

# Chevy Chase Village Board of Managers

## October 13, 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.

**Approval of the minutes from the Board's September 8, 2008 regular and executive sessions.** Ms. Eig submitted changes to the minutes from the Board's regular and executive sessions held on September 8, 2008. Discussion followed.

**Ms. Stephens made a motion to approve the minutes of the Board's September 8, 2008 regular and executive sessions, as amended. Mr. Jones seconded the motion. Dr. Kamerow, Ms. Eig, Ms. Feldman, Ms. Stephens and Mr. Jones voted in favor of the motion. Mr. Yeo was absent from the September 8, 2008 executive session and voted in favor of the motion for the regular session minutes only. Mr. Winstead was absent from the September 8, 2008 regular and executive sessions 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

#### Brookville Road Working Group

Dr. Kamerow briefly reviewed the Group's three year history. He said that the Group has approved revisions to the latest set of drawings for the proposed walkway in accordance with changes requested by the State Highway Administration (SHA) and the Historic Preservation Commission (HPC). The proposed walkway would be:

- five feet (5') in width for 50% of the walkway's length, but will be narrowed at points along the remaining 50% due to impediments in specific areas,
- the walkway surface would be *gravelpave*, a plastic honey-combed matrix filled with gravel that is environmentally-friendly and wheelchair and stroller accessible (Ms. Eig expressed concern with how rough the proposed material might be for animal paws and what effect it might have on soil pH),
- the divider material would be rough-hewn timbers separating walkway from roadway, and
- the "tactile warning surface" located at each handicap access ramp would be cast iron.

Dr. Kamerow requested Board authorization to: 1) approve the supplemental appropriation and expenditure of \$34,000 in *Safe Speed* Program funds for completion of the official 30% engineering design by Rummel, Klepper & Kahl, and 2) authorize staff to submit documents for formal SHA review and to schedule a second Preliminary Consultation with HPC. Work on the proposed walkway could begin as early as September 2009, which would coincide with the State's planned repaving of Brookville Road. Ms. Stephens thanked the staff and other Board members for their efforts.

**Ms. Eig made a motion to approve: 1) supplemental appropriation and expenditure of \$34,000 in *Safe Speed* Program funds for the completion of the official 30% engineering design by Rummel, Klepper & Kahl, and 2) authorization for staff to submit documents for formal SHA review and to schedule a second Preliminary Consultation with HPC. Mr. Jones 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.**

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

Dr. Kamerow explained that there are proposed modifications to the ball field located at the Chevy Chase Park in NW, Washington, D.C., just across Western Avenue from the Village. The plan includes seating and stadium lighting to allow for evening Little League games. Dr. Kamerow further advised that Village staff had attempted to contact District representatives with no success. Pat Cunningham, a resident of the District, provided information she had received at recent community meetings regarding the proposal.

Adm. Joyce Johnson of 5518 Western Avenue explained her opposition to the proposal, including the fact that Village youth are not eligible to join as the League is for District residents only, and her concerns regarding the lights to accommodate evening games, potential noise, trash, traffic congestion and overflow parking. For the record, Admiral Johnson submitted a letter from the Potter/Witten family of 5510 Western Avenue explaining their opposition to the proposal. Discussion followed.

**The Board directed Mr. Biddle to draft a letter, for Dr. Kamerow's signature, to Washington, D.C.'s Mayor Adrian Fenty expressing the Village's concerns and requesting more information regarding the proposed improvements.**

#### **Decisions on Previous Appeals**

None.

## **Appeals**

None.

## **Old Business**

### **Political Signs Ordinance**

Mr. Cohen explained the modifications made to the draft Ordinance pursuant to comments received from Board members at the previous meeting. Discussion followed.

The Board requested that Counsel provide legal advice relating to the following three (3) questions:

1. Can Chevy Chase Village legally impose restrictions on signs erected or displayed along State highways, such as Connecticut Avenue?
2. Can Chevy Chase Village legally permit the unimproved portion of a public right-of-way to be used for the display of signs only by or with the permission of an abutting private property owner?
3. Can Chevy Chase Village legally impose restrictions on the display of political signs in the area surrounding a poll on Election Day, or, in the alternative, may Chevy Chase Village make an exception to allow such signs to be displayed on public property or in parts of the public right-of-way on Election Day when the Board prohibits the display of political signs in such areas at any other time?

## **New Business**

### **Resolution No. 10-01-08: An Ordinance to amend Chapters 6 and 13 of the Chevy Chase Village Code to modify certain provisions regulating the parking of commercial vehicles on public roads and the fine imposed for a parking violation.**

Mr. Biddle explained that the proposed Resolution would place a timeframe during which “commercial vehicles” would be prohibited from being parked on public streets and that a later Resolution would be drafted to define “commercial vehicles”. Discussion followed. The Board concurred that it would wait to vote on the draft Resolution pending inclusion of a revised definition for “commercial vehicles”.

### **Resolution No. 10-02-08: A Resolution to amend the Investment Policy.**

Ms. Feldman explained that in addition to editorial changes and modifications for the processing of contingencies, the Investment Committee proposed separation of the Investment Policies from the Investment Procedures. A revised procedures manual will be circulated for the Board to review at a later meeting. Ms. Eig submitted amendments to the draft policy. Discussion followed.

**Mr. Yeo made a motion to approve Resolution No. 10-02-08, with the amendments articulated by Ms. Eig. Ms. Stephens seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens and Mr. Yeo voted in favor of the motion. Mr. Jones recused himself from the discussion and vote due to an employment conflict of interest. The motion passed.**

Ms. Eig asked for a discussion of the Village's standing Committees and Commissions to be placed on the November 10, 2008 Board meeting agenda.

**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. 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 the roadways to prevent interference with access by or sight lines for pedestrians or vehicles. Discussion followed. Ms. Eig submitted edits to the draft Resolution.

**Mr. Jones made a motion to direct Counsel to forward the draft Ordinance to the Montgomery County Council for its review and comment. Ms. Feldman 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. Biddle explained that the Building Code currently prohibits private improvements from interfering with streets, but not alleys. This Ordinance would extend the restriction to alleys. Discussion followed.

**Mr. Yeo made a motion to direct Counsel to forward the draft Ordinance to the Montgomery County Council for its review and comment. 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 definition and regulation of dumpsters within Chevy Chase Village.**

Mr. Biddle explained that, while they had not yet become a problem, the draft Ordinance would establish a permit requirement and time limit for the use of portable storage units (commonly referred to as PODS). The draft Ordinance would also extend the definition for dumpsters to wheeled-trailers. Discussion followed.

**Mr. Jones made a motion to direct Counsel to forward the draft Ordinance to the Montgomery County Council for its review and comment. Ms. Stephens seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Winstead voted in favor of the motion. The motion passed.**

## **Contract Authorizations**

- **Street Lighting Photometric Analysis and Engineering Services—Rummel, Klepper & Kahl, LLP (RK&K)**

Mr. Biddle requested a supplemental appropriation in the amount of \$61,000 from *Safe Speed* Program reserves to fund the comprehensive design and layout for the proposed Village-wide street light system, which would build upon the Village-wide survey work already underway. Discussion followed.

**Ms. Eig made a motion to approve a supplemental appropriation in the amount of \$61,000 from *SafeSpeed* Program funds and to enter into a contract with RK&K to perform street lighting photometric analysis and engineering services. 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 not present for the motion. The motion passed.**

- **Contract to Provide Temporary (January 1, 2009-June 30, 2009) Police Contract Services—Village of Chevy Chase, Section 5 (Section 5)**

Mr. Biddle stated that Section 5 had expressed an interest in entering into a contract with the Village to provide police services for a 6-month trial period. Mr. Biddle explained that the draft contract mirrored the contracts currently executed with the Village of Chevy Chase, Section 3 and the Village of Martin's Additions, and that the 6-month trial period would not require hiring any additional personnel. Discussion followed.

**The Board voted unanimously to authorize the Village Manager to enter into a contract with the Village of Chevy Chase, Section 5, to provide police contract services for a trial period to begin January 1, 2009 and to end June 30, 2009.**

- **Design Services for the Triangle Park at West Kirke Street and Laurel Parkway—EDAW, Inc.**

Concept sketches were circulated to the Board prior to the meeting. Mr. Biddle requested a supplemental appropriation in the amount of \$10,500 from *Safe Speed* Program reserves to fund design services for pedestrian safety improvements to the Triangle Park located at West Kirke Street and Laurel Parkway. He explained that the project objectives included development of a sidewalk configuration that eliminated the mid-block pedestrian crossing over Laurel Parkway into the Village Hall parking lot, and a "test bed" for different street light pole styles and fixtures and multiple brick and concrete paver sidewalk alternatives. Discussion followed.

**Ms. Stephens made a motion to approve a supplemental appropriation in the amount of \$10,500 from *SafeSpeed* Program funds and to direct the Village Manager to enter into a contract with EDAW, Inc. to provide design services for pedestrian safety improvements to the Triangle Park located at West Kirke Street and Laurel Parkway. 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.**

- **Records Management System Upgrade—CODY Computer Services, Inc. (CODY)**

Mr. Biddle requested authorization to contract with CODY to upgrade the Village's existing records management system from CODY, *Computer Services, Inc.* He explained that these

upgrades would allow better communication between the main computer terminal located in the Village's Communications Center and the mobile data terminals located in the officers' cruisers. The contract cost is \$35,000 and the funds are included in the approved FY2009 *SafeSpeed* budget.

**Ms. Feldman made a motion to authorize the Village Manager to enter into a contract with CODY Computer Services, Inc. to provide upgrades to the Villages existing records management system. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones seconded the motion. The motion passed.**

#### **Contract Extension**

- **Printing Company for the Monthly Village Newsletter, the *Crier—Spectrum Printing & Graphics***

Mr. Biddle explained that the original contract with *Spectrum Printing & Graphics* to publish the Village's newsletter allowed for two one-year contract extensions. Mr. Biddle requested authorization to enter into the second one-year contract extension. Discussion followed.

**The Board voted unanimously to authorize the Village Manager to enter into the second one-year contract extension with *Spectrum Printing & Graphics* to publish the Village's newsletter, *The Crier*.**

#### **Jean Federico of 5613 Belmont Avenue**

Ms. Federico explained her frustration with not being allowed to erect a freestanding arbor in the front (Oliver Street) yard of her property without first obtaining a variance from the Board of Managers. The Village Code prohibits the installation of structures within twenty-five (25) feet of a front lot line, and a freestanding arbor is defined as a "structure". She stated her opinion that freestanding arbors should not be defined as "structures". Discussion followed.

#### **Chairman's Report**

None.

#### **Manager's Report**

##### **Tree Removal Appeals filed by Non-Applicants**

Mr. Biddle explained that there is currently no allowance in Chapter 17 of the Village Code for neighbors to appeal the Village Manager's approval or denial of a tree removal permit application. Mr. Biddle requested Board authorization to direct Counsel to draft a Resolution to provide said appeal procedure. Discussion followed.

A majority of Board members stated they did not want to modify the Urban Forest Code to allow for appeals by neighbors of by-right tree removals approved by both the Village arborist and Manager. The Board encouraged Mr. Biddle to investigate other mechanisms for providing advance notice of applications for Tree Removal Permits so that neighbors would have sufficient time to express concerns or objections to tree removals before permits are issued.

**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 open meeting to convene in a closed session pursuant to State Government Article Section 10-508 (a) (7) to consult with Counsel to obtain legal advice on a legal matter (Leahy vs. Chevy Chase Village) and Section 10-508 (a) (8) to consult with staff and other individuals about pending or potential litigation (Leahy vs. Chevy Chase Village). 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. The meeting adjourned at 10:30 p.m.**

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Secretary, Chevy Chase Village Board of Managers

*Final.*