



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, JANUARY 7, 2013

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, January 7, 2013 in the Council Chambers at City Hall. Mayor Robinson called the meeting to order at 8:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Boy Scouts Jarrod and Justice Robinson from Troop 1657 led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Robinson, Mayor Pro Tem Polangin, Councilmembers Brady, Gardner, Marcos (Arrived 8:10 p.m.), Truth and Turner; City Manager Deutsch, Assistant City Manager Fitzwater, City Attorney Levan, City Clerk Hernandez, Members of the Staff, the Press and the Public.

CITIZEN PARTICIPATION: No citizens signed up to speak.

PRESENTATIONS:

A. LGIT Training Grant Award – Mr. Tim Ailsworth, Executive Director of LGIT presented a Training Grant Award to the Bowie Police Department in the amount of \$4,400 to be used for "Responding to Active Shooters" Training.

CITY BOARDS AND COMMITTEES:

A. Appointments/Reappointments/Swearing-in – Mayor Pro Tem Polangin moved to reappoint Ms. Camilla M. Gaines as Chairman of the Bowie Board of Supervisors of Elections for a 2-year term. Councilmember Turner seconded the motion. Motion carried 6-0, Councilmember Marcos was not present.

B. Councilmember Truth moved to appoint Mr. Michael P. Esteve to the Bowie Community Outreach Committee for a 2-year term. Councilmember Brady seconded the motion. Motion carried 6-0, Councilmember Marcos was not present.

C. Councilmember Brady moved to appoint JoAnn Marshall-Hobbs to the Bowie Information Technology Committee for a 2-year term. Councilmember Turner seconded the motion. Motion carried 6-0, Councilmember Marcos was not present.

D. Mayor Robinson swore-in Mr. Esteve and Ms. Marshall-Hobbs to their respective committees and welcomed them.

COUNCIL ANNOUNCEMENTS:

Mayor Robinson announced that a letter will be sent to Trader Joe's for them to take into consideration the opening of a store in the City of Bowie.

CITY MANAGER'S REPORT:

City Manager Deutsch reported on the following: 1) BGE Smart Meter implementation update – it's at about 60% completion, no final completion date available at the moment. 2) Council funded in last year's budget two installations of photovoltaic solar installations; one at the Genealogical Library and the other at Harmel House. At the Harmel House after one year of usage of the photovoltaic power, the electric bill went from \$2,249 to \$464 for the year. That's a savings of 79% and the City received \$1,700 for being enrolled in a program for renewable credits.

CONSENT AGENDA:

Mayor Pro Tem Polangin moved the approval of Consent Agenda Item: A) Approval of December 3 Meeting Minutes; B) Approval of Resolution R-3-13 – Approving Departure Application #BD-01-12, A Request by Cabin Branch Joint Venture, LLC for a Departure From the Zoning Ordinance of Prince George's County, §27-568(a) to Permit 73 Parking Spaces Rather Than the Required 111 Parking Spaces at 3327 Superior Lane, Bowie Maryland; C) Approval of Resolution R-4-13 – Awarding a Contract for the Preparation of a Conditions Assessment and Preservation Plan for the Williams Plains Property to Davis Buckley Architects; D) Approval of Resolution R-5-13 – Accepting Bid Proposal for Construction Inspection and Lead-Based Paint Inspection for the HUD CDBG Senior Citizen "Green" Housing Rehabilitation Program; E) Approval of Proposed Architectural Elevations for LA Fitness in the Bowie Town Center. Councilmember Brady seconded the motion. Motion carried 6-0, Councilmember Marcos was not present.

NEW BUSINESS:

A. Telephone System Update – Mr. Bob Boeller, IT Director for the City of Bowie, presented an overview of the city's telephone system and its performance during the storms of 2012. The reliability of the City network, equipment and vendors has been well over 99%. The City voice system is sound, reliable and cost effective; it is continually monitored for reliability with improvements recommended as necessary to maintain its quality. Staff does not recommend major changes at this time. The disruptions that occurred during the storms were issues with Verizon and Comcast systems and were out of the control of the City.

B. CDBG Consolidated Action Plan FY 2014-2018 and Citizen Participation Plan - The City receives CDBG funds from the US Department of Housing and Urban Development through an entitlement. A five year Consolidated Action Plan and Citizen Participation Plan is required by the U.S. Department of Housing and Urban Development for all Entitlement Communities receiving HUD funding. The City's Consolidated Action Plan 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.

Public Hearing:

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

Councilmember Turner asked if the City also sends the survey to community based organizations. City Grants Office Director, Mr. Jesse Buggs replied that it is sent to churches and non-profit organizations.

Mayor Pro Tem Polangin made a motion to adopt Resolution R-1-13 and authorize the Citizen Participation Plan to be sent to HUD. Councilmember Gardner seconded the motion. Motion carried unanimously.

C. Special Exceptions #2635 and #3400 (Six Flags America, L.P.) – Mr. Joe Meinert, City of Bowie Planning Director, briefed Council on the request received by Six Flags America, L.P. to amend prior conditions of approval imposed on the Six Flags properties under Special Exception #2635 and #3400. The proposed amendments are to conditions 2, 4, 7, 27, 29 and 47.

Ms. Jennifer Prizeman with the law firm of Gibbs and Haller, representing the applicant noted that the applicant is amending their original request on condition 29 to request that fireworks displays be allowed not more than six evenings per season.

Councilmember Gardner asked Ms. Prizeman to explain the amendment to condition 27 in reference to the 24 hours event and what is the time period when fireworks displays would be done. Ms. Prizeman explained that the 24 hour events will be associated with prom and graduation safe and sober programs. The fireworks displays would be between Memorial Day and Labor Day.

Councilmember Turner asked if the City received any feedback from communities surrounding the park. Mr. Meinert replied that the City had not received any.

Councilmember Brady encouraged the applicant to give plenty of notice to HOAs in the surrounding area when the fireworks displays will occur.

Public Hearing:

Mr. Gary Allen, 16304 Bawtry Court, spoke in opposition to the amendments for Special Exception #2635 and #3400.

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

Councilmember Marcos made a motion to approve the request to amend the Conditions of Approval. Councilmember Turner asked if the motion could be amended to include a recommendation in the City's letter, in reference to Condition #29, that an environmental noise analysis be completed prior to the County's approval, and that the requested revisions to Condition #27 be opposed. Councilmember Marcos accepted the recommendation to include the environmental noise analysis but rejected the suggestion to deny the 24-hour operation for events.

Councilmember Trough made a motion to not support the 24 hour operation condition. Mayor Pro Tem Polangin seconded the motion to amend. Motion carried 6-1 (Marcos).

Councilmember Brady recommends an additional amendment to the original motion to include a sentence that the City would like to defer to comments expressed by the Western Shore Conservancy. Motion to approve amended motion carried unanimously.

D. State Legislation – PG 401-13 – Councilmember Turner recused himself from this item. Mr. Joe Meinert, City of Bowie Planning Director, briefed Council on State Legislation PG 401-13 to establish the authority for Prince George's County to impose fees on the use of disposable plastic bags as part of a retail sale of products.

Public Hearing:

1. Laura Chamberlain, from the Alice Ferguson Foundation, spoke in support of State Legislation PG 401-13.

2. Gary Allen, Bowie Environmental Advisory Committee, also spoke in favor of the legislation.

3. Martha Ainsworth, Prince George's Sierra Club, spoke in favor of the legislation to encourage people to use reusable bags.

4. Sandy Spencer, 16230 Cambridge Court, supports the legislation and encourages Council to vote in support also.

5. Fred Tutman, Patuxent River Keeper, also spoke in support of the legislation.

6. Nancy Franklin, 17003 Longleaf Drive, spoke in opposition to the legislation.

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

Following comments from members of Council, Councilmember Gardner made a motion to support State Legislation PG 401-13. Councilmember Brady seconded the motion. Motion failed 2-4 (Robinson, Polangin, Marcos, Trouth).

E. Melford Residential Concept Plan Update – Mr. David Deutsch, City Manager summarized the staff memo in regards to a request from St. John Properties to amend the City's Annexation Agreement and covenants governing the Melford property.

Mr. Robert Antonetti representing St. Johns Properties, Inc. is requesting approval of the City for revisions to the covenants to allow certain mix of residential uses within a defined undeveloped portion of Melford. Mr. Antonetti expressed that at a meeting with City Council on September 18, 2012, Council requested the applicant to come before them at a future date with a more detailed mixed-use concept plan for the development, which is what SJPI will be presenting this evening.

Mr. Andrew Roud, Development Director for SJPI, spoke in regards to working toward reconnecting and establishing the trust with the City. He reiterated that they will not proceed with the CSP application with the County until full approval of the City is attained.

Mr. Aniban Basu, Economist with Sage Policy Group, Inc. gave a presentation on a valuable mixed-use opportunity at Melford. Mr. Basu stated that although much has gone right at Melford, current performance is sub-optimal due to a lack of a residential component that would finance retail and architectural amenities and attract residents, retirees, business tenants, and merchants. Several mixed-use development in the area, have been very successful like King Farm in Rockville, Kentlands in Gaithersburg, Waugh Chapel in Anne Arundel County. The

study concludes that there is an opportunity for the City to address emerging issues by allowing the development of housing at Melford and convenience retail in order to diversify Melford.

Mr. Mike Rosen with Martin Architectural Group, presented to Council concept plan drawings of residences and retail space that can be developed in Melford. (Copy on file at City Hall)

Public Hearing:

1. Rosalie Marley, 5700 Park Drive, requested that any amendments that do happen be transparent so that citizens can follow along and everything is out in the open.

2. Bruce Pletsch, 16520 Abbey Drive, is skeptical of the rules and changes proposed.

3. John Scoulios, 4404 Blackwalnut Way, is concerned that residents of District 3 were not made aware of the happenings and encourages more information be provided to citizens and would like to see more retail space versus residential. Councilmember Gardner responded that he provided robo calls to his District 3 constituents.

4. Gary Allen, 16304 Bawtry Court, concerned that this item was not advertised as a Public Hearing to allow for more citizens input on the matter.

5. Sandy Spencer, 16230 Cambridge Court, is concerned with a rise in traffic, noise, pollution and crime due to the additional development.

6. Martha Ainsworth, 16500 Abbey Drive, said more employment opportunities are needed in the City, not a huge housing development.

7. Genevieve Liang, 16420 Cambridge Court, agrees with the needs for transparent process and bringing tech businesses to provide employment opportunities.

8. Marc Phillips, 5620 Avondale Drive, expressed that St. John Properties, Inc. needs to focus on attracting businesses to Melford and not residential.

9. Fred Tutman, 18600 Queen Ann Road, spoke against the residential development.

10. Deon Merene, 16320 Lea Drive, said that the proposed development will greatly impact the Sherwood Manor neighborhood and encourages Council to allow more citizen participation on the decisions made.

11. Nancy Franklin, 17003 Longleaf Drive, did not support original development years ago for commercial use and also disagrees with proposed residential plans.

12. Alan Coppola, spoke in support of the residential development in Melford.

13. Boyd Campbell, 16211 Cambridge Court, spoke also in support of the proposed residential development.

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

Mayor Pro Tem Polangin read a brief summary in regards to Melford (copy on file at City Hall).

Councilmember Marcos stated that he is in support of amending the covenants to allow for the residential development.

Councilmember Trough encourages staff to start an open dialogue with the citizens and receive input from them to allow for a more transparent process.

Councilmember Turner stated that the ultimate question is what does the City want developed for its future and appreciates the effort by St. John Properties for all their work but the Council will do what they feel is in the best interest for the City.

Councilmember Gardner thanked everyone for coming out this evening and follows in the comments of Councilmember Trough in the encouragement for transparency in the process.

Councilmember Brady has concerns with the process. No input has been received from citizens and due to significance of change he would like more time to study the information provided this evening before moving forward with decision. He would like to include for the record copies of his Ex-Parte from 2010, 2013 and a cover email.

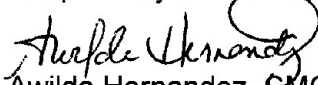
Mayor Robinson summarized the evening; Council is being requested to consider a policy change and to direct staff to prepare a draft for covenant modification to allow for Council to have a conversation or opportunity to look at options or alternatives on this site. At a future time the draft has to come back to Council for a Public Hearing and to consider the draft.

Mayor Pro Tem Polangin moved to recommend that staff work with the City attorney and prepare an appropriate amendment to the covenants to include a residential component on the site. The covenants should also include any additional controls or requirements that may be desired in this particular development, which may be in addition to County requirements, such as, a minimum percentage to be determined of the total residential units developed are to be age-restricted active adult. The age-restricted units are to be developed prior to or concurrent with the non-age restricted units, but at all times shall not be less than determined percentage of the total units developed. St. John's is to reach out to minority and woman owned businesses for construction. City Committees are to be contacted for input during the amendment process. All decisions regarding any proposed changes to the covenants are to be completely, totally and exclusively made by the City Council, and that the City retains final say and will not diminish our control of the site. We would expect this covenant amendment to be back before City Council at our first meeting in March 2013. Councilmember Turner seconded the motion. Motion passed by vote of 6-1 (Brady).

ADJOURNMENT:

Mayor Pro Tem Polangin moved to adjourn the City Council meeting. Councilmember Trough seconded the motion and it carried unanimously. The meeting was adjourned at 12:35 a.m.

Respectfully submitted,


Awilda Hernandez, GMC
City Clerk

Presentation to
Bowie City Council
Diane M. Polangin
January 7, 2013

Re: St. John's Property, Melford

We are at an impasse. On 18 September 2012, we directed staff to begin discussions with St. John's Properties on potential changes to the covenants on the property and to come up with an alternative vision to shape the discussion of a mixed-use development. The covenants are the City's only means of control over the composition and character of development on one of the last major parcels available within the city. The development of this parcel has languished for decades but in recent years, St Johns Properties has developed quality infrastructure, buildings and uses on this strategically located and historic site. This parcel was zoned by the County for mixed use, a designation that has reflected the character of virtually all recent major developments in the country.

On September 18th, 2012, we were asked by St Johns to revise the covenants to include housing in the mix, again common for this type of development. There can be no doubt that the housing element will enhance the growth and character of this project. The whole concept of mixed use is to join compatible uses together so that the interaction of the uses enhances the value and functionality of each of the uses. Further, Bowie needs a source of housing to accommodate our aging residents who no longer can maintain, or have a need for their relatively large homes that they have occupied since the initial development of Bowie. They do not want to leave the town that has supported their needs for decades. There is no other significant parcel within the city to accommodate this need. Housing, including age restricted/active adult units, would be a boost for the City.

St. Johns Properties has been forthright and cooperative with the City in addressing development issues encountered for the site. Because of the need to clarify their intentions for the further development of the site, they have now provided a concept development plan for part of the site to be used for housing. This plan clarifies the intent of the proposed development, but of course, is far from definitive. That will come in later stages of approvals required by the development process. However, the important development aspects of the site will have been addressed.

St. Johns proposes a maximum of 2,500 units on the site with 400 units designed as age restricted units. Note that there are various types of units proposed, and that the amenities shown include open space, walking trails, a community building, a band stand, central clock tower identity feature, retail support facilities and hotel space. Note also that the existing broad range of medical care facilities on the site is available for support of the age-restricted units.

At this point in time, this information is all we need to approve the concept of adding a residential component to the site. The City will benefit from the increased housing stock and will also benefit from the increased development of associated uses on the site spurred on to increase by the associated housing. This parcel needs the impetus that the residential element will promote for the further development of its employment base.

Councilman Brady

From: Councilman Brady <councilman.brady@verizon.net>
Sent: Saturday, January 05, 2013 9:08 AM
To: Mayor (mayor@cityofbowie.org); James Marcos (jmarcos@cityofbowie.org); Diane Polangin (dpolangin@cityofbowie.org); Henri Gardner (hgardner@cityofbowie.org); Isaac Trouth (itrouth@cityofbowie.org); Todd M. Turner (tmtturner@cityofbowie.org)
Cc: David Deutsch (ddeutsch@cityofbowie.org); John Fitzwater (jfitzwater@cityofbowie.org); Awilda Hernandez (ahernandez@cityofbowie.org)
Subject: Melford Ex Parte
Attachments: Andrew Roud - 130104 - Melford.pdf; Andrew Roud - 130104 - Melford.docx

Tracking:	Recipient	Read
	Mayor (mayor@cityofbowie.org)	Read: 1/5/2013 9:36 AM
	James Marcos (jmarcos@cityofbowie.org)	
	Diane Polangin (dpolangin@cityofbowie.org)	
	Henri Gardner (hgardner@cityofbowie.org)	
	Isaac Trouth (itrouth@cityofbowie.org)	
	Todd M. Turner (tmtturner@cityofbowie.org)	
	David Deutsch (ddeutsch@cityofbowie.org)	Read: 1/5/2013 9:23 AM
	John Fitzwater (jfitzwater@cityofbowie.org)	Read: 1/5/2013 10:38 AM
	Awilda Hernandez (ahernandez@cityofbowie.org)	Read: 1/7/2013 9:28 AM

All,

Attached are electronic copies of the Ex Parte resulting from my meeting with Mr. Andrew Roud yesterday.

From my reading of the e-mail messages concerning Monday night's hearing on the change to the covenants that would allow residential at Melford, it sounds as though a decision has already been made. This without any public discussion or input. I would suggest that, to avoid criticism of the Council for deciding things behind closed doors, that we not direct staff on Monday night to begin negotiations with St. Johns Properties on new covenant language that would allow residential but rather refer this issue to the following City Committees for their review and advice:

- Bowie Advisory Planning Board
- Community Outreach Committee
- Community Recreation Committee
- Economic Development Committee
- Education Committee
- Environmental Advisory Committee
- Financial Advisory Committee
- Public Safety Committee

Each committee should review the proposal within the area of their charge according to the resolution that created them. Due to the significant nature of the proposed change to the covenants and the need for a timely decision, I would suggest that this review occur at their next regularly scheduled committee meeting. The video of Monday night's hearing and any/all documents submitted by St.

Johns Properties should be made available to the committee members. Mr. Roud and/or any member of St. Johns Properties can attend and answer questions, should they choose to do so.

Additionally, Planning Staff should hold a stakeholder's meeting with residents in the abutting residential neighborhoods to brief them on the change and to elicit their feedback.

The City's web site and all social media should be used to get the word out on this issue.

Council can revisit this issue after the committees and Planning Staff have concluded their review, probably in late February or early March.

Sincerely,
Dennis

**CITY OF BOWIE
EX PARTE COMMUNICATION
DISCLOSURE**

Name of Filing Individual: Dennis Brady

Subject Matter: Melford.

Contact: Andrew Roud (St. Johns Properties).

Substance of the Communications:

On Friday, January 4th, I met with Mr. Andrew Roud, site manager for the Melford Property (formerly known as the Maryland Science and Technology Center) for breakfast at Panera Bread in Bowie Town Center. He stated that he had already met with the mayor and the five other members of the council. Our meeting lasted approximately 2 hours and 15 minutes.

He described their illustrative plan showing the proposed residential development. This would occupy 90 acres of the approximate 300 acres of the site that is developable (30% of the land). The discussion included a history of the project starting before the site was annexed into the City, the current state of occupancy and the challenges the restrictive covenants presents to the development and leasing the space today and in the future.

He discussed the types and quantity of housing proposed and their location on the plan. The total number of units would not be determined until their plans are finalized but at the present time they are anticipating that there could be 2,100 units, including a maximum of 400 age restricted units. We discussed the risk associated with the age restricted units with regards to the financing of the project.

He described the office space added along Melford Boulevard as a buffer to the historic Melford House from the existing office/flex across the street.

We discussed the cooperative relationship between the City and St. Johns Properties with respect to the types of businesses occupying the site. This had been a source of conflict in the past.

He stated that, as Council would learn at Monday night's meeting, St. Johns Properties would provide the city with site review authority, thereby providing the City with additional controls over what the residential development will look like.

We discussed the fact that St. John Property's niche in the market is flex space and that they do not do office. In light of the current economy and the state of their leasing, it was unreasonable to expect any of the flex space to be converted to office and definitely would not occur by 2015. The only site that might be reconstructed in the future is the one story office (basically, flex building without the roll up doors) near the hotel site. This might occur in five (5) years if the project begins moving forward.

We discussed their acquisition of the Nash Property and the negative impact it had on the relationship between the City and St. Johns Properties.

We discussed the Council's action with respect to the proposed residential development at Hilltop Plaza.

The discussion with Mr. Roud was friendly and very informative, and the tone very cordial. We each paid for our own breakfast.

I direct that this summary be included in the public record of the subject matter.

Signature of Filing Individual

1/4/13
Date

**CITY OF BOWIE
EX PARTE COMMUNICATION
DISCLOSURE**

Name of Filing Individual: Dennis Brady

Subject Matter: Melford Property (formerly Maryland Science and Technology Center).

Contact: Andrew Roud (St. Johns Properties).

Substance of the Communications:

On Monday, January 18th, I met with Mr. Andrew Roud, the new manager for the Melford Property (formerly known as the Maryland Science and Technology Center) for breakfast at Panera Bread in Bowie Town Center. He stated that he had already met with the mayor and the five other members of the council. Our meeting lasted approximately 2 hours.

We discussed the background and history of the site, including their purchase of the Nash Property, and St. John Property's vision for the Melford site. He pointed out that St. John Property and the other parties to the covenants had not agreed to the pending amendment to the covenants. They wanted to pursue a "global" settlement of the covenants which would include housing. He stated that this new settlement must include 350-357 age restricted housing and 200 senior housing. St. John Property (represented by Mr. Roud, their leasing agent and their lawyer) wanted to meet with the Mayor, Council and staff in executive session to discuss (negotiate) new amendments to the covenants. According to legal advice from his lawyers, this is permitted under Maryland law.

Mr. Roud discussed St. John Property's contribution to cover the cost of the new track at Bowie High School, their building of the second office building at Melford on spec, their \$250,000 contribution towards the Greenbranch Park that the county is developing off of Mill Branch Road, and the \$6M due them for the purchase of the Nash Property. In all, they are approximately \$32M in the "red" for these contributions and that they needed to recoup some if not most of this cost. He further stated that St. John Property's niche in the market is flex space and that they do not do office and that they are owed housing on this site due to the Nash deal and due to the MXT zoning that they received on this property during the recent update of the Bowie Master Plan.

The discussion with Mr. Roud was friendly and very informative, and the tone very cordial. We each paid for our own breakfast.

I direct that this summary be included in the public record of the subject matter.

Signature of Filing Individual

1/18/10
Date