

AGENDA  
REGULAR CITY COUNCIL MEETING  
MONDAY, APRIL 1, 2019  
COUNCIL CHAMBERS - 8 p.m.

I. **CALL MEETING TO ORDER**

II. **PLEDGE OF ALLEGIANCE**

III. **QUORUM**

IV. **AGENDA ADDITIONS/DELETIONS/AMENDMENTS**

V. **CITIZEN PARTICIPATION**

VI. **PRESENTATIONS**

- A. Proclamation presented to the Volunteers of the Bowie Supportive Housing Corporation

VII. **CITY BOARDS AND COMMITTEES**

VIII. **COUNCIL ANNOUNCEMENTS**

IX. **CITY MANAGER'S REPORT**

X. **CONSENT AGENDA**

- A. Approval of March 18 Meeting Minutes

Documents:

[20190401 - MARCH 18 MEETING MINUTES.PDF](#)

- B. Approval of Proclamation P-1-19  
Proclaiming April 2019 as Earth Month in Bowie

Documents:

[20190401 - PROCLAMATION P-1-19.PDF](#)

- C. Approval of Proclamation P-2-19  
Proclaiming April 22, 2019 as Earth Day in Bowie

Documents:

[20190401 - PROCLAMATION P-2-19.PDF](#)

- D. Approval of Resolution R-17-19  
Authorizing the Issuance of a Contract for a Golf Course Renovation  
Analysis to McDonald and Sons, Inc.

Documents:

[20190401 - RESOLUTION R-17-19.PDF](#)

- E. Approval of Resolution R-18-19  
Waiving by a Two-Thirds Vote, the Bidding Requirements of Section 61 of  
the City Charter and Authorizing the City Manager to Enter Into An Annual

## Support and Licensing Agreement With Avaya to Provide Maintenance of the Telephone System

Documents:

[20190401 - RESOLUTION R-18-19.PDF](#)

### F. Introduction of Charter Amendment Resolution CAR-1-19

Amending Section 58 Of The Charter Of The City Of Bowie (The "Charter") In Order To: (1) Provide That The Council Shall Determine Certain Matters By Ordinance And May Determine Certain Matters By Resolution Pertaining To General Obligation Debt Of The City; (2) Confirm That General Obligation Debt Of The City May Be Sold By Private Negotiated Sale Without Advertisement Or Publication Of Notice Or Sale Or At Public Sale After Solicitation Of Competitive Bids; (3) Authorize Or Provide For The Methods By Which General Obligation Debt May Be Bid For In Connection With The Sale Of The Same By Solicitation Of Competitive Bids At Public Sale; (4) Provide For The Manner In Which Any Notice Of Sale Or Summary Thereof May Be Published And That Any Notice Of Sale May Be Made Available By Methods Other Than By Publication; And (5) Provide That The Powers Set Forth In Section 58 Of The Charter Are Additional And Supplemental To Any Other General Obligation Borrowing Authority Applicable To The City; Providing For Compliance With Certain Provisions Of The Annotated Code Of Maryland And The Charter Regarding The Amendments Provided For Herein; Providing That This Title Constitutes A Fair Summary Of This Charter Amendment Resolution; And Otherwise Generally Relating To The Charter Amendments Provided For Herein

Documents:

[20190401 - CHARTER AMENDMENT RESOLUTION CAR-1-19.PDF](#)

### XI. OLD BUSINESS

### XII. NEW BUSINESS

#### A. Approval of Emergency Ordinance O-2-19

Amending Chapter 22, "Streets And Sidewalks", Of The City Of Bowie Code, Article I, "In General", Section 22-11, "Erecting, Etc., Buildings Or Obstructions In Streets Or Alleys Prohibited", Section 22-11a, "Permit Limitations", Section 19a, "Penalty", Article II, "Road And Street Improvements", Division 1, "Permits", Section 22-20, "Definitions", Division III, Section 22-53, "Application For Permit"; And Adding Chapter 22, "Streets And Sidewalks", Article III, Section 22-54, "Requirements And Findings", And Adding Section 22-55.1, "Expiration" In Order To Provide Additional Regulatory Protections For The City And Its Residents In Connection With The Siting Of Small Wireless Facilities – **Public Hearing/Eligible for Action**

Documents:

[20190401 - EMERGENCY ORDINANCE O-2-19.PDF](#)

#### B. Approval of Resolution R-20-19

Approving the Small Wireless Facilities Design Guidelines – **Eligible for Action**

Documents:

[20190401 - RESOLUTION R-20-19.PDF](#)

XIII. **ADJOURNMENT**

**Note:** The Ethics Commission has advised that under certain circumstances, members of the public may qualify as lobbyists when they testify before the City Council. If so, the Bowie Ethics Ordinance requires that certain information be filed with the Ethics Commission. Please review the information about lobbying that is provided with the City Clerk. If you have any questions about lobbying, please contact the Ethics Commission or the Assistant City Manager.

This meeting will be televised live on Verizon Channel 10 and Comcast Channel 71 and 996, repeated on 4/3/19 and 4/6/19 at 7 p.m., and [web-streamed live](#)

**For a closed-captioned version of the meeting video, please go to <https://www.youtube.com/user/cityofbowiemd/playlists> and select the 2019 Council Meetings list. Once the meeting video opens, be sure to click on “CC” button to turn on closed captioning.**

NEXT SPECIAL MEETING OF THE BOWIE CITY COUNCIL - WEDNESDAY, APRIL 10,  
2019 - COUNCIL CHAMBERS - 8 p.m.

## REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, MARCH 18, 2019

### CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, March 18, 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 (Arrived 8:03p.m.), Marcos, Trough and Woolfley, City Manager Lott, Assistant City Manager Mears, City Attorney Levan, Staff, the Press and the Public.

### AGENDA ADDITIONS/DELETIONS/AMENDMENTS:

Council is striking Item B under New Business; Mr. Bean had an unscheduled conflict and will reschedule for a future meeting.

### CITIZEN PARTICIPATION:

1. Del Billings, Public Safety Committee Chair – Commented on the need of growth of the Bowie Police Department as the City grows in size.

### CONSENT AGENDA:

Councilmember Marcos moved the approval of Consent Agenda Items: A) Approval of March 4 Meeting Minutes; B) Approval of Resolution R-15-19 Waiving the Competitive Bidding Requirements of Section 61 of the City Charter to Allow for the Purchase of Govsense Software; C) Approval of Resolution R-16-19 Commencing the Cable Television Franchise Renewal Ascertainment Process With Respect to Verizon Maryland LLC and Authorizing the City Manager to Engage in Informal Renewal Negotiations With Verizon Maryland LLC. Councilmember Trough seconded the motion and it passed 5-0.

### NEW BUSINESS:

A. Stronach Group-Horse Racing – Mr. Mike Johansen with the Rifkin Firm in Annapolis on behalf of the Maryland Jockey Club and Mr. Sal Sinatra, President and General Manager of the Maryland Jockey Club briefed Council on the plans for the properties in Bowie and Laurel. The Stronach Group is one of the largest operators of racetracks in America. They are very focused on the state of Maryland, they hold Pimlico, Laurel Park, Bowie Track and recently they added Rosecroft. The Maryland Jockey

Club was founded in 1743 and is focused on investing and growing horse racing in Maryland. They are looking to expand and improve Laurel Park and possibly moving the Preakness race to this location from Baltimore. With Laurel's close proximity to Bowie, they would like to make the Bowie racetrack into a world-class training facility.

Mr. Johansen briefed Council on the current bills that are before the General Assembly in regards to having year round racing in the state. One of the bills introduced by Senator Peters and Delegate Valentino-Smith allowing Bowie to be eligible for existing state funds called Racetrack Facility Renewal Funds; currently Bowie is not eligible since it is a training center. The second piece of legislation is the MEDCO Bill, which will allow Maryland Economic Development Corporation to facilitate the financing of projects in Laurel and Bowie by the issuance of bonds based on funds and collateral provided by the Stronach Group as well as the current stream of slot proceeds generated from the state's casinos. The project in total would be about \$80m at Laurel and about \$40m in Bowie.

Councilmember Esteve asked if there is any consideration for road improvements and safety on Racetrack Road. Mr. Johansen replied that they are considering those and will work with the County and the City.

Councilmember Esteve asked what is the general timeframe they are hoping for to start this project. Mr. Johansen responded that if the legislation is favorable, they could possibly look at a timeframe of maybe 9 months to a year.

Councilmember Woolfley asked if there is any housing planned on the property. Mr. Sinatra responded that there could possibly be a small structure with some dormitories for the jockeys use.

Mayor Robinson thanked Mr. Sinatra and Mr. Johansen for their briefing.

C. Police Department Update – Police Chief Nesky and Deputy Chief Preston briefed Council on department statistics, programs and activities. The department is authorized at 67, and currently have 59 sworn officers with 4 in the academy; recruitment continues to be a challenge. The Call Center is fully staffed and they handled 39,718 service calls in 2018. The City Radio Project is set to go live on May 1<sup>st</sup> for the Park Rangers, Code Compliance and Animal Control. This puts everybody on the City side on one radio system to be able to monitor and respond better to both the residents and to staff that may have an issue on the streets or on the parks; it is an extra layer of safety. A Drug Take Back event will take place on June 2, and Coffee with a Cop and Tip A Cop events will also be held later in the year. The department continues to have their weekly crime meetings and refocus their relationship with HOA's in the City. The crime statistics show an increase in commercial burglaries during 2018 as well as moving violations. Total crimes assigned and citizen contact was 402, closed by arrest/exceptionally was 56 and 327 are still open. A full copy of the report is on file in the City Clerk's office.

Councilmember Woolfley asked if in their statistics report is there a possibility to get GEO location on these reports. Deputy Chief Preston responded that the department's crime analyst has a software package called ArcGIS, which they are in the beginning phase to utilize. This software will give them the ability to map many of the crime data.

Mayor Robinson thanked Chief Nesky and Deputy Chief Preston for their presentation.

ADJOURNMENT:

Councilmember Trough moved to adjourn the Regular City Council meeting. Councilmember Marcos seconded the motion and it carried 5-0. The meeting adjourned at 9:20 p.m.

March 18, 2019

Respectfully submitted,

Awilda Hernandez, MMC  
City Clerk

**PROCLAMATION**  
**OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND**  
**PROCLAIMING APRIL 2019 AS EARTH MONTH**  
**IN BOWIE**

**WHEREAS**, environmental degradation threatens the health of the environment for current and future generations; and,

**WHEREAS**, celebration of the first Earth Day on April 22, 1970, has become a month-long celebration recognized by and celebrated in communities across the globe; and,

**WHEREAS**, individuals, industry and government must work together to overcome environmental problems on a local level; and,

**WHEREAS**, the City is sponsoring the Bowie Green Expo, an Arbor Day Celebration, an Earth Day Concert, and the annual stream cleanup to educate residents and engage them in protecting Bowie's natural resources; and,

**WHEREAS**, the City Council, Environmental Advisory Committee, Green Team, and staff work diligently to provide residents with a healthy, sustainable environment that supports economic growth.

**NOW, THEREFORE, BE IT PROCLAIMED** that the Council of the City of Bowie, Maryland, hereby proclaims the month of April 2019 as Earth Month in the City of Bowie, and encourages Bowie residents to participate in environmental events in the City and the region.

**INTRODUCED AND PASSED** by the Council of the City of Bowie, Maryland, at a Regular Meeting on the First Day of April 2019.

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Bowie City Council  
G. Frederick Robinson  
Mayor

Attest:

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Awilda Hernandez  
City Clerk

**PROCLAMATION**  
**OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND**  
**PROCLAIMING APRIL 22, 2019 AS EARTH DAY**  
**IN BOWIE**

**WHEREAS**, the first Earth Day was celebrated forty-nine years ago and is now celebrated by communities across the globe; and,

**WHEREAS**, the City seeks to involve all residents in Earth Day activities to increase awareness of and participation in environmental protection;

**WHEREAS**, the City has held a number of events leading up to Earth Day to celebrate nature;

**WHEREAS**, the City Council, Environmental Advisory Committee, Green Team, and staff work diligently to provide residents with a healthy, sustainable environment improving tree canopy, energy efficiency, and water resources.

**NOW, THEREFORE, BE IT PROCLAIMED** that the Council of the City of Bowie, Maryland, hereby proclaims April 22, 2019 as Earth Day in the City of Bowie.

**INTRODUCED AND PASSED** by the Council of the City of Bowie, Maryland at a Regular Meeting on the First Day of April 2019.

\_\_\_\_\_  
Bowie City Council  
G. Frederick Robinson  
Mayor

Attest:

\_\_\_\_\_  
Awilda Hernandez  
City Clerk



## M E M O R A N D U M

TO: City Council

FROM: Alfred D. Lott, City Manager

SUBJECT: Professional Services- Preparation of a Golf Course Renovation Analysis R-17-19

DATE: March 21, 2019

Per Section 61(b)(4) of the City Charter, on March 1, 2019 the Department of Community Services placed a Notice of Intent to Negotiate with Ault Clark and Associates, Ltd. of Clarksville, MD and McDonald and Sons, Inc. of Jessup, MD in the Capital Gazette. The purpose of this advertisement was to negotiate for professional golf course consulting and design services to prepare a Golf Course Renovation Analysis of the Bowie Golf Course. On March 19, 2019, both firms presented their proposals for the analysis requested.

Based on the following reasons, it is staff's recommendation that McDonald and Sons, Inc. be engaged at a cost of \$46,800 to conduct this analysis:

- 1) their recent, related experience which in 2018 alone included work with 25 golf facilities located in Maryland including several municipal golf courses;
- 2) their professional opinion that making minimal modifications to the layout of the existing golf course would be the most cost effective and customer pleasing way to proceed;
- 3) their emphasis on not closing the golf course during renovation;
- 4) their recognition of the significance of the Bowie history contained within the Fair Running (Cir 1717) component of the existing clubhouse structure and desire to retain it in some fashion;
- 5) the degree of importance of including a professional agronomist in the analysis;
- 6) their insight in recommending an expansion of the basic Scope of Services to include schematic drawings for a proposed new clubhouse (\$9,500);
- 7) the proposed cost for completing the basic Scope of Services was the lowest of the two proposals (\$37,300);
- 8) their creative and expansive thinking regarding the addition of a future facility(s) on part of the golf course property to expand the client base allowing for higher future income potential.

In accordance with City Charter Section 61(b)(4), a total fee of \$46,800 for the required services, to include both an analysis and a schematic clubhouse design, was

negotiated. The FY19 Capital Improvement Program, Bowie Golf Course Budget includes sufficient funds to cover this amount.

I concur with the recommendation of the Department of Community Services and request your approval of R-17-19.

ADL/mr

**RESOLUTION**  
**OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND**  
**AUTHORIZING THE ISSUANCE OF A CONTRACT FOR A**  
**GOLF COURSE RENOVATION ANALYSIS TO McDONALD AND SONS, INC.**

**WHEREAS**, on March 1, 2019, the Department Community Services advertised a Notice of Intent to Negotiate with Ault Clark and Associates, Ltd. of Clarksville, MD and McDonald and Sons, Inc. of Jessup, MD; and

**WHEREAS**, on March 19, 2019 both firms presented their proposals for this analysis; and

**WHEREAS**, it was determined that McDonald and Sons, Inc. proposal presented an improvement philosophy most in keeping with the preservation of the design of the existing golf course; and

**WHEREAS**, the McDonald and Sons, Inc. presentation included the use of a professional agronomist; and

**WHEREAS**, their proposal recognized the importance of potentially retaining some portion of Fair Runnings (the original historic structure around which the current clubhouse is built); and

**WHEREAS**, the proposal, for the basic scope of services, was the lowest of the two proposals received at a cost of \$37,300; and

**WHEREAS**, it was determined, during the negotiation, that the addition of a proposed schematic design for a clubhouse which was not requested in the basic scope of services, at a cost of \$9,500, would be important to the ultimate rehabilitation of the Bowie Golf Course and should be included as part of the Analysis; and

**WHEREAS**, in accordance with City Charter 61(b)(4), a fee of \$46,800.00 for the a Bowie Golf Course Renovation Analysis, to include the addition of the schematic clubhouse design, was negotiated with McDonald and Sons, Inc.; and

**WHEREAS**, the project will be funded through already appropriated FY19 Capital Improvement Program funds;

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the City of Bowie, Maryland that the Council authorizes the award of a contract to McDonald and Sons, Inc. for preparation of a Golf Course Renovation Analysis.

**INTRODUCED AND PASSED** by the Council of the City of Bowie,  
Maryland at a Regular Meeting on April 1, 2019.

ATTEST:

\_\_\_\_\_  
Awilda Hernandez, City Clerk

\_\_\_\_\_  
G. Frederick Robinson, Mayor

## MEMORANDUM

TO: City Council

FROM: Alfred D. Lott, City Manager

SUBJECT: Waive Bidding for Annual Support Agreement for Telephone System  
R-18-19

DATE: March 27, 2019

In November 2015, Council approved Resolution R-84-15 awarding the Avaya telecommunications system upgrade to ConvergeOne. The upgrade was completed in March 2016. Part of the proposal from ConvergeOne includes the annual maintenance for the phone system.

Avaya is the sole provider for 24x7 Onsite Hardware Support, Support Advantage Software Support and Upgrade Advantage for the phone system. The annual cost for the maintenance is \$55,441.80. The funds for the maintenance are allocated in the FY19 budget.

In accordance with City Charter Section 61, we are requesting that Council waive bidding requirements and allow for the issuance of a Purchase Order to Avaya in the amount of \$55,441.80.

I concur with the above recommendation and request your approval of R-18-19.

ADL/dh  
Attachment

**RESOLUTION**  
**OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND**  
**WAIVING, BY A TWO-THIRDS VOTE, THE BIDDING REQUIREMENTS**  
**OF SECTION 61 OF THE CITY CHARTER AND AUTHORIZING THE CITY**  
**MANAGER TO ENTER INTO AN ANNUAL SUPPORT AND LICENSING**  
**AGREEMENT WITH AVAYA TO PROVIDE MAINTENANCE OF THE TELEPHONE**  
**SYSTEM**

**WHEREAS**, by Resolution R-84-15, the City Council authorized the City Manager to enter into a competitively-bid contract with ConvergeOne to upgrade the Avaya Telecommunications system at the cost of \$161,924.66; and

**WHEREAS**, the proposal included the cost proposal for 24x7 onsite hardware support, software support and upgrade support; and

**WHEREAS**, the total value of the maintenance agreement will exceed \$25,000; and

**WHEREAS**, Section 61(b)(1) of the City Charter requires that procurements for goods and services exceeding \$25,000 be made upon competitive bids and that awards be approved by the City Council; and

**WHEREAS**, notwithstanding the provisions of Charter Section 61(b)(1), Section 61(b)(3) permits the Council to waive bidding requirements upon a showing of good cause; and

**WHEREAS**, maintenance for the Avaya system is, therefore, a sole source procurement, constituting good cause for a waiver of the competitive bid process.

**NOW THEREFORE BE IT RESOLVED**, the Council of the City of Bowie, Maryland authorizes the City Manager to enter into an Annual Support and License Agreement at a cost of \$55,441.80.

**INTRODUCED AND PASSED** by the Council of the City of Bowie, Maryland at a Regular Meeting on April 1, 2019.

**ATTEST:**

**THE CITY OF BOWIE, MARYLAND**

\_\_\_\_\_  
Awilda Hernandez  
City Clerk

\_\_\_\_\_  
G. Frederick Robinson  
Mayor

## MEMORANDUM

TO: City Council

FROM: Alfred D. Lott, CPM  
City Manager

SUBJECT: Charter Amendment Resolution CAR-1-19, Amending Section 58. Authority for Borrowing

DATE: March 28, 2019

In July 2017, the City Council amended the project scope of the Bowie Ice Arena to include two sheets of ice with a construction cost of \$25 million. Council also agreed to fund the project by issuing general obligation bonds. The charter amendment provides the council authority to issue both privately negotiated or solicitation of competitive bids to issue bonds or notes. In addition the amendment updates Section 58 with current industry practices.

### RECOMMENDATION:

Staff recommends the City Council amends the City Charter to enhance the city's flexibility to privately negotiate the selling of general obligation bonds.

**CHARTER AMENDMENT RESOLUTION**  
**OF THE COUNCIL (THE “COUNCIL”) OF THE CITY OF BOWIE, MARYLAND**  
**(THE “CITY”) AMENDING SECTION 58 OF THE CHARTER OF THE CITY OF**  
**BOWIE (THE “CHARTER”) IN ORDER TO: (1) PROVIDE THAT THE COUNCIL**  
**SHALL DETERMINE CERTAIN MATTERS BY ORDINANCE AND MAY**  
**DETERMINE CERTAIN MATTERS BY RESOLUTION PERTAINING TO**  
**GENERAL OBLIGATION DEBT OF THE CITY; (2) CONFIRM THAT GENERAL**  
**OBLIGATION DEBT OF THE CITY MAY BE SOLD BY PRIVATE NEGOTIATED**  
**SALE WITHOUT ADVERTISEMENT OR PUBLICATION OF NOTICE OR SALE**  
**OR AT PUBLIC SALE AFTER SOLICITATION OF COMPETITIVE BIDS; (3)**  
**AUTHORIZE OR PROVIDE FOR THE METHODS BY WHICH GENERAL**  
**OBLIGATION DEBT MAY BE BID FOR IN CONNECTION WITH THE SALE OF**  
**THE SAME BY SOLICITATION OF COMPETITIVE BIDS AT PUBLIC SALE; (4)**  
**PROVIDE FOR THE MANNER IN WHICH ANY NOTICE OF SALE OR**  
**SUMMARY THEREOF MAY BE PUBLISHED AND THAT ANY NOTICE OF SALE**  
**MAY BE MADE AVAILABLE BY METHODS OTHER THAN BY PUBLICATION;**  
**AND (5) PROVIDE THAT THE POWERS SET FORTH IN SECTION 58 OF THE**  
**CHARTER ARE ADDITIONAL AND SUPPLEMENTAL TO ANY OTHER**  
**GENERAL OBLIGATION BORROWING AUTHORITY APPLICABLE TO THE**  
**CITY; PROVIDING FOR COMPLIANCE WITH CERTAIN PROVISIONS OF THE**  
**ANNOTATED CODE OF MARYLAND AND THE CHARTER REGARDING THE**  
**AMENDMENTS PROVIDED FOR HEREIN; PROVIDING THAT THIS TITLE**  
**CONSTITUTES A FAIR SUMMARY OF THIS CHARTER AMENDMENT**  
**RESOLUTION; AND OTHERWISE GENERALLY RELATING TO THE CHARTER**  
**AMENDMENTS PROVIDED FOR HEREIN**

**WHEREAS**, pursuant to Md. Code Ann., Local Gov’t. Article §4-301 *et seq.*, the Council (the “Council”) of The City of Bowie, a Maryland municipality (the “City”), has the authority to amend the Charter of the City, in accordance with the procedures set forth therein; and

**WHEREAS**, the Charter of the City sets forth, in Section 58, “Authority for borrowing”, the right of the City to issue general obligation debt and certain procedures and other parameters regarding general obligation debt of the City; and

**WHEREAS**, bond counsel to the City has recommended that Section 58 of the Charter of the City be amended to clarify certain matters, to accommodate current common practices for the sale of general obligation debt by public sale at competitive bid, and to provide borrowing flexibility to the City; and

**WHEREAS**, the Council deems it to be in the best interests of the City and its residents to so amend Section 58 of the Charter of the City; and

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*Italics* : Indicates matter added to existing law.  
**Bold brackets [ ]** : Indicate matter deleted from existing law



**WHEREAS**, a public hearing has been held on the proposed amendments to Section 58 of the Charter of the City as required by Md. Code Ann., Local Gov't. Article §4-302(a)(2) and Section 98 of the Charter of the City before this Charter Amendment Resolution is considered for adoption.

**Section 1: NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Bowie, Maryland, that Section 58, "Authority for borrowing", of the Charter of the City of Bowie, as published in Municipal Charters of Maryland, Volume 1, 2014 Replacement Edition, as amended to date (the "Charter"), is hereby amended to read as follows:

Section 58. Authority for borrowing.

(a) The [city] City shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issue and sale of its general obligation bonds or notes in the manner prescribed in *this [section] Section 58[(b)]*.

(b) (1) The City's bonds or notes may be sold for any public purpose by private negotiated sale without advertisement or publication of notice of sale or at public sale after solicitation of competitive bids[, as determined by the ordinance authorizing the issuance of the bonds or notes.]

(2) *The City's bonds and notes unless authorized and issued in accordance with other applicable Maryland law, shall be authorized by an ordinance that shall contain: (A) a statement of the maximum aggregate principal amount of such obligations to be issued; (B) a statement of the purpose or purposes for which the proceeds of such obligations are to be expended; (C) a pledge of the security for such obligations, including any source from which such obligations will be payable in the first instance, or provisions for the making of such pledge by resolution; and (D) a requirement that, subject to the provisions of subsection (c) below, prior to the issuance of any such obligations, the Council shall adopt a resolution in accordance with the provisions of subsection (b)(3) below.*

(3) *Prior to issuing any City bonds or notes, the Council shall adopt a resolution containing, determining or providing for the determination of, or approving or providing for the approval of: (A) the designation, date of issue, denomination or denominations, form or forms and tenor of such obligations; (B) the rate or rates of interest payable on such obligations, which may be fixed or variable, or the method of determining such interest rate or rates; (C) the date or dates and amounts of maturity or principal installment payments; (D) the manner of selling such obligations, which may be either at public or private sale; (E) any desired provisions relating to the redemption of such obligations prior to maturity; (F) any documents pursuant to which such obligations are to be issued or secured; and (G)*

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*Italics* : Indicates matter added to existing law.  
**Bold brackets [ ]** : Indicate matter deleted from existing law

*such other provisions regarding the terms, conditions, issuance, sale, delivery and security of and for such obligations as the Council may determine necessary or desirable. By resolution the Council may delegate to a specified official or officials the authority to approve any matters or make any determinations contemplated by this subsection (b)(3). A resolution adopted pursuant to this subsection (b)(3) may be introduced and adopted at a single session of the Council.*

[(2) (a) Any public sale of the City’s bonds or notes may be held only after one (1) or more insertions of a notice of the sale in either a newspaper of general circulation in Prince George’s County or a publication having a circulation primarily among the investment and financial community.] (4) *As determined by or provided for by resolution, the bonds or notes may be issued and sold by private negotiated sale without advertisement or publication of notice or sale or at public sale after solicitation of competitive bids (which competitive bids may be delivered by electronic or facsimile means or by any other commercially reasonable manner). Any notice of sale may be published in full or in summary form at least once in a newspaper of general circulation in the City not less than 10 days prior to the original date fixed for sale, or any notice of sale, rather than being published in full or summary form, may be made available solely via the internet or by other electronic means, including by being posted on a website commonly accessible to bidders for municipal obligations, and/or provided or disseminated in any other commercially reasonable manner.*

[(b) The first insertion of the notice of sale shall be published at least ten (10) days before the date fixed for the sale.]

[(3)] (5) [(a)](A) Bonds or notes issued under this [subsection] *Section 58* may be sold or redeemed for a price or prices which may be at, above, or below the par value of the bonds or notes[, as provided in the authorizing ordinance].

[(b)](B) The [ordinance] *resolution* that authorizes the bonds or notes may provide for prior redemption of the bonds or notes *at, above or below par value and the manner of giving notice of any such redemption, including by mail or electronic means.*

[(c) Bonds or notes of the City may be issued, sold and delivered on such terms and conditions, including fixed or variable rate or rates of interest or method of determining interest rate or rates, as provided in the authorizing ordinance.]

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*Italics* : Indicates matter added to existing law.  
**Bold brackets [ ]** : Indicate matter deleted from existing law

[(4)] (6) City bonds or notes may be issued for either cash or other variable consideration.

[(5)] (7) The official signatures and seals affixed to any City bonds or notes may be imprinted in facsimile.

[(6)] (8) The City may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of or as security for the bonds or notes and for securing any tender option granted to holders.

*(c) The Council may, at its option, determine or provide for the determination of, or approve or provide for the approval of, any of the matters referenced in subsection (b) above as being determined by resolution by ordinance instead of by resolution.*

*(d) References to bonds, notes or obligations in this Section 58 shall be construed to mean general obligation bonds, notes or other evidences of indebtedness of the City.*

*(e) The power conferred on the City under this Section 58 shall be deemed to be additional and supplemental to any other general obligation borrowing authority applicable to the City under Maryland law, and the City may authorize, issue and secure any such general obligation debt in conformity with this Section and/or any other applicable law.*

**Section 2:** BE IT FURTHER RESOLVED that any provision of the Charter which is inconsistent with Section 58 as amended is hereby repealed.

**Section 3:** BE IT FURTHER RESOLVED that this Charter Amendment Resolution is adopted this \_\_\_\_\_ day of May, 2019, and that the amendment to the Charter proposed by this Charter Amendment Resolution shall be and become effective fifty (50) days after its passage by the Council unless petitioned to referendum in accordance with Md. Code Ann., Local Gov't. Article §§4-304(d) and 4-307 within 40 days following its adoption. A complete and exact copy of this Charter Amendment Resolution shall be posted in the City Hall building for forty (40) days following its adoption by the Council and a fair summary of the Charter amendments shall be published in a newspaper having general circulation in the City at least four (4) times, at weekly intervals, within the forty (40) days following adoption of this Charter Amendment Resolution.

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*Italics* : Indicates matter added to existing law.  
**Bold brackets [ ]** : Indicate matter deleted from existing law

**Section 4: BE IT FURTHER RESOLVED** that promptly after this Charter Amendment Resolution becomes effective, either as herein provided or following referendum, the City Manager of the City shall send to the Maryland Department of Legislative Services in accordance with Md. Code Ann., Local Gov't. Article §§4-308 and 4-109, the following information concerning this Charter Amendment Resolution: (i) the complete text of the Charter amendments; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Council or in a referendum; and (iv) the effective date of the Charter amendments.

**Section 5: BE IT FURTHER RESOLVED** that the City Manager of the City be and hereby is specifically instructed to carry out or cause to be carried out the provisions of Sections 3 and 4 of this Charter Amendment Resolution.

**Section 6: BE IT FURTHER RESOLVED** that the title to this Charter Amendment Resolution is deemed a fair summary hereof for publication and all other purposes.

**INTRODUCED** by the Council of the City of Bowie, Maryland at a meeting on \_\_\_\_\_, 2019.

**PASSED** by the Council of the City of Bowie, Maryland at a meeting on \_\_\_\_\_, 2019.

**ATTEST:**

**THE CITY OF BOWIE, MARYLAND**

\_\_\_\_\_  
Awilda Hernandez  
City Clerk

\_\_\_\_\_  
G. Frederick Robinson  
Mayor

\_\_\_\_\_  
*Italics* : Indicates matter added to existing law.  
**Bold brackets [ ]** : Indicate matter deleted from existing law

## MEMORANDUM

**TO:** City Council

**FROM:** Alfred D. Lott, City Manager

**SUBJECT:** Approval of Emergency Ordinance 0-2-19 for the Amendment of Chapter 22 (Streets and Sidewalks) of the City of Bowie Code

**DATE:** March 28, 2019

Accompanying this memorandum is proposed Emergency Ordinance 0-2-19 that would amend Chapter 22 (Streets and Sidewalks) of the City of Bowie Code. Amendments to Chapter 22 of the Code need to be made so that the City can be in compliance with the Federal Communications Commission's ("FCC") new regulations on Small Wireless Facilities in the Public Right-of-Way.

Due to the FCC's new regulations on Small Wireless Facilities, the City needs to be in compliance with these new regulations. Over the past several months the City Attorney and City Staff have worked with specialized Counsel to interpret the FCC ruling, work with other local governments on legal challenges to the ruling, develop the amendments to Chapter 22, draft a Right of Way Use Agreement for small wireless facilities, develop a permit process, and prepare design guidelines to put the City in compliance with the FCC ruling.

Local governments must begin accepting applications by April 15, 2019, which is why this ordinance is being brought forward as an emergency measure. Due to numerous challenges to the FCC ruling in the Federal Court system, the City and its advisors have been monitoring the progress to determine if anything would change in the ruling, the date for implementation would be stayed, or other factors would impact the Federal mandate on the use of local Rights-of-Way

On September 27, 2018, the FCC issued a *Declaratory Ruling and Third Report and Order in Accelerating Wireless/Wireline Broadband Deployment*, also known as the Small Cell Preemption Order. This Order did the following:

- Capped all fees related to small wireless facilities ("SWF") at "a reasonable approximation of the state and local governments' actual and reasonable costs."
- Preempts aesthetics requirements for SWF unless they are (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; (3) objective; and (4) published in advance.
- Imposes shot clocks of 60 days for SWF added to existing structures and 90 days for SWF using a new structure.
- Does not grandfather existing agreements or state small cell bills or other state laws.

Staff Recommendation

The staff recommends the enactment of Emergency Ordinance 0-2-19, which will authorize the amendments to Chapter 22 of the City Code.

ADL/mb  
Enclosure

**EMERGENCY ORDINANCE**  
**OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND,**  
**AMENDING CHAPTER 22, “STREETS AND SIDEWALKS”, OF THE CITY OF**  
**BOWIE CODE, ARTICLE I, “IN GENERAL”, SECTION 22-11, “ERECTING, ETC.,**  
**BUILDINGS OR OBSTRUCTIONS IN STREETS OR ALLEYS PROHIBITED”,**  
**SECTION 22-11A, “PERMIT LIMITATIONS”, SECTION 19A, “PENALTY”,**  
**ARTICLE II, “ROAD AND STREET IMPROVEMENTS”, DIVISION 1, “PERMITS”,**  
**SECTION 22-20, “DEFINITIONS”, DIVISION III, SECTION 22-53, “APPLICATION**  
**FOR PERMIT”; AND ADDING CHAPTER 22, “STREETS AND SIDEWALKS”,**  
**ARTICLE III, SECTION 22-54, “REQUIREMENTS AND FINDINGS”, AND**  
**ADDING SECTION 22-55.1, “EXPIRATION” IN ORDER TO PROVIDE**  
**ADDITIONAL REGULATORY PROTECTIONS FOR THE CITY AND ITS**  
**RESIDENTS IN CONNECTION WITH THE SITING OF SMALL WIRELESS**  
**FACILITIES**

WHEREAS, pursuant to Md. Code Ann., Local Gov’t. Article, § 5-202, the City of Bowie, Maryland (“the City”) has the authority to adopt such ordinances as it deems necessary to assure the good government of the City; protect and preserve the City’s rights, property, and privileges; and preserve peace and good order; and

WHEREAS, pursuant to this authority and the additional authority contained in Section 18A(35) of the City Charter the City has adopted Chapter 22, “Streets and Sidewalks,” of the City Code to protect the integrity of City streets, sidewalks, other rights-of-way and public places; and

WHEREAS, the primary purpose of the City’s streets, sidewalks and other rights-of-way is to accommodate vehicular and pedestrian traffic; and

WHEREAS, the City’s streets, sidewalks and other rights-of-way contain a finite amount of space and cannot therefore safely and responsibly accommodate the installation of an unlimited number of utility and communications facilities and infrastructure; and

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- [BOLD BRACKETS]** : Indicate matter deleted from existing law  
**UNDERLINED CAPITALS** : Indicate matter added to existing law  
Asterisks \* \* \* : Indicate matter preserved from existing law but omitted herein

**WHEREAS**, the City has a legitimate interest in ensuring that third parties proposing to install, construct and maintain facilities on the City’s streets, sidewalks and other rights-of-way do so responsibly, without interfering with existing facilities and infrastructure, without imposing a burden or safety risk upon pedestrian or vehicular traffic, without a substantially detrimental impact on abutting properties, and without imposing a burden on the City and its taxpayers for the costs of restoration of disturbed areas; and

**WHEREAS**, the City desires to accommodate the safe, non-burdensome and efficient deployment of wireless facilities and support structures in the City’s streets, sidewalks and other rights-of-way; and

**WHEREAS**, the City adopted certain modifications to Chapter 22 by Ordinance No. 06-16 relating to the installation of small wireless facilities and the Council now wishes to amend the Chapter again to provide additional protections to the City and its residents given the changing regulatory landscape.

**WHEREAS**, by a 2/3 vote, the City Council finds there is an emergency requiring expedited adoption of this Emergency Ordinance pursuant to Section 12 of the City Charter exists as a consequence of deadlines for the enactment of certain regulation of small wireless facilities imposed by federal law, justifying the introduction and adoption of this Emergency Ordinance at the same City Council meeting and making it effective upon adoption.

**Section 1.** **NOW THEREFORE BE IT ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 22, “Streets and

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Sidewalks”, Article I, “In General”, Section 22-11, “Erecting, etc., buildings or obstructions in streets or alleys prohibited”, be and is hereby amended to read as follows:

Sec. 22-11. Erecting, buildings or obstructions in streets or alleys prohibited.

Except as otherwise specifically provided by this Chapter and permitted by the City Manager, no person shall erect or maintain any building, FACILITY, EQUIPMENT, or OTHER obstruction [in]ON, UNDER or [**upon**]OVER any alley, street, road, SIDEWALK or right-of-way within the City.

**Section 2.** **BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 22, “Streets and Sidewalks”, Article I, “In General”, Section 22-11A, “Permit Limitations”, be and is hereby amended to read as follows:

Sec. 22-11A. Permit limitations.

Nothing in this Chapter shall affect or limit the City’s right to charge a separate fee for access to or the use OR OCCUPANCY of City-owned property or facilities. Any permit granted pursuant to this Chapter shall be in addition to, and not in lieu of, any fee, rent, lease, license, AGREEMENT or franchise required to occupy, or place facilities [on]OR EQUIPMENT ON, UNDER, OVER or attached to, City property, facilities or rights-of-way.

**Section 3.** **BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 22, “Streets and Sidewalks”, Article I, “In General”, Section 22-19, “Penalty”, be and is hereby amended to read as follows:

Sec. 22-19A. Penalty.

Violations OF this Chapter are municipal infractions, subject to the penalty and enforcement provisions of Chapter 1, Sections 6 and 6A of this Code.

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**Section 4. BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 22, “Streets and Sidewalks”, Article II, Division I, “Permits”, Section 22-20, “Definitions”, be and is hereby amended to read as follows:

Sec. 22-20. Definitions.

As used in this Article:

(1) “Construction specifications” shall mean the construction specifications of the City adopted by this Article as revised and amended from time to time by the City Manager, in accordance with good engineering principles, and described in “General Specifications and Standards for Highway and Street Construction”. The construction specifications indicate requirements for construction methods and work quality.

\* \* \*

(14) “SMALL WIRELESS FACILITIES” SHALL HAVE THE MEANING SET FORTH IN THE RULES OF THE FEDERAL COMMUNICATIONS COMMISSION, 47 CFR § 1.6002 (L).

**Section 5. BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 22, “Streets and Sidewalks”, Article II, “Road and Street Improvements”, Division 3, “Wireless facilities and support structures”, Section 22-53, “Application for Permit”, be and is hereby amended to read as follows:

Sec. 22-53. Application for permit.

(A) [THE INSTALLATION OF] ONLY SMALL WIRELESS FACILITIES ARE ELIGIBLE TO BE INSTALLED IN THE CITY RIGHT-OF-WAY. INSTALLATION OF WIRELESS FACILITIES THAT DO NOT FALL WITHIN THE DEFINITION OF SMALL WIRELESS FACILITIES WILL NOT BE ALLOWED IN THE RIGHT-OF-WAY.

(B) THE INSTALLATION OF SMALL wireless facilities and support structures in a City right-of-way shall require a permit under this chapter. No permit shall be issued with respect to the installation of SMALL wireless facilities or support structures in, on or over any City street, sidewalk, or right-of-way unless and until the permit applicant and the City have [negotiated

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and]executed a franchise or right-of-way use agreement setting forth the terms and conditions, including fair compensation to the City, for applicants’ use of City right-of-way, and where applicable, lease payments for the use of any city-owned poles or facilities., WHICH AGREEMENT OR AGREEMENTS SHALL BE IN A FORM SUBSTANTIALLY SIMILAR TO THE CITY’S MODEL AGREEMENT, WHICH SHALL BE MADE AVAILABLE BY THE DEPARTMENT OF PUBLIC WORKS UPON REQUEST.

([b]C) In addition to the other information required by this article, an application for such a permit shall submit the following information pertaining to particular sites or a proposed deployment:

1. A technical description of the proposed SMALL WIRELESS facilities, along with detailed diagrams accurately depicting all proposed facilities and support structures;
2. A detailed deployment plan describing construction planned for the 12-month period following the issuance of the permit, and a description of the completed deployment;
3. An engineering certification relating to the proposed construction;
4. A statement describing the applicant’s intentions with respect to collocation;
5. A statement demonstrating the permittee’s duty to comply with applicable safety standards for the proposed activities in the City rights-of-way;
6. In the case of a proposed attachment to a [city;]CITY-owned facility located in the City rights--of--way, an executed attachment agreement with the [city;]CITY;
7. In the case of a proposed attachment to an investor-owned utility pole in the rights-of-way, an executed attachment agreement with the utility pole owner; and
8. Such other information as the City Manager may require.

([c]D) The applicant shall pay a processing fee to the City, NOT TO EXCEED A REASONABLE APPROXIMATION OF THE CITY’S COSTS, at the time any application to install SMALL wireless facilities in a public right-of-way is made, in addition to any other fees required by this chapter or by this code generally, in an amount to be set by the City Council in the City’s annual budget.

**Section 6.** **BE IT FURTHER ORDAINED AND ENACTED,** by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 22, “Streets and Sidewalks”, Article II, “Road and Street Improvements”, Division 3, “Wireless facilities and support structures”, Section 22-54, “Requirements and findings”, be and is hereby amended to read as follows:

Sec. 22-54. Requirements and findings.

(a) [Wireless]SMALL WIRELESS facilities and support structures proposed to be located on streets, sidewalks or other rights-of-way in the City shall meet the following requirements:

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1. Absent a special finding by the City Manager;
  - a. ~~[Wireless]~~SMALL WIRELESS facilities may only be installed on existing utility poles or light poles; and
  - b. Only entities authorized by the Maryland Public Service Commission pursuant to MD. Code Ann., Public Utilities Art., §§ 5-410, 8-103, as amended from time to time, may erect new poles in the City’s right-of-way, and only then for the purpose of supporting telephone lines to provide telephone service.
2. Any new pole, including a replacement pole, installed in City rights-of-way to support SMALL wireless facilities shall;
  - a. Comply with all structural and safety standards specified by the City Manager;
  - b. Not obstruct pedestrian or vehicular traffic flow ~~[or]~~, sight lines, OR CLEAR ZONES;
  - c. Not exceed the LESSER OF FIFTY-FIVE (55) FEET ABOVE GRADE, OR THE average height of the existing street light poles or utility poles within the area extending one thousand (1,000) feet in any direction of the proposed structure;
  - d. Shall be designed to accommodate the collocation of at least three (3) different SMALL wireless providers’ antennas and related equipment;
  - e. If metal, be treated or painted with non-reflective paint, and in a way to conform to or blend into the surroundings; and
  - f. Comply with such other requirements and conditions as the City Manager may conclude are appropriate to impose.
3. Any SMALL wireless facilities installed on a pole or any other structure in the rights-of-way shall:
  - a. Have ANY ABOVE-GROUND equipment box or boxes no greater in collective size than ~~[17]~~15 cubic feet in volume with no one side/dimension exceeding four ~~[and ¼]~~ ~~([4.25])~~4 feet;
  - b. Have panel antennas no greater than two (2) feet in height, and omni/dome antennas no greater than four (4) feet in height and no wider than three (3) feet in diameter;
  - c. Have no more than three (3) panel antennas per pole, and no more than one omni/dome antennas per pole;
  - d. Have microwave dishes no greater than two (2) feet in diameter, with no more than ~~two (2)~~ THREE (3) microwave dishes per pole
  - e. Be located and designed, including materials, color, and texture, so as to minimize visual impact on surrounding properties and as seen from the streets and sidewalks; ~~and~~
  - f. Comply with such other requirements and conditions as the City Manager may conclude are appropriate to impose.; AND
  - g. BE CO-LOCATED ON AN EXISTING POLE WHEREVER TECHNOLOGICALLY POSSIBLE, TO THE EXTENT SUCH CO-LOCATION DOES NOT HAVE THE EFFECT OF PROHIBITING THE

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PROVISION OF SERVICE.

4. ANY EQUIPMENT BOX ASSOCIATED WITH SMALL WIRELESS FACILITIES SHALL BE PLACED UNDERGROUND UNLESS THE APPLICANT CAN DEMONSTRATE TO THE SATISFACTION OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS THAT THE UNDERGROUNDING OF THE EQUIPMENT BOX WOULD NOT BE TECHNICALLY POSSIBLE.

(b) [Wireless]SMALL WIRELESS facilities and support structures proposed to be located on streets, sidewalks or other rights-of-way in the City may be permitted upon a finding by the City Manager that:

1. The application [complies], AND THE SMALL WIRELESS FACILITIES IT RELATES TO, COMPLY with all standards and requirements set forth in Section 22-54(a);

2. The location selected in the application is not in an area where there is an overconcentration of poles or other facilities in, on or over the streets, sidewalks or other rights-of-way; THAT COULD POSE A RISK TO PUBLIC SAFETY OR THE EFFICIENT MOVEMENT OF VEHICULAR OR PEDESTRIAN TRAFFIC;

3. The location selected, [and] scale, and appearance of the SMALL wireless facilities and support structures to be installed, are consistent with the general character of the neighborhood, AND CONSISTENT WITH THE CITY’S SMALL WIRELESS FACILITIES DESIGN GUIDELINES AS MAY BE DEVELOPED BY THE CITY MANAGER;

4. The applicant has agreed to and provided adequate insurance, bonding and indemnification to protect the City and its residents from injury or liability relating to or arising from the proposed SMALL WIRELESS facilities and SUPPORT structures;

5. The applicant has entered into the franchise or right-of-way use agreement with the City required by Section 22-53(a); and

6. The SMALL wireless facilities, if located in a residential area, do not generate any APPRECIABLE noise.

7. THE USE OF A PUBLIC RIGHT-OF-WAY OR THE ATTACHMENT OF SMALL WIRELESS FACILITIES TO PUBLIC ASSETS BY A SMALL WIRELESS PROVIDER MAY NOT OBSTRUCT OR HINDER THE LEGAL USE OF THE PUBLIC RIGHT-OF-WAY OR PUBLIC ASSETS BY OTHERS.

**Section 7.** **BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 22, “Streets and Sidewalks”, Article II, “Road and Street Improvements”, Division 3, “Wireless facilities and support structures”, is added to read as follows:

22-55.1      EXPIRATION

ANY PERMIT FOR SMALL WIRELESS FACILITIES NOT CONSTRUCTED AND OPERATIONAL WITHIN ONE HUNDRED TWENTY DAYS (120) DAYS FROM THE DATE OF APPROVAL SHALL EXPIRE ON THAT DATE.

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ANY SMALL WIRELESS FACILITIES INSTALLED IN THE RIGHT OF WAY BUT NOT PART OF AN OPERATIONAL SMALL WIRELESS FACILITIES ON THE DATE OF EXPIRATION OF THE PERMIT SHALL BE REMOVED BY THE APPLICANT WITHIN THIRTY (30) DAYS OF THE EXPIRATION OF THE PERMIT. IF NOT TIMELY REMOVED BY THE APPLICANT, THE SMALL WIRELESS FACILITIES WILL BE DEEMED ABANDONED AND MAY BE REMOVED BY THE CITY WITHOUT COMPENSATION TO THE APPLICANT.

**Section 8. BE IT FURTHER ORDAINED** that this Emergency Ordinance shall become effective immediately after its enactment by the Council of the City of Bowie, Maryland provided that a fair summary of this Ordinance is published at least once within ten (10) days after the date of passage in a newspaper having general circulation in the City.

**INTRODUCED** by the Council of the City of Bowie, Maryland at a regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 2019.

**PASSED** by the Council of the City of Bowie, Maryland at a regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Awilda Hernandez  
City Clerk

By: \_\_\_\_\_  
G. Frederick Robinson, Mayor

**APPROVED AS TO FORM AND SUFFICIENCY:**

\_\_\_\_\_  
Elissa D. Levan, City Attorney

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## MEMORANDUM

TO: City Council

FROM: Alfred D. Lott, ICMA-CM, CPM  
City Manager

SUBJECT: Approval of Resolution R-20-19, the Proposed Small Wireless Facilities Design Guidelines

DATE: March 28, 2019

Per the new Federal Communications Commission's ("FCC") regulations, the City of Bowie has created Small Wireless Facilities ("SWF") Aesthetic Guidelines. The approval of Resolution R-20-19 will assure the City's compliance with these new regulations on SWF in the Public Right-of-Way.

On September 27, 2018, the FCC issued a *Declaratory Ruling and Third Report and Order in Accelerating Wireless/Wireline Broadband Deployment*, also known as the Small Cell Preemption Order. This Order preempts any previous aesthetics requirements for SWF unless they are (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; (3) objective; and (4) published in advance. The FCC Order's aesthetic requirements take effect by April 15, 2019. In an effort to comply with the Order's requirements and effective date, staff has been preparing the SWF Aesthetic Guidelines.

### Staff Recommendation

Due to the FCC's new regulations on Small Wireless Facilities and the City's need to be in compliance with these new regulations, the staff recommends the approval of Resolution R-20-19.

ADL/mb  
Enclosures

**RESOLUTION  
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND  
APPROVING THE SMALL WIRELESS FACILITIES DESIGN GUIDELINES**

**WHEREAS**, the City of Bowie (hereafter designated “City”) needs to be in compliance with the Federal Communications Commission’s (herein “FCC”) regulation on Small Wireless Facilities (herein “SWF”); and

**WHEREAS**, on September 27, 2018, the FCC issued a *Declaratory Ruling and Third Report and Order in Accelerating Wireless/Wireline Broadband Deployment* (herein “Order”); and

**WHEREAS**, the Order preempts any previous aesthetic requirements for SWF unless they are reasonable, no more burdensome than those applied to other types of infrastructure deployments, are objective, and are published in advanced.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Bowie, Maryland, that the Small Wireless Facilities Aesthetic Guidelines be approved as a guiding document for the deployment of Small Cell Facilities in the Public Right-of Way.

**INTRODUCED AND PASSED** by the Council of the City of Bowie, Maryland at a meeting on April 1, 2019.

**ATTEST:**

**THE CITY OF BOWIE, MARYLAND**

\_\_\_\_\_  
Awilda Hernandez  
City Clerk

\_\_\_\_\_  
G. Frederick Robinson  
Mayor



# **SMALL WIRELESS FACILITIES DESIGN GUIDELINES**



**CITY OF BOWIE**

April 2019

## **PURPOSE**

The Small Wireless Facilities (“SWF”) design guidelines are for the purpose of providing aesthetic requirements and specifications for all SWF deployment on the public right-of-way within the City of Bowie (“City”) and consistent with all applicable federal, state, and local laws. It is our purpose to meet the demands of and increase the availability and quality of wireless broadband while preserving the character of our neighborhoods and maintaining the uniqueness of our streetscape.

## **BOWIE DEVELOPMENT REVIEW GUIDELINES AND POLICIES**

All small wireless facilities designs should be in compliance with Bowie Development Review Guidelines and Policies. These guidelines and policies are found on the City’s website.

## **SITE AVAILABILITY**

It is the City’s preference to have SWF be co-located on an existing pole whenever technologically possible, to the extent such co-location does not have the effect of prohibiting the provision of service.

Site Availability and Approval

Preferable sites

1. Private Property
2. Retail and Commercial Area
3. Highway Rights of Way

Least preferable sites

4. Residential Areas
5. Parks
6. Historic District

## **SWF INSTALLATION GUIDELINES**

### **Pole-Mounted Equipment Cages/Shrouds**

When pole-mounted equipment is either permitted or required, all equipment other than the antenna(s), electric meter and disconnect switch must be concealed within an equipment shroud not to exceed eleven (11ft<sup>3</sup>) cubic feet in total volume. The equipment must be installed no lower than fifteen (15’) feet above ground level. The equipment shroud must be non-reflective and painted, wrapped or otherwise colored to match the existing pole. It is preferred that equipment shrouds be mounted flush to the pole, subject to the pole owner’s approval. Standoff mounts are permitted for the equipment shroud, but may not exceed six (6”) inches and must include metal flaps (or “wings”) to conceal the space between the shroud and the pole.

## **Ground-Mounted Equipment**

Ground-mounted equipment is allowed when placed in conjunction with a new stealth pole and concealed in a ground mounted cabinet. The maximum acceptable dimensions of ground-mounted cabinet will be thirty (30") inches wide by thirty (30") inches deep by four (4') feet high and must be square in shape. Ground mounted cabinets must be installed flush to the ground and will be black in color, using Gloss Black #17038 per Federal Standard 595. Ground mounted equipment on sidewalks must not interfere with the flow of pedestrian traffic and must conform to the American's with Disabilities Act (ADA) in regards to appropriate sidewalk spacing.

## **Concealment**

The City requires the applicant to incorporate concealment elements into the proposed design. Concealment will include approved camouflage or shrouding techniques.

## **Utility Lines**

New service lines must be undergrounded whenever possible to avoid additional overhead lines. For metal poles, undergrounded cables and wires must transition directly into the pole base without any external junction box.

## **Lights**

Unless otherwise required for compliance with FAA or FCC regulations, the facility shall not include any permanently installed lights. Any lights associated with the electronic equipment shall be appropriately shielded from public view. This subsection is not meant to prohibit installations on streetlights or the installation of luminaires or additional street lighting on new poles

## **Antennas**

The antenna must be top-mounted and concealed within a radome that also conceals the cable connections, antenna mount and other hardware. GPS antennas must be placed within the radome or directly above the radome not to exceed six inches. The radome or side-mounted antenna and GPS antenna must be non-reflective and painted or otherwise colored to match the existing pole.

## **Spools and Coils**

To reduce clutter and deter vandalism, excess fiber optic or coaxial cables for small cell facilities shall not be spooled, coiled or otherwise stored on the pole except within the approved enclosure such as a cage or cabinet.

## **Above-Ground Conduit**

On wood poles, all above-ground wires, cables and connections shall be encased in the smallest section or smallest diameter PVC channel, conduit, u-guard, or shroud feasible, with a maximum dimension of 4" diameter. Such conduit shall be finished in zinc, aluminum or stainless steel, or colored to match those metal finishes.

## **Location of Pole Mounted Equipment**

All pole-mounted equipment must be installed as flush to the pole as possible. Equipment attached to metal poles must be installed using stainless steel banding straps. Equipment attached to wood poles may be bolted to the pole or installed using stainless steel banding straps. When the straps are attached to a metal pole, they must match the color of the pole. Through-bolting or use of lag bolts is prohibited. All pole mounted equipment shall be located as close together as technically possible and if possible, on the same side of the pole.

When pole-mounted equipment is either permitted or required, all equipment other than the antenna(s), electric meter and disconnect switch must be concealed within an equipment cage. Equipment cabinet may not extend more than 24 inches from the face of the pole. The equipment cabinet must be non-reflective, colored to match the existing pole if attached to a metal pole, and in the color of brushed aluminum if attached to a wood pole. Equipment cabinets should be mounted as flush to the pole as possible. Any standoff mount for the equipment cabinet may not exceed four (4) inches.

## **Location of Ground Mounted Equipment**

Ground equipment should be minimal and the least intrusive. It should be placed to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a right of way, maximize the line of sight required to add to safe travel of vehicular and pedestrian traffic and maximize that line of sight at street corners and intersections and minimize hazards at those locations. The City may deny a request that negatively impacts vehicular and/or pedestrian safety. The equipment shroud or cabinet must contain all the equipment associated with the facility other than the antenna. All cables and conduits associated with the equipment must be concealed from view, routed directly through the metal pole (with the exception of wood power poles) and undergrounded between the pole and the ground-mounted cabinet.

## **ATTACHMENTS TO STREETLIGHT POLES**

### **Residential Pole**

**Type A** residential fixtures shall be mounted on a 14'-0" round tapered steel pole with black powder coat finish. Poles shall be equipped with fuses, hand hole and anchor base. Poles shall be KW Industries RTPT14-5.4-11-Black-2 or approved equal. Fuses shall be in-line single pole weatherproof holders with 5 amp fuses, Buss catalog #HEG or approved equal.

**Type B** residential fixtures shall be mounted on a 14'-0" decorative fluted aluminum pole with black powder coat finish. Pole shall be equipped with fuses, hand hole and anchor base. Poles shall be Hadco-2560 or approved equal. Fuses shall be in-line single pole weatherproof fuse holders with 5 amp fuses, Buss catalog #HEG or approved equal.

**Type C** residential fixtures shall be mounted on 25'-0" round tapered galvanized steel pole. Pole shall be equipped with fuses, hand hole, and anchor base. Poles shall be KW Industries RTSP25-80-11G or approved equal with 6'-0" up sweep arm which shall be KW Industries FD1000-72-2-G-2 or approved equal. Fuses shall be in-line single pole weatherproof fuse holders with 5 amp fuses or approved equal.

### **Commercial and Industrial Pole**

**Type D** commercial and industrial fixtures shall be mounted on a 30'-0" round tapered galvanized steel pole. Pole shall be equipped with fuses, hand hole and anchor base. Poles shall be KW Industries RTSP30-80-11-G or approved equal with 6'-0" up sweep arm which shall be KW Industries FD1000-72-2-G-2 or approved equal. Fuses shall be in-line single pole weatherproof fuse holders with 5 amps fuses, Buss catalog #HEG or approved equal.

**Type E** commercial and industrial fixtures shall be mounted on a 30'-0" square tapered steel pole with bronze finish. Pole shall be equipped with fuses, hand hole and anchor base. Poles shall be KW Industries STSP30-7.15-11-G. Fuses shall be in-line single pole weatherproof fuse holders with 5 amp fuses, Buss catalog #HEG or industry equal.

### **Residential Fixtures**

**Type A** lighting fixture shall be a 100 watt equivalent LED and have single piece die-cast housing with integral base retractor panel supports and self-aligning pole top fitter for 3 inch O.D. pole top tendon. Fixture shall have alzak<sup>1</sup> reflector and polycarbonate lens. All external metal surfaces shall be black. Fixture shall be equipped with photocell. Fixture shall be McGraw Edison traditionaire, catalog No. TRD 3292-120-R-V or approved equal.

**Type B** lighting fixture shall be a 100 watt equivalent LED decorative luminaire with clear texture UV stabilized polycarbonate globe, powered black paint finish, prismatic UV stabilized polycarbonate refractor globe for roadway type II distribution, 4KV pulse rated porcelain module base socket, and polished alzak reflector. The lighting fixture shall have a 3" self-aligning tendon with stainless steel set screws, utilize a high power factor ballast, and be equipped with a photocell. Fixture shall be Hadco Victorian II catalog #V731-A-100-HPS-120V-PC or approved equal.

**Type C** lighting fixture shall be a 150 watt equivalent LED fixture with die-cast aluminum, three piece assembly with top housing, optical system door, and ballast access door. Fixture shall be finished with hard textured baked gray enamel, reflector on piece alzak aluminum with non-wicking dacronpolyster filtering gasket. Fixture shall be equipped with photocell. Fixture shall be Crouse-Hinds OVS15SH22E-RA1014 or approved equal.

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<sup>1</sup> Reflection from a smooth, shiny surface, such as specular aluminum or often called to as **Alzak**. Clear **alzak trim** creates low brightness.

## **Commercial and Industrial Fixtures**

**Type D** lighting fixture shall be a 400 watt equivalent LED fixture with die-cast aluminum, three piece assembly with top housing, optical system door and ballast access door. Fixture shall be finished with hard textured baked gray enamel, reflector on piece alzak aluminum with non-wicking dacronpolyester filtering gasket. Fixture shall be equipped with photocell. Fixture shall be Crouse-Hinds OVM40SW3E-RA1014 or approved equal.

**Type E** lighting fixture shall be a 400 watt equivalent LED fixture with a rectilinear sharp cut-off for high intensity discharge lamps, anodized aluminum extrusion bronze housing, anodized aluminum reflector with Type I distribution, heat and impact resistant tampered flat glass lens, high power factor equipped with photocell. Lighting fixture shall be Garco EH-19-1-1-120400HPS-BRA-PC or approved equal.

## SAMPLE POLES









