

# Chevy Chase Village Board of Managers

## November 10, 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	Absent

### STAFF

David R. Podolsky, Legal Counsel	Present
Adam Cohen, Assistant Legal Counsel	Present
Geoffrey B. Biddle, Village Manager	Present
Roy Gordon, Police Chief	Absent
Adventino Dasilva, Police Sergeant	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 7:35 p.m. Mr. Winstead arrived at 8:42 p.m.

### **Approval of the minutes from the Board's October 13, 2008 regular and executive sessions.**

Ms. Eig submitted changes to the minutes from the Board's regular session held on October 13, 2008. Discussion followed.

**Ms. Feldman made a motion to approve the minutes of the Board's October 13, 2008 regular session, as amended, and the executive session. Ms. Stephens seconded the motion. Dr. Kamerow, Ms. Eig, Ms. Feldman, Ms. Stephens and Mr. Yeo voted in favor of the motion. Dr. Kamerow was absent from the October 13, 2008 executive session and voted in favor of the motion for the regular session minutes only. Mr. Winstead 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**

#### **Audit Committee**

Chair Timothy Trifilo reported on the Village's annual Audit of Financial Statements prepared by *Stegman & Company*, which was distributed to the Board prior to the meeting. Mr. Trifilo explained that the Village had received a clean audit report for the fiscal year that ended June 30, 2008. Discussion followed.

## **Environmental Committee (*The Village Green*) Report**

Chair Larry Heilman stated that the Committee had met on October 14, 2008 and, among other topics, discussed:

- the Village Hall assessment report—a sub-Committee, headed by Ms. Stephens, is coordinating with Village staff to address recommendations from this report, including, but not limited to, conversion from incandescent to fluorescent light bulbs;
- appointment of Polly Lawrence (100 East Lenox Street) and Marea Hatzios (16 West Irving Street) to serve as liaisons from *The Village Green* to the Village’s Public Works Committee and eventual appointment to the Village’s Capital Projects Committee; and
- once formed, appointment of at least one liaison from *The Village Green* to the Wohlfarth Property (Chevy Chase Open Space) “Development Committee”.

An article on behalf of *The Village Green* explaining how to properly dispose of fluorescent light bulbs will be drafted by Mr. Younes for the December 2008 issue of the *Crier*. The Board directed Mr. Biddle to investigate automatic thermostats and light switches for the Village Hall. Discussion followed.

## **Decisions on Previous Appeals**

None.

## **Appeals**

None.

## **Old Business**

**Resolution No. 10-03-08: An Ordinance to amend Sections 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. Biddle explained that the draft Ordinance would require the above-mentioned private property improvements be set back a specific distance from public improvements such as sidewalks, curbs and roadways to prevent interference with, access by or sight lines for pedestrians or vehicles. Ms. Stephens stated that she was concerned that the Board had not received sufficient information to understand how many property’s boundary lines are located close enough to the public right-of-way that the planting and/or installation of the above-referenced private property improvements would interfere with access to public curbs, sidewalks and roadways. Discussion followed. The Board directed staff to increase enforcement of shrubs, hedges, trees, etc., that are being allowed to extend into the public right-of-way.

The Board directed Counsel to amend Resolution No. 10-03-08 as follows:

- Require newly installed play equipment, fences, walls, trees, hedges, shrubbery and other growth on private property to comply with the proposed setbacks outlined in the draft Ordinance.
- Existing private property improvements that are deemed nonconformities would be “grandfathered”, allowing for them to be repaired and replaced, provided the replacement occurs within 6 months of the removal of the previous improvement.

The Board will review the draft again at its December 8, 2008 regular meeting.

**Request for Authorization to Proceed with Police Station Modifications (*Safe Speed Program-funded*).** Mr. Biddle explained that the Building Facilities Commission had submitted its endorsement of the proposed modifications to convert the existing lower-level police storage space into locker rooms and to convert the existing main-level police locker rooms into the Police Chief's office. In its endorsement letter, the Commission proposed an entry door from the main hallway into the proposed office for the Police Chief so that residents could have direct access to him. Several Board members expressed opposition to that proposal. Ms. Eig explained that her objections to recent and to proposed modifications are based on the lack of a comprehensive plan for re-development of the Village Hall. As an example of poor planning, she described the lack of exterior windows in recently constructed offices in the administrative office and the proposed office for the Police Chief. Mr. Biddle responded that he believed the modifications would address the staff needs of the police department for the foreseeable future. Discussion followed.

**Dr. Kamerow, Mr. Winstead, Ms. Feldman, Ms. Stephens, Mr. Winstead and Mr. Yeo voted to approve the request to proceed with police station modifications, funded by the *SafeSpeed Program*, provided there is no direct entry into the proposed Police Chief's office from the main hallway. Ms. Eig abstained.**

#### **New Business**

**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 to make certain related technical amendments.** Mr. Cohen explained the precedents he found as to whether the Village: 1) can restrict the erection of signs along State highways (i.e., Connecticut Avenue), 2) can legally permit the unimproved portion of a public right-of-way to be used for the display of political signs only by or with the permission of an abutting private property owner, and 3) can legally restrict or provide an exception for political signs surrounding the Village Hall (a polling site) on Election Day. Discussion followed.

The Board directed Counsel to amend the Ordinance as follows:

- Political signs may be erected on private property at any time during the year.
- Only the residents of the abutting property or someone with the resident's permission may erect political signs in the public right-of-way adjacent to their home.
- Only residents of the abutting property may erect signs totaling no more than 90 square feet in their front yard(s), which includes both private and public property.

#### **Oliver Street Signs**

Marlie Grilli of 3917 Oliver Street asked if the Board and staff could assess the number of public signs installed along Oliver Street to determine if any could be removed. Discussion followed.

**The Board directed staff to investigate the number and necessity of the existing public signs erected along Oliver Street.**

**Resolution No. 11-02-08: A Resolution to amend, ratify and confirm the Village Investment Policy.** Ms. Feldman and Mr. Cohen explained that Ms. Eig had provided amendments orally at the October 13, 2008 meeting and in written form after that meeting. The Investment Committee reviewed the amendments submitted by Ms. Eig and agreed to incorporate some, but not all, amendments. Discussion followed.

**The Board voted unanimously to approve Resolution No. 11-02-08 to adopt the revised Investment Policy.**

#### **Review of Village Commissions and Committees**

Ms. Eig stated that she would like the Board to review the membership and operations of the Village's standing Commissions and Committees. The Board discussed existing terms for each of the Village's three Commissions. The Board approved a term of five years for members of the Building Facilities Commission (BFC) and three years each for members of the Ethics and Personnel Commissions. At the end of each term, the Board Chair may either re-appoint the Commissioner or appoint a new Commissioner.

The Board also discussed the functions of and reporting from each of the Commissions and Committees, on-going staff support to the Commissions and Committees and the possible need for a Board liaison on each Commission and Committee. Discussion followed.

Ms. Eig and Mr. Biddle agreed to meet to identify specific concerns with the operations of the Village's Commissions and Committees. The Board directed Counsel to specifically research the history of the formation of the Village's Local Advisory Panel (LAP) to the Historic Preservation Commission, and to determine if the Board has any authority to modify the LAP's membership and operations. The Board directed staff to post requests on the listserve and in the *Crier* for a Village resident representative to the Citizens Coordinating Committee on Friendship Heights.

#### **Contract/Purchase Authorizations**

- **Holiday Party Caterer—The Board voted unanimously to authorize the Village Manager to enter into a contract with *Provisions, LTD* for the catering of the Village's 2008 Holiday Party.**
- **Computer File Off-Site Backup—The Board voted unanimously to authorize the Village Manager to enter into a contract with *Recovery Point Systems* to provide off-site backup of the Village's computer files, for a monthly storage fee of \$530 for up to 70 gigabytes of data.** This is a sole-source procurement because *Recovery Point Systems* is the only provider currently authorized on the Montgomery County computer network.

**Holiday Monetary Gifts for Village Staff—The Board voted unanimously to provide a net \$75 cash bonus to each Village employee.**

### **Chairman's Report**

None.

### **Manager's Report**

#### **Modifications to the Ball Field at Chevy Chase Park, Washington, D.C.**

Mr. Biddle advised that the District's Mayor Adrian Fenty has taken all building project oversight and funds out of the Parks & Recreation Department and given it to the Public Schools Department. It therefore appears that the proposed modifications to the ball field (discussed by the Board at its October 13, 2008 meeting) have been indefinitely delayed. Mr. Biddle stated that Village staff will continue to monitor the situation.

#### **Permitting Process Concerns**

Mr. Winstead suggested allowing residents to voice their concerns in relation to the permitting process at future Board meetings so the Board can better understand the implications of the regulations it imposes. Ms. Stephens stated that the permitting fees should be reviewed again. Discussion followed.

#### **Police Report**

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

**Ms. Stephens made a motion to adjourn the meeting. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens and Mr. Yeo voted in favor of the motion. The motion passed. The meeting adjourned at 10:05 p.m.**

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Secretary, Chevy Chase Village Board of Managers

*Final.*