



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

TUESDAY, SEPTEMBER 3, 2019

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Tuesday, September 3, 2019 in the Council Chambers at City Hall. Mayor Robinson called the meeting to order at 8:01 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, Marcos, Senn-Carter, Truth, and Woolfley, City Manager Lott, Assistant City Manager Mears, City Attorney Levan, City Clerk Hernandez, Staff, the Press and the Public.

CITIZEN PARTICIPATION:

1. Dustin Kuzan, Silver Maple Ct. – Spoke in regards to traffic congestion at Mill Branch Crossing.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearing-in

1. Councilmember Marcos moved to appoint Rob Herold to the Economic Development Committee for a two-year term. Mayor Pro Tem Gardner seconded motion. Motion passed 7-0. Mr. Herold was not present for the swearing-in.

COUNCIL ANNOUNCEMENTS:

Mayor Robinson stated to keep our thoughts and prayers to the residents of the Caribbean islands and Florida that have experienced the storms in the last week.

CITY MANAGER'S REPORT:

City Manager Lott stated that City employees are working on their goal objectives for the next fiscal year.

Councilmember Truth requested that staff begin preparing a City ordinance in regards to Airbnb's in the City similar to what the County has done after theirs become effective October 1. City Manager Lott will begin the process.

CONSENT AGENDA:

Mayor Pro Tem Gardner moved the approval of Consent Agenda Items: A) Approval of June 3 Meeting Minutes; B) Approval of Resolution R-64-19 Authorizing the City Manager to Enter Into an Agreement With James River Solutions for the Purchase of Regular Unleaded Gasoline in Tank Wagon Quantities; C) Approval of Resolution R-65-19 Accepting a Bid Proposal for the Bowie Playhouse Sanitary Sewer Improvements; D) Approval of Resolution R-66-19 Authorizing the City Manager to Enter Into an Agreement With James River Solutions for the Purchase of Regular Unleaded Gasoline in Truck Transport Quantities. Councilmember Truth seconded the motion. Motion passed unanimously.

OLD BUSINESS:

A. Approval of Ordinance O-6-19 Amending the Adopted Budget for the Fiscal Year Beginning July 1, 2019, and Ending June 30, 2020, as Embodied in Ordinance O-1-19 to Appropriate Funds for the Construction of a New Ice Arena – Mr. Byron Matthews, City Finance Director summarized the Ordinance. The amendment will allow for the appropriations for the funding of the new Ice Arena, staff is requesting the appropriation be in the amount of \$24,200,000. The project shall be funded by issuing General Obligation Bonds which will cover the required construction and bond issuance costs to fund the project in FY 2020.

Public Hearing:

1. Gary Allen, Bawtry Ct – Requested Council do not adopt this Ordinance and table item until January 2020.
2. Walter Krausenberger, Memphis Ln – Spoke against the approval of this ordinance, not serving the majority of residents.
3. Dustin Kuzan, Silver Maple Ct – Spoke in regards to deferring the vote as well as lack of infrastructure at site for new ice arena.

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

Councilmember Woolfley asked what the total cost would be after we consider payments that need to be made and for how long will those payments go for. Mr. Matthews responded that he does not have at the moment the total payout of the bond issuance but the bonds will have a maturity of 30 years.

Councilmember Woolfley made a motion to table this item until January 2020. Councilmember Esteve seconded the motion. Motion failed 2-5 (Gardner, Robinson, Truth, Senn-Carter).

Councilmember Marcos made a motion to adopt Ordinance O-6-19. Mayor Pro Tem Gardner seconded the motion. Motion passed 5-2 (Esteve, Woolfley).

NEW BUSINESS:

A. Introduction of Ordinance O-7-19 Providing For The Sale And Issuance By The City Of Bowie (The "City"), Upon Its Full Faith And Credit, Of A Single Series Of Its General Obligation Bonds In The Original Aggregate Principal Amount Of \$24,200,000, Subject To Reduction As Provided Herein, The Proceeds Of The Bonds To Be Used For The Public Purpose Of Financing Or Reimbursing Costs Of The New Bowie Ice Arena Project As Provided Herein; Prescribing The Form And Tenor Of The Bonds And

The Terms And Conditions For The Sale Thereof At Public Sale After Solicitation Of Competitive Bids, Including The Form Of The Notice Of Sale (Subject To Modification) And Other Details Incident To The Issuance, Sale And Delivery Of The Bonds; Authorizing The City Manager To Determine Certain Matters In Connection With The Sale Of The Bonds; Authorizing And Approving The Preparation And Distribution Of A Preliminary And A Final Official Statement For The Bonds; Providing For A Bond Registrar And Paying Agent For The Bonds; Authorizing The Preparation, Execution And Delivery Of A Continuing Disclosure Undertaking Pursuant To Securities And Exchange Commission Rule 15c2-12 And Covenanting To Comply Therewith; Providing For The Disbursement And Investment Of The Proceeds Of The Bonds; Authorizing The City To Issue And Sell General Obligation Bond Anticipation Notes And General Obligation Refunding Bonds For The Purposes And Subject To The Limitations Set Forth Herein; Providing For The Imposition And Collection Of Any Taxes Necessary For The Payment Of Debt Service On The Bonds And Any Such Bond Anticipation Notes Or Refunding Bonds (Collectively, The "Obligations"); Pledging The City's Full Faith And Credit And Unlimited Taxing Power To Payment Of Debt Service On The Obligations; Providing That Debt Service On The Obligations Also May Be Paid From Any Other Sources Of Revenue Lawfully Available For Such Purpose; Providing For Certain Determinations Regarding Any Bond Anticipation Notes Or Refunding Bonds To Be Made By Resolution; Setting Forth Certain Rules Of Construction; Providing That The Provisions Of This Ordinance Shall Be Liberally Construed; And Generally Relating To The Sale, Issuance, Delivery And Payment Of And For The Bonds And Certain Matters Relating To Any Bond Anticipation Notes Or Refunding Bonds – Mr. Matthews summarized the Ordinance. It will provide for the City to issue a series of general obligation bonds in the maximum original aggregate principal amount of \$24,200,000 to finance or reimburse costs of the new Bowie Ice Arena project.

Councilmember Marcos made a motion to introduce Ordinance O-7-19. Mayor Pro Tem Gardner seconded the motion. Motion passed 5-2 (Esteve, Woolfley).

B. Consolidated Annual Performance and Evaluation Report (CAPER) – Resolution R-61-19 – Mr. George Jones, City Grants Manager, summarized the staff report on the Grant Housing Program. The report developed with citizen participation, identifies the extent to which the City has satisfied specific goals and objectives delineated in its Annual Action Plan for Fiscal Year 2018.

Public Hearing:

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

Councilmember Senn-Carter made a motion to approve Resolution R-61-19 and authorize the CAPER to be sent to HUD. Councilmember Marcos seconded the motion. Motion passed 7-0.

C. Mill Branch Crossing Zoning Text Amendment (ZTA) – Mr. Joe Meinert, City Planning Director summarized the staff report. Council, on June 3, 2019 reviewed a request from the developer for approval of the concept of residential development on the 74-acre property located in the northeast quadrant of US 301 and Mill Branch Road which will include multi-family and townhouse dwelling units in the Commercial Shopping Center (C-S-C) Zone. Council supported the request and encouraged the developer to pursue a ZTA. Staff recommends the approval of the proposed zoning text amendment be sent to County Council.

After comments from Council, Councilmember Truth made a motion to approve the proposed zoning text amendment. Mayor Pro Tem Gardner seconded the motion. Motion passed 5-2 (Esteve, Woolfley).

D. Bowie Green Team Proposed Action Plan – The Chair of the Bowie Green Team Executive Committee, Sue Livera presented a 3-Year Action Plan as required by the Sustainable Maryland Certified Program and the City's 2019 recertification. A copy of the 3-Year Plan is on file in the City Clerk's Office.

Public Hearing:

1. Gary Allen, Chair of EAC – Spoke in support of the recertification and plan.
2. Dustin Kuzan, Silver Maple Ct – Spoke in support of the recertification and plan.

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

Councilmember Esteve made a motion to approve the Action Plan presented by the Green Team for Sustainable Maryland Program Recertification. Councilmember Woolfley seconded the motion. Motion passed 6-0 (Gardner not present for vote).

E. City Trails Master Plan – Mr. Joe Meinert, City's Planning Director summarized the staff report. This item is before Council to conduct a public hearing on the trails Master Plan. The Trails Master Plan sets a vision, goals and priorities for the City's trail network, identifies recommended trail network and makes trail system design recommendations. The update was initiated in November of 2018. The plan was prepared with the input and contributions of many residents and stakeholders that participated in two public trails planning workshops and a public meeting to review the initial draft of the plan.

Public Hearing:

1. Gary Allen, Chair of EAC – Spoke in support of the adoption for the plan.
2. Patty McCaughey, Chalford Ln – Spoke in support of the adoption of the City Trails Master Plan.
3. Ken McCaughey, Chalford Ln – Spoke in support of plan, will improve safety connecting neighborhoods with retail centers.
4. Dustin Kuzan, Silver Maple Ct – Thanked Council for the funding of the plan.
5. John Teasdale, Midwood Ln – Spoke in support of the plan.

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

Councilmember Esteve made a motion to accept the Trails Master Plan and have staff prepare a resolution for adoption at the September 16 Council meeting. Councilmember Trough seconded the motion. Motion passed 7-0.

F. City Complete Streets Policy – Resolution R-62-19 - Mr. Joe Meinert, City's Planning Director summarized the staff report. This item is before Council to conduct a public hearing on the Complete Streets Policy. This is a companion piece to the Trails Master Plan. The Environmental Advisory Committee recommended the policy resolution which was reviewed by staff and the City Attorney. One change staff made to the policy, in relation to City streets, was to narrow the applicability to primary drives and collectors with designated bike routes or other areas identified by the City. In addition, staff recommends the City adopt the Prince George's County Urban Street Design Standards by reference.

September 3, 2019

Public Hearing:

1. Gary Allen, Chair of EAC – Spoke in support of the Complete Streets Policy.
2. Ken McCaughey, Chalford Ln – Spoke in support of Complete Streets Policy.
3. Dustin Kuzan, Silver Maple Ct – Spoke in support of Complete Streets Policy.

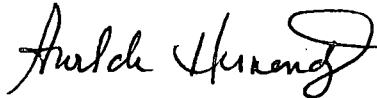
Since there were no more speakers signed up to speak, Mayor Robinson declared the public hearing to have been held.

Councilmember Esteve made a motion to accept the Streets Policy and have staff prepare a resolution for adoption at the September 16 Council meeting. Mayor Pro Tem Gardner seconded the motion. Motion passed 7-0.

ADJOURNMENT AND MOVE TO CLOSE SESSION:

Mayor Pro Tem Gardner moved to adjourn the Regular City Council meeting and move into Close Session, Statutory Authority to Close Session, State Government Article, §3-305(b)(7): To consult with Counsel to obtain legal advice on a legal matter. Councilmember Truth seconded the motion and it carried unanimously. The meeting adjourned at 9:54 p.m.

Respectfully submitted,



Awilda Hernandez, MMC
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: 9/3/19; Time: 9:54^{pm}; Location: CH 182;
Motion to close meeting made by: Gardner Seconded by Truth;
Members in favor: Esteve, Woolley, Gardner, Robinson, Truth; Opposed: _____;
Abstaining: Marcos, Benn-Carl; Absent: _____.

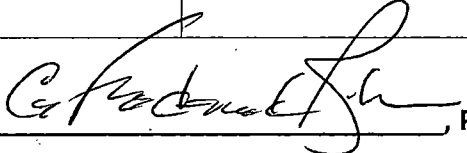
2. **Statutory authority to close session (check all provisions that apply).**
This meeting will be closed under General Provisions Art. § 3-305(b) only:

(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) (7)	Franchise Fees	Consideration to join coalition appealing Franchise Fees
§3-305(b) (7)	FCC PEG Coalition	
§3-305(b) (7)	Solar Array Construction	Consider agreement of terms to proceed with Solar Array Construction.
§3-305(b) ()		
§3-305(b) ()		

4. This statement is made by , 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: 9:58

Place: Bowie City Hall

Purpose(s): Consult with Counsel to obtain legal advice - Franchise Fees

Members who voted to meet in closed session: Robinson Esteve Gardner Marcos Senarter Truth Workley

Persons attending closed session: Robinson Esteve Truth Workley Loran Lott Marcos Gardner Marcos Senarter

Authority under § 3-305 for the closed session: (7) Consult with Counsel to obtain legal advice

Topics actually discussed: Franchise Fees / PEG Coalition - Solar Array

Actions taken: Proceed with solar array, Continue with FCC Coalition

Each recorded vote: _____

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

Place: _____

Persons present: _____

Subjects discussed: _____