



Mayor and City Council
Hybrid (In-Person / Virtual)
www.gaithersburgmd.gov/meetings
City Hall 31 South Summit Avenue
Gaithersburg, MD 20877

MINUTES
Regular Session
Monday, March 20, 2023, 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	
Lisa Henderson	Council Vice President	Present	
Neil Harris	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 Attorney Johnson, Assistant City Manager Lonergan-Seeger, Public Works Director Berger, Chief of Police Sroka, Police Lieutenant Leache, Police Lieutenant Vance, Community Museum Program Coordinator Lottes, Administrative Support Specialist Castillo, Sergeant Kirk, Police Officer III Engle, Sergeant McCarthy, Sergeant Thompson, Corporal Loiodice, Corporal Doyle, Corporal Lane, Corporal Davis, Corporal Welte, Planner III Eby, Engineering Services Division Chief Fields, Police Sergeant Day, and Municipal Clerk Stokes.

Planning Commission present for Joint Public hearing: Bauer, Hopkins, Kaufman, Wessell, and Cantrell.

2. PLEDGE OF ALLEGIANCE

The Pledge was led by Vincent Davis.

3. REFLECTION

Mayor Ashman called for a moment of silence.

4. APPROVAL OF MINUTES

A. Regular Session held March 6, 2023

Motion was made to approve the above minutes.

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

B. Fourth Quarter 2022 Employee and Team Recognition Awards

Congratulations to the winners of the City Employee Recognition Awards for the fourth quarter of 2022. Each were nominated by their peers with final selections made by the Employee Recognition Committee. Said committee includes employees from each City Department and is dedicated to both highlighting outstanding public service among City staff and ensuring that these awards symbolize the highest quality of public service and quality of work.

Program Coordinator Karen Lottes was the recipient of the 2022 Fourth Quarter Employee Recognition Award. She was nominated for her efforts to promote the Observatory and highlight its history, starting with the Skywatch program and other programs. Karen also took steps to enhance the Community Museum’s Facebook page and enrich programming through STEM Kids from the National Informal STEM Educator Network and others. She found ways to promote other City departments in museum programming, such as the K-9 Police Unit, the Environmental Team, Youth Services and others. Karen promotes the Museum and Observatory at City events as well, including the Book Festival and Night Out Against Crime. She is currently working to find support and funding for the Gaithersburg History Project, which began in 2022 to include the history of the entire community, including people of color and their lives.

The winner of the 2022 Fourth Quarter Employee Recognition Team Award went to the Emergency Shelter Mobilization Team, consisting of Facilities, Administrative Services and Youth Services teams from the Department of Parks, Recreation & Culture. The team was nominated not just for their work as a dynamic team serving City residents every day, but especially for their dedication in mobilizing to establish the Activity Center as an emergency shelter after the November 16, 2022 explosion and fire, which caused the partial collapse of the Potomac Oaks Condominium complex. Within a few short hours, they coordinated overnight coverage at the Activity Center, relocated or rescheduled programs and prepared a place for the American Red Cross and Montgomery County Department of Health and Human Services to offer emergency assistance. Additionally, several staff members assisted in using the Robertson Park Youth Center (located about a block away from the explosion) as a satellite dismissal location when Brown Station Elementary School, also nearby, was evacuated due to the explosion and experienced the loss of power and heat.

7. PUBLIC COMMENTS

1. *Karl Van Neste, 52 Redding Ridge Drive*, commended the City for providing shelter for those impacted by the explosion at the Potomac Oaks Complex. Referenced the ordinance regarding salt dumping and having a time limit added. Requested that the definition of “green space” be re-evaluated. Mentioned the continuing issue of trash on Westside Drive and the need for trashcans.
2. *David Mullins, Gateway Apartments*, mentioned Lakeforest Mall and the suggestion made for daylighting the streams. Requested additional information regarding daylighting for the public.

There were no other speakers from the public.

8. JOINT PUBLIC HEARING

A. SK-9497-2023: Sketch Plan for the Nike Site Property at 770 Muddy Branch Road, Proposing a Maximum of 380 Multifamily Dwelling Units and Associated Open Space and Amenities in the MXD (Mixed Use Development) Zone

Planner III Eby presented for the above joint public hearing for the Nike site property. The hearing was advertised on March 2 and 9, 2023 in *The Washington Post* and posted on the City’s website on February 23, 2023. He stated there are currently 27 exhibits in the record

file and the property was properly posted and notification given for the hearing. The Applicant, Muddy Branch Investments LLC, submitted sketch plan application SK-9497-2023 to establish a new sketch plan for the property at 770 Muddy Branch Road. The sketch plan proposes to construct a residential multi-family community with a maximum of 380 dwelling units, along with associated open space and amenities. The sketch plan application is in accordance with Section 24-160D.9.(a) (Application for the MXD zone and sketch plan approval) of the City Code. The subject property is located immediately to the south of City- and Lakelands Ridge-owned HOA parcels and the Timberbrook Condominium community, west of Muddy Branch Road, north of Muddy Branch Shopping Center and the Lakelands Ridge single family detached houses, and east of the Lakelands Ridge multifamily condominiums. The property is zoned MXD (Mixed Use Development).

Phillip Hummel, Miles & Stockbridge, representing the applicant, introduced his team for the project. A vicinity map was shown of the property at 770 Muddy Branch Road, containing approximately 14 acres, proposing housing dwellings, retail and school and the various transportation access. Mr. Hummel provide background on the property which was originally known as the U.S. Army Nike Missile launch site (W-92 Facility). The property was later vacated and annexed into the City. The site didn't meet criteria for various structures and a demolition permit was issued in 2022. In regards to outreach, over six meetings with HOAs were conducted, the applicant then filed a site plan with the City in February 2023. The property does abut MXD properties on all sides. Said project will entail a multiple phase process which includes the joint public hearing on the sketch plan, a Planning Commission recommendation and decision by the Mayor and City Council, followed by a schematic development plan review and then a final site plan review by the Planning Commission.

Ross Ostrander, Pleasants Development/Muddy Branch Investments, LLC, provided aerial images taken during the summer of 2022 showing the property adjacent to the Lakelands Ridge community, other adjacent residential properties, and the Muddy Branch Square Shopping Center.

As mentioned above, the meetings held with HOAs, feedback and concerns were expressed by members of the community in regards to the impact on public facilities such as schools and transportation, construction noise, traffic, compatibility, setbacks between developments, landscape buffers, pedestrian enhancements and connections to the Muddy Branch Square Shopping Center. Walkability has been encouraged throughout the proposed project, but no direct connections to the Lakelands Ridge property as requested. It was reiterated that what is being proposed is a multi-family project. There is a maximum height of five stories, but could be adjusted lower as the project moves along. The applicant is proposing up to 28 units per acre which is consistent with the surrounding developments. Benefits of the sketch plan include a need for new market rate multi-family housing and moderately priced dwelling units (MPDUs) which will provide needed affordable housing west of I-270. The sketch plan proposed redevelopment that is compatible with surrounding neighborhoods both in use, building type, density, and promoting walkability, connection networks and the addition of stormwater management. In closing, the applicant stated that the new development will replace the existing vacant, dilapidated and unsafe structures as a matter of public safety and an appropriate commemoration of the properties past use as a Nike missile launch site.

Members from the Council and Commission questioned the type of parking proposed for the project and the decision for no pedestrian connection to the Lakelands Ridge community. The applicant responded that it will be a surface parked project and that they are honoring the feedback received in regards to creating pedestrian connection to the Lakelands Ridge community. In addition, physically it is impossible to connect on the west side due to an existing retaining wall and is not appropriate to have foot traffic because of the proximity of the single-family homes on the southern border.

In regards to further site remediation, the applicant responded that an application was submitted in 2022 to the Maryland Department of the Environment's Voluntary Cleanup Program. The applicant was accepted into the program and developed an action plan that was approved by Maryland.

The proposed five story height request and typography changes on the site were questioned. The applicant responded that there will be some typography that would drop off in almost every direction. Heights would be addressed during the schematic development phase (SDP).

Speakers from the public:

1. *Ursula Burgees, attorney with Rees Broome and representing Lakelands Ridge Homeowners Association*, expressed concerns with construction affecting the homes and area structures including retaining walls. Mentioned that the Association is looking for barriers between the communities and to ensure the mitigation of any cars cutting through the neighborhoods.
2. *Michael Dennis, President of Timberbrook Condominiums Board of Directors*, believes that less is more for the proposed sketch plan. Expressed concern with the proposed parking. Mentioned that the surrounding roads have not received maintenance in many years. Requested a small footprint with 3-4 stories height restriction.
3. *David Batlan, 210 Shadow Glen Court*, stated that his main concern is the potential creation of a cut through for traffic and pedestrians putting homeowners at risk. Also expressed concern with the lack of space for useable outdoor space. Urged the developer to continue the dialogue.
4. *David Woodward, 20202 Lea Pond Place*, spoke in favor of the proposed sketch plan. Stated that dense housing and the creation of walkable communities will help the fight against climate change.
5. *Andrew Low, 201 High Gables Drive*, mentioned the amount of accidents at the intersection of Great Seneca and High Gables. Expressed concern with the increase in traffic and possible accidents from the proposed development.
6. *David Worster, Timberbrook resident*, stated that the proposed site is on a hill and during snowstorms the street clearing is difficult. Asked for careful thinking about the project and the existing community.
7. *Stephanie Fits, Shadow Glen Court resident*, stated that the capacity discussions are terrifying. Mentioned that crossing safety is a concern with the expected increased traffic. Advocated for pedestrian safety to Fields Road Elementary School and area shopping center. Requested that the City walk the area around 4 p.m. to understand the traffic and pedestrian concerns.
8. *George Quinn, NIST employee*, thanked the developer for allowing artifacts to be obtained from the site.
9. *Leon Gerskovic, Shady Grove Village resident*, not opposed to the development but concerned with the lack of infrastructure to support the increased traffic and safety for pedestrians. Noted the fatalities that occurred in the area due to traffic.

There were no other speakers from the public.

The public was thanked for their involvement and feedback. The applicant also recognized the public for their input during this process. Mentioned that during the SDP phase, the applicant will address infrastructure, school capacity, compatibility, and transportation. A detailed traffic impact analysis will be submitted and reviewed by City staff. Stated that a traffic signal will be warranted with the proposed development, noting that Muddy Branch is a county, not a City road and any traffic signal would need to be reviewed and permitted by Montgomery County Department of Transportation. The applicant further noted that along with a traffic light, pedestrian safety improvements will be addressed.

The schematic development process was laid out for the public. There will be more opportunities for public input. The applicant was asked to address sooner rather than later the pedestrian and vehicular traffic, specifically issues with emergency vehicles and unconditional pedestrian flow. The phasing of buildings, parking, and setbacks were questioned to ensure that the proposed project is a success. Many echoed the importance of pedestrian safety and a potential traffic light. The Planning Commission's record will be open for a number of weeks to provide recommendations to the Mayor and City Council. A more walkable and connected community was encouraged.

Motion was made to hold the Planning Commission record open until 5 p.m. on April 21, 2023 (32 days), with anticipated recommendation on May 3, 2023.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Lloyd Kaufman
SECONDER:	Philip Wessell
FOR:	Bauer, Hopkins, Kaufman, Wessell, Cantrell

Motion was made to hold the Mayor and City Council record open until 5 p.m. on May 19, 2023 (60 days), with anticipated Policy Discussion June 20, 2023.

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

9. FROM MAYOR AND CITY COUNCIL

Lisa Henderson

1. Extended congratulations to all the Employee awardees and Police officers receiving promotions.
2. Attended the Gaithersburg Parent Community meeting with guest speaker Tony Hoffman to discuss opioid use. Thanked the Parks, Recreation and Culture staff and Opioids Funds team for organizing the discussion.
3. Attended several events including the St. Patrick's Day parade, a charity rock concert benefiting The Children's Inn at NIH, and the annual Youth Summit at Bohrer Park.
4. Invited to speak for Women's History Month by the Willing Three C's, longest serving senior group in Rockville.
5. Extended congratulations to the owners of Vine Alley in Kentlands on their reopening.
6. Attended Olde Towne Café's first live music event, great additional to the community.
7. Announced that she was appointed to serve on the National League of Cities Information Technology and Communications Federal Advocacy Committee.
8. Wished everyone a happy Women's History Month.
9. Thanked everyone for the birthday wishes.