

February 18, 2022

City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877

RE: Z-8911-2021 and SP-8910-2020

Dear Mayor Ashman and Councilmembers and Chair Bauer and Commissioners,

We appreciate the opportunity to present our applications for rezoning and concept site plan for 18501 North Frederick Avenue during the January 18th joint public hearing, and we wish to provide the attached in response to comments and questions raised during the hearing.

1) *2009 Master Plan Compliance.*

Response: As detailed in the Statement of Justification, the proposed plan complies with the 2009 Master Plan Land Use Element by rezoning to the CD zone and redeveloping underutilized parcels with the use of “consistent, compatible, and attractive architecture streetscape and visual themes.” The proposed plan includes more residential than the specific written narrative in the 2009 Master Plan, which discusses a “smaller residential component” for the site, but the Master Plan does not define “small” residential and market conditions have changed since the Plan’s approval in 2009. The proposed mix of uses, including the office uses recommended in the 2009 Plan, is more sustainable and appropriate under the current development conditions. In summary, the proposed Concept Plan and rezoning comply with the zoning and land use recommendations approved in the 2009 Land Use Element and reflect the intent of Land Use Element’s narrative.

2) *Timing and Phasing*

Response: Kimco will honor all existing tenant lease provisions, but as part of our continual evaluation of our assets we believe it is important to position the center for the future both short and long-term. Given the changing market conditions, now is the time to make adjustments for the property’s best interests. Phasing and timing of next steps will proceed as possible with lease terminations, and future applications will be submitted in accordance. Due to the complications of the design, we anticipate 3-4 years of further entitlements, a year or two of tenant negotiations, putting an estimated start of construction date in 2028.

3) *Pedestrian Connectivity*

a. *Travis Avenue*

Response: While not a focus of the Joint Public Hearing presentation, the proposed project enhances the pedestrian infrastructure on Travis Avenue through a relocated sidewalk set back from the curb line and traffic separated by street trees in a landscape amenity panel. This will make the pedestrian experience safer from the intersection at N Frederick Avenue to the northern park. Additional cross walks at Old Game Preserve Road and Travis View court will be added across Travis Avenue for additional safe crossing. Building B is anticipated to have courtyards that open out to the new sidewalk for enhanced connectivity and breaks in the street wall. All ground floor units are anticipated to have doors and stoops for pedestrian activity along the sidewalk.

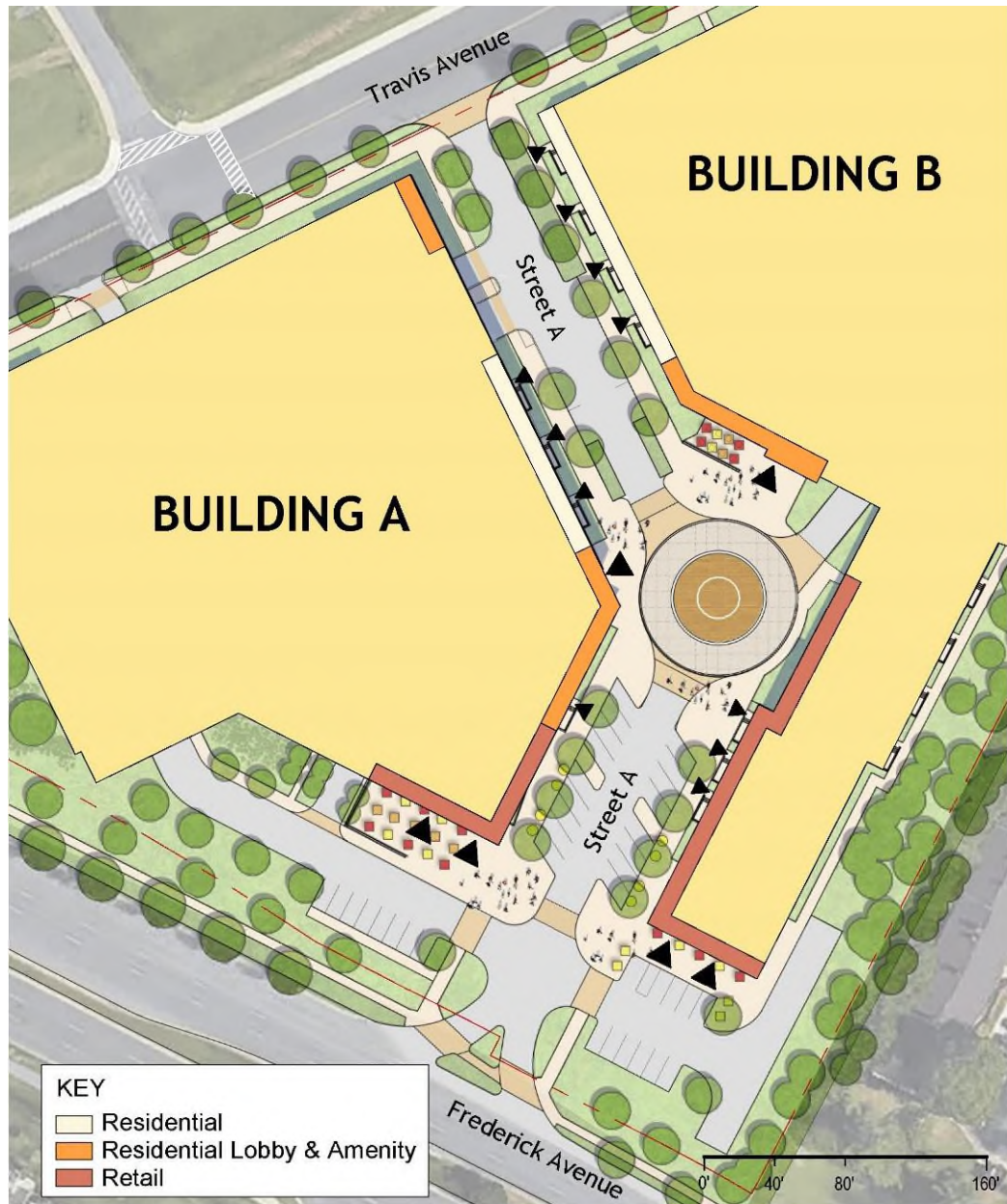
b. *Potential for a crosswalk across MD 355:*

Response: Frederick Avenue (355) is a State Highway Association (SHA) roadway, and Kimco will work with all neighbors and SHA to enhance connectivity at a future date. In addition, this plan includes a proposed second crosswalk on the east side of the Travis and Frederick intersection to improve pedestrian connectivity as much as possible in the interim.

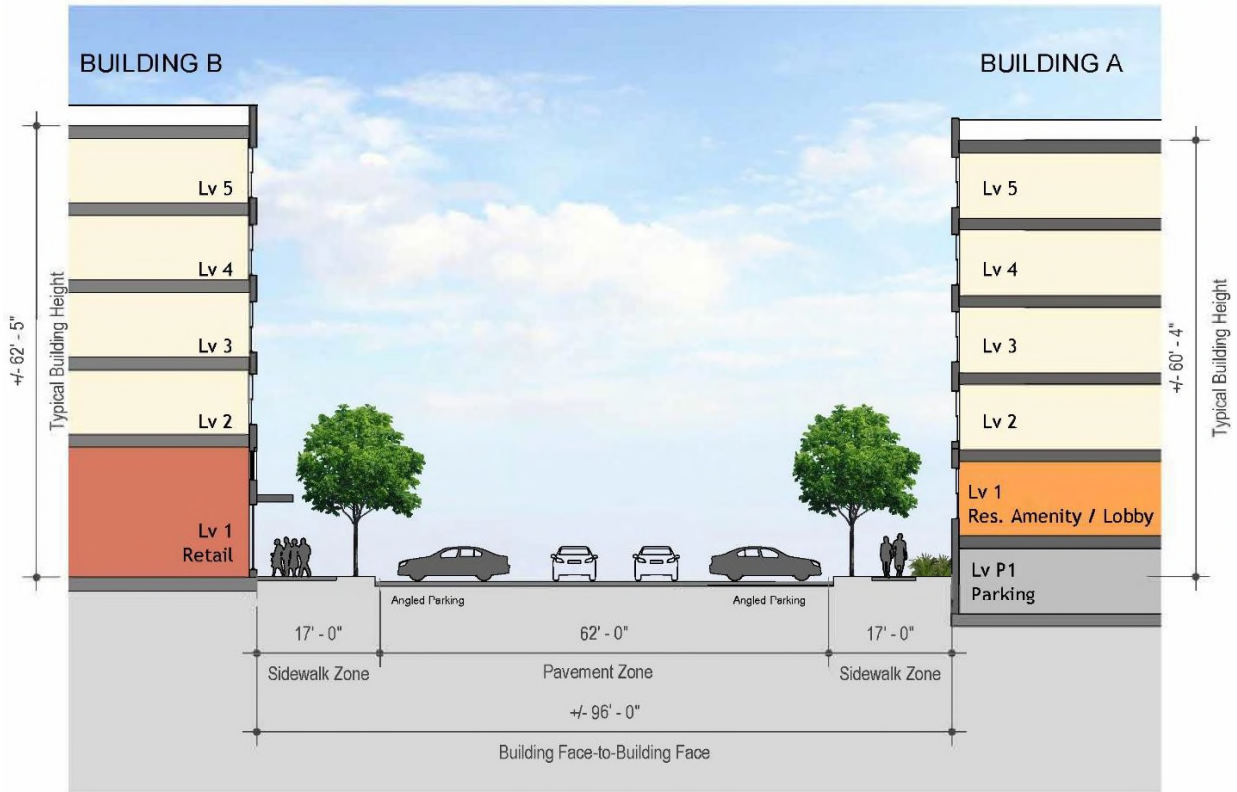
The proposed BRT route on 355 is currently advancing through preliminary engineering in Montgomery County's Division of Transportation Engineering. Current drawings illustrate potential stops and stormwater facilities along 355 in front of the subject property as a part of a proposed stop at 355 and Watkins Mill Road. The applicant intends to work with MCDOT throughout the BRT process to locate connections at appropriate locations given the final station facilities locations.

c. *Street A activation*

Response: A variety of uses including retail are proposed along Street A from Frederick Avenue to the traffic circle. At the circle, residential lobbies and leasing offices will provide similar activation along the street, similar to commercial storefronts, with high percentage of glazing and multiple entry locations. Northwest of the traffic circle residential units will have front doors and stoops lining the ground to activate that segment of Street A. The following plan diagram indicates these activation methods on Street A from the traffic circle to Travis Avenue.



The applicant team has included the following street sections to show the walkable nature and pedestrian amenities along Street A. The generous building-to-building dimension provides a comfortable sense of enclosure framed by with five (5) story buildings.





4) *Amenities and Green Space*

a. *Green/open spaces and connection between them*

Response: Green space is anticipated at both ends of the property along Travis Avenue and will be connected by an improved pedestrian realm and residential amenity courtyards along Travis Avenue as clarified in the response to 3)a. The northern open space along Travis Avenue will include a passive park with new trees and pedestrian paths to connect to and enhance the existing Travis Park. The southern open space at Travis/MD 355 affords additional opportunities as an amenity (additional information provided in item 5 below), but further study will be needed as the Plan proceeds from Concept. Additionally, a green buffer will align the east side of the property between the proposed Building B and the Assembly Watkins Mill.

b. Potential residential amenities.

Response: Building amenities are anticipated to be in interior and exterior courtyards as well as within the future buildings themselves. Amenities will be equivalent with Class A multi-family buildings in the surrounding market area such as a fitness center, community kitchen and family amenity room, pet care facilities, and bicycle storage and maintenance.

5) *Gateway Corner*

Response: The gateway open space at the intersection of Frederick (355) and Travis Avenue is envisioned to have a landscaped rain garden with enhanced pedestrian connectivity amongst the green infrastructure. The topography changes rapidly in this location, but the applicant team anticipates using the grades to its advantage to create a signature gateway landscape experience with public art and branded signage to celebrate the City and this development. The enlarged plan and topographic information provided below and in the attached documentation provides more preliminary detailed information and will be further refined with additional submissions.



Thank you for your time and consideration. Please reach out if there are any questions.

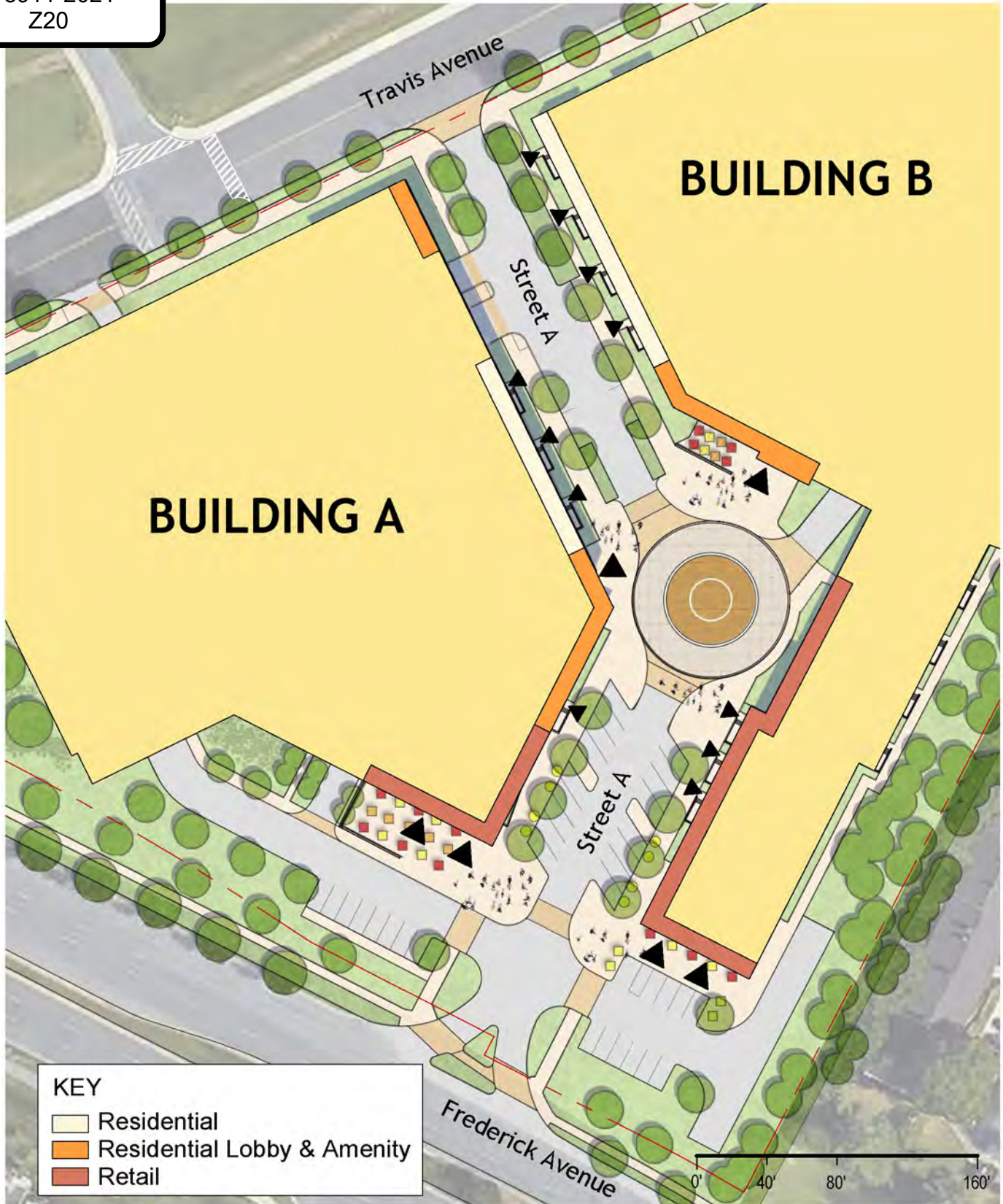
Sincerely,

Abbey Oklak, AIA, AICP

Director of Multifamily Development

Street A Program Plan

Joint Hearing - MCC & PC
Z-8911-2021
Z20



TRAVIS AVENUE

Gaithersburg, MD



02/16/2022

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Street A North Section



TRAVIS AVENUE

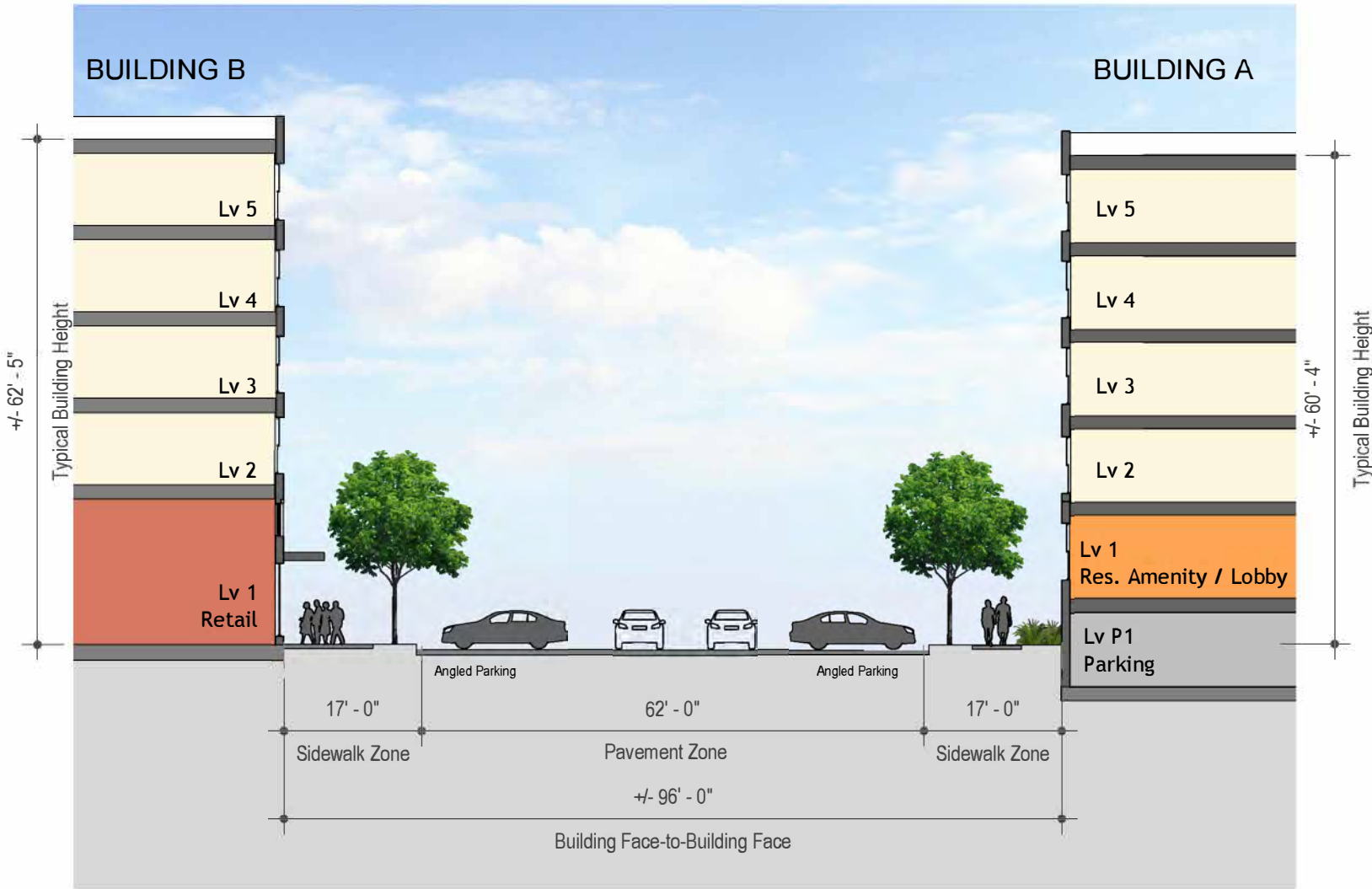
Gaithersburg, MD



02/16/2022

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Street A South Section



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02/16/2022

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Travis and Frederick Open Space Concept



TRAVIS AVENUE

Gaithersburg, MD



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MINUTES
Regular Session
Tuesday, January 18, 2022, 7:30 PM

1. CALL TO ORDER

The Regular Session of the Mayor and City Council was called to order at 7:30 PM with Mayor Jud Ashman presiding.

Attendee Name	Title	Status	Arrived
Jud Ashman	Mayor	Present	
Neil Harris	Council Vice President	Present	
Lisa Henderson	Council Member	Present	
Jim McNulty	Council Member	Present	
Ryan Spiegel	Council Member	Present	
Robert Wu	Council Member	Present	

Staff present: City Manager Briley, Deputy City Manager Enslinger, Assistant City Manager Lonergan-Seeger, City Attorney Board, Director of Planning and Code Schlichting, Long Range Planning Manager Robinson, Community Planning Manager Mann, Planner II Mehfoud, Planner II Forbes, and Municipal Clerk Stokes.

Planning Commission present for both Joint Public Hearings: Bauer, Kaufman, Hopkins, Wessell, and Winborne.

2. PLEDGE OF ALLEGIANCE

The Pledge was led by Council Member McNulty.

3. REFLECTION

Mayor Ashman called for a moment of silence in honor of Becky Pritchard, owner of Pritchard Music Academy, and former member of the City's Multicultural Affairs Committee. Expressed condolences to her husband Joe, family, and friends.

4. APPROVAL OF MINUTES

A. Regular Session held June 7, 2021

Motion was made to approve the above minutes.

RESULT: APPROVED [3 TO 0]
MOVER: Ryan Spiegel, Council Member
SECONDER: Neil Harris, Council Vice President
FOR: Neil Harris, Ryan Spiegel, Robert Wu
ABSTAIN: Lisa Henderson, Jim McNulty

B. Regular Session held November 22, 2021

Motion was made to approve the above minutes.

RESULT:	APPROVED [4 TO 0]
MOVER:	Neil Harris, Council Vice President
SECONDER:	Robert Wu, Council Member
FOR:	Neil Harris, Lisa Henderson, Jim McNulty, Robert Wu
ABSTAIN:	Ryan Spiegel

5. APPOINTMENTS

A. Resolution of the City Council Confirming Appointments and Reappointments Made by the Mayor to the Community Advisory Committee, Economic and Business Development Committee, Educational Enrichment Committee, Environmental Affairs Committee, Gaithersburg Parks, Arts and Recreation Corporation, Senior Advisory Committee, and Transportation Committee

This resolution confirmed appointments and reappointments made by the Mayor to the following: Community Advisory Committee, Stephen Escobar (appointment), Olde Towne, two-year term; Economic and Business Development Committee, Yamil Hernandez (appointment), Kentlands, three-year term; Environmental Affairs Committee, Adam Young (appointment), Quince Orchard Park; two-year term; Transportation Committee, David Belgard (appointment), Washingtonian Woods and Matthew Amon (appointment), Kentlands, two-year terms; Economic and Business Development Committee, Nadia Khan (reappointment), Business Community, three-year term; Scott Friedmann (reappointment), Lakelands, three-year term; Educational Enrichment Committee, Beth Kennington (reappointment), West Riding, two-year term; Stacey Simon (reappointment), Orchard Hills, two-year term; Gaithersburg Parks, Arts and Recreation Corporation, Bridget Ryder (reappointment), Kentlands, three-year term; and the Senior Advisory Committee, Mary Hoferek (reappointment), Pheasant Run and Yvette Monroe (reappointment), Olde Towne, two-year terms.

Motion was made to approve the above resolution.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Ryan Spiegel, Council Member
SECONDER:	Neil Harris, Council Vice President
FOR:	Harris, Henderson, McNulty, Spiegel, Wu

B. Resolution of the City Council Confirming an Appointment Made by the Mayor to the Board of Supervisors of Elections

This resolution confirmed an appointment made by the Mayor to the Board of Supervisors of Elections: Diego Figueroa, Crown Farm Neighborhood, (filling unexpired term of Aubrey, ending June 2024).

Motion was made to approve the above resolution.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Jim McNulty, Council Member
SECONDER:	Lisa Henderson, Council Member
FOR:	Harris, Henderson, McNulty, Spiegel, Wu

6. OATH OF OFFICE

A. Oath of Office to Board of Supervisors of Elections Member

Mayor Ashman administered the Oath of Office to Diego Figueroa, appointed and sworn in as a full member on the City's Board of Supervisors of Elections.

7. PUBLIC COMMENTS

Speakers from the public:

1. *Amanda Shepherd, 310 Hidden Forest Court*, complained about the condition of the streets in her community. Requested that the streets be repaved.
2. *David Belgard, Washingtonian Woods*, expressed appreciation for the final action taken by the Mayor and City Council on January 3, 2022 regarding the emergency ordinance amending Chapter 13.
3. *Daphne Teng, 309 Hidden Forest Court*, expressed disappointment with the crack sealing done on the streets in the Hidden Creek community. Asked that the City do a restoration treatment to the streets or an overlay.
4. *Anthony Brown, 10 Hidden Forest Drive*, echoed the speakers above regarding the street condition following repairs done by the City. Stated the streets look horrible due to cracks and sealing. Asked that the community be added to the City's schedule for restoration.

There were no other speakers from the public.

Mayor Ashman noted the expense of repairing City streets. Stated that crack sealing is done to extend the life of the streets until it is on the schedule to be repaired. Staff was asked to provide an update on the program, specifically the neighborhood mentioned above. City Manager Briley clarified the City's process and scientific approach used for the program.

8. JOINT PUBLIC HEARINGS**A. SDP-9073-2021: Request for a Schematic Development Plan for the Construction of the New Infill Pad Sites Totaling 21,700 Square Feet, Zoned MXD (Mixed Use Development)**

Planner II Forbes presented for the above redevelopment plan. The joint public hearing was advertised in *The Washington Post* on December 30, 2021 and January 6, 2022 and posted on the City's website on December 23, 2021. At the present time, there are 41 exhibits in the record file. An application was submitted by Vince Burke of Saul Holdings Limited Partnership, requesting approval of Schematic Development Plan SDP-9073-2021 for three new infill commercial building sites within the Kentlands Square Shopping Center. The three new infill buildings will total 21,700 square feet and not exceed two stories in height. The subject property is approximately 2.42 acres and zoned MXD (Mixed Use Development). The construction of these sites will result in a loss of parking spaces, therefore, the applicant is also requesting a parking waiver as part of the application.

Vince Burke, Saul Holdings, introduced the team to present the three new infill pad sites in the Kentlands Square Shopping Center. He noted the success of recent development on Kentlands Square Place. The pad sites are in accordance with the City's Master Plan. The applicant has worked with staff on the design guidelines, conducted outreach and met with members from the community and the Kentlands Civic Associations.

Gary Unterberg, Rogers Consulting, showed an aerial photo and oriented the Mayor and City Council and Planning Commission with the pad sites, existing business, and streets through the site. The applicant is proposing three new buildings known as F, G, and H. Mentioned that a pedestrian sidewalk system and outdoor seating will be incorporated at several locations and showed a rendering for the future Shake Shack. The building and site plan was approved last July 2021, soon to have all permits to begin construction. Noted the design guidelines approved for Kentlands Square in 2018 with the Starbucks SDP. It establishes the principles for walkable streets, store front designs for future tenants and their signage. The proposed new site pads would improve the streetscapes with new brick sidewalks, streetlights, and landscaping. Building F and G on the plan would be for multi-tenants with additional outdoor seating and parking. Building H most likely would be a drive thru restaurant working with the City's best practices, having two drive thru lanes. He added that a traffic study and parking memorandum was submitted with the application justifying the uses and requested parking numbers and waiver for 221 spaces.

Matthew Gordon and Robert Dalrymple, Land Use Council on behalf of the applicant, thanked staff for their efforts on the SDP and feedback on the design and layout. Stated that the SDP does meet all the seven (7) design findings required to approve under the zoning ordinance. The applicant is requesting a parking waiver for 221 spaces as mentioned above. Stated that as part of the process, the number of spaces can be reduced due the unique conditions and mix of uses on the property. He noted that the analysis done showing the surplus spaces, does meets the demand on the weekdays and weekends. He added that the waiver would enhance pedestrian safety and create a walkability network.

Several members of the City Council and Commission questioned the parking waiver being sought. Concerns were expressed with the configuration of the three pad sites encroaching on areas being used by existing businesses. Mr. Burke from Saul Holdings responded that record sales from Giant and Lowes are up for the year and the current parking more than meets the demand. He further stated that there are areas that are currently being under-utilized. The goal is have residents walk and spend more time in the center frequenting the numerous businesses. Further questioned was the configuration of the proposed drive thru. Mr. Unterberg responded and oriented the Council and Commission with access points, directional and stacking lanes, and the sidewalk connectivity.

Michael Workosky, Traffic Consultant, stated a parking analysis was done for the proposed plan and added that the numbers provided were adjusted and reflects the peak season. He reiterated that the parking is under-utilized, but there will be some displacement. Added that plans for creating a walkable environment will be an improvement for the short distance walks by pedestrians.

In response to questions regarding parking spaces being utilized by Lowes, the applicant noted that Lowes must obtain a permit for the temporary use of the parking lot. Said business must work with Saul and the City to manage their future use, specifically during the peak seasonal times for mulch and landscaping products. The enforcement of illegal parking for pick-up service was questioned. The applicant stated that issues will arise with parking, but that they are willing to work through enforcement and design issues.

Several members further expressed concern with the double stacking for the drive thru and believed that the applicant is underestimating the customers visiting the site, traffic flow, and crossing designs. The applicant was asked to give more attention and address pedestrian safety concerns and ensure that parking does include sufficient handicap spaces with the walkable design plans.

The decision not to market a housing and retail mix was questioned. The applicant stated there are several projects throughout Montgomery County that were looked at and believe that the market is not there. Due to the possible full service size restaurants, the applicant was asked to consider the parking for such tenants. In addition, the applicant was directed to make circulation improvements and not just focus on the use of the existing parking.

Speakers from the public:

1. *Michael Sesma, former Council member*, thanked the applicant for the presentation. Commented that the proposed site pads are on an active site. He expressed concern with the drive thru and vehicular traffic coming from different directions. Spoke on the vision for the Master Plan and concept for the plan, and encouraged the developers to make the plan more compatible.

There were no other speakers from the public.

Motion was made to hold the Planning Commission record open until 5 p.m. on February 24, 2022 (37 days), with anticipated recommendation on March 2, 2022.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Lloyd Kaufman
SECONDER:	Danielle Winborne
FOR:	Bauer, Wessell, Kaufman, Hopkins, Winborne

Motion was made to hold the Mayor and City Council record open until 5 p.m. on March 16, 2022 (58 days), with anticipated final action on April 4, 2022.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Robert Wu, Council Member
SECONDER:	Ryan Spiegel, Council Member
FOR:	Harris, Henderson, McNulty, Spiegel, Wu

9. CONSOLIDATED JOINT PUBLIC HEARINGS

A. Z-8911-2021: Zoning Map Amendment Requesting to Rezone 18501 N Frederick Ave from the C-2 (General Commercial) Zone to the CD (Corridor Development) Zone

Planner II Mehfoud introduced the above for consolidated joint public hearing. Notice of the hearing was published in *The Washington Post* on December 30, 2021 and January 6, 2022. The property was posted, notifications were mailed, and notice was posted to the City's website. There are currently 13 exhibits in the record file for Z-8911-2021 and 21 exhibits for SP-8910-2021. The Applicant, Kimco Realty, submitted a request for approval of Zoning Map Amendment Z-8911-2021, to rezone an 8.77 acre property from the C-2 (General Commercial) zone to the CD (Corridor Development) zone, as well as a request for approval of the associated Concept Site Plan SP-8910-2021. Concept Site Plan application SP-8910-2021 proposes two multi-family residential buildings with up to 580 units and up to 48,000 square feet of ground floor commercial uses, as well as open and amenity spaces. Both applications are in accordance with Section 24-160G.6(a) (Application for CD Zone and concept plan approval) of the City Code. The applicant is also requesting a height waiver in accordance with Section 24-160G.5(a). The subject property is located at 18501 North Frederick Avenue, at the intersection of North Frederick Avenue and Travis Avenue. Staff noted that while these are two separate applications with separate records, said consolidated joint public hearing is to consider both applications concurrently. For said project, there is the map amendment application/rezoning and the concept site plan application. Staff will continue to work with the applicant at subsequent stages on refining aspects and obligations of the plans.

Greg Reed, Kimco Realty, introduced his team and presented the application for the Gaithersburg Shopping Center Redevelopment. The site is anchored by Floor & Décor who came in 2016 and two pad sites. Stated the process began over a year ago and leases will be honored. Outreach was done in the spring of 2021 and believe the center has a great opportunity for a mixed use development. Commended staff on their professionalism and knowledge.

Abbey Oklak, Kimco Realty, echoed the community input sought. Showed an aerial of the site and the existing retail sits within the neighborhood. The rezoning change and concept site plan is being proposed as mentioned above. The proposed plan does meet most of the Master Plan recommendations and requirements. Noted that the mixed use is still being proposed due to the site not having the office demand. The site will still have mix use with walkable streets throughout the project. The plan does meet smart growth principles, creating a gateway element into the City from the north. Due to grade changes, the applicant is requesting a variance on the height increase. Noted the change from retail environment and trying to find the best use for the site long term. The applicant is seeking to bring more residential affordable housing into Gaithersburg. The buildings (A and B) on the property were reviewed, surrounding the focal point between the two building and retail into the property. The applicant plans to connect the pedestrians from the Spectrum across the street, creating a main street environment with walkable pedestrian sidewalk with improved landscaping. Reviewed the parking entrances both off Frederick Avenue and a right in only on Travis Avenue. Showed the pedestrian path in and around the site, amenities, and open space for some stormwater management and art.

Mathew Fitzsimmons, Architect with Hord, Coplan, Macht, reviewed the streets in relation to the two buildings. He pointed out the grade situation that exists and reiterated the request for an additional heights on the buildings on the site. He noted the typographical change which is not compatible with neighboring development. The vehicular circulation on the site from Frederick and Travis Avenues was reviewed. Mr. Reed added that the concept is hard to show at this time. He noted the right in and out challenges.

The applicant was commended for adding economic development on the east side of the City. It was expressed by members the City Council and Planning Commission to integrate public art, open space, connectivity on the property for the tenants, ensuring the plans safely engage pedestrians to the retail. The applicant was asked to push the connectivity with the adjacent Spectrum development and possibly work with State Highway to create a pedestrian bridge in the future. There was excitement to upgrade the plans for site and see future possibilities. The presence and frequent visits to Brewster’s Ice Cream establishment was acknowledged. The applicant was asked to ensure that outdoor and residential amenities are incorporate into the plan. Improvements to signals, lanes and traffic flow at the intersection of Frederick and Travis Avenues were asked to be addressed. The rezoning was questioned and staff responded that MXD works better on larger properties, said property is only 8 acres and doesn’t meet the standards and has many processes associated with it. The CD Zone is more accommodating for this property.

Speakers from the public:

1. *Robert Fischer, owner of Brewsters, 16 years at said location, stated it is a great community. Hope to be included in the proposed development. Greg Reed, responded that Kimco will work with their existing tenants.*

There were no other speakers from the public.

Motion was made to hold the Planning Commission record open until 5 p.m. on Friday, February 18, 2022 (31 days), with anticipated recommendation on March 2, 2022.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Danielle Winborne
SECONDER:	Philip Wessell
FOR:	Bauer, Wessell, Kaufman, Hopkins, Winborne

Motion was made to hold the Mayor and City Council record open until 5 p.m. on Friday, March 11, 2022 (52 days), with anticipated Policy Discussion on April 4, 2022.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Ryan Spiegel, Council Member
SECONDER:	Robert Wu, Council Member
FOR:	Harris, Henderson, McNulty, Spiegel, Wu

B. SP-8910-2021: Concept Site Plan for 18501 N Frederick Ave Proposing Two Multi-family Residential Buildings with Ground Floor Commercial Uses

An application has been submitted requesting approval of Zoning Map Amendment Z-8911-2021, to rezone an 8.77 acre property from the C-2 (General Commercial) zone to the CD (Corridor Development) zone, as well as a request for approval of the associated Concept Site Plan SP-8910-2021. Concept Site Plan application SP-8910-2021 proposes two multi-family residential buildings with up to 580 units and up to 48,000 square feet of ground floor commercial uses, as well as open and amenity spaces. Both applications are in accordance with Section 24-160G.6(a) (Application for CD Zone and concept plan approval) of the City Code. The applicant is also requesting a height waiver in accordance with Section 24-160G.5(a). The subject property is located at 18501 North Frederick Avenue, at the intersection of North Frederick Avenue and Travis Avenue.

While these are two separate applications with separate records, a consolidated joint public hearing has been scheduled to consider both applications concurrently. Multiple reviews of the concept site plan have been conducted prior to the joint public hearing. The hearing packet includes all iterations of the plan, but the most recent iteration is pulled out separately and noted as "FINAL".

Motion was made to hold the Planning Commission record open until 5 p.m. on Friday, February 18, 2022 (31 days), with anticipated recommendation on March 2, 2022.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Lloyd Kaufman
SECONDER:	Danielle Winborne
FOR:	Bauer, Wessell, Kaufman, Hopkins, Winborne

Motion was made to hold the Mayor and City Council record open until 5 p.m. on Friday, March 11, 2022 (52 days), with anticipated Policy Discussion on April 4, 2022.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Neil Harris, Council Vice President
SECONDER:	Jim McNulty, Council Member
FOR:	Harris, Henderson, McNulty, Spiegel, Wu

10. FROM MAYOR AND CITY COUNCIL

Lisa Henderson

1. Thanked Parks, Recreation and Culture staff and Gaithersburg High School students for the recent coat drive.

Jim McNulty

1. Assisted Boy Scout Troop 926 with obtaining their Citizenship in the Community and Communications merit badges. Appreciated the opportunity to speak with them.
2. Attended the Financial Budget Basics workshop. Thanked staff for providing information on the budget process.
3. Attended his first Metropolitan Washington Council of Governments Human Services Policy Committee meeting. Mentioned that many municipalities have been short staffed due to the pandemic.

Neil Harris

1. Mentioned the struggle with obtaining members for the City's Transportation Committee. Welcomed the newly appointed committee members and recognized outgoing committee member, Carol Berger.
2. Plans to attend the upcoming Transportation Planning Board meeting. Mentioned the agenda topics including the updated Highway safety targets for the region, connected and automated vehicle principles, and an updated planning process for the recently updated 25 year regional transportation plan.
3. Expressed hopes that everyone did something beneficial for Martin Luther King, Jr. Day.

Rob Wu

1. Hoped everyone had a meaningful Day of Service for Martin Luther King, Jr. Day.
2. Attended the City's Environmental Affairs Committee recent meeting. Stated that the committee has a very ambitious agenda for the year.
3. Expressed kudos to former City Council Member Michael Sesma for keeping his public comments to under three minutes.

Ryan Spiegel

1. Announced that the Mayor and City Council are seeking to fill a vacancy on the Board of Supervisors of Elections for one alternate member position.
2. Mentioned the many virtual Day of Service events that were made available for Martin Luther King, Jr. Day. Encouraged everyone to participate in community service efforts.
3. Congratulated the recently appointed and reappointed Committee members. Thanked all the resigning members for their service.
4. Recognized Tawana Lofton who has been instrumental with the BankOn Gaithersburg program and many other initiatives.
5. Reported that Montgomery County Public Schools is trying to get financial literacy to be a curriculum requirement.
6. Mentioned the Texas synagogue hostage situation. Reported that the hostages were all released unharmed. Stated that this incident is another reminder that anti-Semitism and terrorism are still real threats in the country and our communities.
7. Mentioned Charles McGee who recently passed away at the age of 102. Reported that he was a Montgomery County resident, brigadier general, and one of the last surviving Tuskegee Airman. Mentioned that he was a trailblazer in the desegregation the United States military.
8. Stated that he has had several talks with his colleagues and staff over the years about rethinking some of the outreach that is done regarding road maintenance. Mentioned that there is a lot of information on the City's website and staff is always available to answer questions from the public. Requested the consideration of exploring other outreach options to educate the public on best practices for road maintenance.
9. Encouraged the public to continue following the City's updates on the COVID-19 pandemic including test kit availability and safety policies.

Jud Ashman

1. Echoed his colleague's comments above.
2. Announced that the Mayor and city Council will conduct a work session on Monday, January 24 at 7:30 p.m., to receive a presentation from Montgomery Planning on the Planning Board Draft Corridor Forward Plan.
3. Announced that the Mayor and city Council will conduct a joint work session with the Board of Supervisors of Elections on Monday, January 31 at 7:30 p.m., to receive the City Election Debrief.
4. Announced that the next regular session of the Mayor and City Council will be held on Monday, February 7, 2022.

11. CLOSED EXECUTIVE SESSION

A. Motion to Conduct Closed Executive Session

Motion was made to conduct a closed executive session on Tuesday, January 18, 2022, pursuant to the General Provisions Article of the Annotated Code of Maryland, Sections 3-305(b)(4) to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State and 3-305(b)(8) to consult with staff, consultants, or other individuals about pending or potential litigation. The topic to be discussed was an update on the status of the Fishman Project at 315 East Diamond Avenue.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Ryan Spiegel, Council Member
SECONDER:	Neil Harris, Council Vice President
FOR:	Harris, Henderson, McNulty, Spiegel, Wu

12. FROM THE CITY MANAGER

No report from staff.

13. ECONOMIC DEVELOPMENT UPDATE

No report from staff.

14. STAFF GUIDANCE

A. Authorization to Enter Into Opioid Litigation Settlement Agreements with Jassen and Distributors and Maryland State-Subdivision Agreement

City Attorney Board sought authority from the Mayor and Council to enter into three different agreements related to the nationwide Opioid litigation. Said litigation has resulted in a proposed National Settlement Agreement to include Jassen and the Distributors (Johnson & Johnson, Amerisource Bergen, Cardinal Health and McKesson). The Agreement would distribute \$29 Billion to State and Local Governments across the country over an 18-year period, including up to \$551 Million to the State of Maryland. The deadline for entering into the Settlement Agreements is January 26, 2022.

The National Settlement Agreement is structured so that the more local governments that participate in the Agreement, the higher the distribution is to the State. Under the Agreement, 15% of funds go to the State, 15% to local governments, and 70% to the State to distribute in the State's discretion. The Settlement Agreement allows each State to negotiate a different split with its local governments.

The Maryland Municipal League (MML) and the Maryland Association of Counties (MACo) have been negotiating with the Maryland Attorney General so the Maryland State-Subdivision Agreement would provide 15% to the State, 25% to local governments, and 60% to local governments via either direct payments to the "big 8 Counties" or via grant application process through the Maryland Department of Health. Under this proposal, Gaithersburg would receive \$360,520.42 in direct funds and be eligible for \$648,936.76 through grants, for a total of \$1,009,457.18.

City Attorney Board thanked Council Member Spiegel for participating in the meetings to develop the agreements.

Motion was made authorizing the City Attorney to enter into the above mentioned settlement agreements.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Ryan Spiegel, Council Member
SECONDER:	Robert Wu, Council Member
FOR:	Harris, Henderson, McNulty, Spiegel, Wu

15. FROM CITY ATTORNEY / OTHER STAFF

No report from additional staff.

16. CORRESPONDENCE

A. Outside

17. ADJOURNMENT

There being no further business, the session was adjourned at 10:30 PM

Respectfully submitted,

Doris R. Stokes, Municipal Clerk

DRAFT