

# Chevy Chase Village Board of Managers

## December 8, 2008

### 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
Adam Cohen, Assistant Legal Counsel	Present
Geoffrey B. Biddle, Village Manager	Present
Roy Gordon, Police Chief	Present
Shana R. Davis-Cook, Director of Administration	Present
Michael W. Younes, Manager of Contracts and Capital Projects	Present
Doris M. Lyerly, Permitting and Code Enforcement Specialist	Present

Douglas Kamerow, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:30 p.m. Mr. Yeo arrived at 7:31 p.m.

**Approval of the minutes from the Board's November 10, 2008 regular meeting.** Ms. Eig submitted changes to the minutes from the Board's regular meeting held on November 10, 2008. Discussion followed.

**Ms. Stephens made a motion to approve the minutes of the Board's November 10, 2008 regular meeting, as amended. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman and Ms. Stephens voted in favor of the motion. Mr. Jones was absent from the November 10, 2008 regular meeting and did not vote. 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. Discussion followed.

### Committee Reports

#### Brookville Road Working Group

Mr. Biddle advised that the 30% engineering design for the Brookville Road walkway, prepared by Rummel, Klepper & Kahl, had been submitted to the State Highway Administration. Discussion followed.

### Decisions on Previous Appeals

None.

## Appeals

**A-1698: Mr. and Mrs. Richard W. Cass, 7 Magnolia Parkway—Removal of one 16.0-inch diameter Pear tree located in the rear yard of the property.** Mrs. Cass presented her request. Bob Elliott, Chair of the Village’s Tree Committee, stated that seven of the Committee’s members had voted, and those seven voted in support of the removal. Discussion followed.

**Mr. Yeo made a motion to direct Counsel to draft a decision approving the request to remove one 16.0-inch diameter Pear tree located in the rear yard of the property. Ms. Feldman 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.**

**A-5480: Dr. Douglas B. Kamerow and Ms. Celia D. Shapiro, 5403 Center Street—Replace an air conditioning unit located in the front (Grove Street extended [Buffer Area]) yard of the property.** Dr. Kamerow presented his request. Discussion followed.

**Ms. Eig made a motion to direct Counsel to draft a decision approving the request to replace an air conditioning unit located in the front (Grove Street extended [Buffer Area]) yard of the property. Mr. Jones seconded the motion. Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. Dr. Kamerow recused himself because he is the applicant in this case. The motion passed. Dr. Kamerow requested an expedited decision.**

**A-5481: Mr. Christopher Dunn and Ms. Christine L. Vaughn, 8 Newlands Street—Demolition of a detached playhouse located in the rear yard of the property.** Dave Swartzendruber of Lila Fendrick Landscape Architecture & Garden Design and Ms. Vaughn presented the request. Ms. Vaughn stated that she had spoken with an adjacent neighbor prior to the meeting who supported the request. Discussion followed.

**Mr. Jones made a motion to direct Counsel to draft a decision approving the request to demolish a detached playhouse located in the rear yard of the property. 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 applicant requested an expedited decision.**

## Old Business

**Resolution No. 10-03-08: An Ordinance to amend Section 8-22 of the Chevy Chase Village Code to prescribe a minimum distance by which play equipment, fences, walls, trees, hedges, shrubbery and other growth on private property must be set back from public improvements.** Mr. Cohen advised that no comments had been received from the Montgomery County Council on the draft Resolution. Ms. Eig recommended that the statement “other growth” be removed throughout the Ordinance. Mr. Yeo concurred with Ms. Eig’s recommendation, and stated that “other growth” could be misinterpreted to mean growth such as grass. Discussion followed.

**Mr. Winstead made a motion to approve Resolution No. 10-03-08, provided the statement “other growth” is removed throughout the Ordinance. Ms. Stephens seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. Ms. Eig abstained. The motion passed.**

**Resolution No. 10-04-08: An Ordinance to amend Sections 8-22 and 8-31 of the Chevy Chase Village Code to prohibit structures, play equipment, fences, walls, trees, hedges, shrubbery or other growth from interfering with pedestrian or vehicular use of alleys.** Mr. Cohen advised that no comments had been received from the Montgomery County Council on the draft Resolution. Discussion followed.

**Ms. Stephens made a motion to approve Resolution No. 10-04-08. Mr. Winstead 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.**

**Resolution No. 10-05-08: An Ordinance to amend Chapters 6 and 8 of the Chevy Chase Village Code to regulate the use of portable storage units and to clarify the regulation of dumpsters within Chevy Chase Village.** Mr. Cohen advised that no comments had been received from the Montgomery County Council on the draft Resolution. Discussion followed.

**Ms. Stephens made a motion to approve Resolution No. 10-05-08. Ms. Feldman 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.**

**Resolution No. 11-01-08: An Ordinance to amend Chapters 6 and 12 of the Chevy Chase Village Code to modify certain provisions relating to the regulation of signs displayed within Village limits and make certain related technical amendments.** Village Counsel and the Board discussed several aspects of the draft Ordinance.

Ms. Stephens stated that she felt real estate signs should be permitted in the public right-of-way because there are some blocks and streets where the right-of-way is wide enough that a sign placed on private property, as would be required in the proposed Ordinance, would be difficult to see from the roadway.

Kathleen Meredith of 2 Magnolia Parkway stated that real estate and temporary event signs should be permitted in the public right-of-way, provided these signs are set back at least five (5) feet from the nearest public improvement.

Diane Kartalia of 5412 Grove Street concurred with Ms. Stephens and Ms. Meredith. She also noted that alarm (home security) signs, which are currently prohibited, should be permitted. Mr. Podolsky noted that the proposed Ordinance allows home security signs, but provides restrictions on their size and where they can be placed.

Bob Elliott of 17 West Irving Street concurred with Ms. Stephens, Ms. Meredith and Ms. Kartalia in regard to the display of temporary event and real estate signs.

The Board directed Counsel to amend the draft Ordinance as follows:

- Allow real estate, temporary event and non-commercial signs to be placed in the public right-of-way.
- Require that the closest point of any and all temporary event or real estate signs be set back a minimum of five feet (5') from the nearest public improvement.
- Require that the closest point of any and all directional or non-commercial signs be set back a minimum of two feet (2') from the nearest public improvement.
- Require that the closest point of any and all signs erected by a church, synagogue or other place of worship on the place of worship's private property be set back a minimum of two feet (2') from the nearest public improvement.

Once these amendments have been made, Counsel will submit the draft Resolution to the Montgomery County Council for its review and comment.

## **New Business**

### **Contract Authorization Recommendation**

- **KCI Technologies—Conduit Network Engineering**

Mr. Biddle requested authorization from the Board to enter into a contract with KCI Technologies, Inc. to provide underground conduit engineering services within Chevy Chase Village and a supplemental appropriation of \$277,760 for this design project from *SafeSpeed* Program funds. Discussion followed.

Staff will arrange for KCI Technologies, Inc. to make a presentation regarding the proposed conduit system at the January 12, 2009 regular Board meeting.

### **Chairman's Report**

None.

### **Manager's Report**

- **FY2010 Budget Outlook and Priorities**

Mr. Biddle explained that he projected an approximate drop in income taxes (approximately \$700,000) for the fiscal year beginning July 1, 2009 and ending June 30, 2010. Accordingly, Mr. Biddle advised that his proposed FY2010 budget would reduce expenses by postponing large purchases for one to two fiscal years and curtailing routine expenses whenever possible. Discussion followed.

- **Current Year Legal Expenses**

Mr. Biddle stated that legal expenses are exceeding current budget allocations. He advised that even if billable hours are reduced, he may still need to request a supplemental appropriation to cover legal expenses before the end of the fiscal year. Discussion followed on ways to reduce Counsel's billable hours.

- **Tree Committee Assessment of Tree Removal Appeals**

The Board discussed the Tree Committee's role in the private property tree removal appeal process.

The Board directed Counsel to draft language outlining the Tree Committee's objectives in regard to private property tree removal appeals.

- **Electronic Pet Containment Fence (Invisible Fence) Regulation**

Mr. Biddle explained that Police Chief Gordon had told him of complaints about dogs in yards with invisible fences charging residents on the public sidewalk or roadway. Mr. Biddle further explained that a dog can charge a pedestrian who could have no way of knowing of the existence of an invisible fence. Especially without a reasonable distance between the fence and the pedestrian (whether on a sidewalk or in the street), the pedestrian might feel threatened by the dog's charge. Mr. Biddle also advised that if installed too close to trees, the excavation required to bury the wire can greatly damage tree roots. The Board agreed that a Building Permit should be required to install an electronic pet containment fence and that a setback should be stipulated in the Code thereby preventing these fences from being installed too close to the public sidewalk.

Bliss Ryan of 5414 Grove Street stated that permits should be required for the installation of invisible fences and that they should be required to be located a set distance away from public improvements.

The Board directed Counsel to prepare an Ordinance requiring a permit for the installation of electronic pet containment fences and stipulating that they be set back a specified distance from the nearest public improvement.

### **Police Report**

The monthly Police Report was distributed to the Board prior to the meeting. Discussion followed.

**Ms. Eig made a motion to adjourn the meeting. Mr. Yeo 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 10:45 p.m.**

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Secretary, Chevy Chase Village Board of Managers

*Final.*