

**DRAFT**



**Gaithersburg**

*A CHARACTER COUNTS!*

CITY OF GAITHERSBURG  
MINUTES OF A REGULAR CITY COUNCIL MEETING  
MONDAY, MAY 19, 2008

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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. Staff present: Acting City Manager Arnoult, Assistant City Managers Felton and Tomasello, Planning and Code Administration Director Ossont, Planner Voigt, Police Lieutenant Elliott, Emergency Management Coordinator Lanham, City Attorney Board and Executive Assistant Stokes.

**I. PLEDGE OF ALLEGIANCE**

The Pledge was led by former Council Member Dolly Kildee.

**II. INVOCATION**

The invocation was led by Rick Price, First Church of Christ, Scientist.

**III. APPROVAL OF MINUTES**

Motion was made by Council Member Ashman, seconded by Council Member Marraffa, that the minutes of the Mayor and Council regular meeting held April 21, 2008, be approved.

Vote: 5-0

**IV. APPOINTMENTS**

**Resolution Establishing Committee and Confirming Appointments**

This resolution established and confirmed the following appointments: **Ad Hoc Elections Ordinance Review Committee and Confirming Appointments Made by the Mayor Thereto**, Richard Arkin, 121 Selby Street, 20878, Gloria Aparicio Blackwell, 53 Appleseed Lane, 20878, Dolly Kildee, 212 Summit Hall Road, 20877, Pamela Lindstrom, 421 Gaither Street, 20877, Denise McQuighan, 924 Pointer Ridge Drive, 20878, Eydie Searles, 18 Walker Avenue, 20877, Cory Siansky, 13 Linden Hall Court, 20877, Joan More (BOSE), 12 Duvall Lane, 20877, and Fred Felton and Sarah Paxton (Staff Liaisons). The charge of the Committee shall be to: Review of the election ordinances and campaign financing mechanisms and their regulation by other jurisdictions to identify best practices; Consult with legal counsel and develop draft amendments to the Election Ordinance including possible changes to campaign contribution limitations and reporting requirements; and Provide any other recommendations concerning the City's elections process that the committee deems appropriate.

Motion was made by Council Member Sesma, seconded by Council Member Spiegel, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL ESTABLISHING AN AD HOC ELECTIONS ORDINANCE REVIEW COMMITTEE AND CONFIRMING APPOINTMENTS MADE BY THE MAYOR THERETO (Resolution No. R-42-08), be approved.

Vote: 5-0

**V. PRESENTATIONS****Introduction of New Emergency Management Coordinator – William Lanham**

Police Lieutenant Richard Elliott introduced William “Skip” Lanham as a long-time resident of Montgomery County, comes to Gaithersburg after serving 28 years as a member of the Montgomery County Police Department. The City was impressed by Mr. Lanham’s commitment to public service, his extensive law enforcement career, as well as his proven expertise in emergency management that will serve the Gaithersburg community well.

**VI. PUBLIC APPEARANCES**

1. *David Shayt, 15 DeSellum Avenue, Olde Towne Advisory Committee (OTAC) Member*, expressed support for the rezoning application Z-308(o) in the Central Business District (CBD) to revitalize Olde Towne Gaithersburg. He stated that the proposed redevelopment and density is appropriate.
2. *John Roddy, 105 South Summit Avenue, OTAC Member*, echoed Shayt’s remarks above on Z-308(o), stated that it is a good project that makes sense to approve.
3. *Tom Rowse, 101 Dogwood Drive, OTAC Member*, expressed support for the rezoning application Z-308(o) and suggested reviewing projects on a case-by-case basis.

**VII. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS****Council Member Drzyzgula**

1. Attended the Gaithersburg High School ROTC Promotion Ceremony.
2. Reported that the Olde Towne Business Watch held their first picnic. To find out more about the business watch contact Olde Towne Revitalization Coordinator Cindy Hines or any of the business owners.
3. Announced the City’s annual Memorial Day observance on Friday, May 30, 2008, 11 a.m. at Christman Park located on West Deer Park Road.

**Council Member Sesma**

1. Thanked those volunteering to serve on the newly formed elections committee.
2. He, Mayor Katz, and Council Member Ashman attended the Bethany Presbyterian Community Church festival on Quince Orchard Boulevard.
3. Raised the issue of density and extending the record on rezoning application Z-308(o). He stated that the City needs to develop definitions for density in terms of the CBD. He further stated that defining density in terms of dwelling units per acre may not be sufficient for the CBD Zone. At the May 5, 2008 Mayor and City Council meeting, staff was directed to research the issue. Staff had proposed ways to define density and provided information on other jurisdictions’ approach to defining density in their CBD zones in a memorandum dated May 13, 2008. Planning and Code Administration Director Ossont added that different jurisdictions around the region apply density differently. In most Mixed Use Development and Central Business District Zones, density is controlled by height. In some cases, density is controlled by units per acre and floor area ratio (FAR). Mr. Ossont gave the FAR of various development projects within the City.

Following the discussion, the Mayor and City Council directed staff to research and provide examples of various places through the county using FAR for residential and commercial developments. It was suggested to be flexible when looking at the density of each project. Staff was further directed to provide recommendations for density in the CBD. All concurred that further discussion of how to apply density to the various zones is necessary, but did not want hold up any projects. Mr. Ossont stated that the record is due to close on June 6, 2008 (60 days). Staff was asked to research when standards were established in other areas of Montgomery County for various zones and too look at those with historic elements.

#### **Council Vice President Marraffa**

Attended the National League of Cities' Economic Development Committee meeting in Kansas. He stated that he participated in tours of the City and had several discussions on financing and funding revitalization projects. Another issue discussed was the work force investment act passed by Congress. Federal funding is being used to fund a partnership with colleges, governments, and corporations to support a program called global corporate college. He mentioned a program involving using sales tax for a specific area for a period of time to assist a project.

#### **Council Member Spiegel**

1. Extended thanks to those that serve or had served in the defense of our nation.
2. Announced that he attended the Jubilation Day Concert on Saturday, May 17, 2008, at the City Hall Pavilion and congratulated the performers on a wonderful community event.
3. Welcomed newly hired emergency management coordinator and congratulated Harold Belton and this finance team on the City receiving a financial reporting award for the 30<sup>th</sup> consecutive year.
4. Announced that the City is sponsoring a free seminar called the Essentials of Community Association of Volunteer Leadership on June 7, 2008, 9 a.m. – 4 p.m., at the Activity Center at Bohrer Park.

#### **Council Member Ashman**

1. Commended staff, particularly Acting City Manager Jim Arnoult on the City's budget presentation and their efforts during a challenging economic period.
2. He and Assistant City Manager Felton, also attended the Gaithersburg High School ROTC Promotion Ceremony. He also attended the Bethany Church community event.
3. Mentioned prom season and expressed safety concerns. He encouraged residents to support After Prom Parties sponsored by schools in the community.
4. Announced a closed meeting was held by the Mayor and City Council on Wednesday, May 14, 2008 at approximately 6:05 p.m. to discuss a personnel matter and adjourned at approximately 7:20 p.m.
5. Reminded citizens to subscribe to the City's Alert Gaithersburg emergency notification system.

**Mayor Katz**

## 1. Requested the following motion:

Motion was made by Council Member Sesma, seconded by, Council Member Spiegel, that the Mayor and City Council conduct a closed Executive Session on May 19, 2008, 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 matter. The topic to be discussed is the process for hiring a City Manager.

Vote: 5-0

## 2. Announced the following meeting schedule:

- Thursday, May 22, 2008, the Mayor and City Council, City Attorney, and Acting City Manager, will participate in a media training session conducted by Public Information Director Monaco and Van Eperen Public Relations. He stated that the session will not be open to the public as the Mayor and City Council will not be conducting any administrative, advisory or legislative activities during the session.
- no work session on Monday, May 26, 2008, due to the Memorial Day Holiday.
- work session on Tuesday, May 27, 2008, to receive an update from Montgomery County staff on the proposed plan for the GE Tech Park (National Geographic site).
- special meeting on Tuesday, May 27, 2008, to vote on conducting a closed executive session for that evening to discuss a personnel matter.
- special meeting on Wednesday, May 28, 2008, 6 p.m., to vote on conducting a closed executive session that evening to discuss a personnel matter.
- next regular meeting on Monday, June 2, 2008.

**VIII. FROM THE ACTING CITY MANAGER****Announcements**

- Closing of South Summit Avenue to motorist from 9 a.m. to 2 p.m. on Tuesday, May 27, 2008 so that CSX can replace a rail. Motorist will be required to take alternate routes.
- Received an email from the Montgomery County Board of Elections asking for assistance to recruit election judges from the community. Those interested can receive a questionnaire and get additional information at [www.777vote.org](http://www.777vote.org) or call 240-777-8533.

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MAYOR KATZ RECESSED THE MAYOR AND COUNCIL MEETING AT 8:22 PM  
FOR A HISTORIC DISTRICT COMMISSION MEETING. THE MAYOR AND  
COUNCIL MEETING RECONVENED AT 8:23 P.M.

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**IX. POLICY DISCUSSION****1. SDP-08-001 - Incorporate Office, Medical Office and a Religious Facility**

Motion was made by Council Member Sesma, seconded by, Council Member Ashman, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL GRANTING APPROVAL OF SCHEMATIC DEVELOPMENT PLAN SDP-08-001, INCORPORATING OFFICE, MEDICAL OFFICE AND A RELIGIOUS FACILITY LOCATED AT 902 AND 904 WIND RIVER LANE IN THE MIXED USE DEVELOPMENT (MXD) ZONE, GAITHERSBURG, MARYLAND (Resolution No. R-43-08), be approved.

Vote: 5-0

**2. T-383 - "Signs," "Definitions, Signs," and "Commercial and Industrial Signs"**

Motion was made by Council Member Ashman, seconded by, Council Member Drzyzgula, that **T-383**, AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE, ENTITLED "ZONING," ARTICLE IX, ENTITLED, "SIGNS," §24-209, ENTITLED, "DEFINITIONS, SIGNS," AND §24-212, ENTITLED, "COMMERCIAL AND INDUSTRIAL SIGNS," SO AS TO CREATE A DEFINITION FOR MIXED USE TOWN CENTERS AND TO ESTABLISH CERTAIN REQUIREMENTS WITHIN MIXED USE TOWN CENTERS)(Ordinance No. O-2-08), be approved.

Vote: 5-0

**3. T-384 - "Supplementary Zone Regulations" and "Bed and Breakfast"**

Motion was made by Council Member Marraffa, seconded by, Council Member Spiegel, that **T-384**, AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE, ENTITLED, "ZONING," ARTICLE IV, ENTITLED, "SUPPLEMENTARY ZONE REGULATIONS," §24-167B, ENTITLED, "BED AND BREAKFAST," TO AMEND §§24-167B(4) AND 24-167B(7) SO AS TO ALLOW SERVING MEALS OTHER THAN BREAKFAST AND HOST BUSINESS MEETINGS OR RECEPTIONS FOR NONGUESTS BY SPECIAL EXCEPTION)(Ordinance No. O-3-08), be approved.

Vote: 5-0

**4. Emergency Ordinance "Solicitation in Roadways"**

Motion was made by Council Member Spiegel, seconded by, Council Member Sesma, that AN EMERGENCY ORDINANCE TO REPEAL AND REENACT WITH AMENDMENTS CHAPTER 15 OF THE CITY CODE, SECTION 15-9, ENTITLED "SOLICITATION IN ROADWAYS," SO AS TO AMEND EXISTING LANGUAGE WITH REGARD TO THE CITY'S PROHIBITION ON SOLICITATION IN ROADWAY MEDIANS AREAS (MXD)(Ordinance No. O-4-08), be approved and become effective immediately.

Vote: 5-0

**X. ADJOURNMENT**

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 8:35 p.m.

Respectfully submitted,

*Doris R. Stokes*

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Executive Assistant