



City of Bowie

15901 Fred Robinson Way
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

TUESDAY, FEBRUARY 22, 2022

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Tuesday, February 22, 2022, in the Council Chambers at City Hall. Mayor Adams called the meeting to order at 8:02 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 Boafu, Esteve, Gardner (arrived at 8:04p.m.), Harrison, and Woolfley, City Manager Lott, Assistant City Manager Mears, City Attorney Levan, City Clerk Hernandez, and Staff.

CITIZEN PARTICIPATION:

1. Cpl. Kwok Kam, President, FOP #140 – He is the new President representing the Fraternal Order of Police Lodge #140 and wanted to introduce himself to Council.
2. Bonita Jones, London Lane – Spoke in regard to City Code dealing with inoperable vehicles, and on issues with HOA's that do not follow state laws. (Comment attached)
3. Matthew Gallagher, Marne Lane – Spoke in regard to the brown water issues.
4. Brittnei Beasley, Malin Lane – Spoke in regard to the brown water issues.
5. Al Succi, Marne Lane – Spoke in regard to the brown water issues.
6. Sandi Smith – Picture attached.

PRESENTATIONS:

Mayor Adams swore in three new Police Officers to the Bowie Police Department - Police Officer Miles Franks, Police Officer Kaitlyn Dunklee and Police Officer Karina Phillip.

COUNCIL ANNOUNCEMENTS:

Mayor Adams stated that Councilmember Ndebumadu was in a recent car accident and that is why she was not present at this evenings Council meeting and wished her a speedy recovery.

Councilmember Harrison commented she stands in solidarity with our neighbors against the horrible racist propaganda that was distributed over the weekend and thanked the Bowie Police Department for cleaning up the mess. She also mentioned that if residents are struggling with their mortgage due to COVID, that the Maryland Homeowner Assistance Fund is available to help, you can go to Maryland.gov to get additional information.

Councilmember Gardner also commented that he condemns the action of anti-Semitism that took place over the weekend in the City.

Councilmember Esteve mentioned to residents that if they do see this type of action to please share the information with the City so that it can be addressed appropriately.

Councilmember Woolfley thanked the police department for their response to this action.

CITY MANAGER'S REPORT:

City Manager Lott reported that staff is working on the preparation of the proposed FY 2023 Budget and commended the Police and Human Resources departments for the recruitment of the three new officers that just got sworn in.

CONSENT AGENDA:

Councilmember Esteve made a motion to approve Consent Agenda items: A) Approval of February 7, 2022 Meeting Minutes; B) Adoption of Resolution R-5-22 Waiving the Competitive Bidding Requirements of Section 61 "Purchasing and Contracting" of the Charter of the City of Bowie to Allow the City Manager to Enter Into a Three Year Support Agreement With ConvergeOne to Provide Managed Services on the Telephone System; C) Adoption of Resolution R-6-22 Waiving the Competitive Bidding Requirements of Section 61 "Purchasing and Contracting" of the Charter of the City of Bowie to Allow the City Manager to Enter Into a Three Year Support and Licensing Agreement With Avaya to Provide Maintenance for the Telephone System. Councilmember Woolfley seconded the motion. Motion passed 5-0 (Boafo – did not vote).

OLD BUSINESS:

A. Water Filtration Rebate Program - Assistant City Manager Mears summarized the revised proposed program stemming from Council's request during the February 7 City Council Meeting. City Council requested a program to address the water discoloration experienced by some Bowie water customers. Eligible customers under the revised program will need to have persistence of discoloration detectable through the customer's fixtures and significant discoloration measured on three separate tests with at least two weeks between each test. Bowie water utility staff to verify the sedimentation through a turbidity test conducted at the property and it must show a reading greater than 50.0 NTU. Residents would then need to provide a quote for the water filtration system proposed and be preauthorized by the City of Bowie. The funding is limited to \$50,000, and it will be on a first come, first served basis for eligible applicants. The maximum rebate will be \$1,800 per customer which would include the cost of the equipment and installation.

Council concurred with the revised program qualifications for residents and expressed that they will continue to seek extra funding from the Federal Government to improve the water lines in the City.

Councilmember Harrison made a motion to approve the Water Filtration Program using utility funds in the amount of \$50,000. Councilmember Woolfley seconded the motion. Motion passed 6-0.

NEW BUSINESS:

A. Detailed Site Plan #DSP-18034-02, Melford Townhome Architecture – Mr. Joe Meinert, City Planning Director, summarized the staff report. St. John Properties, Inc. is requesting the City's approval for a revision to the detailed site plan for Melford Village. A City stakeholders meeting was

held on December 7, 2021 with a total of three stakeholders attending the meeting. The Bowie Advisory Planning Board held their meeting on February 8, 2022 to review the revision and recommended approval of the revised plan.

Mr. Robert Antonetti, with the law firm Shipley and Horne, representing the applicant, St. Johns Properties and Mid-Atlantic Home Builders, stated that they are looking forward to continuing working with the City on this project and the proposed architecture of the new townhomes.

Public Hearing:

Since there was no one signed up to speak or comments submitted for this item, Mayor Adams declared the public hearing to have been held.

Councilmember Gardner asked what the price range of the townhomes will be. Mr. Fleming of Mid-Atlantic Builder responded that they will average between \$500k to \$600k. Councilmember Gardner also asked when they plan to begin breaking ground on construction. Mr. Fleming responded if everything goes accordingly with the permit process, they hope to break ground summer of 2022. Councilmember Gardner then asked if any of the units will have an elevator in them. Mr. Fleming responded that they do not, but their design plans are adjustable to add if the customer requests one.

Councilmember Harrison asked what the developments tree canopy is. Mr. Antonetti answered that it has met the County's tree canopy requirement.

Councilmember Gardner motioned to approve the Detailed Site Plan. Councilmember Harrison seconded the motion. Motion passed 5-1 (Woolfley).

B. Detailed Site Plan #DSP-20003, Mill Branch Crossing – Mr. Joe Meinert, City Planning Director, summarized the staff report. The developer is requesting the City's approval for a Detailed Site Plan containing 408 multi-family apartment units and 190 townhouse dwelling units. The Bowie Advisory Planning Board held their meeting on February 8, 2022 to review the Detailed Site Plan and recommended approval with three conditions: 1) parking spaces to be 9ft. x 18ft.; 2) meet the woodland mitigation off-site; 3) 10% of dwellings shall be provided for individuals meeting the 60-80% average median income (workforce housing) per Council's policy adoption.

Mr. Ed Gibbs with the law firm Gibbs and Haller representing the applicant Mr. William Chesley, summarized the improvements the developer is planning on the property which includes multi-family dwellings, townhouses, a clubhouse and retail space. The developer is also incorporating over \$13M in infrastructure for traffic/road improvements on Rt 301 from Mill Branch Road up to where the property ends adjacent to Rip's Restaurant. They agree with the conditions of the BAPB and staff except for the workforce housing conditions. At this stage of the development, it is something that will be difficult to incorporate without having a clear concept of how the program will work.

Public Hearing:

Since there was no one signed up to speak or comments submitted for this item, Mayor Adams declared the public hearing to have been held.

Councilmember Esteve asked staff what has been done in the past about workforce housing policy. Mr. Meinert responded that the policy was adopted after Council reviewed this Preliminary Plan and no other development has come before staff since the policy was adopted in March of 2021.

Councilmember Esteve also asked how many parking spaces will be available in the underground parking garage. Mr. Gibbs responded only 52 spaces.

Councilmember Woolfley asked staff how the workforce housing policy is being organized. Mr. Meinert responded that Mr. Buggs, City Grants Director is working on the program.

Councilmember Harrison motioned to approve Detailed Site Plan #DSP-20003, Mill Branch Crossing with the condition to include a goal of 10% workforce housing. Councilmember Gardner seconded the motion. Motion passed 5-1 (Woolfley).

C. Police Department Update - Police Chief Nesky updated Council on department stats. Staffing is at 64 police officers and they continue the recruitment process for more officers. The department also continues with their outreach efforts in the community with restarting the Citizen's Police Academy, Coffee with a Cop and the popular Chief Chat. Crime trends have had an increase in theft from autos as well as an increase in gun activity. So far in 2022 there has been 8 shooting incidents in the City. The Chief is working with the current speed camera vendor on a proposal for speed cameras in residential neighborhoods, so far it is not meeting the departments requirements, and they are considering doing an RFP and bid out the entire project later this year. The contract with Conduit, current vendor, does not expire until March of 2023. The Chief also gave an update on HB1184 which will allow municipalities in the State to have a police accountability board to receive complaints of police misconduct filed by members of the public; and authorizing each municipal corporation to establish an administrative charging committee to serve law enforcement agencies in the municipal corporations.

Councilmember Woolfley commented that he does not want to wait until 2023 for the RFP to go out for the residential speed cameras, maybe there can be some amendments done to the current contract with Conduit.

Council thanked the Chief and Deputy Chief as well as the entire department for the great work they are doing protecting our City.

D. Mid-Year Budget Report – Councilmember Esteve motioned to move this item to the March 7 Council meeting. Councilmember Harrison seconded the motion. Motion passed 6-0.

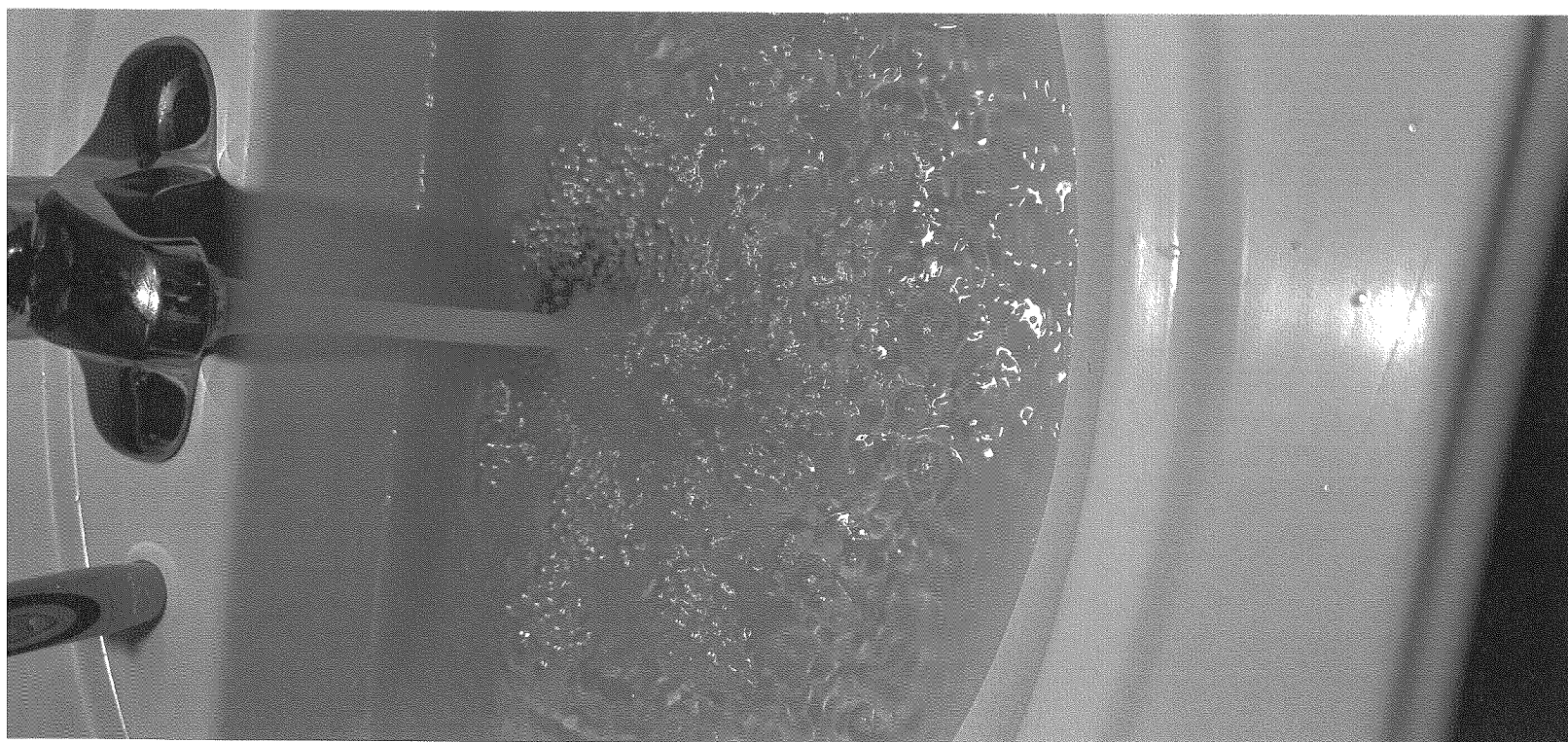
ADJOURNMENT AND MOVE TO CLOSE SESSION:

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)(7): "To consult with counsel o obtain legal advice." Councilmember Woolfley seconded the motion. Motion passed 6-0. The meeting adjourned at 11:27 p.m.

Respectfully submitted,



Awilda Hernandez, MMC
City Clerk



Good evening Honorable Members of the City of Bowie:

I have been living in an aging community here in the city since 2003 that is governed by a Homeowner's Association which has had multiple agreements with property management companies. During my 18.5 year tenure, the decisions to take certain actions against homeowners that are in violation of Maryland law has continued without intervention or consequence. A few of those examples include:

1. Failure to provide copies of minutes of meetings (§11B-112 (a) (1) (iii))
2. Piling on the fees (§11B-117)
3. Fiduciary oversight of contracts entered into with third parties
4. Use of PII in electronic communications (very recent)
5. Failure to recognize delays in MVA processing due to COVID

These violations by the Board and the management company have resulted in unnecessary and improper financial and nonfinancial loss to the residents and maybe even an improper use of homeowners fund to pay an attorney to file such claims with the county. These improper and illegal actions have remained unchallenged by the Board, the Management Company, the attorney, the county, the state. These individuals who should be serving in a fiduciary capacity of the residents of the community are instead huddling as a group of friends who collectively and selectively decide which of the few obsolete or undocumented bylaws they choose to declare violations.

With some helpful suggestions, I began to research Maryland and county real property codes and was appalled at the number of violations against the residents of my community.

I am here tonight to respectfully ask the City of Bowie to become a leader and liaison with the county and state governments to significantly enhance oversight of homeowner's associations to protect the residents from the ongoing mismanagement. I have spoken with other friends in the county in very new and old communities that share my same concerns.

When you have some time, please read the document that I am providing that shares the details of specific actions that are in violation of Maryland law and some suggestions that I have to improve the rights of residents and to improve the oversight of HOA boards and the associated contracted management companies.

I am available by email, phone or in-person for additional conversation.

Bonita Jones. bonitazmssg@hotmail.com.

LIST OF CONCERNS

1. Imagine living in a community where the bylaws were last updated 10 – 15 years ago and the Board and management company aren't sure of the rules to update.
2. Imagine living in a community where a resident requests information regarding current rules and regulations from the Board of Directors and management company and the response is never received.
3. Imagine going to the county depository and not being able to find all current information.
4. Imagine living in a community where you purchase a new home and could be immediately penalized by a current provision that is not provided in the homeowner's package at the time of purchase because all current provisions were not provided.
5. Imagine living in a community where records management is but a concept where the Board does not assume the responsibility of accumulation and transfer records to a new management company.
6. Imagine living in a community where the management company does not advise the Board of Directors of laws that were implemented some 8 – 10 years ago because the agent/account manager of management company is not knowledgeable of those laws.
7. Imagine living in a community where there exists a conflict of interests because the management's company first allegiance is to the Board of Directors instead of the residents whose monthly dues pay their salaries.
8. Imagine living in a community, city, county, or state where the management company has no references to current laws posted on its website.
9. Imagine living in a community where the members of the Board receive on the job training which is often limited to ten or less key provisions to managing a community and overzealously attempt to enforce such few items.
10. Imagine living in a community where the volunteer members of the Board have not taken the free training that is offered by the county.
11. Imagine living in a community where neither Board nor management company notifies the residents of their rights under the current law.
12. Imagine living in a community where illegal acts are taken against residents and those acts are possibly upheld in a court of law resulting in unnecessary losses to the residents and increased revenue for a lawyer that does not speak up for the residents.
13. Imagine living in a community where funds are not set aside for legal representation to protect residents against the Board and the Management company.
14. Imagine living in a community when residents go to sleep at night, a tow truck company is riding through their neighborhood surveilling their vehicular assets in five seconds or less and making incorrect and illegal assumptions about their personal automobiles resulting in financial loss to the residents and inflated revenue for the towing company.
15. Imagine a one page mostly hand-written contract with a towing company that is incentivized to generate its revenue by surveilling the personal property of residents.
16. Imagine going to claim the vehicle and the tow truck company has falsified the records and photo documentation to justify the illegal towing.
17. Imagine receiving harassing and factually deficient emails from a towing company and management company justifying an illegal act taken against a resident's personal asset.

18. Imagine participating in a board meeting where the management company advises the Board to break the law against the residents with regards to fines for architectural violations. (§11B-117)
19. Imagine living in a community where there is no legal accountability for management companies or board members who take such illegal acts against the residents.
20. Imagine living in a community, city, county or state where there are thousands of other citizens whose rights are being violated the same as mine.
21. Imagine living in a community, city, county or state where many of the aforementioned items remain unregulated for many years.
22. Imagine sending an email to a third-party payer and asking them to remove most of your PII from electronic email communications and an agent of that company responds and ask what steps are supposed to be taken? And then imagine that company responding that you will be excluded from further email communication from them even though they will still continue to process your monthly HOA payments.

IMAGINE BEING HOPEFUL THAT CHANGES WILL HAPPEN

1. That some city, county or state representative will read this letter in entirety.
2. To require all management companies licensed in the state of Maryland to post links to County and state laws on their websites.
3. To require all management companies to send letters to all residents in the community regarding relevant laws. This communication can be sent separately or along with other mailings such as the annual assessments.
4. To require all boards of directors to ensure that the communications are being sent.
5. Require all boards and management companies responsible for maintaining legally enforceable documents in the county depository. I think that the platform used by the Maryland Department of Assessments and Taxation to track legal reporting requirements of businesses incorporated in the state of Maryland could very easily be converted and used by the county and state to track homeowner's and condominium associations. This website could track bylaws, pool regulations, towing contracts, assessments and any other communication for which an enforceable action can be taken against a resident.
6. Require quarterly reports of actions taken against residents with reference to the appropriate community bylaw, county law or state law with some protection of the identity of the resident perhaps with the use of some type of claim or tracking number.
7. Require all communities to set aside funds for a lawyer that represents the residents of the community.
8. Require all communities to set aside funds for mass mailings by residents.
9. Restrict communities from entering into broad and somewhat unrestricted contracts with towing companies. I downloaded one towing contract from my community and it was a one page document with key provisions hand written. This document was never sent to the residents. Please see stoptowingourcars.com to see how people in the county express their feelings about these contracts.
10. Conduct random audits of the records of the towing companies to ensure they are in compliance with state and county law. In the case of my fully operational vehicle that was parked appropriately, the towing company falsified the information on the tow ticket. It was

actually a City of Bowie employee that informed me of predatory towing and commenced my research.

11. Standardize tow tickets with the specific times and locations and authorizing signatures to ensure proper compliance with county and state law.
12. Modify the concept of executive session so that all residents can obtain access to the conversation and decisions of the board. (HOA Act)
13. Require the board to meet more frequently than prescribed by the HOA Act. Luckily, our HOA meets monthly and I was sometimes dropped from the invitation.
14. Set up a website with some type of survey that addresses the most common concerns of residents. Send the results to the board and management company and require responses to the concerns. I will help with this.
15. Establish/update the law to ensure that any and all actions taken against a resident must have the specific name of an individual to establish accountability for any impropriety.
16. Require developers to allocate more space for parking and entertainment on a per capita basis. Many homes now have at least 2 cars and 2 children. Require more parking spaces, even more parking garages and space for entertainment.

February2022 ☆ All changes saved in Drive

Questions Responses Settings



Resident Survey

Please help up make living in Princeton Square a place to call home.

Please create a unique name to identify your responses to this survey. i.e. Bebba *

**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: 2-22-22; Time: 11:; Location: City Hall;
Motion to close meeting made by: Boafo Seconded by Wolfley;
Members in favor: All; Opposed: _____;
Abstaining: _____; Absent: RN

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) ☒	Consult with Counsel	Claims Settlement
§3-305(b) ☐		
§3-305(b) ☐		
§3-305(b) ☐		
§3-305(b) ☐		

Jonathan J. AL

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: 11:34

Place: City Hall

Purpose(s): (7) Consult with counsel to obtain legal advice

Members who voted to meet in closed session: TA J H HG ME DW AB

Persons attending closed session: Atkins Gardner Harrison Esteve Wolfley Osofo Lott Levan Mears

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

Topics actually discussed: Claims Settlement terms

Actions taken: _____

Each recorded vote: _____

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

Place: _____

Persons present: _____

Subjects discussed: _____