

Chevy Chase Village Board of Managers

June 16, 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, Manager of Administration	Present
Michael W. Younes, Manager of Contracts/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 7:37 p.m.

Approval of Minutes from the April 28, 2008 Special Board Meeting and the May 12, 2008 Board meeting. Ms. Eig submitted changes to the May 12, 2008 minutes prior to the meeting.

Mr. Yeo made a motion to approve the April 28, 2008 special Board meeting minutes. Ms. Stephens seconded the motion. Dr. Kamerow, Ms. Feldman, Ms. Stephens and Mr. Yeo voted in favor of the motion. Ms. Eig and Mr. Jones were absent from the April 28, 2008 special meeting and did not vote. The motion passed.

Mr. Yeo made a motion to approve the May 12, 2008 regular Board meeting minutes, as amended. Ms. Stephens seconded the motion. Dr. Kamerow, Ms. Feldman, Ms. Stephens and Mr. Yeo voted in favor of the motion. Mr. Winstead was absent from the May 12, 2008 regular meeting and did not vote. The motion passed.

Treasurer's Report

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

Committee Reports

The Village Green (Environmental) Committee

Chair Larry Heilman recommended the following Environmental Committee members as liaisons to the following Village Committees:

- Polly Lawrence and Jay Treadwell—Wohlfarth Property (Chevy Chase Open Space) development Committee (not yet formed)
- Marea Hatzios—Capital Projects Committee
- Marea Hatzios to investigate environmentally-friendly alternatives for future Village vehicle purchases

Dr. Heilman explained that the Committee continues to discuss the following initiatives:

- environmental implications of the Village’s existing recycling program
- results of the Village Hall energy audit, including use of incandescent light bulbs and possible environmental funding from the State and County
- regulations for idling of vehicle engines
- inclusion of environmental questions in the next community survey

Capital Projects Task Force

Mr. Biddle circulated a report entitled, Public and Pedestrian Safety Capital Initiatives to the Board and audience prior to the meeting. Mr. Biddle explained the proposed capital project and stated that portions of some could be funded by *Safe Speed* Program revenues and that the remaining costs would be funded from the operational budget. The capital projects include: installation of a pedestrian walkway along Brookville Road, installation of Village owned and maintained street lights, installation of a conduit network for safety and emergency communications networks, improvement of existing public sidewalks and installation of new public sidewalks where none currently exist. Mr. Biddle concluded by providing preliminary timelines for implementation of these capital projects. Dr. Kamerow stressed that any *Safe Speed* Program revenues used in connection with the Village’s capital projects would be used in exact accordance with the State of Maryland legislation that authorized the program. Discussion followed.

Decisions on Previous Appeals

None.

Appeals

A-1667 (Continuation): Mr. and Mrs. Christopher S. Abell, 14 West Irving Street—Removal of one 41.0-inch Tulip (Poplar) tree and one 43.0-inch diameter Tulip (Poplar) tree located in the rear yard of the property. Dr. Kamerow explained that the case had been continued from the May 12, 2008 regular meeting in order for Village Counsel to clarify the claim made by the applicants that if an act of God resulted in substantial demolition, existing County regulations would prohibit them from rebuilding the house on the lot. Assistant Village Counsel Adam Cohen testified that Section 50-20 (b)(5) of the Montgomery County Code would preclude the applicants’ from rebuilding.

Judy Elliott of 17 West Irving Street submitted a written statement prior to the meeting in favor of the request. Discussion followed.

Ms. Feldman made a motion to direct Counsel to draft a decision approving the removal of one 41.0-inch Tulip (Poplar) tree and one 43.0-inch diameter Tulip (Poplar) tree located in the rear yard of the property, provided the applicants reforest with at least two (2)

deciduous hardwood canopy trees which must be at least 2 ½ inches in caliper at the time of installation and must be of a species that achieves a mature height of at least 45 feet. Mr. Yeo seconded the motion. Dr. Kamerow, Ms. Feldman Mr. Yeo and Mr. Jones voted in favor of the motion. Mr. Winstead was absent from the initial Hearing held on May 12, 2008 and did not participate in the discussion or motion. Ms. Stephens recused herself and Ms. Eig abstained. The applicants asked for their decision to be expedited.

Old Business

Resolution No. 06-01-08: An Ordinance to amend Chapter 8 of the Chevy Chase Village Code to add and modify provisions related to the construction and alteration of buildings, accessory buildings and driveways, by adding definitions to Section 8-1, and amending Sections 8-17, 8-20, 8-21 and 8-30. Dr. Kamerow opened the discussion to the audience.

Lee Ingram of 28 West Irving Street stated her support of the draft Ordinance.

Martha Mohler of 5609 Grove Street stated her objections to the proposed Ordinance.

Judy Elliott of 17 West Irving Street stated her support for the proposed Ordinance.

Caroline Simon of 5516 Cedar Parkway stated her opposition to the proposed Ordinance.

Heather Kass of 7 Magnolia Parkway stated her support for the proposed Ordinance.

Betty Tubbs of 550 Montgomery Street stated her opposition to the proposed Ordinance.

Alex Boyle of 49 and 51 West Lenox Street stated his support for the proposed Ordinance.

Ephraim Jacobs of 16 West Kirke Street stated his “hesitant” support for the proposed Ordinance.

Samuel Lawrence of 100 East Lenox Street stated his opposition to the proposed Ordinance.

Roxann Steinberg of 5 West Lenox Street stated her support for the proposed Ordinance, but added that she felt the proposed regulations should not be applied to properties located within the Village’s historic district, and that there should not be a limit on the number of curb cuts allowed per property.

Mary Sheehan of 30 West Kirke Street stated her support for the proposed Ordinance.

Ms. Eig stated that she could not vote for the proposed Ordinance because she did not consider the draft regulations fair, because they are not applied to all additions and that the FAR should be reduced.

Dr. Kamerow stated his support for the proposed Ordinance. He said the Board should begin to look into implementation of a preliminary review consultation process for proposed building projects. He also asked staff to monitor the effect of the regulations. Discussion followed.

Mr. Jones made a motion to approve Resolution No. 06-01-08. 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 voted against the motion. The motion passed.

Report from the Personnel Commission and Public Safety Committee re: Phase 2 Staffing Request—add .5 FTE to Police. Mr. Biddle explained that the Personnel Commission and Public Safety Committee voted to support the staffing request, budget allocation for which was included in the FY2009 budget (\$38,000). The position, entitled Public Safety Coordinator, will provide general administrative support to the police department and oversee the *Safe Speed*, accreditation and grants programs. Discussion followed.

Ms. Stephens made a motion to approve the requested .5 full-time employee position for the public safety department. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. Ms. Feldman was absent for the vote. The motion passed.

New Business

Resolution No. 06-02-08: An order to modify the restrictions on parking in part of the 5500 block of Montgomery Street permit parking area. Caroline Simon of 5516 Cedar Parkway stated her objection to the request.

Susan Martin of 5511 Montgomery Street (speaking on behalf of her husband and on behalf of Alan Strasser and Patricia Hartge of 5508 Montgomery Street) stated their opposition to the request.

Peter Clark of 5503 Montgomery Street stated his support for the request.

Gerri Carr of 3 Grafton Street stated her opposition to the request.

Emily Miller of 5507 Montgomery Street stated her support for the request.

Jeff Thompson of 5500 Montgomery Street stated his support for the request.

Cheryl Baird of 3923 Oliver Street stated her opposition for the request.

Andy Reed of 35 West Irving Street suggested the Board raise the existing parking violation fine prior to approving the requested change to see if it might affect the number of violations.

Tomas Silber of 5505 Montgomery Street stated his support for the request.

Phyllis Kass of 33 West Irving Street stated her objection to the request.

Betty Tubbs of 5509 Montgomery Street advised that only the subject half of the block had submitted the request because the other half of the block did not want the parking restrictions to be modified on their section of the block.

Police Chief Gordon stated his support for applying “permit parking only” restrictions in all of the five (5) parking zones within the Village, and that other communities were beginning to enact similar restrictions.

An un-identified resident stated her objection to the request.

Ms. Eig explained that she would not vote in favor of the request, because there are many other areas in the Village where residents are at least as affected by a high-volume of parked vehicles. Discussion followed.

Ms. Feldman made a motion to approve Resolution No. 06-02-08. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. Ms. Eig voted against the motion. The motion passed.

Purchase Authorization Request (for the FY2008 budget): Police Department— Governor’s Office of Crime Control & Prevention’s Law Enforcement Technology Grant Program, E-Ticketing. Purchase information was circulated to the Board prior to the meeting.

Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens and Mr. Yeo voted to authorize the purchase of e-ticketing software through a grant from the Governor’s Office of Crime Control & Prevention’s Law Enforcement Technology Grant Program, for use by the Police Department. Mr. Jones was absent for the vote. The purchase was authorized.

Contract Extension Requests (for the FY2009 budget): Tree Maintenance in the rights-of-way and parks (*The F.A. Bartlett Tree Expert Company [Treemasters]*). The extension contract was circulated to the Board prior to the meeting. Discussion followed.

The Board voted unanimously to authorize the Village Manager to enter into a contract extension with *The F. A. Bartlett Tree Expert Company* for tree maintenance in the rights-of-way and parks.

Refuse/recycling collection (*Unity Disposal & Recycling, Inc.*). The extension contract was circulated to the Board prior to the meeting. Discussion followed.

The Board voted unanimously to authorize the Village Manager to enter into a contract extension with *Unity Disposal & Recycling, Inc.* for refuse and recycling collection. Chair of the Village Environmental Committee Larry Heilman, explained his concerns with the recycling program. Discussion followed.

Streets maintenance (*Chamberlain Contractors, Inc.*). The extension contract was circulated to the Board prior to the meeting.

The Board voted unanimously to authorize the Village Manager to enter into a contract extension with *Chamberlain Contractors, Inc.* for streets maintenance.

Annual audit services (*Stegman & Company*). The extension contract was circulated to the Board prior to the meeting. Ms. Eig raised concerns with the parameters of the contract. Discussion followed.

Dr. Kamerow, Mr. Winstead, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted to authorize the Village Manager to enter into a contract extension with *Stegman & Company* to provide annual audit services. Ms. Eig abstained.

Purchase Authorization Requests (for the FY2009 budget):

Public Works Department pick-up truck with spreader and plow (*Criswell Chevrolet*). Purchase information was circulated to the Board prior to the meeting. Discussion followed.

The Board voted unanimously to authorize the Village Manager to purchase a pick-up truck with spreader and plow from *Criswell Chevrolet*, for use by the Public Works Department.

Public Works Department refuse truck (*GranTurk Equipment Company*). Purchase information was circulated to the Board prior to the meeting.

The Board voted unanimously to authorize the Village Manager to purchase a refuse truck from *GranTurk Equipment Company*, for use by the Public Works Department.

Police Department cruiser—*Chevrolet Impala* (*Criswell Chevrolet*). Purchase information was circulated to the Board prior to the meeting.

The Board voted unanimously to authorize the Village Manager to purchase a *Chevrolet Impala* from *Criswell Chevrolet*, for use by the Police Department.

Chairman's Report

None.

Manager's Report

FY2008 Year-End Adjustments

Safe Speed Program—budget authorization. Mr. Biddle requested authorization for a supplemental budget for revenues generated through the *Safe Speed* program for FY2008.

Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Stephens, Mr. Yeo and Mr. Jones authorized the *Safe Speed* Program budget for FY2008. Ms. Feldman voted against the supplemental budget. The supplemental budget was authorized.

Base budget—"carry forwards" and reallocations:

- FY 2008 Reallocation—Village Base Budget
 - Capital Contracts
 - Current
 - Personnel \$45,000

Requested	
Personnel	\$37,954
Operations	\$ 7,046

- FY 2008/2009 Carry Forward—Village Base Budget

Public Works, Operations	
Current '08	\$349,847
change	(\$13,000)
Proposed '08	\$336,847
Streets, Walks, Drains & Lights	
Current '09	\$162,500
change	\$ 13,000
Proposed '09	\$175,500

Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Stephens, Mr. Yeo and Mr. Jones approved the above-outlined “carry forwards” and reallocations. Ms. Feldman voted against the requested “carry forwards” and reallocations. The “carry forwards” and reallocations were approved as outlined.

Police Report

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

Ms. Stephens made a motion to adjourn the meeting. 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. The meeting adjourned at 10:54 p.m.

Secretary, Chevy Chase Village Board of Managers

Final.