

## REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, NOVEMBER 15, 2021

### CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, November 15, 2021, in the Council Chambers at City Hall. Mayor Adams called the meeting to order at 8:03 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 (logged in at 8:28 p.m.), Esteve, Gardner (arrived 8:07 p.m.), Harrison, Ndebumadu (logged in at 8:11 p.m.), and Woolfley, City Manager Lott, Assistant City Manager Mears, City Attorney Levan, Staff, and the Public.

### CITIZEN PARTICIPATION:

There was no one signed up to speak and no written comments were received.

### PRESENTATIONS:

Shelemiah Griffiths-Johnson, Chair of the Bowie Youth Council, briefed Council on some of the items the group has accomplished in the past month as well as a few upcoming plans.

### COUNCIL ANNOUNCEMENTS:

Mayor Adams and Councilmember Harrison congratulated the Green Team and City staff on their successful Green Bowie Veterans Day 5K and thanked the residents who came out to support the veterans.

### CITY MANAGER'S REPORT:

City Manager Lott reported that more than 350 people participated in the Green Bowie Veterans Day 5K. He also reported that one of the focuses of City staff is to provide seamless service delivery to residents, including the currently ongoing leaf collection effort, a joint effort between Parks & Grounds and Public Works. City Manager Lott also discussed that the City is continuing to recruit confident and top-notch employees in a difficult hiring environment, including one lateral police officer and two new police cadets. City Manager Lott stated that the City is working to hire a Streets Superintendent and a few project managers. The Human Resources Department is doing a great job and hiring good people.

**CONSENT AGENDA:**

Councilmember Woolfley made a motion to approve Consent Agenda items: A) Adoption of Resolution R-72-21 Accepting Bid for Design Build Services for the Wastewater Treatment Plant Phase 1 SCADA System Upgrade; B) Adoption of Resolution R-73-21 Authorizing the Issuance of a Purchase Order to Bayland Consultants & Designers, Inc. for Task Order/RFP#3-12 in Accordance with the Master Contract Approved on October 31, 2018; and C) Introduction of Ordinance O-7-21 Amending the Adopted Budget for the Fiscal Year Beginning July 1, 2021 and Ending June 30, 2022, to Purchase Machinery and Equipment Owned by Bowie Golf Management Inc., to Increase the General Fund - Reserve for Contingences by \$97,600 for Expenditures Related to the Bowie Golf Course, and to Purchase Contractual Services for the Implementation of the City Branding Strategy. Councilmember Gardner seconded the motion. Motion passed 5-0 (Boafo, Ndebumadu - not present.)

**OLD BUSINESS:**

A. Adoption of Ordinance O-8-21 Amending Bowie City Code, Chapter 5 “Building and Property Maintenance”; to Amend Section 5-4, “City Fees and Permit Requirements” to Add Driveways to the List of Improvements Requiring Permits; to Amend Section 5-6, “Definitions”, to Add, Delete, or Amend Certain Definitions; to Amend Section 5-7 “Standards” to Clarify Certain Landscaping Requirements, to Specify Additional Items That May Not Be Stored Outside; and to Amend Section 5-9, “Licensing and Inspection of Rental Dwellings”, to Expand the Offenses for Which Rental Licenses May Be Denied or Revoked – Ms. Jamie Braun, Code Compliance Supervisor, presented the staff report, stating the Ordinance O-8-21 was prepared to amend Chapter 5, “Building and Property Maintenance” to address community and Council concerns related to property maintenance standards. The most impactful changes are to landscaping of premises and exterior storage. The current landscaping requirements uses suggested language free from being overgrown, the revisions establish and define unlawful overgrowth for clearer understanding and enforcement capabilities. The change to exterior storage stipulates additional items that cannot be stored outside and adds exemptions to allow for typical uses of residential property including the location and size of compost areas. City Attorney Levan and Ms. Braun presented an amendment to the ordinance as introduced, due to a discrepancy within the City Code, for Section 5-4 (a) and (b) to read as follows: “(a) There is hereby established a City Building Permit requirement. The fee for any permit shall be prescribed by the Council in the Annual City Budget. (b) A building permit must be obtained from the City for any construction for which a permit is required from Prince George's County and for any construction that is subject to a City standard that is stricter than that applied by the County, without regard to whether a County permit is required for such construction. A County building permit is a prerequisite for issuance of a City permit when a County permit is required for the construction.”

**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 thanked staff for their hard work on moving this forward. He stated that all the changes solve his question and concerns. He reiterated how important this is as they get many constituent concerns that are raised about questionable properties. As property owners, there is a responsibility to maintain properties in a manner consistent with the type of neighborhood owners want to live in, keeping things looking nice. He asked staff at what point do they think its best to pursue some sort of educational campaign to refresh and remind people of existing unchanged components as well as the modifications that are made in the Code to the population at large so everyone can understand what it means and what they are responsible for. Ms. Braun stated that this is part of their budget objectives each year and that they also try to attend HOA meetings regularly and get the word

out that way. They hope to have another Town Hall like they did last year as it was very successful. They also send out courtesy notices and work with Communications to get the word out that the standard in Bowie is high and they want to keep it that way. Ms. Braun stated that if Council has any suggestions they would be welcomed.

Councilmember Woolfley motioned to adopt Ordinance O-8-21 with the recommended changes from staff from this evening's discussion. Councilmember Gardner seconded the motion. The motion passed 4-0. (Ndebumadu, Gardner did not vote. Boafo not present.)

B. Discussion on Voting Center in Bowie for 2022 Elections – Ms. Mary Ann Mogavero from the Prince George's County Board of Elections briefed City Council on their election location needs. She stated that they have completed an exhaustive search for an alternative location and listed many of the locations they looked into including hotels, the Bowie Baysox Stadium, and other locations. Ms. Mogavero stated that their three options are the Bowie Gymnasium, the Bowie Community Center, or moving the early voting center out of Bowie.

There was much discussion about the use of the Gymnasium and the many complaints received by the City and Council in past elections regarding the long lines and traffic and parking issues, as well as the distributions to the gym operations and the senior center operations.

Council had questions on the potential use of the community center, the library, or vacant retail spaces. It was stated that the community center is too small and has no associated parking, that the library does not have a large enough space anymore and has access issues being next to the high school and pool, and that retailers do not like temporary solutions and that communications with the owners of the Sears property did not yield a solution.

City Manager Lott address Council, stating that he has discussed with the owner of the Bowie Marketplace the potential use of 100 parking spaces for election purposes. The owner has not yet agreed to or denied this request. City staff is prepared to manage traffic and assist with any traffic issues. City Manager Lott also stated that during the last election in 2022, it was stated that it was the last year that the Bowie Gymnasium could be used for early voting, and that it would need to be moved for 2022.

Mayor Pro Tem Boafo made a motion to keep the Gymnasium as the 2022 election voting center. Councilmember Ndebumadu seconded the motion. The motion passed 4-3. (Woolfley, Gardner, Harrison).

C. City of Bowie Pilot Workforce Training Program Coursera Agreement FY2022 Budget Discussion – City Manager Lott and Mr. Jesse Buggs, Director of the Office of Grant Development & Administration, gave the staff report stating that the following departments would be needed to provide additional resources to support the Pilot Workforce Training Program and are not currently budgeted for: Office of Grant Development & Administration, IT, and Communications. Staff recommended adding a  $\frac{3}{4}$  FTE for the program at a cost of \$52,740.04 and \$50,000 for marketing services including mailings and advertising.

Councilmember Ndebumadu made a motion to move forward with the Coursera contract. In addition to that she'd like for City staff to reach out to Employ Prince George's and see exactly what areas they may be able to help. In addition to that she'd like to make the motion for [the City] to leverage the marketing assets being provided to [the City] by Coursera, and simply leveraging [the City's] existing advertising vehicles to promote that and include that into [the City's] advertising. She'd like to make a motion to move forward and implement the Coursera program with no specific start date

but to move forward with signing the contract and going forward to plan for the launch date. Councilmember Gardner seconded the motion with conditions that Councilmember Ndebumadu laid out for staff: moving forward not with a specific launch date but signing the agreement and if in fact we find that it is going to cost additional money that we can have the discussion at that time.

Councilmember Gardner stated that if Jesse finds he needs the additional  $\frac{3}{4}$  FTE and the marketing budget to come back to Council. He said he knows he will be back and that he'll look forward to seeing him again so he seconded the motion.

City Manager Lott asked for a point of clarification before voting: the approval in the past was for \$50,000 to purchase the license. That is still his limit for this project? He wanted to know if it changed. If they're authorizing him to divert assets other than that money, he'll certainly do it, but during negotiations with Coursera there was a reason why they're here. He doesn't know what is going on with the different perceptions here. They seem to have the expectation that the City be in the marketing business and that the City has someone specifically standing by for that. The City will go back and continue to negotiate to try to come up with a contract based on the guidance that you have given the City attorney and Mr. Buggs, and with the limits that exist.

Councilmember Ndebumadu wanted to add a clarification and stated that in the motion it does include a way to address marketing in there. She doesn't think it is up to Coursera to set expectations for the City, that it is up to the City to set expectations for them, and yes they are not going to advertise a program for the City because that's not their role here. She would like to move forward with the motion as it is, and with Councilmember Gardner's amendment of not expending additional funds.

Councilmember Gardner stated that again he seconds the motion.

Councilmember Woolfley wanted to make sure he understood: what we're suggesting is that we move forward with the procurement process, we continue with that, without permitting any additional resources for the project?

Councilmember Ndebumadu responded that the motion is: to move forward with signing a contract with Coursera for the workforce development program, not allocate any additional funding to the program, and for the City to work with Employ Prince George's to understand how they can help, in addition to leveraging the marketing assets that Coursera already has and leveraging [the City's] existing advertising budget to promote the program with no specific launch date identified today.

City Manager Lott stated for the record: the advertising budget for communications is already committed to missions that are currently in place.

Councilmember Ndebumadu stated that this program can be included in the advertising that the City already does, the mailer to residents, newsletters, etc.

City Manager Lott stated that he'll speak to his experts and see if they can do that.

City Attorney Levan asked for clarity to write the contract: Coursera in its meeting with Mr. Buggs provided a list of responsibilities for the City. If she understands what she is being asked to do, those activities should be acknowledged and written into the contract as may have been recently modified by Coursera?

Councilmember Ndebumadu asked if the City Attorney wanted to read off the contract and what Coursera is expecting the City to do? She is not sure Council can answer her question without having direct clarity on what they're asking.

City Attorney Levan stated that she has been given to understand from Coursera that they expect the City to undertake certain tasks. She wanted to know if she was authorized, were they authorizing her, to write those things into the contract?

Mayor Adams asked if City Attorney Levan could be clearer on what she is asking of Council.

City Attorney Levan stated that she started to prepare a contract based on her understanding on what the arrangement was between the City and Coursera. During that process, Coursera spoke with Mr. Buggs and clarified that it has certain expectations for the City and tasks that it expects the City to undertake. So she needs to know that she is authorized to write those into the contract because that is what is being expected of her. Otherwise, she doesn't know what the terms of the contract are.

Mr. Buggs spoke to Council and stated that everything Coursera is expected to do and everything that they told the City they are going to do is in their response to the RFP so he will work that out with counsel because what she has is just a further refinement of that based on his conversation with Coursera which is why they are here. As they were talking about these things, it became clear to him that the responsibilities, duties, and obligations that someone was going to have to do, and that he doesn't have the staff or time to do, he scheduled the City Manager and that's why they are here. He will just make sure that everything they said they were going to do is, not eight or nine of what he just read to Council in his opening statement, all of that is in their response and RFP. That they have people who work with the City but the City has to do it. They have people who help the City but the City has to do it. Those are the things that were delineated within the agreement so he will work with counsel to make sure the contract is correct according to their response to the RFP. City Attorney Levan stated that that is fine.

The motion passed unanimously 7-0.

#### NEW BUSINESS:

A. Appeal of Bowie Advisory Planning Board Resolution BV-2-21 – City Council will hear oral argument concerning the BAPB's decision of September 14, 2021 to deny a variance application for property located at 4108 Crosswick Turn. Resolution R-71-21. – Mr. Joe Meinert, Planning Director, asked if it was Council's intent to proceed with this item this evening. Councilmember Gardner asked if that item could be postponed until the next meeting as there were some developments that he would like to take a look at and wanted to get further information to share with his colleagues in order for them to make an informed decision. City Attorney Levan stated that argument could be made at the meeting but that Council is acting in a quasi-judicial fashion on this application and that they cannot be bringing outside information that is not presented on the record before the Council. Councilmember Gardner stated that the information would be shared with all parties during the hearing and that is why he asked to postpone this item. Mayor Adams asked the City attorney if this poses any problems. City Attorney Levan stated that she needed to look at the ordinance and that she wasn't sure if new evidence could be introduced and that she'd look at the statute. Mayor Adams asked if they could move to the other items and come back to this item. Councilmember Gardner asked if City Attorney Levan could look into if they could postpone the item to the next meeting if they take no additional information. City Attorney Levan stated that she would look at the timeline in the ordinance to determine that.

After discussing items B and C under New Business, Mayor Adams came back to this item. City Attorney Levan determined that this item could be postponed to another meeting but that they could not introduce new evidence, that they need to decide the matter based on the record before the Bowie Advisory Planning Board.

Councilmember Gardner made a motion to postpone this item to the December 6<sup>th</sup> meeting for additional review time. Councilmember Esteve seconded the motion. The motion passed 5-0 (Ndebumadu did not vote, Boafu not present).

B. Revision to Detailed Site Plan 07072/01 (Block 3, Lots 1 & 2), Melford Retail Site – The developer is requesting the City’s approval recommendation for minor revisions to the approved site plan for retail development in Block 3 of Melford. The site is part of a 23.5-acre developed parcel, is zoned M-X-T (Mixed Use – Transportation Oriented) and is bounded to the south by the “Upper Pond,” to the east by the “Lower Pond,” and to the north by two four-story office buildings at the intersection of Melford Boulevard/Belair Drive and Crain Highway – Mr. Joe Meinert, Planning Director, gave the staff report, stating that staff finds that this request is supportable given the current challenges facing the retail industry. They noted that the approved design guidelines for the project foresaw the need to adjust building types and layouts to remain competitive. Staff sees no issue with this request and prepared a draft letter recommending approval to be sent back to the applicant if Council agrees.

Mr. Robert Antonetti, with the law firm of Shipley & Horne, presented to Council on behalf of the applicant St. John Properties, Inc., the developer of the mixed used project known as Melford. Mr. Andrew Roud, Regional Partner of St. John Properties and additional project members also attended. Mr. Antonetti asked for minor revisions to the previously approved site plan for retail development in Block 3 of Melford. They would like to eliminate one of the three previously approved retail buildings along Melford Boulevard and will have two buildings, building R-A which is 8,167 square feet and building R-C which is 10,264 square feet. A future pad building of 8,329 square feet (which would be approved as part of a future Detailed Site Plan revision) would be relocated to the northwestern portion of the site. The architecture will be consistent with the colors, finishes, and materials previously approved, a right-in/right-out access point is proposed between the buildings in order to offer a safe and more efficient access point for future users/tenants, and a drive-thru is proposed for building R-C.

Mr. Roud discussed the amenitization of the site and what tenants are looking for when leasing space. He also discussed what retailers are looking for when leasing spaces. He stated that the one building of 8,329 square feet is currently under construction as a way to get the project jump started.

Councilmember Gardner asked about a grocery store and stated that as they continue to build out the site, he wants to see quality projects and quality retail so it has a high-end, quality feel for residents. Mr. Antonetti stated that this project is Retail Village West and that the Retail Village East would be best suited for a grocery store. Mr. Roud discussed that the plans have been updated since designed in 2005 and that the project has gotten better. Mr. Roud also stated that the parking dimensions have stayed the same, and that having the retail amenities for residents will give the project a fighting chance despite all of the current challenges with COVID-19. Councilmember Gardner asked about commitments with retailers and restaurants. Mr. Roud stated that they do not have any commitments yet but that they are under discussion. He does imagine having a white tablecloth type of restaurant as part of the project but that is still about two years out from happening as it is part of a different phase.

Mr. Roud briefly mentioned another item that will be coming before Council in the future, the reprogramming of a building in Block 6 as a flex building as opposed to office space.

### **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 Esteve made a motion to approve as presented. Councilmember Gardner seconded the motion. The motion carried 5-1 (Woofley voted no, Boafo not present).

C. Prince George's County Vision Zero Program – Staff from the County Department of Public Works & Transportation (DPW & T) will present an overview of the Vision Zero Program, which was launched in 2019 as a countywide strategy to eliminate traffic-related serious injuries and deaths by 2040.

Mr. Joe Meinert, Planning Director, provided the staff report stating that Council had a desire to learn more about the Vision Zero Program. Ms. Andrea Lasker, Vision Zero Program coordinator, unfortunately had to leave prior to her item being discussed, but left information for Council and will present at a future meeting if Council wishes her to. Mr. Meinert made a few announcements on Ms. Lasker's behalf: the Vision Zero Program is recognizing the World Day of Remembrance for traffic road victims on November 21<sup>st</sup>. There is a street-smart testimonial display which will be on display at the Mall at Prince George's on November 20<sup>th</sup> and 21<sup>st</sup>, focusing on traffic accidents and attempting to get people's attention through the testimonial display and to receive stories from people. They'd like to do something like that in Bowie in future years.

ADJOURNMENT AND MOVE TO CLOSED SESSION:

Councilmember Woofley 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", §3-305(b)(7): "To consult with counsel to obtain legal advice", and §3-305(b)(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." Councilmember Esteve seconded the motion. Motion passed 6-0 (Boafo not present). The meeting adjourned at 10:47 p.m.

Respectfully submitted,

Carolyn Fifer (for City Clerk Awilda Hernandez)  
Administrative Associate to the City Clerk

**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: 11-15; Time: 10:47; Location: City Hall;  
Motion to close meeting made by: Woolfley Seconded by Esteve;  
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) <input checked="" type="checkbox"/> 5	Property Acquisition	Council consideration of acquiring property
§3-305(b) <input checked="" type="checkbox"/> 7	Consult with Counsel	
§3-305(b) <input checked="" type="checkbox"/> 14	Contract Negotiation	Lobbying Services
§3-305(b) <input type="checkbox"/>		
§3-305(b) <input type="checkbox"/>		

4. This statement is made by Samuel J. 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: 10:57

Place: City Hall

Purpose(s): (3) Property Acquisition

Members who voted to meet in closed session: Adams Harrison Gardner Esteve Wolfley Ndeburadu

Persons attending closed session: Adams Gardner Harrison Esteve Wolfley Ndeburadu Lott Levan King Meers

Authority under § 3-305 for the closed session: (3) (7) (14)

Topics actually discussed: Property Acquisition, Lobbying Services

Actions taken: \_\_\_\_\_

Each recorded vote: \_\_\_\_\_

➤ For a meeting recessed to perform an administrative function (§ 3-104): Time: \_\_\_\_\_

Place: \_\_\_\_\_

Persons present: \_\_\_\_\_

Subjects discussed: \_\_\_\_\_