



City of Gaithersburg

31 South Summit Avenue
Gaithersburg, Maryland 20877

Mayor and City Council Work Session Agenda
City Hall - Council Chambers
Monday, November 14, 2016, 7:30 PM

Final Revisions

- **Executive Session Revised**
- **Correspondence**

I. CALL TO ORDER

II. ANNOUNCEMENTS

- A. Executive Session Announcement / Motion

III. DISCUSSION TOPICS

- A. Annual Briefing - Police Advisory Committee
- B. Annual Briefing - Environmental Affairs Committee
- C. Staff Update on Working with Trail Groups
- D. Staff Presentation for Drone Policy

IV. CORRESPONDENCE

- A. Staff
- B. Outside

V. ADJOURNMENT

To confirm accessibility accommodations, please contact Doris Stokes at 301-258-6310, or email DStokes@gaithersburgmd.gov.

Please turn off all cellular phones and pagers prior to the meeting. Hand held signs brought 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.

The public is invited to attend and observe this session, but except in instances when the committee expressly invites public comments, no member of the public may participate in the discussions. The public may submit written comments to the committee staff liaison to be forwarded to the committee for its consideration. The City of Gaithersburg welcomes citizen involvement on committees. Please visit the City's website at www.gaithersburgmd.gov for vacancies.

ANNOUNCEMENTS

The next Mayor and City Council Regular Session will be held Monday, November 21, 2016, at 7:30 PM.

Call to Order

Announcements

CLOSED EXECUTIVE SESSION
REVISED

Notice to the general public is hereby given that the Mayor and City Council of Gaithersburg plans to conduct a closed executive session immediately following its session on Monday, November 14, 2016, at City Hall. The meeting is proposed to be closed pursuant to the General Provisions Article of the Annotated Code of Maryland, Sections 3-305(b)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto and 3-305(b)(8) to consult with staff, consultants, or other individuals about pending or potential litigation. The topics to be discussed are the acquisition of property for public use and to consider participation in an amicus brief in the case of Siena Corporation et. al. v. Mayor and City Council of Rockville, Maryland. The closed executive session will be conducted pursuant to a motion properly adopted during the session of the Mayor and City Council on Monday, November 14, 2016.

Discussion Topic

Mayor and City Council Agenda Item Request

Meeting Date: 11/14/2016

Type: Work Session Discussion

Call to Podium:

Andrew Bove, Committee Member
Ty Hardaway, Committee Member
Dan Lane, Staff Liaison

Agenda Item Title:

Annual Briefing - Police Advisory Committee

Responsible Staff and Department:

Dan Lane, Gaithersburg Police Department

Desired Outcome from Council:

Receive presentation

SUPPORTING BACKGROUND ON NEXT PAGE

Mayor and City Council Agenda Item Request

Supporting Background Information:

This briefing provides an update on the Police Advisory Committee which includes member information, history and mission, explanation of meetings as well as the partnerships that have been formed and activities that the Committee has participated in.

Annual Committee Briefing Police Advisory Committee



**Mayor and City Council Work Session
Monday, November 14, 2016**

Mission

The mission of the City of Gaithersburg Police Advisory Committee is to facilitate the flow of information between the community and the Police Department.

Members of the Police Advisory Committee serve as the voice of the community they represent and are proactive in finding solutions to problems facing not only their community but to all residents of Gaithersburg.

Actions

1. Volunteer Organization
2. Liaison between the community and the police department
 - a) Bidirectional communication
3. Goals
 - a) Positive and productive citizen-police relationship
 - b) Community education – feedback to department
4. Quarterly Meetings
 - a) Bohrer Park Activity Center
 - b) Other community facilities

History

The Police Advisory Committee was established by the Mayor and City Council in late 1998. The committee was initially comprised of 15 members from the community and was formed to facilitate the flow of information between the community and the Police Department.

Committee member Charles Ferrell is the last remaining original member.

Legislation:

- Resolution No. R-78-98 (Establishment)
- Resolution No. R-76-10 (Renaming from Police Chief's Advisory Committee)

Membership

- Andrew Bove, Deer Park Place
- Charles Ferrell, East Deer Park
- Carol Martin, Washingtonian Village
- Doug Wagner, Olde Towne
- David Weber, Kentlands
- Joshua Fischer, Park Station
- Ty Hardaway, Kentlands
- Current vacancies in many neighborhoods)
- Officer Dan Lane, Community Services Officer
- Chief Mark Sroka
- Council Member Robert Wu, City Council Liaison



Discussion Topics

Topical

- Body worn cameras
- Marijuana legislation
- Active Shooter
- Video Surveillance

Local

- Parking Regulations and Enforcement
- Traffic Safety
- New Police Station
- Citizen Police Academy
- Neighborhood Watch

National

- National Night Out
- Drug Take Back Events

Partnerships

- Gaithersburg Police Foundation
- Lakeforest Mall

Looking Forward

1. Expanding our outreach
 - a) Social media - NextDoor.com
 - b) City HOAs in underrepresented neighborhoods
 - c) Solicit input in community
 - d) Transparent communications
2. Continued education
 - a) Emergency and non-emergency
 - b) Animal Control
 - c) Parking enforcement

Interest

- Gaithersburg residents interested in joining the Police Advisory Committee should submit a letter of interest to City Council Member Robert Wu, Committee liaison or Officer Dan Lane, Police liaison.
- Letters of interest are reviewed by the Committee and are submitted to the Mayor and City Council for appointment.
- Each member of the committee serves as a volunteer and holds a two year term. For more information, please contact Officer Dan Lane, Community Services Officer and Committee Staff Liaison at 301-258-6168 or via email at dlane@gaitthersburgmd.gov

Gaithersburg Police Advisory Committee



18 Years of Service to the Gaithersburg

Mayor and City Council Agenda Item Request

Meeting Date: 11/14/2016

Type: Work Session Discussion

Call to Podium:

Doug Wolf, Committee Chair

Maribeth Gravunder, Committee Member

Dyan Backe, Environmental Affairs Committee Staff Liaison

Agenda Item Title:

Annual Briefing - Environmental Affairs Committee

Responsible Staff and Department:

Dyan Backe, Office of the City Manager

Desired Outcome from Council:

Receive presentation

SUPPORTING BACKGROUND ON NEXT PAGE

Mayor and City Council Agenda Item Request

Supporting Background Information:

Staff and the Environmental Affairs Committee have been working in collaboration to prioritize initiatives for the year and beyond.

The Committee will present a PowerPoint presentation and be available for questions and follow up.

ANNUAL COMMITTEE BRIEFING

ENVIRONMENTAL AFFAIRS COMMITTEE

Mayor and City Council Work Session
Monday, November 14, 2016



Priority List Background

The Environmental Affairs Committee (EAC) priority list is based on the previous year's list of priorities, along with new projects, programs and initiatives that have come up in the past 12 months.

EAC Priority Categories

- The list of priorities are organized under four categories:
 - Community Outreach
 - Community Recognition
 - Community Programs
 - Community Action



Category 1: Community Outreach

Each initiative in this group is intended to reach the community in a positive way and involve as many Gaithersburg residents, businesses, and employees as possible in environmental issues



Community Outreach Initiatives

- **Clean Up Day:** Annual clean up of streams and neighborhoods in the City. Volunteers focused on the Longdraft branch/Rabbitt Rd. area this year.
- **Celebrate Gaithersburg in Olde Towne Day:** EAC members speak to fair attendees about environmental initiatives in the City and share ideas for conservation and preservation.
- **Green Team for Sustainable MD Certified:** The Green Team assisted with efforts for the City's first re-certification with Sustainable Maryland Certified.

Community Education/Tour

The Committee toured the Pepco Watershed Sustainability Center in July 2016.



Pepco WaterShed Sustainability Center



Ground Mounted
Solar Panels



Solar Hot Water System

Category 2: Community Recognition

Initiatives in this group are intended to recognize individuals, organizations, schools, HOAs and businesses for their proactive environmental practices.



Community Recognition Initiatives

Environmental Awards Program

This popular and growing ceremony publicly recognizes individuals, groups and organizations for their positive environmental practices.



**Award Winners from
Eco Action Team at St.
Rose of Lima**

Category 3: Community Programs

Programs in this group involve the community in environmental projects and programs for the overall betterment of the City.



Community Program Initiatives

- **Recycling:** Improving the City's recycling in public settings such as outdoor events and at City facilities.
- **Rainscapes Rewards:** Continue to promote this program, especially with the expansion to include HOA common areas.
- **Energy:** Encourage residents to reduce energy consumption and encourage alternative energy usage (wind, solar, geothermal).

Category 4: Community Action

While the EAC and Mayor and City Council are important to the protection and preservation of Gaithersburg's environment, it is the action of its citizens that will ensure its success.



Community Action Initiatives



Community Shredding Event



Clean Up Day



Maryland
Green Registry
MEMBER



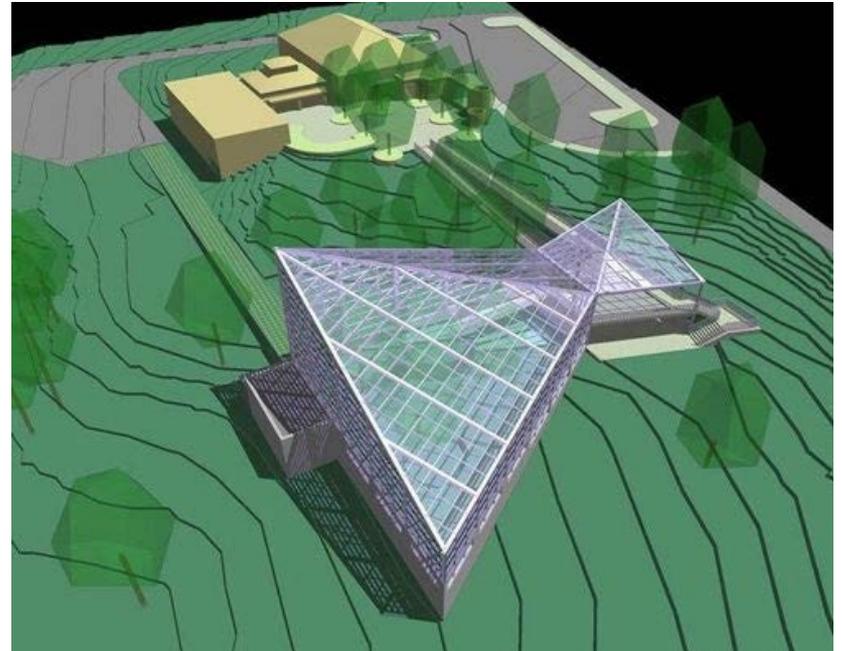
Recommendations for Action by the City

- Assess impacts of pesticides on pollinators.
- Mayor's for Monarchs commitment; National Wildlife Federation.
- Explore Green Procurement voluntary program with department tracking and goals.



Recommendations for Action by the City

- Explore voluntary green building stretch codes (beyond current requirements).
- Explore Energy Benchmarking.



Current EAC members

- Robert Wu, Council Liaison
- Doug Wolf, Chair
- Ed Mitchell
- Maribeth Gravunder
- Luis Gonzalez
- Marissa Msefya
- Eileen Conley
- Joshua Schuman



Mayor and City Council Agenda Item Request

Meeting Date: 11/14/2016

Type: Presentation

Call to Podium:

Michele Potter

Agenda Item Title:

Staff Update on Working with Trail Groups

Responsible Staff and Department:

Dennis Enslinger, Deputy City Manager
Michele Potter, Director of Parks, Recreation and Culture
Trudy Schwarz, Planning Division Chief
Mark Scafide, Operation Division Chief
Ollie Mumpower, Engineering Services Division Chief
Rob Robinson, Long Range Planning Manager
Charles Reed, Parks Superintendent

Desired Outcome from Council:

Receive Update and Provide Guidance

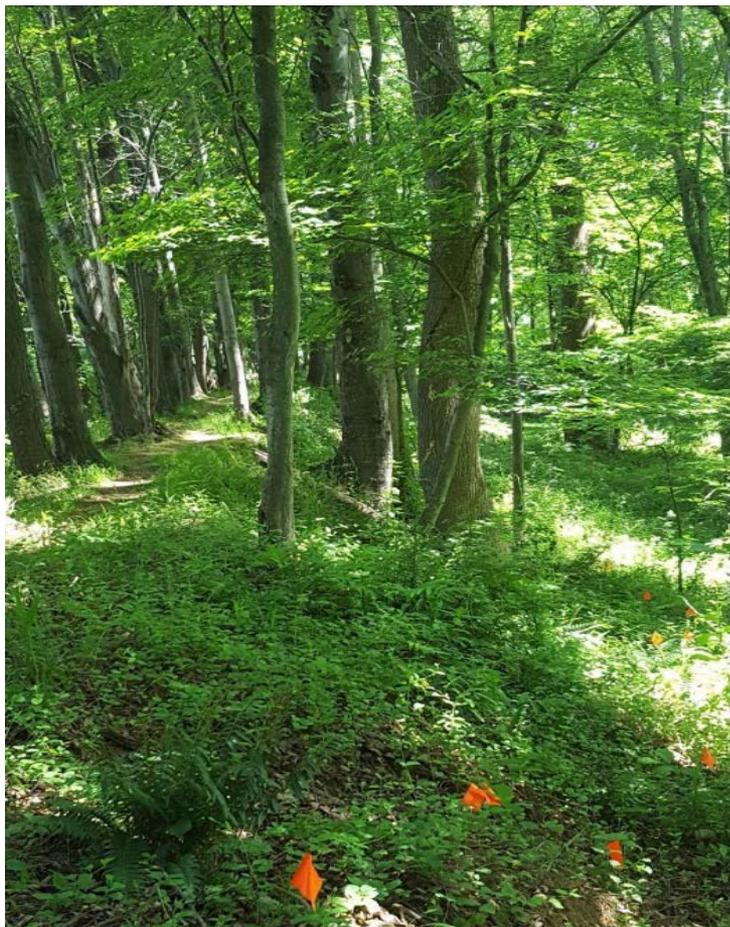
SUPPORTING BACKGROUND ON NEXT PAGE

Mayor and City Council Agenda Item Request

Supporting Background Information:

During the March 7, 2016 meeting, the Mayor and City Council directed staff to explore options of working with various organizations for trail improvements including accessibility, connectivity, and refurbishments. Staff has met internally as well as with two interest groups over several months, created a process, and have taken steps towards trail enhancements.

Staff Update on Working with Trail Groups



Trail Project Approval Process



**Mayor and City Council Work Session
November 14, 2016**

Trail Groups

- ❑ **Muddy Branch Alliance**

Primary focus is to relocate trails to improve the watershed quality



- ❑ **Mid Atlantic Off Road Enthusiasts**

Primary focus is to add trails for connectivity purposes



Collaboration

Key to developing a sustainable trails system throughout the City of Gaithersburg and providing a greater connectivity network



Legacy Trails

- ❑ A trail system connecting communities
- ❑ Formed through natural processes and often unimproved (deer trails)
- ❑ Not the same as the planned Shared-Use path network



Project Submission Process

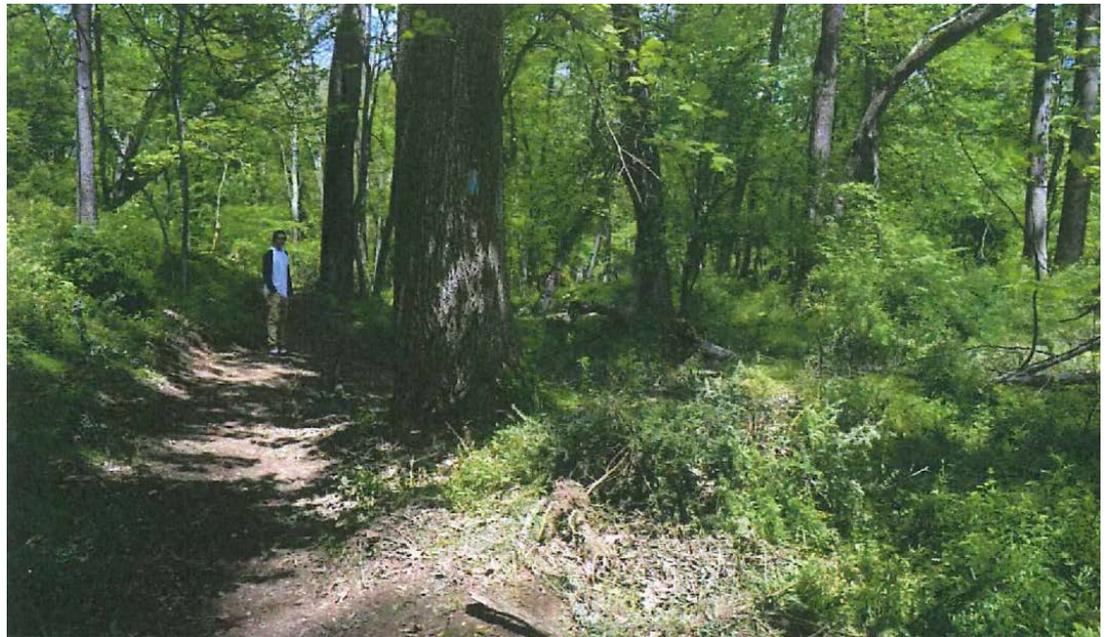
- An internal staff committee will review the request(s). The committee will be comprised of representation from:
 - Planning & Code Administration
 - City Manager's Office
 - Public Works
 - Department of Parks, Recreation and Culture

Project Submission Process

- ❑ The Department of Parks, Recreation and Culture will receive requests
- ❑ Staff proposes an annual project submission deadline of May 15 to allow for the evaluation phase to occur during the growing season in order to observe established floodplains, etc.
- ❑ Final decisions on which projects can proceed will be made each fall to ensure that any necessary funding is included for the upcoming fiscal year budget

Staff Review - Key Considerations

- ❑ Linkage(s)/Trail Connectivity
- ❑ Conservation Area(s)
- ❑ Benefits
- ❑ Impacts
- ❑ Cost/Funding



Staff Review - Key Considerations

Field Assessment will:

- ❑ Allow identification of sensitive natural resources
- ❑ Enable staff to conduct an environmental maintenance assessment
- ❑ Allow the committee to modify the request(s), as needed, by providing guidance to the requestor which incorporates staff recommendations into the final proposal
- ❑ Ensure the final formal proposal is clear in scope and scale, which will result in a successful project

City Oversight/Responsibility

- ❑ Provide guidance on scope/design
- ❑ Provide guidance on invasive plant removal
- ❑ Provide guidance on how to address any back-fill of abandoned trails



City Oversight/Responsibility

- ❑ Provide a list of appropriate tree species, caliper size, and quantity (trees/sq. ft.)
- ❑ Provide guidance on appropriate signage
- ❑ Create a tool kit to assist volunteer organizations



Possible Funding Sources

- ❑ Nonprofit organizations
- ❑ Federal resources – Recreational Trails Program
 - \$84M in 2016
 - Develop and maintain trails and trail-related facilities
- ❑ State grants
- ❑ City’s operating budget



Trail Group Responsibilities

- ❑ Provide adequate application materials
- ❑ Provide Volunteers
- ❑ Supervise Volunteers
- ❑ Coordinate actual construction project with City staff
- ❑ Look for outside funding
- ❑ Commit to helping with maintenance

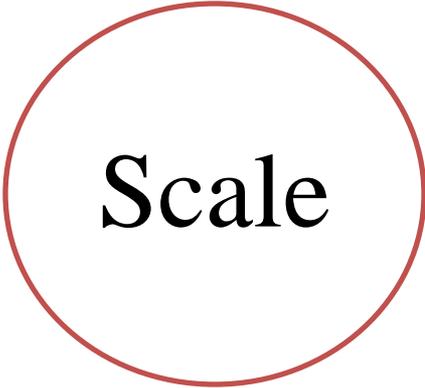


Public Notification Process

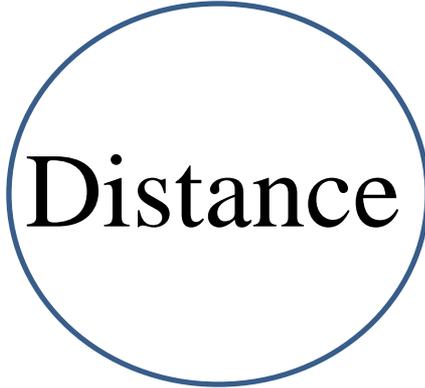
The following items will be considered in determining the appropriate level of public notification and process:



Scope



Scale



Distance

Trail Maintenance

- ❑ Every trail needs minimal maintenance, even a well designed and sustainable trail due to:
 - Natural erosion
 - Litter
 - Fallen trees
 - Flooded creeks



Hartwood Acres Trail Maintenance, Pittsburgh—November 5, 2006

Division of Trail Maintenance Responsibilities for New Trail

City:

- ❑ Major tree removal
- ❑ Addressing major erosion issues if they occur
- ❑ Maintaining permanent sign demarcations



Division of Trail Maintenance Responsibilities for New Trail



Trail Groups:

- ❑ Keeping the trail clear of vegetation, trash, etc.
- ❑ Addressing minor erosion issues
- ❑ Maintaining painted/ribbon sign demarcations

GIS Base Trail Map Database



Impact on City Resources

- ❑ Will require reallocation of staff resources to coordinate and review applications
- ❑ Will require reallocation of staff resources to maintain any new trails constructed
- ❑ Will require budget resources to create a GIS base trail map (special project)
- ❑ Will likely require additional budget resources for some specific projects

Staff Guidance

Should the City move forward with this program?



Mayor and City Council Agenda Item Request

Meeting Date: 11/14/2016

Type: Work Session Discussion

Call to Podium:

Frank Johnson
Britta Monaco

Agenda Item Title:

Staff Presentation for Drone Policy

Responsible Staff and Department:

Frank Johnson, City Manager's Office
Britta Monaco, Department of Community and Public Relations

Desired Outcome from Council:

Receive presentation and provide guidance

SUPPORTING BACKGROUND ON NEXT PAGE

Mayor and City Council Agenda Item Request

Supporting Background Information:

Staff is seeking Mayor and City Council guidance on the Drone policy and feedback on any other concerns to ensure proper implementation.

Options for a City Drone Program

Mayor and City Council Work Session
Monday, November 14, 2016

What is a Drone?

- Known under Federal regulations as an Unmanned Aircraft Vehicle (UAV)
- Regulated closely by the Federal Aviation Administration (FAA)
- Permitted (and intended to be encouraged) by Federal law under the FAA Modernization and Reform Act of 2012 (FMRA)

City Drone

- Drone included in FY 2016 Community & Public Relations Budget. Purchased June, 2016
- Initial desired uses included:
 - Photography/videography of City's special events and public programs
 - Virtual tours of parks and facilities

Other Identified Uses

- GIS Data collection and updating
- Public construction and stormwater project inspection
- Impervious surface verification for stormwater billing
- Planning analysis and review
- Permitting and large project progress review

Uses *(continued)*

- Limited Property Maintenance Review for Code Enforcement, within privacy policy restrictions
- Parking Issues
- Management of Forest Conservation, Drainage/Ponds, Wildlife
- Potential Public Safety – Animal Control

Flight Requirements

FAA regulations for public entities require:

- An approved FAA application and/or
- Pilot training and/or
- Established policies and procedures on safety, flight reporting, data retention, privacy and
- A flight and safety manual

Contracted Services Considerations

- Because we are within 30 miles of Reagan National Airport, commercial drone use is limited but not prohibited
- Costs may be prohibitive, \$100 to \$300 or more per hour, plus delays and timing for each use
- Can be challenging to ensure we obtain the video footage we are seeking
- City would still need to process the data and apply privacy and data retention policies

Other Key Considerations for a Successful City Drone (UAV) Program

- Safety, training for flight as well as drone and equipment maintenance
- Privacy limits and related data use restrictions
- Avoidance of FAA fines up to \$10,000
- Insurance coverage through LGIT
- Possible training grants available from LGIT

FAA Applications and Usage Limits

Section 334: Limited Uses For Public Entities

- Uses limited to *core government functions* – public safety, inspections and maintenance
- Uses do not include event photography, etc.
- Less training and less required FAA reporting
- Strict enforcement, with fines of \$10,000 or suspension of approved application

Section 333:

Broader Civil Commercial Uses

- More permitted uses, including public event coverage, marketing, virtual tours
- Trained pilot required
- More heavily monitored
- Ongoing FAA reporting (not self-regulated)

Section 107: Usage Allowance

- New rule without a formal application
- Pilots must be FAA certified
- Significant use limits, including
 - Daytime flights only
 - Always within pilot line of sight
 - Not over other persons
- Can serve as a starting point for a program

Summary of FAA Requirements

- Application selected will impact uses
- Drone must be registered for any use
- Pilot and Secondary Observer generally required for many flights
- Training for FAA pilot certification required

Staff Workgroup

- Includes representatives from P&CA, Public Works, PR&C, IT, CPR, CMO
- Focusing on uses and next steps
- Met July 28
 - Supports proposed drone program
 - Supports contracting with aviation expert to assist with FAA application, policies and training
 - Will continue to assist and monitor program

Contractor with Aviation Expertise

- Needed to assist with:
 - Permission from Montgomery County Regional Airport as it is within 5 miles
 - FAA applications and reporting
 - Establishing policies, including on privacy
 - Manual development for flights and drone maintenance
 - Training
 - Operational program development
- Received and reviewed five proposals
- Will focus on most comprehensive proposal at best cost

Next Steps for Drone Program

Finalize staffing and management

- Community and Public Relations for pilot/secondary observer
- Community and Public Relations for management
 - FAA reporting
 - Equipment maintenance
 - Flight coordination
- Anticipating starting Spring to Summer 2017

Questions?

Correspondence

Staff Correspondence



Distributed to M&CC:11/14/16
Enterprise Zone

November 7, 2016

The Honorable Nancy Floreen
Montgomery County Council President
100 Maryland Avenue
Rockville, Maryland 20850

Re: ~~Olde Towne Enterprise Zone in Gaithersburg~~

Dear Council President Floreen:

NANCY

The City of Gaithersburg would like express our strong support of the Government and Operations Committee position to make no substantive changes to the existing Enterprise Zone in Olde Towne, and reiterate the salient points made by Councilmember Navarro in her memo of October 20, 2016. Upon expiration of the designation, the County should evaluate whether continued assistance in the form of the impact tax exemption is needed to promote neighborhood reinvestment.

As a State program, Enterprise Zone status is conferred upon a geographic area that meets specific criteria established by State law, not local priorities. The County impact tax exemption has caused greater investment in the Olde Towne Enterprise Zone, far eclipsing the effects of the Maryland job creation and real property tax credits. To eliminate the impact tax exemption prior to, or upon expiration of, the Olde Towne Enterprise Zone designation fails to recognize the known success of this tool.

The Maryland Department of Commerce has proposed eliminating its Enterprise Zone program and will present an alternative structure for geographically-based incentive focus areas during the next session of the General Assembly. Admirable though that effort might be, a statewide solution will necessarily reflect the economic circumstances and priorities from disparate communities. Maintaining control of a County tool, effective in generating locally desirable goals should not be affiliated exclusively with a State program in flux.

The City looks forward to continuing to work with you on mutual issues of concern. Please feel free to contact me or Director of Economic Development Tom Lonergan, if you have any questions.

Sincerely,

Jud Ashman, Mayor
City of Gaithersburg

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2038
301-258-6300 • FAX 301-948-6149 • cityhall@gaitthersburgmd.gov • www.gaitthersburgmd.gov

MAYOR
Jud Ashman

COUNCIL MEMBERS
Neil Harris
Henry F. Marraffa, Jr.
Michael A. Sesma
Ryan Spiegel
Robert T. Wu

CITY MANAGER
Tony Tomasello

Outside Correspondence

From: **Becky Samuel** <bgs77@comcast.net>

Date: Mon, Nov 7, 2016 at 8:11 AM

Subject: Proposed Apartments in the Kentlands

To: jashman@gaithersburgmd.gov, mesesma@gaithersburgmd.gov,
nharris@gaithersburgmd.gov, rspiegel@gaithersburgmd.gov, cityhall@gaithersburgmd.gov,
rwu@gaithersburgmd.gov, planning@gaithersburgmd.gov

I am writing to express my concerns about the proposed apartment building at the corner of Great Seneca and Quince Orchard. I have been living in my condo in the Colonnade for the past 6 1/2 years. Most of what I like about living here is that it is relatively quiet, safe, has a good quality of life, a nice view and is a good community of committed property owners. These are some of my concerns about the proposed building.

-Egress and ingress: As of right now the Colonnade uses Arch Place as a main road in and out. We have a lot of traffic already and the road is extremely narrow. With the proposed apartments the traffic on our small roads will more than double the current volume. The stop sign at Granite and Arch is often ignored and I have witnessed many near accidents. With more than double the cars I can just imagine how bad that small intersection will become. It has been suggested that another egress/ingress would be the small service road next to Kmart. I have used this way out a few times in 6 1/2 years and that's only because I was going to Kmart. To suggest this service road is an acceptable secondary means of ingress and egress is absurd.

-Traffic: With an additional 2 or more cars per unit in the proposed apartments will add 600 more cars on Quince Orchard and Great Seneca. That intersection is already extremely over crowded during rush hour. Adding that many more cars will significantly add time to everybody's commute and create an even more dangerous and public nuisance. The traffic on Great Seneca between the Kentlands and 270/370 is already well over the road's capacity and adding 600 more cars will not only impact current residents of the Kentlands, but also residents of neighboring areas that use these roads on a daily basis.

-Schools: Kentland area schools are already overcrowded and 300 additional apartment units could add an additional 300-400 students. Future school board budgets will never be able to keep up with increased demands for resources, new schools and teachers and it's doubtful that the tax benefit realized from the apartments will be adequate putting the quality of the education of all students in jeopardy.

-Appearance: The Colonnade is 4 stories tall. The proposed buildings will be 2 stories taller. Constructing a building that tall that close to the intersection will completely change it's look and feel for the worse. The area is one of the most attractive in the county with its trees, landscaping and open air. The proposed apartments will destroy the look and feel of the entire area ultimately leading to decreased property values, increased crime and loss of quality of life. How close will the proposed buildings be to the existing Colonnade buildings? How will the owners view be altered? How will their

light be affected? How will those owners ever recover the loss of the value of their units?

I urge you to deny the applications for this development.
Thank you for your time,

Rebecca Samuel
Colonnade Owner since 2010



Distributed to M&CC:11/14/16
Committee Reappointment

October 5, 2016

CDR. James M. Simpson
1349 Carlsbad Drive
Gaithersburg, MD 20879

CAPT

Dear CDR. Simpson:

Your term on the Educational Enrichment Committee will be expiring soon. On behalf of the entire community I would like to express appreciation for your commitment to serving our City in this capacity. Our Boards, Commissions, and Committees perform vital functions in a variety of areas, and we recognize and value your contribution very much.

Our appointment policy requires that all volunteer positions be advertised to provide the public with an opportunity to apply. In the near future, we will be evaluating the requests to fill the vacancies on the Educational Enrichment Committee, and appointments will be made by the Mayor and City Council soon thereafter.

If you would like to be considered for reappointment or if you no longer wish to serve on Educational Enrichment Committee, please indicate by signing below and returning this letter within 30 days of the printed date.

Again thank you for your commitment to the City of Gaithersburg. If you have any questions, please feel free to contact me at mherndon@gaitthersburgmd.gov or 301-258-6395 x 1

Sincerely,

Maureen Herndon
Committee Liaison
Educational Enrichment Committee

Please check box:

I would / I would not like to be reappointed to the Educational Enrichment Committee

Name

OCTOBER 14, 2016
Date

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Michael A. Sesma
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Robert T. Wu

CITY MANAGER
Tony Tomasello

Adjournment