



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

TUESDAY, JANUARY 3, 2017

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Tuesday, January 3, 2017 in the Council Chambers at City Hall. Mayor Robinson called the meeting to order at 8:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Robinson led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Robinson, Councilmembers Esteve, Gardner, Glass, Marcos, Polangin and Trough; City Manager Lott, Assistant City Manager Fitzwater, City Attorney Levan, Staff, the Press, and the Public.

CITY MANAGER'S REPORT:

City Manager Lott reported that a Task Force headed by Assistant City Manager Fitzwater has been formed to analyze the financial planning and public works particulars of the Karrington development before City staff meets with the County at the end of the month.

CONSENT AGENDA:

Councilmember Polangin moved the approval of Consent Agenda Items: A) Approval of December 5 Meeting Minutes; B) Approval of Resolution R-1-17 Supporting the Prince George's County Municipal Collaboration FY 2017 MEA Empower LMI Communities Grant Application and DHCD Sustainable Communities Community Legacy Grant Applications; C) Approval of Resolution R-2-17 Approving Departure BD-3-16, a Request by BE Harmony, LLC for Departures From the Prince George's County Zoning Ordinance, Section 27-618(a)(1)(A)(i) to Allow a Temporary Real Estate Advertising Sign With an Area of 200 Sq. Ft. and From Section 27-618(c)(1)(C) to Allow Five Permanent Real Estate Identification Signs be Placed at 14909 Health Center Drive, Bowie, Maryland; D) Approval of Resolution R-3-17 Approving a Contract With Constellation New Energy – Gas Division, LLC to Purchase Natural Gas for the City of Bowie Through the Baltimore Regional Cooperative Purchasing Committee; E) Approval of Consent Agreement re: U.S. EPA Violation Findings. Mayor Pro Tem Gardner seconded the motion and it carried unanimously.

NEW BUSINESS:

A. Bowie Marketplace Residential Proposal – Mr. Carl Schuettler, Chair for Bowie Advisory Planning Board, presented a report to Council from the Public Hearing held on November 15, 2016

reviewing the applications related to the Bowie Marketplace Residential proposal. The Board unanimously voted to deny the approval of the apartments.

Mr. Joe Meinert, Bowie Planning Director presented staff's recommendation on the Conceptual Site Plan application, Preliminary Plan of subdivision application, and Detailed Site Plan application. The proposed property is 10.54 acres of the 20-acre Bowie Marketplace Property; approximately 5 acres are devoted to residential use. The existing zoning is C-S-C (Commercial Shopping Center). The applicant, BE Bowie, LLC proposes a mixed-use development consisting of existing retail use and 288 new multi-family apartment units in a 4-5 story, 365,000 square foot building, including a 475-space parking garage and 16 surface parking spaces. Based on staff's review of applications and two stakeholders meeting held, staff recommends disapproval of the Conceptual Site Plan, Preliminary Plan #4-16028 and Detailed Site Plan. If Council so chooses to recommend approval of the Preliminary Plan, staff recommends that two conditions be included to address traffic impacts and to ensure conformance with the Master Plan policies and strategies at DSP review.

Mr. Andre Gingles, Esq. representing BE Bowie LLC addressed Council on the applicants' position. From the initial proposal in 2014, the development of the Marketplace Property has always included a residential portion on the property. Council made an agreement with Berman Enterprises to develop the property knowing that it contained residential apartments.

Public Hearing:

1. Fran Longwell, Safety Turn – Spoke against development of apartments.
2. Bill Longwell, Safety Turn - Spoke against development of apartments.
3. Tameka Washington, Scarlet Lane - Spoke against development of apartments.
4. Brian Suddeth, Brunswick Lane - Spoke against development of apartments.
5. Rob Herold, Annapolis Road – Spoke in hopes that Council will make the best decision for the future of Marketplace.
6. Michael Gorman, Althea Lane - Spoke against development of apartments.
7. Tanner Ellis, Annapolis Road – Spoke in support of development of apartments.
8. Fiona Moodie, Ithan Lane - Spoke against development of apartments.
9. Liz Brochu, Stafford Lane - Spoke against development of apartments.
10. Kurt Miller, Knight Hill Lane - Spoke against development of apartments.
11. M.L. Smith, Tilbury Lane - Spoke against development of apartments.
12. Larry Swank, Scarlet Lane – Spoke against development of apartments.
13. Todd Goldstein, Triton Court – Spoke in support of development of apartments.
14. Katherine Carr, Felter Lane - Spoke against development of apartments.
15. Cyndi Manuel, Botany Lane - Spoke against development of apartments.
16. Deborah Sell, Crickmore Trace – Spoke against development of apartments.
17. Chris St. Cyr, Blueberry Lane - Spoke against development of apartments.
18. Doreen Roberts, Maddox Lane – Spoke against development of apartments.
19. Toya Evans, Annapolis Road – Spoke in support of development of apartments.
20. James Terrell, Annapolis Road – Spoke in support of development of apartments.
21. Jill Kyle-Keith, Stafford Lane – Spoke against development of apartments.

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

City Manager Lott recommends Council support this request for the following reasons: 1) to preserve the excellent retail that has been established at Marketplace and the City's one million dollar investment that it has in this particular project; 2) to continue to increase the tax base of the City and

keep property taxes as low as possible; 3) to prevent an urban blight condition that would most likely happen if residential component is not there; 4) furthermore the City wants to honor the agreement that was made with Berman Enterprises.

Following comments from Council, Councilmember Polangin moved to approve the Conceptual Site Plan; motion was seconded by Councilmember Marcos. Motion carried 5-2 (Esteve and Gardner).

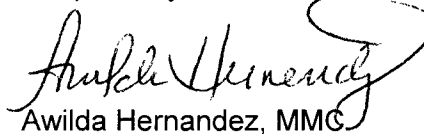
Councilmember Polangin moved to approve Preliminary Plan #4-16028, including applicant's proposed revisions to conditions on Bowie Advisory Planning Board report dated November 29, 2016 (copy attached); motion was seconded by Councilmember Marcos. Motion carried 5-2 (Esteve and Gardner).

Councilmember Polangin moved to approve the Detailed Site Plan with amendment to reduce number of units from 288 to 225, reducing stories to 3 and 4, and retaining 20% age-restricted (senior) dwelling units; motion was seconded by Councilmember Marcos. Motion carried 4-3 (Esteve, Gardner and Trough).

ADJOURNMENT AND MOVE TO CLOSE SESSION:

Mayor Pro Tem Gardner moved to adjourn the City Council meeting and move into Closed Session under General Provisions Article, §3-305(b)(1): To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals. Councilmember Trough seconded the motion and it carried 7-0. The meeting adjourned at 10:48 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Awilda Hernandez', with a large, stylized flourish extending from the end of the signature.

Awilda Hernandez, MMC
City Clerk

APPLICANT'S PROPOSED REVISIONS TO CONDITIONS
Bowie Marketplace Residential (Docket #16-02)

Although the Development Agreement indicates the City's support for residential land use, Section 26-56 of the City Code states that the City's Planning Department shall not approve or recommend approval of any development that, when added to existing traffic levels, will result in the deterioration of traffic conditions on any such street below Level of Service "C" (ADT). The final results of the City's Service Volume Threshold analysis for the Marketplace residential proposal show that the City's standards are exceeded at 3018 Stonybrook Drive and 3014 Superior Lane. For this reason, the Planning Department cannot recommend approval. Therefore, staff recommends DISAPPROVAL of Preliminary Plan #4-16028.

However, in the event a recommendation of approval of the Preliminary Plan application is made by either the Advisory Planning Board or City Council, staff recommends that two conditions be included to address traffic impacts and to ensure conformance with the Master Plan policies and strategies at DSP review:

1. Total development within [the 20-acre Marketplace property] Parcel X-12 shall be limited to uses within the C-S-C Zone that generate no more than 243 AM and 533 PM peak-hour vehicle trips. Any development with an impact beyond that identified herein above shall require a revision to the Preliminary Plan with a new determination of the adequacy of transportation facilities.
2. Prior to the approval of a DSP, the following shall be demonstrated:
 - (a) [Multimodal trail] A six-foot sidewalk connection[s] linking civic and public spaces, nearby parkland, and adjacent residential neighborhoods.
 - (b) [A network of civic and public spaces such as plazas, pocket parks, and courtyards.]
 - (c) Street crossings marked by special materials [, curb bump-outs] or other "safe crossing" measures at intersections.
 - (d) The highest quality of urban design through the application of design recommendations that:
 - (1) Create a consistent build-to line that frames the streets and provides a comfortable sense of enclosure for pedestrians;
 - (2) Provide streetscape amenities such as street trees, wide sidewalks accented with special paving materials, landscape buffer/planting strips between streets and sidewalks, pedestrian scaled lighting fixtures, and street furnishings such as benches, trash receptacles, and bike racks;
 - (3) Ensure buildings are appropriately sized for the site and support the character envisioned for the area;
 - (4) Use high-quality, durable and attractive materials with appropriate pedestrian-scaled architectural detailing in the design of all buildings;
 - (5) Provide high-quality signage compatible with its use and purpose;
 - (6) Explore the feasibility of establishing a network of civic and public spaces such

as plazas, pocket parks, and courtyards, a public art program to provide fountains, statues, sculptures, sidewalk medallion insets, and other features to highlight the special nature of Main Street.

- (e) Development that will not adversely impact the character of existing neighborhoods.
- (f) [A transition in building density and intensity from more intense uses located at the "core" of Bowie Mainstreet along MD 450 to less intense uses along the "edge" adjacent to residential neighborhoods.]

New Language: Green Bold Underlining

Deleted Language: [Red Brackets]

Bowie Projects

Over the years, of the high-dollar expenditures made, I've seen money spent on a new gymnasium, a senior center, a "Taj Mahal" of a city hall, an arts center that was turned over to the county and probably a number of smaller programs I can't remember (ie: ball fields, parks, etc.) I'm not saying we didn't need any of these programs, and I'm not saying I would not have supported them, but there was little opportunity for citizen input. Yes, they had hearings where citizens were invited to speak, but these types of meetings have no teeth and the council can still do as it pleases. I'm talking about citizen input through referendum for any program expected to exceed \$1M, similar to the referendum approved when we granted approval for Bowie to have it's own police department.

There are a number of programs in the works that should be approved by those of us who will be paying for them. The added traffic created by the Marketplace construction will be just one additional piece that will create the need for additional services. Just a short distance away is where they are planning the proposed Melford housing community, where about 2,000 additional residences are being proposed. While no one single project would cause that much of an impact, you can begin to see how much it's eventually going to cost us as multiple projects are added to an already congested area. Yes, they will all add tax revenue to city coffers to pay for police, parks, recreation, and other general city activities, but what about the hidden costs to our community. We are not naive to the fact that an apartment project crammed between a shopping center and a housing community won't bring its share of crime and social problems. What about the schools? Medical needs? Home values? Reputation of the community?

What about the \$23M indoor sports facility that has recently been introduced? It has been stated this facility will serve more non-residents than it will residents. I certainly hope to see the most expensive project in the history of the city to be listed as a referendum question on a citywide ballot before it moves forward.

Take a look at the water & sewer system that is now 55+/- years old. It serves about 50% of the homes in Bowie. When I moved here some 28 years ago, a \$25 assessment was placed on my water bill to pay for the system that was constructed by Levitt when building these homes. Once that system was paid off, that \$25 assessment turned into what I believe is now called a facilities fee. Where did this facility fee money come from before the system had been paid off? Why wasn't this money placed into a replacement fund, knowing the system would eventually begin to break down? Now, those of us who use the system will again be assessed to rebuild the system. I'm sorry, but when they decided to turn it into a facilities fee, that fee became a citywide issue, and the cost should be covered through city funds. I mean, we don't charge a special tax only to the people who demand the services of our police or recreation departments, so why should we charge a special tax to those who use the city-owned water system? It's not like we don't already pay for the service.

Let's take care of the problems we already know exist before we decide to take on more projects that will cost us more money in the long run. My 2016/17 property tax bill for the city already represents

27% of my entire consolidated tax bill. This tax & spend mentality has got to stop. We really don't need to see them go up even further.

Questions for clarification:

When I read the bullets about these apartments in the following doc

<http://www.cityofbowie.org/AgendaCenter/>.

It says that there is a height restriction on the buildings and that these are going to be high end apartments that will cost \$3000 dollars a month. What rise in crime, due to these apartments, are we talking about?

As for the schools, the developer is going to have to contribute 4.2 million dollars to county education. That's not a small sum of money.

There hasn't been much of any new residential development in the area since 2000 (<https://www.cityofbowie.org/DocumentCent...>). We seem to be fighting all the potential new development. Aren't we worried about the interest "Millennials" will have in are area. We shouldn't be just worried about the next couple of years, but also the next 5, 10 , and 15 years.

1. - \$4.2M certainly won't build a school. Is this ongoing, or will it be a one-time expense.
2. - Seriously, Would you be willing to pay \$3,000/month to rent an apartment in this county? There's no Metro, no upscale shopping, a shoddy infrastructure that won't support the increased services and a series of restaurants that have gone downhill over the past couple of years. The good ones closed down and left. This is what I'd expect to pay in Montgomery, Fairfax or Arlington counties, not in Prince George's. Who do you think is going to move in there when they can't fill the vacancies?
- 3 - I agree, there hasn't been much residential construction over the past 15 years. One would have to be a fool to build homes during a declining economy. Have you compared the assessed value of your home with its value 10 years ago? Mine is still down by more than \$60K. Only 2 years ago, I could stand on my front porch and count 5 homes that were vacant. The economy is improving, as 4 of them are now occupied.
- 3 - Yes, I also agree there should be future projections, much of what is cited in the Master Plan for the city. It might be time to update that master Plan. It makes no sense to move forward if you don't first take care of what you have. I'm certainly not going to buy a new car if my roof needs replacing. We've got to put things into perspective, and spending our money on new projects just doesn't make sense when we have other projects in need of repair. Have you driven down Rts. 450, 197 or 301 lately. True, these are state-owned highways, but the state is not controlling the additional traffic these new projects will add. These roads can't hold up to the volume of traffic created by past completed projects.

One additional point. Let's compare the difference between how a homeowners budget is managed and how a municipal government budget is managed. My retirement check increased by a mere 0.119% last year. That's less than 1%. Unless I go back to work, there is no way for me to increase my income to handle new projects I'd like to take on. The city has the authority to increase your taxes each and every time it needs more money. One would think it would reduce less important services before placing an additional tax burden on the citizens, but that rarely happens in today's world.

Just my \$0.02 worth.

Daniel P. O'Neil
3508 Morlock Lane
Bowie, MD 20715

Anne Ford

To: Mayor
Subject: RE: Request to Speak at City Council Meeting 1/3/2017 - Re: Market Place Apartments - AGAINST

Begin forwarded message:

From: <brian@suddeth.com>
Date: January 3, 2017 at 3:07:37 PM EST
To: <mayor@cityofbowie.org>, <itrouth@cityofbowie.org>, <Cglass@cityofbowie.org>, <Dpolangin@cityofbowie.org>, <Mesteve@cityofbowie.org>, <Jmarcos@cityofbowie.org>, <Hgardner@cityofbowie.org>
Cc: <mbaird@cityofbowie.org>
Subject: Request to Speak at City Council Meeting 1/3/2017 - Re: Market Place Apartments - AGAINST

I request to be a speaker at tonight's City Council Meeting on the topic of the Market Place Apartments. My testimony is below:

I am Brian Suddeth, homeowner at 12604 Brunswick Lane. I appreciate the excellent work Berman Enterprises has done in overhauling the Market Place, and have enjoyed conversations with Brian Berman and his father, and I respect their family and their commitment to quality construction. Because of this, I would like to say something nice about the next phase to build apartments. I've looked hard for ANY upside to this apartment plan, and sadly, I have found no positive impacts for the residents of Bowie, and far too many negative ones. It appears that County planners only see dollar signs by increasing the tax base, and have no concern for the impacts and costs in other areas. I cannot support the construction of apartments at this location now or ever. While the plan is for what has been described as "luxury apartments" testimony from other Bowie residents about the elevated level of CRIME at the current "Bowen" property, traffic impacts, parking impacts, inappropriateness of such a facility in this location, and aging utility infrastructure concerns are a clear warning to all residents and elected officials that this plan will have a terrible impact on quality of life in Bowie in general and to any potential renters at the site.

As City Staff have pointed out, the City Leadership did encourage this project, however NO SUCH AGREEMENTS ARE BINDING ON THE CITY, the City has "the ability to approve or deny, in its sole and absolute discretion," any Conceptual Site Plan or Detailed Site Plan, and the prior discussions were originally held without seeking resident input. *Should the City Council members vote to move forward with this project despite the objections of the citizens, and the against the recommendations and research by the City Staff, the Planning Department and Citizen committees, I will be unable to support continuance in office of anyone who chooses a favorable vote for the project over the safety of our citizens and the greater good of this City.*

INFRASTRUCTURE: Our service infrastructure for water, sewer, gas and electric is a serious concern. We are constantly repairing and replacing damaged water and gas pipes

and electrical cables in this neighborhood, the first and second built in Levitt Bowie. As the oldest sections, putting additional load on over-stressed and failing infrastructure is irresponsible fiscally and functionally. It is not appropriate to put this new load on our weakest link.

TRAFFIC LIMITS: In the City Code, Bowie has determined minimum acceptable level-of-service on City residential streets, due to an overriding concern for public safety. This is exactly the kind of situation our City Code explicitly warns us about and prohibits us from approving. I fear that traffic impacts in this area can impede emergency services from speedy access to the local area in a crisis.

I remember what Racetrack Road was like in the 1970's with massive backups and we are already experiencing severe backups on 450 and 301 regularly, and i have no desire to destroy the quality of life in Bowie with such impact again. Just by adding the new shopping center and placing a Chick-Fil-A which are noted for causing traffic issues at the front, my family has already noted a significant rise in traffic on Stoneybrook Drive, trying to turn left from Brunswick, and having to wait longer than before even at the previously quiet time of 2 PM weekdays and weekends. The apartment's traffic and parking will overload our streets as demonstrated by current observations at the Bowen facility, independent traffic measurements, and predictions. The impact of traffic is not limited to local residents surrounding the site, but impacts ALL users of Bowie's "Main Streets". We don't want Bowie to be known for its traffic flow issues AGAIN. Overflow parking on the streets near the "Bowen" are obvious and have negatively impacted the surrounding residents. We are also focused on blocking another new development just down 450 which would also add to our traffic woes. Our streets and roads are not capable of handling this increase SAFELY, and our citizens vocally oppose this project.

Others besides Berman Enterprises have conducted several traffic studies, spending countless hours going over their data, and have clearly indicated our neighborhood streets are already too crowded, and are already exceeding the Level-of-Service limits specified in our City Code. No project that makes this worse should be approved.

PLEASE pay attention to the public safety issues called out in our City Code and observed at the Bowen and do not approve or recommend approval of this apartment development. These developments are not consistent with Bowie continuing to be an award winning "Green City" and a safe and welcoming place to live.

References:

City Code, Article III. Service Volume Standards for City Streets.

Sec. 26-53. Prince George's County's Adequate Public Facilities Regulations do not require developers to assess traffic impact on streets controlled by a municipality. The City has determined that the minimum acceptable level-of-service on City residential streets should be Level-of-Service C (ADT), **due to an overriding concern for public safety.**

Sec. 26-56. Minimum acceptable Level-of-Service. The minimum acceptable service level for major drives, primary residential streets and seconded residential streets in the City shall be Level-of-Service C (ADT), as defined in Sec. 26-32 of this Article. The City's Planning Department shall not approve or recommend approval of any development that, when

added to existing traffic levels, will result in the deterioration of traffic conditions on any such street below Level-of-Service C (ADT).

**WRITTEN STATEMENT FOR CLOSING A MEETING
UNDER THE OPEN MEETINGS ACT**

Date: 1-3-17 Time: 10:45 Location: Bowie City Hall Motion to close meeting made by: Gardner

Seconded by Trouth Members voting in favor: Robinson, Gardner, Esteve, Glass, Marcos, Polansky, Trouth
Opposed: _____ Abstaining: _____ Absent: _____

STATUTORY AUTHORITY TO CLOSE SESSION, General Provisions Article, §3-305(b) (check all that apply):

- ☒ (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- ____ (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;
- ____ (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;
- ____ (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- ____ (5) To consider the investment of public funds;
- ____ (6) To consider the marketing of public securities;
- ____ (7) To consult with counsel to obtain legal advice on a legal matter;
- ____ (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- ____ (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- ____ (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- ____ (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- ____ (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- ____ (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- ____ (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

FOR EACH CITATION CHECKED ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED:

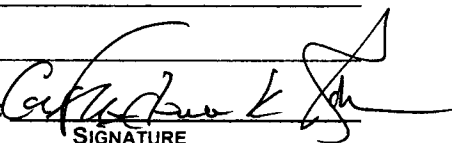
§3-305(b) (1) Discuss the appointment of consultant for the city

§3-305(b) () _____

§3-305(b) () _____

This statement is made by Mayor Robinson

Presiding Officer: _____


SIGNATURE

WORKSHEET FOR USE IN CLOSED SESSION (CHECKLIST OF DISCLOSURES TO BE MADE IN MINUTES OF NEXT REGULAR MEETING- NOT A PART OF THE CLOSING STATEMENT)

PERSONS ATTENDING CLOSED SESSION: Robinson, Gardner, Esteve, Glass, Marcos, Polansky, Trouth, Gott, Fitzwater, Levan

TOPICS ACTUALLY DISCUSSED Appointment of consultant for the city

ACTION(S) TAKEN (IF ANY) AND RECORDED VOTES: _____

TIME CLOSED SESSION ADJOURNED: 11:00 pm

PLACE OF CLOSED SESSION Bowie City Hall

PURPOSE OF CLOSED SESSION: Discuss Appointment of consultant

STATUTORY AUTHORITY FOR THE CLOSED SESSION: §3-305(b) (1); (7); ()

MEMBERS WHO VOTED TO CLOSE: Robinson, Gardner, Esteve, Glass, Marcos, Polansky, Trouth

(Form Revised 10/1/14)