



# City of Bowie

15901 Excalibur Road  
Bowie, Maryland 20716

## REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, SEPTEMBER 17, 2018

### CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, September 17, 2018 in the Council Chambers at City Hall. Mayor Robinson called the meeting to order at 8:02 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, Truth and Woolfley; City Manager Lott, Assistant City Manager Mears, City Clerk Hernandez, City Attorney Levan, Staff and the Public.

### CITIZEN PARTICIPATION:

1. Connie Pierce, Eldbridge Lane – Spoke in regards to loitering in the neighborhood of Covington Knolls V.
2. Dustin Kuzan, Silver Maple Ct. – Requested Council reconsider the funding for the Heritage Trail Phase II project.

### CITY BOARDS AND COMMITTEES:

#### A. Appointments/Reappointments/Swearing-in

1. Councilmember Glass made a motion to appoint Jacqueline Thompson to the Arts Committee. Councilmember Marcos seconded the motion. Motion passed 7-0.
2. Mayor Robinson swore-in Ms. Thompson and Ms. Thomas to the Arts Committee. Ms. Thomas was appointed at the September 4, 2018, Council Meeting.

### CITY MANAGER'S REPORT:

City Manager Lott reported that the City's Emergency Management team was prepared in the event Hurricane Florence affected the City.

### CONSENT AGENDA:

Councilmember Esteve moved the approval of Consent Agenda Items: A) Approval of September 4 Meeting Minutes; B) Approval of Resolution R-65-18 Accepting Bid for the Painting of City Fire Hydrants; C) Approval of Resolution R-66-18 Accepting a Proposal for an Agreement for

**MAYOR** G. Frederick Robinson    **MAYOR PRO TEM** Henri Gardner

**COUNCIL** Michael P. Estève ♦ Courtney D. Glass ♦ James L. Marcos ♦ Isaac C. Truth ♦ Dufour Woolfley    **CITY MANAGER** Alfred D. Lott  
City Hall (301) 262-6200    FAX (301) 809-2302    TDD (301) 262-5013    WEB www.cityofbowie.org

Architect/Engineering Open End Contract; D) Approval of Resolution R-67-18 Waiving by Two-Thirds Vote the Bidding Requirements of Section 61 of the City Charter, to Allow the City to Purchase and Authorize Installation of Equipment From Motorola Solutions, Inc. for the Turbo Repeater Migration Project. Councilmember Marcos seconded the motion and it passed 7-0.

NEW BUSINESS:

A. MD 3 Improvements at Forest Drive – City Manager Lott introduced Ms. Erica Rigby, Deputy District Engineer for District III from Maryland Department of Transportation who summarized the Intersection Safety Improvement Project on MD 3 Southbound at Forest Drive.

The purpose and need of this project is to improve safety and access at the intersection of MD 3 southbound and Forest Drive. The project will increase turning radius to accommodate school buses; extend the acceleration and deceleration lanes along the outside shoulder of southbound MD 3 to accommodate safe movements; a channelized island at Forest Drive crossover intersection to limit access, creating a right-in/right-out movement from Forest Drive to MD 3 southbound; marked bicycle lane along MD 3 southbound; drainage facilities to manage storm water run-off; pavement widening and upgrade of existing traffic barriers; mill and resurface of all traffic lanes on MD 3 southbound; new signs and pavement markings, including raised pavement markers; and intersection lighting at crossover intersections to improve visibility for U-turn movements. A public pre-construction meeting was held in the summer of 2018 and start of construction is expected in fall 2018 with a completion timeframe of winter 2019/2020.

Councilmember Woolfley asked if the warrants justify the traffic light. Mr. Randall Scott, Traffic Engineer Manager for District III from Maryland Department of Transportation, said earlier studies showed traffic signals did not meet warrant but subsequent and more recent studies show that the traffic signal now do meet warrants and is justified. Because of the topography of the area, they are recommending the traffic signal at Sylvan Drive.

Councilmember Marcos requested that additional speed limit signs be installed on MD 3. There is a long stretch that does not have any signs at all.

B. Preliminary Plan #4-17027, South Lake – Mr. Joe Meinert, City Planning Director summarized the staff report. This project is for Phase I of South Lake, the proposal is for 695 residential dwelling units, including 271 residential townhouse lots and 38 parcels containing multi-family residential units, two-over two residential units and potentially senior housing. This project has been around a number of years. The Conceptual Site Plan and Preliminary Plan were initially approved in 2004 by Prince George's County, there has also been discussion more recently of a Tax Increment Financing District and this is something that was discussed with the City in 2016. At the time the City Council approved an Annexation Agreement for the property, and the annexation agreement for this property actually stipulates that the Tax Increment Financing application would be requested and only if it were approved, would the property be annexed. The current development concept for the property proposes a large mixed use development including a total with this proposal of 1,885 dwelling units, including 136 single-family detached units, 935 townhouse units, 224 two-over two units, 200 senior housing units, and 390 multi-family units. Also 475,000 sq. ft. of retail are approved for this site under the Concept Plan as well as 200,000 sq. ft. of office and 390 hotel rooms on 381 acres.

Since the development proposal meets the Adequate Public Facilities test and complies with the criteria for approval of a preliminary Subdivision Plan, it is recommended that Preliminary Plan of Subdivision #4-17027 be approved with the following conditions:

- 1) The overall number of dwelling units shall be limited to no more than 1,360 dwelling units. Provided that South Lake is annexed into the City, the owner shall record a Declaration of Covenants that declares and covenants that, for a period of 15 years following the effective date of the annexation, it will not, without prior approval by the City, apply for Detailed Site Plan or building permit approval for any residential units in excess of a total of 1,360 dwelling units for the entire development proposed on the owner's property.
- 2) Total development within the 54.68 acre South Lake, Phase I, property shall be limited to uses that generate no more than 372 AM and 428 PM peak hour trips. This would result in a total trip cap for the entire South Lake development of 1,568 AM and 2,081 PM peak hour trips.
- 3) MD 214 at Church Road: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's permit process, and (c) have an agreed upon timetable for construction with the appropriate operating agency:
  - a. Restripe the westbound right turn lane along MD 214 to operate as a shared through/right turn lane. (It should be noted that this improvement is currently in the design and permitting process at SHA).
  - b. Restripe the northbound approach of Church Road. The approach is currently striped as a double left turn and a shared through/right. It is recommended the approach be restriped to one exclusive left turn lane, one exclusive through lane, and one exclusive right turn lane, along with any signal modifications to reflect the change in lane use.
- 4) MD 214 at Old Central Avenue: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's permit process, and (c) have an agreed upon timetable for construction with the appropriate operating agency:
  - a. The applicant shall submit an acceptable traffic signal warrant study to SHA for a possible signal at the intersection of Central Avenue (MD 214) and Old Central Avenue. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic, as well as existing traffic, at the direction of the responsible agency. If a signal is deemed warranted by the responsible agency at that time, the applicant shall bond and install it at a time when directed by the responsible permitting agency. A new warrant analyses will not be required if the SHA determines that this condition has been satisfied and that recent studies have confirmed if and when signalization is warranted.
  - b. In conjunction with the signalization of this intersection, the northbound approach of Old Central Avenue should be widened to include a double left turn lane and one right turn lane at MD 214. (Note that the double left turn would not be needed or permitted until the intersection is signalized.)
- 5) US 301 at Old Central Avenue: Prior to the issuance of any building permits within the site, the applicant shall submit acceptable traffic signal warrant studies to SHA for the intersections of northbound and southbound US 301 and Old Central Avenue. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of SHA. If a signal is deemed warranted by the responsible agency at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property and install it at a time when directed by SHA. New warrant analyses will not be required if the SHA determines that this condition has been satisfied and that recent studies have confirmed that signalization is or is not warranted.

Mr. Matthew Tedesco with the law firm McNamee, Hosea representing the applicant Karington, LLC expressed that the applicant accepts all the conditions presented by staff with the exception of #1 to cap the density of dwelling units. They have no objection to the concept and in response they have presented to staff, a Declaration of Covenants that will run with the land basically incorporating the same language related to capping the project to 1,360 for the period of 15 years from the date of annexation agreement.

**Public Hearing:**

1. Anne Simonetti, Roundtree Lane – Spoke in opposition of the project.
2. Russ Ideo, Pointer Ridge Drive – Stated that the units should remain at 1,294 and not increase them to 1,885.
3. Stephen Lord, Plainview Lane – Is opposed to the large numbers and lack of adequate traffic study.
4. Larry Swank, Scarlet Lane – Spoke in support of staff recommendations for this project particularly with condition #1 that that be the ceiling.

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

Councilmember Truth stated that he has not seen a copy of the draft covenants that Mr. Tedesco referred to. City Manager Lott responded that the City received the email that morning and have not had a chance to scrutinize it, but stated that there was a paragraph in the covenants that was consistent with staff conditions. Councilmember Truth then asked Mr. Lott if he recommended the proposed covenants. Mr. Lott stated yes.

Councilmember Woolfley read concerns he has received from constituents in regards to this project. A lot of them have to do with the increase in traffic, lack of schools, and the tax increment financing proposal.

Mr. Lenhardt, traffic consultant for developer, stated that new traffic studies have been done recently and they have modified the improvements for Rt 301 and Rt 214 to help alleviate some of the traffic concerns.

Mr. Tedesco stated that in regards to school capacity, City staff did an analyzes and deemed that there was capacity in the schools. In Prince George's County whether there is capacity or not is not really the test, Prince George's County has elected to do a fee with respect to school adequacy in addition to doing an analyzes. This project, as it relates to Preliminary Plan 4-17027 and the proposed 695 units, would pay a fee to the County in the tune of over \$16,000 per unit. That is the law and test that developers have to adhere to in Prince George's County.

Mayor Pro Tem Gardner asked if the project would move forward with or without the annexation into the City. Mr. Tedesco replied that without the Tax Increment Financing from the County and the City, it would be challenging.

Councilmember Truth made a motion to approve Preliminary Plan #4-17027 with the inclusion of staff's recommendations (1-5 in report) and that staff meets with applicant on vetting the covenant. Mayor Pro Tem Gardner seconded the motion. Councilmember Woolfley asked Councilmember Truth if he would be willing to strike the 15-year requirement under staff recommendation number one in his motion. Councilmember Truth responded no to Councilmember Woolfley's request. Motion passed 5-2 (Esteve, Woolfley).

September 17, 2018

C. South Lake (Karington) Tax Increment Financing Application Introduction – Mr. John Henry King, Bowie Economic Development Director briefed Council on the timeline for public input, hearings and future actions regarding the TIF application received by the City from Karington, LLC. Process will begin at Council's next meeting on October 1<sup>st</sup>.

Councilmember Esteve asked if the final approval would not take place until Council's December 3 meeting. Mr. King replied that the annexation would be presented for approval at that meeting.

ADJOURNMENT:

Mayor Pro Tem Gardner moved to adjourn the Regular City Council meeting. Councilmember Trouth seconded the motion and it carried 7-0. The meeting adjourned at 10:44 p.m.

Respectfully submitted,



Awilda Hernandez, MMC  
City Clerk