



MAYOR AND CITY COUNCIL WORK SESSION AGENDA

Monday, July 13, 2009

7:30 p.m.

City Hall Council Chambers

(Please turn off all cellular phones and pagers prior to the meeting. Hand held signs brought into the Council Chambers may not be displayed in a manner which disrupts the meeting, blocks the view of spectators or cameras and poses a safety concern [e.g., signs mounted on stakes]. Your cooperation is appreciated.)

I. Call to Order

II. Topic(s)

A. Presentation on 2009 Master Plan Update

III. Adjournment

This schedule is subject to change. Work Sessions are broadcast over Cable TV, Channel 13 and on the Internet at www.gaithersburgmd.gov/tv. Receive City agendas, minutes and news via e-mail. Log on to the myGaithersburg e-mail-based news service at www.gaithersburgmd.gov/myGaithersburg. Please contact 301-258-6310 prior to meetings to confirm accessibility accommodations.

THE NEXT REGULAR MEETING OF THE MAYOR AND CITY COUNCIL
WILL BE HELD MONDAY, JULY 20, 2009 at 7:30 P.M.
COUNCIL CHAMBERS, 31 SOUTH SUMMIT AVENUE

TO CONFIRM ACCESSIBILITY ACCOMMODATIONS,
PLEASE CONTACT DORIS STOKES AT CITY HALL, 301-258-6310

UPCOMING COUNCIL MEETING

This list is not all-inclusive, and does not reflect priorities or scheduling
But is intended to provide a glance at future items to come before the City Council.

Regular Meeting of the Mayor and City Council

- | | | | |
|----------------------|------------------------------------|---|--|
| Mon., July 20 | Ord./Res./Reg. | - | Resolution Granting a Waiver of the Environmental Standards for Diamond Farms |
| | | - | Introduction to Amend Election Ordinance |
| | Consolidated Public Hearing | - | JOINT – Z-307(A), Amendment to Summit Center Sketch Plan |
| | | - | JOINT - SDP-09-002, Residence at Hidden Creek |
| | Pol. Discussion | - | Amendments to Chap. 4 of the City Code “Animals and Fowl” |

Call to Order

Work Session Topics

MEETING DATE:

July 13, 2009

RESPONSIBLE STAFF:

**Greg Ossont, Director
Planning and Code
Administration**

Lauren Pruss, Planning Director

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
X	Work Session Discussion Item
	Other: Staff guidance

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE: 2009 Master Plan Update
Presentation on 2009 Master Plan Update

SUPPORTING BACKGROUND:
In preparing to initiate the 2009 Master Plan update, staff has arranged a short power point presentation. The presentation will provide a brief overview of the components of the 2003 Master Plan, subsequent changes and mandates by the State of Maryland and a suggested strategy for proceeding with the 2009 update this fall.
Staff will be seeking guidance on the suggested strategies in moving forward but will not be seeking guidance on specific land uses, zoning categories or suggestions on specific parcels or tracts of land in the City at this time.

DESIRED OUTCOME:
Hear presentation and provide staff guidance.

2009 Master Plan Update

Work Session

July 13, 2009

2003 Master Plan Components

- Process and Overview
 - Themes
 - Strategic Directions
 - Trends
 - Visioning
 - Special Conditions
- Land Use Plan
 - Map Designations
 - Special Study Areas
 - Elements
 - Municipal Growth
 - Historic Preservation
 - Community Facilities

2003 Master Plan Lessons Learned

- 10 Special Study Areas
 - 57 Map Designations
 - Included *Themes, Visions and Guiding Principles* in addition to the Strategic Directions, Actions and Objectives
-
- State Mandated Changes (new elements)
 - City Policies Change

2009 Policy and Overview Recommendations

- Limit Special Study Areas and Map Designations
- Include only the established Strategic Directions adopted by M&CC
- Use SD's as baseline for the Planning Visions required by State of Maryland
- Keep Elements updates simple

Priority Elements Recommendations

- Water Resources
- Transportation
- Environment (year)
- Community Facilities (year)
- Historic Preservation (year)
- Municipal Growth (year)

2009 Land Use Element Recommendations

- Zoning & Land Uses Categories
- Reduce Map Designations to 30 - 40
- Identify 2 - 3 Special Study Areas max.
- Prioritize Elements to reflect State timing requirements as well as length of time since last update

Suggested Map Designation Criteria

- 30 - 40 Total
- Smaller tracts or areas
- No imminent development proposals
- Parcel(s) might have specific or unique characteristics

Special Study Area Criteria

- Imminent development proposal and/or
 - Parcel or areas that warrant significant City resources in conducting extensive studies
-

Next Steps

- Process and Overview Public Hearing (Fall 2009)
- Introduce Land Use Element including Map Designations/SSA's (Fall 2009)
- Water Resource Element Public Hearing (Fall 2009)
- Transportation Element Public Hearing (Winter 2010)

Adjournment

From Staff

For Release July 2, 2009

Gaithersburg City Guide Receives Environmental Communication Award

Gaithersburg, MD. The Gaithersburg City Guide, an annual publication providing news and information about the Gaithersburg community, received a 2009 ECO Merit Award for Excellence in Environmental Communications from Global Environmental Communications, LLC. The award was presented in the category of Custom-Published Magazine.

ECO awards recognize outstanding achievement by environmental communication professionals, with awards being presented for overall effectiveness of environmental messages. 174 entries were received, with 10 Awards of Excellence and 42 Awards of Merit being presented.

Produced in partnership with the *Gazette* Newspapers, the Gaithersburg City Guide is written by Gaithersburg Public Information Director Britta Monaco. Each year the Guide focuses on a different aspect of the community. The 2009 Guide provided an overview of the City's efforts surrounding environmental sustainability, including the City's Green Streets pilot stormwater management program, reforestation efforts, stringent green building codes for residential and commercial development, and outreach and education initiatives. Environmental Affairs Director Erica Shingara contributed to the piece. It is available for viewing online from the "About the City" navigation button at www.gaithersburgmd.gov.

Gaithersburg's Public Information Office, a division of the Department of Community and Public Relations, informs citizens about their City government and its programs using various communication tools, including news releases, magazines, informational brochures and postcards, the website, cable television Channel 13, and outside advertising. Please visit the City's website for more information.

###

Mayor
Sidney A. Katz

City Manager
Angel L. Jones

Council Members

Jud Ashman Cathy C. Drzyzgula Henry F. Marraffa, Jr. Michael A. Sesma Ryan Spiegel

For Release July 2, 2009

Photographers, Ceramicist Featured at Arts Barn Gallery

Gaithersburg, MD. “Three Guys – Three Cameras” featuring the works of Frank Herzog, Harald Hoiland and Terry Popkin, and “Projection and Perception,” a collection of the ceramic works of Min Xu, will be on display in the Arts Barn Gallery July 3 through September 7, 2009. An artist’s reception will be held on Tuesday, September 1 from 7 to 8:30 p.m. The Arts Barn is located at 311 Kent Square Road in Gaithersburg.

Frank Herzog has been a radio and television broadcaster in Washington, D.C. for 30 years, working as a reporter, anchor, sportscaster and play-by-play man. He spent 25 years as the “Voice of the Washington Redskins” and was also the “Voice of the Washington Bullets” during the team’s only NBA championship in 1978. He currently works part-time at WTOP Radio as he pursues various interests, including photography and acting. Herzog began his photography on the first night of the 1968 “Tet Offensive” at Danang Air Force Base in Vietnam, with an Asahi Pentax camera purchased at the Base Exchange. He captured the explosion of an F-4 Phantom jet on Kodachrome 25 that night. Twenty five years and twenty cameras later he continues to make photographs of all things that interest him. For this exhibit Herzog has done something completely new and different – printing photographs on exotic woods. The image is printed directly onto the finished surface where the grain of the wood absorbs the ink, and because no two pieces of wood are exactly alike, each image is a one-of-a-kind product.

Montgomery County-based Harald Hoiland has worked at WUSA, Channel 9 as a news photographer and videographer for more than 20 years and has been a Member of the White House News Photographers Association for more than 15 years. Hoiland has received numerous awards for his film and video work, including Baltimore News Photographer of the Year, White House News Photographer of the Year, and a local Emmy from the National Academy of Arts and Sciences. His works are produced to museum quality standards, individually printed with archival inks and papers.

Terry Popkin became interested in electron microscopy at NIH after receiving a B.S. degree in Chemistry/Physics and an M.S. degree in Microbiology at The Pennsylvania State University. His expertise in biomedical photography led to an interest in other aspects of the medium, especially fine-art photography. He believes that creativity is the basis of both fine art and fine photography, and it is essential for him to be not only an expert craftsman, but imaginative and caring. Popkin retired in 1992, and now devotes his life to photography. He spent a month photographing in Alaska in 1996, and to date he has photographed over 1,000 Bar/Bat Mitzvah and wedding events.

-more-

Mayor
Sidney A. Katz

City Manager
Angel L. Jones

Council Members

Jud Ashman Cathy C. Drzyzgula Henry F. Marraffa, Jr. Michael A. Sesma Ryan Spiegel

2 – 2 – 2 / Photography, Ceramics Exhibit at Arts Barn

Born to professional artists in Shanghai, China, Min Xu was immersed in both Western arts and Eastern artistic tradition at an early age. During the Cultural Revolution he was sent to a state farm to work in masonry. But his artistic talent quickly attracted attention and he was promoted to architectural illustrator. After the Cultural Revolution, with skills in three-dimensional drawing and the ability to envision the conceptual relationship between space and objects, he became the only candidate in Shanghai admitted to the pottery department of one of the most prestigious art colleges in China, the Central Academy of Arts and Crafts in Beijing. He eventually served there as a faculty member then pursued graduate work at George Washington University. To create new, more interesting art, Xu breaks the wholeness of the form once it is completed on the wheel. He then puts it together again with “imperfect” pieces that are rearranged to make the form more beautiful. For this exhibit Min Xu created beautiful tea sets that “carry” his best traditions and amazing artistic skill.

Please note that all images are copyrighted by the artists. For more information and viewing hours please call Gallery Director Natalya Parris at 301-258-6350 or 301-258-6394 or visit the City’s website at www.gaithersburgmd.gov/artsbarn.

###

Mayor
Sidney A. Katz

City Manager
Angel L. Jones

Council Members

Jud Ashman Cathy C. Drzyzgula Henry F. Marraffa, Jr. Michael A. Sesma Ryan Spiegel



For Release June 29, 2009

Police Investigate Armed Robbery in Kentlands

Gaithersburg, MD. Gaithersburg Police Detectives are investigating an armed robbery that occurred at 5:45 p.m. on June 16, 2009 at the intersection of Kentlands Boulevard and Booth Street in the Kentlands community of Gaithersburg. Two suspects are in custody and police seek help in locating two additional suspects who remain at-large.

The investigation revealed that the victim, a 20-year-old male, met with two acquaintances and an unknown male at the fountain located on Main Street in the Kentlands. They then drove to the intersection of Kentlands Boulevard and Booth Street where they met a fourth unknown male. The four males then confronted the victim, displayed a handgun, and assaulted him. The suspects took cash from the victim and fled from the scene. The victim was transported to an area hospital for treatment of non-life-threatening injuries.

Through the course of the investigation Christopher Michael Garboczi, age 20, of the 17000 block of Parkridge Drive in Gaithersburg and Jack Witzel, age 16, of an unconfirmed address in Libertytown were developed as suspects, taken into custody, and charged. Witzel was charged as an adult. Both were charged with armed robbery, use of a handgun in a violent crime, first-degree assault, reckless endangerment and conspiracy to commit armed robbery. Garboczi was released on a \$50,000 bond and Witzel is being held at the Montgomery County Detention Center on a \$50,000 bond.

Police are asking for the public's help in identifying and locating the two additional suspects. Anyone who may have more information about this crime and the remaining suspects is asked to contact the Gaithersburg Police Investigative Section at 301-258-6400. Those who wish to remain anonymous may call the Gaithersburg Police Tip Line at 301-330-4471.

###

Mayor
Sidney A. Katz



City Manager
Angel Jones

Council Members

Jud Ashman Cathy C. Drzyzgula Henry F. Marraffa, Jr. Michael A. Sesma Ryan Spiegel

Outside Correspondence



LAW OFFICES
MILLER, MILLER & CANBY

CHARTERED

PATRICK C. McKEEVER (DC)
JAMES L. THOMPSON (DC)
LEWIS R. SCHUMANN
JODY S. KLINE
ELLEN S. WALKER
MAURY S. EPNER (DC)
JOSEPH P. SUNTUM

200-B MONROE STREET
ROCKVILLE, MARYLAND 20850
(301) 762-5212
FAX (301) 424-9673
WWW.MILLERMILLERCANBY.COM

SUSAN W. CARTER
ROBERT E. GOUGH
DONNA E. McBRIDE (DC)
GLENN M. ANDERSON (FL)
MICHAEL G. CAMPBELL (DC, VA)
SOO LEE CHO (CA)
AMY C. GRASSO

** All attorneys admitted in Maryland and where indicated*
JSKLINE@MMCANBY.COM

RECEIVED

July 6, 2009

JUL - 6 2009

Mayor and Council of the City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877-2098

RE: Zoning Ordinance Text Amendment T-390;
Amendments to Sections 24-173(a) and 24-173(b) and 24-173(d)(new)

Dear Mayor Katz and Members of the Council:

As a periodic practitioner before the City Council and Planning Commission, I would like to congratulate you on your foresight in considering the Zoning Ordinance Text Amendment referred to above, which will change the initial approval of a site plan to a two year time period for implementation, with the option of a one year extension also possible. I am writing with some brief comments in support of such legislation, although not on behalf of any particular client who might benefit from such legislation.

As the City may be aware, difficulties in proceeding with approved development proposals have been recognized by other jurisdictions. Such recognition includes the following:

1. Action by the Montgomery County Council by adoption of Ordinance No.16-35 on April 1, 2009, extending the validity period for preliminary plans of subdivision for an additional 2.5 years.
2. Extension of building permit validity periods, automatically, for six months as approved by the Montgomery County Council in Bill No. 5-09.
3. It is probably less known that the District of Columbia recently adopted legislation which extended the expiration dates or the validity of special exceptions from two years to four years.

4. The Montgomery County Board of Appeals is presently considering legislation to extend the validity period for special exceptions (which is now two years) for an additional year.

As you can see from the actions of other jurisdictions, the hardships on property owners can be reduced during this critical time by increasing the time period during which construction must commence. This allows parties with development approvals more flexibility to find more appropriate financing and to be able to take advantage of better terms from contractors and for acquisition of construction materials.

This legislation can be very beneficial to both property owners who are presently stymied in their efforts to develop property and can provide a long-term benefit to the City in terms of (a) keeping projects "alive" so that they can improve the City's designscape; (b) bring permit and tax revenue to the City through eventual new development; and (c) stimulate the reputation of the City as being a place that is understanding of interests of businessmen.

I believe that the legislation proposed in Zoning Ordinance Text Amendment T-390 can be beneficial to the business community without having any negative effects on the general public interest.

Thank you for your consideration of these comments on this insightful proposed legislation.

Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "JODY KLINE". The signature is written in a bold, slightly slanted, sans-serif font. A horizontal line is drawn above the signature, extending from the left edge of the signature to the right edge of the page.

Jody S. Kline

JSK/dlt

cc: Angel Jones
Tony Tomasello
Greg Ossont
Lauren Pruss
Lynn Board, Esquire

Mr. Mayor and Gaithersburg City Council.

My name is Edward An, living at 19 Swanton Lane, Gaithersburg, MD and am a resident of Gaithersburg for past 23 years and, currently serving as a Senior Council at the Gaithersburg Up-county Senior Center.

Thank you for allowing me to present our opinion on behalf of large number of senior members of the Center.

As we face this worst economic recession in recent history, we all recognize that everyone has to tighten the belt to meet this challenge, whether that is government and public agency or private sector.

Starting July 1, 2009, all the senior members at the Gaithersburg Up-county Senior Center are faced with a new challenge, that is, across the board increase on membership fees from \$30 last year, to \$40 this year plus additional \$1 per class on all exercise classes conducted by the Senior Center staff. It may sound nothing for some people who are currently working, or who are retired with pension and social security income. Unfortunately, however, as you and we all aware, large number of members are not in those situation and, are barely making their end meet with sole benefit from social security. You may be surprised to know what some people are entitled to get. That \$1 per exercise class per day, \$5 per week, adds up to \$300 per person including annual membership fees. As you see this is a quite a jump from \$30 membership fee and free exercise classes last year to whopping \$300 per person this fiscal year. This exercise class fees amounts almost close to fees charged by commercial Fitness Centers.

Exercise classes being conducted under leadership of our director Grace Whipple are very popular among our members and, this exercise program has won numerous awards from the State and County for their excellence. We all understand that this program contributes tremendously toward the health and well-being of our senior population, thereby saving huge amount of medical expenses for the State and insurance in a sense of long term outlook.

In view of the foregoing, we wish you to reconsider or possibly revert your decision on this newly imposed fees, thereby our city can continue to offer fee-free exercise classes for all seniors, with following list of proposals;

One option to consider is to have Montgomery County government to increase their fair share of our operating expenses. Considering the fact that approximately 70 percent of our 900 members are from out of Gaithersburg City limit, there should be some type of consensus between City of Gaithersburg and Montgomery County to have County government to take up a fair share of our operating expenses.

Other option to consider is to see if we can reduce the existing service at the Center. Even though it may not be realistic to cut or reduce the on-going service, it may be possible to do it based on operational needs of the Center with minimal impact on health and well-being of the members, until such time when the City budget could be stabilized.

Respectfully submitted
Edward An
Senior Council Member

Good evening Mayor and Council Members.

My name is Vandana Kharod and I am a member of the Gaithersburg Senior Council. I wish to register my disappointment with the recent decision to impose a \$1 fee on the Gaithersburg Upcounty Senior Center exercise classes. This new fee will discourage many members from attending the classes, specifically those Seniors who have a very low or \$0 fixed income.

Though \$1/class seems so very little, if a Senior takes a class a day, that amounts to \$260/year + \$40 membership dues/year - quite a fee to ask of those living on SSI benefits, for instance.

Exercise classes play a vital role in Seniors health and fitness. We have made tremendous strides in educating our Seniors about the benefits of routine exercise, but this new fee threatens to reverse those gains. We need to remind people that even in hard times their health is their most important asset and give them every opportunity to maintain or improve their health.

A recent national survey of family doctors shows that our economic recession has taken a startling toll on Seniors' health. Illnesses (such as high blood pressure, high cholesterol, heart attack, stroke and depression) are on the rise. The Centers for Disease Control and Prevention estimate that physically active people save \$330 per year in direct medical expenditures.

I ask the Mayor and Council to rethink other areas of the Senior Center that might be targeted to either reduce expenses or increase revenue and to rescind the recent new charge for exercise classes.

Exercise classes enable our Seniors to be more fit and independent a win/win for both the Seniors and the City.

VKharod@netzero.net

FL: 301-977-4617