



*Gaithersburg*

*A CHARACTER COUNTS!*

CITY OF GAITHERSBURG  
MINUTES OF A REGULAR CITY COUNCIL MEETING  
MONDAY, OCTOBER 6, 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: City Manager Jones, Assistant City Managers Felton and Tomasello, Police Chief King, Public Works, Parks Maintenance and Engineering Director Arnoult (PWPME) Director Arnoult, Operations Director DeBord, Capital Projects/Facilities Director Geiling, Planning and Code Administration (PCA) Director Ossont, Planner Marsh, Parks, Recreation and Culture Director Potter, Youth Services Director Smith, Community Services Director Carr, Police Officer III Duke, Recreation Coordinator III Truxal, Summer Camp Team (Alcorn, Comstock, Halmos, Ludington, and Tailby), City Attorney Board, and Executive Assistant Stokes.

**I. PLEDGE OF ALLEGIANCE**

The Pledge was led by Jim Arnoult, Director of PWPME.

**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 15, 2008, be approved.

Vote: 4-0-1 (Abstained: Sesma)

Motion was made by Council Member Sesma, seconded by Council Member Ashman, that the minutes (Topic # 1 –T-385) of the Mayor and Council work session held September 22, 2008, be approved.

Vote: 5-0

Motion was made by Council Member Spiegel, seconded by Council Member Drzyzgula, that the minutes (Topic #2 - Bikeway Plan) of the Mayor and Council work session held September 22, 2008, be approved.

Vote: 5-0

**IV. CONSENT ITEMS**

**1. Resolution of the Mayor and City Council Authorizing the City Manager to Purchase Radio Equipment/Hardware for the City Police Department**

This resolution authorized the City Manager to enter into a contract to purchase radio equipment/hardware for the above department with Motorola, Inc., 1307 E. Algonquin Road, Shaumburg, Illinois, 60196, in the amount of Seventy-One Thousand Seven Hundred Ninety-Two

Dollars (\$71,792); said funds to be expended from the Operating Budget.

**2. Resolution of the Mayor and City Council of Gaithersburg Authorizing the City Manager to enter into a Contract for the Purchase and Installation of Emergency Equipment for Police Vehicles**

This resolution authorized the City Manager to enter into a contract for the purchase and installation of emergency equipment of nine (9) police vehicles to Major Police Supply, 47 North Dell Avenue, Kenil, New Jersey, 07847, in the amount of Seventy-Seven Thousand Nine Hundred Forty-Two Dollars (\$77,942); said funds to be expended from the Operating Budget.

**3. Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract for the Replacement of Two Public Works Shop Overhead Doors**

This resolution authorized the City Manager to award a contract for the above service to Overhead Door Company of Washington, D.C., 6841 Distribution Drive, Beltsville, Maryland 20705, in the estimated amount of Sixteen Thousand One Hundred Twenty Dollars (\$16,120); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Marraffa, seconded by, Council Member Sesma, that the Consent Agenda (Resolution Nos. R-95-08 through R-97-08), be approved.

Vote: 5-0

**V. APPOINTMENTS**

**1. Resolution Confirming Appointments and Reappointments**

This resolution confirmed the following: Community Advisory Board, Daniel Bell (appointment), 5 Red Kiln Court, 20878 and Claudine McDonald (appointment), 21809 Churchill Downs Court, 20882, two-year terms; Economic Development Committee, Dr. Gregory A. Prince (appointment), 13320 Signal Tree Lane, Potomac, Maryland 20854, three-year term; Education Committee, Carol Goddard (appointment -Gaithersburg Middle School), 2 Teachers Way, 20877 and Pauleze Bryant (reappointment), 6 Country Woods Court, 20877, two-year term; Environmental Affairs Committee, Mike Blackmon (reappointment), 14 Gelding Court, Olney, Maryland 20832, two-year term; Gaithersburg Senior Council, Mae Bowman (appointment), 12008 Amber Ridge Circle, Germantown, Maryland 20876 and Dr. Naresh Gupta (reappointment), 9449 Fields Road, 20878, two-year term; Greater Historic District, Clark Day (reappointment), 26 Walker Avenue, 20877, two-year term; Market Square Advisory Committee, Richard Arkin (reappointment), 121 Selvy Street and Nanette Horan (reappointment), 144 Little Quarry Road, 20878, two-year term; and Multicultural Affairs Committee, Claudine McDonald (appointment), 21809 Churchill Downs Court, 20882, two-year term.

Motion was made by Council Member Sesma, seconded by, Council Member Marraffa, that a RESOLUTION OF THE CITY COUNCIL CONFIRMING APPOINTMENTS AND REAPPOINTMENTS BY THE MAYOR TO THE COMMUNITY ADVISORY BOARD, ECONOMIC DEVELOPMENT COMMITTEE, EDUCATION COMMITTEE, ENVIRONMENTAL AFFAIRS COMMITTEE, GAITHERSBURG SENIOR COUNCIL, GREATER HISTORIC DISTRICT, MARKET SQUARE ADVISORY COMMITTEE AND MULTICULTURAL AFFAIRS COMMITTEE (Resolution No. R-98-08), be approved.

Vote: 5-0

## 2. Resolution Confirming an Appointment to the Board of Supervisors of Elections

This resolution confirmed the following appointment: Barbara Fahey, 217 Rabbitt Road, 20878, completing a four-year term.

Motion was made by Council Member Drzyzgula, seconded by, Council Member Sesma, that a RESOLUTION OF THE CITY COUNCIL CONFIRMING AN APPOINTMENT BY THE MAYOR TO THE BOARD OF SUPERVISORS OF ELECTIONS (Resolution No. R-99-08), be approved.

Vote: 5-0

## 3. Resolution Confirming the Appointment of Angel Jones as City Manager

This resolution appointed Angel L. Jones to perform the duties of the City Manager of the City of Gaithersburg pursuant to Section 18 of the City Charter, effective September 29, 2008, and she further be designated in accordance with Section 46 of the City Charter to countersign all checks issued in payment of City obligations while performing the duties of City Manager.

Motion was made by Council Member Marraffa, seconded by, Council Member Sesma, that a RESOLUTION OF THE CITY COUNCIL CONFIRMING THE APPOINTMENT OF ANGEL JONES AS CITY MANAGER FOR THE CITY OF GAITHERSBURG, MARYLAND, EFFECTIVE SEPTEMBER 29, 2008 (Resolution No. R-100-08), be approved.

Vote: 5-0

## VI. OATH OF OFFICE

- Mayor Katz administered the oath of office to Barbara Fahey (completing a four-year term) to execute the office of Board of Supervisors of Elections, term to expire September 2011.
- Mayor Katz administered the oath of office to Angel L. Jones, City Manager, effective September 29, 2008.

## VII. PRESENTATIONS

### 1. Quarterly Employee Recognition Awards - Employee/Team

Mayor Katz, joined by City Manager Jones presented employee recognition awards to the following individuals:

**John Duke (Police Officer III (Police Department))**, was nominated for exceptional performance gathering important information and relaying it to the right agency which resulted in three arrests and numerous weapons taken off the street.

**Pam Truxal (Recreation Coordinator III (Department of Parks, Recreation and Culture))**, was nominated for exceptional performance in the development of two new programs (Senior Pin Busters, an informal eight-week bowling league for Seniors and the "Retro Fitness" program designed to foster strength and conditioning using nostalgic childhood activities and games such as jump rope, hula hoops, 4-square, and Tug of War all set to music). In addition, Pam introduced several low impact activities at the Senior Fun & Fitness Day this past May; supervises various youth sports programs and clinics; and coordinates the very successful Adult Coed Softball Program.

**The Summer Camp Team (Department of Parks, Recreation & Culture)**, was nominated for exceptional performance in planning, organizing, and implementing the City's Summer Camp program. Team members consist of: **Kimmie Alcorn, Monique Comstock, Siobhan Halmos, Dave Ludington, and Rachel Tailby**. To meet the various needs, ages, disabilities, and interests of over 1,000 campers, each summer takes months of planning, attention to detail, and a sincere desire to provide the best summer camp experience possible. The organizational skills, conscientiousness, and dedication of all the team members helps ensure that the summer camp experience in the City of Gaithersburg is as positive and enjoyable as possible for everyone involved.

2. **Presentation of the 2008 Distinguished Friend of Gaithersburg Award to District 39 Senator Nancy J. King**

Mayor Katz, joined by Council Member Ashman and City Manager Jones, presented the 2008 Distinguished Friend of Gaithersburg Award to District 39 Senator Nancy J. King, who was unable to attend the September 21<sup>st</sup> Celebrate Gaithersburg in Olde Towne Festival.

3. **Proclamation**

Mayor Katz issued a proclamation designating October 12 - 18, 2008, as "Gaithersburg/Germantown Jaycee Week" in the City of Gaithersburg. The proclamation was accepted by Claire van Beek, Community Development Vice President, Gaithersburg/Germantown Jaycees.

4. **Introduction of New Police Officers**

- *Officer Danny Vaca* was hired in September. Prior to coming to the Gaithersburg Police Department, he was a Deputy Sheriff with the Montgomery County Sheriff's Office.
- *Officer Eric Russell* was also hired in September. Prior to coming to the Gaithersburg Police Department, he was an officer with the Prince Georges County Police Department.

VIII. **COURTESY REVIEW**

**SDP-08-004 - Proposal to Amend a Schematic Development Plan (SDP), Known as Maryland Carpet and Tile, Located at 305 North Frederick Avenue, Gaithersburg, Maryland. The Amendment Proposes a One Story Mixed Use Building Consisting of 4318 Square Feet. The Property is in the Corridor Development (CD) Zone**

PCA Director Ossont stated that the Mayor and Council may either: (1) Find that the application has a minor effect and thereby direct the planning commission to make a final decision on the amendment in accordance with the procedure set forth above in subsection 24-198(c)(3)b [Site Plan Review Process].; or (2) Direct that the amendment be referred to the planning commission for further evaluation, public hearing and recommendation. The council shall thereafter approve or disapprove the recommendation of the planning commission without the necessity of public hearing, no later than forty-five (45) days after receipt of the commission's recommendation or may on its own motion, extend such time limit. Staff recommended option number (1). The application was before the Mayor and Council in November of 2007 requesting an amendment from a one-story to a two-story building with a footprint decrease. The new amendment proposes to go back to a one-story and a footprint increase which is more than 10% of the total floor area and requires a staff courtesy presentation to the Mayor and City Council.

Concern with the lack of progress on the project was expressed. It was suggested that the Planning Commission look at the inconsistent roof elevations and asked for the elevations and architecture to be improved. PCA Director Ossont stated that he and the City Attorney discussed placing conditions on the permit to assure that the building is build. He stated that if the building is not built before the expiration of the site plan, the Planning Commission would have to approve an extension to the site

plan after a year. All concurred that the applicant should build or move on and not extend the plan again.

#### **IX. PUBLIC APPEARANCES**

1. *David Udoff, Montgomery Village resident*, asked that the City support legislation to require criminals to serve a majority of prison sentences that would make communities and streets safer. He referred to the murder of a Grove Park Apartment resident who was shot and killed in April 2008. The suspect had a violent criminal history and instead of serving a 12 year sentence, with diminutive credits, the suspect's years were reduced for good behavior to six years. All concurred that the matter should be discussed at a future work session.
2. *Rachel Hammouda, Kentlands resident*, welcomed City Manager Jones to Gaithersburg. Expressed opposition to the County Executive's proposed property use initiative for the GE Property. Thanked the City for responding to citizen's concerns. Asked for the status of the negotiations for the plan. Assistant City Manager Felton stated that the City has had several meetings with the County to discuss concerns about loss of taxes, revenue and open space. The City is looking into ways to jump start the aquatic center project. Further discussions are necessary before making a recommendation to the Mayor and City Council.

#### **X. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS**

##### **Council Member Ashman**

1. Encouraged citizens to subscribe to the City's Alert Gaithersburg emergency notification system and register to vote. The deadline for registering is October 14, 2008. For additional information call 240-777-VOTE (8683).
2. Attended the Stomp Out Domestic Violence Breakfast on Saturday, October 4, 2008 which was a powerful program to benefit a good cause.
3. Welcomed City Manager Jones to Gaithersburg and thanked PWPME Director Arnoult for his service as Acting City Manager. He reported the City's accomplishments over the past year.

##### **Council Member Spiegel**

1. Wished a Happy New Year to the Jewish community and best wishes to those observing other holidays during the fall season.
2. Thanked PWPME Director Arnoult for his outstanding service during the City's difficult transition and welcomed City Manager Jones to Gaithersburg.
3. Acknowledged the employee award recipients and the Jaycees for their continued public service. He recognized Senator Nancy King on becoming the recipient of the City's Distinguished Friend award.
4. Echoed and encouraged citizens to vote in the upcoming elections.
5. Reported he and Community Services Director Carr attended the Human Services Policy Committee to discuss the foreclosure crisis in our region. He stated that there were representatives from various levels of government and recognized Gaithersburg for their service and response to problems in our community. He mentioned that the City sponsored a Housing Fair which was a success event.
6. Stated it was an honored to participate and attend the Domestic Violence Breakfast.
7. Reported that on September 24<sup>th</sup>, City Officials were able to participate in a CCT Project Briefing. More information of said meeting has been placed on the City's website.

8. Enjoyed a football game between Quince Orchard and Gaithersburg High Schools with other Council Members and encouraged residents to come out and support area teams.

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

1. Announced the 17<sup>th</sup> annual celebration of Oktoberfest in the Kentlands on Sunday, October 12, from noon to 4 p.m. at the Kentlands Village Green. The event is co-sponsored by the Kentlands Citizens Assembly.
2. As Council liaison, he reported that the Ad Hoc Committee for the Senior Center toured three sites and the committee is working on criteria for the design of the proposed new senior center.
3. As a Board of Directors member of the National League of Cities (NLC), he attended a meeting in Fort Smith, Arkansas. He stated that the committee has worked to save block grant funds. In addition, he visited the University of Arkansas and received information on a unique workforce education program which he will pass on to the City's Education Committee.
4. Echoed thanks to PWPME Director Arnoult for his dedicated service to the Gaithersburg community and City employees and welcomed City Manager Jones to the City.

#### **Council Member Sesma**

1. Echoed the remarks of his colleagues and recognized Jim Arnoult for stepping up during the City's transition. Welcomed Angel Jones to the City of Gaithersburg.
2. Recognized the quarterly employee award recipients.
3. Reported that Celebrate Gaithersburg in Olde Towne was a successful event and thanked staff for their efforts.
4. Encouraged citizens to register to vote and asked Americans to remember the freedom of speech rights and urged individuals to not vandalize candidate signs posted throughout the community.
5. Reported that he attended a NLC Energy Environment Natural Resources Steering Committee meeting in Plano, Texas. Discussions about policy recommendations for sustainability programs, energy efficiency and conservation, and natural resources.
6. Thanked Maureen Herndon and City staff for their efforts with the annual Housing Fair.
7. Announced vacancies on various City Committees.

#### **Council Member Drzyzgula**

1. Joined in and thanked PWPME Director Arnoult for accepting the role of Acting City Manager and for following through on his commitment. Welcomed City Manager Jones to the City of Gaithersburg.
2. Attended the open house for HomeFree USA, a Gaithersburg organization that assists people with financing the purchase of homes and avoiding foreclosures.
3. Suggested that citizens register to vote and check their polling places
4. Also attended the football game mentioned above, but sat on the opposite side of her colleagues.
5. Attended two Council of Government meetings and discussed measuring water quality permits and setting limits on pollutants and the best practices for air quality.

**Mayor Katz**

1. Joined his colleagues and thanked Mr. Arnoult and welcome City Manager Jones.
2. Mayor Katz requested a motion to conduct a closed executive session this evening, Monday, October 6, 2008, to discuss a personnel and legal matter:

Motion was made by Council Member Sesma, seconded by Marraffa, that the Mayor and City Council conduct a closed session immediately following the regular meeting of October 6, 2008, pursuant to Section 10-508(a)(1)(i) and (a)(8) State Government Article of the Annotated Code of Maryland for the purpose discussing a personnel matter and pending litigation.

Vote: 5-0

3. Announced the following meeting schedule:
  - no work session, Monday, October 13, 2008
  - Monday, October 20, 2008, will not conduct a regular meeting at City Hall, but will meet at Rockville City Hall, 7 p.m. to receive a joint environmental briefing from the Council of Governments.
  - work session scheduled for Monday, October 27, 2008, topic to be announced.
  - next regular meeting Monday, November 3, 2008.

**XI. FROM CITY MANAGER JONES**

Thanked the Mayor and City Council, staff and citizens for the opportunity to serve as City Manager.

**XII. ORDINANCES, RESOLUTIONS, AND REGULATIONS****1. Resolution to Award a Contract for Construction of the Olde Towne Youth Center Project**

This resolution authorized the City Manager to award a contract for the above services to Warner Construction, Inc. 50 Citizens Way, Suite 201, Frederick, Maryland 21701, in the amount of Two Million Nine Hundred Twenty-Two Thousand Three Hundred Forty-Two Dollars (\$2,922,342), with a Two Hundred Thirty-Three Thousand Seven Hundred Eighty-Eight Dollars (\$233,788) construction contingency, for a total amount of Three Million One Hundred Fifty-Six Thousand One Hundred Thirty Dollars (\$3,156,130); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Sesma, seconded by, Council Member Spiegel, that a RESOLUTION OF THE MAYOR AND THE CITY COUNCIL AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR CONSTRUCTION OF THE OLDE TOWNE YOUTH CENTER PROJECT (Resolution No. R-101-08), be approved.

Vote: 5-0

**2. Resolution Rejecting All Bids for the Public Works Water Penetration Project, and Authorizing the City Manager to Negotiate and Execute a Contract With the Lowest Responsive and Responsible Bidder**

This resolution authorized the City Manager to reject bids and negotiate and execute a contract for the services above with Standard Restoration & Waterproofing Company, Inc., 4749-A Clifton Road, Temple Hills, Maryland 20748, in an estimated amount of Two Hundred Nine Thousand Eight Hundred Dollars (\$209,800), with a Twenty Thousand Two Hundred Dollars (\$20,200) construction contingency, for a total amount of Two Hundred Thirty Thousand Dollars (\$230,000); said funds to be expended from the Capital Improvements Budget. Capital Projects/Facilities Director Geiling stated that the bids came in over budget due to the requirements for sheathing and shoring which were not included in the estimate. In addition, construction labor and material costs had increased since January. The project is expected to be completed in two phases and an additional \$500,000 would be required to proceed with, Phase II if approved in the FY 2010 Budget.

Motion was made by Council Member Marraffa seconded by, Council Member Sesma, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL REJECTING ALL BIDS FOR THE PUBLIC WORKS WATER PENETRATION PROJECT, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER (Resolution No. R-102-08), be approved.

Vote: 5-0

**XIII. FROM THE ASSISTANT CITY MANAGERS, CITY ATTORNEY AND OTHER STAFF**

**PCA Director Ossont**

**Staff Recommendation to Close the Record on T-385 – An Ordinance to Amend Chapter 24 of the City Code (City Zoning Ordinance), Entitled, “Zoning,” Article V, Entitled, “Site Development Plans,” § 24-168 Entitled, “When Required,” and to Amend Chapter 24, Article V to Add § 24-168A Entitled, “Residential Site Plans, When Required.”**

Stated a work session was held on September 22, 2008 and staff presented modifications to the draft text amendment. Staff anticipates a Planning Commission recommendation on October 15, 2008. Staff recommended that the Mayor and Council announce the closing of their record on October 20, 2008, with anticipated policy discussion on November 3, 2008.

Motion was made by Council Member Ashman seconded by, Council Member Sesma, that the Mayor and Council close their record on T-385 on October 20, 2008 at 5 p.m.

Vote:5-0

**PWME Arnoult**

Congratulated and welcomed Angel Jones to the City of Gaithersburg.

**XIV. ADJOURNMENT**

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 9:12 p.m.

Respectfully submitted,

*Doris R. Stokes*

Doris R. Stokes  
Executive Assistant