

Chevy Chase Village Board of Managers

May 12, 2008

BOARD OF MANAGERS

Douglas B. Kamerow, Chair	Present
David L. Winstead, Vice Chair	Absent
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 7:30 p.m. Mr. Winstead was absent.

Oaths of Office

Dr. Kamerow administered the Oath of Office to Susie Eig, Robert L. Jones and Betsy Stephens.

Election of Officers

Mr. Yeo made a motion to re-elect the existing slate of officers as follows: Douglas Kamerow, Chair; David Winstead, Vice Chair; Susie Eig, Secretary; Gail Feldman, Treasurer; Betsy Stephens, Assistant Treasurer. Mr. Jones seconded the motion. Dr. Kamerow, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.

Approval of Minutes from the April 14, 2008 Regular Board Meeting

Mr. Podolsky and Ms. Eig submitted changes to the minutes prior to the meeting.

Ms. Feldman made a motion to approve the minutes of the April 14, 2008 regular Board meeting, as amended. Ms. Stephens seconded the motion. Dr. Kamerow, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.

Treasurer's Report

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

Committee Reports

Capital Projects Task Force

Task Force Chair Robert Jones and Mr. Podolsky advised that the County's Senior Financial Officer had opined that portions of most of the Village's potential capital projects could possibly be funded from revenue derived from the *Safe Speed* program under the parameters of the speed camera legislation. Discussion followed. A discussion of all potential Capital Projects will be placed on the June 16, 2008 Board meeting agenda.

Decisions on Previous Appeals

None.

Appeals

A-1667: Mr. and Mrs. Christopher S. Abell, 14 West Irving Street—Removal of one 41.0-inch and one 43.0-inch diameter Tulip (Poplar) trees located in the rear yard of the property. Mr. and Mrs. Abell presented their case. Discussion followed.

Tree Committee Chair Robert Elliott stated that five (5) members of the Committee had voted on the request with two in opposition and three in favor. Those in opposition cited the trees' height, visibility from the street, ecological benefits and Village arborist's assessment of both trees as healthy. Those in favor acknowledged those factors, but thought that the size and species of the trees and their close proximity to the residence warranted their removal. Ms. Eig noted that all five (5) Committee members had acknowledged the trees' assets and that Tulip Poplar trees are a specific asset of this community.

Judy Elliott of 17 West Irving Street stated that the trees were too close together and too close to the house and did not appear to be in good condition. Discussion followed.

Mr. Jones encouraged the applicants to continue their case at the June 16, 2008 regular meeting to allow Village Counsel to obtain additional information clarifying the County's zoning regulations because of the residents' assertion that, due to the lot's configuration, they would be precluded from rebuilding the house in the event it was destroyed by fire or an act of God. The applicants agreed to continue the case at the Board's regular meeting on June 16, 2008.

Old Business

Building Regulations Review

Dr. Kamerow explained the changes made to the draft regulations at the April 28, 2008 Special Meeting.

Margaret Cook of 5410 Center Street circulated a document to the Board entitled "Effect of 39% Addition[s] to Current House[s]".

Betty Tubbs of 5509 Montgomery Street stated that she felt that those opposed to the proposed regulations were residents of large lots.

Alison Powers of 3929 Oliver Street stated her objection to the modified draft regulations.

Jane Roemer of 5402 Center Street encouraged the Board to adopt the originally proposed regulations submitted by *Winter & Company*.

Lee Ingram of 28 West Irving Street cautioned against “one size fits all” regulations and encouraged a better understanding of possible repercussions from the proposed regulations.

Alan Berlow of 9 East Melrose Street stated his opposition to the square footage maximum (39%) previously suggested by Messrs. Yeo and Jones.

David Jones of 15 Primrose Street stated his support for the regulations recently enacted in the Town of Chevy Chase. He provided a synopsis of the Town’s new regulations. He also recommended using the nationally recognized method of calculating FAR, which measures from exterior, not interior, walls.

Jean Taylor Federico of 5613 Belmont Avenue supported modifying the proposed Ordinance to apply only to new buildings on vacant lots and after teardowns.

Diane Kartalia of 5412 Grove Street said she thought that the mansionization issue stemmed from new houses on vacant lots and after teardowns; and therefore, the revised draft Ordinance should address mansionization concerns. She also encouraged inclusion of attics and basements in the FAR calculation for new homes, but exclusion of attics and basements for additions on existing homes.

Emily Donahue of 3931 Oliver Street cautioned against regulations that would allow another home as large as 142 Hesketh Street.

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

- Page 8, (g)—insert “Any part of” at the beginning of the definition.
- Page 9, (c)—replace “Virtual floor” to “multi-story” space.
- Page 9, (m)—change “interior faces of exterior walls” to “exterior faces of exterior walls”.
- Page 10, (r)—insert “the top surface of” prior to “the first finished floor”.
- Page 13, (m)—modify to read “The restrictions in sub-sections (2) through (5) below shall apply only to the construction of new houses on vacant lots and construction subsequent to the substantial demolition of an existing main building.”
- Page 13, (m), (1), b.—delete
- Page 14, (4)—increase the wall plate height from “twenty (20) feet” to “twenty-one (21) feet”.
- Page 14, (5)—reduce the wall plane “offset, jog or articulation” from “three (3) feet, six (6) inches in depth” to “two (2) feet in depth”.
- Page 15, (b)—modify to read “Any detached garage or other accessory building shall be located at least five (5) feet from any rear or side lot line or alley line.”
- Page 16, (e)—expand regulation to limit flat roofs to a maximum height of twelve (12) feet.
- Page 16, Section 8-30—limit one curb cut per property.

The Board outlined procedures to be followed for a Referendum on the Proposed Building Regulations:

- Referendum to be mailed to each address as listed in the Resident Directory.
- Mailing to include: cover letter from Dr. Kamerow as Chair of the Board of Managers, brief summary of the proposed regulations, copy of the draft Ordinance, ballot and postage-paid return envelope.
- Referendum to be mailed on Monday, May 19, 2008.
- Deadline for submission of ballots to be Wednesday, June 11, 2008.
- Summary and tally of ballots to be included in the Board's briefing packets, which will be circulated to them on Thursday, June 12, 2008.
- Board review of ballot results and vote on proposed regulations at its June 16, 2008 regular meeting.

New Business

Draft—Speed Monitoring System Mutual Aid Agreement

Mr. Biddle explained that the Village speed monitoring program has been in place for more than six months, and he and Police Chief Gordon have had on-going requests to contract the speed camera program to neighboring municipalities. Village Counsel drafted a mutual aid agreement specifically for this purpose which was circulated to the Board prior to the meeting. Mr. Biddle explained that the Village would recoup 120% of its expenses for providing this service to other municipalities. Discussion followed.

The Board asked Messrs. Biddle and Gordon to provide additional information on the implications of the project in relation to expenses and resources at its next regular meeting.

Staffing Assessment—Phase 2 Follow-Up (.5 Police FTE)

Mr. Biddle stated that the independent consultant firm, *Cheshire Consulting Group, LLC*, had submitted its follow-up staffing assessment report, in which they recommended proceeding with the next phase of their original report, which would provide administrative support (clerical, accreditation, grants and *Safe Speed* program administration) to the Police Chief. Discussion followed.

The Board directed Mr. Biddle to submit the follow-up report to the Personnel Commission and Public Safety Committee for their review and comment.

Contract Authorization: A. Morton Thomas (Village-wide utility designation and mapping, Village-wide street assessment survey and mapping, Connecticut Avenue—within the Village—topography and mapping)

Mr. Biddle said that this contract would be funded from speed camera revenue and would not exceed \$224,000. He explained that the data compiled by the contracted work is fundamental to moving forward with all capital projects currently under consideration. Discussion followed.

Ms. Eig made a motion to authorize the Village Manager to enter into a contract, which would piggyback onto an existing State of Maryland contract, with A. Morton Thomas for utility designation and mapping, street assessment survey and mapping, Connecticut Avenue topography and mapping. Mr. Jones seconded the motion. Dr. Kamerow, Ms. Eig,

Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.

Chairman's Report

None.

Manager's Report

Revised Employee Manual

The revised Employee Manual was circulated to Board members prior to the meeting for review. Dr. Kamerow directed Board members to review the Manual and submit edits to Mr. Biddle after the meeting.

Wohlfarth Property: Letter from Mary Bradford, Director of Parks, Montgomery County Department of Parks, M-NCPPC

Mr. Biddle explained that a letter had been received from Ms. Bradford and circulated to the Board of Managers prior to the meeting. Mr. Biddle stated that he had spoken with Brenda Sandberg who stated that Ms. Bradford had instructed Ms. Sandberg to: 1) proceed with getting the demolition authorization request before the Park and Planning Commission in June, and 2) earmark up to \$7,000 for the charette work from a Park and Planning account that they both confirmed had available funds.

Resolution No. 05-01-08: Amended Budget Approval. Mr. Biddle noted that an error had been made in the constant yield tax rate as printed in the original Resolution. The error correction necessitates that the budget and tax rate resolutions be reapproved as revised.

Mr. Jones made a motion to approve Resolution No. 05-01-08. Ms. Eig seconded the motion. Dr. Kamerow, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.

Resolution No. 05-02-08: Amended Resolution levying a tax on certain real and personal property under the provisions of Section 6-203 of the Tax-Property Article of the Annotated Code of Maryland, as amended. (See above—Resolution No. 05-01-08.)

Mr. Jones made a motion to approve Resolution No. 05-02-08. Ms. Eig seconded the motion. Dr. Kamerow, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.

Nomination of the Friendship Heights Transportation Management District Advisory Committee. Mr. Biddle explained that the term of the Village representative to the Committee was about to expire and that Board authorization was needed to reappoint David Glass of 5500 Cedar Parkway to this position.

The Board voted unanimously to reappoint David M. Glass of 5500 Cedar Parkway as the Village's representative on the Friendship Heights Transportation Management District (TMD) Advisory Committee. Ms. Eig asked for Mr. Glass to begin making reports of the TMD meetings to the Village Board of Managers.

Police Report

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

Resident Request to Convert the YIELD sign to a STOP sign at Magnolia Parkway and Chevy Chase Circle. Police Chief Gordon advised that a letter had been received from a resident requesting conversion of the YIELD sign to a STOP sign on Magnolia Parkway prior to entering Chevy Chase Circle. Chief Gordon explained that the resident's concern was pedestrian safety. Ms. Stephens and Mr. Yeo stated their support of a raised painted crosswalk at this intersection. Ms. Eig concurred with Ms. Stephens and Mr. Yeo and added that a raised brick crosswalk should be extended around all streets intersecting Chevy Chase Circle. Discussion followed.

The Board directed Mr. Biddle to include a plan to improve pedestrian safety at the intersection of Magnolia Parkway and Chevy Chase Circle in the Capital Projects Plan for the upcoming fiscal year.

Mr. Yeo made a motion to adjourn the meeting. Ms. Eig seconded the motion. Dr. Kamerow, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed. The meeting adjourned at 11:49 p.m.

Secretary, Chevy Chase Village Board of Managers

Final.