Chevy Chase Village Board of Managers
December 11, 2006

BOARD OF MANAGERS

Douglas B. Kamerow, Chair	Present
David L. Winstead, Vice Chair	Present
Susie Eig, Secretary	Present
Gail S. Feldman, Treasurer	Present
Betsy Stephens, Assistant Treasurer	Present
Peter M. Yeo, Board Member	Present
Robert L. Jones, Board Member	Present

STAFF

David R. Podolsky, Legal Counsel	Present
Geoffrey B. Biddle, Village Manager	Present
Roy A. Gordon, Police Chief	Present
Shana R. Davis-Cook, Manager of Administration	Present
Michael W. Younes, Administrative Assistant	Present

Dr. Douglas B. Kamerow, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:30 p.m. Dr. Kamerow reminded the audience that the annual Holiday Party would be held on Wednesday, December 13 in the Village Hall. Mr. Biddle suggested a ribbon-cutting for the new conference room on the evening of the party. Discussion followed.

Approval of Minutes from the November 13, 2006 Board Meeting

Ms. Eig submitted changes which were circulated to Board members prior to the meeting.

Ms. Feldman made a motion to approve the minutes of the November 13, 2006 Board Meeting as amended. Mr. Yeo seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman and Mr. Yeo voted in favor of the motion. Ms. Stephens and Mr. Jones did not vote as they were absent from the November 13, 2006 meeting. The motion passed.

Treasurer's Report

The Treasurer's report was distributed to the Board prior to the meeting. Discussion followed.

Committee Reports

Brookville Road Working Group (Working Group)
Dr. Kamerow, Chair of the Working Group, stated that Mr. Biddle had consulted with all residents of properties adjoining Brookville Road except for one who is currently residing out of the area. These consultations were to advise the adjoining residents of the project's

current status and design conditions and to hear each resident's feedback first-hand on concerns or priorities they may have. Mr. Biddle stated that that there had been generally strong support for the walkway's introduction into the corridor. Mr. Winstead advised that he had spoken with a resident that applauded Mr. Biddle's efforts in this endeavor. The next meeting of the Brookville Road Working Group will be held prior to the Board's next meeting on January 8, 2007. Discussion followed.

Decisions on Previous Appeals
None.

Appeals
Dr. Kamerow explained that the two appeals listed in the December 2006 issue of the *Crier* had been removed from the agenda prior to the meeting because the owners of the subject property withdrew their applications. Mr. Podolsky explained that the Code provides for an appeal arising from the granting or denying of a building permit. Because the applications were withdrawn and no permits were approved or denied by the Village Manager, there are no decisions to appeal.

Philip Sheridan of 5416 Center Street stated that he had concerns regarding the Village Manager's interpretations of Village and County Codes. Mr. Podolsky stated that if the owners of the subject property filed new applications, the Village Manager could advise the appellants so they could re-file their appeals. Mr. Biddle stated that as a courtesy he would advise the adjoining neighbors if the owners of the subject property filed new applications for similar permits with the Village office. Discussion followed.

Brian Porto of 5414 Center Street explained why he withdrew his applications. Discussion followed.

Duane Gibson of 23 West Irving Street asked how the Board would proceed in its review of the Village Building Code and how residents would be kept advised. Dr. Kamerow stated that residents would be kept aware of all meetings of the Building Regulations Advisory Group and their proposals. Discussion followed.

Old Business

Building Regulation Professional Consultant
Dr. Kamerow explained that the Board had instructed Mr. Biddle to look for a professional consultant to advise how, in response to mansionization concerns raised by Village residents; the Village's building regulations could be modified. Mr. Biddle reported that he had narrowed the search to three candidates, Nore Winter of *Winter & Company,* Christopher Jakubiak of *Jakubiak & Associates, Inc.*, and Colden Florance of *SmithGroup, Inc. SmithGroup, Inc.* and *Jakubiak & Associates, Inc.* are both locally based and *Winter & Company* is based out of Colorado. *SmithGroup, Inc.* is the largest of the three candidates. The consultants' fees range from $150 to $250 an hour. Ms. Stephens suggested having the Building Regulations Advisory Group review materials provided by the three candidates and present the Board with its recommendation. Mr. Yeo suggested the Advisory Group not be

asked to provide a recommendation until the Advisory Group is fully appointed and is comprised of persons having a broad range of expertise. Dr. Kamerow stated that he did not feel the Board could make a decision based solely on the documents available at this time.

Ms. Eig stated that she felt that Nore Winter of *Winter & Company* was the best candidate based on the circulated documents and provided the following rationale:

- Ms. Eig spoke with Judy Robinson who provided her sole recommendation of Mr. Winter.
- Ms. Eig stated that it was apparent to her that Mr. Florance and Mr. Jakubiak had not performed work comparable to what the Board sought at this time.
- As the basic speaker used by the National Trust of Historic Preservation, Mr. Winter had set the standard for how other companies perform their operations.
- *SmithGroup, Inc.* had worked with large companies that had control over every detail. In working with a municipality, things are developed more fluidly.
- One of the recommendations included for *Jakubiak & Associates, Inc.* stated as a basis for its experience that it administered its own regulations. Ms. Eig stated that this is contrary to the Board's objective to eliminate "taste police" regulations.

Mr. Yeo stated that based upon his review of the documents received, he agreed with Ms. Eig that *Winter & Company* was the best candidate. Mr. Winstead stated his preference for a local company. Ms. Stephens said she felt paying the travel expense for Nore Winter of *Winter & Company* would outweigh the benefits of working with the firm. Mr. Jones stated that he was concerned with *Winter & Company's* lack of experience with the local area. Mr. Jones said he felt the Advisory Group should review the prospective consultants to determine if the benefits of a local consultant outweighed the experience of *Winter & Company*. Ms. Eig stated her opposition to having the Advisory Group review the candidate consultants, and reiterated her basis for pursuing *Winter & Company*. Ms. Feldman suggested that the Advisory Group could review the candidates and provide an advisory recommendation, leaving the final determination to the Board. Ms. Stephens stated her support of *Jakubiak & Associates, Inc.* because they are familiar with local issues through working with the Town of Chevy Chase, and that their proposal was written well. Mr. Jones reiterated that he felt the Advisory Group should review the candidates and make an advisory recommendation to the Board. Ms. Feldman stated that with Thomas Bourke on the Advisory Group she felt it was adequately equipped to make a recommendation on the candidates. Ms. Eig cautioned that the Village residents were anxious to see the Board modify the regulations as quickly as possible.

Dr. Kamerow stated that once more members were added to the Advisory Group, it could expeditiously convene its first meeting and a follow-up meeting(s) to interview the three candidates. Dr. Kamerow instructed Mr. Biddle to confirm the travel compensation costs for *Winter & Company* so a comparable analysis could be made with the costs of the other two companies. Ms. Feldman said the Board should not be hasty in selecting a consultant as their input will help guide major changes to the Village's Building Code. She stated that the Advisory Group would not select the firm, but their experience would allow them to make a recommendation to the Board.

The Board directed Mr. Biddle to identify more residents for the Building Regulation Advisory Group. Upon the appointment of more members, Mr. Biddle is to provide the Advisory Group with the documents regarding the three candidate professional consultants and the Board's comments from this evening and ask them to meet with the candidates within the next two months. The Advisory Group should then provide the Board with a recommendation at its February 12, 2007 meeting.

Building Regulation Data Gathering
Mr. Biddle explained that Mr. Younes had located aerial photography taken by Montgomery County that could be used instead of the Village hiring a photographer. The cost of working with the data to make various square footage calculations is $2,000. This data could be analyzed by Village staff and used to characterize the current building conditions within the Village. Mr. Younes explained that Montgomery County performs aerial photography of the entire County every three years. This most recent information was compiled in January 2006, but does not capture topography. Ms. Eig stated that she opposed proceeding with any photographic data analysis at this time and stated that she preferred first hiring a consultant to advise if there are additional elements that should be assessed that are not available through the County's data. Mr. Winstead agreed with Ms. Eig and suggested meeting with a building regulation professional consultant prior to performing calculations based on the County's photo materials. Discussion followed.

Infrastructure/Communications Consultant
Dr. Kamerow explained that the Board sought advice on both available technologies and disruption mitigation alternatives should the Village work with communications companies to make new and competitive services available within the community. Mr. Biddle stated that he had located and spoken with *Columbia Telecommunications Corporation* (CTC), which has experience with communications technologies and is on contract to provide professional services in these matters to Montgomery County, Rockville and other local jurisdictions. Mr. Biddle introduced Robert Wilson, Chair of the Village Public Works Committee, who had had public service experience and had reviewed three candidates identified by Mr. Biddle. Mr. Wilson stated that he spoke with a representative of Prince William County where Mr. Wilson had worked for 17 years with the Office of Information Technology Director (OITD). He stated that the OITD had provided a high recommendation for CTC. He noted that Prince William County is currently discussing cable/communications installations within its boundaries.

Mr. Biddle stated that if the Board agreed, CTC could make a presentation to the Board and residents on January 8 and the Board could approve CTC's proposal to perform follow-on work with the Village to help shape a strategy for introducing desired technologies. Mr. Biddle stated that CTC had expertise in the design of communications networks and market strategy and that the firm *Richter & Associates*, previously hired in connection with the Connecticut Avenue Revitalization Project, could provide engineering support on how these networks could be installed. Discussion followed.

The Board directed Mr. Biddle to proceed to ask *Columbia Telecommunications Corporation* (CTC) to attend the Board's meeting on January 8, 2007 to make a presentation regarding communications technology alternatives. After its presentation, the Board will decide if it will pursue further assistance from the company.

New Business

Funding Request for Bethesda-Chevy Chase High School Athletic Field
Thomas C. Papson of 5519 Center Street presented his request for funding on behalf of the Bethesda-Chevy Chase High School (B-CC) for safety-based upgrades for the upper athletic field, which is used for various athletic purposes. He explained that B-CC is the principal public high school that serves the Village. He advised that the Town of Chevy Chase had already donated $10,000 toward this endeavor. Mr. Papson requested $10,000 or any amount the Board deemed appropriate. Ms. Feldman asked why the Board of Education was not funding the upgrades. Mr. Papson replied that the school principal, Sean Bulson, advised that the school is unable to get funds from the Board of Education in the current school year's budget. Ms. Eig said she felt the requested amount was large for the purposes of an athletic field. Mr. Winstead stated that in light of the recently denied request for *Ellen's Run,* standards should be outlined as to the types of requests the Board deems appropriate. He said that funding should be acquired through property taxes and personal donations from parents of students attending the school. Mr. Yeo stated that he felt this type of request was consistent with donations made to local parks and schools for permanent upgrades. Ms. Feldman said she felt a firmer policy needed to be set to outline what the Village taxpayers' money should be donated toward. Mr. Jones thanked Mr. Papson for his efforts and stated he felt the request was partially for maintenance and partially for permanent upgrades. Mr. Papson agreed with Mr. Jones that certain aspects of the project were maintenance items that should be funded by the County.

Margaret Cook of 5410 Center Street asked how much was budgeted for donations to outside organizations. Mr. Biddle responded that $25,000 was budgeted in the general category of "Community and Consulting". Discussion followed.

Mr. Yeo made a motion to approve the request for $10,000 toward safety-based upgrades for the upper athletic field at the Bethesda-Chevy Chase High School. Mr. Jones seconded the motion. Mr. Yeo and Mr. Jones voted in favor of the motion. Mr. Winstead voted against the motion. Dr. Kamerow, Ms. Eig, Ms. Feldman and Ms. Stephens abstained. The motion did not pass. The request was denied.

After the vote, Kirk Renaud, parent of a student(s) at B-CC requested a lesser donation from the Board toward the upgrades of the athletic field. No vote was taken.

Administrative Staffing Work-Around
Mr. Biddle explained that Communications Clerk, Beverly Perkins, would fill in for Ms. Davis-Cook during her maternity leave from approximately April 2007 through August 2007. This would require appropriating an additional $30,000 from reserves and allocating it to the administrative personnel budget for payroll and benefits for FY2007 ending June 30, 2007,

and would convert Ms. Perkins from part-time to full-time status. **The Board unanimously approved appropriating $30,000 from reserves and allocating it to this administrative personnel budget.**

Resolution No. 12-01-06: *Verizon* CATV Franchise
Mr. Podolsky explained that Montgomery County granted a franchise to *Verizon* on November 28, 2006, thereby allowing *Verizon* to provide cable television service throughout the County. Mr. Podolsky explained that the Village must decide whether to: 1) adopt a Resolution granting a franchise to *Verizon* to provide cable television service in the Village, and 2) approve the County-Municipal Agreement authorizing the County to administer the *Verizon* franchise on behalf of the Village. He further explained that the franchise agreement regulates how cable service will be operated once *Verizon* has installed its cables within the Village. Local laws regulate how cables are installed. Discussion followed.

Dr. Kamerow, Mr. Winstead, Ms. Feldman, Mr. Yeo and Mr. Jones voted to postpone approving the aforementioned agreements and Resolution pending adoption of regulations pertaining to the installation of the cable service within the Village, preferably at the Board's January 8 regular meeting. Ms. Stephens voted in favor of signing the aforementioned agreements and Resolution with expedited approval of regulations regarding installation of the cable facilities. Ms. Eig abstained. Mr. Biddle said that he would speak with *Verizon* representatives and make them aware of the Village's intentions.

Chairman's Report
None.

Manager's Report

Email Addresses for Board Members
Mr. Biddle explained that he had been approached by a resident requesting direct emails for Board members. The Board asked for staff to set-up secondary email addresses for each member with a notification system to their existing email accounts advising when emails are received. Mr. Biddle stated that he would investigate technology options. Discussion followed.

Tree Removal Permit Fee Modification—Quantities Greater Than Six
Mr. Biddle stated that several residents had expressed hardship in paying the newly increased tree removal permit fee of $50 per tree. Mr. Biddle asked the Board if they would approve modifying the fee schedule to allow for a set fee for 6-15 trees and 15 or more trees.

The Board unanimously directed Village Counsel to work with Mr. Biddle to determine an appropriate filing fee and draft a Resolution accordingly.

***Crier* Content Policy**
Mr. Biddle requested guidance from the Board on a policy for what content should be allowed in the *Crier*. Board members stated that, generally, any articles received from non-

Village residents and/or that do not have a tangible connection to Village residents would not be permissible. Flyers are only permissible for Village-sponsored activities. Concern about the effect of inclusions on printing/mailing costs was expressed. Discussion followed.

Chevy Chase Land Company
Mr. Biddle advised that a payment had been received from the Land Company. Discussion followed.

Police Report

The monthly Police Report was distributed to the Board prior to the meeting. Chief Gordon advised the Board of recent crimes in the area. Discussion followed.

Speed Cameras
Mr. Biddle advised that Montgomery County would soon enter into a contract with its selected speed camera vendor. Camera installation could commence within the following three months. Dr. Kamerow requested information from Chief Gordon for presentation at the February 2007 Board meeting regarding speeding and its effects within the Village and surrounding areas so residents can gain a better understanding of the problem the cameras are expected to remedy. He stated that this would document both the problem's history and the camera program's justification. Discussion followed.

Ms. Feldman made a motion to adjourn the meeting. Ms. Stephens seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed. The meeting adjourned at 9:31 p.m.

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Secretary, Chevy Chase Village Board of Managers

Final.