



*Gaithersburg*

*A CHARACTER COUNTS!*

CITY OF GAITHERSBURG  
MINUTES OF A REGULAR CITY COUNCIL MEETING  
MONDAY, AUGUST 3, 2009

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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, Planning and Code Director Ossont, Planners Marsh, Robinson and Voigt, Engineering Services Director Mumpower, Youth Services Director Smith, Community Museum Coordinator Woodland, The Activity Center Camp Support Team (Terry Izquierdo, Karen Jordan [not present], April Outman, Betty Woods and Paul Woods), City Attorney Board and Municipal Clerk Stokes. Planning Commissioners present for the consolidated joint public hearing: Kaufman, Lanier, Levy, and Winborne.

**I. PLEDGE OF ALLEGIANCE**

The Pledge was led by Teresa Izquierdo, Receptionist, Department of Parks, Recreation and Culture.

**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 work session held June 22, 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 July 6, 2009, be approved with correction.

Vote: 5-0

Motion was made by Council Member Marraffa, seconded by Council Member Sesma, that the minutes of the Mayor and Council work session held July 13, 2009, be approved.

Vote: 5-0

**IV. APPOINTMENTS**

**A. Resolution Confirming an Appointment**

This resolution confirmed the following: **Police Chief's Advisory Committee**, Mary V. Luhman, 2 Cinzano Court, 20878, two-year term.

Motion was made by Council Member Ashman, seconded by, Council Member Sesma, that a RESOLUTION OF THE CITY COUNCIL CONFIRMING APPOINTMENT BY THE MAYOR TO THE POLICE CHIEF'S ADVISORY COMMITTEE (Resolution No. R-56-09), be approved.

Vote: 5-0

**V. PRESENTATIONS****A. 2009 Second Quarter Employee Recognition Awards**

Congratulations to the winners of the Employee Recognition Award for the First Quarter of 2009, April 1, 2009 – June 30, 2009. The winners are:

**Doris Stokes (Municipal Clerk, Office of the City Manager)** was nominated for a quarterly award for her outstanding work during the process to improve the Mayor and City Council meeting and work session packages.

**Wendy Woodland (Community Museum Coordinator, Parks, Recreation and Culture)** was nominated for a quarterly award for her outstanding efforts in conceiving, planning and implementing a very successful Living History Day on Sunday, June 28, 2009, at Bohrer Park at Summit Hall Farm. The event was part of a county-wide weekend-long celebration of local history.

**The Activity Center Camp Support Team (Terry Izquierdo, Karen Jordan, April Outman, Betty Woods and Paul Woods)** receive a quarterly award for their outstanding support of the City's summer camp program. Throughout the many months of pre-camp and through out the summer these staff members consistently provide a high level of service to the summer camp program as well as the many other Recreation programs that operate at the same time.

**VI. PUBLIC APPEARANCES**

*Samira Hussein, 46 Bryant Court, Member of the Multicultural Affairs Committee*, joined by others presented the Holy Quran to Mayor Katz as part of a program that is working to educate political leaders and policymakers by making such presentations.

**VII. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS****Council Vice President Sesma**

1. Announced the vacancies on various City committees.
2. Congratulated the recipients of the 2009 Second Quarter Employee Recognition Awards
3. Announced that nationwide cities will be participating in National Night Out activities on Tuesday, August 4th.
4. Attended a kick-off session for Gaithersburg's Neighbors Campaign which is a community driven response to the economic crisis, organized by IMPACT. The campaign is targeting Long Branch, Wheaton, and Gaithersburg and includes an extensive door-knocking effort to link residents to available county and nonprofit services.
5. Referred to the I-270/US15/Cities Corridor Transitway. Asked staff to review and offer suggestions to the Mayor and City Council on the State's proposal to widen the lanes of I-270 impacting residents in Gaithersburg. City Manager Jones added that the City Council will have an opportunity to present their position to the State.

**Council Member Drzyzgula**

1. Echoed congrats to the employee quarterly award recipients. Stated the Mayor and City Council would have participated in the Living History Day event mentioned above, but had a commitment to attend the Maryland Municipal League Convention.

2. Attended the Metropolitan Washington Council of Governments (COG) Leadership Planning Conference in Cambridge, Maryland. Reported that the Board of Directors had developed a 20-50 regional plan of action to address issues such as transportation, education, environment and more. Asked staff to put the plan on the City's website to receive public input. Also discussed were ways to accelerate improvements to the Chesapeake Bay. Reported that jurisdictions should expect more regulations on stormwater runoff, particularly for new developments and redevelopments.

#### **Council Member Marraffa**

1. Congratulated the 2009 employee quarterly award recipients.
2. Reported that the National League of Cities Advisory Council had scheduled a lobby day in Washington for September.

#### **Council Member Spiegel**

1. Announced that during the work session on Monday, August 10<sup>th</sup>, the City will receive a presentation from the committee evaluation project on how to refine the City's committee structure as the City moves forward.
2. Reported that media inquiries had been received about the housing and use of City-owned properties. Stated that the Mayor and City Council are aware of the issues and looking into it.
3. Added congrats to the employees that received the quarterly awards earlier during the meeting.
4. Reported that COG had created a new policy committee to focus on energy, climate and the environment. A productive kick-off meeting was held encouraging jurisdictions to work together. Mentioned the Home Energy Loan Program was discussed which the Mayor and City Council will introduce later in this evening's meeting.
5. Thanked Mrs. Hussein and family for the gift of the Quran earlier in the meeting.
6. Reported that new signage for the Kentlands downtown area is scheduled to be installed.
7. Reported that the Kentlands Citizens Assembly have scheduled monthly meetings to address promoting the Kentlands downtown.
8. Reminder that National Night Out activities are to help communities deter crime and make them safer.

#### **Council Member Ashman**

1. Echoed congrats to the 2009 employee quarterly award recipients and thanked *Samira Hussein* for the gift of the Quran.
2. Announced the grand finale of the ON STAGE outdoor concert season for Gaithersburg on Saturday, August 8, 2009, 7 p.m. at the City Hall Concert Pavilion to enjoy Gizmo Guys.

**Mayor Katz**

1. Requested the following motion:

Motion was made by Council Member Spiegel, seconded by Council Member Marraffa, to conduct a closed executive session this evening August 3, 2009 at City Hall, pursuant to Section 10-508(a)(4) of the Annotated Code of Maryland, to consider a matter that concerns a proposal for a business to locate, expand or remain in the City.

Vote: 5-0

2. Announced the scheduled locations for the National Night Out activities being held throughout the City.
3. Announced the following meeting schedule:
  - work session Monday, August 10, 2009, to receive a presentation on the City's Committee Evaluation Project and a report from the Mature Adult Recreation Center Site Selection Task Team.
  - next regular meeting Monday, August 17, 2009.

**VIII. FROM THE CITY MANAGER**

1. Reported on the status of the City-owned properties. Staff had been given the task of reviewing the matter of employees living in City-owned houses and will come back and work with the Mayor and City Council to develop a formal policy to address the current City-owned property program.
2. Updated the Mayor and City Council on the Memorandum of Understanding (MOU) between the City and the County regarding the GE/Finmarc properties. A draft MOU was transmitted on June 16, 2009. No formal response had been received, but City and county staff have been talking.

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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 8:42 P.M.

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**IX. ORDINANCES, RESOLUTIONS, AND REGULATIONS****A. Resolution to Extend the 2009 Street Reconstruction Contract**

This resolution authorized the City Manager to extend the 2009 street reconstruction contract to close six (6) left turn bays along Kentlands Boulevard to Olney Masonry Corporation, 11343 Maryland Avenue, Beltsville, Maryland 20705, in the estimated amount of One Hundred Seven Thousand Dollars (\$107,000); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Spiegel, seconded by, Council Member Drzyzgula, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXTEND THE 2009 STREET RECONSTRUCTION CONTRACT (Resolution No. R-57-09), be approved.

Vote: 5-0

**B. Resolution of the Mayor and City Council Approving a Waiver of the Environmental Standards for Development Regulation to Permit, at a Maximum, 700 Square Feet of Disturbance Within the Stream Valley Buffer at the Diamond Farm Skate Spot**

Assistant City Manager Felton stated that in September of 2007, the Mayor and City Council appointed an Ad Hoc Committee for Skate Components within City parks. On December 10, 2007, the Committee's findings were presented to the Mayor and City Council. Due to concerns raised by residents at the meeting, the Mayor and City Council asked staff to hold a community meeting with residents who live near Diamond Farms Park. In February of 2007, staff presented three potential locations for a skate spot at Diamond Farms Park. Additionally, during the course of the meeting, a resident proposed a fourth site that was designated 1A. Site 1A is located partially within the expanded stream valley buffer and the FEMA 100 year floodplain.

During the April 7, 2008 Mayor and City Council meeting, staff was directed to move forward with the design phase to locate skate spots at Site C in Lakelands Park and Site 1A at Diamond Farms Park. Staff noted that an environmental waiver would be required to construct a facility at Site 1A at Diamond Farms Park.

Motion was made by Council Member Sesma, seconded by, Council Member Marraffa, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL APPROVING A WAIVER OF THE ENVIRONMENTAL STANDARDS FOR DEVELOPMENT REGULATION TO PERMIT, AT A MAXIMUM, 700 SQUARE FEET OF DISTURBANCE WITHIN THE STREAM VALLEY BUFFER AT THE DIAMOND FARM SKATE SPOT AT THE DIAMOND FARM SKATE SPOT, WHEREAS, STAFF HAS APPROVED THE PROPOSED WAIVER AND DETERMINED THAT THIS CIRCUMSTANCE WARRANTS A WAIVER BECAUSE OF PUBLIC INTEREST BENEFITS OUTWEIGH THE RISKS TO THE ENVIRONMENT, THERE ARE NO OTHER FEASIBLE ALTERNATIVES, AND THE PROPOSED MITIGATION MEASURES WILL COMPENSATE FOR THE DISTURBANCE TO THE STREAM VALLEY BUFFER (Resolution No. R-58-09), be approved.

Vote: 5-0

**C. Introduction of an Ordinance to Amend Chapter 2 of the City Code, Entitled "Administration", Article II, Entitled "Municipal-County Relations", Section 2-6 Thereof, Entitled "Exemption From Montgomery County Legislation and Regulations Within the City" so as to Include the Provisions of Article 4 Entitled "Home Energy Loan Program" of Chapter 18A of the Montgomery County Code Entitled "Environmental Sustainability", as Being Applicable and Enforceable Within the City**

On April 14, 2009, the Montgomery County Council enacted Expedited Bill No. 6-09. The bill establishes a Home Energy Loan Program to assist homeowners with the costs of making energy efficiency improvements or of installing renewable energy devices. Assistant City Manager Felton stated that the loan is repaid through the property tax bill, and will automatically transfer the obligation to repay to the purchaser in the event the property is sold. The bill also requires that the Executive Branch develop regulations to implement the loan program. It is anticipated that the regulations will be completed by October 2009. He noted that this bill does not currently apply in the City of Gaithersburg so loans will not be available to City residents unless the City Council's takes action to remove the general exemption from County law pursuant to Section 2-6 of the City Code.

The program is consistent with the City's sustainability goals that include promoting energy conservation and reducing green house gas emissions from existing residential structures. Additionally, it could provide relief to our residents who are experiencing increasing utility costs.

Motion was made by Council Member Sesma, seconded by, Council Member Spiegel, that the above ordinance, be introduced for public hearing August 17, 2009.

Vote: 5-0

**X. CONSOLIDATED PUBLIC HEARING**

- A. JOINT - Z-313 - Amendment to the Sketch Plan Requesting Approval for the Stevenson Property, for the Overnight Storage of Commercial Vehicles on 5.7 Acres of Property. The Site is Located on Metropolitan Grove Road, North of the CSX Railroad Tracks and South of Interstate I-270**
- B. JOINT - SDP-09-003 - Schematic Development Plan Approval for the Stevenson Property, Requesting Approval for the Overnight Storage of Commercial Vehicles on 5.7 acre of Property. The Site is Located on Metropolitan Grove Road, North of the CSX Railroad Tracks and South of Interstate I-270**

Planner Marsh stated that the hearings were advertised in the *Gaithersburg Gazette* on July 15 and 22, 2009 and the property properly posted. The application requested an amendment to sketch plan and schematic development plan approval submitted by James Clifford, representing the applicant and property owner, George F. Stevenson. The subject property includes 5.7 acres of property located on Metropolitan Grove Road, located north of the CSX railroad tracks and south of Interstate I-270 and City-owned parkland in use as undisturbed open space. The property was rezoned to MXD as part of a comprehensive rezoning after the adoption of the 1997 Master Plan. As is customary with City sponsored rezonings, a sketch plan was not submitted; however, the existing conditions act as the original sketch plan, designated as Z-278.

*James Clifford, Clifford, Debelius, Bonifant, Fitzpatrick & Hyatt, Chtd.*, stated that the application requests approval to use and maintain the property as an overnight storage lot for commercial vehicles. Approval of the request would give the owner revenue on the property to assist with tax bills. He added that the applicant does not intend to develop the parcels but rather sell the parcels once the market returns. No objections were submitted from adjacent property owners. Mr. Clifford's request to close the records sooner was denied due to meeting schedules.

Questions and concerns were raised regarding the traffic impact during peak hours, the number and type of trucks, and residential impact. Mr. Clifford stated that a Memorandum of Understanding between the City and the applicant was submitted for the City's review and the opportunity to add restrictions, if necessary.

There were no other speakers.

Motion was made by Commissioner Lanier, seconded by Commissioner Kaufman, that the Planning Commission hold the record on Z-313, open until 5 p.m., August 21, 2009.

Vote: 4-0

Motion was made by Council Member Drzyzgula, seconded by Council Member Ashman, that the Mayor and City Council hold the record on Z-313, open until 5 p.m., September 4, 2009.

Vote: 5-0

Motion was made by Commissioner Kaufman, seconded by Commissioner Lanier, that the Planning Commission hold the record on SDP-09-003, open until 5 p.m., August 21, 2009.

Vote: 4-0

Motion was made by Council Member Marraffa, seconded by Council Member Drzyzgula, that the Mayor and City Council hold the record on SDP-09-003, open until 5 p.m., September 4, 2009.

Vote: 5-0

## XI. PUBLIC HEARING

### A. **An Ordinance to Amend Chapter 6C Entitled "Elections" of the City Code, Article 2 Entitled "Financial Contributions and Expenditures", Section 6C-12 Entitled "Limitations on Campaign Contributions"**

During the June 1, 2009 public hearing on Ordinance No. 0-7-09 (revisions to the Elections Ordinance), the Mayor and City Council indicated they would also like to consider an amendment to the Elections Ordinance that would require that all campaign contributions be deposited in a separate account with a financial institution, and not be commingled with any other funds. During the July 6, 2009 meeting, the Mayor and City Council also indicated that they would like the proposed amendment to clarify that electronic campaign donations are permissible. If the draft ordinance is adopted, it would accomplish the two items outlined above. The Mayor and City Council voted to introduce the ordinance on July 20, 2009, and advertised for public hearing.

There were no speakers from the public.

Motion was made by Council Member Ashman, seconded by, Council Member Sesma, that the record on the above ORDINANCE TO AMEND CHAPTER 6C ENTITLED "ELECTIONS" OF THE CITY CODE, ARTICLE 2 ENTITLED "FINANCIAL CONTRIBUTIONS AND EXPENDITURES", SECTION 6C-12 ENTITLED "LIMITATIONS ON CAMPAIGN CONTRIBUTIONS", be held open until 5 p.m. on August 13, 2009.

Vote: 5-0

## XII. ADJOURNMENT

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 9:25 p.m.

Respectfully submitted,

*Doris R. Stokes*

Doris R. Stokes  
Municipal Clerk