City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, NOVEMBER 25, 2013

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, November 25, 2013 in the Council Chambers at City Hall. Mayor Robinson called the meeting to order at 8:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Robinson led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Robinson, Mayor Pro Tem Trouth, Councilmembers Brady, Gardner, Marcos, Polangin and Turner; City Manager Deutsch, Assistant City Manager Fitzwater, City Attorney Ruff, City Clerk Hernandez, Staff, the Press and the Public.

CITIZEN PARTICIPATION:

1. Cpl. Harrington, Lt. Merrit and Deputy Chief Stawinski presented Councilmember Marcos with an award for his outstanding and dedicated service to Maryland State Police, Prince George's County Police and Bowie Police Departments.

2. Ms. Octavia Blake, representing the Evergreen/Willows Rent Stability Taskforce presented a request for legislation to establish rent equity and stabilization controls for senior housing facilities in the city.

Mayor Robinson said staff will review the document and Council will discuss at a future meeting.

COUNCIL ANNOUNCEMENTS:

On behalf of Council, Mayor Robinson presented Mr. Robert Patrick, Finance Director for the City, the Certificate of Achievement for Excellence in Financial Reporting Award received from the Government Finance Officers Association, and thanked him for his years of service. Mr. Patrick will be retiring in January 2014.

CITY MANAGER'S REPORT:

City Manager Deutsch reported that the City did not receive grant funding from the Federal Government for funding of future police officers. A draft Charter Amendment Resolution will be included in Council's next week packet for their review, in reference to the advisory question that was on the election ballot.

CONSENT AGENDA:

Councilmember Polangin moved the approval of Consent Agenda Items: A) Approval of October 7 Meeting Minutes; B) Approval of October 21 Meeting Minutes; C) Approval of November 18 Meeting Minutes; D) Approval of Resolution R-58-13 – Accepting Bid for the Design/Build for the Replacement of Two (2) Dry Pit Submersible Pumps at Pump Station #3 Located at 12134 Long Ridge Lane; E) Approval of Resolution R-66-13 – Waiving of the Competitive Bidding Requirement of Section 61 of the Charter of the City of Bowie to Allow for the Issuance of a Contract to J & C Ice Technologies, Inc. for the Acquisition of New Zamboni Ice Resurfacing Machine; F) Approval of Resolution R-68-13 – Approving an Annexation Agreement for the Maryland CVS Pharmacy, LLC Property (Tax Map 63, Parcels 16, 171 and 181) Located on the West Side of US 301, North of Mitchellville Road, and Authorizing the City Manager to Sing Said Agreement; G) Approval of Resolution R-69-13 – Approving the First Amendment to the Water Tower Lease Agreement Between the City and New Cingular Wireless PCS, LLC at 3107 Belair Drive; H) Approval of Resolution R-70-13 – Establishing a Policy Regarding Replacement of City Street Trees; I) Approval of Resolution R-71-13 – Approving an Annexation Agreement for the Crain Partners, LLC Property (Tax Map 63, Grid D-3, Parcel C and Outlot A) Located on the West Side of US 301, North of Mitchellville Road, and Authorizing the City Manager to Sign Said Agreement; J) Introduction of Ordinance O-01-14 – Amending the Adopted Budget for the Fiscal Year Beginning July 1, 2013, and Ending June 30, 2014, As Embodied in Ordinance O-02-13, to Reflect the Receipt of Additional Grant Funds and Donations; and to Appropriate Funds for the Following Projects and Purchases: To Support Identifying and Increasing Citizen Involvement in Private Tree Planting, to Repair Asphalt Walkways on Race Track Road, Expansion of the Capacity of the Youth Services Bureau to Provide Prevention Counseling, to Conduct a Conditions Assessment and Preventative Maintenance Plan for the Bowie Railroad Museum Complex and the Harmel House, to Provide Transit Business Shuttle Bus Services, to Purchase and Install Photovoltaic System and to Insulate the Roof at the Bowie Senior Center, to Dredge Allen Pond and Replace the Bulkhead and Floating Dock, to Upgrade the Lighting Systems for the Basketball Courts and Skate Park at Allen Pond, to Replace the Boiler at the Gymnasium, to Modify the Fire Suppression System at Kenhill Center, to Replace the Driveway, HVAC System and Hot Water Heater Heat at Bowie Ice Arena, and to Provide a Change Order to Fort Myer Construction Corporation for Street Resurfacing Throughout the City; K) Approval of Testimony for Prince George's County Hearing re: Legislation. Councilmember Marcos seconded the motion and it carried unanimously.

OLD BUSINESS:

Approval of Resolution R-56-13 – Enlarging the Corporate Boundaries of the City of Bowie, by Annexing Into the City Lands Contiguous and Adjoining to the City's Existing Corporate Boundary, Specifically, Residential Property Known as the Ashleigh Subdivision (Phase 2), Consisting of 60.0700 Acres of Land, Generally Located West of Pin Oak Parkway, South of Woodmore Estates and North of Church Road Park, Lying Between Phase 1 of Ashleigh Subdivision and Church Road.

Mr. David Deutsch, City Manager, summarized the staff report and recommends approval of Resolution R-56-13 - Annexing Phase 2 of Ashleigh Subdivision into the City lands.

Public Hearing:

Since there were no speakers signed up to speak, Mayor Robinson declared the public hearing to have been held.

Mayor Pro Tem Trouth made a motion to approve Resolution R-56-13 – Annexing Ashleigh Subdivision, Phase 2 into the City. Councilmember Brady seconded the motion and it carried unanimously.

NEW BUSINESS:

A. Animal Shelter Proposal – City Manager David Deutsch briefed Council on the proposal. The proposal is to extend the existing Animal Holding Room to include an adjoining room that is currently designed for storage. Staff met with Bowie CLAW members and showed them the rooms. The Board of Directors of CLAW voted to endorse the proposal City staff recommended.

Public Hearing:

1. Ms. Tara Kelley-Baker, President of Bowie CLAW, spoke in favor of endorsing the proposed expansion of the Animal Holding Room.

Since there were no more speakers signed up to speak, Mayor Robinson declared the public hearing to have been held.

Following comments from Council, Councilmember Brady made a motion to endorse staff's proposal with the slight modification that consideration be taken to do both rooms. Councilmember Marcos seconded the motion and it carried unanimously.

B. Energy Audit Program for Bowie Seniors – Mr. Joe Meinert, Planning Department Director introduced Ms. Kristin Larson, Sustainability Planner for the City. Ms. Larson summarized the program that is part of the BGE Home Performance with ENERGY STAR® program. The energy audit is available to eligible BGE customers for $400, BGE rebates $300 of the cost and the homeowner is responsible for the remaining $100. The City currently has funding dedicated this fiscal year of $10,000 to reimburse the $100 out-of-pocket cost for 100 comprehensive energy audits completed by senior citizens. The first 100 seniors who submit an application, meet City and BGE eligibility requirements and then complete the energy audit will receive the $100 reimbursement.

Public Hearing:

1. Mr. Gary Allen, Chairman of the Bowie Environmental Advisory Committee, spoke in favor of endorsing the program.

Since there were no more speakers signed up to speak, Mayor Robinson declared the public hearing to have been held.

Councilmember Turner made a motion to proceed with the marketing efforts of the Energy Audit Program for Bowie Seniors. Councilmember Gardner seconded the motion and it carried unanimously.

C. University of Maryland Environmental Finance Center Stormwater Management Study Review – Ms. Joanne Throwe, Environmental Finance Center Director, briefed Council on the audit of the City's stormwater management program and a Stormwater Financing Feasibility Study. A copy of the presentation is on file in the City Clerk's office.

Public Hearing:

1. Mr. Gary Allen, Chairman of the Bowie Environmental Advisory Committee, offered support from the EAC to Council in any future decisions that have to do with stormwater management.

Since there were no more speakers signed up to speak, Mayor Robinson declared the public hearing to have been held.

Council thanked Ms. Throwe for the Environmental Finance Center's presentation.

D. Special Exception (SE-4734) – Wal-Mart - Mr. Joe Meinert, Planning Department Director, summarized the staff report and the Bowie Advisory Planning Board's report. Special Exception (SE-4734) application is for the purpose of constructing an 186,933 sq. ft Wal-Mart store on a 24.90-acre site, which is part of a 73.98 acre property, located in the northeastern quadrant of US 301(northbound)/Mill Branch Road intersection.

Mr. Andre Gingles, with the law firm of Gingles, LLC representing Wal-Mart, summarized his client's plans for the development of the new store. Current store is outdated and does not fit the developers' vision for the updated store.

Public Hearing:

1. Robin Williams, 15612 Ensleigh Lane; spoke in opposition of the Special Exception.

2. C.J. Lammers, 17705 Queen Anne Bridge Road; opposes the Special Exception stating that it does not conform to the Master Plan.

3. John Henry, 16104 Pond Meadow Lane; does not agree with the construction of a new building, the City currently has a lot of empty buildings that could be used.

4. Karen DeFazio, 16117 Amethyst Lane; opposes the project. Copy of her statement attached.

5. G. Macy Nelson, 401 Washington Ave, Towson, opposes the recommended approval of the Special Exception by staff.

6. Mike Terry, 15 Rivers Fund Drive, Seaford, DE; owner of adjacent property and opposes the project.

7. Andrew Bottner, 2502 Mill Branch Road; opposes the development of a new Wal-Mart.

8. David Jacobs, 14410 Dolbrook Lane; spoke in favor of approval to the Special Exception.

9. Ted Williams asked if there were any studies done on how the development will impact his home value and taxes.

10. Ramona Williams-Parker opposes the development, feels that traffic will increase on Route 301.

11. Cathy Bearinger, 17470 Mill Branch Place; spoke in opposition of the approval for the Special Exception.

12. Steve Cann, 12615 Beechfern Lane; spoke in favor of the development of the new Wal-Mart.

13. Denise Tyler, 12336 Quarterback Ct.; supports the project.

14. John Trussell, 2410 Mill Branch Road; spoke in opposition of the development.

15. Kye Robinson, 16423 Elysion Lane; spoke in favor of approving the Special Exception.

16. Amber Thigpen, 12301 Manvel Lane; supports the construction of new Wal-Mart, current store is rundown.

17. Sandy Spencer, 16230 Cambridge Ct.; does not support the Special Exception; it is not compatible with the surrounding farmlands.

18. Chris Lawson, 802 Palatine Place; spoke in support of the project.

Since there were no more speakers signed up to speak, Mayor Robinson declared the public hearing to have been held.

Councilmember Gardner thanked the residents that came out and presented their comments on this project. Councilmember Gardner asked staff what other development plans are planned for this site besides the Wal-Mart store. Mr. Meinert explained that there is a detailed site plan that will be coming before Council in the next few months that shows future retail, hotel and restaurants for this 74-acre site.

Councilmember Gardner stated that he has concerns of having vacant retail buildings in the City of Bowie and would like to know if the Special Exception is approved, what Wal-Mart plans for the current building are once it is vacant. Mr. Gingles stated that Wal-Mart brings in their real estate team and begins to review the variety of options for the building to get it occupied as soon as possible.

Councilmember Turner stated for the record that an Ex-Parte form was filled out for a conversation he had with a representative from Wal-Mart discussing the status of the application. Councilmember Turner asked Mr. Gingles if the Special Exception was denied, what will be Wal-Mart's next step. Mr. Gingles responded that Wal-Mart has determined that a large store needs to be built whether in the City or in a new location along 301.

Councilmember Brady asked staff the height requirements for lighting on commercial properties. Mr. Meinert replied that the height has been typically what ever the height of the building is. Councilmember Brady asked the applicant if the current store will remain in operation until the new store is open. Mr. Gingles replied yes.

Councilmember Gardner made a motion to approve Special Exception #SE-4734 as presented with staff's additional conditions. Councilmember Marcos seconds the motion. Motion carried by a vote of 6-1 (Brady).

ADJOURNMENT:

Mayor Pro Tem Trouth moved to adjourn the City Council meeting. Councilmember Brady seconded the motion and it carried unanimously. The meeting was adjourned at 12:01 a.m.

Respectfully submitted,

Awilda Hernandez
Awilda Hernandez, CMC
City Clerk

Karen DeFazio
President, Glen Allen Homeowners Association
16117 Amethyst Lane
Bowie, MD 20716

I have no love for WalMart, but I'm too much of a realist to think that they are going anywhere. They're here and we're stuck with them.

My main issue with their new project is their traffic plan or lack of one. At the meeting they held with community leaders this summer they really didn't have much of a plan and tried to downplay the issue. If they keep their promise to sell or lease their current location, either to one large concern or broken up for smaller businesses, there will still be considerable traffic from that site at the Excalibur/Route 301 intersection. This will be added to the considerable traffic expected from their new, bigger, better location. There is actually the potential of doubling the traffic at the intersection.

The current traffic situation on Route 301 is not good. Remember the 'WalMart Weave' when people had to quickly weave through several lanes to get into the left turn lane when leaving WalMart? After the requisite number of fatalities, some ugly posts were installed to prevent it. Fatalities have gone down but the intersection is still bad. It will be much worse when the traffic is doubled.

A new traffic plan must be developed in conjunction with this project to include substantial improvements to Route 301. It will take a good traffic engineer to determine the best way to handle it to minimize the impact of the project. Perhaps it will include adding a lane to Route 301 in both directions as Mr. Trouth has mentioned. Perhaps it would include leveling the cross over from Excalibur across 301 to Mill Branch. Whatever the improvements are, WalMart should pay for a significant portion of the improvements as a simple cost of doing business. Taxpayers should not have to subsidize a multi-billion dollar corporation.