



# City of Bowie

15901 Excalibur Road  
Bowie, Maryland 20716

## REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, OCTOBER 3, 2016

### CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, October 3, 2016 in the Council Chambers at City Hall. Mayor Pro Tem Gardner called the meeting to order at 8:00 p.m.

### PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Pro Tem Gardner led the Pledge of Allegiance to the Flag.

### QUORUM:

In attendance were Councilmembers Esteve, Gardner, Marcos, Polangin and Truth; Acting City Manager Fitzwater, City Attorney Glover, City Clerk Hernandez, Staff, the Press, and the Public.

### CITIZEN PARTICIPATION:

1. Gail Bingham, Millstream Drive – read a statement from Mr. Stein in reference to BCMC fees. (Copy of statement attached)

### CITY BOARDS AND COMMITTEES:

#### A. Appointments/Reappointments/Swearing-In:

1. Councilmember Truth moved the appointment of Holly Carton as a member of the Arts Committee for a 2-year term. Councilmember Polangin seconded the motion and it carried 5-0.
2. Councilmember Truth moved the appointment of Jeffery Minniear as a member of the Arts Committee for a 2-year term. Councilmember Polangin seconded the motion and it carried 5-0.
3. Councilmember Truth moved the appointment of Gabrielle Davison as a member of the Arts Committee for a 2-year term. Councilmember Polangin seconded the motion and it carried 5-0.
4. Councilmember Polangin moved the appointment of Lisa Sanford as a member of the Diversity Committee for a 2-year term. Councilmember Esteve seconded the motion and it carried 5-0.
5. Mayor Pro Tem Gardner swore-in the members to their respective committees.

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

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

CITY MANAGER'S REPORT:

Acting City Manager Fitzwater reported that the City has received the Preliminary Plan for Marketplace Residential and the Bowie Advisory Planning Board Public Hearing has been scheduled for November 15th at 7:00 p.m.

CONSENT AGENDA:

Councilmember Marcos moved the approval of Consent Agenda Items: A) Approval of September 19 Meeting Minutes; B) Approval of Resolution R-56-16 Approving a Contract With Fields Consulting Group to Develop and Administer Promotional Testing for Police Department Personnel and Authorizing the City manager to Sign the Appropriate Contracts With Field Consulting Group to Provide Such Services for the City. Councilmember Polangin seconded the motion and it carried 5-0.

NEW BUSINESS:

A. Council of Governments – Mr. Chuck Bean, Executive Director of the Council of Governments, reviewed the presentation of the different programs and benefits the City receives as a member jurisdiction of Council of Governments. COG brings area leaders together to address major regional issues in the District of Columbia, suburban Maryland and northern Virginia. They provide several grants for transportation as well as several programs geared towards the environment, and regional safety. Mr. Rick Conrad went over COG's Cooperative Purchasing Program which the City has participated in for gasoline/diesel purchases.

Councilmember Truth asked Mr. Conrad to contact the current President of the Prince George's County Municipal Association to perhaps do a presentation on the Cooperative Purchasing Program to them.

Mayor Pro Tem Gardner thanked Mr. Bean and Mr. Conrad for their presentation.

B. Zoning Ordinance Re-Write Presentation - Mr. Chad Williams, Project Manager, updated Council on the status of the zoning ordinance rewrite which is on Module 3 dealing with administration and subdivision regulations. In this module they hope to consolidate and clarify the development review procedures to make the process more efficient, and provide more flexibility to support desired redevelopment.

Councilmember Truth asked if this streamline will reduce the time for applicants to get their site plans or permits approved. Mr. Williams replied that they can only streamline so far because they are constrained by state law with how quickly or how long certain types of applications take. For example subdivision by state law require a 70 day process and may be extended one 70 day period so it becomes a 140 day process.

Mayor Pro Tem Gardner thanked Mr. Williams for the update.

C. Police Department Update – Police Chief Nesky and Deputy Chief Preston briefed Council on department statistics, programs and the status of in-house call center. Staffing is currently at 63 officers. The department is part of a Department of Justice (DOJ) study. DOJ approached the City because of the diversity in the department and how the City achieved this diversity. The DOJ is hoping to pull some best practices out of the City's experience for national attention. The call center is fully operational as of today; and body cameras are being used by 55 officers at the moment. The crime and citation statistics for the department are in a downward trend which is good. The department held a Community Forum which was a great success, as well as the Cop for a Day event.

October 3, 2016

Mayor Pro Tem Gardner thanked Chief Nesky and Deputy Chief Preston for the updates.

ADJOURNMENT AND MOVE TO CLOSE SESSION:

Councilmember Polangin moved to adjourn the City Council meeting and move into Closed Session under General Provisions Article, §3-305(b)(3): To consider the acquisition of real property for a public purpose and matters directly related thereto. Councilmember Esteve seconded the motion and it carried 5-0. The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Awilda Hernandez". The signature is written in a cursive style with a large, looping flourish at the end.

Awilda Hernandez, MMC  
City Clerk

**SUBJECT: UNJUSTIFIED BCMC FEES**

Mayor, Members of the City Council:

The City has a contract with Bowie Community Media Cooperation (BCMC) to monitor and air the TV projects produced by Bowie Residents at its Bowie TV Studio Facility. The main purpose of this agreement is so that the City can't be accused of influencing Public Access TV Programming.

Unfortunately, in practice, BCMCs discourages: 1) The use of its TV Studio and 2) Freedom of Speech by charging Bowie Residents a large fee to use the City's TV Studio that most won't pay..

Historically, the use of the City's TV Studio was free to all Bowie Residents.

Worse yet, City and BCMC employees are taking away our rights by overriding what the City Council has passed.

For example: **Chapter 12 of the Bowie City LAW briefly states that peg channels shall be available at no expense to the City and peg accesses users. The later are the Bowie Residents.**

**We Bowie Residents should be able to go to the City's TV Studio and make our shows there at no expense.. We pay the taxes and Cable fees for this service.**

BCMC has no mandate from The City to control its studio. If one exists, it must be terminated NOW.

I urge The City Council to have its legal advisers look into my charges. If I am right, the City Council should correct this injustice immediately including mandating a refund to those who request it.

Richard Stein

**I strongly believe BCMC members should not have to pay any fee to use the City's TV Studio. My reasons follow:**

**City and BCMC employees are taking away our rights by over-riding what The City Council has passed. For example: Chapter 12 of the Bowie City LAW briefly states that: "peg channels shall be available at no expense to the City and to peg access users."**

**Making TV shows should be free to all Bowie residents because we pay the taxes and the Cable Bills. My Cable bill has a fee for " P.E.G." The "P" stands for Public Access TV which indicates we paid for this service.**

**From its Cable revenues, the City pays its TV Studio expenses. Not a cent comes from BCMC to cover these costs. Why then should Bowie residents have to pay BCMC a fee to use it! This is unethical and predatory.**

**The City Council doesn't pay to broadcast their meetings on Bowie Cable TV. Why then must Bowie Taxpayers like us have to pay BCMC to have our voices heard on Bowie Public Access Cable TV?**

**Furthermore, BCMC does not have the right to mandate fees for the use of public property such as the Bowie TV Studio. If it does, it is illegal. This practice must be terminated NOW.**

**When Bowie Cable started in the 1980s, there were no fees.. 100s of producers came on board. It was a very successful time. Shows were made and aired at no cost to the producers.**

**With a \$30,000 budget, today BCMC has a about 20 producers and it uses the Bowie TV facilities as its own "CONCESSION STAND" charging high fees. This is apprehensible.**

**Public Access TV was meant to show Freedom of Speech flourishing. BCMC practices hinders that goal.**

**I hope you will see my point and help me correct this situation.**

**Richard Stein**

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

Date: 10/3/14 Time: 10:00pm Location: City 1&1 Motion to close meeting made by: Polangin  
 Seconded by Esteve, Members voting in favor: Esteve, Polangin, Gardner, Truth  
Marcos Opposed: \_\_\_\_\_ Abstaining \_\_\_\_\_ Absent Glass, Robinson

**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) (3) Consider acquisition of land for recreational purposes.  
 §3-305(b) ( ) \_\_\_\_\_  
 §3-305(b) ( ) \_\_\_\_\_

This statement is made by Mayor Pro Tem Gardner, Presiding Officer: Alex Gardner  
 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: Gardner, Truth, Polangin, Esteve, Marcos, Fitzwater, McInert  
 TOPICS ACTUALLY DISCUSSED Consider acquisition of land for recreational purposes  
 ACTION(S) TAKEN (IF ANY) AND RECORDED VOTES: \_\_\_\_\_

TIME CLOSED SESSION ADJOURNED: 10:18  
 PLACE OF CLOSED SESSION Bowie City Hall  
 PURPOSE OF CLOSED SESSION: Consider Acquisition of land for recreational purposes  
 STATUTORY AUTHORITY FOR THE CLOSED SESSION: §3-305(b) (3); ( ) ; ( )  
 MEMBERS WHO VOTED TO CLOSE: Polangin, Esteve, Gardner, Truth, Marcos