



City of Bowie

Regular City Council Meeting

Tuesday, June 20, 2023
Council Chambers - 8 p.m.

AGENDA

- I. CALL MEETING TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. QUORUM**
- IV. AGENDA ADDITIONS/DELETIONS/AMENDMENTS**
- V. CITIZEN PARTICIPATION**
- VI. PRESENTATIONS**
- VII. CITY BOARDS AND COMMITTEES**
 - A.** Appointments/Re-appointments/Swearing-in
- VIII. COUNCIL ANNOUNCEMENTS**
- IX. CITY MANAGER'S REPORT**
- X. CONSENT AGENDA**
 - A.** Approval of May 1, 2023 Council Meeting Minutes
 - B.** Approval of May 8, 2023 Special Council Meeting Minutes
 - C.** Approval of May 15, 2023 Council Meeting Minutes
 - D.** Adoption of Proclamation P-12-23 Proclaiming June 19-25, 2023 as Pollinator Week in the City of Bowie
 - E.** Adoption of Resolution R-36-23 Awarding a Contract to A.C. Schultes of Maryland, Inc. for the Purchase of Equipment to Redevelop Well #5 in the Amount of \$162,150
 - F.** Adoption of Resolution R-42-23 Authorizing the City Manager to Execute a Memorandum of Understanding With the Maryland-National Capital Park and Planning Commission Concerning the Development of a State of Place Analysis for the City
- XI. OLD BUSINESS**
 - A.** Revision to Specific Design Plan SDP-8945-08 (Ternberry) – The developer, A.R. Builders, is requesting the City's approval recommendation for a Specific Design Plan revision to approve architecture, access, house locations and landscaping on 11 vacant lots situated at several locations on Pennsbury Drive currently owned by NAHB Research Center, Inc. The development proposal includes seven single-family detached homes and four townhouse units on 1.3 acres, to be developed under the R-S (Residential Suburban) standards within

the LCD (Legacy Comprehensive Design) Zone - **Public Hearing/Eligible for Action**

- B.** Introduction and Adoption of Emergency Ordinance O-10-23 Repealing Ordinance O-7-23, Amending the Adopted Budget for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023 to Appropriate Funds for Planning, Design, Engineering & Permitting Services for the City's New Single Sheet Ice Arena and Declaring the Ordinance an Emergency Ordinance so that it May Become Effective Immediately - **Eligible for Action**
- C.** Adoption of Emergency Ordinance O-9-23 Amending the Adopted Budget for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023, Embodied in Ordinance O-1-22, as Amended by Ordinances O-5-22, O-6-23 and O-7-23, to Authorize the Transfer of Certain Amounts in the FY2023 Budget to Pay for Anticipated Expenses - **Public Hearing/Eligible for Action**

XII. NEW BUSINESS

- A.** Briefing on County Transit System
- B.** Adoption of Resolution R-41-23 Adopting the Housing and Community Development Cares Act Amendment: FY2023 (HUD FY2022) Amended Annual Action Plan - **Public Hearing/Eligible for Action**

XIII. ADJOURNMENT AND MOVE TO CLOSE SESSION

- A.** To adjourn to closed session under the statutory authority of the Md. Annotated Code, General Provisions Article §3-305(b)(7): "To consult with counsel to obtain legal advice".

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 6/21/23 and 6/24/23 at 7:00 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 2023 Council Meetings list. Once the meeting video opens, be sure to click on "CC" button to turn on closed captioning.

NEXT REGULAR MEETING OF THE BOWIE CITY COUNCIL - MONDAY, JULY 3, 2023 - COUNCIL CHAMBERS - 8:00 P.M.



Memorandum

TO: City Council

FROM: Awilda Hernandez, City Clerk

SUBJECT: Committee Appointments/Re-appointments/Swearing-in

DATE: 06/15/2023

Committee Appointments and Swearing-in:

1. Ms. Susan Fru-Ndi was interviewed on June 5 for appointment to the Arts Committee. Council concurred to appoint her to the committee as a student member for a 2-year term. Please move to appoint her.
2. Ms. Elissa Dunston was interviewed on June 5 for appointment to the Diversity Committee. Council concurred to appoint her to the committee as a member for a 2-year term. Please move to appoint her.
3. Mr. Richard Sexton was appointed to the Board of Personnel Appeals on May 1. Please swear-in Mr. Sexton to the Board of Personnel Appeals.

ATTACHMENTS: None

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, MAY 1, 2023

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, May 1, 2023, in the Council Chambers at City Hall. Mayor Adams called the meeting to order at 8:03 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Adams led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Adams, Councilmembers Esteve, Gardner (Virtually), Ndebumadu (virtually 8:11 p.m., in person 8:37 p.m.), and Woolfley, City Manager Lott, Assistant City Manager Mears, City Attorney Levan, City Clerk Hernandez, and Staff.

COUNCIL ANNOUNCEMENTS:

Mayor Pro Tem Ndebumadu thanked City's IT Director Todd Peterson, for his support during a Smart Cities meeting.

Mayor Adams thanked staff for a great Arbor Day celebration over the weekend.

CONSENT AGENDA:

Councilmember Woolfley made a motion to approve Consent Agenda items: A) Approval of April 17, 2023 Meeting Minutes; B) Adoption of Proclamation P-6-23 Proclaiming April 30 Through May 6, 2023 as Professional Municipal Clerks Week in the City of Bowie; C) Adoption of Proclamation P-7-23 Proclaiming May 16, 2023 as "I Love to Listen Day" in the City of Bowie; D) Adoption of Proclamation P-8-23 Proclaiming the Week of May 7-13, 2023 as Children's Mental Health Awareness Week in the City of Bowie; E) Adoption of Resolution R-27-23 Awarding a Contract to Bry's Lawn Care and Landscaping, LLC for Vinyl Chain Link Fence Installation; F) Introduction of Ordinance O-6-23 Supplemental Appropriations for the Annual Budget for the Fiscal Year ending June 30, 2023; G) Approval of Tanglewood Natural Area Master Plan. Councilmember Estève second the motion. Motion passed 5-0.

OLD BUSINESS:

A. Adoption of Ordinance O-4-23 Amending the Code of the City of Bowie, Chapter 21A to Amend the Title of the Chapter and the Name of Article I Thereof, to Amend Sec. 21A-9 "Permits – Requirements, Expiration and Renewal" to Provide That Erosion and Sediment Control Permits Shall be Valid for Three Years, and to Amend Sec. 21A-28 "Municipal Grading Permits – Term" to Provide that Grading Permits

Shall be Valid for Two Years – City Attorney Levan summarized the staff report and Ordinance. The amendment as proposed are based on State mandated laws.

Public Hearing:

Since there was no one signed up to speak, Mayor Adams declared the public hearing to have been held.

Councilmember Woolfley motioned to adopt Ordinance O-4-23. Councilmember Estève second the motion. Motion passed 5-0.

B. FY 2024 Budget, CIP and Constant Yield Tax Rate - Finance Director, Mr. H. Byron Matthews, 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 proposing to raise the current tax rate to \$0.45 per \$100 of assessment. This tax rate is 17.7% higher than the Constant Yield Tax Rate and will generate \$5,876,014 in additional property tax revenues for the City. Given the cost rates and revenue constrains the City faces, staff recommends the increase in the tax rate.

Public Hearing:

City Clerk Hernandez stated that one comment was received via email for this item and it is attached to the minutes as part of the record.

1. John Teasdale, Midwood Ln. – Copy of comment attached.
2. Bob Bapczynski, Maple Ave. – Requested Council's support in funding for the Old Town Bowie Railroad Museum.

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

Mayor Pro Tem Ndebumadu motioned to table the vote of the Constant Yield Tax Rate to the May 15th meeting and hold another Public Hearing that evening as well. Councilmember Gardner seconded the motion. Motion passed 3-2 (Estève, Woolfley).

C. Economic Development Roundtable – Economic Development Director, Mr. John Henry King summarized the memorandum to Council. At the March 6, 2023 Council meeting, Council instructed staff to work with the City's Economic Development Committee to devise a plan that would include input from existing developers, current business owners, County officials and City officials on repairing the lines of communication and strengthen the partnership between all.

The Economic Development Committee discussed this item at their April 12, 2023 meeting and proposes the following plan: 1) At a regular Council meeting, an industry expert in retail leasing, will provide Council with a briefing on retail center development, leasing, operation, and revitalization to provide a greater understanding of the business of shopping center retail; 2) At a second Council meeting, could be a Special meeting and it should be virtual, invite all thirteen (13) retail center owners/landlords and their leasing representatives, as well as invite specific Bowie shopping center located retail or restaurant businesses identified by City Council. This meeting should be held on a weeknight and with a possible start time of 6:00 p.m. The EDC Chair, Ms. Yolanda Muckle would be the moderator of the meeting.

Councilmember Esteve suggests inviting representatives of DPIE as well since they would be involved in some aspect of the permitting process for businesses.

Councilmember Woolfley has some restrictions on having a midday meeting due to his daytime employment, but is welcome to starting the meeting at 6:00 p.m.

Mayor Pro Tem Ndebumadu thanked staff for this plan and is in agreement with Councilmember Esteve to include DPIE in the meeting, and representatives from District 4 in the County as well as a representative from the County Executive's office. Willing to look at possibly holding the meeting on a weekend.

Council concurred to have the Economic Development Committee proceed with scheduling the roundtable with business owners, City Council, County Council District 4 representative and representatives from DPIE on a Saturday to discuss Economic Development in the City.

NEW BUSINESS:

A. Half Note Lounge – Mr. Derrick Thomas owner of the brand Half Note briefed Council on the potential opening of the lounge at Marketplace. He will not be opening/running this proposed location; he sold a license agreement to Ms. Kimberly Burke who will actually be running the lounge in Marketplace. The Half Note Restaurant and Lounge caters to crowds over 35 years of age, serves American cuisine and provides live musical entertainment. He originated the first lounge in 2008 off of Rt. 450 until about a week before the Covid pandemic started.

Council thanked Mr. Thomas for his briefing and look forward to having Ms. Burke come before them once her plans are finalized.

B. Detailed Site Plan DET-2022-018 – Mr. Joe Meinert, Planning Director, summarized the staff report. Berman Enterprises, owner of Bowie Marketplace, is seeking approval of a new proposal to build a multi-story consolidated storage facility and car wash on the vacant land behind the retail shopping center. The 4.94-acre development site, zoned Commercial-General-Office (CGO), is located on the west side of Superior Lane, approximately 700 feet south of MD 450. The plan includes a 275,100 square foot consolidated storage building complex consisting of two phases - a 132,300 square foot, three-story building (Phase 1) and a 142,800 square foot, four story building (Phase 2). In addition, a 4,575 square foot car wash building is proposed along Superior Lane. The proposed uses are listed as permitted uses in the CGO zone. Consolidated storage is a specifically named use. A car wash fits into the definition of a Personal Vehicle Repair and Maintenance Use. Accessory uses, such as related outdoor storage, are permitted to serve principal uses.

Staff recommends approval of Detailed Site Plan DET-2022-018 with the following conditions: 1) The DSP shall be revised to create appropriate pavement striping and markings for safety between the proposed consolidated storage building and the existing retail building; 2) The applicant shall examine the use of pervious paving in the less heavily traveled portions of the site, such as between the storage buildings and the southern property line, where stormwater bioretention is proposed. Another possible location might be in the parking area located east of the Phase 2 building, between the storage building and the car wash, where grass pavers could be used to enhance the green space and eliminate pavement in this portion of the parking lot.

Attorney Andre Gingles, representing the applicant stated that his client is in agreement with the proposed conditions from staff.

Public Hearing:

1. Larry Swank, Scarlet Ln. – Spoke in opposition of the proposed plan for the storage facility and car wash.

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

Council discussed the development at length. Councilmember Woolfley motioned to table this item to the May 15th Council meeting in order for the applicant to have a proper dialogue with the community members specifically the nature of the height and stair stepping of the structures; to address noise mitigation; to ensure there is the provision of non-profit space; and to allow the City Attorney to review arrangements that were entered into with the transfer of the property to ensure there is proper usage of the property with regard to parking. Councilmember Gardner seconded the motion. Motion passed 5-0.

C. Adoption of Resolution R-26-23 Approving the Citizen Input and Proposed Projects for the Community Development Block Grant Program – Mr. George Jones, Grant Officer, summarized the resolution. The City of Bowie receives Community Development Block Grant (CDBG) funds from the US Department of Housing and Urban Development (HUD) through an entitlement. The City of Bowie's Consolidated Action Plan for Housing and Community Development (Plan), Fiscal Year 2024-2028 will analyze housing, human services, and non-housing community development needs throughout the City, identify and prioritize community needs, and include a strategy to address those needs. The City of Bowie is a HUD Entitlement Community and as such must develop funding priorities that address at least one of three National Objectives. CDBG projects must benefit low-moderate income persons, eliminate slums and blight, or fulfill an urgent need. This program allows communities to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services.

Public Hearing:

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

Councilmember Esteve motioned to adopt Resolution R-26-23. Councilmember Woolfley seconded the motion. Motion passed 4-1 (Ndebumadu).

ADJOURNMENT:

Mayor Pro Tem Ndebumadu motioned to adjourn the Regular City Council meeting. Councilmember Esteve seconded the motion. Motion passed 6-0. The meeting adjourned at 11:03 p.m.

Respectfully submitted,

Awilda Hernandez, MMC
City Clerk

Awilda Hernandez

From: John Durning <john.durning.jd@gmail.com>
Sent: Wednesday, April 26, 2023 8:59 AM
To: cityclerk
Cc: balanceworksmail
Subject: {EXTERNAL}: Proposed Real Property Tax Increase

Hello,

We saw the notice of the proposed tax increase in the Homes section of the Washington Post. We were quite surprised to read of such a large proposed increase, 17.7%, without any mention of the justification for such an increase. As longtime residences of Bowie, since 1990, we have been very happy with the services provided by the city and the relative affordability of the city. We will be attending the public hearing and we would like to hear the justification for the increase and list of additional services that would be provided. As inflation is biting us all in the bottomline, weathering such an increase in taxes – and, as proposed, this increase is ~3x the current inflation rate – will be very difficult. As such, we are very skeptical that any justification will be support such a large increase.

PG county already suffers from a poor reputation as a safe and welcoming place compared to the surrounding counties and is at the highest tax rate already – 60%, same as Montgomery County. The newer residence in my area of Bowie, the “N” section, already have multi-generational or multi-family living arrangements because of the ever-increasing value of homes and expenses for living in Bowie. This proposed increase will only exasperate this situation.

In closing, unless there is some tangible benefit to each and every citizen of the city of Bowie, this proposed increase is ill timed and way out of step with the existing daily struggles of affordable living.

Regards, John & Pat Durning
3812 Northrop Place

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Support of Property Tax Rate Increases

I fully support the proposed \$0.05 increase in property tax rate in FY2024 and the planned increases in future years as outlined in the budget proposal. I want to highlight several points raised in the City Manager's budget letter. There is nothing new here, just an emphasis on what I feel are the main points.

First, "Property taxes are essential for the City to fund its expenditures." They represent 61% of revenues required to fund City expenses.

Second, "Providing reliable and efficient service has always been one of the hallmarks of Bowie City government. The City Council recognized this when it identified outstanding public service as one of its core values in the 2016 Strategic Plan."

Third, we all know about inflation. "In an inflationary spiral environment, it is challenging to balance the need to maintain service levels with the need to ensure adequate resources to operate." Inflation impacts the need to maintain attractive salaries and benefits to hire and maintain staff and to address the increased cost of supplies, materials, and equipment. I would add to that rising interest rates that will add to the burden of borrowing funds to support future capital projects. All of these factors will lead to a situation where "the cost of providing essential services such as road maintenance, capital equipment, waste management, capital improvements, public safety [and many other public amenities] becomes prohibitively expensive, straining the resources of the City."

The general fund balance has been declining for many years. Even with the proposed tax rate increases, this decline will continue, but will slow and eventually reverse itself in a few years. Without the tax rate increases, the general fund will be depleted, thus assuring the necessity of cutting City services. Such cuts in services will surely lead to a gradual loss of quality of life that has become the hallmark of this City. "The FY2024 budget is a reflection of our commitment to maintaining and improving our municipal services for the benefit of all our residents." Thus, the recommended tax increases are necessary to hold off depletion of the general fund balance while continuing to offer a high level of service to the community.

In conclusion, I see this as a turning point for Bowie. If we can't afford to maintain services, the City will begin a slow deterioration that may not be apparent at first, but that will become increasingly hard to stop in future decades. What side of this history do you want to be on?

Thank you,

John Teasdale,
12757 Midwood Lane

SPECIAL CITY COUNCIL MEETING MINUTES

MONDAY, MAY 8, 2023

CALL MEETING TO ORDER:

The Special Meeting of the Bowie City Council was held on Monday, May 8, 2023, in the Council Chambers at City Hall. Mayor Pro Tem Ndebumadu called the meeting to order at 8:02 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Pro Tem Ndebumadu led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Adams (virtually), Councilmembers Estève, Gardner (arrived at 8:04 p.m.), Hawkins (virtually), Ndebumadu, and Woolfley, City Manager Lott, Assistant City Manager Mears, City Clerk Hernandez, and Staff.

NEW BUSINESS:

A. Bowie Marketplace Consolidated Storage and Car Wash (DET-2022-018) – Mr. Joe Meinert, Planning Director, summarized the staff report. At the May 1st City Council meeting, Council conducted a public hearing on the Detailed Site Plan and decided to table action until the May 15th meeting. Subsequently, City Council decided to hold a Special Meeting on May 8th to consider this issue. During Council's review, several items of concern were expressed by City Councilmembers. The City Council requested that the applicant meet with residents to have additional dialogue about: 1) The nature of the height and stair stepping of structures; 2) Addressing noise mitigation; 3) The provision of nonprofit space within the consolidated storage buildings. In addition, City Council requested that the City Attorney review arrangements with previous transfer of property in the redevelopment proposal, specifically regarding parking.

The Zoning Ordinance, in Section 27-61200, establishes requirements for the height and setbacks of commercial buildings located adjacent to residential neighborhoods. The proposed storage buildings' height and setbacks meet these standards.

The Zoning Ordinance, in Section 27-6800 includes regulations for noise impacts. Additionally, the City Code includes noise standards that must be met by property owners in the City.

CB-11-2023 exempts property located outside of the I-495 Beltway if a Pre-Application Neighborhood Meeting was held prior to April 1, 2023. There is no obligation for Berman to agree to provide non-profit space within the storage buildings. At the hearing, Mr. Berman stated that they would follow the law (CB-11-2023).

There is no agreement with the Berman company to provide parking for Acorn Hill Park. In fact, as part of the redevelopment incentive package, the City Council declared in O-1-15 that the portion of the Sage Lane public right-of-way used for shopping center parking spaces (known as Parcel "A") was surplus property. The Ordinance states that the Sage Lane right-of-way was not maintained by the City and always maintained by the shopping center owner.

Staff recommends that City Council adopt the staff recommendation presented at the May 1st meeting and approve DET-2022-018.

Councilmember Woolfley motioned to reject DET-2022-018. Councilmember Gardner second the motion. Motion failed 2-4 by roll call vote. (Gardner and Woolfley – aye; Adams, Esteve, Hawkins and Ndebumadu – nay).

Councilmember Esteve motioned to approve DET-2022-018. Mayor Pro Tem Ndebumadu second the motion. Motion passed 4-2 by roll call vote. (Adams, Esteve, Hawkins, Ndebumadu – aye; Gardner, Woolfley – nay).

ADJOURNMENT:

Councilmember Hawkins motioned to adjourn the Special City Council meeting and move to Budget Worksession #5. Councilmember Esteve second the motion. Motion passed 6-0. Meeting adjourned at 8:43 p.m.

Respectfully submitted,

Awilda Hernandez, MMC
City Clerk

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, MAY 15, 2023

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, May 15, 2023, in the Council Chambers at City Hall. Mayor Adams called the meeting to order at 8:07 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Adams led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Adams, Mayor Pro Tem Ndebumadu, Councilmembers Estève, Gardner, Hawkins, Truesdale and Woolfley (arrived at 8:33 p.m.), City Manager Lott, Assistant City Manager Mears, City Attorney Ruff, Carolyn Fifer (for City Clerk Hernandez), and Staff.

CITIZEN PARTICIPATION:

1. Lori Banschbach, Safety Turn – Spoke about Bowie Marketplace.

PRESENTATIONS:

- A. The City of Bowie Women Trailblazers Awards – Awards were presented to the Honorable Sheila Tillerson Adams, Ms. Evelyn J. Archie, Ms. Elizabeth M. Hewlett, Esq., Dr. Jacqueline R. Marshall, Ms. Kathleen M. Parker, and Dr. Maggie E. Ray.
- B. Approval and Presentation of Proclamation P-11-23 Proclaiming the First Friday of June to be National Gun Violence Awareness Day in the City of Bowie – Councilmember Estève presented Proclamation P-11-23 proclaiming June 2nd as National Gun Violence Awareness Day in the City and encouraged residents to wear orange on that day to show their support.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearing-In:

1. Councilmember Estève motioned to appoint Shalina Hayes to the Arts Committee for a 2-year term. Councilmember Woolfley second the motion. Motion passed 7-0.
2. Councilmember Estève motioned to appoint Rita Phelps to the Arts Committee for a 2-year term. Councilmember Woolfley second the motion. Motion passed 7-0.
3. Councilmember Estève motioned to appoint Dr. Kelechi Fluitt to the Education Committee for a 2-year term. Councilmember Woolfley second the motion. Motion passed 7-0.
4. Mayor Adams swore in the appointees to their respective committees.

CITY MANAGER'S REPORT:

City Manager Lott stated that City employees continue to seamlessly deliver services to residents on a daily basis without fail.

CONSENT AGENDA:

Councilmember Estève made a motion to approve Consent Agenda items: A) Approval of Proclamation P-9-23 Celebrating Memorial Day 2023 in the City of Bowie; B) Approval of Proclamation P-10-23 Proclaiming the Week of June 3-11, 2023 as Chesapeake Bay Awareness Week in the City of Bowie; C) Adoption of Resolution R-29-23 Accepting a Bid Proposal for Planning, Design, Engineering, and Permitting Services for New Single Sheet Ice Arena from JLG Architects in the Amount of \$1,596,781; D) Adoption of Resolution R-30-23 Awarding a Contract to Hercules Fence of Maryland, Inc. for Bowie Senior Center Bus Lot Security Fence; E) Adoption of Resolution R-31-23 Accepting a Bid Proposal from SFMS, LLC of Bethesda, Maryland in the Amount of \$51,653 for the Northview Drive Bituminous Trail replacement Project; and F) Introduction of Ordinance O-7-23 Amending the Adopted Budget for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023, as Adopted by Ordinance O-1-22 and Amended by Ordinances O-5-22 and O-6-23, to Appropriate Funds for Planning, Design, Engineering, and Permitting Services for the City's New Single Sheet Ice Arena. Councilmember Woolfley seconded the motion. Motion passed 7-0.

OLD BUSINESS:

A. FY 2024 Budget Ordinance O-5-23, Capital Improvements Program Resolution R-25-23 and Constant Yield Tax Rate - Adoption of Fiscal Year 2024 Budget, CIP and CYTR - City Manager Lott stated that staff and Council have diligently gone through the proposed budget. Staff supports the budget as presented but are prepared to make any requested adjustments.

Byron Matthews, Finance Director provided information on the budget process that began on April 10, 2023 and the budget as presented which includes a \$0.05 tax increase. Mr. Matthews discussed the fund balance forecast and the taxes, that the taxes have not been raised in the past 14 years. Mr. Matthews stated that the City finances are very stable but that the fund balance is being used as a fast rate. Mr. Matthews shared that 25% of expenditures must be maintained in the fund balance as previously set by Council and that there will be a fund imbalance if taxes are not raised.

Public Hearing:

1. Sue Livera, Manvel Lane – Spoke about the budget, raising taxes, and asked Council for transparency on their decision making.

Since there was no one else signed up to speak, Mayor Adams declared the Public Hearing to have been held.

Mayor Adams provided feedback and asked Council to be transparent in their decision making. Each Councilmember shared their reasoning behind their position to raise or not raise taxes. Mayor Adams, Mayor Pro Tem Ndebumadu, Councilmembers Woolfley, Hawkins, and Truesdale were each for keeping the tax rate the same for this year, while Councilmembers Estève and Gardner shared specific reasoning why the tax increase should not be pushed off for another year.

Councilmember Woolfley made a motion to adopt the FY2024 budget as presented with an amendment to maintain taxes at the current \$0.40 level. Mayor Pro Tem Ndebumadu seconded the

motion.

Mayor Adams and Councilmember Gardner asked City Manager Lott to confirm that his understanding was correct, that the City would not be taking away any services as presented in FY2024 budget if the taxes were not raised. City Manager Lott confirmed that to be correct. City Manager Lott stated that for next year, to maintain services without raising taxes will have expenditures be under the 25% limit, will likely affect the City's bond rating, and that a much larger tax increase will be needed next year.

Councilmember Estève shared that when a tax rate increase was first proposed several years ago, the tax rate increase would have been 2 cents. This year it is a 5-cent proposed increase. By 2029, it would need to be a 10-cent increase.

City Attorney Ruff advised Council and clarified for them that the numbers and tax rate in the presented budget would change if the tax rate increase was not approved. They can make a statement about the tax rate but the proposed budget with the updated numbers would need to be brought before them again at the first meeting in June for approval.

A roll call vote was conducted, and the motion passed 5-2 (Gardner, Truesdale voted no.)

City Attorney Ruff clarified the Council's intent of their motion. She restated that the FY2024 budget numbers will change and cannot be approved as presented if Council wishes to not approve the tax increase.

Based on City Attorney Ruff's guidance, Councilmember Woolfley made a new motion to move forward with the 40-cent tax rate for Fiscal Year 2024. Mayor Pro Tem Ndebumadu seconded the motion. A roll call vote was taken and the motion passed 6-1 (Gardner voted no.) The amended Ordinance O-5-23 will come back before Council for a vote at the first meeting in June with updated numbers based on the vote to maintain the current tax rate.

B. Adoption of Ordinance O-6-23 Supplemental Appropriations for the Annual Budget for the Fiscal Year ending June 30, 2023 – Mr. Byrom Matthews, Finance Director, presented that Ordinance O-6-23 was a supplemental budget appropriate to update audio visual technology at the Bowie Senior Center, remove/replace 16 rooftop HVAC units at the Kenhill Center, and a change order requesting additional funding to install miscellaneous grills and dampers to allow free venting of the IT related equipment. \$96,500 will be used from the fund balance for the capital project program.

Mayor Adams asked Mr. Matthews if the funds are available for Fiscal Year 2023 to which Mr. Matthews replied that they were.

Public Hearing:

Since there was no one signed up to speak, Mayor Adams declared the Public Hearing to have been held.

Councilmember Woolfley made a motion to adopt Ordinance O-6-23. Mayor Pro Tem Ndebumadu seconded the motion. The motion passed 6-0 (Gardner did not vote.)

NEW BUSINESS:

A. Plastic Bag Ban - Council will discuss a letter of support for CB-32-2023 County Better Bag Bill – Councilmember Estève presented on Prince George's County Council Bill CB-32-2023 which

introduces a plastic bag ban in Prince George's County. Councilmember Estève spoke with sponsors of the bill, stated that it has the support of Maryland retailers, and stated that the ban is very straightforward and found to be effective in other counties. Councilmember Estève requested that City Council send a letter of support to Prince George's County Council supporting the bill.

Councilmember Gardner asked about the monies collected that go directly back to the retailers and asked if that is true for similar programs that exist in other jurisdictions. He also asked about the program in DC. Councilmember Estève stated that he believed in DC the money funds employee wellness and that in other Maryland jurisdictions the program is similar to what is being proposed in Prince George's County.

Mayor Pro Tem Ndebumadu asked how the ban contributes to sustainability, and if the bag ban can be tied back to Bowie sustainability goals. Councilmember Estève stated that the bill reduce single use plastic bags in local streams.

Mayor Adams commented that they should pay attention to the City doing its part for the environment.

Councilmember Estève made a motion for Council to adopt the letter of support for Prince George's County Council Bill CB-32-2023. Councilmember Gardner seconded the motion. The motion passed 6-1 (Ndebumadu voted no.)

ADJOURNMENT:

Mayor Pro Tem Ndebumadu motioned to adjourn the Regular City Council meeting. Councilmember Estève second the motion. Motion passed 7-0. The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Carolyn Fifer, CMC
for City Clerk Awilda Hernandez



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Proclamation P-12-23, Pollinator Week

DATE: 06/15/2023

This year National Pollinator Week is nationally recognized during June 19-25. Pollinator Week seeks to bring awareness and information sharing about the necessity for pollinators (birds, bees, butterflies, etc.), a vital link between humans and food crops, which are impacted greatly by climate change and have seen declining numbers over the last few decades. The Green Team has worked with City staff over the last few years to create and maintain four pollinator gardens- at City Hall, Kenhill Center, Belair Meadows, and the Senior Center. These habitats serve as a place for pollinators to eat, hydrate, reproduce, and seek shelter so that they may survive and thrive and fulfill their roles in our ecosystem. Therefore, the City will also recognize Pollinator Week June 19-25 and celebrate our connection to the magnificent work of our pollinator friends.

ATTACHMENTS: 1. 20230620 - Proclamation P-12-23

PROCLAMATION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
PROCLAIMING JUNE 19-25, 2023, AS POLLINATOR WEEK
IN THE CITY OF BOWIE

WHEREAS, pollinator species (birds, butterflies, bees, etc.) are essential for pollinating food crops and flowers worldwide, and are essential for maintaining overall ecosystem health and prosperity; and

WHEREAS, monarch butterfly populations have decreased by almost 90% in the last twenty years thus prompting the Green Team to plant pollinator gardens at City Hall, the Senior Center, Belair Meadows, and the Kenhill Center to provide habitat for these pollinators; and

WHEREAS, the City is cognizant of the need for additional landscapes for pollinators and the need to educate residents on their benefits; and

WHEREAS, National Pollinator Week is a national initiative that offers opportunities to individuals and communities to be a part of restoring or creating habitats that support pollinators;

NOW, THEREFORE, BE IT PROCLAIMED that the Council of the City of Bowie, Maryland, hereby proclaims the week of June 19-25, 2023, as Pollinator Week throughout the City.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a Regular Meeting on the Twentieth day of June 2023.

Attest:

Timothy J. Adams, Mayor

Awilda Hernandez, City Clerk



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Redevelopment of Well #5 – Equipment Purchase
Resolution R-36-23

DATE: 06/15/2023

Legal notices were placed and solicitation packages were sent to firms for the redevelopment of well #5 located at 12215 Foxhill Lane. At the close of bidding at 1:00 p.m., Monday April 17, 2023, the City received one bid proposal from A.C. Schultes of Maryland, Inc.

The FY23 budget allocates \$250,000, of which \$162,150 will be used to purchase the necessary equipment.

The Public Works Department recommends that the bid proposal from A.C. Schultes of Maryland, Inc., of Millersville, Maryland, in the amount of \$162,150 be accepted for the purchase of the equipment to redevelop well #5.

I concur with the above recommendation to award to A.C. Schultes of Maryland, Inc. for the purchase of the equipment to redevelop well #5 and request your approval of R-36-23.

ATTACHMENTS: 1. 20230620 - Resolution R-36-23

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AWARDING A CONTRACT TO A.C. SCHULTES OF MARYLAND, INC. FOR THE
PURCHASE OF EQUIPMENT TO REDEVELOP WELL #5 IN THE AMOUNT OF \$162,150

WHEREAS, a legal notice advertising an Invitation for Bids for the redevelopment of well #5 located at 12215 Foxhill Lane was placed on eMaryland Marketplace Advantage, Bid Locker and the City's website; and

WHEREAS, at the close of bidding at 1:00 p.m., Monday, April 17, 2023, the City received one (1) bid proposal from A.C. Schultes of Maryland, Inc.; and

WHEREAS, after careful review of the bid proposal submitted, it was determined that A.C. Schultes of Maryland, Inc. had submitted a responsible and responsive bid proposal in the amount of \$162,150 for the purchase of the necessary equipment.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Bowie, Maryland, that the Council, hereby awards a contract to A.C. Schultes of Maryland, Inc. for the purchase of equipment to redevelop well #5 and hereby directs the City Manager to sign a contract with A.C. Schultes of Maryland, Inc.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland, at a Regular Meeting on June 20, 2023.

ATTEST:

CITY OF BOWIE, MARYLAND

Awilda Hernandez, City Clerk

Timothy J. Adams, Mayor



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Resolution R-42-23
Memorandum of Understanding
Planning Assistance to Municipalities and Communities (PAMC)
State of Place Analysis

DATE: 06/15/2023

Attached is Resolution R-42-23 approving a Memorandum of Understanding (MOU) between the City of Bowie and the Maryland-National Capital Park and Planning Commission regarding the development of a State of Place Analysis for the Bowie Town Center and several other areas of the City (the "Project") and authorizing the City Manager to execute the MOU. On February 6, 2023, City Council passed Resolution R-10-23 supporting an application to the PAMC program for a State of Place Analysis and noting that City economic development strategy implementation funding may be required to supplement funding provided by The Maryland-National Capital Park and Planning Commission. The March 13, 2023 proposal received for the State of Place Analysis identifies a total project cost of \$95,000.

At its March 30, 2023, meeting, the Prince George's County Planning Board approved the use of \$80,000 in PAMC funding for the Bowie State of Place Analysis. The City's share of the project cost amounts to \$15,000. Funding exists in the FY 2023 Economic Development Division's Professional Services account from which to pay the City's portion of the Project funding. A State of Place Analysis for the Bowie Town Center will help to fulfill the Economic Development Division's FY 2023 objectives.

The attached MOU reflects the City's level of participation and establishes the parameters for the City's involvement. Execution of the MOU will allow City funds to be encumbered for this effort. The City Attorney has reviewed and approved the attached MOU document.

Recommendation: It is recommended that Council **APPROVE** Resolution R-42-23.

ATTACHMENTS:

1. 20230620 - Resolution R-42-23
2. 20230620 - City of Bowie MOU State of Place
3. 20230620 - City of Bowie exhibit A

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE MARYLAND-
NATIONAL CAPITAL PARK AND PLANNING COMMISSION CONCERNING THE
DEVELOPMENT OF A STATE OF PLACE ANALYSIS FOR THE CITY AND
AUTHORIZING THE CITY MANAGER TO SIGN THE MEMORANDUM OF
UNDERSTANDING

WHEREAS, staff from The Maryland-National Capital Park and Planning Commission contacted City staff about participating in the County Planning Board's "Planning Assistance to Municipalities and Communities" (PAMC) program, and on January 3, 2023, the City Council received a presentation from City staff regarding a State of Place Analysis and directed staff to submit an application to the PAMC program; and

WHEREAS, on February 6, 2023, City Council approved Resolution R-10-23 supporting an application to the PAMC program to conduct a State of Place community planning assessment of the Bowie Center and other areas of the City and further noted that the State of Place product will generate evidence-based urban design recommendations based on the economic outcomes the City wishes to optimize; and

WHEREAS, in R-10-23, the City Council acknowledged that PAMC Program will primarily fund this effort, however, City economic development strategy implementation funding may be required; and

WHEREAS, a March 13, 2023, State of Place Proposal, which is attached hereto, establishes the cost for the project of \$95,000; and

WHEREAS, the Prince George's County Planning Board agreed to fund up to \$80,000 of the \$95,000 cost of consulting services, using PAMC Funds, and the City must fund the remaining \$15,000 of the cost of said consulting services; and

WHEREAS, a Memorandum of Understanding has been drafted to set forth the parameters of the City's participation, which has been reviewed and approved by the City Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Bowie, Maryland, that the Memorandum of Understanding with The Maryland-National Capital Park and Planning Commission concerning the development of a State of Place Analysis for the City, attached hereto as Exhibit A is approved and the City Manager is authorized to execute a Memorandum of Understanding in substantially the same form as the attached.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland, at a Regular Meeting on June 20, 2023.

ATTEST:

THE CITY OF BOWIE, MARYLAND

 Awilda Hernandez
 City Clerk

 Timothy J. Adams
 Mayor

MEMORANDUM OF UNDERSTANDING REGARDING FY23
PLANNING ASSISTANCE TO MUNICIPALITIES AND COMMUNITIES PROGRAM
PROJECT WITH THE CITY OF BOWIE

THIS MEMORANDUM OF UNDERSTANDING (“**MOU**”) is made on the last date signed by the Parties below (“**Effective Date**”) by and between the City of Bowie, Maryland, a municipal corporation, 15901 Fred Robinson Way, Bowie, MD 20716 (“**City**”) and The Maryland-National Capital Park and Planning Commission, a public body corporate and agency of the State of Maryland, 6611 Kenilworth Avenue, Riverdale, Maryland 20737 (“**Commission**”) (each a “**Party**” and together the “**Parties**”).

RECITALS

WHEREAS, the State of Maryland established the Maryland-Washington Regional District (“**Regional District**”) by the enactment of 1939 Md. Laws Chapter 714, including that portion of the Regional District in Prince George’s County, Maryland situated within the boundaries codified now at Section 20-101(b) of the Land Use Article of the Annotated Code of Maryland (“**Enabling Law**”); and

WHEREAS, the Commission, pursuant to Title 21 and 22 of the Enabling Law has authority to initiate and adopt certain plans pertaining to the physical development of that portion of the Regional District located in Prince George’s County; and

WHEREAS, the Project (defined below) is a partnership between the City and the Commission to undertake a Planning Assistance to Municipalities and Communities Program (“**PAMC**”) Project, which is more specifically described in the “State of Place Proposal & Budget for City of Bowie,” first submitted on March 13, 2023 and updated on June 6, 2023, attached hereto and incorporated herein as Exhibit A (“**Project**”); and

WHEREAS, the City has received a proposal from State of Place, Inc. (“**Contractor**”) for Ninety-Five Thousand Dollars (\$95,000.00) for the Project; and

WHEREAS, the City has applied for PAMC funding totaling Eighty Thousand Dollars (\$80,000.00) which was approved by the Prince George’s County Planning Board on March 30, 2023; and

WHEREAS, the Commission received a waiver from competitive bidding for Eighty Thousand Dollars (\$80,000) dated May 24, 2023 because the Consultant is the sole source to provide the services for the Project; and

WHEREAS, the City agrees to fund the remaining Fifteen Thousand Dollars (\$15,000.00) of the cost of the Project.

NOW, THEREFORE, in consideration of the mutual promises and agreements of the Parties and other good and valuable consideration, the receipt and sufficiency of which is

hereby acknowledged, the Parties agree as follows:

1. **Term.** The term of this MOU shall be from the Effective Date until January 1, 2025 unless terminated earlier pursuant to the terms of this MOU and may be extended upon mutual agreement of the Parties.
2. **Scope of Services.**
 - a. The Commission shall:
 - i. Provide project management services through a project manager, who will monitor the Project to ensure it and the deliverables are in accordance with the scope of work requirements and the PAMC program as set forth in the Program Guidelines approved by the Prince George's County Planning Board, as amended from time to time ("**PAMC Project Manager**").
 - ii. Prepare a Purchase Order and manage the Contractor contract as part of the PAMC program.
 - iii. Pay Contractor invoices.
 - b. The City shall:
 - i. Assign project staff to communicate directly with the PAMC Project Manager and to administer the terms of this MOU.
 - ii. Participate in regular Project meetings.
3. **Payment.** The Commission will act as the vendor and the City shall issue a purchase order for the City's share of the costs of the Project in an amount not to exceed fifteen thousand dollars (\$15,000.00), and the City shall pay invoices from the Commission as they are submitted up to that amount within Net 30 days from the invoice date.
4. **Termination.** The Parties may terminate this MOU: (a) for convenience; (b) for default; or (c) for lack of appropriation:
 - a. For Convenience. This MOU may be terminated by a Party without cause, upon thirty (30) days' written notice. Immediately after receiving such a notice the other party shall stop all the activities associated with the MOU, except work required to secure the completed work, protect it from damage or deterioration and delivering the same to the authorized representatives of the Parties.

- b. For Default. Notwithstanding any provision in this MOU, a Party may immediately terminate this MOU for cause for the following reasons: (i) any non-performance; (ii) breach of a representation, covenant, or warranty; (iii) incomplete service; (iv) fraud; (v) any fraudulent representation in any invoice or verification required to obtain payment under this MOU; (vi) services performed in conflict with the terms and conditions of this MOU; (vii) an unfavorable report resulting from a state or federal background investigation; (viii) a Party determines, in its sole and exclusive discretion reasonably exercised, that such termination is necessary to mitigate or avert any unsafe condition, pattern or practice arising as a result of the other party's performance of the MOU; or (ix) any combination of the foregoing. The occurrence of any of these conditions shall constitute a material breach of this MOU, and a Party may terminate this MOU with written notice to the other Party effective immediately.
- c. For Lack of Appropriation. If the appropriating authority pursuant to Md. Ann. Code, Land Use Article, Title 18, Subtitle 1 fails to appropriate funds or if funds are not otherwise made available for continued performance for any fiscal period of this MOU succeeding the first fiscal period, this MOU shall be cancelled automatically as of the beginning of the fiscal year for which funds were not appropriated or otherwise made available; provided, however, that this will not affect either the Commission's rights or the City's rights under any termination clause in this MOU. The effect of termination of the MOU hereunder will be to discharge both the City and the Commission from future performance of the MOU, but not from their rights and obligations existing at the time of termination. The City shall be reimbursed for the reasonable value of any non-recurring costs incurred but not amortized in the price of the MOU. The Commission shall notify the City as soon as it has knowledge that funds may not be available for the continuation of this MOU for each succeeding fiscal period beyond the first.

5. **Indemnification.**

- a. Subject to the limitations set forth in the Local Government Tort Claims Act, of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland, as amended from time to time, the City shall indemnify, defend, and hold harmless the Commission, its Commissioners, officers, employees, agents, and representatives (collectively, "**Commission Indemnitees**") and shall require that each officer, director, employee, agent, representative, and subcontractor indemnify, defend, and hold harmless the Commission Indemnitees from and against any liability, claims, damages, costs and expenses (including attorney's fees and costs) and legal actions of any kind which

may be brought against the Commission arising from or relating directly or indirectly to: (a) any act, omission or negligence (active or passive) of the City or City's directors, employees, contractors, or agents (collectively, "**City Personnel**"); (b) the City's or City Personnel's negligent performance of any of the obligations under this MOU; (c) City's or City Personnel's failure to perform any of the obligations under this MOU; and (d) any violation by the City or City Personnel of any applicable Federal, state, or local law, rule, regulation, or ordinance.

- b. Subject to, limited by, and contingent upon the appropriation and availability of funds as well as the notice requirements, types of liabilities, and damage limits set forth in the Local Government Tort Claims Act, Md. Code Ann., Cts. & Jud. Proc. § 5-301 et seq., as amended from time to time, the Commission shall indemnify, defend, and hold harmless the City, its officials, officers, employees, agents, and representatives (collectively, "**City Indemnitees**") and shall require that each officer, director, employee, agent, representative, and subcontractor indemnify, defend, and hold harmless the City Indemnitees from and against any liability, claims, damages, costs and expenses (including attorney's fees and costs) and legal actions of any kind which may be brought against the City arising from or relating directly or indirectly to: (a) any act, omission or negligence (active or passive) of the Commission or Commission's directors, employees, contractors, or agents (collectively, "**Commission Personnel**"); (b) the Commission's or Commission personnel's negligent performance of any of the obligations under this MOU; (c) Commission's or Commission Personnel's failure to perform any of the obligations under this MOU; and (d) any violation by the Commission or Commission Personnel of any applicable Federal, state, or local law, rule, regulation, or ordinance. This indemnification does not create any rights in third parties.

- 6. **Required Language on Communications Material.** The City shall include the following language on all communications collateral, "This Project was funded in part by the Prince George's County Planning Department Planning Assistance to Municipalities and Communities ("PAMC") program."
- 7. **Applicable Law.** This MOU shall be exclusively interpreted and enforced according to the laws of the State of Maryland without regard to conflict of laws principles and in a court of competent jurisdiction in Prince George's County, Maryland.
- 8. **Jury Waiver.** EACH PARTY WAIVES RIGHT TO A JURY IN ANY LITIGATION IN CONNECTION WITH THIS MOU OR THE TRANSACTIONS CONTEMPLATED BY

THIS MOU. EACH PARTY ACKNOWLEDGES THAT THIS WAIVER HAS BEEN FREELY GIVEN AFTER CONSULTATION BY IT WITH COMPETENT COUNSEL.

9. **Severability.** If any word, phrase, or provision of this MOU is determined to be invalid or illegal by a court of law, it shall be severed from this MOU and shall not affect the remainder of any other provision contained herein.
10. **Waiver.** No failure or delay by a Party in exercising any of its rights or remedies hereunder will operate as a waiver thereof, nor will any single or partial exercise of any such right or remedy preclude any other or further exercise thereof or the exercise of any other right or remedy.
11. **Entire Agreement.** This MOU contains the entire agreement between the Parties and shall not be modified except by written MOU signed by the Parties and attached hereto. In the event of a conflict between any language in this MOU and any attachments hereto, the language in the attachments shall control.
12. **Amendment.** No amendment or modification of this MOU is valid unless the same is in writing and signed by each of the Parties to this MOU.
13. **Notices.** All notices to be sent to the parties shall be by postage pre-paid first-class mail and may be copied by facsimile or e-mail. The following are the addresses of the Parties for delivery or mailing of notice purposes:

- a. Notices to the City pursuant to this MOU shall be addressed to:

Joseph M. Meinert, Planning Director
City of Bowie
15901 Fred Robinson Way
Bowie, MD 20716
Fax: (301) 809-2315
E-mail: jmeinert@cityofbowie.org

With a copy to:

Elissa D. Levan, Esq.
Levan Ruff, LLC
2007 Tidewater Colony Drive, Suite 2B
Annapolis, Maryland 21401
E-mail: elevan@levanruff.com

- b. Notices to the Commission pursuant to this MOU shall be addressed to:

The Maryland-National Capital Park and Planning Commission

Prince George's County Planning Department
Community Planning Division
County Administration Building
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772
Fax: (301) 952-4121
E-mail: Daniel.Sams@ppd.mncppc.org

With a copy to:

General Counsel, Office of the General Counsel
The Maryland National Capital Park and Planning Commission
6611 Kenilworth Avenue
Riverdale, Maryland 20737

14. **Non-discrimination.** The Parties shall comply with the Federal, State, County, and local nondiscrimination in employment laws and regulations. The Parties shall not discriminate against any employee or applicant for employment because of age, sex, race, creed, disability, or national origin. If a Party is determined by a final order of an administrative agency or a court to be in violation of Federal, State, County, or local non-discrimination laws with respect to this MOU, this MOU may be terminated or suspended in whole or part by the the other Party. If terminated by the Commission in accordance with this Section 14, the City may be declared ineligible for any future contracts with the Commission.
15. **Authorized Signer.** Each person executing this MOU hereby certifies that they are duly authorized to execute this MOU on behalf of their respective Party and to bind the Party to the terms of the MOU.
16. **Independent Contractor.** The City is an independent contractor. The City and the City's officers, directors, employees, agents, representatives, and subcontractors are not agents or employees of the Commission.
17. **Assignment Prohibition.** The Parties shall be prohibited from assigning or transferring any rights under this MOU without the prior written consent of the other Party.
18. **Recitals.** The recitals set forth above are incorporated herein by reference.
19. **Ownership of documents.** The City shall have the same rights in the ownership of all drawings, designs, specifications, reports, notes and other work developed in the performance of the MOU, as the Commission has under its contract with Contractor.

20. **Electronic Signatures.** The Parties acknowledge and agree that this MOU may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. Without limitation, “electronic signature” shall include faxed versions of an original signature or electronically scanned and transmitted versions (e.g., via pdf) of an original signature.

[Signatures on the Following Page]

IN WITNESS WHEREOF, the City of Bowie and The Maryland-National Capital Park and Planning Commission have set their hands on the day and year first written above.

Attest:

CITY OF BOWIE, MARYLAND

By: _____

Alfred D. Lott, City Manager

Date signed: _____

Approved as to legal sufficiency:

City Attorney, City of Bowie

THE MARYLAND-NATIONAL CAPITAL PARK
AND PLANNING COMMISSION

Attest:

By: _____

Print Name: Asuntha Chiang-Smith

Title: Executive Director

Date signed: _____

Approved as to legal sufficiency:

M-NCPPC Legal Department

Exhibit A

State of Place Proposal & Budget for City of Bowie



State of Place Proposal & Budget for City of Bowie

Prepared: March 13th, 2023

Purpose: State of Place seeks to use an evidence-based, data-driven, tech-enabled approach to help the City of Bowie 1) identify and prioritize built environment improvements that would increase quality of life and optimize the economic development potential of the City's core commercial centers and 2) quantify the value of investing in better urban design so as to streamline the buy-in, approvals, and funding required to deliver proposed projects.

Overview: State of Place will collect block-level data on 125+ urban design features using our proprietary data collection methods (including visual machine learning) for the defined project areas within the City of Bowie (see Figures 1-3) and upload it into the State of Place software, where users can access the data to objectively diagnose an area's built environment assets and needs (via spatial and graphical representations of the data) and create and test project scenarios. Additionally, State of Place will collect both built environment and economic development data for a broader geographical area outside of the City of Bowie and within the DC Metro region in order to create an updated forecast model that quantifies the economic value of urban design. This statistical analysis of the relationship between the built environment and economic indicators will be translated into 1) detailed evidence-based urban design recommendations to help boost the economic development value of the Bowie project areas (that can be accessed via the software and as part of a report generated by State of Place) and 2) estimations of increased economic value tied to implementing such improvements (which can be accessed via the software once the analysis is complete and the existing software is updated). The following outlines the specific scope involved in producing this work.

Scope:

1) Data Collection & Processing: Data collection will involve four phases:

Phase 1.1: *Built environment data for core Bowie project areas (Figures 1-3).* State of Place will automatically extract data on 127 urban design features tied to walkability and quality of place using both visual machine learning and open data sources (e.g., Open Street Maps (OSM)). Data will be collected at the block level (i.e., the area between two street intersections, including both sides of the street) for all blocks for which Google Street View (GSV) images

are available within the specified Bowie project areas. This is estimated to be a total of 21.8 road miles (or 223 blocks) across the three Bowie project areas.

If GSV images are unavailable for critical sections of the Bowie project areas (i.e., blocks for which urban design recommendations are needed), State of Place will seek other sources of imagery for those critical blocks. Blocks shorter than 200ft in length will not be included. Additionally, if GSV images are out of date (i.e., they do not accurately represent the existing conditions of the blocks within the Bowie project area) for critical sections of the Bowie project areas (i.e., blocks for which urban design recommendations are needed), State of Place will seek other sources of imagery for those critical blocks.

Unique Approach & Benefit: Historically, collecting detailed data on built environment features that impact walkability, bikeability, livability and overall quality of place has been time-consuming, tedious, labor-intensive, and expensive. Additionally, the manual nature of the data collection techniques required to gather “micro-scale” urban design data (e.g., sidewalks, trees, benches, curb cuts, crosswalks, etc.) limited cities’ ability to obtain this kind of data “at scale” – or for large geographical areas. Accordingly, cities were forced to make design, planning, and development decisions with piecemeal – or no – data, which could lead to ineffective and/or non-cost-efficient outcomes. Additionally, the lack of this data made it difficult to objectively compare built environment assets and needs within cities.

Phase 1.2: Built environment data for a sample of places within DC Metro.

State of Place will use a combination of “purposive” and statistical sampling to select a sample of no more than 5000 blocks across a minimum of 60 places (e.g., neighborhoods, census tracts, block groups, etc.) across the Washington DC Metropolitan region. Purposive sampling will be used to select no more than six places that the City of Bowie considers to be area “competitors.” Additionally, State of Place will apply a modified stratified random sampling technique to select the remaining places, which will vary along a continuum of walkability, income, demographics, and geography.

State of Place will use the same methodology used to collect Phase 1.1 data to collect Phase 1.2 data. However, if/when GSV images are unavailable for blocks within the selected sample, State of Place will replace those blocks with other blocks for which GSV images are available, to the extent possible. Additionally, as data collected within Phase 1.2 are simply being collected for the purposes of developing an updated, custom forecast model (see Phase 7), the “date stamp” of the GSV images for blocks within the sample are not as pertinent as they are for those within the Bowie project areas. So, while all attempts will be made to use timely GSV images, no extraneous measures will be employed to source alternative imagery for the blocks within the sample,

since the dates of the GSV images will not statistically significantly impact the forecast model.

Unique Approach & Benefit: The primary rationale for collecting built environment data outside of the City of Bowie is to facilitate the creation of a statistical model that quantifies how urban design impacts economic values. Collecting built environment data from a sample of places within the broader Washington DC Metropolitan area will allow us to be able to determine the statistical relationship between the built environment and economic value. Specifically, we will be able to identify which sets of urban design dimensions matter most to spurring economic development. In turn, this will enable us to generate a set of prioritized urban recommendations for the Bowie project areas that are most likely to lead to the outcomes the City desires for these areas. Additionally, the forecasting model that this data will help generate will enable us to uniquely estimate the value that urban design improvements could generate over a specified return period as well as calculate the corresponding return on investment of proposed projects. Without built environment data for this broader geographical area, any urban design recommendations and economic forecasts would have to be based on existing State of Place models, which were generated between 2010-2012.

The other benefit of collecting built environment data for a broader geography is that the City of Bowie will be able to “benchmark” or compare themselves against their area “competitors” and generate marketing content that can facilitate economic development efforts.

Phase 1.3*: *Economic data for Bowie project areas & DC Metro sample areas.* The Maryland-National Capital Park and Planning Commission (MNCPP) will supply State of Place with the following economic data at the smallest geographical unit of analysis possible (e.g., census blocks, census block groups, census tracts, or neighborhoods) from the following sources:

- Metric: Office Rents; Proposed source: CoStar, Research Section
- Metric: Retail Rents; Proposed source: CoStar, Research Section
- Metric: Residential Rents; Proposed source: CoStar, Research Section
- Metric: Retail Revenues; Proposed source: Esri (GIS) Research Section
- Metric: Property values for all residential units; Proposed source: Esri, GIS Placemaking Section

Phase 1.3 includes identifying needed data, sourcing the data, cleaning the data, geocoding the data, and merging all data at the appropriate geography with the built environment data.

Unique Approach & Benefit: As with Phase 1.2, data collected as part of Phase 1.3 is crucial for the development of the updated economic forecast model (developed in Phase 7), which will inform the urban design

recommendations for the Bowie project areas and will allow us to quantify the value of implementing those recommendations.

Phase 1.4: *Other data collection needed for the forecast model.*

State of Place will collect data for a variety of factors that have been shown to impact the relationship between urban design and economic value (e.g., income, demographics, etc.) within the Bowie project areas and the selected sample of places. This includes identifying needed data, sourcing the data, cleaning the data, geocoding the data, and merging all data to appropriate geography. State of Place will rely on open-source data and/or data to which MNCPP or the City of Bowie has access.

Unique Approach & Benefit: Again, as with Phases 1.2 and 1.3, the data being collected within Phase 1.4 is critical in creating a model that helps us understand the specific impact on urban design on economic value. Obviously, other factors beside the built environment impact and/or are correlated with the economic value of properties, blocks, neighborhoods, and cities. In order to create a forecast model that isolates the specific impact of urban design on economic value, we must “account” for the other factors that would also have an impact on economic value. This way, when we estimate the economic value of improving certain features of the built environment, we will have already taken into account those other forces that could also affect value. Again, Phase 1.4 data is critical to generating robust urban design recommendations within the Bowie project areas and properly estimating their value.

2) State of Place Data Analysis: We will apply the State of Place algorithm to aggregate data on 125+ built environment features to calculate both the State of Place Index, which measures the overall walkability, bikeability, and livability at the block level, and the State of Place Profile, which includes ten sub-indices which measure different aspects of urban design that have been empirically tied to people’s decisions to walk and overall quality of place: Form, Density, Connectivity, Proximity, Parks & Public Spaces, Recreational Facilities, Pedestrian and Bicyclist Amenities, Traffic Safety, Aesthetics, and Personal Safety. See Appendix A for more information.

State of Place will generate a State of Place Index & Profile for each block within the Bowie project area, the selected Bowie “competitor” areas, and the remainder of the sample of places. However, only the State of Place Index & Profile for the Bowie project areas and its selected competitor areas will be represented graphically and spatially within the State of Place software. The State of Place Index and Profiles for the sample areas will solely be used as part of the statistical analysis to create the updated forecast model and will not be uploaded into the software.

Unique Approach & Benefit: While the built environment data captured using our proprietary data automation methods are in and of themselves valuable – especially as a detailed, objective “existing conditions” analysis of the micro-scale urban environment – an inventory of individual urban design features alone does not quite convey how “successful” a place is with respect to the built environment. It’s also difficult to compare places to places or blocks to blocks with the “raw” data about the conditions of 127 built environment features. Accordingly, State of Place has developed a unique algorithm that aggregates this disparate data into an overall score – the State of Place Index – ranging from 0-100 that captures the overall condition of the built environment and conveys how walkable, bikeable, and livable an area is. Additionally, the Index is broken down into ten sub-indices that measure different aspects of urban design that have been statistically tied to how people feel and behave within the built environment. This type of indexed scoring helps cities truly understand what’s working and what’s not down to the block level and helps them compare places block by block as well as objectively compare different places to one another. Also, unlike other walkability indices (e.g., Walk Score), State of Place, in addition to being based on detailed, micro-scale urban design features that actually matter the most when it comes to determining whether people want to traverse, live, work, play, visit, and/or stay in a place, provides an in-built explanation as to why a place scored the way it did *and* what to do about it.

Over the course of 10+ years, State of Place has amassed data for nearly 50,000 blocks across a wide variety of place types, ranging from intensely urban to rural, high to low income, diverse to homogeneous, and everything else in between. Our algorithm works in such a way that the score of 100 is attributed to the highest scoring block within our platform, while the score of 0 is attributed to the lowest scoring block – rather than predetermining exactly what kinds of features blocks “should” have to be considered high-performing. This is because not all blocks need have all 127 features present to be a well-functioning, successful block. Our approach works precisely because we have such a wide, large, diverse set of blocks and places within our database against which new blocks are scored. As such, this methodology is unique and cannot be replicated, reconstructed, and/or offered by other software companies and/or consulting firms.

Finally, aggregating the raw built environment data we capture into the State of Place Index and Profile is necessary in order to conduct the statistical analysis needed to create the custom forecast model. This is because from a statistical perspective, one cannot simply analyze the relationship between economic value and 127 urban design features individually using multiple regression analysis (the technique used to create the forecast model), as there will simply be too many pre-existing codependences and similarities between the 127 features. Instead,

the index and sub-index allow for a combination of features to be analyzed at once in terms of their impact on urban design. Not only is this more statistically sound, but it also better reflects how people respond to the built environment. One built environment feature alone is unlikely to make a difference on how people behave and/or the value generated (e.g., adding some benches is unlikely to by itself lead to significant economic development benefits) and moreover, the context within which individual features exist or do not exist also matters (e.g., adding a sidewalk along a 6-lane road doesn't instantaneously make it walkable). As such, analyzing the relationship between value and urban design, as measured via sub-index or overall index composed of individual built environment data, is not only statistically sound but also produces much more effective urban design recommendations that are more likely to lead to desired outcomes.

3) State of Place Software Integration, License, Onboarding & Goal Sessions:

State of Place data for Bowie and the targeted "comp" areas will be uploaded into the State of Place software, where users can access the data and functions detailed below for a period of **six months**. State of Place will offer a 2-hour onboarding session to the City of Bowie to help city staff learn to navigate the platform and its various functions. Additionally, State of Place will hold a goal/training session regarding the recommendations tool/report to gather information from the City about what sets of economic development outcomes are most important throughout the project areas as well as the feasibility of implementing built environment changes. Further, State of Place will offer an in-depth session on the use of the scenario and forecasting tools after urban design recommendations have been generated (see Phase 5) See Appendix A for more information.

Unique Approach & Benefit: No other urban planning/design software on the market offers the broad range of powerful, data-driven, evidence-based, community engagement-friendly tool to help cities identify urban design priorities and quantify the impact of improving the built environment, as follows (please see table on next page):

3.0 State of Place Software Subscription	
Software Functionality	Your Benefits
A) State of Place Index: Using the State of Place's Heat Map & Browse functions, assess your project area(s)' walkability and quality of place based on 100s of built environment features (e.g., street trees, sidewalks, benches, etc.) aggregated into a score from 0-100 for each.	- Facilitates objective evaluation of built environment assets and needs of project area - Visualizes spatial equity/inequities to help identify areas of built environment divestment - Highlights areas to target for potential redevelopment/intervention - Prioritize & justify areas potentially eligible for local, state, and/or federal funding tied to infrastructure investments - Serves as baseline for existing conditions analyses for any future interventions - Establishes objective, "third-party" benchmarks across city, future projects, and/or other "comp" areas - Create objective marketing and branding campaign(s) for city (regarding future projects and/or "comp" areas)
B) State of Place Profile: Using the State of Place's Heat Map & Browse functions, diagnose your project area(s)' assets and needs based on a breakdown of the State of Place Index into scores along ten urban design dimensions (e.g. Density, Pedestrian Amenities, Parks & Public Spaces, etc.), empirically known to impact walkability.	
C) Prioritization: Sets evidence-based urban design priorities based on an area's State of Place Index & Profile; the predicted economic and quality of place impact of potential built environment changes; and the feasibility of making those changes.	- Evidence-based, data-driven approach that produces practical, implementable built environment recommendations tailored around a community's existing conditions, their specific economic development and quality of life goals, and their capacity as opposed to "formula-based," one-size-fits-all, top-down boiler plate, generalized recommendations. - Identifies cost-efficient and effective built environment investments that are most likely to lead to desired quality of life and economic development goals; - Evidence-based approach, which facilitates community engagement and input regarding desired goals, establishes an accountable, transparent, and inclusive decision-making process that helps build trust and drive consensus
D) Scenario Analyses: Run scenario analyses to identify which built environment interventions and/or development proposals would have the biggest impact on the State of Place Index and Profile.	- Delivers objective method of assessing proposed urban design changes/development scenarios; - Creates objective, quantitative marketing message for new projects to help boost brand value - Quantifies the added place quality value of proposed changes
E) Forecasting (Existing Models): Forecast the economic return (i.e., office rents, retail rents and revenues, residential rents and for-sale values) of implementing different scenarios; identify proposals that would lead to the highest value-captured as well as value for money. (Customer inputs baseline economic data for project area to recalibrate pre-existing forecasting models).	- Increase ROI - Convince external stakeholders (including potential tenants, cities, developers, and investors) of your proposed scenario's value proposition - Facilitate up entitlement, community engagement, and approval processes - Maximizes the quality of place - and life - of project area for the highest return at minimal cost

4) Conduct State of Place/Economic Analysis: Between 2010-2013, State of Place developed and implemented a methodology, used within the Brookings Metro study, “Walk this Way” (see Appendix B) and expanded upon within the MWCOG study (see Appendix C), which quantified the impact of the quality of urban design (measured via the State of Place Index) on various real estate metrics. The results of those studies were translated into a forecasting model that powers State of Place’s urban design recommendation engine, which helps citymakers prioritize built environment changes most likely to lead to desired economic outcomes given both existing conditions and the feasibility of implementing changes, and State of Place’s forecasting tool, which quantifies how proposed built environment changes impact real estate values, estimates their value capture, and calculates their return on investment. As part of this study, State of Place will update the forecasting model using more current built environment, economic, and demographic data. As with the original model, data will be collected across various types of cities, including urban, suburban, exurban, and rural areas, which vary in terms of walkability, demographics, income, distance to CBDs, and other factors that could impact economic value. The goal is to produce an updated multiple regression (statistical) model that quantifies how much the built environment impacts differences in real estate value, for example, office, retail, and residential rents, retail revenues, and residential property values,* accounting for other factors that also impact real estate value.

Unique Approach & Benefit: This model will help the City of Bowie understand what aspects of the built environment could have the biggest impact on economic development, given existing conditions and quantify how changes to the built environment could impact their economic outcomes. Specifically, this statistical model – is a means to the end – to generate key project deliverables, including the urban design recommendations and the economic forecasting of proposed projects, detailed in scope items #5 and #7.

Additionally, statistical modeling such as the regression techniques that will be implemented as part of this project help transform simple data and descriptive analytics – which simply tell us about the existing conditions of a place (e.g., how many blocks have missing curb cuts, what percentage of an area has mixed-uses, what the average retail rents are, what percentage of the population is of a certain race or ethnicity, how much traffic there is, etc.) – into evidence of how, in this case, the built environment is impacting economic value. In other words, it helps us understand, for example, how the differences in the retail rents in one place vs. another place are tied to the differences in the quality of their built environments, accounting for other differences that may also impact retail revenues. As such, we can then translate this evidence about the relationship between urban design and value into recommendations – based on that evidence – of built environment improvements cities can make that are statistically more likely to lead to increases in retail revenues. Further, we can then convert that same evidence into a formula that helps us predict estimated increases in retail revenues that can accrue based on those urban design changes, of course keeping all other factors equal (e.g., if another global pandemic were to occur, that could impact those

predictions). This evidence-based approach is unique to State of Place – we take sound social science approaches that typically don't make it out of the "ivory tower" and translate them into evidence-based yet practical solutions that create more effective and cost-efficient outcomes for cities.

5) Urban Design Prioritization and Recommendations: Currently, the State of Place software generates a list of urban design dimensions that citymakers should prioritize to optimize their desired goals (which they input into the software), given their existing conditions (as measured by the State of Place Index and Profile), and the feasibility of making certain changes over others, given the context of their cities. These recommendations are based on the existing statistical model (developed between 2010-2013). As part of this proposed scope, State of Place will update its existing "Prioritization" tool with the updated forecasting model developed in scope item #4. This will allow the City of Bowie to use the software to generate a list of urban design priorities and/or recommendations the City should consider to enhance economic development outcomes. The City can simply choose whatever block or set of blocks for which they want recommendations, choose which outcomes/benefits they want to optimize most, adjust (if necessary) how feasible certain changes are vs. others, and the software generates a rank-ordered list of the urban design dimensions that matter most to helping them achieve their goals, which also indicates how much more important one set of changes is than others, based on the updated forecasting model.

Additionally, State of Place will produce an analog, detailed, customized recommendation report (that doesn't require use of the software), which will **include a list of specific built environment features the City should consider implementing to maximize economic value within its three core project areas**. In other words, State of Place will provide a list of built environment recommendations that will detail which urban design features the City of Bowie should add/modify/eliminate for specific blocks within the Bowie project areas based on which outcome or sets of outcomes they most want to optimize within those areas *and* what types of changes are more or less feasible for the City and/or private sector stakeholders to implement. These recommendations are also based on the results of the updated forecasting models. These might include changes such as adding street trees or more retail or benches; reducing the number of vehicle lanes or parking lots; or converting zoning to mixed-uses. These can be generated for one specific block or a set of blocks at a time. Please see Appendix D for examples of various recommendations reports.

Unique Approach & Benefit: Often, urban design recommendations provided by consultants can be too general and high-level or, more problematically, too generic and based on formulaic, ideological, somewhat "one-size-fits-all" approaches; and rarely, if-ever, are they based on sound science, but rather, more often than not, are based on case studies, "best practices," lessons-learned, and/or anecdotal data. However, as explained in the Phase 4 section, State of Place's unique data-driven, evidence-based approach via, in particular, its predictive analytics (forecasting) capacity is not merely about producing sound "science" or academic journals – which on their

own, fail to provide much utility to cities. Rather, the value to cities really lies in State of Place's unique ability to not only translate this evidence into detailed urban design recommendations, but also ones that are tailored to *that* municipality, which take into account *their* goals and *their* capacity and resources.

6) Guide Use of Scenario Analysis Tool: As part of the software onboarding process, State of Place will help city staff interpret the recommendations report and translate that into the State of Place Scenario Analysis tool. This will help city staff test different alternatives and quantify how implementing various urban design recommendations (from scope item #5) would impact their State of Place Index (e.g., overall quality of place, walkability, bikeability, etc.).

Specifically, city staff will learn how to use the scenario tool to pull up data for any block or set of blocks within the Bowie project areas (e.g., they will be able to see an inventory of the built environment data collected for any block) and make "changes" to the existing conditions for that block (e.g., if a block currently has sidewalks on only one side of the street, they can choose to add sidewalks to both sides of the street), guided by the urban design recommendations generated in Phase #5. The scenario tool will then calculate what the new State of Place Index and Profile scores would be if those changes were to be implemented in real life. City staff will be able to create an unlimited number of scenarios within the tool to test out different potential sets of changes, proposals, and/or projects across a block or set of blocks within the Bowie project areas.

Unique Approach & Benefit: More often than not, consulting reports might produce generic, high-level recommendations represented within a conceptual drawing or rendering of what an area might look like after those changes are implemented. While these can sometimes serve as useful visuals of potential "before-afters" to show to city stakeholders, they fail to provide an objective understanding of how much "better" those changes will make a place. Additionally, these scenarios are often limited - maybe offering one "ideal" and one or two "alternative" scenarios that are "fixed" in time once they are generated. They are severely limited in terms of how many "what-ifs" can be considered. State of Place's unique, "SimCity"-like scenario tool allows cities to test a near-infinite number of alternatives and create scenarios based on many different assumptions across varying budgets, market conditions, stakeholder buy-ins, time-intervals, etc. Additionally, State of Place puts a "number" to these "before-afters" (i.e., the scenario tool calculates how many more points a block will get on the State of Place Index and Profile if they add benches, trees, and sidewalks, for example), allowing cities to objectively compare scenarios against each other, in real time, *before* changes are implemented or budgets are allocated. Additionally, the easy-to-use scenario tool facilitates community engagement and "charrette"-style workshops that can help streamline the design, planning, and development processes. Further, objective "before-afters" can help garner support for proposed projects in ways that visuals alone may not. Finally, the results of the scenario tool (along with the outputs from the

forecasting tool, as described in Phase #7) can inform and significantly support funding requests to actually implement desired scenarios.

7) Generate Forecast Report: As part of the software onboarding process, State of Place will show the City of Bowie how to use the State of Place software to create forecast reports for any scenarios they've generated within the Bowie project areas. The forecasting tool within the State of Place software allows cities to estimate how increases to the State of Place Index – resulting from different sets of built environment changes modeled in the scenario tool – would impact various values. For example, the City might add a park and a grocery store to one block, resulting in an increased State of Place Index from 34 to 51. The forecast tool would then estimate how that 17-point increase would: a) impact retail revenue premiums, say from \$140 per square foot of retail to \$215 per square foot, b) what the total value generated would be based on that premium and the amount of square footage of retail in that block or project area (which the City inputs), and c) the return on investment (ROI) of making the built environment changes that led to that 17-point increase on the State of Place Index based on the estimated cost of those changes and the total estimated value generated by the increased premiums over a specific return period. Note that the forecasting tool does require some inputs by the City, including: existing average real estate values (e.g., current average retail rents, retail revenues, etc.), existing square footages of residential/commercial land uses (e.g. amount of retail square footage in a specific block or set of blocks), average household income of the project area, the return period they would like to use to estimate the value to be generated by a particular proposal/scenario, and the estimated cost of that proposal/scenario. That said, we will have gathered the majority of this data as part of Phase 4, so the City should have easy access to the real estate value and income data.

Appendix A includes an example of what the forecast tool looks like and the content it produces. Appendix E includes an example a stylized scenario and forecast report. Note, however, that this is merely an example of the data that can be generated using the forecast tool within the software. State of Place will not produce a forecast report as part of this scope, but the City would be able to use the data presented within the software to generate a similar report of their own or simply take a screenshot of the software to include in any future presentations and/or to keep for their files and use in whatever way they wish.

Unique Approach & Benefit: The forecast tool within the State of Place software is perhaps the most unique and powerful output of our data-driven, evidence-based approach – at least in terms of its ability to not only inform decisions and allow cities to identify the biggest “bang for the buck” but also in terms of its ability to persuade the many stakeholders involved in the planning and development process about the value of those decisions and the reasons they merit support, approvals, and funding. The forecasting is the culmination of the State of Place platform and perhaps the most valuable deliverable cities can generate from the software, especially as it pertains to supporting the City’s applications for funding to *actually* be able to implement urban

design changes and realize the economic development outcomes they desire. Additionally, this kind of data and evidence helps bridge divides, as they offer a political, objective, evidence-based rationales for optimizing the built environment and quality of life in non-ideological, fiscally responsible ways.

8) Prepare and Present Summary of Key Results of Analyses and Use of Software:

State of Place will work with the City to produce a visual presentation/final report that summarizes key findings of analyses and use of the software. Additionally, State of Place will deliver an oral presentation of this summary, either in-person or virtually (live or recorded). Travel costs are not included.

Unique Approach & Benefit: While a “project report” is certainly not a “unique” deliverable per se, certainly, its content will be, as it will reflect the results of the State of Place platform and the City’s use of it therein. Additionally, software companies rarely offer “final reports” as part of their product lines, however, State of Place recognizes the value that cities impart on tangible deliverables they can touch, see, and feel and pass along to others to understand, without having to use the software.

Budget:

Data Collection & Processing (4-6 weeks)	
1.1 State of Place Core (21.8 road miles - estimated 223 blocks)	\$12,460
1.2 State of Place Broader Geography (up to 6000 blocks)	\$16,345
1.3* & 1.4 Non-SoP data processing needed for model	\$16,050
State of Place Data Analysis, Onboarding, & Software License (6 months) - includes “dashboard” that displays Bowie data and data for targeted “comp” areas (collected as part of the broader geographical data collection effort) and access to recommendations, scenario, and forecasting tools	\$15,000
Custom Bowie State of Place Economic Forecasting Model (4-6 weeks)	\$15,145
Recommendation Report (3 total - one for each project area), including goal setting session (delivered in month 3-4 of the project)	\$15,000
Scenario analysis guidance and unlimited scenario creation (via software license; delivered throughout project)	Included in Onboarding/ Software License
Forecasting guidance and unlimited reporting (via software license); delivered throughout project)	Included in Onboarding/ Software License
Final Report & Presentation (delivered at the end of the project, about 6-7 months after starting date).	\$5,000
Total:	\$95,000

*Note that for Data Collection Phase 1.3, this does not include the cost of acquiring economic data, rather this includes costs for pre-processing, cleaning, and merging of economic and other non-State of Place data needed to create updated forecasting model. MNCPP and the City of Bowie will supply the economic data needed for this analysis.

Figure 1a: Bowie Town Center boundary



Figure 1b: Bowie Town Center partial data collection map (zoomed in)

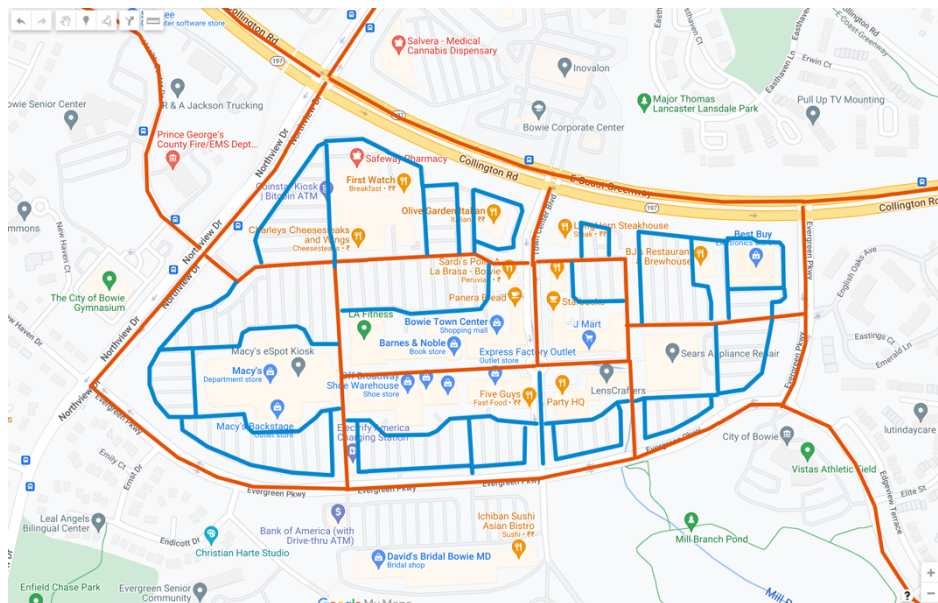


Figure 1c: Bowie Town Center full data collection map (zoomed out)

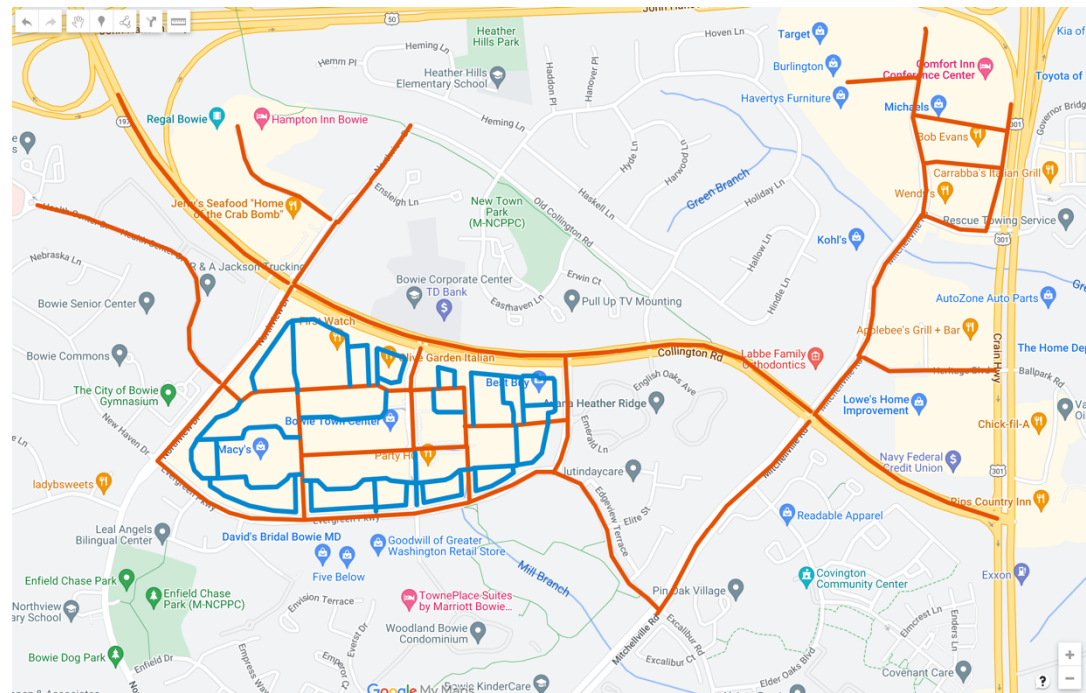


Figure 2a: Old Town Bowie boundary



Figure 2b: Old Town Bowie data collection map

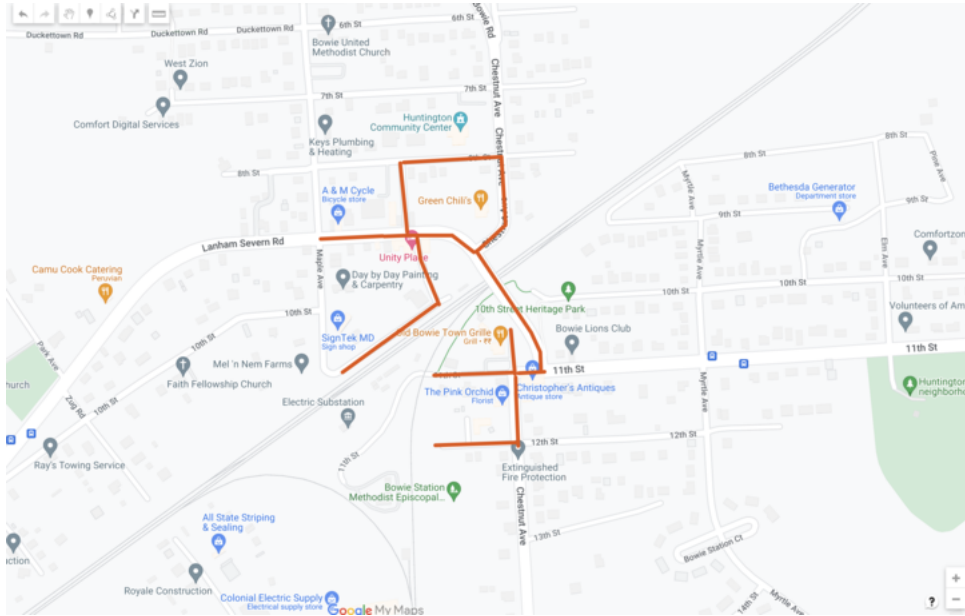


Figure 3a: MD 450 Corridor boundary

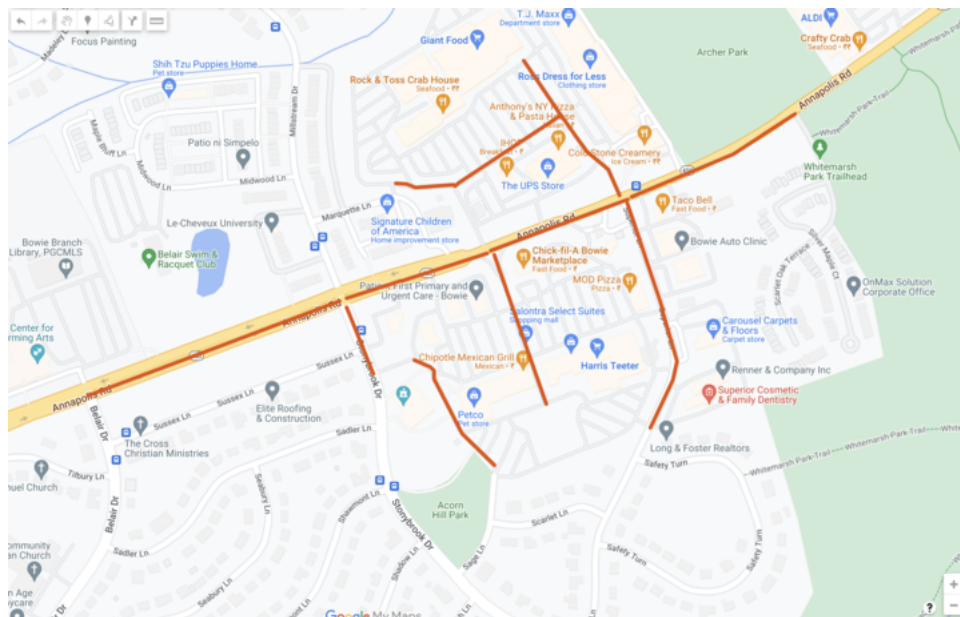


MD 450 Corridor (Bowie Main Street)
State of Place Analysis

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Job #4148

Figure 3b: MD 450 Corridor data collection



Proposal Expiration:

This proposal is good for a period of up to 60 days from the date of the proposal.

IP & Work Product Terms: State of Place - "Contractor" - retains all right, title, and interest in and to the State of Place Platform, including, but not limited to the State of Place algorithm, forecasting models, and database; the State of Place Index, Profile, Prioritization process, Scenario Analysis, and Forecasting process; all software used to run the State of Place Platform, and all graphics, user interfaces, logos, and trademarks reproduced through the State of Place Platform. This Agreement does not grant Recipient any intellectual property license or rights in or to the State of Place Platform or any of its components. Recipient recognizes that the State of Place Platform and its components are protected by intellectual property laws.

SoP grants Customer a nonexclusive, non-assignable, royalty free, worldwide right to access and use the Services and Software outlined in this scope of work, subject to the terms of this Agreement. Contractor grants Recipient an unrestricted right to use, duplicate, or disseminate any work product - "Customer Reports" - generated as part of the scope of work, as it sees fit. Any other work product generated during the term of this contract shall be considered "Background Intellectual Property." Background Intellectual Property shall mean Intellectual Property, proprietary information, or confidential know-how relevant to the work product which is in the possession of a party prior to the commencement of the work product, generated after commencement of the work product but independent of the work product, or generated to produce the specific work product outlined in this scope. Such product remains property of the Contractor, including, but not limited to ideas, inventions, improvements, discoveries, software design, software coding, charts, drawings, specifications, notebooks, tracings, photographs, negatives, draft or final reports, findings, recommendations, data, and memoranda.

Works published under copyright during the term of this contract and the production of the work product will remain copyright of Contractor, unless explicitly agreed within a statement of work, or licensing agreement. Contractor retains all rights to work undertaken under the term of the agreement, unless published under a community license such as the Creative Commons, in which case ownership may pass to the community. No Recipient content shall be so published without written permission.

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Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Revision to Specific Design Plan SDP-8945-08, Ternberry

DATE: 06/15/2023

Please see attached staff report.

ATTACHMENTS: 1. 20230605 - Ternberry SDP Staff Report

LAND USE PETITION IN THE BOWIE PLANNING AREA

Maryland - National Capital Park and Planning Commission ID: _____ Specific Design Plan SDP-8945-08

Ternberry Infill Development

Bowie Advisory Planning Board #23-05

Date: June 1, 2023

INTRODUCTORY NOTE: The proposed application is a request for approval:

- _____ (a) of a zoning type case involving the specific use of land;
_____ (b) of a conceptual site plan;
_____ (c) to subdivide property into building lots and obtain adequate public facilities approval;
 X (d) of a site plan for building and parking design, landscaping, architecture, etc. under the development regulations of Prince George's County. The application has been referred to the City for our review and recommendation. The position of the Bowie Advisory Planning Board in this matter is advisory to the City Council. The City Council will also conduct a public hearing on this application and their vote will become the final City recommendation. Persons wishing to participate in these hearings must submit written testimony or sign up to speak at each public hearing. Each person wishing to speak at the City's hearings will be given up to five minutes. To participate in the County's hearings, you must make a separate, written request to become a person of record.

GENERAL DATA:

1. **Nature of Petition:** Specific Design Plan
2. **Petitioner:** A.R. Builders, Inc.
3. **Represented by:** Edward Gibbs, Gibbs and Haller, P.A.
4. **Location of Petitioned Property:** Eight of the 11 lots front on Pennsbury Drive and three of the lots front on Pengrove Court.
5. **Proposed Use of Petitioned Property:** Revision to approve architecture, access, house locations and landscaping for seven single-family detached homes and four townhouse units
6. **Size/Zone of Petitioned Property:** 1.3 acres/Zoned: LCD (Legacy Comprehensive Design)
7. **Date of Hearing before BAPB:** Tuesday, May 23, 2023 at 7:00 P.M.
8. **Date of Hearing before City Council:** Monday, June 5, 2023 at 8:00 P.M.
9. **Date of Hearing before M-NCPPC:** June 22, 2023 at 10:00 a.m.
10. **Date of Hearing before Hearing Examiner:** N/A
11. **Date of Hearing before District Council:** N/A

NOTICES/LEGALS

	Date	Number of Mailing/Signs
Notice sent to Adj. Properties:	5/1/23	175
Notice sent to Parties of Record:	N/A	
Date Signs Posted:	5/1/23	5
Date Legal Sent:	N/A	
Date Legal Appeared:	N/A	

RECOMMENDATIONS:

12. **Department of Planning and Sustainability Recommendation:**
The Department of Planning and Sustainability staff recommends **APPROVAL** with conditions.
13. **Bowie Advisory Planning Board Recommendation:**
The Bowie Advisory Planning Board recommends **APPROVAL** in accordance with the staff recommendation, and with the recommendation that the builder address the issue of structural separation of the two interior townhouse units by the date of the City Council public hearing.



City of Bowie

15901 Fred Robinson Way
Bowie, Maryland 20716

MEMORANDUM

TO: City Council

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

SUBJECT: Revision to Specific Design Plan SDP-8945-08
Ternberry

DATE: June 1, 2023

I. Background and Proposal

A.R. Builders has filed an application to revise Specific Design Plan SDP-8945-08 for several vacant, infill lots located on Pennsbury Drive in the Ternberry subdivision. The proposal is a revision to approve architecture, access, house locations and landscaping for seven single-family detached homes and four townhouse units. The amount of land involved in the SDP revision totals 1.3 acres, and the zoning of the properties is LCD (Legacy Comprehensive Design). The sites will be developed under the provisions of the R-S (Residential Suburban) zone, which was the zoning granted in the original Comprehensive Design Zone (CDZ) approval for Ternberry. The subject proposal involves the last remaining 11 lots in the Ternberry development.

Eight of the 11 lots front on Pennsbury Drive and three of the lots front on Pengrove Court (see Attachment #1). Seven of the 11 lots will be improved with single family detached residences. The remaining four lots will be improved with single family attached townhomes (see Attachment #2).

The District Council rezoned the property to the R-S (Residential Suburban) Comprehensive Design Zone (CDZ) on January 14, 1985 via Zoning Map Amendment #A-9490. In 1989, the District Council approved the revised Comprehensive Design Plan (CDP 8810) for the Ternberry project. The Planning Board approved the corresponding Preliminary Plan of subdivision in 1989, and final plats of the National Research Home Park subdivision, which includes the subject properties, were recorded in 1990. When the Planning Board approved the Specific Design Plan for the site in October 1989, the subject properties were included in the approval, but were not analyzed for development. The City annexed the entire subdivision in 1989.

At the time of the 1989 CDP amendment, it was made clear that William L. Berry would develop 144 of the 167 lots in the development, with the original owner, the National Association of Home Builders (NAHB), retaining the remainder. The NAHB constructed the first four units in the development using experimental building technology and materials.

In 2001, the NAHB obtained approval of a Specific Design Plan for four single-family detached lots, on Lots 63-66, located off Pennsbury Drive. The homes were completed in 2003. No other development activity has occurred since that time.

A Statement of Justification was submitted for this application (see Attachment #3).

II. Stakeholders Meeting

A Virtual Stakeholders Meeting was held on Thursday, May 18th. A total of 12 Stakeholders attended the meeting. Questions were asked about the size and height of the homes, the impact of construction on existing streets and the neighborhood, the timeframe for completion, the anticipated sales price for the units, and architectural compatibility.

III. Analysis of Specific Design Plan SDP-8945-08

The prior County Zoning Ordinance, in Section 27-530, provides that revisions to approved Specific Design Plans shall be in accordance with the criteria for the initial approval. The criteria for the initial approval of a CDZ are contained in Section 27-528 (a). According to the Zoning Ordinance, the Planning Board must make the following findings prior to approval of a Specific Design Plan:

- (1) The plan conforms to the approved CDP and applicable standards of the Landscape Manual;
- (2) The development will be adequately served within a reasonable time period by existing or programmed public facilities;
- (3) Adequate provisions have been made for draining surface water so there are no adverse effects on the subject property or adjacent properties; and,
- (4) The SDP is in conformance with an approved Tree Conservation Plan (TCP).

The applicant's Statement of Justification reviews the SDP-8945-08 revision's compliance with the Zoning Ordinance's criteria for approval. Staff concurs with the Statement of Justification, except for several items noted below.

1. CDP Conformance

The CDP text contains design principles to guide development in Ternberry (see Attachment #4). The introductory information in the CDP discusses the objectives for the project. Regarding the NAHB sections, the text states:

NAHB will retain twenty-three lots to be located in clusters throughout the community. NAHB's homes will be a combination of attached and detached homes for building model research homes over the course of time originally anticipated...NAHB will retain the flexibility to utilize innovative housing designs and techniques on its own lots.

On page 12, the CDP text states:

Decks and fences will be addressed at the time of Specific Design Plan, and will be governed by the following guidelines:

Decks – Design standards for style, materials and locations will be set forth in the Specific Design Plan and in the Homeowner Association covenants. Decks are to be considered part of the green space of the lots.

Specific Design Plan 8945-08, Ternberry

Fences – Fences may be used to create a sense of style and enhance privacy. At the time of Specific Design Plan, fence designs and locations for fences to be built at the time of construction will be set forth. Fencing to be constructed by the homeowner will be governed by the Architectural Review provisions of the Homeowners Association.

Staff notes that in the review of Specific Design Plan #8945, there was some concern about future additions to single-family dwellings, such as decks, sunrooms, and patios. The City had recommended that detailed drawings for decks and sunrooms be provided. In addition, the City recommended detailed drawings showing the materials, size and location of patios be reviewed and approved by the homeowner's association. The City Council also recommended a condition stipulating that the size of patios/decks for the single-family detached units shall have a ground coverage of not greater than 50% of the size of the unit's building pad, excluding the sidewalk and driveway. (The Planning Board did not adopt this condition, however.) Since the CDP specifically allows decks to be counted as part of the green space of each lot, staff recommends a condition that limits the ground coverage to no more than 50% of the lot's building area, excluding decks, sidewalks, and driveways.

Staff has a similar concern regarding the compatibility of future improvements, including fencing, on the subject lots included in SDP-8945-08. The Building Envelope Guidelines on page 8 in the CDP set forth minimum setback requirements.

Section 27-480 of the Zoning Ordinance states that the dimensions for yards, building lines, lot area, lot frontage, lot coverage, and building height shown on an approved Specific Design Plan shall constitute the development regulations applicable to the development of the land area addressed by that particular Specific Design Plan. To maintain some continuity with the approved CDP standards, the setback requirements established by the City Code, and City Guidelines, the following alternative standards are recommended for incorporation into this SDP:

Front Building Line – There shall be a front building line established at 20' from the property line. This line shall be considered a "Build To" line for all principal structures. Encroachments of up to six feet for porches or decks shall be permitted. Accessory buildings (e.g. sheds) shall not be permitted forward of the front building line.

Rear Yard Setback – All lot lines located opposite the front building lines shall be considered rear lot lines, requiring a 15' rear yard setback. Driveways and private access easements may be located within the required rear yard.

Side Street Yard – A 10' side street yard setback shall be required along Pennsbury Drive and Penterra Lane. Accessory structures (e.g. sheds) may not be located closer to Pennsbury Drive or Penterra Lane than the side building line of the dwelling.

Fences – Fencing shall not be permitted forward of the front building line. A maximum fence height of six feet shall be permitted.

To ensure that all fences will be compatible with the proposed architecture and the surrounding community, it is recommended that fence details be incorporated into the SDP prior to signature approval.

The CDP text also discusses landscaping concepts for Ternberry. Landscaping between private areas of yards is encouraged. According to the CDP, screening will be comprised mainly of evergreen trees and large evergreen shrubs. Staff recommends the installation of foundation plantings. These plantings were provided in the other single-family detached sections of Ternberry and are in keeping with the Landscaping Concept discussed in the CDP. It is therefore recommended that foundation planting details be provided for each dwelling unit prior to signature approval of the SDP.

The City's Development Review Guidelines (City Guidelines) were updated in 2017 and again in 2021. Anticipating the approval of a new County Zoning Ordinance, which included more comprehensive and stringent urban design standards, the City deleted numerous longstanding guidelines in the 2017 update in favor of the new Ordinance (see Attachment #5). Since SDP 8945-08 is being reviewed under the prior Zoning Ordinance, earlier versions of the City Guidelines remain appropriate for consideration.

The City Guidelines suggest that units should be sited on lots to provide the greatest functional rear yard possible. To accomplish this, City Guidelines recommend dwelling units should be sited at or as close to the front building line to provide for the greatest amount of functional rear yard. This emphasis has been carried through on many projects review by the City over the years, most notably in Glen Allen, Covington and Saddlebrook. City Guidelines also address accessory structures, noting that these structures should be sited to be functionally efficient and should be made visually attractive through use of architectural embellishments or landscaping.

City Guidelines also encourage a minimum of two endwall features on all end elevations. Two single-family, detached models are proposed: The "Spruce" at 2,600 square feet and The "Magnolia" at 2,400 square feet. The Spruce model is proposed on Lots 2, 49, 51, and 53. The Magnolia model is proposed on Lots 50, 52 and 54. Only one set of building elevations was provided for each model. The left side elevation for the Spruce model only has one endwall feature—a double window. In keeping with City policy, this elevation should include at least two endwall features.

City Guidelines also recommend that new development be comparable in architecture and size to existing units in the same project phase or section. Furthermore, for highly visible units, a minimum of four architectural features (including decorative trim, shutters) shall be encouraged. City Guidelines also encourage facades to be made of brick or other natural materials (e.g. stone, stucco). A means of satisfying the above guidelines on these highly visible lots, it is recommended that brick or other similar masonry materials be provided in the water table element of all building elevations and all windows facing the streets include shutters. The highly visible lots are: Lots 2, 49, 51 and 52.

The footprints for the four townhouse units are the same for each unit, except for the unit on Lot 28, which has an attached garage that is recessed considerably behind the front building line to accommodate access from the side street (Pasadena Place).

Several City Guidelines apply to the proposed townhouse product:

- On highly visible townhouse units, and selected detached units, the front facade and (visible) endwall should be constructed of the same material.

- Townhouse units should be offset a minimum of four feet. Side entry of end townhouse units should be encouraged. Townhouse rooflines should be varied in height. Townhouse roofline pitch should be no less than 8/12.

The end units are highly visible and should include additional architectural treatment, such as using brick and including shutters on all windows. The creative use of porches and projections along the front façade of all units would address the intent of providing building offsets.

2. Adequate Public Facilities Condition

Condition #5 of CDP 8810 and SDP-8945 requires the construction of a 500-foot-long acceleration lane on northbound US 301, north of the Pennsbury Drive crossover as a condition of the final building permit for the Ternberry development. As this proposal will trigger conformance with Condition #5, it is recommended that this condition be reiterated in approval of SDP-8945-08.

IV. Outstanding Issues

- Architectural compatibility with the existing neighborhood

V. Recommendation

With the conditions set forth below, staff finds the revision to Specific Design Plan SDP-8945-08 proposed for the 11 infill lots at Ternberry will meet the findings for approval set forth in Section 27-528 (a) of the Zoning Ordinance. Therefore, staff recommends **APPROVAL** of SDP-8945-08, with the following conditions, which are intended to improve the site design and address conformance with the County Zoning Ordinance and City Development Review Guidelines:

1. Lot coverage for the single-family detached lots shall be limited to no more than 50% of the lot's building area, excluding decks, sidewalks, and driveways.
2. To maintain some continuity with the approved CDP standards, the setback requirements established by the City Code, and City Guidelines, the following alternative regulations shall be incorporated into this SDP:

Front Building Line – There shall be a front building line established at 20' from the property line. This line shall be considered a "Build To" line for all principal structures. Encroachments of up to six feet for porches or decks shall be permitted. Accessory buildings (e.g. sheds) shall not be permitted forward of the front building line.

Rear Yard Setback – All lot lines located opposite the front building lines shall be considered rear lot lines, requiring a 15' rear yard setback. Driveways and private access easements may be located within the required rear yard.

Side Street Yard – A 10' side street yard setback shall be required along Pennsbury Drive and Penterra Lane. Accessory structures (e.g. sheds)

shall not be located closer to Pennsbury Drive or Penterra Lane than the side building line of the dwelling.

Fences – Fencing shall not be permitted forward of the front building line. A maximum fence height of six feet shall be permitted.

3. Fence details shall be incorporated into the SDP prior to signature approval.
4. Foundation planting details shall be provided for each dwelling unit prior to signature approval of the SDP.
5. All single-family detached dwellings shall be sited at or as close to the front building line to provide for the greatest amount of functional rear yard.
6. The left side elevation for the Spruce model shall be revised to include at least two endwall features.
7. For Lots 2, 49, 51 and 52, which are highly visible lots, brick or other similar masonry materials shall be provided in the water table element of all building elevations and all windows facing the streets shall include shutters.
8. The end units of the townhouse row on Lots 28-31 are highly visible and shall include additional architectural treatment, such as using brick and including shutters on all windows.
9. Creative use of porches and projections shall be used along the front façade of all townhouse units on Lots 28-31 to address the intent of providing building offsets.
10. Prior to the issuance of the final building permit for the proposed 11 infill dwelling units, the applicant, his heirs or assigns shall design and construct a 500-foot acceleration lane along the northbound median of US 301, at the intersection of US 301 and Pennsbury Drive.



City of Bowie

15901 Fred Robinson Way
Bowie, Maryland 20716

MEMORANDUM

TO: City Council

FROM: Mr. Michael Byrd, Chair
Bowie Advisory Planning Board

SUBJECT: Specific Design Plan SDP-8945-08
Ternberry Infill Lots

DATE: May 31, 2023

The Bowie Advisory Planning Board (BAPB) met on Tuesday, May 23rd, to review Specific Design Plan SDP-8945-08 for the 11 remaining undeveloped lots in the Ternberry subdivision. The proposal is a revision to approve architecture, access, house locations and landscaping for seven single-family detached homes and four townhouse units. Eight of the 11 lots front on Pennsbury Drive and three of the lots front on Pengrove Court. Seven of the 11 lots will be improved with single family detached residences. The remaining four lots will be improved with single family attached townhomes. The land area involved includes approximately 1.3 acres in the LCD (Legacy Comprehensive Design) zone.

Presentations

Mr. Joe Meinert, City Planning Director, reviewed the staff report and concluded by stating that staff recommends approval of SDP-8945-08 with ten conditions, most of which are related to architectural compatibility and conformance with the approved Comprehensive Design Plan (CDP).

Attorney Edward Gibbs provided some background and history of the subject property. He then reviewed a Powerpoint presentation showing the site plans and architecture for this proposal. He introduced the builder, A.R. Builders, who was represented by Albert Retowsky.

Questions by BAPB Members

Questions by BAPB members included:

- **Q: Why is the project being proposed now, with the high interest rates and weak economy?** A: Bowie is a place where people want to live. It is unclear why the 11 lots were not built upon sooner, but larger builders passed these sites up probably because it would have taken too much for them to mobilize for such a small project. This site suits a small builder.
- **Q: How long will it take to build the project, and what is the expected price range?** A: The builder will construct 2-3 homes at a time, which will take approximately 4-5 months to complete. The entire project will most likely be completed in one to one-and-a-half years. The expected sale prices are mid-\$600s for the single-family detached and the \$500s for the townhouses.

MAYOR Timothy J. Adams

MAYOR PRO TEM Roxy Ndebumadu

COUNCIL Michael P. Estève • Henri Gardner • Jarryd Hawkins • Clinton Truesdale, Sr. • Dufour Woolfley **CITY MANAGER** Alfred D. Lott
City Hall (301) 262-6200 FAX (301) 809-2302 TDD (301) 262-5013 WEB www.cityofbowie.org

- **Q: Will this construction fit into the neighborhood?** A: Yes, there are a lot of architectural features on the units, and they are custom built. In addition, the builder will meet with the neighbors, as needed, to ensure that the construction project is acceptable to the neighborhood.
- **Q: What is the square footage of the homes?** A: The single-family homes in the neighborhood are in the 2,000 square foot range. The proposed homes include the Spruce at 2,600-2,700 square feet and the Magnolia at 2,400 square feet. The square footages do not count the basement. The proposed construction fits well within the range of the community.
- **Q: Has there been any interaction with the Homeowners Association (HOA)?** A: The builder has been interacting with the HOA and has handed out his business cards. He is working closely with a HOA representative.
- **Q: What is the builder doing to address impacts to the immediate neighborhood?** A: During the construction phase the builder will provide silt fencing around the entire site and yellow caution tape where necessary. The streets will be kept clean.
- **Q: What is the base price of the single-family homes and what options are available?** A: The base price is \$549,000. There are many choices, including hardwood floors, carpeting, cabinetry. A finished basement would add another \$30,000 - \$40,000 to the sales price. Ultimately, the price could go as high as \$700,000.

Attorney Edward Gibbs addressed the concerns about impacts, stating that the builder will follow noise ordinances and monitor rodent control and trash. He said that the builder will help protect the community by providing fencing and thoughtfully scheduling deliveries. Mr. Retowsky will give out his personal cell phone number to anyone who wants to contact him about issues during construction of the homes. No fire hydrants will be moved, and currently there is only one street tree intended to be removed for driveway entrance construction, and that tree will be replaced. Regarding the concern about where visitors to the townhouse units would park, Mr. Gibbs noted that each of the townhouse lots includes several parking spaces and that there are additional on-street parking spaces existing across the street in front of the HOA open space parcel. Finally, he said, architectural improvements have been made to the products so that the new homes will blend in with the community.

- **Q: What types of innovation or green building techniques will be used?** A: The existing Building Codes now require many of the items that were once considered innovative technologies. The builder provides argon filled windows, fire suppression sprinklers, insulation, building materials, etc. that are well advanced.
- **Q: Was market research done, and does the builder have the capacity to finish the project, once it is started?** A: Proper market research was done. There is a lot of cushion in the pricing and they are working with Century 21 marketing people. They looked at the pricing of a nearby Ryan Homes project, for example.

Public Hearing

Mr. Jeffrey Smith, 16231 Presidio Way, stated that he is Vice-President of the HOA and they have been talking with the builder. The HOA is aware of the vacant 11 lots and that they are approved for development. Regarding existing homes in the neighborhood, Mr. Smith stated that townhouses are about 1,500 – 1,900 square feet, and the single-family homes are 2,000 square feet or more. He observed that the proposed townhouse elevations show the two interior units with a common roofline. Mr. Smith pointed out

Revision to Specific Design Plan SDP-8945-08
Ternberry

that if the interior space is not properly separated below the roofline, one homeowner may have problems with the other homeowner, for example, if there is a fire. If the units are truly separated, the other homeowner would not have to get involved.

Ms. Tamara Beeson, 806 Pasadena Place, said she moved to Ternberry 1 ½ years ago and wants to see the new homes respect the existing community, which has a lot of character. She asked how the townhouse construction might hinder her access to Pasadena Place. She asked if the driveway on Pasadena Place could be moved to Pennsbury Drive. She stated that the builder should be proactive about a potential rodent problem.

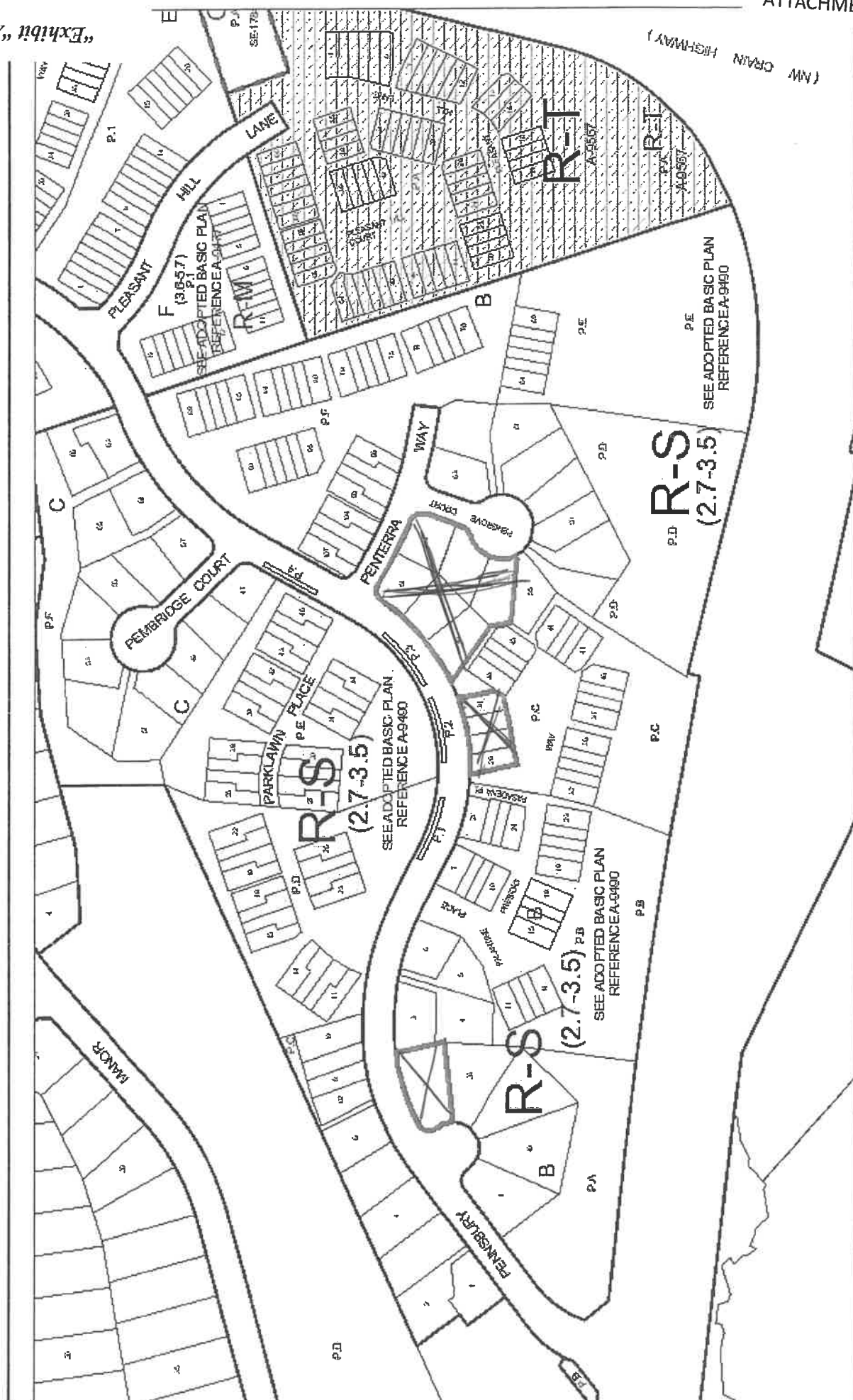
Ms. Jenny Plummer-Welker, 16307 Pennsbury Drive, stated that she takes her morning walk by these vacant lots. She said that with the original project of the National Association of Homebuilders (NAHB) there was an emphasis on innovation. She asked that this builder continue in that spirit and innovate to look beyond just what is required. She asked that features like green building techniques be incorporated to make this project extra special.

BAPB members discussed the roofline issue raised by Mr. Smith of the HOA and asked the builder if they could address it. Attorney Edward Gibbs stated that the builder will talk to their architect and provide an answer at the City Council public hearing. Some members of the BAPB felt that the builder should go beyond the current building features and work with the architect to see what additional features could be added.

Chair Michael Byrd asked whether there would be a model home. The builder stated their intent was not to include a model, but they would start with a spec home on a single lot, which could be a model home.

BAPB Motion

Mr. Terry Rogers moved to recommend **APPROVAL** of Specific Design Plan SDP-8945-08, with the ten conditions recommended by staff and that the issue with the roofline be addressed by the City Council's public hearing. Mr. Robert Day seconded the motion, and it passed unanimously.



TERNBERRY DEVELOPMENT SPECIFIC DESIGN PLAN BOWIE, MARYLAND

SUBDIVISION 6456, BLOCK B LOT 2: 16009 PENNSBURY DR;
LOTS 28-31: 16241, 16239, 16237, AND 16235 PRESIDIO WAY;
LOTS 49-51: 16201, 16203, AND 16205 PENNSBURY DR;
LOTS 52-54: 814, 810, AND 806 PENGROVE CT



HOUSE A
WHITE HOUSE LEFT GARAGE
1111 SF
NOTE: HOUSE PLANS CAN BE ADAPTED TO ACCOMMODATE 8'-0" CONTAINERS AND TO USER'S DESIRE



HOUSE B
WHITE HOUSE LEFT GARAGE
1111 SF



HOUSE C
WHITE HOUSE LEFT GARAGE
1111 SF

DATE	BY	REVISIONS

NO.	DESCRIPTION
1	COVER SHEET
2	APPROVAL SHEET
3	EXISTING CONDITIONS
4	EXISTING UTILITIES
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AREA OF DEVELOPMENT
SINGLE FAMILY HOMES

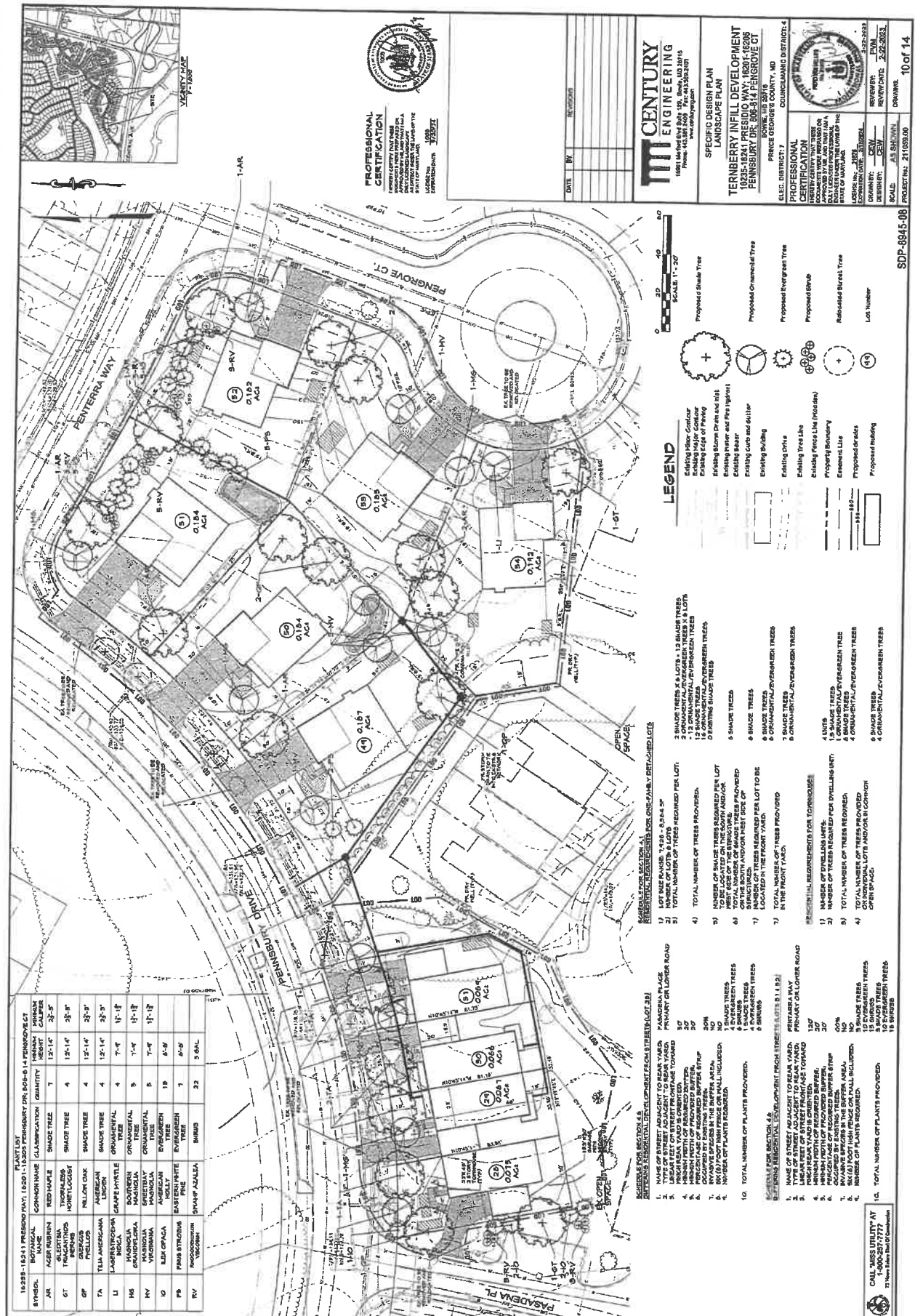
AREA OF DEVELOPMENT
LOTS 28-31
TOWNHOUSES

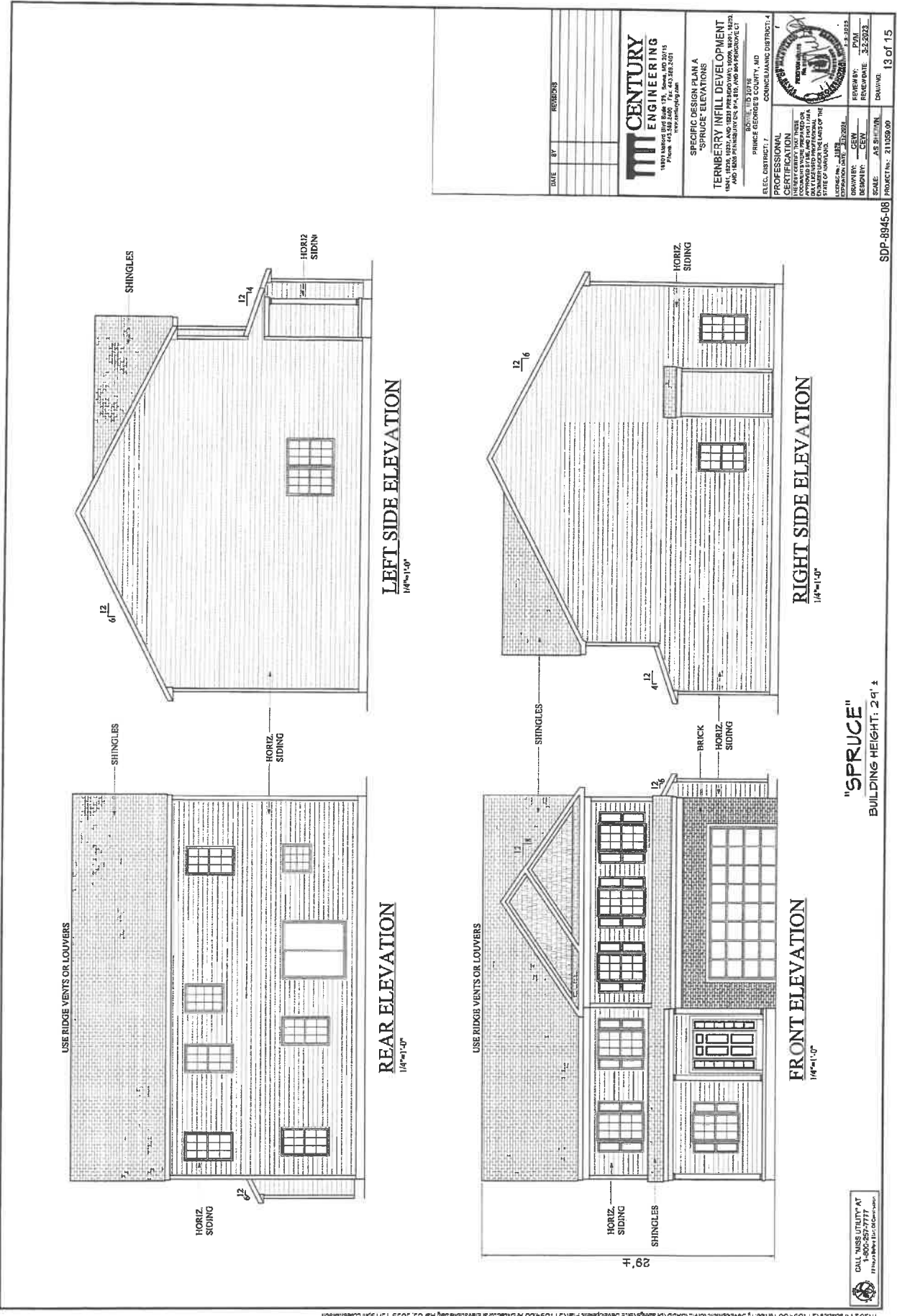
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CALL: "TERRITORY" AT
1-800-357-7777
© 2023 Ternberry Development

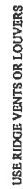
SDP-8945-08
PROJECT NO.: 211059.00
DRAWING
REVISION: 3-2-2023
REVIEW BY: PFM
DESIGN BY: CRW
DATE: 3-2-2023
1 of 15







REAR ELEVATION
3/16"=1'-0"



FRONT ELEVATION
3/16"=1'-0"



"MAGNOLIA"

BUILDING HEIGHT: 29' ±

DATE	BY	REVISION

CENTURY
ENGINEERING
18701 Skyford Blvd. Suite 128, Irvine, CA 92615
Phone: 415.589.2400 Fax: 415.589.2401
www.centuryeng.com

**SPECIFIC DESIGN PLAN B
"MAGNOLIA" ELEVATIONS**

BOVIE, MD 20716
PRINCE GEORGE'S COUNTY, MD
ELEC. DISTRICT 7 CONGRESSMAN COTTON

PROFESSIONAL CERTIFICATION

HEREBY CERTIFY THAT THE ABOVE NAMED INDIVIDUAL HAS BEEN GRANTED A LIMITED LICENSE TO PRACTICE AS A PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

CASE NO. <u>21875</u> EXPIRATION DATE: <u>3-2-2024</u>	REVIEW BY: <u>CEW</u> REVIEW DATE: <u>3-2-2023</u>	DRAWN BY: <u>CEW</u> DRAWN DATE: <u>3-2-2023</u>
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PROJECT No: 211059.00	14 of 15
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ABOVE-GRADE FOUNDATION WALLS SHALL EITHER BE CLAD WITH FINISH MATERIALS COMPATIBLE WITH THE PRIMARY FACADE DESIGN (BRICK), OR SHALL BE TEXTURED OR FORMED TO SIMULATE A CLAD FINISHED MATERIAL, SUCH AS BRICK, STONE OR STUCCO. SPECIFICATIONS TO BE GIVEN AT BUILDING PERMIT APPLICATION.

[illegible]

Century Engineering
11901 Medford Blvd Suite 125, Elmont, NY 10715
Phone: 643.598.2603 Fax: 643.598.2431
www.centuryeng.com

**SPECIFIC DESIGN PLAN
TOWNHOUSE ELEVATIONS**

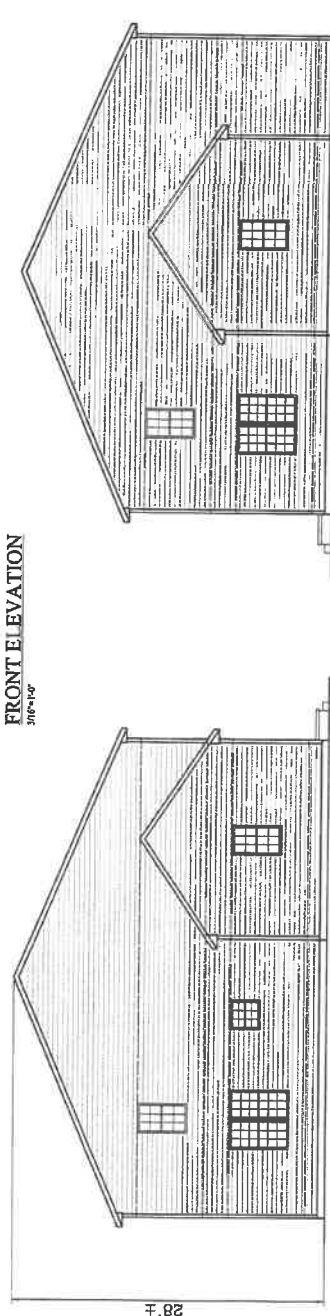
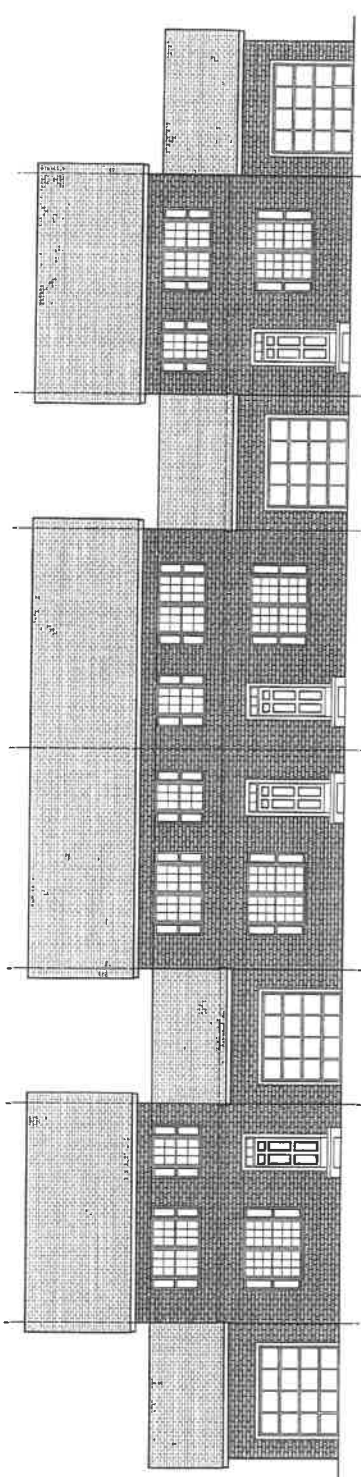
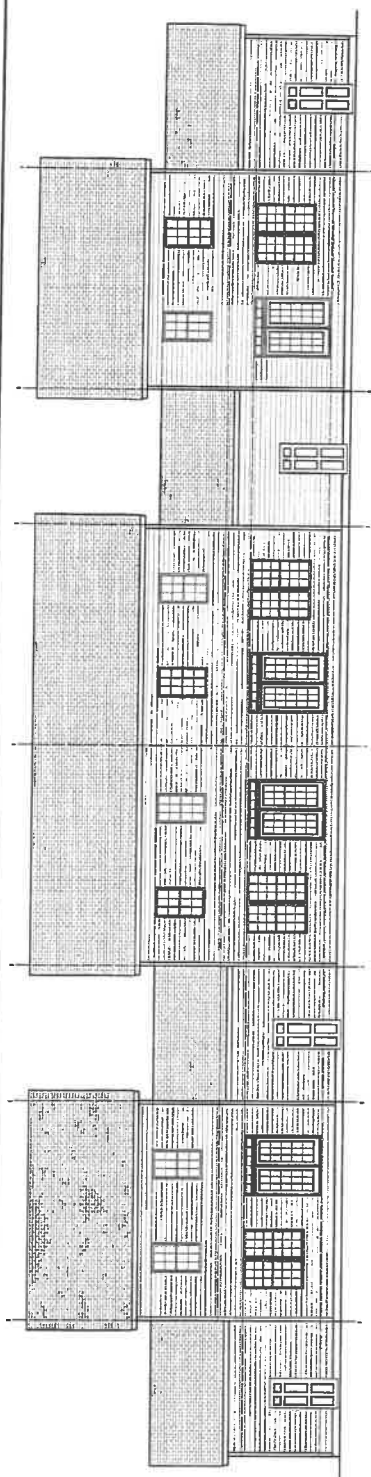
INTERBERRY INFILL DEVELOPMENT
14241, 14246, 14277, AND 14215 PRESIDENT WAY; 14509, 14201, 14203,
AND 14204 PENNSBURG DR, #14, #16, AND #24 PEPPERIDGE CT
BOWIE, MD 20716

PRINCE GEORGE'S COUNTY, MD
EC. DISTRICT: 7 COUNCILMANIC DISTRICT: 4

**PROFESSIONAL
CERTIFICATION**

DRAWING NO.: 211059 PROJECT NO.: 211059-00 DATE: 15 OF 15	REVIEW BY: CEW REVIEW DATE: 3-5-2023	
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SDP-8945-08	SCALE	AS SHOWN	DRAWING:	15 of 15
	PROJECT No:	211059.00		



TOWNHOUSES
BUILDING HEIGHT: 28' ±

LEFT SIDE ELEVATION

CALL MISS UTILITY AT
1-800-257-7777

STATEMENT OF JUSTIFICATION

SPECIFIC DESIGN PLAN REVISION (SDP-8945-08)

TERNBERRY

Applicant:

A.R. Builders, Inc.
163 Ryan Road
Pasadena, Maryland 21122
Contact: Albert Retowsky
(410) 360-1721
arbuildersinc79@gmail.com

Owner:

Home Innovation Research Labs, Inc.
400 Prince George's Boulevard
Upper Marlboro, Maryland 20772
Contact: Michael Luzier
(301) 249-4000
mluzier@homeinnovation.com

Civil Engineer:

Century Engineering
16901 Melford Boulevard, Suite 129
Bowie, Maryland 20715
Contact: Pete Mellits
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APPLICANT/OWNER

The Applicant in this case is A.R. Builders, Inc. ("Applicant"). The Applicant is the contract purchaser of the property forming the subject matter of this Specific Design Plan amendment application. The owner of the property is Home Innovation Research Labs, Inc. ("Owner"), which is a wholly owned subsidiary of NAHB¹ Research Center, Inc.

THE PROPERTY

The property forming the subject matter of this application comprises 11 infill lots which are zoned LCD (Legacy Comprehensive Design). The lots are located within the Ternberry community. The Ternberry community is situated generally on the north side of Central Avenue (MD 214), just west of its intersection with US 301. An aerial photograph outlining the 11 lots in red is marked Exhibit "A" and attached hereto. On Exhibit "A," the westernmost lot is identified as Lot 2. Lot 2 is shown on a Plat of Correction recorded among the Land Records of Prince George's County in Plat Book NLP 152, Plat 90, a copy of which is marked Exhibit "B" and attached hereto. It should be noted that Lot 2 was formerly identified as Lot 37 on a Final Plat recorded in Plat Book NLP 132, Plat 1, a copy of which is marked Exhibit "C" and attached hereto. Lot 37 was originally 15,650 square feet. Due to an

¹ As discussed below, "NAHB" is an acronym for the National Association of Homebuilders.

engineering error, the Plat of Correction was filed which reduced the area to 12,854 square feet and re-identified Lot 37 as Lot 2.

The four townhouse lots which are outlined in red on Exhibit "A" are more particularly identified as Lots 28 through 31 inclusive as shown on a Final Plat recorded in Plat Book VJ 159, Plat 58. A copy of this Final Plat is marked Exhibit "D" and attached hereto. Finally, the easternmost lots which are outlined on Exhibit "A" are identified as Lots 49 through 54 inclusive as shown on a Final Plat recorded in Plat Book NLP 151, Plat 91. A copy of this Final Plat is marked Exhibit "E" and attached hereto. (Lots 2, 28-31 inclusive and 49-54 inclusive are collectively referred to hereinafter as the "Property").

DEVELOPMENT HISTORY

The 11 infill lots are included within a larger overall development known as "Ternberry" which consists of approximately 51.32 acres. This land area was rezoned to the R-S (Residential Suburban) Zone on January 14, 1985, pursuant to the adoption of Zoning Map Amendment Application A-9490. Under the prior Zoning Ordinance, the R-S Zone was a Comprehensive Design Zone which is subject to a multi-layered review process. After achieving a rezoning through approval of a Basic Plan, development in the R-S Zone required approval of a Comprehensive Design Plan, a Preliminary Plan of Subdivision, a Specific Design Plan, and a Final Plat of Subdivision.

An initial CDP (CDP-8310) was approved by the Planning Board on February 21, 1985. CDP-8310 had as its subject matter the 51.32 acres which comprises the overall Ternberry development. It proposed 167 lots, including 41 single family detached units and 126 single family attached (townhouse) units. Pursuant to CDP-8310, the development was intended as a research home park with a wide diversity of housing types.

In 1986, the 51.32-acre Ternberry property was the subject of a Preliminary Plan of Subdivision (4-86146).² A Specific Design Plan (SDP-8644) was then approved by the Planning Board on February 26, 1987. However, this approval was for Lots 37 through 41 only. A copy of the Resolution approving SDP-8644 is marked Exhibit "F" and attached hereto. As noted above, Lot 37 which was the subject of SDP-8644 is now identified as Lot 2 which is included in this application. SDP-8644 was revised in 1989. A copy of the Resolution approving SDP-8644-01 is marked Exhibit "G" and attached hereto. As stated in Exhibit "G," the revision was reviewed for conformance with CDP-8310. It proposed an amendment to the design of the house

² Many of the initial Orders and Resolutions relating to earlier development plans for the Ternberry property are not among the records maintained by the Maryland - National Capital Park and Planning Commission. It is presumed that these missing documents were lost when the lower level of the County Administration Building was flooded in 2011. Among the missing documents are those relating to CDP-8310 and Preliminary Plan 4-86146.

for Lot 39 and proposed an entirely new house type for Lot 37 (now Lot 2).

In 1988, a well-known residential development company, William L. Berry Company, Inc. ("Berry"), teamed with the National Association of Homebuilders ("NAHB") and filed an application to amend CDP-8310. The application was assigned a new number (CDP-8810) and was approved by the Planning Board on June 1, 1989. A copy of the Planning Board Resolution (PGCPB No. 89-261) approving CDP-8810 is marked Exhibit "H" and attached hereto. The revision changed building types and proposed cluster layouts but retained the ability to use innovative housing designs and techniques for 23 of the 167 lots. Those 23 lots were to be retained by NAHB.³ The remaining 144 lots were to be conveyed to, and developed by, Berry. CDP-8810, as approved by the Planning Board, confirmed the maximum density of 167 dwelling units. As abovementioned, CDP-8310 allowed 41 single family detached units and 126 single family attached (townhouse) units. CDP-8810 continued to approve 167 total units. However, the mix was changed to allow 45 single family detached units and 122 single family attached (townhouse) units.

In April of 1989, Berry filed a Preliminary Subdivision Plan application seeking approval of 167 lots and 10 parcels. The case was assigned the number 4-89077. Berry had requested that the

³ Among the 23 lots retained by NAHB are the 11 lots forming the subject matter of this application.

Preliminary Plan be heard by the Planning Board on the same date that CDP-8810 was heard. A hearing on the Preliminary Plan occurred on June 1, 1989. However, on June 29, 1989, the Planning Board reconsidered its original action and approved Preliminary Plan 4-89077 subject to five conditions and certain "Specific Design Plan Considerations." A copy of the Planning Board's amended Resolution (PGCPG No. 89-260) which approved Preliminary Plan 4-89077 is marked Exhibit "I" and attached hereto. Condition 1 requires that the application must conform with all conditions of approval contained in CDP-8810. The remaining conditions relate to stormwater management, floodplain approval and provision of recreational facilities.

A Specific Design Plan (SDP-8945) was then reviewed and approved by the Planning Board on October 5, 1989. A copy of the Planning Board's Resolution approving SDP-8945 (PGCPB No. 89-510) is marked Exhibit "J" and attached hereto. The relationship between SDP-8945, and the 11 lots in this application, warrants further discussion. The Planning Board Resolution (Exhibit "J") does not contain a description of the property which is subject to SDP-8945. Moreover, the approved drawings for SDP-8945 contain a note for 10 of the 11 lots (all but Lot 2), which states, "NOT INCLUDED IN THIS SDP." However, a review of the Staff Report for SDP-8945 confirms that the 11 lots were nonetheless part of the land area subject to SDP-8945, despite not being analyzed for development.

A copy of the Staff Report for SDP-8945 is marked Exhibit "K" and attached hereto. On page 2 of Exhibit "K," under the heading "Development Summary," it is stated that the 23 lots proposed to be retained by NAHB were not included in SDP-8945. However, the development list on page 3 includes the full acreage of the site and all units. Consequently, only the 144 lots acquired by Berry were analyzed for development in SDP-8945. The Final Plats for the 11 lots provide further evidence that they were in fact part of the land area subject to SDP-8945 (see Exhibits "B," "D" and "E"). Each Final Plat contains a note with the following statement:

Development of this property must conform to the Specific Design Plan SDP-8945 approved on Oct. 5, 1989 (in compliance with the Comprehensive Design Plan CDP-8810 approved on June 1, 1989) or as amended by any subsequent revisions thereto.

It should be noted that SDP-8945 was approved subject to 14 conditions. Condition 1 dealt with amendments arising from "marketing conditions." If such an amendment related to "location and percentage of different model units," it could be approved at staff level subject to three limitations. The first limitation required retention of the basic concepts for access, grading and unit location. The second limitation prohibited the introduction of new housing designs or the elimination of model types. The third limitation sought to avoid excessive repetition of housing types. Give the nature of the proposed development, and after correspondence with staff, it was determined that the instant

application should be processed as a revision to SDP-8945. This is evidenced by emails from staff dated July 18, 2021, copies of which are marked Exhibit "L" and attached hereto. There have been seven previous revisions to SDP-8945, none of which impacted the 11 lots subject to this application.

DEVELOPMENT PROPOSAL

The Applicant proposes to develop Lot 2, and Lots 49-54, with two-story single-family detached dwellings. Lots 28-31 will further be developed with single-family attached townhomes. The architectural renderings and landscape plan submitted with this application depict in greater detail the design of each dwelling unit and the landscaping which will be provided. It is the Applicant's intent that this project will serve to complete the Ternberry development as originally envisioned.

CONFORMANCE WITH MASTER PLAN AND GENERAL PLAN RECOMMENDATIONS

The Property is located in Planning Area 71B and is within the municipal limits of the City of Bowie. It is also subject to the Bowie, Mitchellville & Vicinity Master Plan, most recently adopted by the District Council on March 8, 2022. The Future Land Use Map found on page 50 of the Master Plan text document recommends low density residential development for Lot 2 and Lots 49-54, and medium density residential development for Lots 28-31. Like the Master Plan, the General Plan's "Generalized Future Land

Use Map" recommends residential development for the Property. The Property is also designated within the "Established Communities" Growth Policy Area. Finally, while no longer technically applicable, the Property is in the Developing Tier of the 2002 General Plan. The purpose of the Developing Tier is to provide for a pattern of medium density, suburban residential development with distinct commercial centers and employment areas. The Applicant submits that the proposed development conforms with the above recommendations for low to medium density development of the Property.

CONFORMANCE WITH APPLICABLE PROVISIONS OF
SUBTITLE 27/ZONING ORDINANCE

As noted above, the Property is zoned LCD. Section 27-4205(c)(1) of the new Zoning Ordinance provides that the LCD Zone is intended to recognize properties which were in Comprehensive Design Zones under the old Zoning Ordinance and which were the subject of an approved Basic Plan, Comprehensive Design Plan or Specific Design Plan. Section 27-4205(c)(3) further provides that development in the LCD Zone shall comply with the previous development approvals in accordance with Section 27-1700, Transitional Provisions. Section 27-1704 applies to projects which were approved prior to April 1, 2022. Section 27-1704(e) permits amendments and revisions to "grandfathered" projects, while Section 27-1704(h) permits property in the LCD Zone to develop

pursuant to the prior Zoning Ordinance, subject to the terms and conditions of previous approvals. As abovementioned, staff has advised that this application should be processed as a revision to SDP-8945 (see Exhibit "L").

Section 27-530 of the prior Zoning Ordinance provides that amendments to approved Specific Design Plans shall be made in accordance with the criteria for initial approval. The criteria for initial approval of a Specific Design Plan are set forth in Section 27-528(a). The criteria are as follows:

(a) Prior to approving a Specific Design Plan, the Planning Board shall find that:

- (1) The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**

It should be reiterated that the Property consists of 11 record platted lots within an existing development. As depicted on the elevations filed with this application, the building design proposed by the Applicant is at least equal to, and harmonious with, the quality of surrounding development. With respect to the above criterion, the Applicant submits the proposed Plan is in

conformance with approved CDP-8810. As discussed above, CDP-8810 approved a total of 167 dwelling units, including 45 single-family detached units and 122 single-family attached (townhouse) units. Of these 167 approved dwelling units, all but 11 have been developed. The development proposed in this Plan accounts for the 11 remaining lots. It should be noted that CDP-8810 was approved subject to several conditions. Of relevance is Condition 5, which states:

Prior to the issuance of the final building permit(s) for the 167 dwelling units, the applicant, his heirs or assigns shall design and construct a 500 foot acceleration lane along the northbound median of US Route 301 at the intersection of U.S. Route 301 and Pennsbury Drive.

Given that the Applicant proposes the development of the final dwelling unit approved in CDP-8810, this Condition is applicable. The Applicant proposes to construct the acceleration lane in conformance with this Condition. As reflected on the attached landscape plan, this Plan also conforms to all requirements of the Prince George's County Landscape Manual.

The single-family homes, to be constructed on Lot 2, and Lots 49 through 54, are depicted in detail on the attached elevations. As can be seen, two model types are proposed (Magnolia and Spruce). The front face of each model will include a mix of brick and horizontal siding with a porch, two car-garage and attractive landscaping. Both models will also include a number of features

creating visual offsets, including windows, numerous façade recesses, roofline variations, and color changes.

Finally, the townhouses proposed in this application will conform to Section 27-274(a)(1)(B) and (a)(11), as well as Section 27-433(d). Section 27-274(a)(1)(B) states:

The applicant shall provide justification for, and demonstrate to the satisfaction of the Planning Board or District Council, as applicable, the reasons for noncompliance with any of the design guidelines for townhouses and three-family dwellings set forth in paragraph (11), below.

The Applicant submits that the proposal complies with the design guidelines for townhouses as provided in Section 27-274(a)(11). An analysis of conformance with the design guidelines of Section 27-274(a)(11) is set forth below:

(11) Townhouses and three-family dwellings.

(A) Open space areas, particularly areas separating the rears of buildings containing townhouses, should retain, to the extent possible, single or small groups of mature trees. In areas where trees are not proposed to be retained, the applicant shall demonstrate to the satisfaction of the Planning Board or the District Council, as applicable, that specific site conditions warrant the clearing of the area. Preservation of individual trees should take into account the viability of the trees after the development of the site.

As depicted on the attached Landscape Plan, the Applicant does not propose the removal of any trees which exist to the rear of the proposed townhouse units.

(B) Groups of townhouses should not be arranged on curving streets in long, linear strips. Where feasible, groups of townhouses should be at right angles to each other, and should facilitate a courtyard design. In a more urban environment, consideration should be given to fronting the units on roadways.

The townhouse units located on Lots 29 through 31 will be accessed from Pennsbury Drive. The townhouse unit to be located on Lot 28 will be accessed from Pasadena Place, which is immediately west of Lot 28. The units will not be fronting on a curved street, nor are they proposed as a "long linear strip." To the contrary, the existing and proposed townhouses are located in small strips comprising only four units each. The proposed units are oriented at an angle relative to the orientation of existing townhouses which creates a visual offset of the type encouraged by the Zoning Ordinance. Finally, as depicted on Exhibit "A" as well as the Site Plan attached hereto, the unit layout creates a courtyard design which is marked by the parking area and cul-de-sac of Presidio Way, which is located in the rear (south) of the townhouse lots.

(C) Recreational facilities should be separated from dwelling units through techniques such as buffering, differences in grade, or preservation of existing trees. The rears of buildings, in particular, should be buffered from recreational facilities.

The townhouse units will face Pennsbury Drive, while the rear of each unit will face Presidio Way. There are no recreational facilities located to the rear of the proposed units.

There are, however, recreational facilities in the form of a playground and walking trail located across Pennsbury Drive to the north. As depicted on the attached Landscape Plan, there are existing trees located on the north side of Pennsbury Drive which will remain undisturbed. Ornamental and shade trees will also be planted in front of each townhouse unit to provide additional visual separation from the recreational facilities.

(D) To convey the individuality of each unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features and designs such as roofline, window and door treatments, projections, colors, and materials. In lieu of this individuality guideline, creative or innovative product design may be utilized.

The Applicant submits that the proposed townhouses certainly represent a creative and innovative design. It should be reiterated that the Property is located within a community which was intended to provide unique and diverse housing types. As depicted on the attached elevations, the individuality of each unit is primarily emphasized through the creative layout of each townhouse and garage unit. The townhouses will be served by offset single-car garages. Each garage will be 13.5' x 20' and will be located to the side of each unit. Through this design feature, the proposal will accomplish the type of aesthetic variations envisioned by the Zoning Ordinance.

(E) To the extent feasible, the rears of townhouses should be buffered from public rights-of-way and parking lots. Each application shall include a visual mitigation plan that identifies effective buffers between the rears of townhouses abutting public rights-of-way and parking lots. Where there are no existing trees, or the retention of existing vegetation is not practicable, landscaping, berming, fencing, or a combination of these techniques may be used. Alternatively, the applicant may consider designing the rears of townhouse buildings such that they have similar features to the fronts, such as reverse gables, bay windows, shutters, or trim.

As can be seen from a review of the attached Landscape Plan, there are existing trees located to the rear of the proposed townhouse lots. These trees will remain in place and will provide a degree of buffering from the small parking area located on the cul-de-sac of Presidio Way. The Landscape Plan further demonstrates conformance with all other requirements of the Landscape Manual.

(F) Attention should be given to the aesthetic appearance of the offsets of buildings.

As noted above, the townhouse units will be offset as a result of garages being located to the side of each unit. This unique design creates a roofline variation which improves the aesthetic appearance and reduces the type of monotony which is discouraged by the Zoning Ordinance.

An analysis of conformance with the provisions of Section 27-433(d) is set forth below:

(d) Dwellings.

(1) All dwellings shall be located on record lots shown on a record plat.

Each proposed unit will be located on record lots shown on Final Plats of Subdivision (see Exhibits "B," "D" & "E").

(2) There shall be not more than six (6) nor less than three (3) dwelling units (four (4) dwelling units for one-family attached metropolitan dwellings) in any horizontal, continuous, attached group, except where the Planning Board or District Council, as applicable, determines that more than six (6) dwelling units (but not more than eight (8) dwelling units) or that one-family semidetached dwellings would create a more attractive living environment, would be more environmentally sensitive, or would otherwise achieve the purposes of this Division. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width.

This criterion is satisfied given that the Applicant is only proposing one group of four (4) townhouse units.

(3) The minimum width of dwellings in any continuous, attached group shall be at least twenty (20) feet for townhouses, and twenty-two (22) feet for one-family attached metropolitan dwellings. Attached groups containing units all the same width and design should be avoided, and within each attached group attention should be given to the use of wider end units.

Each townhouse unit is proposed to be 22' x 48'. Although each unit will be the same width, the Applicant submits that the unique design proposed for the townhouse units will overcome the concern of each unit being the same width. First, the two outside

units (on Lots 28 and 31) are essentially freestanding, whereas the two middle units (on Lots 28 and 30) are connected. When viewed in connection with the offset garages, this creates the perception of varying townhouse width. Moreover, the offset garages for each end unit (on Lots 28 and 31) are located outside each unit. So, while the end units themselves are not actually wider, they nonetheless maintain the appearance of being wider given that the garages will be located outside each unit. With these perspectives in mind, the Applicant submits that the site design satisfies the spirit of this criterion.

(4)The minimum gross living space, which shall include all interior space except garage and unfinished basement or attic area, shall be one thousand two hundred and fifty (1,250) square feet for townhouses, and two thousand two hundred (2,200) square feet for one-family attached metropolitan dwellings.

At 22' x 48' and two stories in height, the living space for each unit far exceeds the minimum stated above.

(5)Side and rear walls shall be articulated with windows, recesses, chimneys, or other architectural treatments. All endwalls shall have a minimum of two (2) architectural features. Buildings on lots where endwalls are prominent (such as corner lots, lots visible from public spaces, streets, or because of topography or road curvature) shall have additional endwall treatments consisting of architectural features in a balanced composition, or natural features which shall include brick, stone, or stucco.

The side and rear walls for each townhouse unit will be marked by prominent architectural features. Windows will be provided, not just on the end wall of the townhouse unit, but

also on the end wall of each garage unit. Further, the location of garage units beyond the end walls provides a distinct recess. Similar features are provided in the rear of each unit, including two doors which lead to the garage and to the main unit. Decks and attractive landscaping will also be provided in the rear of each unit which add to the aesthetic appearance.

(6) Above-grade foundation walls shall either be clad with finish materials compatible with the primary facade design, or shall be textured or formed to simulate a clad finished material such as brick, decorative block, or stucco. Exposed foundation walls of unclad or unfinished concrete are prohibited.

While exact textures and materials comprising above grade foundation walls have not yet been determined, they will not contain prohibited unclad or unfinished concrete. Exact materials and textures will be determined at building permit application.

(7) A minimum of sixty percent (60%) of all townhouse units in a development shall have a full front facade (excluding gables, bay windows, trim, and doors) of brick, stone, or stucco. Each building shall be deemed to have only one "front."

The full front facade of each unit will be composed primarily of brick and thus satisfy this criterion.

(8) One-family attached metropolitan dwellings shall be designed with a single architecturally integrated "Front Wall." A minimum of one hundred percent (100%) of the "Front Wall", excluding garage door areas, windows, or doorways shall be constructed of high quality materials such as brick or stone and contain other distinctive architectural features.

As depicted on the attached elevations, this criterion is satisfied given that the front wall of each unit will be composed primarily of brick.

- (1.1) For a regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;**

The subject project is not a Regional Urban Community. Therefore, this provision is not applicable.

- (2) The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program, provided as part of the private development or, where authorized pursuant to Section 24-128(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;**

The Applicant submits that existing public facilities are sufficient to serve the proposed development. The Property is the subject of an approved Preliminary Subdivision Plan and Final Plats of Subdivision. Adequacy of public facilities for this development was evaluated as part of the subdivision process. The 11 units proposed herein will generate only a *de minimis* increase in traffic trips.

- (3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;**

A Conceptual Stormwater Management Plan has been approval by the City of Bowie. A copy of that Plan and the Approval Letter have been submitted with this application. Implementation of the

stormwater management facilities as approved will ensure that adequate provision has been made for the drainage of surface water.

(4) The plan is in conformance with an approved Type 2 Tree Conservation Plan; and

The Applicant has received three Woodland Conservation Exemption Letters and three Natural Resources Inventory Equivalency Letters which correspond to each area of development. Copies of these letters have been submitted with this application.

(5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b) (5) .

As noted in the Natural Resources Inventory Equivalency Letters, there are no regulated environmental features on site. Therefore, the requirements of Section 24-130(b)(5) are not applicable.

(b) Prior to approving a Specific Design Plan for Infrastructure, the Planning Board shall find that the plan conforms to the approved Comprehensive Design Plan, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, draining, erosion, and pollution discharge.

This is not an application for infrastructure. Therefore, this provision is inapplicable.

PRIOR CONDITIONS OF APPROVAL

As discussed in greater detail above, the Property has been the subject of several development approvals. An analysis of relevant conditions of the prior approvals is set forth below:

CDP-8310:

- Condition 5: Prior to the issuance of the final building permit(s) for the 167 dwelling units, the applicant, his heirs or assigns shall design and construct a 500 foot acceleration lane along the northbound median of U.S. Route 301 at the intersection of U.S. Route 301 and Pennsbury Drive.

The Applicant's proposal will require issuance of the final building permit and therefore this Condition is applicable. The Applicant has agreed to construct the required 500-foot acceleration lane.

- Condition 6: If further amendments regarding density, intensity of development, or change in dwelling unit type in the Comprehensive Design Plan occur, the applicant shall submit a revised traffic impact analysis which will include a revised estimate of background traffic consisting of traffic generated by all record plats in the vicinity of the proposed development, as well as growth in through traffic.

The instant proposal does not involve any amendments regarding density, intensity of development or change in dwelling type. Therefore, the Applicant submits that a traffic impact analysis is not required.

- Condition 11: The developer, his successors, and assigns, shall satisfy the Planning Board that there are adequate provisions to ensure the retention and all future maintenance of proposed private recreational facilities.

As noted above, the Ternberry community is subject to a Recreational Facilities Agreement dated August 15, 1989 and recorded among the Land Records of Prince George's County in Liber 7543 Folio 361.

Preliminary Plan 4-89077:

- Condition 4: The developer, his successors and/or assigns, shall execute and record a formal agreement before submitting the record plat to the Subdivision Office to provide recreational facilities to Department of Parks and Recreation standards I phase with the site development, and shall submit a performance bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office of The Maryland-National Capital Park and Planning Commission) within two weeks prior to applying for a building permit.
- Condition 5: The developer, his successors, and assigns, shall satisfy the Planning Board that there are adequate provisions to ensure the retention and all future maintenance of proposed private recreational facilities.

As noted above, the Property is already the subject of final record plats of subdivision, and a Recreational Facilities Agreement has been executed.

- Finding 3: Compliance with the following, Condition #5 of the Approved CDP, ensures that public facilities are adequate to support this subdivision:
 - (5) Prior to the issuance of the final building permit(s) for the 167 dwelling units, the applicant, his heirs or assigns shall design and construct a 500 foot acceleration lane along the northbound median of U.S. Route 301 at the intersection of U.S. Route 301 and Pennsbury Drive.

As noted above, the Applicant has agreed to construct the required 500-foot acceleration lane in satisfaction of this finding.

SDP-8945:

- Condition 5: Prior to the issuance of the final building permit(s) for the 167 dwelling units, the applicant, his heirs or assigns shall design and construct a 500 foot acceleration lane along the northbound median of U.S. Route 301 at the intersection of U.S. Route 301 and Pennsbury Drive.

See above response.

CONCLUSION

In conclusion, the Applicants submit that the proposed Specific Design Plan satisfies the criteria for approval as set forth in the Zoning Ordinance. Therefore, the Applicant respectfully requests approval of SDP-8945-08.

Respectfully submitted



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Ternberry CDP

2.2 DESIGN PRINCIPLES

The design principles which will govern the site closely reflect the concepts introduced in the approved plan:

2.2(1) BUILDING DESIGN AND ENVELOPE

The Berry building design concepts will unify the diverse housing types and create neighborhood transitions for the entire site. The concept of integrating single family and townhome clusters has been maintained, and in avoiding the obvious option of grouping all of the single family detached homes in one part of the site, the community benefits both functionally and aesthetically. The development will appear unified while featuring an extensive variety of housing types in a relatively small area.

The use of various types of residential structures permits selective siting in response to both on-site and off-site features. For example, upon entering the park from either direction one will be struck by the balance between variety and continuity. Single family detached homes either back up to the woods and the park beyond or are clustered in cul-de-sacs forming groupings that are natural neighborhood units. The attached homes also form elements of cohesive neighborhood structure. In addition, the visual counterpoint between and among the different unit types adds zest to the community without being discordant. The identity created in the several enclaves gives a sense of "belongingness" to those areas, presenting compatible and harmonious forms that contrast and fit together.

The architectural concepts to be presented by William L. Berry & Company at the time of Specific Design Plan offer refreshing variety while creating harmonious neighborhood transitions. The diversity of housing types feature single family homes with multiple and varied roof lines, an abundance of interesting windows on all visible sides, and column and pillar treatment not often seen in this traditional market. The two lines of townhomes each echo the peaked roof line and window treatments of the single family homes, while each presenting its own unique features, such as the innovative interlock lot configuration. All will have garages and dramatic presentations to the streetscape views.

Several different types of housing are considered to be possible candidates for inclusion in the Home Park. In addition to types that are popular today, flexibility is built into this Plan for the National Association of Home Builders to accommodate housing types that could be developed over the course of the next 4-8 years. Therefore, notwithstanding that certain housing types are not shown on the Illustrative Layout Plan, NAHB may propose innovative concepts which meet the Comprehensive Design Plan design standards during the Specific Design Plan Phase (Phase III). Accordingly, no footprints have been shown on the NAHB lots on the Illustrative Layout Plan.

Another desirable retained design concept is that of grouping the homes into small clusters which gain their access to garages or parking via a tertiary-type street. This concept applies to townhomes and single family homes in varied locations. As in the approved plan, the single family home courts will have the appearance of a tertiary-type courtyard cul de sac, with underlying ownership of a shared right of way connected to a public street. (See Figure 4b.) This creates a sense of community among neighbors, introduces a varied and interesting streetscape, and avoids the standard parallel rows of homes. By siting the housing in this manner, the number of driveway entrances onto public streets has been minimized to the point that the street takes on a very uncluttered appearance. This new plan further reduces access to the main drive even beyond the minimum achieved in the approved CDP.

Maximizing solar energy access remains an objective in this amended plan. In fact, this plan has actually increased the number of building sites whose orientation allows for prime exposure for living-areas, i.e., maximizing south facing spaces that benefit from the most suitable sun exposure.

The following guidelines will govern the building envelopes:

BUILDING ENVELOPE GUIDELINES

Minimum Setbacks

Central Avenue-to nearest house wall*	150'
Front Yard	
Public Right of Ways-to nearest house wall*	20'
Private Street/Drive-lot line to nearest house wall*	20'
Side Yard	
Single family detached (other than zero lot line)	3'
Single family detached Zero lot line (one side only)	5'
Side Yard adjacent to a street - from lot line to nearest house wall*	10'
Rear Yard	
Single family detached	15'
Townhomes/attached	15'
Setback for Decks	0'

*Nearest house wall does not include chimneys, covered porches, bay windows and similar extensions.

Minimum Lot Sizes

Single family/detached units	8,000 sq. ft.
Townhome/attached units	1,500 sq. ft.

SINGLE FAMILY ATTACHED UNITS
MINIMUM LOT SIZE = 1500 SQ. FT.

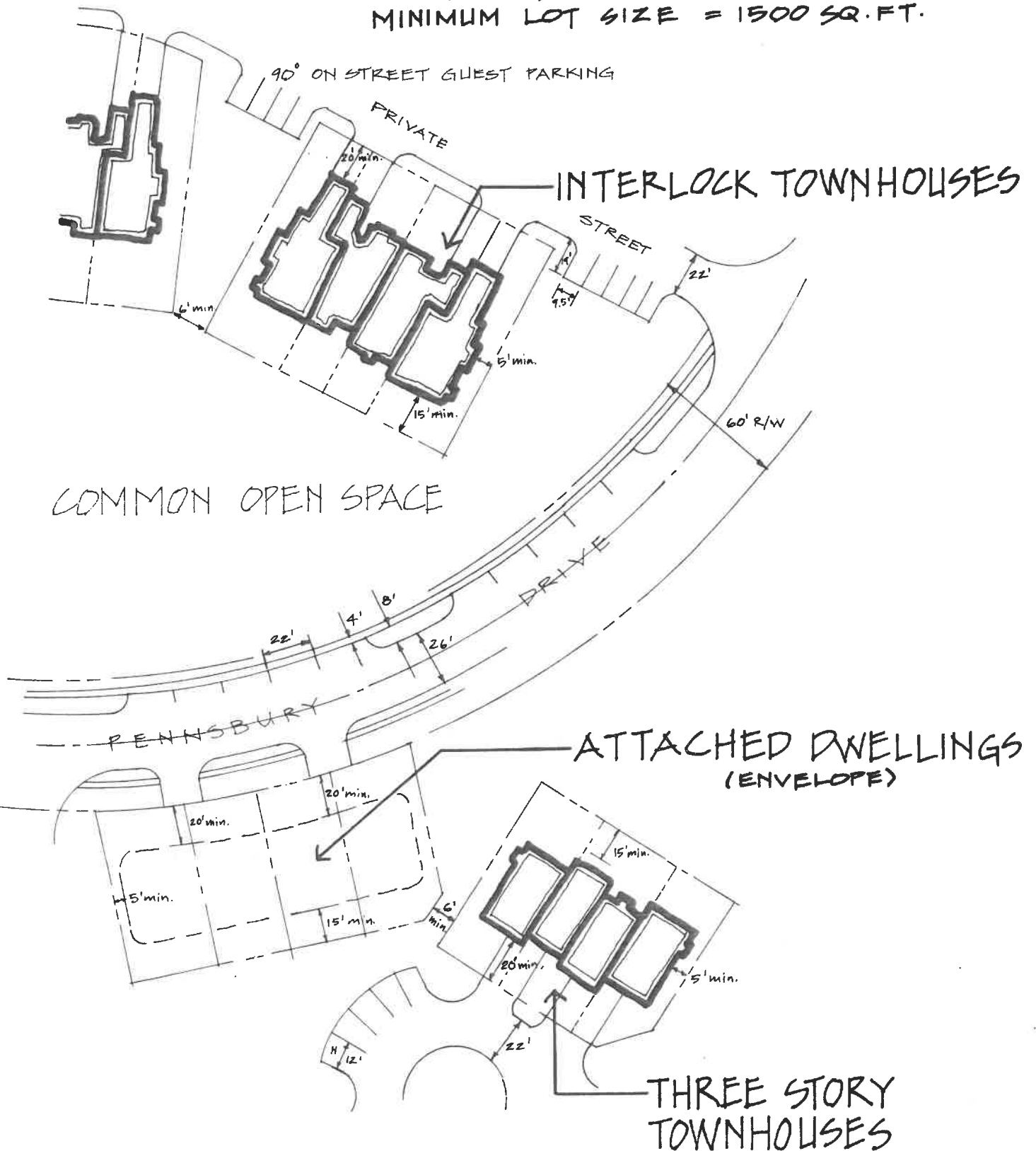
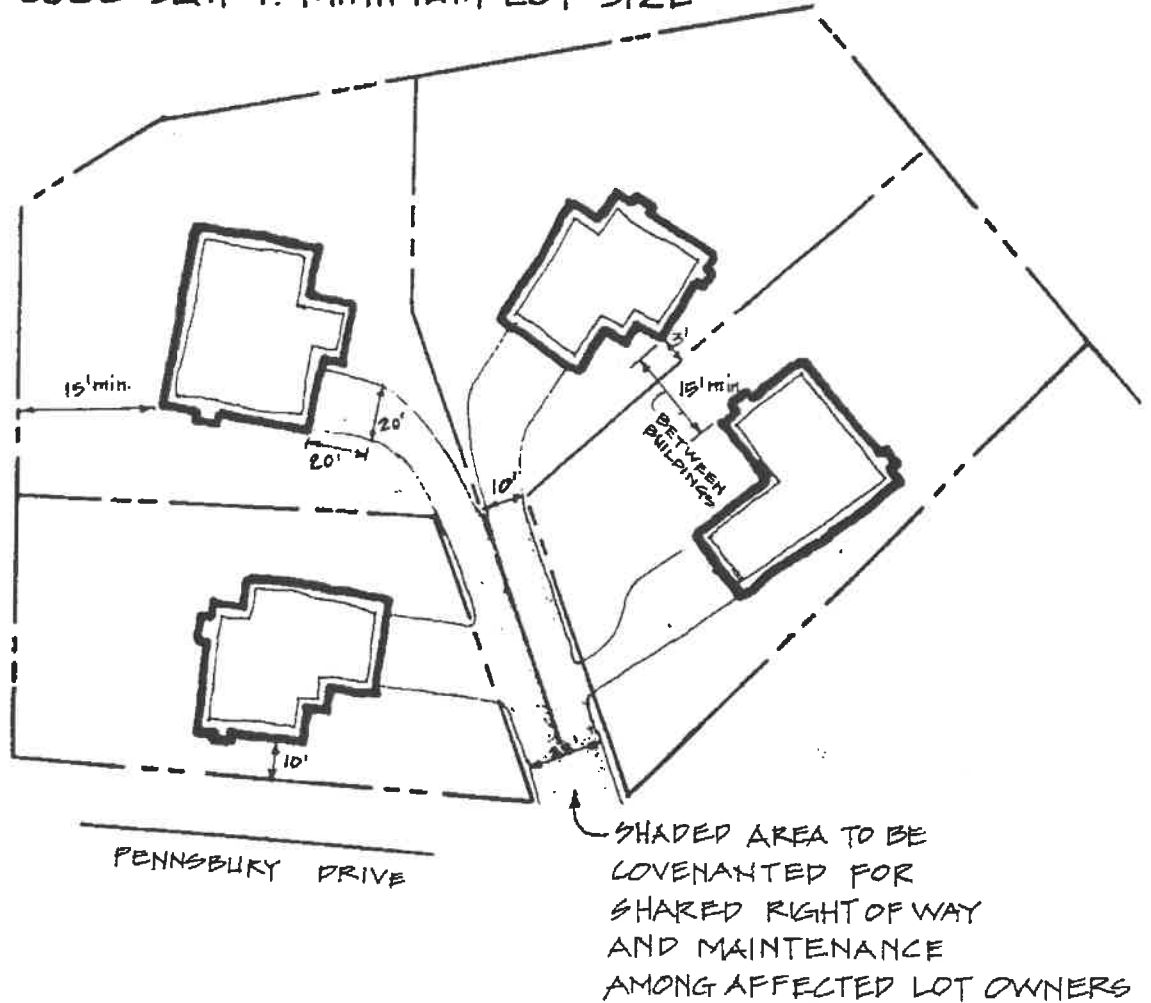


FIGURE 4a

SINGLE FAMILY DETACHED
8000 SQ. FT. MINIMUM LOT SIZE



Illustrative Diagram from CDP Text
 (NOT A SITE PLAN PROPOSAL - ONLY HYPOTHETICAL)

FIGURE 4b

Deleted W/Approval of 2017 Update - See Oct 16, 2017 Memo
R-65-17 approved 11/6/2017

ATTACHMENT 5

Development Review Guidelines Superseded by County Zoning Ordinance Rewrite Standards

DRG #	Content	Replaced By
General 1	Large development projects should be designed with a "theme" to unify buildings and facades, and to create a distinctive identity that should be integrated into the surrounding communities.	27-5.1103.D2
3	All projects should be sensitive to the surrounding environment and community, with regard to architecture, scale, and mass.	27-5.905.C 27-5.1103
4	Facades are encouraged to be brick, or other natural materials (stucco, stone)	27-5.904.D
5	Parking areas should be designed to be convenient, efficient, safe and attractive. Concrete curbing should be provided around single trees and landscape islands proposed within parking fields. Landscaping should be provided in sufficient quantities and distribution to achieve adequate canopy coverage, such that the "heat island effect" is minimized.	27-5.109.B.4 27-5.205.B.2
7	Dumpsters should be screened on three sides by an eight foot high fence or wall and should include visually solid gates using natural materials compatible with the primary structure or by the use of heavy landscaping	27-5.1000.E 27-5.904.H
8	Ornamental lighting fixtures in accordance with City standards, other than Cobra heads, are encouraged, provided they are compatible with those found in the immediate neighborhood. Ornamental fixtures should be of the full cut-off design wherever possible.	27-5.606
12	The use of alternate paving (e.g. concrete pavers or stamped decorative concrete or asphalt) is encouraged at building entrances and pedestrian crossings to create a cohesive streetscape design and to highlight areas of pedestrian activity for enhanced safety and circulation.	27-5.109.B.4
16	Lane striping and pavement painted arrows delineating vehicular traffic flow should be provided in parking lots with high traffic volumes.	27-5.205.D
18	New construction or renovation of existing structures should be compatible and reflect the prevailing character of the area.	27-5.1103.D.2
20	Developers and builders should consider landscaping techniques and materials to shade dwelling units and reduce energy consumption. Generally, landscaping should be provided on the south and west sides of buildings.	27-5.1103.D.2
22	Mechanical equipment (e.g. air conditioning condensers, heat pumps, etc.) should be screened	27-5.904.F.3

Development Review Guidelines Superseded by County Zoning Ordinance Rewrite Standards

	from view and should be shaded, where possible, to reduce energy consumption.	
23	Blank walls and large masses should be visually broken by landscaping, architectural features, and varied building materials. Articulated storefronts should be provided on large buildings and should be designed to relate to adjacent streetscape.	27-5.904.A
24	On multi-building sites, architecture should be designed to relate buildings to one another while maintaining proper proportions of size and scale. New buildings should also be constructed with adequate setbacks to provide streetscapes	27-5.904.A.3
25	Unattractive architectural features (e.g. downspouts, roof-mounted mechanical equipment) should be screened from street level.	27-5.904.C.3
26	Parking lots should be bermed and landscaped, while allowing for safe sight distance for drivers, in order to encourage concealment of parking from street. Generally, parking should be located to the side or rear of buildings, not in front of them. Compact parking spaces should be discouraged in favor of universal-sized parking spaces (9' x 18'). Surplus parking areas containing 20 spaces or more should be constructed with 50/50 pavers to reduce the amount of impervious surface.	27-5.905.E 27-5.904.G
28	Porous paving materials (e.g. concrete pavers, grass pavers and porous pavement) are encouraged at parking areas, driveways, sidewalks and trails in order to allow rainwater to permeate through hard surfaces into the ground at the site rather than run off the site.	27-5.205.B.2
29	Development plans should include the provision of bike racks at publicly accessible buildings and park facilities.	27-5.110
Residential 3	On corner lots, or where the chimney is highly visible, the chimney should be constructed entirely of brick. Where the chimney faces public space, brick is encouraged. All fireplace chimneys and prefabricated inserts should extend to grade or be landscap	27-5.804.F 27-5.804.H
5	Vehicular access to corner lots should be provided from streets of lower classification or streets that are anticipated to have less traffic volume.	27-5.108.D.2.c
11	A minimum of two architectural features should be provided in a balanced composition on each endwall. Such features should include, but not be limited to, standard windows, doors, fireplace chimneys. For highly visible units, a minimum of four architectural	27-5.804.F τ

Development Review Guidelines Superseded by County Zoning Ordinance Rewrite Standards

	features (including decorative trim, shutters) is encouraged.	
12	On highly visible townhouse units, and selected detached units, the front facade and (visible) endwall should be constructed of the same material.	27-5.804.F
13	Townhouse units should be offset a minimum of four feet. Side entry of end townhouse units should be encouraged. Townhouse rooflines should be varied in height. Townhouse roofline pitch should be no less than 8/12.	27-5.804.F
28	To enhance the aesthetics of townhouse communities, parking should be located to the rear of buildings, and rear load garages are encouraged.	27-5.804.B
29	Design of townhouse communities should include courtyards and common green spaces in front of townhouse units.	27-5.804.C.2
Commercial 10	Convenient and safe pedestrian access to, and within, commercial developments should be provided. All sidewalks in projects accessible to the public should be a minimum of six (6) feet in width.	27-5.108.G 27-5.109.B.4
Transportation 3	Pedestrian movement should be a priority in any street system design.	27-5.108.G
4	New and replacement street lighting should use full cut-off fixtures in order to reduce glare, light pollution and light trespass.	27-5.606.A
8	Sidewalks and streetlights shall be required along all City, County and State roads.	27-5.109
11	Crosswalks should be located and lighted where high volumes of pedestrian traffic exist or are anticipated, and where they are warranted by standard engineering practices.	27-5.109
12	Generally, unless there are no feasible alternatives, vehicular access to individual properties having frontage on arterial and collector roads should be discouraged.	27-5.108.D
13	The interconnection of the City's street system for access to developing properties should be encouraged as a means of reducing the number of local vehicle trips on the overall road network, improving circulation, and increasing emergency access potential.	27-5.108.D
14	The City discourages the creation of new communities containing more than 100 units with only a single point of vehicular access unless there is no other feasible alternative to provide access. An upper limit of 200 units is established for which no support will be given by the City for any proposed development having a single access.	27-5.108.K.4

Development Review Guidelines Superseded by County Zoning Ordinance Rewrite Standards

21	Use of plant species indigenous to the area or native to the region, including BayScaping techniques should be used in the landscape design.	27-5.400 (Section 4.9 of Landscape Manual)



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Repeal of Ordinance O-7-23 to Appropriate Funds for the Planning, Design, Engineering & Permitting Services for the City's New Single Sheet Ice Arena - Emergency Ordinance O-10-23

DATE: 06/15/2023

On June 5, 2023, the Council passed Ordinance O-7-23, which provided a supplemental appropriation for the planning, design, engineering & permitting services for the new single sheet ice arena. This ordinance was to become effective thirty (30) days upon enactment by the City Council.

However, it was determined that the effective date would be July 5, 2023, which is beyond the FY23 deadline to encumber the funds. Thus, the repeal of Ordinance O-7-23 and enactment of Ordinance O-10-23 as an Emergency Ordinance would be the most prudent manner in which to proceed and be able to accomplish the encumbrance of funds for FY23.

I concur with the recommendation of the Finance Department and request your approval of Ordinance O-10-23.

ADL:eh

ATTACHMENTS: 1. 20230620 - Emergency Ordinance O-10-23

EMERGENCY ORDINANCE
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
REPEALING ORDINANCE O-7-23, AMENDING THE ADOPTED
BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND
ENDING JUNE 30, 2023 TO APPROPRIATE FUNDS FOR PLANNING,
DESIGN, ENGINEERING, & PERMITTING SERVICES FOR THE
CITY'S NEW SINGLE SHEET ICE ARENA AND DECLARING THE
ORDINANCE AN EMERGENCY ORDINANCE SO THAT IT MAY
BECOME EFFECTIVE IMMEDIATELY

WHEREAS, as required by the Local Government Article of the Annotated Code of Maryland and the Charter of the City of Bowie, the Bowie City Council adopted Ordinance O-1-22, to appropriate funds for the several objects and purposes for which the City intended to provide for the Fiscal Year beginning July 1, 2022, and ending June 30, 2023; and

WHEREAS, in accordance with Section 45 of the City Charter, no public money may be expended without having been appropriated by the City Council; and

WHEREAS, supplemental appropriations are necessary to reflect new or additional sources of revenues and expenditures not included in the adopted budget; and

WHEREAS, the City Council amended Ordinance O-1-22 through Ordinances O-5-22 and O-6-23 to provide supplemental appropriations for expenditures not foreseen at the time of the adoption of Ordinance O-1-22; and

WHEREAS, the City Council, on June 5, 2023 adopted Ordinance O-7-23, which amended the adopted budget for Fiscal Year 2023 to appropriate funds for planning, design, engineering, & permitting services for the city's new single sheet ice arena; and

WHEREAS, Ordinance O-7-23, although amending the Fiscal Year 23 budget is not effective until July 5, 2023, which is Fiscal Year 24; however, it should become effective prior to the end of Fiscal Year 2023; and

WHEREAS, Ordinance O-10-23 is identical to Ordinance O-7-23 in all respects, other than the provisions necessary to make it an emergency ordinance effective upon its adoption; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't Article, § 5-205, the City may only spend money for a purpose different from the purpose for which the money was appropriated or spend money not appropriated at the time of the annual levy if approved by a two-thirds vote of all the individuals elected to the Council; and

WHEREAS, City Charter, Sec. 12 "Procedures for enacting ordinances" provides that every ordinance shall become effective at the expiration of thirty (30) calendar days following its passage by the Council; however, the Council may, upon a two-thirds (2/3) vote of its members, provide that an emergency ordinance will take effect on a date earlier than thirty (30) days after its passage; and

WHEREAS, City Charter, Sec. 12, further provides that at least six days must elapse between introduction and passage of an ordinance, except that this requirement may be waived in case of emergency upon the unanimous vote of the members of the Council who are present; and

WHEREAS, the need to enact this Ordinance and to have it become effective prior to the expiration of Fiscal Year '23 constitutes an emergency warranting the waiver of the thirty-day waiting period and of the requirement of the Charter that at least six days elapse between introduction and adoption.

Section 1: NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the City of Bowie, that Ordinance O-7-23 is hereby repealed.

Section 2: NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the City of Bowie, that the Budget for the Fiscal Year beginning July 1, 2022 and ending June 30,

2023, as adopted by Ordinance O-1-22 and amended by O-5-22 and O-6-23 is further amended as follows:

GENERAL FUND

ESTIMATED REVENUES

Appropriated Fund Balance	\$	[10,259,900]	\$ 10,561,900
Total revenues	\$	[69,115,900]	\$ 69,417,900

APPROPRIATION BY ACTIVITY

Transfers	\$	[96,500]	\$ 398,500
Total appropriations	\$	[69,115,900]	\$ 69,417,900

CAPITAL PROJECTS FUND

ESTIMATED REVENUES

Transfer from General Fund	\$	[96,500]	\$ 398,500
Total revenues	\$	[13,489,900]	\$ 13,791,900

APPROPRIATION BY ACTIVITY

Bowie Ice Arena	\$	[1,300,000]	\$ 1,602,000
Total appropriations	\$	[13,489,900]	\$ 13,791,900

Section 3: BE IT FURTHER ORDAINED, that this Ordinance is declared to be an Emergency and shall become effective immediately after its enactment by the Council of the City of Bowie, provided that it is adopted by a unanimous vote of the members of the City Council who are present, which constitutes at least a 2/3 vote of its member, and further 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 AND ADOPTED by the Council of the City of Bowie, Maryland, at a Regular Meeting on June 20, 2023.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

Timothy J. Adams
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Elissa D. Levan
City Attorney



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Ordinance Amending FY 2023 Budget - Emergency Ordinance O-9-23

DATE: 06/15/2023

During the fiscal year, it becomes necessary to transfer amounts within funds to provide for the proper operation of the City. Section 46 of the City Charter requires that any transfer of funds between appropriations proposed by the City Manager be approved by the City Council before becoming effective. Ordinance O-9-23 authorizes the transfer of certain amounts into accounts that at year-end, will have an excess of expenditures over appropriations. Where applicable, the transfers have been taken from accounts within the same department. Other transfers have been taken from the Reserve for Contingencies.

In the Proposed Budget for Fiscal Year 2024, many of these proposed changes were communicated to City Council under the estimated FY2023 expenditures column. Since these estimates were originally prepared in February, some adjustments have been made to the amounts submitted to the City Council in the Proposed Budget.

These adjustments in total amount to 1.79% percent of the adopted FY2023 final budget of \$102,462,800 (all funds).

Transfers of at least \$25,000 are as follows:

GENERAL FUND

HUMAN RESOURCES – RECRUITMENT & INSERVICE – A transfer of \$46,500 is requested to cover unexpected expenses associated with recruiting qualified employees in a competitive environment. The pandemic-induced nation-wide labor shortages coupled with low unemployment, resulted in increased competition for available candidates and additional recruitment costs for the City.

HUMAN RESOURCES- SUBSCRIPTIONS AND MEMBERSHIPS- A transfer of \$40,000 is requested to cover the cost of the new Human Resources Information System – Bamboo. Implementation of the system was delayed beyond the initial target date in FY2022 and was finalized in FY2023.

INFORMATION TECHNOLOGY – SUBSCRIPTION SERVICES- SOFTWARE - This new account was created after the FY2023 budget was adopted in order to identify software services related to the

new Accounting standard GASB-96 Subscription-Based Information Technology Arrangements. These costs were originally budgeted in the Information Technology Repair and Maintenance account. A transfer of \$300,000 is requested to move the funds to the newly created account.

INFORMATION TECHNOLOGY – SUBSCRIPTION SERVICES- MAINTENANCE - This new account was created after the FY2023 budget was adopted in order to identify software services related to the new Accounting standard GASB-96 Subscription-Based Information Technology Arrangements. These costs were originally budgeted in the Information Technology Repair and Maintenance account. A transfer of \$71,000 is requested to move the funds to the newly created account.

INFORMATION TECHNOLOGY – SUBSCRIPTION SERVICES- LICENSE - This new account was created after the FY2023 budget was adopted in order to identify software services related to the new Accounting standard GASB-96 Subscription-Based Information Technology Arrangements. These costs were originally budgeted in the Information Technology Repair and Maintenance account. A transfer of \$205,000 is requested to move the funds to the newly created account.

POLICE – REPAIR AND MAINTENANCE VEHICLES – Repair and maintenance costs for police vehicles were higher than anticipated due to higher maintenance costs of aging vehicles in the fleet. Transfer amount of \$90,000 requested.

POLICE – OPERATING SUPPLIES – A transfer of \$25,000 is requested to cover the unexpected increase in fuel costs and increased fuel consumption due to return to normalcy.

PLANNING – PROFESSIONAL SERVICES – A transfer of \$30,000 is requested to move the Plant One Tree On Us program budget from the Program Supplement account to Professional Services.

PUBLIC WORKS ADMIN – SUBSCRIPTION SERVICES- LICENSE - This new account was created after the FY2023 budget was adopted in order to identify software services related to the new Accounting standard GASB-96 Subscription-Based Information Technology Arrangements. A transfer of \$25,000 is requested to move the funds to the newly created account.

SOLID WASTE – REPAIR AND MAINTENANCE – Overall, repair and maintenance costs were higher due to the age of the vehicles. Also, Truck #111 (Rear Loading Packer) needed extensive repairs at a cost of \$20,600. Transfer of \$65,000 requested.

SOLID WASTE – OPERATING SUPPLIES - Costs were higher than anticipated due to increased wear and tear on aging vehicles as well as increased fuel consumption and costs. Transfer of \$81,000 requested.

RECREATION AND PARKS EQUIPMENT RENTAL – A transfer of \$25,000 is requested due to higher-than-expected rental prices for portable toilets for use in City parks.

PARKS AND GROUNDS – PUBLIC UTILITY SERVICES – Utility costs in FY2023 were under-budgeted due to COVID-related reductions in utility costs in recent fiscal year coupled with higher utility costs. Adjustments are required to reflect post-pandemic increased activity and utility consumption. Transfer of \$75,000 requested.

ICE ARENA – PUBLIC UTILITY SERVICES - Utility costs in FY2023 were under-budgeted due to

COVID-related reductions in utility costs in recent fiscal year coupled with higher utility costs. Adjustments are required to reflect post-pandemic increased activity and utility consumption. Transfer of \$45,000 requested.

EQUIPMENT AND ACQUISITION FUND

PUBLIC SAFETY – MACHINERY AND EQUIPMENT – A transfer of \$252,700 is requested to fund Police vehicles and equipment previously budgeted for in FY2022. \$161,000 of this amount is from the General Fund Transfer account, while \$91,700 is from the Reserve for Replacement account.

Body cameras budgeted for \$515,000 were purchased in FY2022. However, an accounting principle was applied to allocate the cost over five years, since the total cost was considered as a prepaid expense. \$100,000 from the requested transfer applies to the second-year cost of the body cameras.

Two vehicles 570 & 661 involved in an accident were replaced at a total cost of \$133,200. Also, other police vehicles replaced in FY2023 exceeded budgeted amounts by \$19,500.

CAPITAL PROJECTS FUND

CHESAPEAKE BAY – GLEN ALLEN POND– A transfer of \$30,200 is requested to cover additional costs incurred for the Chesapeake Bay project due to higher-than-expected costs.

BOWIE PLAYHOUSE - RTU #1 AND #2 – A transfer of \$26,400 is requested to cover higher costs for the project.

BELAIR MANSION – NORTH AND SOUTH STAIRS RENOVATION – The project was modified to renovate both the south and north stairs at the same time at a reduced rate. Transfer of \$62,800 is requested.

BOWIE GOLF COURSE – A&E restrooms - The Bowie Golf course project was modified to install restrooms at the driving range. A General Fund Transfer amount of \$36,000 is requested.

WATER AND SEWER FUND

BILLING AND ACCOUNTING – PROFESSIONAL SERVICES – A transfer of \$37,400 is requested to cover higher than budgeted costs for bank and transaction fees as well as software maintenance fees.

WATER DIVISION –OPERATING SUPPLIES – Water Division's costs for operating supplies were higher than budgeted. Transfer amount of \$29,200 requested.

WASTEWATER DIVISION – DISPOSAL FEES- The Wastewater costs for sewage disposal were higher than budgeted. Transfer amount of \$29,100 requested.

WASTEWATER DIVISION – PUBLIC UTILITIES - Utility costs in FY2023 were higher than anticipated. Transfer of \$34,600 requested.

WASTEWATER DIVISION – REPAIR AND MAINTENANCE – BUILDINGS - Wastewater Division's

costs for physical plant repairs were higher than anticipated. Transfer amount of \$27,900 requested.

WASTEWATER DIVISION – MACHINERY AND EQUIPMENT – EMERGENCY GENERATOR AT PUMP STATION #4 – The generator at Pump Station #4 malfunctioned and cannot be repaired. A transfer amount of \$65,000 is requested for a replacement generator.

ADL/hbm

ATTACHMENTS: 1. 20230620 - Emergency Ordinance O-9-23 Amended

EMERGENCY ORDINANCE
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AMENDING THE ADOPTED BUDGET FOR THE FISCAL YEAR
BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023, EMBODIED
IN ORDINANCE O-1-22, AS AMENDED BY ORDINANCES O-5-22,
O-6-23 AND O-7-23¹, TO AUTHORIZE THE TRANSFER OF CERTAIN
AMOUNTS IN THE FY2023 BUDGET TO PAY FOR ANTICIPATED
EXPENSES

WHEREAS, the City Council of the City of Bowie, Maryland (hereinafter, “the City”) adopted Ordinance Number O-1-22 appropriating funds for the several objects and purposes for which the City had to provide for the Fiscal Year beginning July 1, 2022 and ending June 30, 2023 (“FY23”); and

WHEREAS, in accordance with Section 45 of the City Charter, no public money may be expended without having been appropriated by the City Council; and

WHEREAS, during the course of a fiscal year, it becomes necessary from time to time to transfer amounts appropriated in the annual budget for specific purposes to another category or line item to provide for the proper operation of the City government; and

WHEREAS, on November 7, 2022, the City Council by Ordinance O-5-22 amended the adopted budget for FY23; and

WHEREAS, on May 15, 2023, the City Council by Ordinance O-6-23 amended the adopted budget for FY23; and

WHEREAS, on June 5, 2023, the City Council by Ordinance O-7-23 amended the adopted budget for FY23; and

WHEREAS, the City Manager in conjunction with the City Finance Department has reviewed the FY23 Budget and anticipated expenditures for the remainder of FY23 and has determined that certain amendments to the budget are necessary to appropriate funds for purposes other than for which they were originally appropriated; and

¹ Ordinance O-7-23 was repealed and replaced by O-10-23 on June 20, 2023 prior to the adoption of this Ordinance.

WHEREAS, the City Manager has certified that the amounts to be transferred are unencumbered balances; and

WHEREAS, the City Council deems it to be in the best interest of the City to transfer appropriations in the FY23 Budget for the payment of all expenses; and

WHEREAS, City Charter, Sec. 12 “Procedures for enacting ordinances” provides that every ordinance shall become effective at the expiration of thirty (30) calendar days following its passage by the Council; however, the Council may, upon a two-thirds (2/3) vote of its members, provide that an emergency ordinance will take effect on a date earlier than thirty (30) days after its passage; and

WHEREAS, City Charter, Sec. 12, further provides that at least six days must elapse between introduction and passage of an ordinance, except that this requirement may be waived in case of emergency upon the unanimous vote of the members of the Council who are present; and

WHEREAS, the need to enact this Ordinance prior to the expiration of Fiscal Year ’23 constitutes an emergency warranting the waiver of the thirty-day waiting period and of the requirement of the Charter that at least six days elapse between introduction and adoption.

Section 1: NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland that the Budget for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023, as adopted by Ordinance O-1-22, and amended by Ordinances O-5-22, O-6-23 and O-7-23 is hereby amended as follows:

Asterisks * * * : Indicate matter in the adopted FY23 Budget, as amended, that remains unchanged, but is omitted herein
[Brackets] : [Indicate matter deleted from the adopted FY23 Budget, as amended.]

GENERAL FUND

REVENUES

Appropriated Fund Balance	[10,561,900]	10,758,900
TOTAL REVENUES	69,417,900	69,614,900

APPROPRIATIONS BY ACTIVITY

City Manager's Office	[1,429,000]	1,394,000
Human Resources	[798,500]	862,000
Business Operations	[1,692,000]	1,663,500
Solid Waste	[7,451,900]	7,471,400
Stormwater Management	[763,300]	743,800
Bowie Playhouse	[199,300]	214,100
Parks & Grounds	[4,249,800]	4,245,000
Gymnasium	[900,800]	890,800
Non-Departmental - Transfers	[3,319,100]	3,516,100
TOTAL APPROPRIATIONS	69,417,900	69,614,900

EQUIPMENT ACQUISITION FUND

REVENUES

Transfer from General Fund	[2,920,600]	3,081,600
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APPROPRIATIONS BY ACTIVITY

Public Safety	[426,900]	679,600
Reserve for Replacements	[2,317,300]	2,409,000.00
TOTAL APPROPRIATIONS	3,979,900	4,140,900.00

CAPITAL PROJECTS FUND

REVENUES

Transfer from General Fund	[398,500]	434,500
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Asterisks * * * : Indicate matter in the adopted FY23 Budget, as amended, that remains unchanged, but is omitted herein
[Brackets] : [Indicate matter deleted from the adopted FY23 Budget, as amended.]

CAPITAL PROJECTS FUND
APPROPRIATIONS BY ACTIVITY

City Hall	[25,000]	40,000
Solid Waste	[50,500]	35,500
Bowie Playhouse	[206,000]	232,400
Allen Pond	[260,000]	170,300
Belair Mansion	[30,000]	92,800
Glen Allen Park	[225,000]	225,500
Bowie Golf Course	[2,510,000]	2,546,000
TOTAL APPROPRIATIONS	13,791,900	13,827,900

WATER AND SEWER FUND
APPROPRIATIONS BY ACTIVITY

Billing and Accounting	[700,900]	732,800
Water	[9,000,600]	8,978,700
Nondepartmental	[362,100]	352,100

Section 2: BE IT FURTHER ORDAINED, that the approved Budget Document is hereby amended as follows:

GENERAL FUND

		Revenues	
01	48005	Appropriated Fund Balance	\$ 197,000
		Total Revenues	<u>\$ 197,000</u>
		Expenditure Appropriation	
01920	59015	Equipment Acquisition and Replacement Fund	\$ 161,000
01920	59005	Capital Project Fund	36,000
		Total Appropriation	<u>\$ 197,000</u>

Asterisks * * * : Indicate matter in the adopted FY23 Budget, as amended, that remains unchanged, but is omitted herein
[Brackets] : [Indicate matter deleted from the adopted FY23 Budget, as amended.]

GENERAL FUND			
Transfer To:			
Account Number		Account and Activity	Amount
HUMAN RESOURCES			
01125	51130	Recruitment & Inservice	\$ 46,500
01125	55090	Subscriptions and Memberships	40,000
COMMUNICATIONS			
01155	51125	Professional Services	3,500
01155	51126	Subscriptions Services - Software	1,700
01155	51205	Communications	500
BUSINESS OPERATIONS			
01156	51145	Travel and Training	700
CITY CLERK'S OFFICE			
01160	52025	Reference Library	2,000
ECONOMIC DEVELOPMENT			
01197	51128	Subscriptions - Licenses	5,000
FINANCE			
01140	51126	Subscription Services - Software	20,000
01140	51230	Repair & Maintenance	300
INFORMATION TECHNOLOGY			
01145	51126	Subscription Services - Software	300,000
01145	51127	Subscription Services - Maintenance	71,000
01145	51128	Subscription Services - Licenses	205,000
BUILDING MAINTENANCE			
01180	51128	Subscriptions - Licenses	400
01180	52030	Repair and Maintenance - Supplies	200
HOUSING & CODE			
01210	52010	Operating Supplies	800
POLICE			
01230	51126	Subscription Services - Software	24,000
01230	51127	Subscription Services - Maintenance	12,700
01230	51128	Subscription Services - Licenses	10,300
01230	51230	Repair and Maintenance	90,000
01230	52010	Operating Supplies	25,000

Asterisks * * * : Indicate matter in the adopted FY23 Budget, as amended, that remains unchanged, but is omitted herein
[Brackets] : [Indicate matter deleted from the adopted FY23 Budget, as amended.]

GENERAL FUND

<u>Transfer To:</u>		<u>Account and Activity</u>	<u>Amount</u>
<u>Account Number</u>			
PLANNING AND COMMUNITY DEVELOPMENT			
01195	51125	15519 Professional Services	30,000
01195	52005	11521 Materials, Supplies and Minor Equipment	100
PUBLIC WORKS ADMINISTRATION			
01310	51128	Subscription Services - Licenses	25,000
EQUIPMENT MAINTENANCE & GARAGE			
01320	52030	Repair and Maintenance - Supplies	1,500
SOLID WASTE			
01330	51220	Public Utility Services	1,500
01330	51230	Repair and Maintenance	65,000
01330	52010	Operating Supplies	81,000
STREETS			
01340	51145	Travel and Training	500
SENIOR CITIZEN SERVICES			
01410	51128	Subscription Services - Licenses	6,600
01410	51220	Public Utility Services	19,500
YOUTH SERVICES BUREAU			
01420	52005	Materials, Supplies and Minor Equipment	2,000
RECREATION AND PARKS			
01510	51215	Equipment Rental	25,000
01510	55090	Subscriptions and Memberships	200
BOWIE PLAYHOUSE			
01511	51125	Professional Services	4,800
01511	51128	Subscription Services - Licenses	400
01511	51235	Repair and Maintenance - Building	10,000
PARKS AND GROUNDS			
01520	51220	Public Utility Services	75,000
ICE ARENA			
01530	51128	Subscription Services - Licenses	700
01530	51220	Public Utility Services	45,000

Asterisks * * * : Indicate matter in the adopted FY23 Budget, as amended, that remains unchanged, but is omitted herein
[Brackets] : [Indicate matter deleted from the adopted FY23 Budget, as amended.]

GENERAL FUND

<u>Transfer To:</u>		<u>Account and Activity</u>	<u>Amount</u>
<u>Account Number</u>			
HISTORIC PROPERTIES & MUSEUMS			
01540	51220	Public Utility Services	22,000
01540	52030	Repair and Maintenance - Supplies	
GYMNASIUM			
01550	51125	Subscription Services - Licenses	400
Total			<u>\$ 1,275,800</u>

GENERAL FUND

<u>Transfer From:</u>		<u>Account and Activity</u>	<u>Amount</u>
<u>Account Number</u>			
CITY MANAGER'S OFFICE			
01120	51125	Professional Services	35,000
HUMAN RESOURCES			
01125	51125	Professional Services	10,000
01125	51145	Travel and Training	10,500
01125	52005	Materials, Supplies and Minor Equipment	2,500
COMMUNICATIONS			
01155	51120	Printing and Binding	5,200
01155	51145	Travel and Training	500
BUSINESS OPERATIONS			
01156	51105	Advertising	700
01156	55055	Postage	28,500
CITY CLERK'S OFFICE			
01160	52005	Materials, Supplies and Minor Equipment	2,000
ECONOMIC DEVELOPMENT			
01197	51125	Professional Services	5,000
FINANCE			
01140	51125	Professional Services	20,000
01140	51215	Equipment Rental	300
INFORMATION TECHNOLOGY			
01145	51230	Repair and Maintenance	576,000
BUILDING MAINTENANCE			
01180	52005	Materials, Supplies and Minor Equipment	600

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<u>Transfer From:</u>		<u>GENERAL FUND</u>	
<u>Account Number</u>		<u>Account and Activity</u>	
		HOUSING & CODE	
01210	51125	Professional Services	800
POLICE			
01230	51125	Professional Services	79,000
01230	51145	Travel and Training	25,000
01230	51205	Communications	13,000
01230	52005		25,000
01230	52020	Protective Apparel	20,000
PLANNING AND COMMUNITY DEVELOPMENT			
01195	52005	Materials, Supplies and Minor Equipment	100
01195	55065	Program Supplement	30,000
PUBLIC WORKS ADMIN			
01310	51125	Professional Services	25,000
EQUIPMENT MAINTENANCE AND GARAGE			
01320	52010	Operating Supplies	1,500
SOLID WASTE			
01330	51210	Disposal Fees	128,000
STREETS DIVISION			
01340	51125	Professional Services	500
STORMWATER MANAGEMENT			
01341	51230	Repair and Maintenance	19,500
SENIOR CITIZEN SERVICES			
01410	51125	Professional Services	6,600
01410	51235	Repair and Maintenance- Buildings	7,000
01410	52010	Operating Supplies	12,500
YOUTH SERVICES BUREAU			
01420	51145	Travel and Training	1,000
01420	55090	Subscriptions and Memberships	1,000
RECREATION AND PARKS			
01510	51125	Professional Services	25,200
BOWIE PLAYHOUSE			
01511	55090	Subscriptions and Memberships	400
PARKS AND GROUNDS			
01520	51230	Repair and Maintenance	75,000
01520	51235	Repair and Maintenance- Buildings	4,800

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GENERAL FUND

Transfer From:
Account Number

Account and Activity
ICE ARENA

Amount

01530	51105	Advertising	700
01530	52010	Operating Supplies	45,000

HISTORIC PROPERTIES & MUSEUMS

01540	51235	Repair and Maintenance - Bldg.	22,000
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GYMNASIUM

01550	51125	Professional Services	400
01550	51235	Repair and Maintenance- Buildings	10,000
Total			\$ 1,275,800

EQUIPMENT ACQUISITION AND REPLACEMENT FUND

Transfer To:

Account Number

Account and Activity

Amount

03201	57020	Public Safety - Machinery & Equipment	\$ 91,700
Total			\$ 91,700

EQUIPMENT ACQUISITION AND REPLACEMENT FUND

Transfer From:

Account Number

Account and Activity

Amount

03901	57020	Reserve for Future Replacement	\$ 91,700
Total			\$ 91,700

CAPITAL PROJECTS FUND

Transfer To:

Account Number

Account and Activity

Amount

10192	57010	23005 City Hall - Goose Mngt. Fence	\$ 15,000
10326	57015	22011 Chesapeake Bay - Glen Allen Pond	30,200
10511	57010	23012 Bowie Playhouse - RTU #1 & #2	26,400
10516	57010	22016 Belair Mansion - South Stair renovations	62,800
10519	57010	23016 Belair Stable Museum - Replace Steel lintels	4,000
10524	57015	Glen Allen Park - Renovate playground	500
10545	57015	22017 Bowie Golf Course Tree & Stump removal	1,500
10545	57015	22019 Bowie Golf Course - Irrigation Replacement	2,000
Total			\$ 142,400

CAPITAL PROJECTS FUND

Transfer From:

<u>Account Number</u>	<u>Account and Activity</u>	<u>Amount</u>
10314 57010	23007 Solid Waste - Replace Sewer Pump	\$ 15,000
10326 57015	22009 Chesapeake Bay - Construction Pin	30,200
10515 57015	23013 Allen Pond Park - Replace Group Area	89,700
10519 57010	23015 Belair Stable Museum - Water Damage	4,000
10545 57015	23019 Bowie Golf Course - A&E and Construction	\$ 3,500
	Total	\$ 142,400

WATER AND SEWER FUND

Transfer To:

<u>Account Number</u>	<u>Account and Activity</u>	<u>Amount</u>
	BILLING AND ACCOUNTING	
20141 51125	Professional Services	37,400
20141 51127	Subscriptions Services - Maintenance	3,500

WATER AND SEWER FUND

Transfer To:

<u>Account Number</u>	<u>Account and Activity</u>	<u>Amount</u>
	WATER	
20350 51205	Communications	4,600
20350 51230	Repair and Maintenance	1,600
20350 51235	Repair and Maintenance - Buildings	19,700
20350 52010	Operating Supplies	29,200
20350 52020	Protective Apparel	1,000
20350 57010	Buildings	500
	WASTEWATER	
20360 51145	Travel and Training	700
20360 51210	Disposal Fees	29,100
20360 51220	Public Utilities	34,600
20360 51230	Repair and Maintenance	10,900
20360 51235	Repair and Maintenance - Buildings	24,200
20360 52005	Materials, Supplies and Minor Equipment	14,400
20360 57020	Generator at Pump Station #5 (Emergency)	65,000
20360 57010	21023 Buildings - Pump replacement	17,200
20360 57010	21022 Improvements Other Than Buildings - SCADA	21,400

NONDEPARTMENTAL

20911 51115	Insurance	4,300
	Total	\$ 319,300

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[Brackets] : [Indicate matter deleted from the adopted FY23 Budget, as amended.]

WATER AND SEWER FUND

<u>Transfer From:</u>				
<u>Account Number</u>		<u>Account and Activity</u>		<u>Amount</u>
BILLING AND ACCOUNTING				
20141	51145	Travel and Training	\$	1,000
20141	51215	Equipment Rental		1,000
20141	51230	Repair and Maintenance		7,000

WATER AND SEWER FUND

<u>Transfer From:</u>				
<u>Account Number</u>		<u>Account and Activity</u>		<u>Amount</u>
WATER				
20350	51125		Professional Services	29,200
20350	52005		Materials, Supplies and Minor Equipment	26,900
20350	57015	21026	Improv. Other than Buildings-Pipe Replacement	22,400
WASTEWATER				
20360	51125		Professional Services	17,900
20360	57010	21024	Buildings -Inline Monitoring	14,400
20360	57010	21025	Buildings -Electrical Upgrade	163,800
20360	57020		Machinery and Equipment	21,400

WATER AND SEWER FUND

<u>Transfer From:</u>				
<u>Account Number</u>		<u>Account and Activity</u>		<u>Amount</u>
NON-DEPARTMENTAL				
20911	55030	Incentive Award	\$	4,300
20911	55075	Reserve - Personnel Adj.		10,000
Total			\$	319,300

Section 3: AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF BOWIE that, upon the favorable vote of at least two third (2/3) of the members of the City Council, this Ordinance is declared to be an Emergency Ordinance that shall become effective on June 30, 2023, prior to the end of FY2023.

Asterisks * * * : Indicate matter in the adopted FY23 Budget, as amended, that remains unchanged, but is omitted herein
[Brackets] : [Indicate matter deleted from the adopted FY23 Budget, as amended.]

Section 4: AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF BOWIE that a fair summary of this Ordinance shall be 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 June 5, 2023.

ADOPTED by the Council of the City of Bowie, Maryland, at a Regular Meeting on June 20, 2023.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Awilda Hernandez
City Clerk

Timothy J. Adams
Mayor

**APPROVED AS TO FORM AND
SUFFICIENCY:**

Elissa D. Levan, City Attorney



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Briefing on County Transit System

DATE: 06/15/2023

Prince George's County Department of Public Works staff members are making an appearance to discuss and provide a briefing on the County Transit System to the Bowie City Council and what we can expect in Bowie in the near future.

ATTACHMENTS: None



Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Community Development Block Grant: CARES Act CDBG CV-4 Funds: Amended FY2023 (HUD FY2022) Annual Action Plan - Resolution R-41-23

DATE: 06/15/2023

BACKGROUND

The March 27, 2020 passage of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, provides \$5 billion in Community Development Block Grant funds to be used to prevent, prepare for, and respond to the Coronavirus (COVID-19). As an entitlement community, the City of Bowie ("City") received \$209,962 in Community Development Block Grant-Coronavirus (CDBG CV-3) funds from the Department of Housing and Urban Development (HUD). To expedite the disbursement of the City's new CDBG-CV funds, via 24 CFR 5.110, the CARES Act authorized HUD to grant waivers to the public notice, public comment, and citizen participation plan requirements found in 24 CFR 91.105(2) and (k) and 24 CFR 91.40.

In addition to the public notice/comment waivers, the CARES Act also established the following regulatory waivers, all of which, the City of Bowie will utilize under proposed Amendment 2020-1:

1. The public services cap of 15% is suspended for the City's 2019, 2020, and new CDBG-CV funds.
2. The CARES Act allows for COVID-19 related pre-award costs for eligible reimbursable costs funded through CDBG-CV only. This does not apply to the City's 2019 and 2020 CDBG funds; pre-award costs are limited to no more than 25% or \$15,801 of the City's CDBG CV-4 grant amount.
3. The CARES Act permits the use of virtual public hearings when necessary for public health reasons.
4. The CARES Act permits Citizen Participation Plan Amendments and other Plan publications to occur concurrently.

Pursuant to the requirements of 24 CFR 91.105 and 24 CFR Part 5.158 the City of Bowie does not have to amend its current Citizen Participation Plan for the new CDBG CV-4 funds. Adopted by the City Council on February 20, 2018, and amended on June 1, 2020, the City's current plan is in compliance with Section 104(a)(3) of the Housing and Community Development Act of 1974.

The CARES Act CDBG CV-4 regulations also require the City to submit an FY2023 (HUD FY2022) Amended Annual Action Plan. This plan (attached) includes the City's proposals for the expenditure of CDBG CV-4 funds with additional information consistent with HUD's regulations and rules regarding eligible participants, eligible activities, and national objectives. The City's proposals are as follows:

CDBG-CV Proposals

HUD CDBG CV-4 (CARES ACT) Funding Proposals and Implementation Timeline

Overall Goal

Provide "Emergency Assistance" in support of "services to prevent, prepare for, and respond to coronavirus

HUD CDBG CV-4 Funding: \$63,204

Proposed Projects:

Emergency Food Assistance and Supplies: \$25,000

Use: Food and related supplies (may include utilities and internet) for families & individuals in need.

Project: Provide funding directly, or through food pantries, or related entities (nonprofits), to distribute to persons/families in need, including the homeless, domestic violence victims, elderly, disabled, veterans, etc.

Emergency Housing, Homeless Services, and Supplies Assistance Program: \$38,204

Use: (1) Emergency Assistance Fund for seniors, persons with disabilities, and families (especially those with children) and prioritizing families with furloughed and/or terminated principal earners), and (2) any required Program Management/operation Fee

Project: Provide emergency assistance to eligible city residents who meet HUD income limit requirements. This program would prioritize seniors, disabled, veterans, and families where one or more principal household earners is furloughed or terminated from their employment.

As an Entitlement Community, the City of Bowie receives Community Development Block Grant funds directly from the US Department of Housing and Community Development (HUD). Annually, the City is responsible for producing, in conjunction with citizen participation, two major documents for HUD: (1) The Annual Action Plan for the upcoming fiscal year, and (2) The Consolidated Annual Performance and Evaluation Report (CAPER) to detail the performance of the previous fiscal year. The City Council is required to review and approve these two documents prior to submittal to HUD.

-

DISCUSSION: Staff has completed the production of the Substantial Amendment to the FY 2019-2023 (HUD FY2018-2022) Consolidated Plan and FY2021 (HUD FY2020) Annual Action Plan and the Amended Citizen Participation Plan as required by the U.S. Department of Housing and Urban Development. The reports are attached.

RECOMMENDATIONS: We recommend that the Council adopt Resolution R-41-23 and authorize the amended "Plans" to be sent to HUD.

ADL/JB

ATTACHMENTS:

1. 20230620 - Resolution R-41-23
2. 20230620 - Draft Amended FY2023(HUD FY22) Annual Action Plan

**RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
ADOPTING THE HOUSING AND COMMUNITY DEVELOPMENT
CARES ACT AMENDMENT: FY2023 (HUD FY2022) AMENDED
ANNUAL ACTION PLAN**

WHEREAS, the City of Bowie (City), Maryland is entitled to receive annual Community Development Block Grant (CDBG) Program funds directly; and

WHEREAS, the City Council approved Resolution R-26-18 on May 7, 2018, adopting the City of Bowie Consolidated Plan for Housing and Community Development; and

WHEREAS, on March 27, 2020 passage of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, provides \$5 billion in Community Development Block Grant funds to be used to prevent, prepare for, and respond to the Coronavirus (COVID-19). As an entitlement community, the City of Bowie ("City") received \$63,204 in Community Development Block Grant- Coronavirus (CDBG CV-4) funds from the Department of Housing and Urban Development (HUD). To expedite the disbursement of the City's new CDBG CV-4 funds, via 24 CFR 5.110, the CARES Act authorized HUD to grant waivers to the public notice, public comment, and citizen participation plan requirements found in 24 CFR 91.105(2) and (k) and 24 CFR 91.40; and

WHEREAS, Pursuant to the requirements of 24 CFR 91.105 and 24 CFR Part 5.158 the City of Bowie hereby issues the attached Annual Action Plan, and

no substantial changes to the Consolidated Plan. Adopted by the City Council on February 20, 2018, and amended on June 1, 2020, this the current Citizen Participation Plan already amends and supersedes the City's prior Citizen Participation Plan, and is in compliance with Section 104(a)(3) of the Housing and Community Development Act of 1974; and

WHEREAS, the CARES Act CDG CV-4 regulations also requires the City to submit a an Amended Annual Action Plan to include the City's proposals for the expenditure of CDBG CV-4 funds with additional information consistent with HUD's regulations and rules regarding eligible participants, eligible activities, and national objectives; and

WHEREAS, the CDBG Entitlement has allowed the City of Bowie to leverage additional funds that will assist in the implementation of the Five-Year Strategic Plan; and

WHEREAS, the proposed expenditure of CDBG funds is consistent with the CARES Act and HUD's CDBG CV-4 funding program regulations; and

WHEREAS, the "Amended Plans" indicates that CDBG funds will provide for emergency funds for food, housing assistance, and homeless assistance and supplies; and

WHEREAS, the proposed CDBG funded activity meets one of three national objectives, to "provide public services" for low and moderate-income residents and others in the City; and

WHEREAS, the requirements of the Amended Annual Action Plan have been adhered to and that public participation in the development of this Housing and Community Development "Amended Plans" for have been solicited; and

NOW THEREFORE, B.E IT RESOLVED that the Council of the City of Bowie does hereby approve the FY2023 (HUD FY2022) Amended Annual Action Plan attached as Attachment 1 to this Resolution; and.

BE IT FURTHER RESOLVED that the City Manager is authorized to submit these plans to the Department of Housing and Community Development for their review and approval.

INTRODUCED AND PASSED by the Council of the City of Bowie. Maryland at a Regular Meeting on June 20, 2023.

Timothy J. Adams, Mayor

ATTEST:

Awilda Hernandez, City Clerk



City of Bowie FY2023 HUD FY2022

CARES Act Amendment

Amended FY2023 (HUD FY2022) Annual Action Plan For Housing and Community Development



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Prepared by

City of Bowie
City Manager's Office
Office of Grant Development & Administration
Housing , Homeless Services, and Non-Housing Community Development
cobcares@cityofbowie.org



City of Bowie FY 2023 HUD FY22 CARES Act Amendment Amended Annual Action Plan

On March 27, 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). As part of the Act, CDBG entitlement communities were awarded an additional allocation of funding known as CDBG CV-3. The City of Bowie was awarded \$63,204 to be used in response to the coronavirus pandemic. Funding will be available following the City's receipt of the grant contract expected in June.

The City of Bowie proposes to use the HUD CDBG CV-3 funds for:

CDBG CV-3 Emergency Rental Assistance Program

CDBG CV-3 Emergency Food and Supplies Program

CDBG CV-3 Emergency PPE and Related Supplies Program

CDBG CV-4 Emergency Housing and Homeless Assistance and Supplies Program

CDBG CV-4 Emergency Food and Supplies Program

CDBG CV-4 Funds

In the current environment where many businesses have had to close and many employees have been laid off or furloughed due to social distancing and stay-at-home orders, the CDBG CV-4 funds will be programmed to provide assistance and services as described in this Amended FY2023 (HUD FY2022) Annual Action Plan.

Amended Annual Action Plan

AP-15 Expected Resources

Introduction

The following table shows the amount of funds expected to be available in year one of this Consolidated Plan.

Table 1 Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	Public - Federal	Homeowner Rehab, Fair Housing, and Workforce Development	\$188,505	\$0	\$0	\$188,505	\$564,000	CDBG funds will be used to address community housing needs—specifically, housing rehabilitation; Fair housing; and Workforce Development
CDBG-CV	Public-Federal	Emergency Rental, Food, and PPE Assistance	\$116,863	\$0	\$0	\$116,863	\$564,000	CDBG funds will be used to address COVID-19 related emergency needs – especially food, housing, and personal protective equipment & supplies
CDBG CV-3	Public-Federal	Emergency Rental Assistance, Food, and PPE	\$209,962	\$0	\$0	\$209,962	\$564,000	CDBG funds will be used to address COVID-19 related emergency needs – especially food, housing, and personal protective equipment & supplies

CDBG-CV-4	Public-Federal	Emergency Food Assistance Program	\$25,000	\$0	\$0	\$25,000	\$0	CDBG funds will be used to address COVID-19 related emergency food assistance needs and supplies
CDBG-CV-4	Public-Federal	Emergency Housing and Homeless Assistance Program	\$38,204	\$0	\$0	\$38,204	\$0	CDBG funds will be used to address COVID-19 related emergency housing and homeless assistance needs

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City of Bowie will utilize general funds for an education component of the Housing Rehabilitation Program. Sessions will be held to teach residents about energy efficiency measures that can lower monthly utility costs.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

No publicly owned land or property within the jurisdiction will be used to address the needs identified in the plan.

AP-20 Annual Goals and Objectives

Table 2 Goals Summary Information

Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
Improve the quality of owner housing	2019	2023	Affordable Housing	Citywide	Housing Rehab	\$158,000	Homeowner Housing Rehabilitated: 10 Household Housing Unit
Improve access to affordable housing	2019	2023	Non-Housing Community Development	Citywide	Fair Housing Activities s	\$1,900	Public service activities other than low/moderate income housing benefit. 2 activities.
Improve access to workforce development	2019	2023	Non-Housing Community Development	Citywide	Workforce Training and Job Placement	\$28,605	Public service activities other than low/moderate income housing benefit. 20 persons assisted.
Emergency Rental Assistance Program	2019	2023	Public Service	Citywide	Public Service	\$90,000	Interim Payments (LMI): 160 Rental Units Assisted
Emergency Food and Supplies Program	2019	2023	Public Service	Citywide	Public Service	\$10,863	Public Service activities other than low/moderate income benefit: 100 persons assisted
Emergency PPE and Related Supplies Program	2019	2023	Reimburseme nt of Costs	Citywide	Cost Reimburseme nt	\$16,000	Reimbursement of Costs to prevent, prepare for, and respond to coronavirus

Amended Annual Action Plan

BOWIE

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Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
Emergency Rental Assistance Program	2019	2023	Public Service	Citywide	Public Service	\$150,000	Interim Payments (LMI): 160 Rental Units Assisted
Emergency Food and Supplies Program	2019	2023	Public Service	Citywide	Public Service	\$50,000	Public Service activities other than low/moderate income benefit: 100 persons assisted
Emergency PPE and Related Supplies Program	2019	2023	Reimbursement of Costs	Citywide	Cost Reimbursement	\$9,962	Reimbursement of Costs to prevent, prepare for, and respond to coronavirus

Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
Emergency Food Assistance Program	2019	2023	Public Service	Citywide	Public Service	\$25,000	CDBG funds will be used to address COVID-19 related emergency food assistance needs and supplies
Emergency Housing and Homeless Assistance Program	2019	2023	Public Service	Citywide	Public Service	\$38,204	CDBG funds will be used to address COVID-19 related emergency housing and homeless assistance needs

Goal Descriptions

Goal Name	Description
Improve the quality of owner housing	Single Family, Owner-Occupied, Residential Housing Rehab Program (with HUD income qualification requirements) that prioritizes senior citizens, disabled residents, and others for the next two years. Matrix code 14A.
Improve access to affordable housing	Fair Housing outreach activities, including training sessions, informational brochures or outreach sessions to improve the community's understanding of fair housing laws. Matrix code 05J.
Improve access to workforce development	The project will be to undertake a small community study in the form of a project to examine the potential workforce and employment training in communities throughout the city. Matrix code 05H.

Improve ability of renters to retain leases	CDBG CV: Emergency Rental Assistance Program to enable income eligible residents to retain leases.
Improve citizens' ability to obtain food and supplies during the pandemic	CDBG CV: Emergency food to individuals and families distribution through pantries and other outlets.
Improve the City's ability to provide PPE and other supplies	CDBG CV: Emergency PPE and other supplies for city activities to cover costs to prevent, prepare for, and respond to coronavirus.

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b)

Goal Name	Description
Improve ability of renters to retain leases	CDBG CV3: Emergency Rental Assistance Program to enable income eligible residents to retain leases.
Improve citizens' ability to obtain food and supplies during the pandemic	CDBG CV3: Emergency food to individuals and families distribution through pantries and other outlets.
Improve the City's ability to provide PPE and other supplies	CDBG CV3: Emergency PPE and other supplies for city activities to cover costs to prevent, prepare for, and respond to coronavirus.

Goal Name	Description
Provide housing and homeless assistance to eligible residents	CDBG CV3: Emergency Housing and Homeless Assistance
Improve citizens' ability to obtain food and supplies during the pandemic	CDBG CV3: Emergency food to individuals and families distribution through pantries and other outlets.

The City of Bowie does not receive HOME funds.

AP-35 Projects

Introduction

The Annual Action Plan reflects the City's funding priorities and identifies projects that the City proposes to implement with funds from the U.S. Department of Housing and Urban Development's Community Development Block Grant (CDBG) Program. The funding is allocated to the community's highest priority needs.

Table 3 Projects

#	Project Name
1	Single Family, Owner-Occupied, Residential Housing Rehab Program
2	Fair Housing Activities
3	Workforce Training and Job Placement
4	CDBG CV-3 Emergency Rental Assistance Program
5	CDBG CV-3 Emergency Food and Supplies Program
6	CDBG CV-3 Emergency PPE and Related Supplies Program
7	CDBG CV-4 Emergency Food Assistance Program
8	CDBG CV-4 Emergency Housing and Homeless Assistance Program

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City of Bowie has determined that housing rehabilitation is the City's highest priority need based on the changing demographics of the City and the need to maintain an affordable housing stock. The City has been extremely successful in implementing a housing rehabilitation program in past years, with over 200 units assisted since the implementation of the program. The only obstacle to the program is a lack of sufficient funding to meet the full demand for housing rehabilitation.

AP-38 Project Summary

Table 4 Project Summary Information

Project Name	Target Area	Goals Supported	Needs Addressed	Funding
Housing Rehabilitation		Housing Rehabilitation Program	Housing Rehab	CDBG: \$158,000
Workforce Training and Job Placement		Workforce Training and Job Placement	Workforce development	\$28,605
Fair Housing Activities		Fair Housing Education	Fair Housing Education	CDBG: \$1,900
Emergency Rental Assistance Program		Rental Assistance Program	Rental Assistance	CDBG CV: \$90,000
Emergency Food and Supplies Program		Food Assistance Program	Food Assistance	CDBG CV: \$10,863
Emergency PPE and Related Supplies Program			PPE Materials and Supplies Program	CDBG CV: \$16,000
Emergency Rental Assistance Program		Rental Assistance Program	Rental Assistance	CDBG CV-3; \$150,000
Emergency Food Assistance		Food Assistance Program	Food Assistance	CDBG CV-3 \$50,000
Emergency PPE and Related Supplies Program			PPE Materials and Supplies Program	CDBG CV-3 \$9,962
Emergency Food Assistance Program		Food Assistance Program	Food and Supplies	CDBG -CV4 \$25,000
Emergency Housing and Homeless Assistance Program		Housing and Homeless Assistance	Housing and Homeless	CDBG-CV4 \$38,204

Housing Rehabilitation and “Green” Technologies

The Single Family, Owner-Occupied, Residential Housing Rehab Program (with HUD income qualification requirements) prioritizes senior citizens, disabled residents, and others for the next two years.

The goals for the rehabilitation program are consistent with HUD's policies and its goals for the Energy Star Program by removing constraints on mobility, reducing total household expenses, improving indoor

air quality, reducing health hazards, increasing comfort, increasing property value, and improving outlook on life.

In implementing this plan, CDBG Entitlement funds are supplemented by MD DHCD Community Legacy grant funds for the Senior Citizen “Green” Housing Rehabilitation Program.

Fair Housing Activities

Funding for fair housing activities will support education and outreach efforts in the City of Bowie. Typical actions include seminars and trainings for residents, landlords, and city staff covering an array of fair housing topics. This year the City of Bowie will hold workshops for residents, landlords, city staff and other interested parties on their rights and responsibilities under fair housing laws.

AP-50 Geographic Distribution

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Program funds will be distributed across the entire corporate limits of the City of Bowie.

Table 5 Geographic Distribution

Target Area	Percentage of Funds
Not Applicable	Not Applicable

Rationale for the priorities for allocating investments geographically

With a median family income of \$120,919 (2016 U.S. Census Data), Bowie is considered to be an affluent community. An income considered high elsewhere in the County or even in other locations across the nation may be considered moderate or low in this jurisdiction. The number of persons age 65 and older in Bowie in 2016 was 7,657 persons, or 13.3% of the population, compared to 5,547 persons, or 10.2% of the population in 2010.

In addition, cost-burden among homeowners increased across all lower income bands. In 2013, there were 2,165 cost-burdened lower income homeowners compared to 803 cost-burdened lower income renters. The increase was highest among elderly households (+174) and small related households (+320). As such, funds for the Senior Housing Rehabilitation Program are distributed on an individual basis to those homeowners needing assistance.

AP-55 Affordable Housing

Introduction

The City of Bowie's CDBG program will support the rehabilitation of housing. All rehabilitation funds will be used to support the rehab of existing homes that prioritizes senior citizens, disabled residents, and others for the next two years. Specifically, the program aims to make major repairs for households that would otherwise be unable to afford needed maintenance. The program also aims to reduce monthly living costs by creating more energy efficient homes. These goals help maintain the City's affordable housing stock while improving the financial stability of residents.

Table 6 One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	0
Special-Needs	10
Total	10
CDBG CV: Homeless	100
CDBG CV: Non-Homeless	75
CDBG-CV-3: Special Needs	50
CDBG CV: Total	225

Table 7 One Year Goals for Affordable Housing by Support Type

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	10
Acquisition of Existing Units	0
Total	10
CDBG CV: Rental Assistance	160
CDBG CV: New units	0
CDBG CV: Rehab	0
CDBG CV: Total	160

AP-60 Public Housing

Introduction

The City of Bowie is served by the Prince George's County Housing Authority. There is no conventional public housing in Bowie although a number of senior housing units are subsidized, including those at Bowie Commons and Pin Oak Village.

Actions planned during the next year to address the needs of public housing

Bowie does not have its own public housing agency, nor is there public housing in the City. As public housing has not been established as a high priority need in Bowie, the City will continue to encourage the development of other types of affordable housing that serve the demographics of the community.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

While no conventional public housing exists in Bowie, the City has taken a strategic and coordinated effort to ensure those living in affordable senior housing have access to premium social services, decent housing, ample recreational facilities, convenient and affordable health care, senior service provisions, educational extension services, and responsible and interactive law enforcement that enhance the quality of life in the community, increase housing values, and develop employment opportunities.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

The City of Bowie does not have a PHA. The Prince George's County Housing Authority is not designated as troubled.

AP-65 Homeless and Other Special Needs Activities

Introduction

Given the City of Bowie's limited allocation, no CDBG funds are being used to directly address homelessness in the community. The City does, however, work closely with various groups to address homelessness.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Bowie is a participant in the Prince George's County Continuum of Care. The Continuum of Care has developed a system to address homelessness and the priority needs of homeless individuals and families, including homeless subpopulations. The CoC addresses the housing and supportive services needs in each stage of the continuum process to help homeless persons make the transition to permanent housing and independent living. These services are documented annually during the Continuum of Care's point-in-time survey, and individual needs are evaluated each time a person enters the County system. This ensures individuals are receiving the appropriate type of care and are being pointed toward permanent, supportive housing and associated mainstream benefits.

The City of Bowie will continue to support the Continuum of Care strategy to meet the needs of homeless persons and those at risk of becoming homeless. In addition, this year the City will increase its surveys and engagement activities in Bowie's commercial areas. The City will be joined by members of the County's homeless crisis call center and staff from United Communities Against Poverty (UCAP).

Addressing the emergency shelter and transitional housing needs of homeless persons

The City of Bowie will address the emergency and transitional housing needs of homeless persons as a participant in the Prince George's County Continuum of Care (CoC). The City does not directly provide services or receive ESG funds, but will work with the CoC to address homelessness. No homeless housing is available in the City; however, the City works closely with its police force and within its City departments to address the needs of homeless individuals. Any homeless individual in Bowie is immediately referred to the Continuum of Care for the services they provide. The City is also presently in discussions with various community and faith-based groups interested in increasing the supply of homeless residences in the City.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The County's Plan contains a range of options to reduce the time a household remains homeless, and to expedite their transition to permanent housing and independence to prevent recidivism.

This part of the County's Plan focuses on two key strategies: (1) Rapid Re-Housing (RRH), and (2) Permanent Housing (PH). Additionally, accommodations were made for five subpopulations identified by the CoC as presenting unique challenges under these two strategies: (1) unaccompanied youth, (2) veterans, (3) chronically homeless, mentally ill, substance abusing or dually diagnosed persons and/or disabled individuals; (4) domestic violence survivors; and (5) returning residents. The CoC created subcommittees charged with designing and implementing additional sustainable strategies to address the unique barriers to permanent housing for their particular sub-population.

Rapid Re-Housing (RRH): In FY 2014, the County's RRH funding serviced the needs of less than 2% of all households.

Keys to the success of this approach include but are not limited to: a well-developed housing barrier assessment process, good relationships with landlords, the presence of staff skilled in negotiation, housing location, case management, and the availability of funds for short-to-medium rental and utility subsidies, as well as other related housing costs.

Permanent Housing: The longer a household remains in a state of homelessness, the less likely they are to prevent the cycle from re-occurring and the greater their risk for recidivism. Therefore, timely and appropriate intervention is critical. While all housing solutions are important, the County's Plan focuses on two priority areas of permanent housing: (1) subsidized housing, and (2) permanent supportive housing (PSH) - both of which are designed to address the complex needs of those identified as least likely to be successful without a long-term sustainable housing solution and for whom multiple RRH interventions have failed.

Special Populations: Permanent Housing for these populations presents a unique set of barriers that further complicate services to persons who are homeless and require additional strategies that are customized to remove these challenges and facilitate transition to permanency.

Unaccompanied youth and young adults: The County has identified unaccompanied young people ages 13-24 as deserving of separate attention and development of a single integrated system of care. The County has developed the Homeless Youth Work Group (a sub-committee of the CoC) to lead its efforts for servicing this population. Selected activities include: development of a Strategic Plan, conducted 3 annual housing instability counts, created 14 beds of emergency shelter, created 65 beds of transitional

housing, participated on a statewide task force to study housing and supportive services for unaccompanied homeless youth and made recommendations for action by the Maryland General Assembly and State executive agencies⁵², and helped pass related legislation to service this population.

Chronically homeless, mentally ill, substance abusing, dually diagnosed and/or disabled individuals: Studies show that although chronically homeless people represent a small share of the overall homeless population, their effect on the homeless system and the community is considerable. Emergency shelters are not designed to address the extensive needs of people with serious mental illness or other disabilities. The County's strategic efforts to provide permanent housing for this subpopulation include: development of a registry of all homeless individuals who are chronic and/or experiencing a behavioral health crisis that prevents them from maintaining housing stability without intense intervention and support; Countywide implementation of the vulnerability index and multidisciplinary review panel to determine placement prioritization; and expanded housing options including Housing First PSH, Safe Haven and a drop-in center.

Veterans: As stated, Prince George's County has the largest number of veterans in Maryland and yet, few access the homeless services system. The County has established collaborative relationships with the Veteran's Affairs, community colleges, workforce organizations, housing developers and service providers to take advantage of upcoming housing and related services for veterans.

Re-Entry: Approximately 4,000 inmates are released from the Department of Corrections each year. When this occurs without a structured reentry plan, it generates additional demands on communities and service systems. The County's plan calls for a collaboration of criminal justice agencies, community organizations and service providers to promote successful re-integration of returning citizens confronting homelessness.

Domestic Violence Survivors: There is a significant lack of emergency shelter beds for domestic violence survivors, in general, and a complete lack of specialized shelter for survivors. The County's Plan includes strategies designed to address challenges of domestic violence survivors and ensure all persons, as needed, have a safe, secure place to reside.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The first defense against homelessness is prevention and/or diversion, both of which are highlighted as priorities in the County's Strategic Plan. It is much more cost effective for many households to maintain their housing rather than the County facilitating entry into the homeless emergency system and re-

housing the family. The County has a very strong system for prevention and intervention but does not have the funding required to end homelessness.

Shelter diversion: The goal of this strategy is to help at-risk households seeking shelter to identify alternative housing options (avoiding entry into a shelter), and to offer support services that will help them stabilize until a permanent housing opportunity becomes available. Shelter diversion is handled through the coordinated intake process and is used in cases where it is a safe and practical alternative to shelter.

Prevention: Prevention assistance, usually in the form of immediate and short-term rental and/or utility assistance, provides a means of preserving permanent housing situations and saving households from entering the homeless assistance system. Prevention and diversion programs are of critical importance to keeping people from becoming homeless in the face of a personal crisis. The County's Plan includes creation of a publicly and privately funded and coordinated intervention system focused on preventing homelessness and maximizing the effectiveness of this limited pool of resources.

Prince George's County envisions a comprehensive housing crisis response system through which homelessness can be prevented, and as required, homelessness can be quickly ended. The plan is designed to identify and align homeless support systems to meet the distinct needs of people at risk of, or experiencing homelessness, make additional affordable housing resources available either through development and/or subsidy programs, realign existing resources with prevention and rapid re-housing initiatives, and target permanent supportive housing for those deemed most vulnerable.

Discussion

In addition to continuing these programs, the City's s rehabilitation program will maintain the affordable housing stock while reducing residents' monthly payments through energy efficiency improvements. These improvements will lower costs for residents and enable many to remain in their homes.

AP-75 Barriers to affordable housing

Introduction

In the Consolidated Plan, the City identified public policies in its Consolidated Plan that are barriers to fair and affordable housing. For barriers outside the direct control of the City, Bowie continues to work with State partners to accomplish fair and affordable housing goals. Bowie is also focusing on fair housing education and workforce housing set-asides in the coming year.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

This year, the City is using a portion of its CDBG allocation to offer fair housing education sessions that are free and open to the public. These sessions will educate residents about their rights and sellers/landlords' responsibilities regarding fair housing. The City is presently engaging with a developer on a proposed large, mixed-use project that could include workforce housing set-asides.

Additionally, the City is continuing to seek approval from the State Legislature for independent zoning authority. Maintaining local zoning control will allow the City to more adequately plan for a greater mix of uses including affordable housing.

Discussion

In addition to these policy-related actions, the City's Housing Rehabilitation Program will continue to provide housing rehabilitation funds that will maintain the affordable housing stock and reduce monthly costs for homeowners.

AP-85 Other Actions

Introduction

In addition to the actions the City of Bowie will take with its annual CDBG allocation, the City continually works to improve the housing and employment opportunities for low and moderate income persons and other special populations.

Actions planned to address obstacles to meeting underserved needs

While the City does not have zoning authority over proposed development projects, it does review submitted plans in accordance with the City's Development Review Guidelines and submits recommendations to the County Planning Board. In order to provide a broad range of affordable housing types and styles, the City will continue to encourage each builder within a new residential development to provide at least one single-story unit type or model, which includes a first floor master bedroom to address the needs of the 55-and-over population and persons with disabilities.

To further strengthen zoning controls, the City is working with the State Legislature for independent zoning authority.

Actions planned to foster and maintain affordable housing

The City's Code Compliance Department ensures that all properties in the City are kept up-to-code, well-maintained and safe. In addition, the Housing Rehabilitation program fosters and maintains affordability for seniors and the disabled, as well as other income qualified residents, by lowering utility costs and maintaining livable homes.

Actions planned to reduce lead-based paint hazards

The majority of housing in Bowie was built post World War II, and is free of lead-based paint. The City does not have a Housing Authority that performs lead paint assessments or rehabilitation, but regularly refers residents to regional programs addressing lead paint hazards. These agencies include: the Maryland Department of Environmental Resources, Maryland Department of Environment, Maryland Department of Housing and Community Development, and the National Center for Lead Safe Housing.

Actions planned to reduce the number of poverty-level families

With a median family income of \$120,919 (2016 U.S. Census Data), Bowie is considered to be an affluent community. An income considered high elsewhere in the County or even in other locations across the nation may be considered moderate or low in this jurisdiction. The number of persons age 65 and older in Bowie in 2016 was 7,657 persons, or 13.3% of the population, compared to 5,547 persons, or 10.2% of the population in 2010.

In addition, cost-burden among homeowners increased across all lower income bands. In 2013, there were 2,165 cost-burdened lower income homeowners compared to 803 cost-burdened lower income

renters. The increase was highest among elderly households (+174) and small related households (+320). As such, funds for the Senior Housing Rehabilitation Program are distributed on an individual basis to those homeowners needing assistance.

The focus of the City's Anti-Poverty Strategy is its economic development and revitalization initiatives. The City's Department of Planning and Economic Development works closely with the Prince George's Workforce Services Corporation to train people for employment and strives to create a greater mix of businesses and a variety of employment opportunities in the City.

Actions planned to develop institutional structure

City services and programming have been developed in order to accommodate the changing demographics within the jurisdiction, but gaps in service delivery are becoming apparent.

Strengths

The City of Bowie City Manager's Office manages the CDBG grant program and reporting for the City, since the department has experience managing the CDBG program in addition to providing a strong support system to enable the City to focus on its own services.

The City has relationships with a number of key County agencies that impact social services and outreach efforts, including the Continuum of Care (CoC) and senior services.

Gaps

Due to the location of the City, most of the social service agencies are located in other areas of the County, generally closer to the boundary with the District of Columbia. None of the homeless or housing providers are located in the City, with senior services being the only social service directly provided in the community.

Actions planned to enhance coordination between public and private housing and social service agencies

The mission of the City of Bowie is to provide exemplary public service. However, the City does not have a housing authority, nor does it build or manage public housing. Although the Division of Youth and Family Service and the Senior Center do provide programs and services for youth, families, and seniors, these municipal entities coordinate with regional agencies and organizations that provide services for residents that the City does not. The City of Bowie is committed to expanding outreach efforts to make residents more aware of existing services by sponsoring a variety of educational workshops, promoting resources on the City's website, and providing informational pamphlets at City sites. The City of Bowie will continue to work closely with State, County and regional agencies, coordinating programs and activities. The City will continue to work closely with the Washington Metropolitan Council of Governments (COG) on regional issues.

AP-90 Program Specific Requirements

Introduction

Below is information on a variety of other requirements of the CDBG program.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220.(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	98.98%

SINGLE FAMILY HOUSING

Rehabilitation Program

Grant program funded by the U.S. Department of Housing and Urban Development (HUD).

The goals of this program are consistent with HUD's policies and its goals for the Energy Star Program, which are as follows:

- 1) help homeowners make energy efficiency related improvements to their homes
- 2) reduce home operating costs
- 3) reduce health hazards
- 4) improve indoor air quality
- 5) improve mobility.

For an application or more information contact:

CITY OF BOWIE OFFICE OF GRANT DEVELOPMENT AND ADMINISTRATION

15901 Excalibur Road
Bowie, Maryland 20716
Phone: 301-809-3051
Fax: 301-809-2302
bowiehsg@cityofbowie.org



LET US HELP MAKE YOUR HOME HEALTHY AND SAFE

Eligible Bowie homeowners may receive grants of up to \$10K to make energy efficiency and safety related improvements to their homes.



Eligible Applicants must:

- Be a legal owner of property within City limits
- Have a household income limit at or below the following:

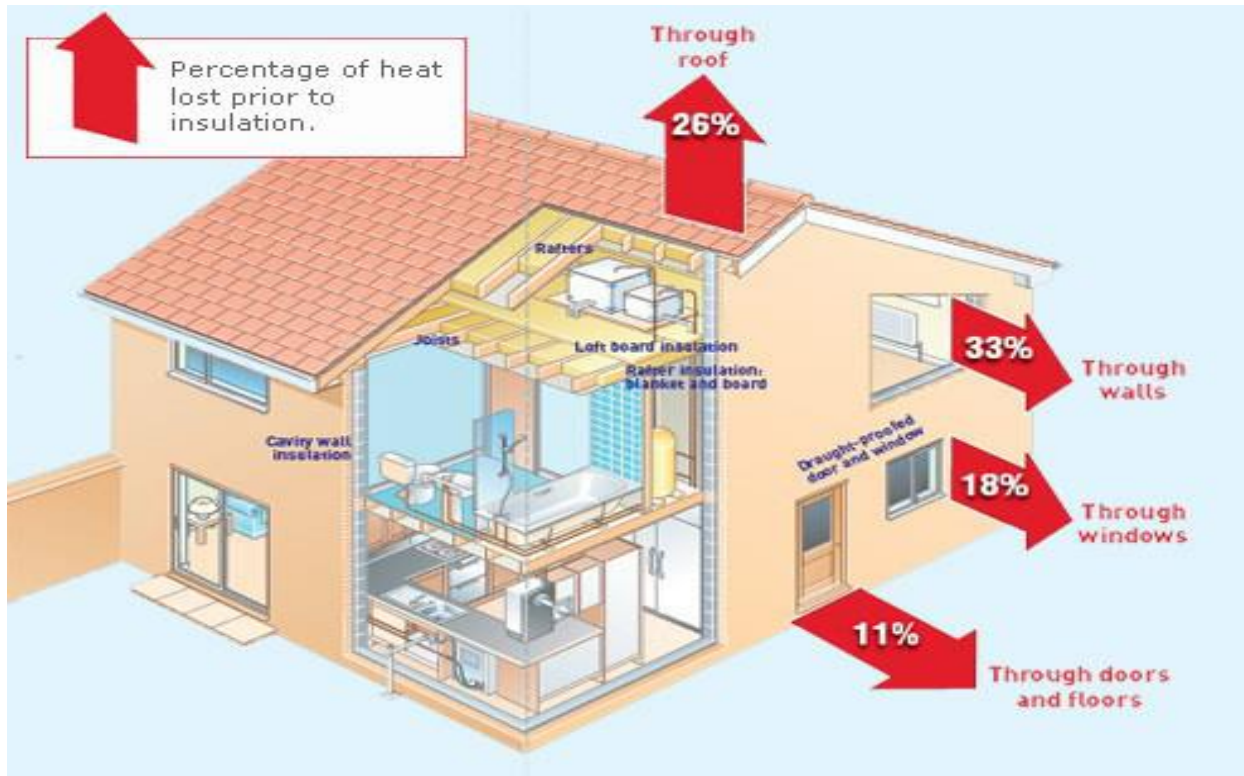
FAMILY SIZE	INCOME LIMIT
1 Person	\$54,250
2 Persons	\$62,000
3 Persons	\$69,750

The maximum grant funding per household is \$10,000. Prior grant recipients are ineligible to apply.

(Additional State and Federal requirements apply)

Eligible Improvements

- Roofing
- Siding
- Insulation
- Windows/Doors
- HVAC Systems
- Energy Star Appliances
- Mobility Installations
- Electrical Upgrades
- Plumbing Repairs



WORKFORCE DEVELOPMENT TRAINING PROGRAM

PRESENTED BY
THE CITY OF BOWIE



FREE FOR BOWIE RESIDENTS

The City of Bowie Office of Grant Development and Administration, in conjunction with Bowie Youth and Family Services, is offering residents a free Workforce Development and Life Skills Training Program for adults and youth between the ages of 15 and 25.

The program will provide free training in a variety of employment-related skills, including career planning, life skills and information about working in STEM fields.

Eligibility Requirements:

1. Resident of the City of Bowie
2. Between ages of 15-25
3. Desire and availability to enroll in a four-week job readiness course meeting one evening a week at Bowie City Hall from April 15 – May 10.

Please contact program coordinator Kay Starr at the Bowie Office of Grant Development and Administration for more information at 301-809-2302 or email workforcedev@cityofbowie.org

There will be two public forums to learn more about the program at City Hall in the City Council Chamber, one on Tuesday, February 26th and the other on Thursday, March 14th both starting at 7 pm.

Applications accepted February 18th – March 22nd. The application form can be downloaded at www.cityofbowie.org/worktraining.

Completed applications can be emailed to workforcedev@cityofbowie.org, faxed to 301-809-2302, or mailed/hand-delivered to:

ATTN: Kay Starr
15901 Excalibur Rd.
Bowie, MD 20716

Invited Partners

Bowie Faith Based Community

St. Matthews United Methodist
Ascension Catholic Church
Bowie United Methodist Church
Crosshill Baptist Church

Community Organizations

Knights of St. John
Masons of Bowie
Knights of Columbus
Others

Service Providers

QCI, Inc.
Chenail House
PGCDBS
PGCDBS

Bowie Public Schools

Bowie HS
Samuel Ogle MS
Benjamin Tasker MS

State & Local Government

Bowie Recreation Center
South Bowie Recreation Center
Huntington Recreation Center
Bowie Police Department



City of Bowie
Workforce & Life Skills Training Program
PLUS
STEM Orientation



Free for Bowie Residents, aged 15 -25

The program includes four evening classes, one a week over four weeks, with a Life Skills module and a Science, Technology, Engineering, & Math Careers (STEM) Orientation module.

Life Skills Topics:

- Goal Setting for Success
- Effective Communication
- Managing Stress
- Decision-Making and Risk
- Managing Time and Money
- Building Relationships

STEM Orientation:

- General Information about STEM Careers
- Aerospace Career Paths
- Healthcare Career Paths
- Cyber Security Career Paths
- Computer Coding Career Paths

Program Dates:

Youth: Tuesdays 6-8 pm, April 16th, April 23rd, April 30th, and May 7th

Adults: Thursdays 6-8 pm, April 18th, April 25th, May 2nd, and May 9th

For more info, contact Program Coordinator Kay Starr at 301-809-3009, email workforcedev@cityofbowie.org or check out the city's website: www.cityofbowie.org/worktraining



City of Bowie

2023 Virtual Fair Housing Symposium

The City's Office of Grant Development & Administration and the Maryland Department of Housing and Community Development (Fair Housing & Equal Opportunity Office) asks you to join us as we celebrate the 55th Anniversary of the Fair Housing Act for the 2023 Fair Housing Symposium.

The Fair Housing presentation will take place online via Zoom. Additional resources will be made available on the City's website at www.cityofbowie.org/fairhousing. April is National Fair Housing month and the City joins the nation in this celebration of equal housing opportunities for all.

Fair Housing Symposium

"Choices for All Voices: Building An Equitable Future"

WHEN: Wednesday, April 26, 2 pm

WHERE: Zoom Meeting

REGISTER: <https://bowie.fyi/2023fairhousing>

CONTACT: Kay Starr, program coordinator, at bowiehsg@cityofbowie.org or 301-809-3009.

Who Should Attend the Presentation: Code Enforcement Officers, Law Enforcement Officers, City and County employees, realtors, property management firms, homeowner associations, and all persons interested in housing protections and affordability for veterans, persons with disabilities, families, and others, including any resident interested in learning more about Fair Housing laws and protections.

Further Reading: The City of Bowie maintains a website with additional information, links, and recordings of past presentations, at www.cityofbowie.org/fairhousing

Fair Housing Act

The Fair Housing Act became law under Title VIII of the Civil Rights Act of 1968, as amended, and signed by President Lyndon Johnson. The Act prohibits discrimination in housing because of religion, disability, gender, national origin, race or color, or familial status. The City of Bowie's Office of Grant Development & Administration will host educational activities related to the rights and obligations under the Act for tenants, landlords and others, including code enforcement officers, public housing authorities, businesses, real estate companies, homeowner associations, and property management firms.