



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, OCTOBER 15, 2018

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, October 15, 2018 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 (left meeting at 10:33 p.m.), Councilmembers Esteve, Gardner, Glass, Marcos, Truth and Woolfley, City Manager Lott, Assistant City Manager Mears, City Clerk Hernandez, City Attorney Levan, Staff, Press and the Public.

AGENDA ADDITIONS/DELETIONS/AMENDMENTS:

Mayor Robinson stated that there are two amendments in tonight's agenda. Consent Agenda Items D and E will be moved under New Business as Items B and C respectively for discussion and action.

CITIZEN PARTICIPATION:

1. Jacques Chevalier, Old Stage Road – Spoke in regards to illegal mechanic shop in his neighborhood. (Copy of his comments attached).
2. Anne Simonetti, Roundtree Lane – Spoke against all development in the City.

PRESENTATIONS:

Mayor Robinson swore in two new police officers to the Bowie Police Department, Police Officer Wardell Broady, Jr. and Police Officer Darin Tucker.

CITY MANAGER'S REPORT:

City Manager Lott reported that staff continues to perform great services to the residents of the city.

Councilmember Woolfley thanked Mr. Lott and staff on working with the high school in regards to the field lights.

CONSENT AGENDA:

Councilmember Woolfley requested that Item C be moved to under New Business for further discussion.

Mayor Pro Tem Gardner moved the approval of Consent Agenda Items: A) Approval of September 17 Meeting Minutes; B) Approval of October 1 Meeting Minutes; F) Approval of Resolution R-73-18 Accepting a Bid Proposal and Authorizing a Contract Award Not to Exceed \$50,000 to Lardner/Klein Landscape Architects for Consulting Services for the Update of the City's Trails Master Plan; G) Approval of Resolution R-74-18 By Two Thirds Vote Waiving the Competitive Bidding Requirements of the City Charter to Allow the City to Enter Into Contracts With Various Snow Plow Contractors that May Exceed \$25,000 in Aggregate Value. Councilmember Marcos seconded the motion and it passed 7-0.

OLD BUSINESS:

A. South Lake (Karington) Adoption of TIF Resolution R-64-18 – City Manager Lott read a report on facts about TIF for the South Lake project. (Copy of report attached).

Public Hearing:

1. Lynn Beiber, Rochester Lane – Expressed opposition to the TIF via Mr. John Henry King, Bowie Economic Development Director.
2. Margaret Herman, Felter Lane – Spoke against the development.
3. Larry Swank, Scarlet Lane – Spoke against the development.

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

Councilmember Esteve has concerns on the financing for this project as well as the large size of this development.

Mr. Arthur Horne with the firm Shipley & Horne, representing the applicant, introduced himself and stated that he is present to answer any questions Council may have.

Councilmember Woolfley asked Mr. Horne if the County would support the full TIF without including the City. Mr. Horne responded that he did not know but that the entire negotiation was on the premise of both the County and the City participating in the TIF.

Councilmember Woolfley stated that he finds it disconcerting that the applicant presented a presentation to the County Council but they do not find it necessary to do a presentation to the City.

Councilmember Woolfley asked if the developer looked at getting the extra funding for the public infrastructure cost from other development partners. Mr. Michael Kennedy with the Michael Companies responded that they have done the due diligence to say that that is not financially feasible.

Mayor Robinson asked staff how much money is the City putting out for this TIF. City Manager Lott responded zero. The TIF was part of the Annexation Agreement that was signed by the City in 2016 in order to annex the property into the City.

Councilmember Marcos asked Mr. Kennedy why it is so difficult to get funding for raw land. Mr. Kennedy responded because there is so much uncertainty especially associated with things like the entitlement process, approvals, and changes in cost throughout the life of the project.

Councilmember Glass asked why the City was not presented the presentation done to the County Council when the project will be in the City boundaries if property is annexed. Mr. Kennedy responded that that presentation was actually done by County staff to the County Council.

Mayor Pro Tem Gardner asked staff at what point would the City be responsible if the bonds are not paid. City Manager Lott responded that the City will not be responsible for the 1/3 of the bond, only the residents of South Lake would be responsible for repayment in the taxing district, if not then the developer would have to pay.

Mayor Pro Tem Gardner asked City Counsel Levan if the City does not annex the property would we have any rights to say what is built on property. Ms. Levan responded that Council could present suggestions to the County but no authority.

Councilmember Glass asked if the developer agrees to no arguments surrounding the City's negotiation of Declaration of Covenants that reaches the annexation agreement. Mr. Kennedy responded that they cannot commit to any type of covenant tonight.

Councilmember Truth stated that he has reached out to his constituents with information provided by both the applicant and staff and they are aware of what is being discussed this evening. The applicant has also met with the residents during a meeting of the Community Association of South Bowie to answer any questions they might have.

Councilmember Truth made a motion to approve Resolution R-64-18 Expressing the Intent of the City Council to Approve the Establishment of a Tax Increment Financing ("TIF") District for the Subdivision Known as "South Lake" (Formerly "Karington") on Terms and Conditions Set Forth in an Application for the Establishment of a TIF District Submitted by Karington, LLC, as Modified. Councilmember Marcos seconded the motion. Motion passed 5-2 (Esteve, Woolfley).

NEW BUSINESS:

A. Consent Agenda Item D) Approval of Resolution R-70-18 Adopting an Annexation Plan for South Lake, a Proposed Mixed Use Development, a Portion of Adjacent Parcel 8 and all of Parcels 126 and 127 Shown on Tax Map 70, Generally Located on the South Side of MD 214 and West Side of US 301 – Mr. Joe Meinert, City Planning Director summarized the staff report. The annexation area is located at the southwest quadrant of the US 301 and MD 214 interchange and includes approximately 421.0920 acres of land. It is zoned E-I-A (Employment and Institutional Area) where a mixed use planned community is permitted by right.

Councilmember Truth made a motion to approve Resolution R-70-18 Adopting an Annexation Plan for South Lake, a Proposed Mixed Use Development, a Portion of Adjacent Parcels 8 and all of Parcels 126 and 127 Shown on Tax Map 70, Generally Located on the South Side of MD 214 and West Side of US 301. Councilmember Marcos seconded the motion. Motion passed 5-2 (Esteve, Woolfley).

B. Consent Agenda Item E) Introduction of Resolution R-71-18 Enlarging the Corporate Boundaries of the City of Bowie, by Annexing Into the City Lands Contiguous to and Adjoining the City's Existing Corporate Boundary, Including Outparcels A and B and Karington Center Boulevard in Karington (Now Known as South Lake), Part of Parcel 8 and all of Parcels 126 and 127 on Prince

George's County Tax Map 70, Generally Located on the South Side of Maryland Route 214 and West Side of US 301 - Mr. Joe Meinert, City Planning Director summarized the staff report. This annexation includes approximately 421 acres of land, as referenced earlier tonight there is an Annexation Agreement in place with Karington LLC which provides guidance for this annexation. If the annexation resolution is introduced tonight, it will be scheduled for a Public Hearing on December 3 and effective date would be January 17, 2019.

Councilmember Trough made a motion to introduce Resolution R-71-18 Enlarging the Corporate Boundaries of the City of Bowie, by Annexing Into the City Lands Contiguous to and Adjoining the City's Existing Corporate Boundary, Including Outparcels A and B and Karington Center Boulevard in Karington (Now Known as South Lake), Part of Parcel 8 and all of Parcels 126 and 127 on Prince George's County Tax Map 70, Generally Located on the South Side of Maryland Route 214 and West Side of US 301. Councilmember Marcos seconded the motion. Motion passed 5-2 (Esteve, Woolfley).

C. Consolidated Annual Performance and Evaluation Report (CAPER) – Resolution R-58-18 – Mr. Jesse Buggs, Bowie Grants Director briefed Council on the purpose of this resolution. This is a grants management report to the Federal Government to HUD. It represents a report on our expenditure funds and programs for FY 18. All funds were concentrated and focused on senior services.

Councilmember Glass made a motion to approve Resolution R-58-18 Adopting the Housing and Community Development Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2018 (HUD FY17). Councilmember Esteve seconded the motion. Motion passed 6-0 (Mayor Robinson Left meeting at 10:33 p.m.).

D. Police Department Update – Police Chief Nesky and Deputy Chief Preston briefed Council on department statistics and programs. Staffing is currently at 61 officers with two officers in the academy, one on light duty and one on administrative leave. The call center has year to date handled 23,084 calls with average answer time of 10 seconds. The department has participated in several successful community events such as Cop-For-A-Day, the Citizen's Academy, Drug Take Back Program and Coffee with a Cop. In crime trends, the thefts from autos was high in the month of August compared to last year. Criminal Investigation Section stats are 267 total year to date. Traffic stops at 981. Explorer program is strong and growing with 22 participants currently. The department has had over 235 hours of firearms training completed, including rifle school, annual qualifications, stress course, and remedial training. Sgt. Wall and MPO Welsh have conducted "Civilian Active Shooter Training Exercises" to local businesses and churches.

Councilmember Esteve asked if there seems to be a trend on what residents are reaching out to us in the calls. Chief Nesky responded that there is a combination of things.

Councilmember Glass asked if the rise in auto thefts in August was that part of a combined group of events in certain neighborhoods. Chief Nesky responded that they are in clusters.

Mayor Pro Tem Gardner thanked Chief Nesky and Deputy Chief Preston on their presentation.

E. Consent Agenda Item C) Approval of City Position Letter regarding County Council Legislation CB-13-2018 – Zoning Ordinance Rewrite – Councilmember Esteve stated that his main concern that he has addressed with our County Council Member and County officials is, what guarantees do we have as they consolidate the zones in the zoning rewrite, that we won't see the increase density in any of our zones. Mr. Meinert responded that Park and Planning has told us all along that they are trying to create the new zones that essentially match the same density as existing zones. Most parts of the County will not see a density change.

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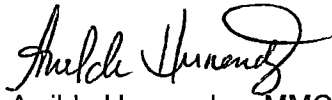
Councilmember Woolfely asked how the topic of fences is being addressed in the future zoning ordinance. Mr. Meinert responded that the biggest change that would benefit residents of the City is that the zoning ordinance is allowing in kind replacement of fences. In other words, it will allow residents that have an existing fence to replace it with a newer one without having to go thru a variance process.

Councilmember Esteve made a motion to approve the letter with the inclusion of Council's language about zoning density concerns on or near commercial sites. Councilmember Glass seconded the motion. Motion passed 6-0.

ADJOURNMENT:

Councilmember Truth moved to adjourn the Regular City Council meeting. Councilmember Glass seconded the motion and it carried 6-0. The meeting adjourned at 11:43 p.m.

Respectfully submitted,



Awilda Hernandez, MMC
City Clerk

Jacques Chevalier HOMEOWNER 14413 OLD STAGE Rd Bowie, Md 20720 DATE: Oct 15, 2018

BOWIE CITY COUNCIL REMARKS

Good evening elected officials and fellow citizens of BOWIE and P G COUNTY. Before I start I am holding up my birth certificate that labels me NEGRO and do not call ever call me African-American!!!

My name is, JACQUES CHEVALIER , my wife and I purchased a home (our 21 yr old son in college resides here too) costing about \$500k after remodeling costs on Old Stage Rd. My only complaint and deep concern is the ILLEGAL CAR MECHANIC shop operating at 14419 Old Stage Rd by a Valencia Milbourne and her Metro Mechanic live in named Jermaine Proctor. This nuisance by these inconsiderate NEGROES and condoned by several Caucasians residing in our development has been an eyesore, loud banging of auto parts including the EXTRA LOUD air-gun used to remove tires and bolts, cars without tags in that driveway and cars jacked up on lifts. I have been in Real Estate since 1982 and KNOW my property value is decreased by this grave issue of illegal auto repairs plus the city is cheated out of tax-dollars. Homeowners are entitled to an absolute right of peaceful, quiet enjoyment and are legally bound to covenants governed by HOA, City of Bowie, PG County and the Free State Of Maryland.

The aforementioned has been contacted by me with this COMPLAINT and it seem we need better WRITTEN charter and laws granting powers to halt this illegal commerce on a residential street as told to me by Code Compliance and the Police Department in Bowie. Yes, this is a county wide problem and in New Carrollton where we owned for 10 yrs Code enforcement came into yards and driveways to remove unregistered autos and had auto repairs shops halted. This silly people on my block doing business with this illegal entity has stop speaking and I am NOT quitting my efforts to ask the governing bodies to legislate and correct this gross disrespect, severe nuisance, obstruction of my real estate value and serve the interests of a taxpayer and US Born Negro like any other citizen including ALL whom own property in this city.

Frankly, I want to slap the feces out of this chump for robbing me of my home's value and peaceful enjoyment and then whip some 'common sense and action to serve the residential communities' in to the brains of you elected officials. Mayor Robinson and the City Council I have driven in your neighborhood and on your block and have not witnessed any such type illegal business. Thereby, I humbly seek a remedy and demand action by this legislator body to have this illegal slut and THOT car repair shop cease and desist ASAP on my block and anywhere in the City of Bowie. You MUST enact, amend and govern with the same gusto you have exhibited to the commercial and development proprietors and extend the same to residential property owners and voters PLEASE . Do not ignore this legal request.

Jacques.chevalier@comcast.net



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

MEMORANDUM

TO: City Council

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

SUBJECT: Facts About Tax Increment Financing (TIF) for the South Lake Project

DATE: October 15, 2018

1. The requested amount of tax increment financing (TIF) is approximately \$31.5 million. Of that amount, \$27.5 million is for infrastructure improvements and related site improvements and the additional \$4.0 million is for fees and expenses associated with the issuance of tax increment financing/special taxing district (TIF/STD) bonds by Prince George's County, Maryland (the "County") and capitalized interest. Bond proceeds potentially may fund certain administrative expenses relating to the TIF/STD bonds.
2. No portion of the TIF/STD bonds will be applied to develop facilities or amenities to be owned by private entities; all bond-funded improvements ultimately will be owned by the County, the City or another qualifying governmental entity.
3. All of the debt service on that TIF bond is paid for by the additional property tax revenue the County and City receive from the property.
4. The only "Bowie taxpayers" this TIF will directly impact are those who will own real property within the geographic boundaries of the TIF district. That district has been defined by action of the County Council and covers only the area of the South Lake (Karrington) development. Only that portion of the real property taxes levied by the City on real property located within the TIF district that constitutes the incremental tax revenues will be pledged to support the TIF/STD bonds. The City is not backing the TIF/STD bonds with a pledge of its full faith and credit and unlimited taxing power.
5. The obligation to pay normal ad valorem City and County real property taxes and any levied County special taxes "runs with the land".
6. Neither government is "fronting the money" for the bond funding – the money comes from the sale of the bonds to one or more investors. The County and the City pledge the added revenue to be received each year to pay the debt service on the bond. This makes the purchase of a TIF bond attractive to some investors.

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

COUNCIL Michael P. Estève ♦ Courtney D. Glass ♦ James L. Marcos ♦ Isaac C. Trough ♦ Dufour Woolfley **CITY MANAGER** Alfred D. Lott
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7. Debt service on the TIF/STD bonds will be paid for (1) in the first instance, from the County and the City incremental tax revenues, and (2) in the second instance, from special taxes levied by the County on real properties in a special taxing district that mirrors the TIF district in the event anticipated incremental tax revenues will be insufficient to cover debt service and administrative costs in any fiscal year.
8. The latest "Tax Increment Financing Projections" (#34-B) shows net debt service over 30 years to be just under \$69 million (as used in the Projections, "debt service" equals principal and interest due on the bonds plus administrative expenses). Approximately 1/3rd of that net debt service would be payable from the City's incremental tax revenues with the other 2/3rds coming from the County's incremental tax revenues.
9. The only taxpayer money to be used is that tax money from the taxpayers within the South Lake (Karington) TIF district and is NOT from other taxpayers in the City of Bowie or elsewhere in Prince George's County.
10. The County established the TIF district in 2016; that district covers only the area of the South Lake (Karington) development. Pursuant to the TIF Act, the "original base" of the TIF district is fixed as of January 1, 2015. Assuming the TIF/STD bonds are issued as proposed, (1) that portion of City normal real property taxes levied on properties in the TIF district attributable to the original base will be deposited in the City's General Fund, and (2) that portion of City normal real property taxes levied on any increase in assessed value (as determined by the MD State Department of Assessments and Taxation) over the original base constitutes the "incremental tax revenues" and must be deposited to a special fund. The portion of County real property taxes levied in the TIF district that constitutes the County incremental tax revenues must also be deposited in the special fund. Once debt service and administrative expenses are covered in accordance with the bond documents, "excess" incremental tax revenues may be released to the City and the County to be used for any purposes they choose.
11. From 2019 through 2024 staff projections show a net positive revenue to the City of over \$436,691. Service delivery deficits may develop after 2024 that would be accounted for in the City's operational budget.