF CLOSED SESSION Bowie City Hall

PURPOSE OF CLOSED SESSION: Discuss with City Attorney Potential Litigation

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

MEMBERS WHO VOTED TO CLOSE: Truth, Marcos, Robinson, Glass, Marcos