City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING

MONDAY, MAY 20, 2013

CALL MEETING TO ORDER

The Regular Meeting of the Bowie City Council was held on Monday, May 20, 2013 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

The Mayor led the Pledge of Allegiance to the Flag.

QUORUM

In attendance were Mayor Robinson, Mayor Pro Tem Polangin, Councilmembers Brady, Gardner, Marcos, Trouth and Turner, City Manager Deutsch, Assistant City Manager Fitzwater, City Attorney Karen Ruff, members of the Staff, the Press, and the Public.

AGENDA ADDITIONS/DELETIONS/AMENDMENTS

Mayor Robinson noted that the presentation of Proclamation P-12-13 – Congratulating Bowie State University Women's Bowling Team will be postponed to a meeting in June. The Mayor asked to add under Presentations, Proclamation P-14-13 – Celebrating 28th Annual Fallen Heroes Day. The Mayor also asked to add to the Consent Agenda item C. Approval of Proclamation P-13-13 – Congratulating The Marine Corps League. Council concurred.

CITIZEN PARTICIPATION

Mr. Pete Laurenzano, a County animal volunteer/advocate and former member of Bowie CLAW, spoke concerning the Animal Shelter Facility. He doesn't feel a City facility is necessary at this point, that the City doesn't need to spend money to duplicate what the County has, and encouraged the City to factor in what the County is doing – going to a "no kill" policy. The Mayor noted that the City has already made a decision on an Animal Shelter Facility, but told Mr. Laurenzano that his comments will be kept in mind as the project moves forward.

PRESENTATIONS

B. Proclamation P-14-13 – Celebrating 28th Annual Fallen Heroes Day. Councilmember Trouth on behalf of the Public Safety Committee presented the Proclamation to Bowie Police Deputy Chief Dwayne Preston, noting that the Fallen Heroes Day was celebrated on the first Friday of May.

Councilmember Trouth moved approval of P-14-13; the motion was seconded by Mayor Pro Tem Polangin and carried unanimously.

COUNCIL ANNOUNCEMENTS

Mayor Robinson mentioned the Memorial Day Parade on Saturday, May 25th; the Parade starts at 11:00 a.m. at the Bowie High School Annex on Belair Drive. On Monday, May 27th at 11:00 a.m. there will be a Memorial Day Ceremony at Veterans Park in Old Town Bowie.

Councilmember Turner noted that June Turner, mother of County Council Member Ingrid Turner, passed away. Mrs. Turner was active in South Bowie and in the Citizens Association of South Bowie.

CITY MANAGER'S REPORT

City Manager Deutsch reported that the new synthetic turf field at Whitemarsh Park is almost complete; the contractor has a ten item punchlist to be done. Staff should be ready to schedule the ribbon cutting around June 10 or 15.

Next week staff will be filing an application for a COPS grant from the Department of Justice for support for additional police officers. The City has submitted an application three times with no funds awarded, based on federal government criteria. Staff is adjusting the application to try to present a strong case; asking for three officers (maximum possible), 75% of salary and benefits for up to three years.

CONSENT AGENDA

Mayor Pro Tem Polangin moved approval of Consent Agenda items: A. Approval of Proclamation P-11-13 – Celebrating Memorial Day 2013; B. Approval of Resolution R-32-13 – Awarding a Contract to American Architectural Restoration, LLC for the Energy Efficiency Improvements Storm Window Installation Project at the Belair Mansion; and C. Approval of Proclamation P-13-13 – Congratulating the Marine Corps League (on occasion of their 90th anniversary). The motion was seconded by Councilmember Brady and carried unanimously.

OLD BUSINESS

A. Approval of Ordinance O-02-13 – Approving and Adopting a Budget for the Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014.

Councilmember Trouth said he was elated with the Budget, maintaining core services and no increase in taxes. Council needs to make sure it is doing all that it is supposed to do with regard to the Animal Shelter. The City is in good shape, doing a good job.

Councilmember Marcos echoed Councilmember Trouth's comments; said it is a good Budget and thanked staff and colleagues.

Mayor Pro Tem Polangin thanked Council for its hard work and for working together; complimented the City Manager and Finance Department.

Councilmember Brady remarked that the Budget document is the most important thing Council does as a body; it represents excellent collaboration of all those who participated in the process. He commended staff, the City Manager and his office, and department heads for doing an excellent job of pulling the Budget together, and also doing an excellent job in carrying out the document over the course of the year. Councilmember Brady praised the Finance Department for tweaking, analyzing, responding and adapting to questions and requests for information. He reiterated comments about maintaining core

services and not increasing taxes, enhanced services and added staff where necessary, reflecting a job well done. He thanked the Mayor for his leadership.

Councilmember Turner expressed kudos to staff for the Budget document, particularly Finance Department staff for their hard work – one of the reasons why the City receives recognition and awards each year. He thanked the public for their participation. He thanked colleagues particularly for support of the objective for a Public Safety grant program; it's the right step to evaluate this program to see if it is something the City can utilize. Councilmember Turner recognized staff for being conservative and adding staff only when it is required or necessary, showing fiscal responsibility. He mentioned that he likes the direction the City is headed in environmentally; the new Sustainability Planner will be beneficial. He concluded by saying the Budget is a document Council can be proud of.

Councilmember Gardner thanked his colleagues for their support and direction when he had questions about the Budget, as well as staff for always being available. He thanked his District 3 constituents who reached out with their concerns and interests/areas where they would like to see services dedicated to. He thanked colleagues and staff for maintaining core services, for supporting his efforts to encourage a more environmentally sound Bowie and supporting the feasibility study that he proposed to ensure Bowie being a leader in technology. The feasibility study will allow Bowie to look into other alternatives for energy, and perhaps generating revenue from solid waste. He thanked Mayor Pro Tem Polangin particularly for her helpfulness.

Mayor Robinson thanked his colleagues for their decorum during the budget process; the Budget is balanced, bills are paid and the City has a substantial reserve. The City's AAA bond rating has been ensured. The Mayor thanked staff for all they did. Core services have been maintained, there are programs and projects that keep the City strong and healthy, and there is a flat tax rate, which has been the same for four consecutive years. The Mayor mentioned that the Budget document is reader friendly. Mayor Robinson concluded by saying that he supported the Budget, but not all of the items in the Budget.

Mayor Pro Tem Polangin moved approval of O-2-13 Approving and Adopting a Budget for the Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014. The motion was seconded by Councilmember Marcos and carried unanimously.

B. Approval of Resolution R-26-13 – Adopting a Capital Improvements Program for the Fiscal Years 2014-2019. Councilmember Trouth thanked his colleagues for keeping the Indoor Sports Facility on track, and staff for holding a meeting recently regarding such a facility; he expressed elation that the City is following through on this so that our youth will benefit.

Mayor Pro Tem Polangin moved approval of Resolution R-26-13 Adopting a Capital Improvement Program for the Fiscal Years 2014-2019. The motion was seconded by Councilmember Brady and carried unanimously.

NEW BUSINESS

A. Bowie Town Center. City Manager Deutsch said there had been questions from Council and residents of the community concerning the status of the Town Center. He noted that Mr. Rod Vosper, Vice President from the Simon Property Group's home office in Indianapolis, is prepared to make remarks and provide an update for Council. Mr. Steve Andrews, Mall Manager, accompanied Mr. Vosper.

Mr. Vosper thanked the Council for the invitation to come back and see the progress the City is making. The Bowie Town Center, the only Simon property in Prince George's County, opened in 2001

and was actually one of the first projects in the country that combined department stores, junior anchors and small shops. Leases within the Center have ten-year terms, so by nature a lot of leases have rolled over which gives the opportunity to cull out low performers and upgrade the mix with more productive tenants. The downturn in the economy struck when leases were rolling over, so management had to make an adjustment, get some short-term tenants in. The Town Center is in good shape now; anchored by strong and productive Sears and Macy's which are doing over $50 million in sales. Two junior anchors recently closed; he noted it is natural for them to move around. Mr. Vosper said the good news is that the two vacant junior anchors are both committed and will be reopened by the end of the year. The Center has very few in-line spaces available and by the end of the year, the Center will be in the mid-90% leased which is effectively fully leased. They are bringing in some exciting new tenants that upgrade the mix. Sales on the small shop basis hope to exceed $350 per square foot which would be a record year; sales have gone up each year for the past four years. The physical plant looks good. Mr. Vosper asked Council to help Simon; they want this to be a real town center, not just a Town Center in name. Mr. Andrews is working to figure out ways to have better interaction with the community and Mr. Vosper brought up the possibility of a Farmers' Market; the City could take advantage of the parking and infrastructure at the Center. He said they will continue to work on ways to make the Town Center better every day.

Mayor Robinson mentioned the Town Center was the first project for him on Council; noted the Simon Property Group is good to work with and he has a profound respect for them.

Councilmember Trouth liked the comment about wanting better interaction with the community. In response to a question about lease terms, Mr. Vosper said there may be option terms as well, with "kick out" provisions. He gave an example of one of the larger in-line stores that came back to Town Center after a full term as an original tenant and committed to take one-half of a space, while management is working to get another tenant for the other half.

Councilmember Trouth brought up constituents asking why certain retailers left to go elsewhere and asked if there are exit interviews held with tenants. Mr. Vosper said tenants don't like the Simon Property Group divulging their business decisions in public. The Gap closing had more to do with what was going on in the parent organization than what was going on at Bowie Town Center. With a personally owned company, the reason for closure could be because of personal financial situation. Mr. Vosper mentioned Crofton being competitive with their second phase. Simon is excited about LA Fitness backfilling the Bed Bath & Beyond space.

Councilmember Trouth said he would like to see the image of the Town Center enhanced. In response to the Councilmember's suggestion that Simon consider having a celebration every 5 or 10 years, Mr. Vosper shared a weekend celebration held at one of their properties in Texas.

Councilmember Marcos asked about the financial health of the Center with relation to other centers in Simon's portfolio, and if there are future plans to expand the square footage of retail at the Town Center. Mr. Vosper said the Center is at or above average and is trending in the right direction; hope to see better gains along the way as the economy improves. Simon has, in the past, looked at mixed use which included residential with deck parking, but the market got soft; also considered office to make the Center stronger, more diverse.

Councilmember Brady thanked Mr. Vosper for the positive update and commented the Town Center is a benefit to the City. The Councilmember said he is hoping for some expansion in the next ten years, maybe additional anchors. Simon's desire to work with and partner with the community would be very welcome; the opportunity to hold smaller events on site like fundraiser walks was mentioned.

Councilmember Turner said regular updates to Council would be very helpful; the Council and Simon need to do a better job of communicating about what direction the Center is headed in. He mentioned resident concerns about turnover; the Simon effort to bring something different to the Center like the tent sales and a carnival is appreciated. With the technology available, it was suggested to have the community provide input to Simon as far as future leasing and quality of tenants. In response to the Councilmember's question as to how Simon makes a determination as to what tenant would be a good fit when there is a vacancy, Mr. Vosper said they are always evaluating tenants available; sometimes on a short-term basis they fill in spaces as it is better to have offerings in every space than vacant space; Simon is looking to replace a few short-term tenants. It is a balancing act with needing to keep the Center occupied and vibrant and getting the right tenants in. The leasing team has been at the Center for two years and has a good feel for a mix of local and national tenants.

Councilmember Turner noted that Simon created a successful model for the County and the Center launched a lot of things that are happening in Prince George's County. In response to the Councilmember's question about how the City can be proactive, Mr. Vosper assured that the Center is intensely managed; the best opportunity is to work with the mall management staff locally and he encouraged the City to provide a wish list.

Councilmember Gardner commented that the Red Robin has been a great addition; applauds Simon for bringing LA Fitness to the Center but asked if there would be any parking concerns with its location there. Mr. Vosper explained that like a grocery store, LA Fitness will perform the function of getting people on site on a regular basis; there are no parking concerns. Simon is also excited to get a Forever 21 on site, which is also a traffic generator.

In response to Councilmember Gardner's question as to whether there are plans for the Center that have not been discussed, Mr. Vosper responded that it was premature to talk about anything now. Mr. Vosper did say they have discussed making the Food Court area more productive. Councilmember Gardner said one of his constituents suggested a bowling alley.

Mayor Robinson suggested perhaps revisiting a Christmas holiday parade like one held at the Center in the past; he also mentioned possible future sponsorship of the City's Memorial Day Parade. The Mayor thanked Mr. Vosper for coming to the Council Meeting.

ADJOURNMENT

Mayor Pro Tem Polangin moved to adjourn the City Council Meeting and move to Executive Session as permitted by the Maryland Open Meetings Act, Section 10-508(a) (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 (attached). Councilmember Marcos seconded the motion and it carried unanimously. The meeting adjourned at 9:10 p.m.

Respectfully submitted,

Anne S. Ford

Anne S. Ford, Acting City Clerk

WRITTEN STATEMENT FOR CLOSING A MEETING UNDER THE OPEN MEETINGS ACT

Date: 5/20/13 Time: 9:14 PM Location: City Hall Motion to close meeting made by: Polanzin;

Seconded by Marcus, Members voting in favor: Robinson, Polanzin, Brady, Gardner, Marcus, Trivett, Turner Opposed: 0 Abstaining 0 Absent 0

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:

(✓) To discuss a personnel issue

( ) _____

( ) _____

Persons attending closed session: Robinson, Polanzin, Brady, Gardner, Marcus, Trivett, Turner

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):

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Time closed session adjourned: 9:29 PM

Appendix C

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