

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, DECEMBER 2, 2019

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, December 2, 2019 in the Council Chambers at City Hall. Mayor Adams called the meeting to order at 8:00 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 Bofo, Esteve, Gardner, Harrison, Ndebumadu and Woolfley, City Manager Lott, Assistant City Manager Mears, City Attorney Levan, City Clerk Hernandez, Staff, the Press and the Public.

NEW BUSINESS:

A. Approval of Resolution R-86-19 Establishing Procedures for Review and Approval of Certain Types of Zoning Variances by the City's Planning Director – Mr. Joe Meinert, Planning Director, summarized the staff report. The procedures would greatly benefit the residents in expediting approvals of minor variances without having to go thru a variance hearing.

Councilmember Woolfley made a motion to approve Resolution R-86-19. Councilmember Esteve seconded the motion. Motion passed unanimously.

B. Glenn Dale Golf Course Redevelopment (Preliminary Plan #4-19005) – Mr. Joe Meinert, Planning Director summarized the staff report and introduced Mr. Norman Rivera, representative for the developer. The proposed "Fairway Estates of Glenn Dale" community, is a redevelopment of the former golf course containing 209 single-family detached dwellings and 63 townhouse dwellings on 125 acres in the O-S (Open Space) and R-18C (Multi-Family Medium Density Residential, Condominium) zones.

After several comments from Council in regards to traffic issues and concerns with the impact on the schools from the development, Mayor Adams thanked Mr. Rivera for his presentation and will continue to monitor the project.

C. South Lake Detailed Site Plan #DSP-19023 – Mr. Frank Stevens, City Planner, summarized the staff report. The plan proposes 1,035 dwelling units (344 detached single-family dwellings, 563 townhouse units and 128 condominium dwelling units), and a 5,272 sq. ft. clubhouse, with pool, and other recreational facilities for the development on 283 acres. The property is zoned E-I-A (Employment and Institutional Area), and is located in the southwestern quadrant of the U.s. Route 301/MD Route 214 interchange.

Mr. Mike Byrd, Chair of the Bowie Advisory Planning Board presented the Boards comment and outcome of their meeting that was held on November 12. The Board moved to accept staff's recommendation with the conditions as stated.

Mr. Arthur Horne with the law firm Shipley and Horne, P.A. representing the developer MAI Michael Companies commented that the developer is willing to accept the conditions stated by staff.

Public Hearing:

1. Terry Nuriddin, Collington Station – Submitted comments via email (copy of comments attached).
2. Jacqueline Grazette, Queen Ann Road – Spoke against the development.
3. Johnny Williams, Johnstown Lane – Spoke against the development.
4. Phillip Murray, Jeremiah Lane – Spoke against the development.
5. Sidney Wise, Jennings Mill Drive - Spoke against the development.
6. William Hanka, King James Road - Spoke against the development (Copy of comments attached).
7. Rene Jackson, Collington Station - Spoke against the development.
8. Jerry Heatherstone, Collington Station - Spoke against the development.
9. Stan Abney, Jamesview Lane - Spoke against the development.
10. Russ Ideo, Pointer Ridge Drive - Spoke against the development.
11. Fiona Moodie, Ithan Lane - Spoke against the development.

Since there were no more speakers signed up to speak, Mayor Adams declared the Public Hearing to have been held.

City Manager Lott recommended to postpone the vote on this item until Council has a chance to discuss the ramifications of stopping the process with Legal Counsel.

Mayor Pro Tem Boafo moved to postpone the decision on South Lake Detailed Site Plan #DSP-19023 to the February 3 meeting. Councilmember Esteve seconded the motion. Motion passed unanimously.

ADJOURNMENT AND MOVE TO CLOSE SESSION:

Mayor Pro Tem Boafo moved to adjourn the Regular City Council meeting and move to Close Session Statutory Authority to Close Session, State Government Article, §3-305(b)(7): To consult with counsel to obtain legal advice on a legal matter and §3-305(b)(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. Councilmember Gardner seconded the motion and it carried unanimously. The meeting adjourned at 10:44 p.m.

Respectfully submitted,

Awilda Hernandez, MMC
City Clerk

Nuriddin
15201 Johnstone Lane* Bowie* Maryland* 20721
nurbiz@verizon.net

DATE: December 2, 2019

TO: Frank Stevens, AICP
Department of Planning and Economic Development
City of Bowie, Maryland

FR: Terry M. Nuriddin, Resident, Collington Station Subdivision

RE: Concerns With the Detailed Site Plan #DSP-19023 for South Lake
and A Request for Postponement of Bowie City Council Decision on the Matter

1. Concerns About FloodPlain Management

My family resides at 15201 Johnstone Lane, placing us close to the aforementioned construction site. I stated my concerns for the FloodPlain Management and a proposed solution to alleviate a possible topographical disaster.¹

Although segmented, all phases of this construction's land excavations, grading, etc., as well as those for Liberty Sports Park will have a unified impact on the terrains.

2. Concerns About Current Permits and Obligations

Since this effort is over 16 years old and has been transferred/assumed by various developers, investors, and other parties, I am concerned about the transparency of the **"multiple reviews over the years by various governmental agencies."** The current Bowie residents and the future ones need assurance that **"all the necessary permits with respect to the wetland and floodplain impacts"--for 2019--** are in order.

A reasonable request would be for whomever can make those assurances to do so, in writing.

3. Concerns About Educational Support

Somehow, sometime during these past 16 years, the various influx of developers, investors, and other parties have erased any effort to provide almost 24 million dollars "to mitigate added school demands." And our County officials have consented to this erasure. In reality, though, our future students will not be erased and neither should their opportunity for a good education.

I implore our Bowie Council to seek a commitment in either (1) real dollars to fund a school; (2) soft money to have the developer set aside land and construct a base foundation for a school facility; or (3) partner securing creative financing from the developer to establish a dedicated educational facility.

¹ See Attachment

Nuriddin
15201 Johnstone Lane* Bowie* Maryland* 20721
nurbiz@verizon.net

4. Concerns About Unprecedented Creative Financial Support

During that same 16 years, these various influx of developers, investors, and other parties have managed to secure unprecedented creative financial support. They couldn't take it. Even the County couldn't give it to them, without, *without*, Bowie City consenting to do so.

That is progress?

5. Recommendations to Ensure Continued Progress

This progress, in my opinion, has to include a movement of the people's concerns in a direction that matters to the current Bowie residents and our future ones.

I implore you to postpone your decision until more residents have had the opportunity to express their concerns, either in writing, or in a 3-minute or less video.

This will also allow the applicants to provide the necessary documentation regarding the wetlands and floodplain management.

This will allow Bowie City to enter discussions or negotiations regarding some sort of consideration for the educational facility.

Closing Remarks

It has been 16 years in the making. Please give us more time to mitigate the adverse impact of this development and secure reasonable solutions to problems and concerns that will be eventually handed off to Bowie residents.

I appreciate your consideration of this request.

Nuriddin
15201 Johnstone Lane* Bowie* Maryland* 20721
nurbiz@verizon.net

DATE: November 12, 2019

TO: Frank Stevens, AICP
Department of Planning and Economic Development
City of Bowie, Maryland

FR: Terry M. Nuriddin, Resident, Collington Station Subdivision¹

RE: My Concern With and Opposition to Detailed Site Plan #DSP-19023
Proposal: Construction of Residential Dwelling Units and Recreational Amenities (South Lake Mixed-Use Community) Total Site Area: 381.52 Acres
Current Zoning: E-I-A (Employment and Institutional Area)
Location: Southwestern Quadrant of U.S. Route 301 and MD Route 214 (Central Avenue) Interchange
Applicant: South Lake Partners, LLC

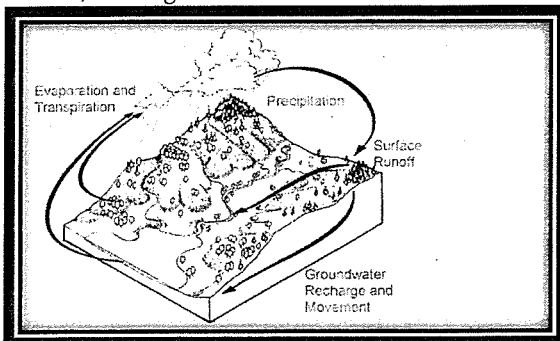
Concerns About FloodPlain Management

My family resides at 15201 Johnstone Lane, placing us close to the aforementioned construction site and in a likely flooding location triggered by the confluence of land excavation and an imbalance in the hydrologic cycle caused by climate change.²

Also, my homesite, as well as many others, are close to the railroads which are generally one foot below the flood elevation pursuant to Prince George's County floodplain ordinance. According to their "FloodPlain Analysis" "new construction..." must "be at least 1 foot above

¹ I have attached my Person of Record Request for the South Lake development efforts.

² According to Federal Emergency Management Agency (FEMA), "Floods are part of the Earth's natural hydrologic cycle..." which "circulates water throughout the environment..." in turn, maintaining "an overall balance between water in the air, on the surface and in the ground." FEMA also states, "Sometimes the hydrologic cycle gets out of balance, sending more water to an area than it can normally handle. The result is a flood."



FEMA "Figure 1-1. The Hydrologic cycle"

Nuriddin
15201 Johnstone Lane* Bowie* Maryland* 20721
nurbiz@verizon.net

the anticipated 100 year flood elevation."³ To build on this subject area, developers must fill in the land, which is very costly; hence, the need for taxpayer money...upfront.⁴

The structures designated for this site have changed dramatically over the past 16 years or so, and will continue to do so as different developers and investors cycle through the project and position their business and market their real estate to maximize profits.

The current brochures and proposed designs are not legally binding, and according to the "South Lake" legal documents, they retain much flexibility on the type of residential structures and homesites and the kind of retail, commercial, and institutional edifices they can build.

Unchanging, however, is the reality that the land excavations and grading; the disruption of the natural and man-made barriers; and the destruction of the land's "natural features" **erode** these terrains; thus, subjecting residents – *current and future*--to flood prone residential structures and homesites and retail, commercial, and institutional edifices.

My family wants to be sure that Bowie and Prince George's County are responsible to the *current and future* residents and that profit motive is not the only consideration used. We want Bowie and Prince George's County to look out for us and safeguard our lives as well as our homes and mortgages, and our economic well-being.

Requests to Prevent (1) Creating Flood Areas and (2) Endangering Lives

1. That Bowie and Prince George's County request the United States Army Corps of Engineers to conduct an appropriate study of these lands in respect to the total construction and that any report be shared with the public.
2. That the construction developers/real estate developers and any other appropriate party to this effort make public the Federal, State, and County permits issued for all development, to include, but not limited to, "man-made change to land, including grading, filling, dredging, extraction, storage, subdivision of land, and the construction or improvement of structures."
3. That Bowie and Prince George's County ensure that before development begins all Federal and State permits are issued and that the development does "not increase flooding or create a dangerous situation during flooding..." A written acknowledgement to the fact would be shared with the public.

³ According to a 2016 Green Building Law Update: Environmental Law and Sustainability for Business- "It is a common misunderstanding that a 100 year flood is likely to occur only once in 100 years. A 100 year flood is a flood event that has a 1% probability of occurring in any given year. (In fact, there is approximately a 63.4% chance of one or more 100 year floods occurring in any 100 year period.)"

⁴ I am referring to the "Tax Increment Financing (TIF)... a mechanism that helps fund public improvements related to economic development such as parking facilities, roadways and other public infrastructure." Although this project area was not "pre-designated" or "pre-qualified," the developers were able to qualify for TIF money.

Nuriddin
15201 Johnstone Lane* Bowie* Maryland* 20721
nurbiz@verizon.net

4. That Bowie and Prince George's County ensure damages to "floodplain structures" be prevented or at least "minimized" and that "all electrical devices (heat pumps, furnaces, air conditioners, hot water heaters, etc.), plumbing devices (toilets, sinks, tubs, showers, etc.), and gas appliances" be properly elevated. Additionally, structures should "be firmly anchored to foundations to prevent flotation and lateral movement."⁵ A written acknowledgement to the fact would be shared with the public.

Closing Remarks

I am sincerely disappointed by the County's effort to introduce resolutions and fast track said resolutions to extend special tax breaks to this project – even though in reality gone are the efforts to secure from the developer almost 24 million dollars "to mitigate added school demands."

But more importantly, I am deeply saddened that an effort has been covenanted to ensure that Bowie does not assist its residents in fashioning a transparent and safe annexation area⁶ even though its residents helped develop a sustainability plan to assure environmental harmony and economic prosperity for all residents, current and future.⁷

Currently I have not submitted written comments for the commercial phases of this project; however, for the record, I extend my floodplain management concern comments, contained herein, to those dwellings as well.⁸

⁵ This would include any "manufactured" housing also.

⁶ I am referring to the Bowie annexation agreement executed on or about June 7, 2016.

⁷ I am referring to the Bowie Sustainability Plan adopted in 2016.

⁸ I am referring to Application Number: DSP-19021: SOUTH LAKE COMMERCIAL, PHASE 1 and Application Number: DSP-19022: SOUTH LAKE, COMMERCIAL PHASE 2

From: noreply <noreply@ppd.mncppc.org>

To: noreply <noreply@ppd.mncppc.org>; nurbiz <nurbiz@verizon.net>; PPD-POR <PPD-POR@ppd.mncppc.org>

Subject: Your confirmation for Person Of Record Online Registration

Date: Wed, Nov 6, 2019 1:56 am

Development Review Division
The Maryland-National Capital Park and Planning Commission

Request to Become Person of Record



*****DO NOT REPLY TO THIS EMAIL*****

Thank you for registering to become a person of record for the subject application. You will be notified when the Planning Board hearing date is scheduled. Please carefully verify that the information you submitted is correct. If you find an error, please forward this email to Retha.Pompey-Green@ppd.mncppc.org and note the correction needed. To stay up to date with the Planning Department announcements and scheduled hearings, please favorite <http://www.pgplanning.org> and visit often!

Your request to become of person of record has been submitted successfully on 01:56:28AM Wednesday 06 November, 2019.

Below is the detail information with your request. Please keep for your record.

Application Information

- **Application Number:** DSP-19021: SOUTH LAKE COMMERCIAL, PHASE 1
- **Application Number:** DSP-19022: SOUTH LAKE, COMMERCIAL PHASE 2
- **Application Number:** DSP-19023: SOUTH LAKE, RESIDENTIAL
- **Application Number:** DSP-19024: SOUTH LAKE, UMBRELLA ARCHITECTURE RESIDENTIAL

Contact Information

- **Your Name:** Mrs. Terry Nuriddin
- **Address:** 15201 Johnstone Lane, Bowie, MD 20721-7274
- **Primary Phone:** 301-390-2429
- **Email:** nurbiz@verizon.net

Comments I wish to become a person of record for the South Lake development efforts. Thank you.

If you have any problems or questions, please contact the Planning Department.

Thank you

**The Prince George's County Planning Department
The Maryland-National Capital Park and Planning Commission**

STAY CONNECTED:



This email was sent to nurbiz@verizon.net when you signed up to become a Person of Record
Please add us to your contacts to ensure the updates land in your inbox

STATEMENT OF WILLIAM HANKA
Bowie City Council Hearing: South Lake DSP-19023
December 2, 2019

Good evening, Mayor Adams and Members of the Council. My name is William Hanka and I live in the Queen Anne Estates neighborhood directly across U.S. 301 from the proposed South Lake Development.

Tonight, I will ask you to postpone your approval of the South Lake Development Site Plan #19023 for 1,035 densely situated residential units, which represents the first, and arguably most important, site plan that will come before this Council pertaining to proposed dwelling units. I would ask that you defer your decision pending careful further study of the impacts of this mega development on the surrounding community.

I would like to raise 2 concerns tonight.

1. Home Values. If the Council were to approve this site plan, it would greenlight the heart of the project. At the September 19 stakeholder meeting, the developer NAI Michael was not willing to tell us the planned cost of these new homes, or even a range of pricing. What effect will this have on surrounding home values?

All of us here have scrimped and saved to come up with down payments and make the monthly mortgage payment. For most of us, our home is our one major financial asset. Just as we are finally emerging from our home values being underwater for the better part of 10 years since the Great Recession of 2009-2010, we are now facing a new juggernaut of uncertainty brought about by this new proposal.

This area of the County is principally populated by single family homes on well-tended lots. What effect will this densely packed city that includes townhouses, condominiums and apartments have on our home values? No one seems to know.

In addition, the developer has produced no evidence that it has solid commitments or even letters of intent from commercial property owners or hotel owners that would populate the planned shops, hotels, offices and restaurants. What would happen to our home values if this part of the development never materializes? One need only look to the Westphalia Development and their battle with an almost-built Amazon industrial warehouse for an example of a worst-case scenario.

The Council must closely look at this before it approves the site plan and adjust the plan accordingly to ensure that no negative effect on home values will occur.

2. Tax Increment Financing (TIF). As part of the South Lake Development, the County and the City have approved a special taxing district to provide \$27.5 million in Tax Increment Financing to the developer – which they do not have to pay back. Therefore, this is essentially a gift to the developer. And will this taxpayer money be used for public use? According to the developer's proposal of April 11, 2019, the largest share, \$8.6 million,

will be used to build the lakes on the property, which the developer has admitted will be used as drainage ditches during construction. A further \$4.7 million from this account will be used to construct the entrance roads into the development. \$1.6 million will be used by the developer for sewers. These are costs that should be borne by the developer.

And why is this \$27.5 million not being used for a new school for the hundreds of school-age children who may live in South Lake as it is currently planned? And, should not the developer be required to devise an alternative transportation plan for its thousands of new residents? Such as a shuttle to the metro station? Or a dedicated ride-sharing app? These would be proper uses for the TIF money.

Therefore, for these reasons, I would urge the Council to delay a decision on Site Plan 19023 to give the City time to study more closely the potential impacts of the South Lake Development and enable it to adjust this site plan and the future site plans as necessary that will come before the Council.

Thank you.

William Hanka
208 King James Road, Upper Marlboro, MD 20774
301-218-1472
billh@hankaadvisor.com

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT")
UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)**

This form has two sides. *Complete items 1 – 4 before closing the meeting.*

1. **Recorded vote to close the meeting:** Date: 12/2/19; Time: 10:44 PM; Location: CH 182;
Motion to close meeting made by: Boato Seconded by Gardner;
Members in favor: Eskie, Woolley, Boato, Adams, Gardner; Opposed: _____;
Abstaining: Harrison, Ndebushadjo; Absent: _____.

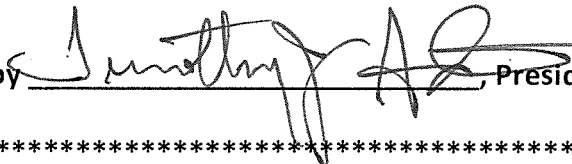
2. **Statutory authority to close session (check all provisions that apply).**
This meeting will be closed under General Provisions Art. § 3-305(b) only:

- (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; 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"; (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." (15)___ "To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information . . . or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices."

Continued →

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session discussion of topic
§3-305(b) (7) 14	Ice Arena Contract	Discuss terms of Ice Arena Contract with City Attorney
§3-305(b) (7)	South Lake Annexation Agreement	Discuss South Lake Annexation Agreement with City Attorney
§3-305(b) ()		
§3-305(b) ()		
§3-305(b) ()		

4. This statement is made by  Presiding Officer.

WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION FOR SUMMARY TO BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING. (See also template for summary.)

- For a meeting closed under the statutory authority cited above:

Time of closed session: 10:54
 Place: Bowie City Hall
 Purpose(s): (7)(14) Ice Arena Contract ; South Lake Annexation Agreement
 Members who voted to meet in closed session: Adams Estevé Gardner Harrison Boate Ndebonde
 Persons attending closed session: Adams Estevé Gardner Harrison Boate Ndebonde Woolfley Leven, Wootle
 Authority under § 3-305 for the closed session: (7)(14)
 Topics actually discussed: Ice Arena Contract ; South Lake Annexation Agreement
 Actions taken: _____
 Each recorded vote: _____

- For a meeting recessed to perform an administrative function (§ 3-104): Time: _____
 Place: _____
 Persons present: _____
 Subjects discussed: _____