



City of Bowie

15901 Fred Robinson Way
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, FEBRUARY 6, 2023

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, February 6, 2023, in the Council Chambers at City Hall. Mayor Adams called the meeting to order at 8:01 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 Esteve, Gardner (arrived 8:13 p.m., left 10:27 p.m.), Ndebumadu and Woolfley, City Manager Lott, City Attorney Levan, City Clerk Hernandez, and Staff.

CITIZEN PARTICIPATION:

1. David Roland, Jones Fall Ct. – Spoke in regard to the crimes happening around the city.
2. Leslie Kaunitz, Rambling Ln – Spoke in regard to public safety and first responders.
3. Ann Johnson, 9th Street – Spoke in support of Old Town Bowie Revitalization.
4. William Greene, 7th Street – Spoke in support of Old Town Bowie Revitalization.
5. Karl Caton, 10th Street – Spoke in support of Old Town Bowie Revitalization.
6. Verna Teasdale, Midwood Ln – Spoke for continue City support of the Old Bowie Festival to be held in October of 2023 in conjunction with the International Festival.

PRESENTATIONS:

Councilmember Ndebumadu motioned to approve Proclamation P-2-23 Recognizing Keivonn Woodard for His Many Achievements. Councilmember Gardner seconded the motion. Motion passed 5-0. Councilmember Gardner presented the proclamation to Keivonn Woodard.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearing-In:

1. Councilmember Woolfley motioned to appoint Kone Faulkner to the Diversity Committee for a 2-year term. Councilmember Ndebumadu second the motion. Motion passed 5-0.
2. Mayor Adams swore in the appointee to his respective committee.

COUNCIL ANNOUNCEMENTS:

Mayor Adams commented on Black History Month.

Councilmember Ndebumadu commented that the City does not vet the type of businesses that comes to the City, the County handles all zoning regulations.

CITY MANAGER'S REPORT:

No report.

CONSENT AGENDA:

Councilmember Woolfley made a motion to approve Consent Agenda items: A) Approval of January 17, 2023 Meeting Minutes; B) Approval of January 21, 2023 Special Meeting Minutes; C) Approval of January 28, 2023 Special Meeting Minutes; D) Approval of January 30, 2023 Special Meeting minutes; E) Adoption of Proclamation P-1-23 Proclaiming February 2023 as Black History Month in the City of Bowie; F) Adoption of Resolution R-10-23 Supporting an Application to the Prince George's County Planning Department's Planning Assistance to Municipalities and Communities (PAMC) Program for a State of Place Analysis. Councilmember Gardner seconded the motion. Motion passed 5-0.

OLD BUSINESS:

A. Adoption of Ordinance O-1-23 Amending Bowie City Code, Chapter 13, "Environmental Noise Control", to Amend Sec. 13-1 "Definitions" to Alter the Hours for Daytime and Nighttime, to Add Definitions of "Owner", "Plainly Audible", "Unreasonably Loud Noise" and "Receiving Property", and to Amend the Definition of Other Terms to Conform to the Definitions Thereof in State Regulations; to Amend Sec. 13-3 "Additional Noise" to Clarify Those Noises Emanating From Cars and Loud Speakers That are Violations of the Section; to Create Sec. 13-5 "Commercial Establishments Adjacent to Residential Property", and to Amend Sec. 13-6 "Penalty" to Increase Certain Fines for Violations of Chapter 13 – Code Enforcement Supervisor, Ms. Jamie Braun summarized the Ordinance to Council. The Ordinance is amending City Code Chapter 13 to address issues with noise complaints received from residents due to loud speakers from vehicles as well as businesses that have been opened near residential neighborhoods.

Public Hearing:

City Clerk Hernandez stated that one comment was received via email and it is attached for the record.

Since there was no one signed up to speak, Mayor Adams declared the Public Hearing to have been held.

Councilmember Woolfley asked how the fines are being allocated. Ms. Braun responded that they are \$100 for the first offense to \$500 for second offense. He then asked if the citations being issued to the hosting group or the property owner. Ms. Braun responded that they are being issued to the property owner.

Mayor Adams asked what the new quiet times will be. Ms. Braun responded that they will be 9:00 p.m. to 7:00 a.m. which follows the County times. He then asked what the decibel noise level is. Ms. Braun responded that if the noise is louder than a lawnmower then it is violating the noise ordinance.

Councilmember Esteve asked why the change exempting County and State agencies. Ms. Braun responded that there will be times when loud noise will be emanated by them, mostly safety alerts.

Councilmember Gardner asked how residents will know of this change. City Manager Lott responded that staff will follow the City's Communication Plan.

Councilmember Woolfley motioned to adopt Ordinance O-1-23. Councilmember Gardner seconded the motion. Motion passed 5-0.

B. Adoption of Ordinance O-2-23 Amending Bowie City Code, Chapter 12, "Cable Communications," to Provide that the City may, by Ordinance, Approve a Cable Franchise Agreement That Varies From the Requirements of this Chapter and That, in Such Case, the Terms of the Franchise Agreement Shall Take Precedence Over the Terms of This Chapter Where There is an Irreconcilable Conflict – Business Operations Manager, Ms. Mati Bazurto summarized the Ordinance.

Public Hearing:

Since there was no one signed up to speak, Mayor Adams declared the Public Hearing to have been held.

Councilmember Esteve motioned to adopt Ordinance O-2-23. Councilmember Gardner seconded the motion. Motion passed 5-0.

NEW BUSINESS:

A. EDC on Old Town Bowie – Economic Development Director, Mr. John Henry King, briefed Council on several meetings and events that the Economic Development Committee has participated in with relation to revitalizing Old Town Bowie. Mr. Andrew Roud, former Chair of the EDC, presented the recommendations from the committee with eight steps the City should consider to help in the revitalization (list attached).

Councilmember Esteve asked what it will entail to get the revitalization started similar to the Town of Kensington. Mr. Roud responded that it will depend on volunteers/associations that can assist with programs and putting the word out.

Councilmember Esteve then asked City Manager Lott if this items would be included in the proposed budget that will be presented in April. City Manager Lott responded that it is, there currently already includes funding for the festival and could have a discussion for additional funding for other events.

Mayor Adams thanked Mr. Roud for his presentation.

B. Auditor's Presentation of the City of Bowie's FY 2022 Annual Comprehensive Financial Report – Assistant Finance Director Ms. Lola Ogunremi, introduced Ms. Aires Coleman with Clifton Larsen who presented the City's report. The City received an unmodified "clean" opinion and no material weaknesses or significant deficiencies identified. The City has received GFOA Certification.

Mayor Adams thanked Ms. Coleman for her presentation.

C. Adoption of Resolution R-1-23 Adopting the Citizen Participation Plan (CPP) for the Consolidated Plan for Housing and Community Development for Fiscal Years 2024-2028 (HUD FY23-27) – Ms. Kay Starr, Grant Writer, summarized the report and the resolution. The City of Bowie receives Community Development Block Grant (CDBG) funds from the US Department of Housing and Urban Development through an entitlement. The City of Bowie's Consolidated Action Plan for Housing and Community Development (Plan), Fiscal Year 2024-2028 (HUD FY23-27) will analyze housing, human services, and

non-housing community development needs throughout the City, identify and prioritize community needs, and include a strategy to address those needs. The U.S. Department of Housing and Urban Development (HUD) requires the Five-Year Consolidated Plan for all Entitlement Communities receiving HUD funding.

Public Hearing:

Since there was no one signed up to speak on this item, Mayor Adams declared the Public Hearing to have been held.

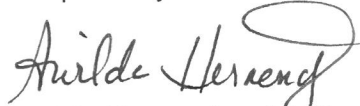
D. Police Department Update – Chief Nesky briefed Council on various matters in the Police Department. The Department is authorized at 67 officers and currently are at 57 with 2 on medical status. The department will begin the Citizen's Academy, as well as the RAD Classes in the next week. All classes are completely full and the Chief thanks the citizens for their interest in these classes. Chief Chats continue weekly via social media and numbers of viewers have increased. Assault reports unfortunately have increased as well as theft reports both from autos and others. The department continues to strategize for ways to increase staffing.

Mayor Adams thanked Chief Nesky for his presentation.

ADJOURNMENT AND MOVE TO CLOSE SESSION:

Councilmember Woolfley motioned to adjourn the Regular City Council meeting and move to Closed Session under the statutory authority of the Md. Annotated Code, General Provisions Article §3-305(b)(7): "To consult with counsel to obtain legal advice." Councilmember Esteve second the motion. Motion passed 4-0. The meeting adjourned at 10:58 p.m.

Respectfully submitted,

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

Awilda Hernandez, MMC
City Clerk

Awilda Hernandez

From: eilene_b@aol.com
Sent: Monday, February 6, 2023 4:58 PM
To: cityclerk
Cc: Jamie Braun
Subject: {EXTERNAL}: Today's city council meeting - Noise Ordinance

Good afternoon:

I hope I am not too late to write in support of the noise ordinance bill.

The early morning trash pickups of the heavy loud metal commercial dumpsters is alarming and disturbing as a resident and homeowner that lives directly behind the commercial building. These loud noises frequently shock me out of my sleep and disturb my rest for the next day of work. Often leaving me with a headache and inability to fall back to sleep.

It's my understanding that the proposed noise ordinance is supposed to assist with getting the commercial property at The Bowie Town Center Shoppes and the neighboring hotel to adhere to the time restrictions and also provide the possibility of imposing fines.

Thank you for your attention.

(I am also hoping to attend the meeting this evening)

E. Brown

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

**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: 2-6-23; Time: 11:00 pm; Location: City Hall;
Motion to close meeting made by: Woodley; Seconded by: Estevé;
Members in favor: 4; Opposed: 0;
Abstaining: 0; Absent: 0.

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	Opioid Litigation	CA needed to ask a question of the CC as to proceed (Hurd)
§3-305(b) ☒ 7	Property Compliance Litigation	CA needed to ask CC a question as how to proceed
§3-305(b) ☐		
§3-305(b) ☐		
§3-305(b) ☐		

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: 11:15 pm

Place: City Hall

Purpose(s): Consult with CA

Members who voted to meet in closed session: Adams, Ndeburadu, Adams, Esteve

Persons attending closed session: Same

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

Topics actually discussed: Opioid Litigation & Property Litigation

Actions taken: Decision to CA on both Cases

Each recorded vote: _____

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

Place: _____

Persons present: _____

Subjects discussed: _____