



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, JUNE 5, 2017

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, June 5, 2017 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:

Mayor Robinson led the Pledge of Allegiance to the Flag.

QUORUM:

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

AGENDA ADDITIONS/DELETIONS/AMENDMENTS:

Councilmember Esteve requested Item (H) under Consent Agenda be moved as Item (D) under New Business.

CITIZEN PARTICIPATION:

1. Yolanda Jones, Chairman, Bowie Board of Elections – Presented recommendations from the Board of Elections to Council for changes to the requirements to file for candidacy. Copy of memo attached.
2. Jim Caruso and Laurie Thompson, Twisting Lane – Spoke in regards to the excessive speeding that occurs on Twisting Lane.

PRESENTATIONS:

A. 2016 Malcolm "Skip" Popp Award Presentation – Dale Grant and Sharon Hunt, members of the Community Outreach Committee, along with City Council presented the awards to Ms. Christine Connally and Ms. Julee Fryberger.

B. Mayor Pro Tem Gardner made a motion and presented Proclamation P-14-17 Proclaiming June 19-23, 2017 as Pollinator Week in the City of Bowie to representatives of the Bowie Green Team Committee. Councilmember Truth seconded motion. Motion passed 6-0.

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

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

COUNCIL ANNOUNCEMENTS:

Mayor Robinson thanked staff and volunteers for the wonderful events that have been held in the City over the past weekends.

CITY MANAGER'S REPORT:

City Manager Lott reported that the open IT Director Position has been filled, Mr. Todd Peterson will begin on June 12th.

CONSENT AGENDA:

Mayor Pro Tem Gardner moved the approval of Consent Agenda Items: A) Approval of Proclamation P-13-17 Proclaiming June 4-10, 2017 as Chesapeake Bay Awareness Week in the City of Bowie; B) Approval of Resolution R-27-17 By Two-Thirds Vote Authorizing the Waiving of Bidding Requirements to Allow for the Purchase of a Sewer Camera Truck by Piggybacking a City of Baltimore Bid; C) Approval of Resolution R-29-17 Accepting Bid for the Replacement of Water Main From Lerner Place to Longridge Lane Using Pipe Bursting Methods; D) Approval of Resolution R-30-17 Amending a Contract With Xerox State & Local Solutions, Inc. (Xerox) to Extend the Term of the Contract, Change the Rate of Compensation and Incorporate a Legal Change of Name of the Contractor to Conduent State and Local Solutions; E) Approval of Resolution R-31-17 Accepting a Bid Proposal for Midwood Lane Stormwater Management Pond Reconstruction and 15" Sewer Main Relocation; F) Introduction of Emergency Ordinance O-3-17 Amending the Adopted Budget for the Fiscal Year Beginning July 1, 2016 and Ending June 30, 2017, Embodied in Ordinance O-4-16, as Amended by Ordinance O-3-17, to Authorize the Transfer of Certain Amounts in the 2016-2017 Budget to Pay for Anticipated Expenses. Councilmember Marcos seconded the motion and it carried 6-0.

NEW BUSINESS:

A. Bowie BIC – Bowie's Incubator – Ms. Lisa Smith, Executive Director, and Mr. Adam Santavicca, Chairman, briefed Council on the latest activities occurring at the Bowie Business Innovation Center. As of the end of April 2017, Bowie BIC has had a total of \$3.1 million in total revenue by clients, 332 Bowie entrepreneurs receiving training/counseling, 71 total jobs created, and 11 Bowie BIC business accelerator clients.

B. City Lobbyist Report – City Lobbyists Len Lucchi, Eddie Pounds and Bruce Bereano briefed Council on the recent bills the General Assembly introduced and became law that concern local municipalities and the City. Some of the bills are HB 151 Capital Budget – this bill contains funds for repairs of two Bowie elementary schools as well as funding for Dimensions Healthcare System, HB1309/SB885 – this bill requires counties and municipalities to provide organizers of special events with written statements of recycling requirements and penalties before issuing a special event permit, SB44 – this bill requires municipalities to appoint a records officer and consult with the Maryland State Archives before destroying public records, HB651 – this bill allows counties and municipalities to impose residency requirements on at will employees, SB26 – this bill would give municipalities the opportunity to enter into lawsuits brought by whistleblowers alleging fraud committed against governments, and SB178 – this bill provides a one-time matching grant to the owner of the Bowie Race Course Training Center in the amount of \$150,000 for its maintenance and upkeep.

Councilmember Esteve asked what the implications of HB44 would be for the City. Mr. Lucchi replied that it entails the City appoint a Records Liaison and have them contact the Maryland State Archives before any records are destroyed.

Councilmember Trough asked if there were any stipulations in HB44 stating that the records officer needs to be a full time or part time employee. Mr. Bereano replied that there was no direct response to that question in the bill.

C. Medical Cannabis Dispensary (CB-47-2017) Zoning Ordinance Text Amendment – Mr. Joe Meinert, Planning Director, summarized the staff report. County Council Member Todd Turner has sponsored legislation CB-47-2017 to permit a medical cannabis dispensary in the M-A-C (Major Activity Center) zone. The purpose of the legislation is to allow a prospective user to locate their business within an existing office building at 4201 Northview Drive. Staff concludes that the impacts of the proposed use are not appreciably different from those of a doctor's office, drug store or medical office/clinic, which are allowed in the M-A-C zone but does note that an amendment to the Basic Plan is required.

Mr. Russell Wright, owner of TSG Organics, the firm that wants to operate the cannabis dispensary at 4201 Northview Drive gave a brief history of the business. The State of Maryland has awarded TSG Organics a stage one-dispensary license in District 23. TSG's license is one of 102 dispensary licenses awarded by the State.

Public Hearing:

1. Clemont Jacobs – spoke in support of legislation CB-47-2017.
2. Angela Agee, Ft. Washington, MD – spoke in support of legislation CB-47-2017.
3. James McCreary, Clinton, MD – spoke in support of legislation CB-47-2017.
4. Cocoa Dorsey, Clinton, MD – spoke in support of legislation CB-47-2017.
5. Bridget Spruill, Washington, DC – spoke in support of legislation CB-47-2017.

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

Councilmember Esteve asked Mr. Wright if the requirements are not met, what other locations is the applicant considering. Mr. Wright replied that they do not have another location at the moment.

Councilmember Gardner asked Police Chief Nesky if in other communities where this type of business has established, have they seen an increase in crime. Police Chief Nesky has gotten several different responses in researching this information; some have gotten increases some decreases. It is a cash only business so the potential for the risk is possible.

Councilmember Marcos expressed that he understands this is a new horizon that is being explored but is concerned that the citizens of Bowie are not ready for this type of business in the City especially, with the close proximity to an elementary school.

Mayor Robinson has concerns with this legislation and is not in favor of it.

Councilmember Marcos made a motion against the support of CB-47-2017, Mayor Robinson seconded the motion. Motion died 3-0-3 (Abstain – Glass, Esteve, Gardner). Councilmember Esteve made a new motion for the City to take no formal position on CB-47-2017 and let the County make the decision, Mayor Pro Tem Gardner seconded the second motion. Motion passed 4-2 (Robinson and Marcos).

D. Approval of Letter to Prince George's County Planning Board re: Melford Village Detailed Site Plan for Infrastructure.

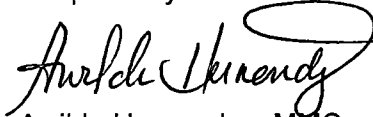
June 5, 2017

Mayor Pro Tem Gardner made a motion to approve the letter to Prince George's County Planning Board in reference to the Melford Village Detailed Site Plan for Infrastructure. Councilmember Glass seconded the motion. Motion passed 5-1 (Esteve).

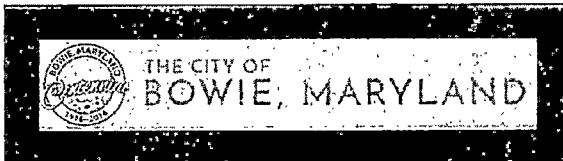
ADJOURNMENT AND MOVE TO CLOSE SESSION:

Mayor Pro Tem Gardner moved to adjourn the City Council meeting and move to Close Session, General Provisions 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; or any other personnel matter that affects one or more specific individuals; and §3-305(b)(7): To consult with counsel to obtain legal advice on a legal matter. Councilmember Truth seconded the motion and it carried 6-0. The meeting adjourned at 10:07 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Awilda Hernandez", with a large, stylized flourish at the end.

Awilda Hernandez, MMC
City Clerk



Memo

To: City of Bowie, City Council
From: Yolanda L. Jones, Board of Elections, Chair
cc: Awilda Hernandez, City Clerk
Date: May 23, 2017
Re: Elections – Filing of Candidacy

At the May 17, 2017, the City of Bowie Board of Elections met to discuss Council's request for the Board to review the election candidacy filing fee as well as extending the filing deadline from 30 days. After researching what the other local municipalities filing processes are and after much discussion, the Board recommends the following to the Council:

1. The filing fee should remain at \$25, with the addition that candidates are required to submit a 100-signature petition with the signatures of registered Bowie residents at the time they file the fee. Mayor and At-Large Councilmembers will need 100 signatures of any registered voter within the City and District Councilmembers would need the 100 signatures from registered voters in their respective districts, in which they are running.
2. As for the filing deadline extension, the Board recommends forty-five (45) calendar days. The Board also recommends that nomination packets for candidates become available beginning May 1st of the election year.

Sincerely,

Yolanda L. Jones

City of Bowie, Board of Elections, Chair

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

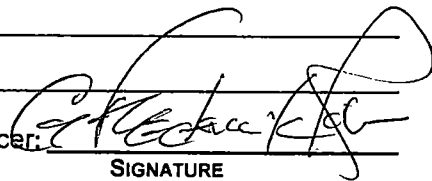
Date: 10/5/17 Time: 10:07pm Location: City Hall Motion to close meeting made by: Gardner
 Seconded by Truth, Members voting in favor: Robinson, Marcos, Glass, Truth
Gardner, Esteve Opposed: _____ Abstaining: _____ Absent Polangin

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) (1) Discuss personnel matter pertaining to official over whom public body has jurisdiction
 §3-305(b) () _____
 §3-305(b) () _____

This statement is made by Mayor Robinson, Presiding Officer: 
 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, Gardner, Truth, Marcos, Glass, Esteve, Lott, Fitzmaurice, Leary
 TOPICS ACTUALLY DISCUSSED Personnel matter pertaining to official over whom public body has jurisdiction
 ACTION(S) TAKEN (IF ANY) AND RECORDED VOTES: _____

TIME CLOSED SESSION ADJOURNED: 10:27
 PLACE OF CLOSED SESSION Bowie City Hall
 PURPOSE OF CLOSED SESSION: Discuss personnel matter pertaining to official over whom public body has jurisdiction
 STATUTORY AUTHORITY FOR THE CLOSED SESSION: §3-305(b) (1); () ; ()
 MEMBERS WHO VOTED TO CLOSE: Robinson, Gardner, Truth, Marcos, Glass, Esteve