



*Gaithersburg*

*A CHARACTER COUNTS!*

CITY OF GAITHERSBURG  
MINUTES OF A REGULAR CITY COUNCIL MEETING  
MONDAY, DECEMBER 15, 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, Finance and Administration Director Belton, Parks, Recreation and Culture Director Potter, Planning and Code Administration (P&CA) Director Ossont, Planner Voigt, Capital Projects/Facilities Director Geiling, Public Information Director Monaco, Community Development Director Kauffmann, Community Services Director Carr, City Attorney Board, and Executive Assistant Stokes.

**I. PLEDGE OF ALLEGIANCE**

The Pledge was led by former Council Member John Schlichting.

**II. INVOCATION**

The invocation was led by the Reverend Mark Derby, Grace United Methodist Church, Gaithersburg, Maryland.

**III. APPROVAL OF MINUTES**

Motion was made by Council Member Sesma, seconded by Council Member Spiegel, that the minutes of the Mayor and Council work session held November 24, 2008, be approved.

Vote: 5-0

Motion was made by Council Member Ashman, seconded by Council Member Spiegel, that the minutes of the Mayor and Council regular meeting held December 1, 2008, be approved with corrections.

Vote: 5-0

**IV. PRESENTATIONS**

**A. 2008 Kentlands/Lakelands 5K Race Committee to the City of Gaithersburg**

The 14th Annual Kentlands/Lakelands 5K Race and Kid's Fun Runs, hosted by the Kentlands Community Foundation in partnership with the City of Gaithersburg, was held on September 1, 2008. As a nonprofit and philanthropic organization, the Foundation hosts the 5K Race to raise funds, promote volunteerism, and showcase the benefits of new urbanism and walkable communities. The Race drew over 1,600 runners in the combined 5K race and Kids Fun Run, and was supported by more than 200 volunteers. The Kids Fun Run had almost 300 participants.

Fifty percent of the proceeds of the race benefited charities. The Dolores C. Swoyer Scholarship fund that provides a summer of learning and activities to children who are unable, without assistance, to meet the financial requirements to attend the City's summer camp program, will receive \$10,500 from this year's 5K. This past summer, with the average cost of both elementary

and middle school camps being approximately \$148 per session, this generous donation had provided the opportunity for 68 children to attend full day camp in 2008. Lee Wilson, Foundation Chair, John Schlichting, Vice Chair, and Steve Solbeck, Race Director of 5K, made the presentation to the City.

#### **B. GREAT Award Presented to Ridgeview Middle School**

GREAT stands for “Gaithersburg Recognizing Educational Achievement Today” and its mission is to promote and celebrate higher achievement and successes in Gaithersburg area schools. The goal of GREAT is to recognize schools, increase school success and promote “best practices” models.

Ridgeview Middle School celebrates and recognizes Debra Hogan, Financial Assistant for her creation of the “Ridgeview Boutique” A project that created a true sense of family within the school community! Through the hard work of staff, student and parent volunteers, a collection of “gently used” household and clothing items, books and toys were collected. A school “Boutique” was opened on November 15<sup>th</sup>. Over \$800 was collected to benefit Ridgeview families in need for the Holidays. Ridgeview Middle School also celebrates their “Padres en Accion” program which meets monthly and presents parent outreach meetings in Spanish to the school community.

#### **C. Certificates of Recognition Presented to the Help the Homeless Walk-A-Thon Coordinators**

Linda Plummer, Friends of Wells Robertson House, Inc., Treasurer, made the presentation. For over ten years, Friends of Wells Robertson House, Inc. (FWRH) has partnered with Fannie Mae on their annual Help the Homeless Walkathon.

All funds generated for FWRH are used to support enhancements to the City of Gaithersburg’s Wells/Robertson House Program, a transitional housing program for those in recovery from substance abuse and the NET program a supportive services network for vulnerable youth ages 16-25 providing resources, mentoring, self-advocacy education and links to employment. Community outreach and education is a key component of the Board’s mission and programming. FWRH structures the mini-walk program to be inclusive for all and has made the conscious choice to raise funds to subsidize approximately 1,300 student walkers. FWRH had over 1900 student walkers and anticipates receiving a \$70,000 grant from Fannie Mae. The following participating schools and mini-walk coordinators were recognized: Phoenix/ Emory Grove High School - Patti Jenkins; Brownie Troop #6714 – Mindi Jacobson; Laytonsville Elementary School - Cherie Ward; Washington Grove Elementary School - Russ Bradshaw; Rosemont Elementary School - Cynthia Resnick; Goshen Elementary School - Theresa Lipari; Gaithersburg Elementary School - Vivienne Patton; and Summit Hall Elementary School - Hiranya Parakrama.

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

#### **Council Vice President Sesma**

1. Thanked his colleagues and staff for a great 2008 year. Thanked the Kentlands Community Foundation for their support of the Dolores Swoyer Scholarship Program. Also, thanked the walkers and coordinators for the Help the Homeless Walk-A-Thon, and congratulated Ridgeview Middle School for receiving the GREAT Award.
2. Wished all happy holidays and urged citizens to donate to the Holiday Giving Program which the City partners with Montgomery County to help those in need during the holiday season.

#### **Council Member Drzyzgula**

1. Attended the Maryland Municipal League (MML) Legislative Dinner with other elected officials to outline the City's 2009 Legislative Priorities.
2. Attended the annual Gaithersburg/Germantown Chamber of Commerce (GGCC) Dinner. Outstanding businesses were recognized with awards and addressed the concerns and interest of the business community.
3. Echoed remarks to donate to the Holiday Giving Program. Stated that \$15 Target Gifts would be greatly appreciated. Citizens can drop the much needed gift cards to the City's Community Services Division by 12 p.m. on Thursday, December 18<sup>th</sup>.
4. Announced that the City, nonprofit organizations and Inova Blood Donor services will host a blood drive on Tuesday, December 30 from 2 to 7 p.m. at the Casey Community Center, 810 South Frederick Avenue, Gaithersburg, Maryland.

#### **Council Member Ashman**

1. Attended numerous meetings and events including the Council in Communities meeting with the Hidden Creek neighborhood, MML Legislative Dinner, Committee for Montgomery Breakfast, Jingle Jubilee, and much more.
2. Wished all a wonderful, safe, healthy, happy holiday season. Stated that 2009 will be challenging, but an exciting time for the City and County.
3. Urged citizens to subscribe to Alert Gaithersburg, an emergency notification system at <http://alert.gaithersburgmd.gov>. Subscribers will be instantly notified of emergency alerts, major weather and traffic notifications and other urgent news.

#### **Council Member Spiegel**

1. Attended the Committee for Montgomery Breakfast and had the opportunity to meet with other legislators and community leader to discuss the priorities for the coming year which will be challenging on many levels of government due to budget constraints.
2. He along with his colleagues as the Historic District Commission participated in a Historic Preservation Training session.
3. Thanked staff on their efforts for the Jingle Jubilee festive event. Attended the Winter Lights festival which is an outstanding display of lights. He mentioned that several local charities will benefit from the funds raised from the event. Echoed thanks to the Kentlands Community Foundation for their support. Offered congratulations to Ridgeview Middle School on their GREAT award and thanked the Friends of Wells/Robertson House for their efforts with Help the Homeless Mini-Walk.
4. Attended an event at City Hall with the State Attorney General Gansler as part of his statewide river audit program. Stated it was an opportunity to discuss Great Seneca Creek and hear their assessment of the environmental situation surrounding the watershed.
5. Echoed holiday wishes to all during this season. He encouraged citizens to find a worthy cause to give and support.

**Council Member Marraffa**

1. Thanked his colleague for a great year, wished all a happy New Year, and again welcomed City Manager Jones and City Attorney Board aboard for 2009.
2. Congratulated the GGCC award recipients and new City police officers.
3. Thanked City staff for great night at the Jingle Jubilee event.
4. Attended the Council of Government's Annual Luncheon.
5. Attended the City's annual Economic Development Committee Breakfast. County Council President Andrews was the guest speaker.
6. Reported he participated in a national teleconference with the National League of Cities to discuss economic recovery and a stimulus package for 2009.

**Mayor Katz**

1. Requested the following motion:

Motion was made by Council Member Sesma, seconded by Ashman, that the Mayor and City Council conduct a closed session immediately following the regular meeting of December 15, 2008, pursuant to Section 10-508(a)(3) and (a)(7) State Government Article of the Annotated Code of Maryland for the purpose of discussing whether staff should initiate discussions and negotiations of parcels within the City and consult with counsel to obtain legal advice about pending litigation.

Vote: 5-0

2. Announced the following meeting schedule:
  - no work sessions scheduled for Monday, December 22 and 29, 2008.
  - next regular meeting Monday, January 5, 2009.

**VI. FROM THE CITY MANAGER**

Reported that the State Highway Administration had approved the proposed alignment for the eastern segment of the Watkins Mill Extended. She stated that final site plans for Casey East had been on hold pending the approval and now the project can move forward.

**VII. PUBLIC HEARINGS****A. An Application to the Maryland Department of Housing and Community Development under its Neighborhood Conservation Initiative Program for Federal Neighborhood Stabilization Funds**

Housing and Community Development Director Kauffmann stated that the State of Maryland was awarded nearly \$27 million from the U.S Department of Housing and Urban Development (HUD) under the Housing and Economic Recovery Act of 2008, which appropriated \$4 billion for States and eligible units of local government for the redevelopment of abandoned and foreclosed upon residential properties. She noted that the City was not entitled to these funds as a direct grantee; however, the City will apply through a competitive process to the Maryland Department of Housing and Community Development under its Neighborhood Conservation Initiative Program

(NCI). The State intends to award \$17 million to local governments and eligible applicants throughout the state. If awarded funds, the City intends to take a multi-pronged approach to stabilizing communities through closing cost assistance, homeownership counseling, soft-second loans, and by partnering with experienced non-profit organizations to acquire and rehabilitate properties abandoned through foreclosure.

The City is required to submit a preliminary application on November 5, 2008. Prior to submission of its final application, due January 15, 2009, the City is required to conduct a public hearing and to solicit comments on its proposed NCI Plan. Additionally, the Mayor and Council are required to vote on a Resolution in support of the proposed activities, prior to submission. In response to a question, she stated that the City will need to go back to the state to request that the funds be used for another neighborhood other than the intended.

There were no speakers from the public.

Motion was made by Council Member Sesma, seconded by Council Member Spiegel, that the Mayor and City Council hold the record open on the above until Friday, December 26, 2008, 5 p.m.

Vote: 5-0

**B. Proposed Amendment to Section 57 of the City Charter and Adoption of a Resolution Establishing New Administrative Purchasing Procedures**

Finance and Administration Director Belton stated the proposed amendments would establish new purchasing regulations. The Charter amendment would delete purchasing limits from the Charter and require adoption of purchasing procedures by resolution. The proposed purchasing procedures would increase the current purchasing limits. Section 57 of the City Charter establishes dollar limits for purchases requiring sealed bids and Council approval. The dollar limits had not been updated since 1997. The Finance Department had surveyed other jurisdictions to compare the City's purchasing limits with other governments and found that the City's purchasing limits are generally below other similar jurisdictions.

There were no speakers from the public.

Motion was made by Council Member Drzyzgula, seconded by Council Member Sesma, that the Mayor and City Council hold the record on the above until Friday, December 26, 2008, 5 p.m.

Vote: 5-0

**C. Proposed Amendment to Section 61 of the Charter Entitled "Prohibitions and Restrictions Regarding Persons in Classified Service"**

Assistant City Manager Felton stated that during the course of conducting research for the Ad Hoc Elections Ordinance Review Committee, City Attorney Board noted that the restrictions contained in Section 61 of the City Charter concerning political activity by persons in classified service of the City were entirely too broad and were unconstitutional. The proposed amendment would eliminate the unconstitutional language but would continue to prohibit staff from participating in political activity during working hours or while representing the City in an official capacity. In response to a question, Mr. Felton defined persons in classified service as employees, not department heads and City Manager.

There were no speakers from the public.

Motion was made by Council Member Marraffa, seconded by Council Member Sesma, that the Mayor and City Council hold the record on the above until Friday, December 26, 2008, 5 p.m.

Vote: 5-0

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MAYOR KATZ RECESSED THE MAYOR AND COUNCIL MEETING AT 8:15 P.M.  
FOR A HISTORIC DISTRICT COMMISSION MEETING. THE MAYOR AND  
COUNCIL MEETING RECONVENED AT 8:20 P.M.

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**VIII. ADJOURNMENT**

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 8:21 p.m.

Respectfully submitted,

*Doris R. Stokes*

Doris R. Stokes  
Executive Assistant