

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, JANUARY 6, 2020

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, January 6, 2020 in the Council Chambers at City Hall. Mayor Adams called the meeting to order at 8:09 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, Harrison (Arrived 9:21p.m.), Ndebumadu and Woolfley, City Manager Lott, Assistant City Manager Mears, City Attorney Levan, City Clerk Hernandez, Staff, the Press and the Public.

AGENDA ADDITIONS/DELETIONS/AMENDMENTS:

City Manager Lott commented that Councilmember Gardner would not be present at the meeting and requested that Item D under New Business be moved to a future meeting. Councilmember Woolfley made a motion to move that item to a future meeting. Mayor Pro Tem Boafo seconded the motion. Motion passed 5-0.

CITIZEN PARTICIPATION:

1. Gary Allen, Chair of the Environmental Advisory Committee – Spoke in support of Council's approval of Resolution R-9-20 Celebrating Earth Year.
2. Sue Livera, Manvel Lane – Encouraged residents to sign up for the Bowie Green Newsletter.
3. Monica Roebuck, Belair Town – Would like Council to consider providing additional funding to the Bowie Volunteer Fire Department and the youth and teen programs for the City in the next budget cycle.
4. Fiona Moodie, Ithan Lane – On behalf of Bowie Citizens for Accountable Government please be mindful of any tax increases in the upcoming budget cycle.

CITY BOARD AND COMMITTEES:

1. Councilmember Woolfley moved to appoint Abigail Muscato to the Community Outreach Committee for a 2-year term. Mayor Pro Tem Boafo seconded the motion. Motion passed 5-0.
2. Mayor Pro Tem Boafo moved to appoint Machia Desmond as a student member to the Education Committee for a 2-year term. Councilmember Woolfley seconded the motion. Motion passed 5-0.
3. Mayor Pro Tem Boafo moved to appoint Reyniak Richards to the Education Committee for a 2-year term. Councilmember Woolfley seconded the motion. Motion passed 5-0.

4. Mayor Adams swore-in Ms. Muscato and Mr. Richards. Ms. Desmond was not present.

CITY MANAGER'S REPORT:

City Manager Lott reported that staff is in process of starting the budget preparation for Fiscal Year 2021.

CONSENT AGENDA:

Councilmember Woolfley moved the approval of Consent Agenda Items: A) Approval of Resolution R-1-20 Authorizing the Waiving of Bidding Requirements and Accepting Bid for the Supply and Delivery of Ultra-Violet Lamps for Use at the Wastewater Treatment Plant; B) Approval of Resolution R-2-20 Approving Variance Application BV-6-19, a Request by David and Penelope Cromer for a Variance to Allow a 10' x 14' Shed to be Located Beyond the Rear Yard, at a Distance of 38 Feet From the Street Line of Crosswick Turn, Where a Minimum 60-Foot Front Street Line Setback is Required for Accessory Buildings at 4201 Crosswick Turn; C) Approval of Resolution R-4-20 Accepting Bid for the Purchase of a Ventrac Tractor With Mower Attachments; D) Approval of Resolution R-5-20 Approving a Memorandum of Understanding Amending the Northern Array Solar Power Purchase Agreement Between the City of Bowie and Tesla Energy Operations, Inc.; E) Approval of Resolution R-6-20 Approving the Comment Letter to the Federal Communications Commission in Response to the September 13, 2019 Public Notice on WIA's Petition for Rulemaking, WIA's Petition for Declaratory Ruling, and CTIA's Petition for Declaratory Ruling; F) Approval of Resolution R-7-20 Waiving the Competitive Bidding Requirements of Section 61 "Purchasing and Contracting" of the Charter of the City of Bowie and Authorizing the City Manager to Enter Into An Annual Support and Licensing Agreement With Tyler Technologies Inc. Munis Division, to Enable the City's Continued Use of its Enterprise Resource Planning Software System; G) State Funding for Waterline Replacement; H) Race Track Letter City Council; I) City of Bowie Engagement Letter with Venable LLP. Councilmember Esteve seconded the motion. Motion passed 5-0.

NEW BUSINESS:

A. Pecan Ridge (Preliminary Plan #4-19003) – Mr. Joe Meinert, Planning Director, introduced Mr. Michael Byrd, Chair of the Bowie Advisory Planning Board (BAPB). Mr. Byrd summarized the board's report. The Preliminary Plan of subdivision proposes 80 single family detached lots in a Public Benefit Conservation Subdivision that is not currently annexed into the City. The subject property includes approximately 42 acres, is located at the end of Lloyd Station Road, adjacent to the WB&A Trail and it is zoned R-R (Rural Residential). The BAPB voted 3-1 to support the staff recommendation of approval with two conditions.

Mr. Meinert then summarized the staff report and recommendation. Since the development proposal meets the Adequate Public Facilities test and complies with the criteria for approval of a Preliminary Subdivision Plan, it is recommended that Preliminary Plan of Subdivision #4-19003 be approved with the following conditions: 1) There shall be a trip cap of 60 AM peak hour trips and 72 PM peak hour trips for the subject application; 2) All off-site woodland conservation shall be planted within the same subwatershed, if practical, and as close to the City as possible.

Mr. Edward Gibbs, representing the developer Caruso Homes, is in agreement with the City staff recommendations for approval of the Preliminary Plan of Subdivision.

Public Hearing:

1. Eliza Greenman, representing Northern Neck Growers Association – Spoke against the development.

2. Bruce Milam, Lloyd Station Road - Comments attached.
3. Aviva Nevesky, Lloyd Station Road – Spoke in opposition of the development
4. Fiona Moodie, Ithan Lane – Spoke against development.

Since there are no other speakers signed up to speak, Mayor Adams declared the public Hearing to have been held.

Mayor Pro Tem Boafo asked for the record, what exactly was Council voting on today. Mr. Meinert responded that they are voting on a recommendation to the Prince George's County Planning Board regarding this Preliminary Plan of Subdivision.

Councilmember Esteve made a motion against the approval of the Preliminary Plan of Subdivision #4-19003. Councilmember Woolfley seconded the motion. Mayor Pro Tem Boafo asked if Councilmember Esteve would amend the motion to postpone this item to a future meeting. Councilmember Esteve replied no. Motion passed 6-0.

B. 2019 Independent Auditor's Report – Mr. Byron Matthews, Finance Director, introduced Mr. Greg Bussink from the audit firm CliftonLarsonAllen, LLP. Mr. Bussink briefed Council on the audit findings. Overall the City is in great standings and financial statements for the fiscal year ending June 30, 2019 were fairly presented in conformity with GAAP. The auditor's opinion on financial statements is an unmodified "clean" opinion, it is the highest form of assurance that you can get on financial statements. The City has received the GOFA Certificate of Excellence for 45 years straight.

C. Budget Guidance for FY 2021 – Mr. Byron Matthews, Finance Director, presented a guidance of possible impacts for the FY 2021 Budget which include potential federal cutbacks and lower wages which would impact income taxes. The assessment values are estimated to increase less than 5% annually for several years and expenditures continue to outpace revenues. Also impacting the FY 2021 budget is the phase in replacement of damaged cast iron water pipes. The City's tax rate has remained unchanged over the last ten consecutive years. In summary, the City's financial position remains strong and essential core services continue to be provided.

Councilmember Esteve thanked Mr. Matthews for his presentation and asked if it was true that other municipalities pay lower rates to M-NCPPC. Mr. Matthews will look into it and provide a response.

Councilmember Woolfley asked why there was a dip in balance that is projected for FY21, what are the key drivers to that decline. Mr. Matthews responded that the City's expenditures are still growing at 5 to 7 percent and the revenues are not growing as high in the General Fund and even with a proposed 3 cent tax increase in FY 21, still will need to use the fund balance.

Mayor Adams thanked staff for their report and asked what were the \$2M in projects that were moved from FY20 to FY21. Mr. Matthews responded that part of it was for the I-Net for the new ice arena and CCTV cameras for security of the facilities.

D. Approval of Resolution R-8-20 Concerning Historically Black Colleges and Universities Settlement – Mayor Pro Tem Boafo commented on the resolution stating that this will be in support of all HBCU's throughout the state and the City of Bowie will be the first municipality in the state to support this.

Mayor Pro Tem Boafo moved to approve Resolution R-8-20. Councilmember Ndebumadu seconded the motion. Motion passed 6-0.

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E. Approving Resolution R-9-20 Authorizing the Celebration or 50th Anniversary of Earth Year 2020 in Bowie, Maryland – Councilmember Esteve thanked the members of the Environmental Advisory Committee and Green Team Committee for putting this forth and moved to approve Resolution R-9-20. Councilmember Woolfley seconded the motion. Motion passed 6-0.

ADJOURNMENT AND MOVE TO CLOSE SESSION:

Mayor Pro Tem Boafu moved to adjourn the Regular City Council meeting and move to Close Session Statutory Authority to Close Session, State Government Article, §3-305(b)(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. Councilmember Esteve seconded the motion and it carried 6-0. The meeting adjourned at 10:55 p.m.

Respectfully submitted,

Awilda Hernandez, MMC
City Clerk

Dear Mayor Adams;

Attached is a sketch of the intersection that will be used by the residents of the Proposed Pecan Ridge development. I am a 17 year resident at an adjacent farm, a holder of a Commercial Driver's License and know the traffic well.

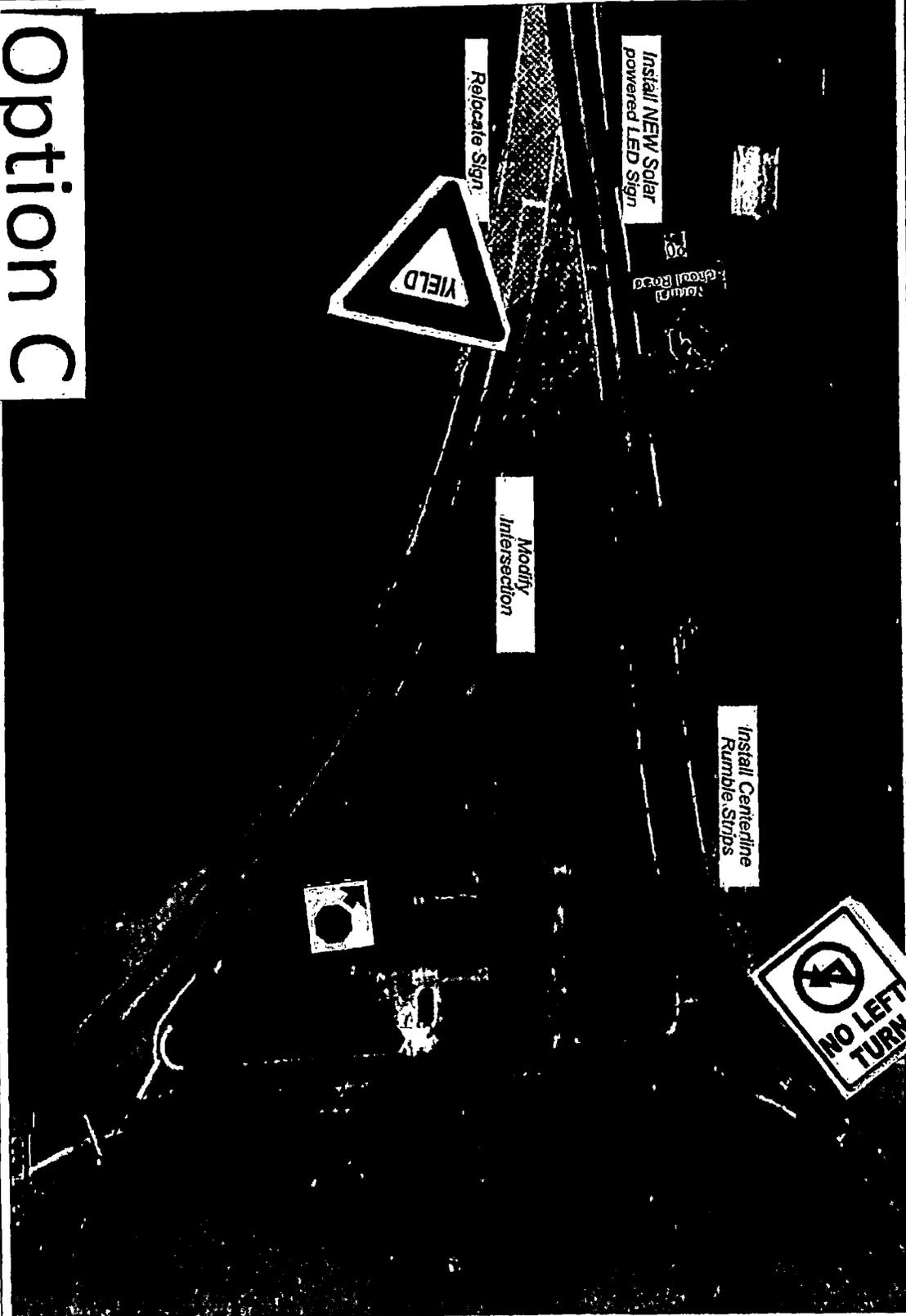
The best solution is a traffic circle that would keep traffic flowing with no backups onto Route 197. The builder claims it will cost an excessive amount of money and proposed a couple of options and both have significant shortcomings. Basically the opinions create visibility issues with departing and arriving traffic that will cause accidents.

A third option attached will keep the existing safe exit on Normal school road, the safe entrance from 11th street and add a safe entrance from Racetrack Road. Large vehicles, in particular busses, construction road tractors, horse trailers and trash trucks do not have a safe entrance with adequate visibility of oncoming traffic to make the left turn. Numerous large trucks will need to access the development per each house built and then several busses and service vehicles per week. This concept will provide safe entrance and exit from all directions. Please reject the development due to poor road access or add a contingency to your recommendation that the entrance to the area should be changed per the attached sketch.

M. Bruce Milam
8010 Lloyd Station Rd
Bowie, MD. 20715
301.367.1082

Leave Open, Safe Exit from R564

Option C



Pecan Ridge		ALPHA	BETA
DATE	10/15/10	REV	01
BY	J. Smith	REV	02
CHECKED		REV	03
APPROVED		REV	04

Intersection / Safety Plan



**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: 1/6/20; Time: 10:55^{pm}; Location: CH 182;
Motion to close meeting made by: Boato Seconded by Estre;
Members in favor: ME, DW, AB, TA, IA, RN; Opposed: _____;
Abstaining: _____; Absent: Gardner.

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) (1)		Discuss employee appointment etc.
§3-305(b) ()		

4. This statement is made by Jimmy Adams Presiding Officer.

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: 11:00 pm
 Place: Bowie City Hall
 Purpose(s): (1) discuss employee appointment, employment, assignment, etc.
 Members who voted to meet in closed session: Adams Harrison Esteve Woolfley Beafu Ndeboromadu
 Persons attending closed session: Adams Harrison Esteve Woolfley Beafu Ndeboromadu
 Authority under § 3-305 for the closed session: (1) discuss employee appt., etc.
 Topics actually discussed: _____
 Actions taken: _____
 Each recorded vote: _____

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