City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

TUESDAY, SEPTEMBER 4, 2018

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Tuesday, September 4, 2018 in the Council Chambers at City Hall. Mayor Robinson called the meeting to order at 8:02 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, Trouth and Woolfley; Assistant City Manager Mears, City Clerk Hernandez, City Attorney Levan and the Public.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearing-in

1. Councilmember Glass made a motion to appoint Marian Thomas to the Arts Committee. Councilmember Trouth seconded the motion. Motion passed 6-0.
2. Mayor Pro Tem Gardner made a motion to appoint Stephen Wehrenberg to the Environmental Advisory Committee and the Green Team Committee. Councilmember Trouth seconded the motion. Motion passed 6-0.
3. Mayor Robinson swore-in Mr. Wehrenberg to his respective committees. Ms. Thomas was not present for swearing-in.

COUNCIL ANNOUNCEMENTS:

Mayor Robinson on behalf of Council thanked staff for the excellent concerts that were held during the summer months at Allen Pond Park.

CITY MANAGER'S REPORT:

CONSENT AGENDA:

Councilmember Esteve moved the approval of Consent Agenda Items: A) Approval of May 21 Meeting Minutes; B) Approval of June 4 Meeting Minutes; C) Approval of June 18 Meeting Minutes; D) Approval of July 9 Meeting Minutes; E) Approval of August 6 Meeting Minutes; F) Approval of Resolution R-59-18 Approving Variance Application BV-8-18, a Request by Mr. Vernel McDade to Allow the Construction of Approximately 155 Linear Feet of Six Foot High Wooden Fencing Along Mount Oak Road When, According to the Prince George's County Zoning Ordinance, Such Fencing

Shall Not be More Than Four Feet High, at 2400 Artesian Lane; G) Approval of Resolution R-60-18 By Two-Thirds Vote Authorizing the Waiving of Bidding Requirements to Allow the Bowie Police Department to Utilize the Services of Priority Install, LLC for the Upfitting of Six (6) Police Vehicles; H) Approval of Resolution R-61-18 Accepting Bid Proposal for the Replacement of Vehicle #19 a Ford Van With a 2019 Ford Transit 150 Cargo Van; I) Approval of Resolution R-62-18 Accepting Bid Proposal for the Purchase of a New Vehicle to be Utilized by Public Buildings and Grounds; J) Approval of Resolution R-63-18 Accepting a Bid Proposal for Stormwater Management Improvements at Kenhill Center; K) Approval of Letter to Prince George's County Planning Board re: Proposed FY 20 M-NCPPC Budget. Mayor Pro Tem Gardner seconded the motion and it passed 6-0.

Councilmember Trouth asked City Clerk Hernandez if the City is now in compliance with providing meetings with Closed Captioning. City Clerk Hernandez responded that the City is providing the meeting videos with Closed Captioning via You Tube. There is a direct link to those videos from the City's website.

OLD BUSINESS:

A. Adoption of Ordinance O-7-18 Amending Chapter 5, "Building and Property Maintenance", of the City of Bowie Code, Article II, "Housing and Property Maintenance Code", Section 5-11, "Unfit Dwellings", With Respect to the Requirements for Habitability of a Dwelling Unit – Assistant City Manager Mears explained that this ordinance was created by the request of the City's Code Compliance Department to change ambiguous language within Section 5-11, clarifying that a building or structure must have electrical and water service to be considered a habitable dwelling.

Councilmember Trouth asked if these changes have been done in other municipalities. City Attorney Levan responded that most municipalities follow the International Building Code laws, the City many years ago, decided to create their own code enforcement laws.

Public Hearing:

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

Mayor Pro Tem Gardner made a motion to adopt Ordinance O-7-18. Councilmember Esteve seconded the motion. Motion passed 6-0.

ADJOURNMENT AND MOVE TO CLOSE SESSION:

Mayor Pro Tem Gardner moved to adjourn the Regular City Council meeting and move to Close Session Statutory Authority to Close Session, General Provisions Article, §3-305(b)(7): To consult with counsel to obtain legal advice. Councilmember Trouth seconded the motion and it carried 6-0. The meeting adjourned at 8:15 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:

1. **Recorded vote to close the meeting:** Date: 9/4/18; Time: 8:15pm; Location: City Hall CH182; Motion to close meeting made by: Gardner Seconded by Trouth; Members in favor: Robinson, Trouth, Esteve, Gardner, Glass, Woolfley; Opposed: _____; Abstaining: _____; Absent: Marcos.

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)**X "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."

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)	To Consult with Counsel to obtain advice on a legal matter.	Review & Discuss non-binding incentive offer letter.
§3-305(b) ( )		
§3-305(b) ( )		
§3-305(b) ( )		
§3-305(b) ( )		

4. This statement is made by [signature], Presiding Officer.

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WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION THAT MUST BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING Time of closed session: 8:22pm

Place: Bowie City Hall Purpose(s): Discuss Non binding offer letter with Prince George's County

Members who voted to meet in closed session: Robinson Esteve Gardner Glass Trouth Woolfley

Persons attending closed session: Robinson Esteve Gardner Glass Trouth Woolfley Lemman Mears King Marcos - 8:31

Authority under § 3-305 for the closed session: 7 - To consult with Counsel for legal advice

Topics actually discussed: Non Binding offer Letter with Prince Georges County

Actions taken: Motion to direct City Manager to sign offer letter

Each recorded vote: Aye - Glass, Trouth, Marcos, Robinson, Gardner - Nay - Woolfley, Esteve

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

Place:_____ Persons present:_____

Subject matter discussed: _____