

DRAFT



Gaithersburg

A CHARACTER COUNTS!

CITY OF GAITHERSBURG
MINUTES OF A REGULAR CITY COUNCIL MEETING
MONDAY, DECEMBER 17, 2007

A meeting of the Mayor and City Council was called to order at 7:30 p.m., Mayor Katz presiding. Council Members present: Ashman, Drzyzgula, Marraffa, Sesma, and Spiegel (arrived at 8:20 p.m.) Staff present: Acting City Manager Arnoult, Assistant City Managers Felton and Tomasello, Finance and Administration Director Belton, Human Services Director Carr, Planners Patula and Marsh, GIS Planner Eby, and Executive Assistant Stokes. Planning Commission present for the joint public hearing: Bauer, Hopkins, Kaufman, Levy, and Winborne.

I. PLEDGE OF ALLEGIANCE

The Pledge was led by Eric Neuman, student at Lakelands Park Middle School.

II. INVOCATION

The invocation was led by Reverend Gellert Ailer, St. John Neumann Catholic Church.

III. APPROVAL OF MINUTES

Motion was made by Council Member Marraffa, seconded by Council Member Ashman, that the minutes of the Mayor and Council regular meeting held December 3, 2007, be approved.

Vote: 4-0

IV. CONSENT ITEMS

1. Resolution to Negotiate and Execute a Contract for the Design of Lake Placid Dam Modifications

This resolution authorized the award of a contract to Charles P. Johnson & Associates, Inc., 1751 Elton Road, Silver Spring, Maryland 20903, for the above services, in the amount of Ninety-Nine Thousand One Hundred Twenty-Six Dollars (\$99,126); said funds to be expended from the Capital Improvements Budget.

2. Resolution to Directly Negotiate a Contract for the Professional Entertainment Services of Gin Blossoms for Celebrate Gaithersburg Day 2008

This resolution authorized the award of a contract for the above services to William Morris Agency, 1600 Division Street, Suite 300, Nashville, Tennessee 37203, in the amount of Twenty Thousand Dollars (\$20,000); and an additional expenditure to cover other necessary costs associated with the performance, in the approximate amount of Ten Thousand Dollars (\$10,000); said funds to be expended from the FY'09 Operating Budget.

Motion was made by Council Member Ashman, seconded by, Council Member Sesma, that the Consent Agenda (Resolution Nos. R-129-07 and R-130-07), be approved.

Vote: 4-0

V. APPOINTMENTS**Resolution Confirming Appointments and Reappointments**

This resolution confirmed the following: **Cultural Arts Advisory Committee**, Marion Perry (reappointment), 344 Tschiffely Square Road, 20878, two-year term; **Gaithersburg Senior Council**, Wilma Penn (reappointment), 897 Bayridge Drive, 20878, two-year term; **Technology & Innovations Committee**, Shawn Ali (reappointment), 1317 Carlsbad Drive, 20879, two-year term; and the **Police Chief's Advisory Council**, Ahmed Ali (appointment), 350 Tannery Drive, 20878, two-year term.

Motion was made by Council Member Marraffa, seconded by, Council Member Sesma, that a RESOLUTION OF THE CITY COUNCIL CONFIRMING APPOINTMENTS AND REAPPOINTMENTS BY THE MAYOR TO THE CULTURAL ARTS ADVISORY COMMITTEE, GAITHERSBURG SENIOR COUNCIL, POLICE CHIEF'S ADVISORY COUNCIL, AND TECHNOLOGY & INNOVATIONS COMMITTEE (Resolution No. R-131-07), be approved.

Vote: 4-0

VI. PRESENTATIONS**1. Readings of the Winning Essays from the City's National CHARACTER COUNTS! Week Adult Heroes in OUR Community Writing Contest**

The *Adult Heroes in Our Community* writing contest is part of the City's National CHARACTER COUNTS! (CC!) Week activities. The contest partners are the Gaithersburg Rotary Club and *The Gazette Newspapers*. On October 24, 2007, a reception was held to honor the contest winners, honorable mentions, families, teachers, and principals. The students, in addition to having their writings displayed at the LakeForest Shopping Center and at City facilities throughout the school year, had excerpts of their writings published in *The Gazette Newspapers*.

Mayor Katz was joined at the podium by Principal Joseph Sacco and Ms. Angela Sisk, English Teacher at Lakelands Park Middle School, to recognize the following writing contest winners: Sarah Beautz, hero is her 5th grade teacher Luanne Deppa; Sharon Kim, hero is her 4th grade teacher Demetria Simantiras; Eric Neumann, hero is his uncle, Mr. Thaddeus; Julie Norcross, hero is her mother, Cindy Norcross; and Ally Shapiro, hero is her grandfather, Eli Halpern

2. Presentation of a Picture

Ski Aller, wildlife photographer and longtime resident and tennis instructor for the City's Parks, Recreation and Culture Department, presented a picture to Mayor Katz entitled "Flight of the Eagle." Mr. Aller had requested an opportunity to give back to his community.

3. Proclamation

Mayor Katz issued a proclamation designating December 17, 2007, as "*Eric Kuhn Day*" in the City of Gaithersburg. Mr. Kuhn, Special Education Resource Teacher at Lakelands Middle School, was recognized for saving a motorist's life. Mr. Kuhn used the skills he learned in a CPR course offered at Lakelands Park Middle School.

4. **Certificates of Recognition**

Mayor Katz presented certificates to The Maryland Roadrunners, Senior Women's Softball Team. The Maryland Roadrunners is a team of 50+ year old women who compete in senior softball tournaments across the United States and Canada. Many of the players are Montgomery County residents, and most have participated (or are currently participating) in the City of Gaithersburg sports leagues and programs. City employee Pam Truxal has been the team's main pitcher for the past 7+ years.

Each year between May and October, the team competes in 5-6 tournaments. Among its most notable achievements are winning the gold medal in the 2005 National Senior Olympic games, and winning the gold medal at both the 2006 and 2007 Huntsman World Senior Games in St. George, Utah. The team enjoyed a very successful 2007 season, finishing 2nd the Pelican Classic in St. Petersburg, Florida, 3rd (bronze medal) at the National Senior Olympic games in Louisville, Kentucky, 1st at the Columbus Classic Senior Tournament in Columbus, Ohio, 1st at the Dorchester Invitational in Ontario, Canada, and 1st (gold medal) at the Huntsman World Senior Games. The team consists of the following members: Sheila Hutchison, Mary Byrnes, Delores Grandison, Jill Childers, Joy Wyne, Liz Dommel, Janet Mitchell, Linda Frazier, Pam Mest, Sharon Washington, Maggie Bennett, Mary Broch, Patti Martin, Gail Chambers, Barb Hyde, Patricia Gill, and our very own Pam Truxal.

5. **Presentation of the City of Gaithersburg's Comprehensive Annual Financial Report (CAFR) – June 30, 2007**

Finance and Administration Director Belton stated that the City annually has an audit done. He announced that for the last 29 years, the City has received the Government Finance Officers Association Certificate of Excellence in Financial Reporting. Mr. Belton introduced Greg Bussink, Senior Manager, Clifton Gunderson, LLP, the City's external auditors who presented the required communications for the audit. Mr. Bussink, stated that the auditor's report gave a clean opinion of the City. He reviewed financial highlights of the report and stated that a minor audit adjustment was identified and corrected, no disagreements with management, no major issues or complications with management prior to their retention as auditors.

VII. **PUBLIC APPEARANCES**

1. *Paula Weinstock, resident*, stated Montgomery County issued a list of strategies for safer streets. She asked the City to participated and give their input to crackdown on jaywalking.
2. *Kevin (inaudible), Political Action Committee*, asked the elected body to consider endorsing a resolution which has been filed in the Maryland State Assembly called the Homeowners and Bank Protection Act. He stated that the endorsement would put pressure on the Maryland Congressional Delegation to help put stability in the banking system and municipal budgets.
3. *Mike Graves*, submitted a copy of the proposal mentioned above along with a petition signed by other elected officials asking Congress to enact legislation.

VIII. **FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS**

Council Member Ashman

1. Announced that the City has a new recycling program called "single stream recycling." The City entered into a contract with Waste Management to pick up residents mixed recyclables and transport them to their state-of-the-art facility in Elkridge. In the past, residents had to separate their cans, bottles and newspapers, but are now able to mix it all together.
2. Reported the Quince Orchard Varsity Football Cougars traveled to Baltimore and came back victorious over Arundel High School for the state championship title.

3. Wished the public happy holidays!

Council Vice President Marraffa

1. Wished all happy holidays and a prosperous new year.
2. Reported the passing of former Council Member Mary B. Ward, a woman who had been an integral part of the Gaithersburg community for over 70 years. Mayor Katz noted that a service will be held after the New Year in her memory.

Council Member Sesma

1. Echoed congratulations to the Quince Orchard 4A State Football Champions. He also offered congratulations to the CHARACTER COUNTS! *Adult Heroes in Our Community* writing contest winners from Lakelands Park Middle School, Special Education Resource Teacher Eric Kuhn, and The Maryland Roadrunners, recognized earlier in the meeting.
2. Received calls from the public concerned about County Executive Leggett proposed plan to relocate various County operations to the GE Tech Park and Finmarc sites and its impact on surrounding communities. Mayor Katz asked staff to invite a representative from the County to come to a public meeting and give specifics on their proposed plan and to address questions and concerns.

Council Member Drzyzgula

Congratulated the *Adult Heroes in Our Community* writing contest winners and encouraged students of all ages to participate.

Mayor Katz

1. Requested the following motion:

Motion was made by Council Member Sesma, seconded by Council Member Drzyzgula, to conduct a closed executive session this evening, Monday, December 17, 2007, immediately following the regular meeting of the Mayor and City Council, pursuant to Section 10-508(a)(1)(i), State Government Article, of the Annotated Code of Maryland, to discuss a personnel topic. The topic relates to how the City will proceed with the process for hiring a new City Attorney. The closed executive session will be conducted pursuant to a motion properly adopted during the scheduled regular meeting of the Mayor and City Council on Monday, December 17, 2007.

Vote: 4-0

2. Reported that the City issued a press release for a Request for Proposal from executive search consultants to assist with the selection process of hiring a City Manager. It is anticipated that the City will award a consulting contract in early January. He added that the process for hiring a City Manager may take approximately six months. He further added that Gaithersburg has enlisted a Range Rider from the International City/County Management Association (ICMA) to aide the Mayor and City Council through the process
3. Announced the following meeting schedule:
 - no work sessions on Monday, December 24 and 31, 2007.
 - next regular meeting on Monday, January 7, 2008.

IX. FROM THE ACTING CITY MANAGER

Announced the proposed Mayor and City Council Annual Retreat schedule:

- Session I - Monday, January 14, 7:30 p.m. at City Hall, Citizen City-Wide Survey presentation and public input on retreat issues. This session will be televised.
- Session II - Thursday, January 17, 7 p.m., Financial Briefing, CIP Overview and Department Head Presentations, not televised.
- Session III – Saturday, January 19, coffee and pastries available at 8:30 a.m., formal session 9 a.m., Strategic Plan Review, not televised.

Acting City Manager Arnault reported that staff will schedule the Maryland Municipal League to come and give a presentation at a later date.

X. PUBLIC HEARING**JOINT – Master Plan Amendment MP-2-07: Community Facilities, an Element of the City of Gaithersburg Master Plan**

GIS Planner Eby stated that the joint public hearing was advertised in the *Gaithersburg Gazette* on October 10 and 17, 2007. He stated that the Community Facilities Element is one of several elements of the larger 2003 City Master Plan update and presented a PowerPoint presentation. The draft Element will serve as an informational and policy document to the Mayor and City Council, the Planning Commission, other boards and committees of the City, and the residents of Gaithersburg. The purpose of the draft Element is to describe, identify, and recommend community facilities and resources that benefit the City and its residents. He thanked the Ad Hoc Community Facilities Steering Committee for their review and assistance in creating the draft Element. The Committee consists of Richard Arkin, Nancy Ashby, Charles Farrell, Bruce Goldensohn, Eric McNulty, and Cathy Salgado. In addition, the Historic Preservation Advisory Committee had also reviewed the draft Element. Mr. Eby gave an overview of the Element and its objectives. The objectives will continue to implement the City's adequate public facilities ordinance, support and maintain City facilities, evaluate the need for additional facilities, and provide enhancements to existing facilities when appropriate, and continue to support and encourage facilities operated by other government agencies and private organizations. In conclusion, he stated that the next steps are for Planning staff to revise the draft Element, incorporating public comments, Planning Commission review of the revised Element and make a recommendation to the Mayor and City Council, and lastly, the Mayor and City Council will review and adopt the final version by resolution.

Speakers from the public:

1. *Clark Day, 26 Walker Avenue, representing the Historic Preservation Advisory Committee*, expressed unanimous support of the draft Element. He noted that Committee Chair Arkin did not participate in the discussion or the vote as he is a member of a community facilities task force. He stated that the Plan is comprehensive and that recommendations for the City's historic properties complimented the recently adopted Historic Preservation Master Plan.
2. *Richard Arkin, 121 Selby Street, speaking on behalf of the Community Facilities Steering Committee*, expressed strong support for the objectives and recommendations of the draft Element and urged its adoption.

There were no other speakers at the hearing.

Planning Commission Chair Bauer recommended that with the potential of County level changes at the GE Tech Park, he suggested the record on MP-2-07, be held open indefinitely.

Motion was made by Commissioner Levy, seconded by Commissioner Kaufman, that the Planning Commission holds the record open indefinitely on the above matter.

Vote: 4-0

Motion was made by Council Member Ashman, seconded by Council Member Marraffa, that the Mayor and City Council hold the record on MP-2-07, open indefinitely.

Vote: 5-0

RECESSED THE MAYOR AND COUNCIL MEETING AT 8:32 PM FOR A HISTORIC DISTRICT COMMISSION MEETING. THE MAYOR AND COUNCIL MEETING RECONVENED AT 8:40 P.M.

XI. FROM THE ASSISTANT CITY MANAGERS, CITY ATTORNEY AND OTHER STAFF

• **Assistant City Manager Tomasello**

Reported that staff is still researching the potential to create an Enterprise Zone in Olde Towne. He stated that it does not appear that a municipal Enterprise Zone can be created, but other options through the County are available. Staff will draft a memorandum for the next Mayor and City Council reading package and seek feedback during the January 7, 2008 meeting.

• **Guidance on a Memorandum Dated December 13, 2007 Concerning Extending the Record on Z-307 (Summit Shopping Center Redevelopment)**

Planning and Code Administration Director Ossont stated that several emails from residents were received concerning the above subject rezoning application. The applicant is scheduled to meet with the Hidden Creek community on Tuesday, December 18, 2007, just one day before the closing of the Planning Commission's record. On December 12, 2007, the Commission adopted a motion to extend the record of Z-307 for 30 days, closing their record on January 28, 2008, and tentatively schedule to make a recommendation on February 13, 2008. Staff recommended the City Council also extend their existing record for 41 days in order to receive the Planning Commission's recommendation. The City Council would close their record on February 13, 2008, and tentatively schedule a policy discussion for February 19, 2008.

Motion was made by Council Member Sesma, seconded by Council Member Marraffa, that the Mayor and City Council extend their record for 41 days, closing on Wednesday, February 13, 2008, 5 p.m., on the above matter.

Vote: 5-0

XII. ADJOURNMENT

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 8:42 p.m.

Respectfully submitted,

Doris R. Stokes

Doris R. Stokes
Executive Assistant