

Chevy Chase Village Board of Managers

November 13, 2007

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	Absent
Peter M. Yeo, Board Member	Present
Robert L. Jones, Board Member	Present

STAFF

David R. Podolsky, Legal Counsel	Present
Ronald M. Bolt, Assistant 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. Mr. Yeo arrived at 7:32 p.m.

Approval of Minutes from the October 9, 2007 Board Meeting

Ms. Eig submitted changes to the minutes, which were provided to the Board at the meeting. Discussion followed.

Ms. Feldman made a motion to approve the amended minutes of the October 9, 2007 Board Meeting. Ms. Eig seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, and Mr. Jones voted in favor of the motion. Mr. Yeo had not yet arrived. The motion passed.

Treasurer's Report

The Treasurer's report was distributed to the Board prior to the meeting. An unidentified resident asked if there was a plan for how the speed camera revenue would be spent. Dr. Kamerow said that after payment of the related expenditures, the remaining revenue would be applied to pedestrian and public safety initiatives. Discussion followed.

Committee Reports

Brookville Road Working Group—Dr. Kamerow explained that Mr. Biddle had met with the Historic Preservation Commission (Commission) staff and that the Commission would conduct a preliminary consultation with the Village on the proposed plans at its December 5, 2007 meeting.

If supported by the Commission, the plans would then be submitted to the State Highway Administration for its review. Discussion followed.

Decisions on Previous Appeals

None.

Appeals

A-5311: Mr. and Mrs. Stephen C. Conley, 9 West Lenox Street—Replace and widen the existing gravel driveway with a paver driveway on private property. Mr. Conley and Bob Hawkins of Hawkins Signature Landscapes, the landscape contractor for the applicants, presented the request. Mr. Hawkins said that the primary reason for the request was due to the resident's visual impairment. Mr. Conley explained the medical reasons for his vision impairment. Ms. Eig said that she did not believe that the resident's visual impairment warranted the requested modification to the driveway because the resident has been legally allowed to drive. She also stated that the Village Code does not require a property to have a driveway. Mr. Conley explained that while he is allowed to drive, he would like to have increased ease of access to his property given his vision impairment. Mr. Conley further explained that the proposed driveway had been designed to be visually appealing from the street. Ms. Feldman stated that she felt the Board should be considerate of private homeowners' physical needs.

Susan Gorman of 45 West Lenox Street stated that she could understand why Mr. Conley has difficulty backing out of the current driveway given its layout, and she stated her support for the proposed modification in width and material. Ms. Feldman concurred that the pavers would be preferred, especially if they would provide a more pervious surface than the existing material. Discussion followed.

Ms. Feldman made a motion to direct Counsel to draft a decision approving the request to replace and widen the existing gravel driveway with a paver driveway on private property. Mr. Yeo seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Feldman, Mr. Yeo and Mr. Jones voted in favor of the motion. Ms. Eig voted against the motion. The motion passed.

A-1649: Mr. and Mrs. Ronald A. Rosenfeld, 111 East Melrose Street—Removal of twelve (12) Leyland Cypress trees of varying diameters located in the rear yard of the property. The landscape architect for the applicant, Lila Fendrick of Lila Fendrick Landscape Architecture, presented the request. Ms. Eig noted that the reforestation plan included three trees that would comply with the reforestation specifications routinely required by the Board. Discussion followed.

Ms. Eig made a motion to direct Counsel to draft a decision approving the request to remove twelve (12) Leyland Cypress trees of varying diameters located in the rear yard of the property, provided the applicants proceed with the plantings outlined in the reforestation plan submitted for the record. Mr. Yeo seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.

Old Business

Wohlfarth Property—Suggested Uses: Dr. Kamerow introduced John Hench and Property Manager Carrie Pallichi from the Parks Department of the Maryland National Capital Park and Planning Commission (P&P), and Lieutenant Duvall of the Park Police Department. Dr. Hench explained that they were in attendance to hear residents' comments regarding use of the property. Dr. Hench proposed the creation of a Village Committee to work with P&P on the eventual use of the property and suggested first holding a charrette to discuss options for the property. Mr. Winstead asked what the precedent was in Montgomery County for the use of existing houses on properties purchased through Legacy Open Space. Ms. Carrie explained responded that such houses are typically utilized in the interim while the eventual use of the property is being determined.

Ms. Eig asked Dr. Hench to explain the difference between Legacy Open Space vs. Program Open Space. Dr. Hench explained that Legacy Open Space had been adopted by Montgomery County. Mr. Winstead asked if the value of the house and garage could possibly preclude its removal. Dr. Hench stated that P&P probably would remove the improvements if that was what the community wanted.

Mr. Yeo stated his support for the removal of the house and garage in favor of more open green space and the eventual connection of the property to the Buffer Area. Ms. Feldman stated her support for the removal of the existing house and garage to promote green space and park land. Ms. Eig said she felt the house and garage would interfere with the proposed walkways and that they should be removed as soon as possible to alleviate the cost of upkeep and she said that the end of Grove Street should be widened to allow drivers to turn around, which would probably place the roadway too close to the house to allow its preservation.

Matthew Yeo of 5418 Grove Street stated his support for removal of the structures and the installation of a playground on the property. He said that the presence of the structures prevents the desired link to the Buffer. He concluded that any institutional use of the property presents other problems that could be avoided by removing the structures.

Mr. Jones stated his support for the removal of the house and garage.

Gerri Carr of 3 Grafton Street stated that other parks in the County that have houses situated on the property are rented out for parties and functions. She said that she would like to see an additional facility for residents' use other than the Village Hall. She said that it would be nice to allow the house to remain for children's uses.

Pat Baptiste of 7 Grafton Street said that, pursuant the open space objective, the house and garage should be removed in favor of more lawn area. Mr. Winstead concurred with Ms. Baptiste's comments. Mr. Winstead also stated that efforts should be made to promote children's programs and events in the Village Hall. Ms. Eig noted that a community recreation center will be constructed in the redeveloped Friendship Heights area near the intersection of Western and Wisconsin Avenues.

Cheryl Baird of 3923 Oliver Street asked about the condition of the house. Dr. Kamerow replied that it is in good condition. Ms. Baird agreed with Ms. Carr that use of the house would provide a more affordable space than the Village Hall where residents could meet and connect. She said that the Village could make use of the house to promote use by the youth community, and the Village could require visitors to carpool, bicycle and walk to the property. Ms. Baird encouraged the Board to investigate uses for the house instead of deciding to tear it down.

Phyllis Kass of 33 West Irving Street stated her support for a tennis court and a swimming pool. She also said that use for the house should be explored.

Tom Ryan of 5414 Grove Street said that the objective of Legacy Open Space is to maintain open space, not to provide facilities. He also stated that the property could provide the Village with a buffer from Western Avenue. Dr. Ryan said that the house should be removed.

Mr. Yeo outlined his plan for an open area that he said would be enhanced by the removal of the house and garage, and that included a children's play garden in one small portion of the property designed especially for toddlers and younger children. The area would not be a formal playground, but could include such design elements as a hedge maze, water element/fountain, artificial boulders for climbing, stone pavers set in patterns in the grass, etc., that would blend well with the green space objective.

Kathleen Meredith of 2 Magnolia Parkway asked if it would be possible for residents to tour the house. Dr. Kamerow directed staff to coordinate an Open House. Ms. Meredith stated that residents are not currently using the triangle park and asked why the Board felt that residents would use a new park at the Wohlfarth Property.

Susan Gorman of 45 West Lenox Street said she felt the property should include ball fields to promote use by young people.

Ms. Carr said dog owners should be encouraged to use the park, as long as their use did not create a maintenance issue.

Emily Miller of 5507 Grove Street stated her support for a play garden for small kids, and an open space area for teenagers. She stated that the house must first be removed in order to feel that the property is an open park area and that allowing the house to remain would discourage use of the park.

Dr. Ryan stated that he would hope for the property to become the equivalent of the buffer, and not an area designated for dog use. He said he felt the greatest use of parks within the Village is for the visual appreciation of the green space.

Harry Tamvakis of 5410 Grove Street said he hoped the eventual use of the property would not adversely affect the "lives" of the residents that live in the last block of Grove Street. He stated his support for an open park and asked the Board to weigh how potential uses would affect traffic in the area.

Ms. Baird stated her support for an area where small children could congregate. She also said that the property should be made more open so that passersby can appreciate the green space.

Dr. Kamerow asked Dr. Hench what the P&P's timeframe was for making a decision. Dr. Hench replied that he would like to work in a manner that satisfies the majority of residents, as permitted within their mutual schedules. Dr. Hench asked the Board to establish a Committee that P&P could work with so there is a point of contact to continue the dialogue regarding the use of the property, beginning with the original objective under which the property was purchased, to maintain the open green space.

Mr. Yeo suggested that Mr. Biddle serve as liaison between P&P and the Board of Managers, and he said that Mr. Biddle should work with P&P in scheduling a ~~charretcharette~~, which would be promoted in the *Crier*. Dr. Hench replied that it would be better for P&P staff if a ~~charretcharette~~ could be scheduled after January 1.

Ms. Eig asked if the Board could conduct a vote of intention in regard to the existing house. Dr. Kamerow, therefore, called for a vote of intention in regard to the existing house.

Ms. Eig made a motion to reflect the Board of Managers' intent to proceed with the demolition of the existing residential structure located on the Wohlfarth property at 5409 Grove Street. Mr. Yeo seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.

Ms. Carr said that the entire Village community's desires for the use of the property needed to be weighed, not just the desires of the abutting residents.

Mr. Winstead stated that Village needed to address why the Village Hall was not being adequately utilized.

Ms. Baptiste asked if the house were to be used as a community building, would that mean that non-residents could rent the facilities. Dr. Hench replied that that was correct. Discussion followed.

Building Regulations Review: Dr. Phillip Sheridan of 5416 Center Street and the Concerned Citizens for Village Preservation introduced Ron Holroyd of 3929 Oliver Street who requested an update on the regulations process.

Dr. Kamerow responded and stated that the current moratorium would be in place through the end of January 2008, but that it probably would have to be extended because there would not be sufficient time to make the required notifications to the County Council regarding any proposed Code modifications prior to the moratorium's expiration. The Board is currently waiting for Winter & Company to submit regulation options in regard to floor area ratio (FAR), lot coverage and plate height. Mr. Biddle stated that Mr. Winter would be in attendance via video-conference at the Board's December 10 regular meeting to discuss possible regulations in regard to floor

area ratio (FAR) lot coverage and plate height, pursuant to the data submitted to Mr. Winter by Village Administrative Assistant Michael Younes.

Mr. Holroyd asked what elements would be subjected to regulations. Dr. Kamerow advised that the Board would discuss at its December 10 regular meeting other regulatory concepts, including, but not limited to, wall lengths, garage frontages and below-grade structures.

Mr. Holroyd stated that the community cares a great deal about these regulations and needed to be assured that they would have an opportunity to voice their opinions.

Mr. Podolsky advised that any new regulations must be submitted to and reviewed by the Montgomery County Council 30 days prior to a public hearing which must precede adoption by the Village. Mr. Podolsky suggested that the Board should hold a separate meeting regarding the new regulations. Ms. Eig concurred with Mr. Podolsky and added that separate meetings would help to expedite enactment of the new regulations. Ms. Feldman said that the Board should schedule special meeting dates when the Board convenes on December 10.

Alan Berlow of 9 East Melrose Street asked the Board to consider regulations in regard to the notification to abutting neighbors when Building Permits are issued by the Village Manager. Mr. Berlow said this should include copies of the building plans. Mr. Berlow also encouraged the Board to enact regulations that would allow the Village to deny improvements that do not “fit in” to the Village. Discussion followed.

New Business

Saks Fifth Avenue Parking Fee Proposal: Patricia Harris of *Holland & Knight*, Ed Heller general manager of *Saks Fifth Avenue* (Saks) and Cary Euwer, President and CEO of the Metropolitan Partnership, Ltd. and resident of 43 West Lenox Street, were in attendance and presented the request. Ms. Harris explained that Saks desired to eliminate the current 1-hour of free parking that it is obligated to provide because the parking lot for the retailer is zoned residential. In order to change the parking requirement it must be specifically addressed in a text amendment to the zoning ordinance from Montgomery County. A previous agreement between Saks and the Village requires Village Board approval of any zoning modifications proposed by the retailer. Ms. Harris said that Saks understood that this zoning text amendment would be a burden to Village residents and, therefore, Saks would like to offer a parking voucher to Village residents only to allow them to continue to park on the lot for free. Mr. Euwer explained that the vouchers would be provided for a trial period to determine how many residents would utilize the vouchers.

Jane Roemer of 5402 Center Street asked Ms. Harris to further explain why Saks felt it needed the zoning text amendment. Ms. Harris explained that drivers park their vehicles in the Saks parking lot and get parking validation from Saks employees while they visit surrounding offices.

Amy Christaldi of 4031 Oliver Street stated that the Village officers do not have sufficient time to enforce the current parking regulations, and that changing the parking regulations in the Saks parking lot would only exacerbate the current parking problems on the west side of the Village.

Ms. Christaldi said that she did not feel that the Village was being offered anything in return for the requested modification.

Libby Kurry 4111 Oliver Street spoke in opposition of the vouchers offered by Saks.

Pat Baptiste of 7 Grafton Street provided the history of previous agreements between Saks and the Village in regard to the parking lot. Ms. Baptiste spoke in opposition to the vouchers offered by Saks.

Emily Miller of 5507 Montgomery Street said that the proposed parking modification would place more parked vehicles on Village streets when there are not enough Village police officers to enforce the current parking regulations. She also stated that she did not feel that parking enforcement was an appropriate use of Village officers' time.

Mr. Winstead noted that Saks desired to have similar parking arrangements as the other neighboring lots. Ms. Feldman said that no further parking burdens should be incurred by the Village until it dealt with the current parking problems.

Diane Kartalia of 5412 Grove Street asked if Saks had approached the neighboring doctors' offices to see if they would encourage their patients not to park on the Saks lot.

Kathleen Meredith of 2 Magnolia Parkway said that she has never seen the Saks parking lot full.

Mary Sheehan of 30 West Kirke Street said that she rarely sees vehicles parked in the lot and that she has never seen the lot full. Ms. Sheehan said that she did not feel that there was a parking issue for Saks patrons.

Mr. Jones said that the residents in the section of the Village closest to Saks had made it clear that they felt the parking modification would exacerbate the existing parking problems on the Village streets. Mr. Jones also said that if an opening were made in the north end of the property fencing along Wisconsin Avenue it would encourage drivers visiting doctors on the other side of Wisconsin Avenue to park at the north end of the lot.

Ms. Harris stated that based on the residents' comments, Saks would withdraw its request for a zoning amendment.

Resolution No. 11-01-07: Wohlfarth Property Annexation (Introduction): Mr. Podolsky explained the resolution and advised that Montgomery County has provided its consent. Discussion followed.

Mr. Jones made a motion to approve introduction of Resolution No. 11-01-07. Mr. Yeo seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.

Chairman's Report

None.

Manager's Report

Speed Cameras: Mr. Biddle explained how the speed camera program operates. He stated that the can-cameras, which are only functional during the day, took 22,000 pictures for the first 30 days beginning October 8, 2007, which resulted in 10,000 issued citations, 8,400 of which had been mailed as of Tuesday, November 6. He further explained that the State Highway Administration was in the process of drafting a policy in regard to the fixed-pole cameras, which should be complete within 30 days (end of December, beginning of January). The fixed-pole cameras could be used at night.

Contract Awards:

Printing Company for Monthly Village Newsletter—Ms. Feldman made a motion to exercise the one-year renewal option in the current contract with *Spectrum Printing and Graphics* for the printing of the Village's monthly newsletter, the *Crier*. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.

Holiday Party Caterer—Mr. Jones made a motion to authorize the Village Manager to enter into a contract with *Provisions, LTD* for the catering of the Village's 2007 Holiday Party. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.

Fundraising Initiative for Connecticut Avenue—Mr. Yeo made a motion to modify the budget in the amount of \$5,000 (to be taken from community consulting) for EDAW, Inc. to draft a presentation package of the Connecticut Avenue plans to support the fundraising initiative, which would be reimbursed to the budget by the funds raised. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.

Holiday Gift Cards for Village Staff—The Board unanimously approved issuance of \$75 face-value *Visa* gift cards for all Village employees.

Chevy Chase Club: Mr. Biddle advised that the Club had invited Board members to attend their presentation of the plans for improvements to the pool. Mr. Winstead stated that the pool is not visible from Bradley Lane, the proposed modifications would allow the pool to be used for swimming competitions and the modifications would move the existing tennis courts farther north. Mr. Winstead volunteered to attend the presentation and relay any Board comments and/or concerns. Discussion followed.

Staffing—Speed Cameras: Mr. Biddle summarized the time commitment required by Village officers to support the speed camera program. Mr. Biddle requested authorization to hire one additional full-time uniformed police officer to off-set this time commitment, the cost of such officer to be charged directly to the speed camera program. Discussion followed.

Mr. Winstead made a motion to approve an additional full-time officer position, the cost for which to be charged to speed camera revenues. Mr. Jones seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Feldman, Mr. Yeo and Mr. Jones voted in favor of the motion. Ms. Eig abstained. The motion passed.

Staffing Assessment Follow-Up: Mr. Biddle advised the Board of the meetings held by the ad hoc Committee that was developed to review the staffing assessment report submitted by *Cheshire Consulting Group, Inc.* (Cheshire). The ad hoc Committee met twice and included David Winstead, Samuel Lawrence, George Kinter, Pat Baptiste and Tom Schendt.

Mr. Winstead reported on the concerns discussed by the Committee. Mr. Winstead complimented Cheshire for performing a thorough assessment. Mr. Winstead said that the Committee supported the Phase 1 plan submitted by Mr. Biddle. He added that Phase 2 would be reviewed after full implementation of the speed camera program and implementation of the new building regulations.

Mr. Biddle confirmed that Phase 1 reflected an addition of three new positions, reflecting an FY2008 \$135,000 added cost to the Village including salaries, benefits and equipment.

Ms. Baptiste explained that the ad hoc Committee wanted the new Finance/Accounting position to report directly to the Director of Administration, thereby placing a supervisor between this new position and the Village Manager. Discussion followed.

Ms. Eig encouraged the staff to hold routine staff meetings.

Mr. Jones made a motion to approve the supplemental appropriation of \$135,000 from reserves and allocate these funds to the personnel budget to enable phase 1 staffing changes pursuant to the staffing assessment performed by Cheshire Consulting Group, LLC. Mr. Yeo seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.

Halloween Party: Mr. Yeo commended the Village staff on the Halloween Party, and specifically noted the success of the haunted house.

Police Report

The monthly Police Report was distributed to the Board prior to the meeting. Chief Gordon advised of recent police activity in the Village and surrounding community. He advised that he had applied for a \$74,110 technology grant in partnership with the Salisbury Police Department. The Village's criminal justice computer terminals are on the Salisbury Police Department's computer server. The grant will be awarded in January. Discussion followed.

Ms. Feldman made a motion to adjourn the open meeting and to convene in Executive Session pursuant to State government Article Section 10-508 (a)(7), to consult with Counsel to obtain legal advice on a legal matter (annexation of the Wohlfarth property). Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Mr.

Yeo and Mr. Jones voted in favor of the motion. The motion passed. The open meeting adjourned at 10:35 p.m.

Secretary, Chevy Chase Village Board of Managers

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