



Gaithersburg

A CHARACTER COUNTS!

CITY OF GAITHERSBURG
MINUTES OF A REGULAR CITY COUNCIL MEETING
MONDAY, MARCH 16, 2009

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, Planning and Code Administration Direction Ossont, Parks, Recreation and Culture Director McGleish, Capital Projects/Facilities Director Geiling, City Attorney Board and Executive Assistant Stokes. Planning Commissioners present for the joint public hearings: Bauer, Hopkins, Kaufman, Lanier, and Levy.

Mayor Katz announced that agenda item for the Wells/Robertson House Fire Code Upgrades Project had been deferred.

I. PLEDGE OF ALLEGIANCE

The Pledge was led by Thomas Rowse, Gaithersburg, Maryland.

II. INVOCATION

The invocation was led by the Reverend Dr. Thewodros Asfaw, Shady Grove Adventist Hospital.

III. APPROVAL OF MINUTES

Motion was made by Council Member Ashman, seconded by Council Member Spiegel, that the minutes of the Mayor and Council work session held February 9, 2009, topic #2, be approved.

Vote: 5-0

Motion was made by Council Member Marraffa, seconded by Council Member Ashman, that the minutes of the Mayor and Council work session held February 23, 2009, be approved.

Vote: 5-0

Motion was made by Council Member Sesma, seconded by Council Member Drzyzgula, that the minutes of the Mayor and Council regular meeting held March 2, 2009, be approved.

Vote: 5-0

IV. APPOINTMENTS**A. Resolution Establishing a Gaithersburg Book Festival Ad Hoc Committee and Confirming Appointments Thereto**

The Gaithersburg Book Festival Ad Hoc Committee, a sub committee of the Gaithersburg Cultural Arts Advisory Committee, will work with the City's Cultural Art staff to develop and organize the Gaithersburg Book Festival. The Committee will:

- Name the book festival.
- Research and develop the overall scope of the Book Festival.
- Build partnerships with regional and local bookstores, publishers, writing centers, authors, colleges and universities that contribute to the success of the festival.
- Support professional growth opportunities at the festival for aspiring writers.
- Initiate opportunities for authors and readers to interact in dynamic and meaningful ways.
- Develop and implement a City that Reads type program, including a Mayor's Book Club as an adjunct to the festival.
- Seek sponsors and other funding opportunities.
- Assist with the marketing and implementation of the festival.

This resolution established and confirmed the following appointments: Delegate Luiz Simmons, House Office Building, 6 Blanden Street, Annapolis, Maryland 21401, Dee Aronson, 106 Midtown Road, 20878, Joel Aronson, 106 Midtown Road, 20878, Rebecca Meloan, 311 Tschiffely Square Road, 20878, Laura Rowles, 4 Professional Drive, 20879, Sonya Burke, 216 Winter Walk Drive, 20878, Tabatha Yeatts, 216 Winter Walk Drive, 20878, Jonathan Cohen, 5730 Woodfount Glade, New Market, Maryland 21774, Bob Murphy, 1219 Main Street, 20878, Harold Wooten, 9113 Huntmaster Road, Laytonsville, Maryland 20882, and Sarah Benson, Barnes & Noble Gaithersburg, 21 Grand Corner Avenue, 20878.

Motion was made by Council Member Ashman, seconded by, Council Member Sesma, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL ESTABLISHING A GAITHERSBURG BOOK FESTIVAL AD HOC COMMITTEE, A SUB COMMITTEE OF THE GAITHERSBURG CULTURAL ARTS ADVISORY COMMITTEE AND CONFIRMING APPOINTMENTS THERETO (Resolution No. R-13-09), be approved.

Vote: 5-0

V. PRESENTATIONS**A. GREAT Awards**

On behalf of the Education Committee, Mayor Katz joined by Education Member Marion Perry presented GREAT Awards to Brown Station Elementary School and Washington Grove Elementary 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. Washington Grove Elementary School celebrated their 3rd Annual Family Reading Night. Brown Station Elementary School celebrated their "Read to Me, Talk to Me" Program for grades K-2.

VI. PUBLIC APPEARANCES

No speakers from the public.

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

1. Thanked those appointed to serve on the Book Festival Committee established above.
2. Commended staff on an excellent St. Patrick's Day Parade and acknowledged the participants.
3. Mentioned the National League Cities (NLC) Congressional Conference. Stated that he attended several sessions and participated in a discussion on policies for children and families.

Council Member Spiegel

1. Attended a dinner with state legislators in Annapolis sponsored by the firm that advocates on behalf of Gaithersburg. The dinner gave the Mayor and City Council another opportunity to discuss priorities for the City of Gaithersburg.
2. Several members of the Council attended the annual dinner sponsored by the Montgomery County Coalition for the Homeless. Asked that the City consider annually purchasing a table at the event.
3. Had the opportunity to be a guest reader at Rachel Carson Elementary School.
4. Congratulated Brown Station and Washington Grove Elementary Schools on their GREAT Awards. Recognized and congratulated the outstanding students that performed at the Young Artists Award event. Echoed the comments above on the St. Patrick's Day and NLC Congressional Conference.
5. Mentioned an article in the Washington Post at www.washingtonpost.com/wp-dyn/content/article/2009/03/11/AR2009031103831.html explains that ordering wind energy is now actually cheaper than standard PEPCO. Additional information can be found at www.cleancurrents.com. Citizens can sign up to change the electricity in their homes. Staff was directed to place the link on the City's website. He further mentioned that Montgomery County www.montgomerycounty.gov provides an additional subsidy to residences and businesses to reduce the price.
6. Appointed to the NLC Transportation Policy Committee to address infrastructure issues.
7. Announced that on March 18, 7 p.m., the County Planners will host a public forum on the Gaithersburg West Master Plan at the Planning Board's training facility, 16641 Crabbs Branch Way in Rockville. In addition, the Montgomery County Planning Board scheduled a public hearing on the Draft "Gaithersburg West" Master Plan on Thursday, March 26, 2009, 7 p.m. The plan includes development of the Belward Farm and the Science City, as well as the proposed routes for the Corridor Cities Transitway.

Council Member Marraffa

1. Reported former City Council Member Blanche Keller has returned to the hospital and wished her well.
2. Mentioned he is a member of the NLC Advisory Council and past chairman of the Economic Development Committee. Attended meetings during the conference which focused on the American Recovery Reinvestment Act. He suggested a meeting with staff to discuss strategies on how the City can change the fact that money is not coming down to the cities.
3. He, Mayor Katz and Council Drzyzgula participated in a tour and meeting for the Fishman Building in Olde Towne. Suggested staff put together an inventory on all available parking, public

and private in the City. In addition he asked for a list of potential parking areas.

4. Attended the Gaithersburg Holiday Inn grand reopening.
5. Met with Police Chief King to discuss issues important to the City. Issues discussed were speed camera placement and police response. Asked that a work session be scheduled for further discussion.
6. Thanked staff for a wonderful St. Patrick's Day Parade.

Council Vice President Sesma

1. Thanked the public for coming out to the St. Patrick's Day Parade. He mentioned that 65 units participated.
2. Expressed well wished to former City Council Member Keller.
3. Encouraged citizens celebrating in St. Patrick's Day activities to use a designated driver. Also encouraged citizens to participate and testify at the Gaithersburg West Master Plan hearings due to the impact on residents.
4. Reported he, Council Member Drzyzgula and staff attended the State Highway Administration (SHA) public meeting which focused on improving pedestrian safety on Route 355 between Chestnut and O'denhall. Stated that SHA looked at data requested by the City and found that the accident rate was high along that stretch and is reconsidering the City's request to construct a median strip and look for solution to better mark crosswalks.
5. Announced that the cities of Gaithersburg and Rockville have joined forces to offer a Rainscapes Rewards programs to residents of the two municipalities. The program is in an effort to reduce stormwater runoff and stream erosion. Residents are encouraged to install rain barrels on their properties. Free workshops will be offered March 21 from 1:30 to 3:30 p.m. at the Activity Center at Bohrer Park and April 18 from 1:30 to 3:30 p.m. at the Rockville Senior Center on Carnation Drive.
6. Attended the Energy Environmental Natural Resources Steering Committee meeting during the NLC Congressional Conference. The committee will continue with their policy development to make recommendations to the NLC on sustainability, climate change, electronic waste and other issues.

Council Member Drzyzgula

1. Attended the Information Technology and Communications Committee meeting at the NLC Congressional Conference which focused on the analog to digital TV conversion. For additional information from the FCC go to www.dtv.gov.
2. Reported that the Metropolitan Washington Council of Governments Chesapeake Bay and Water Quality Committee met to discuss a resolution supporting a ban on the use of disposable non-recyclable plastic carryout bags and a fee on all other disposable carryout bags. She stated that there is legislation pending in Washington, D.C. and possibly in Maryland prohibiting the bags and taxing at 5 cents a bag. She provided a draft resolution to the Mayor and City Council and suggested a future discussion to develop the City's position.
3. Expressed appreciation for the City's high speed internet connection.
4. Reiterated the need to improve pedestrian safety on Route 355 and added that there is also a high rate of vehicle accidents. Added the SHA will come back with short and long term alternatives.

Mayor Katz

1. Reported that he serves on the NLC Fair Committee and the discussions were focused on the economy.
2. Announced the following meeting schedule:
 - work session, Monday, March 23, 2009 to receive a presentation from County Councilmember Marc Elrich on a Concept for Bus Rapid Transit.
 - next regular meeting April 6, 2009.

VIII. FROM THE CITY MANAGER

- Announced that the Mayor and City Council identified the priorities in a letter to County Council President Andrews regarding the items that should be included in a binding agreement with the County concerning the GE/FinMarc Tract. In addition, a letter was sent the Chief Executive Officers stating the same priorities. Staff is awaiting a meeting date to discuss the next steps.
- Announced that the County Council's Public Safety Infrastructure Energy and Environmental Committee scheduled a joint work session on March 26, 2009, 2 p.m.

IX. CONSOLIDATED JOINT PUBLIC HEARINGS

- A. **Z-309, Application Requests Rezoning of 3.6859 Acres of Land From R-20 (Medium Density Residential) to CD (Corridor Development) in Accordance With §24-196 (Map Amendments) and §24-160G.6 (Procedure for Application and Approval) of the City Code. The Property is Located at 12-16 South Frederick Avenue, and Includes Parcels N323 & N271, and is Known as Executive Gardens**
- B. **SDP-08-005, Application Requesting the Redevelopment of 3.6859 Acres of Land Located at 12-16 South Frederick Avenue, and Includes Parcels N323 & N271, and is Known as Executive Gardens Apartments. The Plan Proposes a 268-Unit Multiple-family Building With Structured Parking**

Planner Marsh introduced the above stating that the hearings were advertised in the *Gaithersburg Gazette* on February 25 and March 4, 2009, property properly posted. The applicant, Keystone REI, represented by Mr. Jody Kline of Miller, Miller and Canby, requests the rezoning of this property, located at the intersection of South Frederick Avenue (MD 355) and the State Highway Administration (SHA) service ramp, from the R-20 (Medium Density Residential) Zone to the CD (Corridor Development) Zone. A requested map amendment to the CD zone requires the concurrent submission of either a concept plan or schematic development plan per §24-160G.6 (Procedure for application and approval) of the City Code. The applicant has selected to submit a schematic development plan. The subject site lies within the Fairgrounds Commercial District of the Frederick Avenue Corridor Special Study Area Master Plan. The Master Plan states that, "Owners of properties not comprehensively rezoned are encouraged to apply for rezoning to the CD Zone in order to meet the goals and objectives of the Frederick Avenue Corridor Master Plan." The applicant is proposing to redevelop 85 garden style apartments. The proposed plan would include a 268-unit multiple family building with underground parking. The proposal also includes Parcels N323 and N271, adjacent to George Street.

Jody Kline of Miller, Miller and Canby, gave an overview of the principles to apply to the rezoning application. He stated that the traffic study had been reviewed and approved by the City's Traffic Engineering Services Director Mumpower and noted that it meets the City's standards for levels of service. He further stated that rezoning the site to the CD Zone would meet the goals and strategies of the Corridor Master Plan and improve the quality of life within the Corridor.

Richard Koch, Applicant Keystone REI, showed an aerial of the site which is currently zoned R-20 and presented several challenges to the site due to existing conditions. He stated that rezoning the site to the CD Zone and the proposed redevelopment would help enhance the economic vitality of the area. He gave an overview of the onsite amenities such as a swimming pool, outdoor courtyards and seating areas, internal clubroom, fitness center, business center, green area, increased forestation, new stormwater management system, elevations, and a two-level parking garage. He stated that the proposed development meets many of the recommendations of the City's Master Plan.

Several members of the City Council and Planning Commission expressed concern with the impact on George Street residents, traffic patterns, and pedestrian connectivity/sidewalks, requested parking waiver, expense of additional parking for tenants, alternate parking for visitors, fire and rescue access, high density, lack of three bedroom units, perception of area schools, and the proposed tower. It was stated that the proposed redevelopment would support the revitalization of Olde Towne.

Speakers from the public on both hearings:

1. *Linda Gore, 60 Oak Shade Road, representative of the Gaithersburg Affordable Housing Committee*, agreed that redevelopment is needed, but the lack of replacing low income housing is a concern.
2. *Mike Quinlan, 2 Cedar Avenue*, thanked the applicant for the informational brochure and the City's information on the website. Expressed concern with the decrease in homeownership and increase of crime in the area. He asked that increased noise and lighting from the proposed redevelopment be addressed.
3. *Donna Buckingham, 4 Cedar Avenue*, had concern with the lack of mature trees in the area to create a buffer from the redevelopment, increased noise and traffic.
4. *Tom Rowse, 101 Dogwood Drive*, stated the proposed project is another gateway into Olde Towne and expressed support for the requested rezoning to the CD Zone and the project.
5. *Clark Day, 26 Walker Avenue*, expressed support for the project due to the LEED certified design and redevelopment in Olde Towne. He asked that the project be put on the fast track.
6. *Patricia Marchetti, 106 George Street*, corrected the applicant on the location of the fire hydrant and stated she is opposed to proposed project due to the density, traffic, parking, lack of sidewalks and pedestrian safety.
7. *Prentiss Searles, 10 Walker Avenue*, stated that there are no easy answers, but revitalization to the aging buildings in Gaithersburg are necessary.
8. *Jim Clifford, 320 East Diamond Avenue*, stated the proposed project is a component to the revitalization of Olde Towne. He stated that the redeveloped, improvements to the infrastructure and the build up of the businesses in Olde Towne are needed.

There were no other speakers.

Motion was made by Commissioner Kaufman, seconded by Commissioner Hopkins, that the Planning Commission hold the record on Z-309, open until 5 p.m., Thursday, April 30, 2009.

Vote: 5-0

Motion was made by Council Member Sesma, seconded by Council Member Spiegel, that the Mayor and City Council hold the record on Z-309, open until 5 p.m., Friday, May 15, 2009.

Vote: 5-0

Motion was made by Commissioner Kaufman, seconded by Commissioner Hopkins, that the Planning Commission hold the record on SDP-08-005, open until 5 p.m., Thursday, April 30, 2009.

Vote: 5-0

Motion was made by Council Member Sesma, seconded by Council Member Ashman, that the Mayor and City Council hold the record on SDP-08-005, indefinitely to address several concerns.

After further discussion, the following motion was made:

Motion was made by Council Member Sesma, seconded by Council Member Ashman, that the Mayor and City Council motion above on SDP-08-005, be withdrawn.

Vote: 5-0

The following motion was made:

Motion was made by Council Member Marraffa, seconded by Council Member Sesma, that the Mayor and City Council hold the record on SDP-08-005, open until 5 p.m., Friday, May 15, 2009.

Vote: 5-0

X. ORDINANCES, RESOLUTIONS, AND REGULATIONS

A. Resolution Adopting the Strategic Plan for the City of Gaithersburg

During the January 26, 2009 Mayor and City Council work session, staff gave a presentation on the City's financial status and outlook and an overview of the CIP. The public was given the opportunity to provide input on issues. During the second session held February 7, 2009, department heads gave presentations and the draft Strategic Plan was reviewed. Guidance was provided by the Mayor and City Council on a number of revisions and key strategic objectives, which were incorporated into the draft plan. Key strategic objectives were consolidated into a list of thirty-one action items. On February 17, 2009, City Manager Jones gave a brief overview of the retreat and the revised Strategic Plan. Public comments had been incorporated into the revised document. The adopted 2009 Strategic Plan will be posted on the City's website and used as a basis for the City Manager's proposed FY'10 Operating and Capital Budgets.

Motion was made by Council Member Marraffa, seconded by, Council Member Ashman, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL ADOPTING THE STRATEGIC PLAN FOR THE CITY OF GAITHERSBURG (Resolution No. R-14-09), be approved.

Vote: 5-0

B. Resolution to Enter into a Contract for the B&O Station Roof Replacement Project

This resolution authorized the City Manager to enter into a contract for construction services for the B&O Station Roof Replacement Project to Xpert Xteriors, 3720 Devin Court, Huntington, Maryland 20639, in the estimated amount of Eighty-Four Thousand Seven Hundred Seventy-Seven Dollars (\$84,777), plus an additional Sixteen Thousand Nine Hundred Fifty-Five Dollars (\$16,955) contingency for unexpected expenses; said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Sesma, seconded by, Council Member Marraffa, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE B&O STATION ROOF REPLACEMENT PROJECT (Resolution No. R-15-09), be approved.

Vote: 5-0

XI. FROM STAFF

City Attorney Board

Updated the Mayor and City Council on two cases pending against the City. She stated that the City filed a motion for summary judgment in the Fliegel matter asking for a deposition that all the counts to be dismissed. The plaintiff also requested a summary judgment against the City on two of the counts. She added that it will be several months before a hearing is scheduled.

In addition, a hearing on the Mora case was heard in the Circuit Court. The case was dismissed and remanded back to the District Court for further proceedings within the next 45 days.

XII. ADJOURNMENT

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 10:20 p.m.

Respectfully submitted,

Doris R. Stokes

Doris R. Stokes
Executive Assistant