



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, JUNE 21, 2021

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, June 21, 2021, virtually. 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 Bofo, Esteve, Gardner, Harrison, Ndebumadu (logged on 8:05 p.m.), and Woolfley, City Manager Lott, Assistant City Manager Mears, City Attorney Levan, City Clerk Hernandez, and Staff.

AGENDA ADDITIONS/DELETIONS/AMENDMENTS:

Councilmember Woolfley requested to move Consent Agenda Item (C) Adoption of Resolution R-41-21 under New Business for further discussion.

PRESENTATIONS:

A. Ms. Elveeda Dixon, Chair of the City's Diversity Committee read an excerpt on Pride Month.

COUNCIL ANNOUNCEMENTS:

Mayor Adams congratulated the Bowie Girls Under 13 and the Boys Under 8 soccer teams for winning their division championships.

Councilmember Harrison commented that interviews have been done for the applicants of the Bowie Youth Council and their selections will be announced shortly. She also reminded residents that the July 6 Council meeting will be in-person again in Council Chambers.

CITY MANAGER'S REPORT:

City Manager Lott reported that staff is gearing up to have all City facilities fully re-opened by July 1.

CONSENT AGENDA:

Councilmember Woolfley made a motion to approve Consent Agenda items: A) Approval of May 17, 2021 Regular Meeting Minutes; B) Approval of June 7, 2021 Regular Meeting Minutes; D) Adoption

of Resolution R-42-21 Waiving the Competitive Bidding Requirements of Section 61 "Purchasing and Contracting" of the Charter of the City of Bowie, Maryland to Allow the City Manager to Issue a Purchase Order to Vermeer All Roads and Authorizing the Purchase of One (1) Brush Chipper; E) Adoption of Resolution R-43-21 Approving an Agreement Between the City and the American Federation of State, County and Municipal Employees; F) Adoption of Resolution R-44-21 Adopting the City of Bowie Continuity of Operations Plan; G) Adoption of Resolution R-45-21 Contract Renewal for Street Repair. Councilmember Ndebumadu second the motion. Motion passed 7-0.

OLD BUSINESS:

A. Adoption of Emergency Ordinance O-2-21 Amending the Adopted Budget for the Fiscal Year Beginning July 1, 2020 and Ending June 30, 2021 to Authorize the Transfer of Certain Amounts in the FY 2021 Budget to Pay for Anticipated Expenses – Finance Director, Byron Matthews summarized the ordinance which will authorize the transfer of certain amounts into accounts that, at year-end, will have an excess of expenditures over appropriations. The adjustments in total amount to 1.2% of the adopted FY 2021 final budget of \$87,366,000.

Public Hearing:

Since there were no comments submitted, Mayor Adams declared the public hearing to have been held.

Councilmember Esteve made a motion to approve Emergency Ordinance O-2-21 Amending the Adopted Budget for the Fiscal Year ending June 30, 2021. Councilmember Gardner second the motion. Motion carried unanimously.

B. Adoption of Ordinance O-3-21 Amending City Code Chapter 10 "Garbage, Trash And Refuse", Section 10-2, "Littering Prohibited; Refuse from Excavations and Construction Work," to Add Landscaping as a Source of Impermissible Debris; Section 10-3, "Collection and Disposal of Refuse", to Alter the Acceptable Size of Refuse Collection Bins, to Clarify the Manner in Which Receptacles Must be Placed for Collection, and to Define Refuse for Purposes of that Section; Amending Section 10-4, "Requirements Relating to Refuse Collection Receptacles for Standard City Service", to Alter The Locations in Which Refuse Collection Bins May be Stored; Section 10-6, "Supplemental Collections and Limitations Thereon", to Amend the Description of Acceptable Recyclable Materials, to Require the Use of City-Provided Recycling Containers, and to Incorporate Requirements Relating to Bulk Trash Collection; and Section 10-11, "Notice to Remove Accumulation of Litter", to Clarify the Meaning of the Term "Litter"; and to Make Certain Additional Amendments to the Foregoing Sections for Clarity – Ms. Jamie Braun, Code Enforcement Supervisor summarized the ordinance. The City's existing Code stipulates refuse is permitted to be put out for collection in strong plastic bags but due to the number of turkey vultures throughout Bowie and the ongoing litter concerns from residents, Ordinance O-3-21 will require household refuse to be placed in plastic bags and put out for collection inside a container with a tight-fitting lid. This is a requirement of several surrounding cities including Rockville, Gaithersburg, College Park, Seat Pleasant and Annapolis. It will also address the issue of homes not having a side or rear yard to allow them to keep the trash cans in the front yard if they are screened from view.

Councilmember Woolfley stated that he has concerns with the timeframe of when this ordinance will become effective and residents not having enough notice to be prepared for the new requirements. He also commented that there is confusion in the language of what is considered household trash that needs to be in cans and what is not.

Ms. Braun stated that larger trash items do not need to be in cans, it is mainly household trash, i.e., food scraps, paper, other household waste that will fit in the refuse containers.

Councilmember Esteve agrees with Councilmember Woolfley on the timeframe. He would like for the City to possibly do a mailer to residents with the new code changes.

Public Hearing:

Since there were no comments submitted, Mayor Adams declared the public hearing to have been held.

Councilmember Woolfley motioned to table this item to the next meeting to allow staff to work with Counsel on clarification of language about refuse. Councilmember Harrison second the motion. Motion passed unanimously.

C. Adoption of Resolution R-32-21 Approving Departure BD-1-21, a Request by South Lake, LLC for a Departure from Section 27-568(A)(1) of the Prince George's County Zoning Ordinance to Allow a Reduction in the Number of On-Site Parking Spaces from 738 To 587, Resulting in an On-Site Parking Ratio of 1.80 Spaces Per Dwelling Unit on Parcel 1, a Remainder of Outparcel 'C' in the South Lake Mixed-Use Community, Bowie, Maryland - Mr. Joe Meinert, Planning Director stated that Council is authorized to adopt the resolution via the adopted variance and departure procedures granted to the City. The Bowie Advisory Planning Board (BAPB) approved the case on April 27, 2021.

Councilmember Woolfley asked what the rationale is in reducing the number of parking spaces. Mr. Arthur Horne with the firm Shipley & Horne responded that with the new design there will be more open green space and impervious areas.

Councilmember Woolfley still has concerns with there not being enough parking spaces if the reduction is approved, this development is not near any form of major transportation that the resident can use and most of them will have a minimum of one vehicle.

Mayor Adams motioned to adopt Resolution R-32-21. Mayor Pro Tem Bofo second the motion. Motion passed 5-2 (Gardner, Woolfley)

D. KFC at Collington Plaza - The applicant, CMS Associates, LLC, is presenting its revised Detailed Site Plan before the City Council to convert the existing vacant Capital One Bank building in Collington Plaza to a KFC fast-food restaurant. The property, located on southbound U.S. Route 301, is zoned C-S-C (Commercial Shopping Center), where the proposed use is permitted by right under the Prince George's County Zoning Ordinance. This item previously came before Council on April 19, 2021.

Mr. Jeff Ciniero with CMS Associates summarized the new parking design which addresses the concerns Council had previously on pedestrian traffic as well as having a clear site of vehicles coming in and out of the parking lot onto Rt 301.

Council thanked the applicant for addressing their concerns.

Councilmember Harrison motioned to approve the revised Detailed Site Plan. Councilmember Woolfley second the motion. Motion passed 5-2 (Bofo, Ndebumadu).

NEW BUSINESS:

A. Legislative Session Wrap-up – Mr. Greg Gill, with Venable LLC briefed Council on the bills that passed during this year's General Assembly that affect the City. Some of the bills passed that would affect the City correspond to the Maryland Police Accountability Act of 2021 as well as Prince George's County modernization of their Zoning Ordinance and Zoning Map Amendments. Discussion was also

had on loan considerations for repairs on the City's aging water system. He also mentioned that Senator Peters is working with MDOT on the much-needed improvements for Rt 197.

B. SB 508 / HB 584 – Mr. Eddie Pounds with Funk & Bolton, P.A. briefed Council on the outcome of these bills. The bill Prohibiting the Public Service Commission from prohibiting the construction or operation of multiple net metered solar generating facilities located on separate contiguous lots that are owned by a local government solely because the capacity of the combined net metering systems exceeds the 2 megawatt limit under certain circumstances was signed into law by Governor Hogan.

C. Discussion on Possible Saturday Council Meetings – Mayor Adams stated that he has been approached by several residents, mainly seniors asking if Council meetings could be held on Saturdays in the morning. Some seniors have difficulty driving in the evenings and this will allow them the opportunity to attend Council meetings.

Councilmember Esteve would agree if they are more of an open forum type of meeting and not an official legislative Council meeting.

Councilmember Harrison would like to hear from the constituents on their desires, she has not heard from anyone about concerns of the evening meetings, she would also like to hear from staff's position on these meetings.

Council concluded that they would like to get feedback from residents on their desires of these meetings as well as from City staff before making a final decision.

D. Adoption of Resolution R-41-21 Approving Departure BD-1-20, a Request by Karington, LLC for a Departure from Section 27-558(A) of the Prince George's County Zoning Ordinance to Allow a Reduction in the Dimensions of 142 Non-Handicap/Non-Parallel Standard-Sized Parking Spaces from 9.5 Feet by 19.0 Feet to 9.0 Feet by 18.0 Feet on Part of Outparcels 'A' and 'B' in the South Lake Mixed-Use Community, Bowie, Maryland.

Councilmember Woolfley stated, as before, his opposition of the South Lake development and the narrower spaces just because it has been granted before to other developments.

Councilmember Gardner stated that the South Lake project has been watered down and it is not the same development that was presented to Council for original approval.

Mr. Matthew Tedesco with the law firm McNamee Hosea, replied that the project has not been watered down and that several other counties have in place the smaller size parking spaces in their zoning ordinances. They are basing the change on what is being done in other developments.

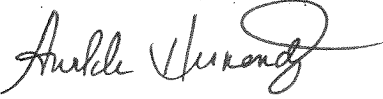
Mayor Adams motioned to adopt Resolution R-41-21. Councilmember Harrison second the motion. Motion passed 5-2 (Gardner, Woolfley).

ADJOURNMENT AND MOVE TO CLOSED SESSION:

Mayor Pro Tem Boafu 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)(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 Harrison second the motion. Motion passed 7-0. The meeting adjourned at 10:19 p.m.

June 21, 2021

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Awilda Hernandez". The signature is fluid and cursive, with a large loop at the end.

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: ⁶⁻²¹⁻²¹~~6-18-21~~; Time: 10:18; Location: City Hall;
Motion to close meeting made by: Boafo Seconded by Harrison;
Members in favor: TAIHGME DWAB RN; 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"/>	Personnel matters of employees	Hiring and Performance Evaluation
§3-305(b) <input type="checkbox"/>		
§3-305(b) <input type="checkbox"/>		
§3-305(b) <input type="checkbox"/>		
§3-305(b) <input type="checkbox"/>		

4. This statement is made by Samothy 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: 10:22

Place: City Hall

Purpose(s): (1) Personnel matters

Members who voted to meet in closed session: TAIHHG MEDWAB RN

Persons attending closed session: Adams Harrison Gardner Esteve Wolfley Danto Ndeburadu Lott Levan Mears

Authority under § 3-305 for the closed session: (1)

Topics actually discussed: Public Health Officer - City Manager Evaluation

Actions taken: _____

Each recorded vote: _____

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

Place: _____

Persons present: _____

Subjects discussed: _____