



Gaithersburg

A CHARACTER COUNTS!

CITY OF GAITHERSBURG
MINUTES OF A REGULAR CITY COUNCIL MEETING
MONDAY, SEPTEMBER 15, 2008

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, and Spiegel. Council Member absent: Sesma. Staff present: Acting City Manager Arnoult, Assistant City Managers Felton and Tomasello, Police Chief King, Engineering Services Director Mumpower, Operations Director DeBord, Planning and Code Administration Director Ossont, Community Planning Director Schwarz, Planner Voigt, Parks, Recreation and Culture Director Potter, City Attorney Board, and Executive Assistant Stokes.

I. PLEDGE OF ALLEGIANCE

The Pledge was led by Ollie Mumpower, Engineering Services Director.

II. INVOCATION

In lieu of an invocation, Mayor Katz called for a moment of silence.

III. APPROVAL OF MINUTES

Motion was made by Council Member Ashman, seconded by Council Member Drzyzgula, that the minutes of the Mayor and Council regular meeting held September 2, 2008, be approved with correction.

Vote: 4-0

IV. CONSENT ITEM

Resolution of the Mayor and City Council Authorizing the City Manager to Award a Contract to Install Safety Netting at Kelley Park Field #1

This resolution authorized the City Manager to award a contract for the installation of safety netting for Kelley Park Field #1 to Net Connections, Inc., 2367 Queenstown Road, Suite A, Birmingham, Alabama 35210, in the amount of Sixty-One Thousand Four Hundred Forty-Five Dollars (\$61,445); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Marraffa, seconded by, Council Member Ashman, that the Consent Agenda (Resolution No. R-84-08), be approved.

Vote: 4-0

V. PRESENTATIONS**Mayor Katz presented the following Certificate and Proclamations**

1. Certificate of Recognition was presented to Alvin Gutttag, Kentlands/Lakelands 5K Run Participant. Mr. Gutttag was one the more than 200 Maryland seniors to participate in the Kentlands/Lakelands 5K Race. He completed the course in about one hour, seven minutes. Mr. Gutttag recently celebrated his 90th birthday.
2. Proclamation designating September 17 – 23, 2008, as "*Constitution Week*" in the City of Gaithersburg were presented to Donna Parker, newly Elected Regent, Goshen Mills Chapter, NSDAR and Diana Snouffer, Representative, Hungerford's Tavern Chapter, NSDAR.

VI. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS**Council Member Ashman**

1. Stated it was a pleasure to participate and attended the Wells/Robertson House Graduation Picnic.
2. Announced that a closed executive session was held by the Mayor and City Council at approximately 9:20 p.m. at City Hall on Tuesday, September 2, 2008, for the purpose of discussing a personnel matter. The closed session was held pursuant to Section 10-508(a)(1)(i), State Government Article of the Annotated Code of Maryland. All members of the City Council were present. Acting City Manager Arnoult, City Attorney Board, Assistant City Managers Felton and Tomasello were also in attendance. The closed meeting adjourned at approximately 10 p.m.

Council Member Spiegel

1. In commemoration of the September 11th anniversary, he asked the public to take the opportunity to reflect on the loss and recommit themselves to the principles of our great Nation by celebrating Constitution week.
2. Congratulated Mr. Gutttag on his accomplishments mentioned earlier in the meeting.
3. Announced that the season is winding down for the City Miniature Golf and Skate Parks at Summit Hall Farm. He encouraged citizens to come out and enjoy both activities while they are still open. For more information visit the City's website at www.gaithersburgmd.gov/celebrate or call 301-258-6350.

Council Vice President Marraffa

1. Attended the Council of Governments meeting on aviation and discussed noise abatement issues. Also attended the Board of Directors meeting on behalf of the Mayor to discuss environmental issues.
2. Announced he will travel to Fort Smith, Arkansas to attend the National League of Cities Economic Development Committee to discuss foreclosures and the market for lenders.
3. Attended the Senior Center Ad Hoc Committee and reported that tours have been scheduled to visit two centers in the area to assist the committee with developing a comprehensive plan for the new senior center.
4. Announced the City will co-sponsor and host the annual Housing Fair and Financial Fitness Day on Saturday, September 27, 2008. The event will be held at the Activity Center at Bohrer Park, Summit Hall Farm from 10 a.m. to 3 p.m.

Council Member Drzyzgula

1. Also attended the Wells/Robertson House Graduation ceremony and greatly enjoyed the food and interacting with the graduates and their families.
2. Invited the community to join the City at noon on Sunday, September 21 for Celebrate Gaithersburg in Olde Towne. The 27th annual event will be filled with music, arts, food, and fun. The event will also mark the public debut of new City Manager Angel Jones.

Mayor Katz

1. Requested an update on the GE site. Assistant City Manager Felton stated that he, Mayor Katz, Acting City Manager Arnoult and Planning and Code Administration Director Ossont met with the County team last Friday. He reported that progress is being made on some key issues. The goal is to minimize adverse impact on City residents and jump starting the aquatic center project without interfering with the construction for the senior center. He stated that another meeting has been scheduled to continue discussions.
2. Announced the deadline date of Friday, September 26, 2008 for the following events:
 - Character Counts! Foundation for Life Essay Contest
 - Adult Heroes Essay Contest
 - Poster Contest
3. Announced the following meeting schedule:
 - joint work session, Monday, September 22, 2008 to further discuss Mansionization Legislative - T-385 and to receive an update from staff on the Bikeway Plan Improvement Plan Findings and Implementation Strategies.
 - next regular meeting Monday, October 6, 2008.

VII. FROM ACTING CITY MANAGER ARNOULT

1. Announced that the Montgomery County Board of Elections is seeking volunteer judges. If interested, contact the Board at www.777vote.org to download a 2008 election judge questionnaire or call at 240-777-8533. He stated that 4,000 volunteers are needed.
2. Announced that it is his last public meeting as Acting City Manager and reflected on his service for almost a year. He thanked the Mayor and City Council for the opportunity to serve and Engineering Services Director Mumpower and Operations Director DeBord for providing leadership to the Public Works staff during his absence. He also thanked the City Managers Office for their cooperation and support. Extended special thanks to Assistant City Managers Felton and Tomasello for their tremendous support for the entire eleven months.

MAYOR KATZ RECESSED THE MAYOR AND COUNCIL MEETING AT 7:55 P.M.
FOR A HISTORIC DISTRICT COMMISSION MEETING. THE MAYOR AND
COUNCIL MEETING RECONVENED AT 7:56 P.M.

VIII. ORDINANCES, RESOLUTIONS, AND REGULATIONS**1. Resolution to Enter Into an Agreement for Geocache Trail with Maryland Municipal League**

This resolution authorized Parks, Recreation and Culture Director Potter to enter into an agreement for the above program. The program is intended to foster awareness and visits to Maryland's cities and towns, attracting high tech tourism of all ages. Anyone interested in participating can access the official Geocache website at www.geocache.com, click on the MML account and download or manually enter the map coordinates for each cache on the Maryland Municipal League Geo Trail, then use their GPS to find the caches. On June 13, 2005, the City Council approved the initiative and today, supports the activity with eight (8) City Caches in place. The City will maintain the placement, contents, and physical condition of the caches. All of the caches on the trail will contain an ink stamp and if applicable to the city/town, information about the Maryland Byway or Heritage Area it is a part of.

Motion was made by Council Member Ashman, seconded by, Council Member Marraffa, that a RESOLUTION OF THE MAYOR AND THE CITY COUNCIL AUTHORIZING THE DIRECTOR OF PARKS, RECREATION AND CULTURE TO ENTER INTO AN AGREEMENT FOR GEOCACHE TRAIL WITH MARYLAND MUNICIPAL LEAGUE (Resolution No. R-85-08), be approved.

Vote: 4-0

2. Resolution Establishing Local Standards Under the State of Maryland Enterprise Zone Program

Assistant City Manager Tomasello stated that the City's Central Business District was approved as a Maryland Enterprise Zone several months ago. The Maryland Enterprise Zone program, a local economic development program established by the Maryland General Assembly, provides state and local tax and fee incentives to eligible businesses with the designated zone. The stated program includes a provision that permits counties and municipalities to establish local standards to better meet the economic development needs of their communities. The local standards developed for the Olde Towne Enterprise Zone identified the City of Gaithersburg as the approving body, define projection completion for eligibility purposes, and identified the minimum qualifying capital investment requirements.

Motion was made by Council Member Drzyzgula, seconded by, Council Member Marraffa, that a RESOLUTION ESTABLISHING LOCAL STANDARDS RELATING TO THE ADMINISTRATION OF THE OLDE TOWNE ENTERPRISE ZONE AS PROVIDED FOR UNDER THE STATE OF MARYLAND ENTERPRISE ZONE PROGRAM (Resolution No. R-86-08), be approved.

Vote: 4-0

3. Resolution to Extend the 2008 Street Resurfacing Contract

Engineering Services Director Mumpower stated that the above contract is for the removal and replacement of curb and gutter, as well as sidewalk, and to mill and overlay the pavement around the Casey Community Center. This resolution authorized the City Manager to extend the contract with NZI Construction, 11601 Spruce Avenue, Beltsville, Maryland 20705, in the estimated amount of One Hundred Twenty-One Thousand Five Hundred Dollars (\$121,500); said funds to be expended from the Capital Improvements Budget. The work was originally scheduled for FY'12, but staff had determined that due to the condition of the lot, it would be beneficial to do the work now.

Motion was made by Council Member Marraffa, seconded by, Council Member Drzyzgula, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXTEND THE 2008 STREET RESURFACING CONTRACT (Resolution No. R-87-08), be approved.

Vote: 4-0

4. Resolution to Codify and Amend the Official Traffic Rules and Regulations

Engineering Services Director Mumpower stated that annually, certain amendments, additions and deletions become necessary from time to time. This resolution included the changes and updates to the official traffic rules and regulations for the City of Gaithersburg. Council Member Spiegel asked that future updates be made in bold. In response to Council Vice President Marraffa, Mr. Mumpower stated that the designation of school zones is done with signage and flashing lights alerting the public that school is in session. He was directed to look into the designation of Diamond Elementary School and other schools in the area.

Motion was made by Council Member Ashman, seconded by, Council Member Drzyzgula, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL TO CODIFY AND AMEND THE OFFICIAL TRAFFIC RULES AND REGULATIONS FOR THE CITY OF GAITHERSBURG (Resolution No. R-88-08), be approved.

Vote: 4-0

5. Resolution to Purchase Nine (9) 2009 Dodge Charger Police Vehicles

This resolution authorized the City Manager to purchase nine (9) police vehicles under the State of Maryland Statewide Contract, Purchase Order 001B890026 from Hertrich Fleet Services, 1123 Shore Highway, Denton, Maryland 21629, in the amount of One Hundred Eighty-Nine Thousand Seven Hundred Thirty-Five Dollars (\$189,735); said funds to be expended from the Vehicle Equipment Replacement Fund and Operating Budget. Staff was directed to investigate the use of hybrids for future police vehicle purchases.

Motion was made by Council Member Spiegel seconded by, Council Member Ashman, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE NINE (9) 2009 DODGE CHARGER POLICE VEHICLES (Resolution No. R-89-08), be approved.

Vote: 4-0

6. Resolution Awarding Matching Grants

This resolution awards matching grants to **Brighton HOA** (aka Deer Park Place) for landscaping (\$5,000) and The Orchards HOA for signage (\$3,930), upon determining that the projects are completed as proposed, in the total amount of Eight Thousand Nine Hundred Thirty Dollars (\$8,930); said funds to be expended from the Operating Budget. Mr. Felton informed the City Council that if the resolution is approved, the City's Neighborhood Matching Grant Program will close for the fiscal year as all funds for the program have been expended. He stated that in the near future, staff will present proposed changes to the program including criteria, community eligibility, and additional funds for the program.

Motion was made by Council Member Marraffa, seconded by, Council Member Ashman, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AWARDING MATCHING GRANTS TO BRIGHTON HOA (AKA DEER PARK PLACE) AND THE ORCHARDS HOA (Resolution No. R-90-08), be approved.

Vote: 4-0

7. Resolution to Create and Implement a Housing Stipend Program

During the City's FY'09 Budget process, the Mayor and City Council allocated \$150,000 to create a housing stipend program to encourage employees to live in the City. Assistant City Manager Felton stated that the program would not only address the concern of many of the City's employees commuting to work each day from Frederick County and other areas, but would also assist in the recruitment of new employees. He further stated that there are 255 full-time employees who work for the City, only 31 reside within the City of Gaithersburg. Staff and Personnel Team unanimously support the program and believe that it is a logical extension of the City's housing programs. The Personnel Team had determined that eligibility should be based on household income in the same manner as the City's Moderately Priced Dwelling Units and Workforce Housing Programs. It was suggested by several Council Members that the program be implemented as a two-year pilot program to provide an opportunity to evaluate the success of the program. Of the 31 employees currently living in Gaithersburg, staff estimates that nine employees would qualify for the housing stipend immediately.

On behalf of Council Member Sesma, Council Member Ashman read a statement in support of the two-year pilot program and the use of the funds allocated in the FY'09 City Budget. Council Member Ashman expressed concern with the unknown of how many employees would participate, the City not meeting the projected revenue from speed cameras in the amount of \$2.4 million, and the fiscal challenges ahead for the City. He asked that the program be deferred. Mayor Katz stated that the recent adopted hotel/motel tax should bring the City fairly closed to what had been budgeted in revenue. Council Vice President Marraffa expressed support for the two-year trial period to be evaluated at that time. Council Member Drzyzgula asked that budget issues be addressed separately rather than attach it to an agenda item that already has funds allocated. Council Member Spiegel expressed support for the program due to environment, economic, beneficial service to the community, and the allocated funds. All concurred that staff is the reason Gaithersburg is a great place to live and that it would be beneficial to the citizens to have employees, especially public safety employees, live within the City. Staff was asked to provide the Mayor and City Council with annual reporting and tax return data.

Motion was made by Council Member Spiegel, seconded by, Council Member Marraffa, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO CREATE AND IMPLEMENT A HOUSING STIPEND PROGRAM FOR INCOME QUALIFIED EMPLOYEES WHO RESIDE WITHIN

THE CORPORATE LIMITS OF GAITHERSBURG (Resolution No. R-91-08), be approved.

Vote: 3-1 (Opposed: Ashman)

IX. POLICY DISCUSSION

- 1. CSP-04-001 - Resolution of the Mayor and City Council of Gaithersburg Granting Conditional Approval of Concept Site Plan CSP-04-001 for a Nine-Apartment Unit Addition Use to Flowers Apartments, Located in the CD (Corridor Development) Zone, at 511 South Frederick Avenue, Gaithersburg, Maryland**

Community Planning Director Schwarz stated a public hearing was conducted on September 2, 2008 and the record held open for ten (10), with no additional testimony from the public. A revised elevation was submitted in response to the comments received from the Mayor and City Council. In addition to the above resolution, the applicant is requesting approval for height and parking area setback waivers as part of the concept site plan.

Motion was made by Council Member Marraffa, seconded by, Council Member Drzyzgula, that CSP-04-001 - RESOLUTION OF THE MAYOR AND CITY COUNCIL OF GAITHERSBURG GRANTING CONDITIONAL AOPPROVAL OF CONCEPT SITE PLAN CSP-04-001 FOR A NINE-APARTMENT UNIT ADDITION USE TO FLOWERS APARTMENTS, LOCATED IN THE CD (CORRIDOR DEVELOPMENT) ZONE, AT 511 SOUTH FREDERICK AVENUE, GAITHERSBURG, MARYLAND (Resolution No. R-92-08), be approved.

Vote: 4-0

- 2. CSP-04-001 - Resolution of the Mayor and City Council Granting Approval of a 13-Foot Waiver of the 20-Foot Setback Requirement for Off-Street Parking From Behind the Front Building Line [§ 24-160g.4.(E)(1)] as Part of Concept Site Plan CSP-04-001, Known as Flowers Apartments, at 511 South Frederick Avenue in Gaithersburg, Maryland, for a Nine (9)-Unit Addition to an Existing 23-Unit Building on Approximately 39,704.43 Square Feet of Land Zoned Corridor Development (CD)**

Motion was made by Council Member Drzyzgula, seconded by, Council Member Marraffa, that CSP-04-001 - RESOLUTION OF THE MAYOR AND CITY COUNCIL GRANTING APPROVAL OF A 13-FOOT WAIVER OF THE 20-FOOT SETBACK REQUIREMENT FOR OFF-STREET PARKING FROM BEHIND THE FRONT BUILDING LINE [§ 24-160G.4.(E)(1)] AS PART OF CONCEPT SITE PLAN CSP-04-001, KNOWN AS FLOWERS APARTMENTS, AT 511 SOUTH FREDERICK AVENUE IN GAITHERSBURG, MARYLAND, FOR A NINE (9)-UNIT ADDITION TO AN EXISTING 23-UNIT BUILDING ON APPROXIMATELY 39,704.43 SQUARE FEET OF LAND ZONED CORRIDOR DEVELOPMENT (CD) (Resolution No. R-93-08), be approved.

Vote: 4-0

3. **CSP-04-001 - Resolution of the Mayor and City Council Granting Approval of a 5.5-Foot Height Waiver of the 35-Foot Building Height Requirement In the Residential District to Allow the Building to be 40.5 Feet in Height [§ 24-160G.4 (A) (1)], as Part of Concept Site Plan CSP-04-001, Known as Flowers Apartments, at 511 South Frederick Avenue in Gaithersburg, Maryland, for a Nine (9)-Unit Addition to an Existing 23-Unit Building on Approximately 39,704.43 Square Feet of Land Zoned Corridor Development (CD)**

Motion was made by Council Member Ashman, seconded by, Council Member Marraffa, that CSP-04-001 - RESOLUTION OF THE MAYOR AND CITY COUNCIL GRANTING APPROVAL OF A 5.5-FOOT HEIGHT WAIVER OF THE 35-FOOT BUILDING HEIGHT REQUIREMENT IN THE RESIDENTIAL DISTRICT TO ALLOW THE BUILDING TO BE 40.5 FEET IN HEIGHT [§ 24-160G.4 (A) (1)], AS PART OF CONCEPT SITE PLAN CSP-04-001, KNOWN AS FLOWERS APARTMENTS, AT 511 SOUTH FREDERICK AVENUE IN GAITHERSBURG, MARYLAND, FOR A NINE (9)-UNIT ADDITION TO AN EXISTING 23-UNIT BUILDING ON APPROXIMATELY 39,704.43 SQUARE FEET OF LAND ZONED CORRIDOR DEVELOPMENT (CD) (Resolution No. R-94-08), be approved.

Vote: 4-0

4. **An Ordinance to Amend Chapter 5 of the City Code, Entitled "Buildings," to Include in Article I, Entitled "The International Building Code (2003)," Section 5-3, Entitled "Same—Modifications to the International Building Code 2003," a New Section 3110, Entitled "Green Building Requirements"**

Assistant City Manager Felton stated a public hearing was held on September 2, 2008 with the record closing on September 10, 2008. No testimony was received from the public. On behalf of Council Member Sesma, Council Member Ashman expressed support for the Ordinance. City Attorney Board did review the ordinance. Council Vice President Marraffa asked that staff ensure that the Planning Commission have the flexibility to waive or modify the Green building requirements for smaller buildings.

Motion was made by Council Member Spiegel, seconded by, Council Member Ashman, that AN ORDINANCE TO AMEND CHAPTER 5 OF THE CITY CODE, ENTITLED "BUILDINGS," TO INCLUDE IN ARTICLE I, ENTITLED "THE INTERNATIONAL BUILDING CODE (2003)," SECTION 5-3, ENTITLED "SAME—MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE 2003," A NEW SECTION 3110, ENTITLED "GREEN BUILDING REQUIREMENTS" (Ordinance No. O-11-08), be approved with an amendment to Section 3110.2..2 Requirements.

Vote: 4-0

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

Doris R. Stokes
Executive Assistant