City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, MAY 5, 2014

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, May 5, 2014 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, and Turner; City Manager Deutsch, Assistant City Manager Fitzwater, City Attorney Levan, City Clerk Hernandez, Staff, the Press, and the Public.

CITIZEN PARTICIPATION:

1. Harlan Tucker, representing the Community Recreation Committee, spoke in support of a new Indoor Sports Facility in the City.

2. Jeff Schumacher spoke in regards to proposing property tax relief for pools located within the City.

PRESENTATIONS:

A. Mayor Robinson presented Mr. Byron Matthews, City Finance Director, with the 2013 GFOA Distinguished Budget Award and commended him and his department for the great work they are doing.

B. Councilmember Turner presented Proclamation P-9-14 – Congratulating the Take Charge Pride 10 & Under AAU Boys Team Championship Win. Mayor Pro Tem Trouth made a motion to approve Proclamation P-9-14. Councilmember Brady seconded the motion and it carried 6-0.

COUNCIL ANNOUNCEMENTS:

Mayor Robinson announced the upcoming Memorial Day parade on May 24th and the Ceremony on May 26th at the Veteran's Memorial. There will be a Budget Worksession on May 6th, followed by a Closed Session Meeting of the Council, Statutory Authority to Close Session, State Government Article, §10-508(a)(3): To Consider the acquisition of real property for a public purpose and matters directly related thereto.

CITY MANAGER'S REPORT:

City Manager Deutsch reported on the milling of Rt. 197 in preparation for paving, the Job Fair held by the City had a turnout of 553 participants and on the train derailment that occurred last week and the clean-up process of that site.

CONSENT AGENDA:

Councilmember Marcos moved the approval of Consent Agenda Items: A) Approval of April 7 Meeting Minutes; B) Approval of April 14 Meeting Minutes; C) Approval of Proclamation P-7-14 – Proclaiming May 16, 2014 as Bike to Work Day in the City of Bowie; D) Approval of Proclamation P-8-14 – Proclaiming the Month of May 2014 as National Bike Month; E) Approval of Resolution R-20-14 – Accepting Bid Proposal for Construction Inspection and Lead-Based Paint Inspection for the HUD CDBG Senior Citizen "Green" Housing Rehabilitation Program; F) Approval of Resolution R-21-14 – Accepting Bid Proposal for Energy Audits for the HUD CDBG Senior Citizen "Green" Housing Rehabilitation Program; G) Approval of Resolution R-22-14 – Awarding a Contract for the Repair of the Slate Roof and Replacement of the Standing Metal Seam Roof at the Historic Belair Mansion; H) Approval of Resolution R-23-14 – Approving Variance Application BV-2-14, a Request by James Holderbaum to Allow the Construction of 24' x 30' Accessory Building (2-car, Detached Garage) in the Front Yard at Substantially the Same Location Shown on the Applicant's Site Plan When, According to the Prince George's County Zoning Ordinance, Accessory Buildings Shall be Generally Located in the Rear Yard, at 13020 Forest Drive; I) Approval of Resolution R-24-14 – Approving Variance Application BV-3-14, a Request by Ms. Zemrushe Shabiu to Allow the Construction of Approximately 110 Linear Feet of Six Foot High Fencing Along Kemmerton Lane When, According to the Prince George's County Zoning Ordinance, Such Fencing Shall not be More Than Four (4) Feet High, at 12513 Kensington Lane; J) Approval of Resolution R-25-14 – Dissolving the City of Bowie Heritage Committee; K) Approval of Resolution R-26-14 – Releasing the Construction Securities for the Storm Drain, Paving and Appurtenances Constructed Under Permit SDP 1-0203 at Maryland Science and Technology Center (Now Known as Melford) Block 2, Lots 2 and 3; L) Approval of Letter to Prince George's County Council re: Prince George's County FY 2015 Proposed Budget and Capital Improvement Program.

Councilmember Turner requested that item (L) under Consent Agenda be moved to New Business for further discussion. Councilmember Gardner seconded the motion and it carried 6-0.

OLD BUSINESS:

A. Zoning Map Amendment (#A-10031) – Councilmember Turner stated that this matter is being presented again to Council at his request to give Council the opportunity to go on record with the County given the history of this project. This item is a request to rezone the 19.03-acre Amber Ridge site from C-S-C (Commercial Shopping Center) to M-X-T (Mixed Use Transportation Oriented), a mixed use zone.

Public Hearing:

1. Ruth Ann Snyder, 1707 Pittsfield Lane – supports the rezoning from CSC to MXT with conditions. (Copy of conditions on file in the Planning Department)

2. Russ Ideo, 16403 Pointer Ridge Drive – stated that he is concerned with the traffic safety of the area.

3. Craig Muckle, President of Greater Bowie Chamber of Commerce – read a letter of support from the Chamber. (Copy on file in the Planning Department)

4. Denise Tyler, 12336 Quarterback Ct. – spoke in favor of the zoning map amendment.

5. Daryl Newson, 2209 Penfield Lane – supports the rezoning of the property.

6. Ski Lawson, 802 Palatine Place – is in support of the zoning map amendment.

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

Mayor Pro Tem Trouth submitted to the City Clerk, letters from Mr. Ideo and Ms. Snyder for the record. (Attached)

Mayor Pro Tem Trouth made a motion to support Zoning Map Amendment (#A-10031) with staff recommendations. Councilmember Gardner seconded the motion.

Councilmember Turner shared concerns about the traffic impacts on Pointer Ridge Drive and Rt. 301 as well as compliance standards with mitigation.

Councilmember Brady offered an amendment to Mayor Pro Tem Trouth's motion to approve the zoning map amendment with staff recommendations as well as the inclusion of the traffic signal at Rt 301. Mayor Pro Tem Trouth and Councilmember Gardner agree with amendment to the motion. Motion passed 5-1 (Turner)

B. Legislative Update - City's lobbyist, Mr. Len Lucchi provided Council a review of the bills affecting Maryland municipalities and the City of Bowie that were passed during the 2014 General Assembly Session. Within the adopted Capital Budget for FY 2015 there are funds earmarked for improvements to Tasker Middle School, Pointer Ridge Elementary School, Bowie High School and the Bowie Gymnasium. Some of the bills deal with municipal election offenses, campaign finance reports, speed monitoring systems and the Regional Institution Strategic Enterprise Zone Program. A copy of Mr. Lucchi's report is on file with the City Clerk.

Councilmember Brady asked Mr. Lucchi if the responsibility of filing the Campaign Finance Reports with the State falls on the municipality or the candidate. Mr. Lucchi replied that it falls on the candidate.

Mayor Robinson thanked Mr. Lucchi for another outstanding year of service.

NEW BUSINESS:

A. Approval of Letter to Prince George's County Council re: Prince George's County FY 2015 Proposed Budget and Capital Improvement Program – Councilmember Turner requested to include under Transportation the discussion of pedestrian improvements on Race Track Road.

Councilmember Turner made a motion to approve the letter to Prince George's County Council re: the FY 2015 Proposed Budget as amended. Councilmember Brady seconds the motion and it passed 6-0.

B. FY 2015 Budget, CIP and Constant Yield Tax Rate - City Manager Deutsch reported that municipalities are required by State law to place an advertisement in a local newspaper and to hold a

public hearing on the Constant Yield Tax Rate. The City has complied with those requirements and is considering not decreasing the current tax rate of $.40 per $100 of assessment since the difference is minor.

Public Hearing:

1. Jeff Schumacher, 12108 Round Tree Lane – spoke in support of having a swimming pool included in the Indoor Sports Facility Center.

2. George Albaugh, 12327 Manship Lane – spoke in support of new ice arena.

3. Felicia Snyder, 3912 Yarland Lane – supports a two sheet ice arena facility.

4. Sherry Jaouad, Lavender Lane – spoke in support of two-sheet ice arena.

5. Brian Jamison, 16308 Epsilon Court – spoke in support of a new Indoor Sports Facility that accommodates, basketball, swimming and hockey.

6. John Mitchell, 16331 Bawtry Court – supports a two-sheet ice arena.

7. Jerri S. Falk, 3494 Constellation Dr., Davidsonville – spoke in favor of new ice arena.

8. James Howard, 17204 Longleaf Drive – spoke in favor of building a new Indoor Sports Facility.

9. Kay Kane, representing Bowie Green Team – spoke in support of continuing the funding from the City on Green initiatives.

10. Lori Jones, 135 Drexel Dr., Millersville - spoke in support of two-sheet ice arena and presented a petition list in support of arena. (A copy is on file in the City Clerk's Office)

11. Donna McCorckle, 12300 Rolling Hill Lane – supports the facilities.

12. Don Phillips, 8103 Oat Farm Ct. – spoke in favor for the need of new ice arena.

13. Sean Woods, 2000 Delilah Ct. – spoke in support of two-sheet ice arena.

14. Sherman Witherspoon, 11901 Bracket Ct – supports a new sports facility.

15. Charles Djossou, 14903 River Chase Ct. – supports a new indoor sports facility.

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

Mayor Robinson thanked all the citizens that spoke this evening and stated that Council will discuss the Indoor Sports Facility in the upcoming Budget Worksessions.

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 9:47 p.m.

Respectfully submitted,

Awilda Hernandez, CMC
City Clerk

To: City of Bowie Councilmembers

From: Ruth Anne Snyder

Re: Amber Ridge – Rezoning

I support the rezoning from CSC to MXT with the following conditions:

1- The storm water management pond currently in the NW corner of this property shall be closed and relocated to a place that is in compliance with state and county regulations.
2- In compliance with state and county regulations NO permits shall be granted until all out flow issues on to adjacent properties are corrected.
3- Soil core samples shall be conducted on Amber Ridge and any adjacent properties that are noted on any site plans as "spillways" for this site prior to any permit or plan approvals to ascertain the extent of the Marlboro Clay outcrops.
4- Limit type, number, and square footage of non-porous areas and buildings to a capacity that is in compliance with constructions standards on a site with Marlboro Clay outcrops.
5- The setback between adjacent residential properties shall be a substantial natural screen buffer to mitigate the impact of this development on current residents.

16403 Pointer Ridge Dr.
Bowie, Md. 20716
April 29, 2014

Re: Zoning Map Amendment A-10031

Dear Dr. Issac Trouth:

I hope to be back in town by 7:30 but in case I am not, the following text is intended as my comments on the Zoning Map Amendment hearing.

Mr. Mayor and members of the City Council:

My Name is Rosario Ideo and I live at 16403 Pointer Ridge Dr. in Bowie, Md. With the uncertainty associated with this change in zoning from C-S-C to M-X-T I believe that the Council might suggest to the Developer that he take a second look at what he wishes to place on this site. For the Community there are many questions surrounding this request that need answers that the Developer does not seem to have or does not want to address.

At the Stakeholders meeting he stated that he did not have any idea what the layout of the plat would be or what type of housing. Yet in the Zoning Map Amendment A-10031 on Page 7 Paragraph D, the Staff states the he requests a development of 320 apartments. Also due to the change in the zoning he does not intend to have the traffic signal arrangement that he had approved for the shopping center. Does he intend to rent or sell these apartments? Are they intended for Senior Citizens? Are they going to be only one bedroom apartments or two or three or more? That at least tells you how many people will occupy these 320 apartments. With a house you know that there is going to be at least three bedrooms. This will tell you the stress that will be put on the School System and if you are going to expect School Buses entering into the development.

The traffic that the shopping center or the new change in zoning will create has not changed the requirement for the traffic lights already approved. The Developer stated at the Stakeholders meeting that the Planning Board requested that he come in with a new proposal without the traffic light, but in A-10031 the Staff makes a statement on Page 4 at the end of Paragraph A. "that the Plans for a proposed half-signal and median crossover at the median crossover at the main site access from the northbound lanes of US 301 have apparently been abandoned". Who is telling the truth? If he is going with the shopping center then the lights are a requirement. If he wants the zoning change the traffic lights are still a need to control the traffic that the housing and the retail stores that he proposes will create. The stores will create additional pass by ingress and egress traffic, although he does not address this. You expect the customers to fight the congestion to get back on US 301 without a traffic light?

Without the traffic lights the occupants of these 320 apartments, Seniors or otherwise, will not fight US 301 traffic. They will use Pointer Ridge Place as their means of ESCAPE from their development. This is a two Lane Secondary City road. Consideration 6 on Page 22 states, "Standard Sidewalks shall be provided along both sides of Pointer Ridge Place extended". That will never happen. There is no room to expand Pointer Ridge Place. This ESCAPE route will cause considerable traffic congestion for the Post Office on Pointer Ridge Place and Pointer Ridge Drive and the Fire House that is only 50 feet away from Pointer Ridge Place. What about the School Bus or truck trying to get out of or into Pointer Ridge Place. Being a former School Bus Driver I'm headed for Pointer Ridge Place not US 301. In

the late afternoon and evening the apartment occupants will use Mitchellville Road, Pittsfield Lane, Pickford Lane and Pointer Ridge Dr. to enter back into their development. They will not fight a 20 to 30 minute drive on US 301 South to get to their entrance. Northbound traffic on US301 will use Pointer Ridge Drive to get to Pointer Ridge Place. Who will win the fight to enter Pointer Ridge Place? The Right hand or the left hand turn? How about the residents on Pointer Ridge Drive. How long will we have to wait to get in or out of our driveways? Have I painted a picture of Chaos?

I have seen more traffic studies than I care to see. And this traffic study is no different. Like statistics you can make anything you want, to work if you put in the right numbers. We do not need any more mitigation on US 301 South at Pointer Ridge Drive. The traffic light is our mitigation and the mitigation that goes with the shopping center.

Rosario Ideo