

# **Chevy Chase Village Board of Managers**

## **December 14, 2009**

### **BOARD OF MANAGERS**

Douglas B. Kamerow, Chair	Present
David L. Winstead, Vice Chair	Present
Robert L. Jones, Secretary	Present
Betsy Stephens, Assistant Secretary	Present
Gail S. Feldman, Treasurer	Present
Timothy J. Trifilo, Assistant Treasurer	Present
Peter M. Yeo, Board Member	Present

### **STAFF**

David R. Podolsky, Legal Counsel	Present
Ronald M. Bolt, Assistant Legal Counsel	Present
Traci Scudder, Assistant Legal Counsel	Present
Shana R. Davis-Cook, Village Manager	Present
Roy Gordon, Police Chief	Present
Michael W. Younes, Manager of Contracts and Capital Projects	Present
Demetri Protos, Finance and Accounting Specialist	Present
Grace Brock, Administrative Assistant/Community Liaison	Present

Dr. Douglas B. Kamerow, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:30 p.m. Mr. Winstead arrived at 7:43 p.m.

### **Approval of the minutes from the Board's regular session held on November 9, 2009.**

**Ms. Feldman made a motion to approve the minutes of the regular session held on November 9, 2009. Ms. Stephens seconded the motion. Dr. Kamerow, Ms. Feldman, Ms. Stephens, Mr. Yeo, and Mr. Jones voted in favor of the motion. Mr. Winstead had not yet arrived. Mr. Trifilo was absent from the November 9, 2009 regular session 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**

#### **Public Works Committee**

Co-Chair Thomas Jackson and the Board discussed the Committee's report regarding Public Works Vehicle Parking, Streetlights and Sidewalks in the Village. The report was distributed prior to the meeting. Pursuant to the Committee's recommendation, the Board directed the Director of Public Works to begin a Village-wide assessment of sidewalk trip hazards. Discussion followed.

**Ms. Stephens made a motion to approve the designation of an area to provide parking spaces for Public Works vehicles only on Laurel Parkway behind the Village Hall, Monday through Friday from 8:00 a.m. to 4:00 p.m. Mr. Jones seconded the motion. Dr. Kamerow, Ms. Feldman, Ms. Stephens, Mr. Yeo, Mr. Jones and Mr. Trifilo voted in favor. Mr. Winstead had not yet arrived. The motion passed.**

The Board asked staff to present information on the brick sample supported by the Public Works Committee at its January meeting.

#### **Budget Committee—Tax-based and *SafeSpeed* Program Budgets**

The Budget Committee's report was distributed to the Board prior to the meeting. Committee Chair Samuel Lawrence and the Board discussed the Committee's report on tax-based and the *SafeSpeed* Program budget. Mr. Lawrence expressed his concerns over the deficit of the tax based funds and the *SafeSpeed* Program budget for FY2010.

Ms. Stephens asked why there was a depletion of the revenues after obtaining the new laser cameras. Ms. Davis-Cook stated that the cameras have not been performing as expected. She advised that Chief Gordon has recently been in contact with the camera vendor to fix the current technical problems with the camera.

#### **Decision on Previous Appeals**

None.

#### **Appeals**

**A-1796: Mr. Robert Bellinger and Ms. Natalie Wilensky, 2 Oxford Street—Removal of one 22.0 inch diameter Crepe Myrtle tree and one 10.5 inch diameter Crab Apple tree to accommodate a proposed addition. The trees are located on the southeast side of the property, in the area between the existing house and the existing pool house. Mr. Bellinger presented the request. Mr. Bellinger requested that the decision be expedited.**

Tree Committee Chair Robert Elliott stated that the majority of his Committee supported the removal, provided the applicants reforest with at least one canopy tree in the front (Oxford St.) yard of the property.

**Ms. Feldman made a motion to direct Counsel to draft a decision authorizing the removal of one 22.0 inch diameter Crepe Myrtle tree and one 10.5 inch diameter Crab Apple tree located on the southeast side of the property, provided the applicants reforest with at least two (2) deciduous hardwood trees at least one of which must be planted in the Oxford Street front yard of the property and both of which must be at least two and one-half inches (2 ½ ) in caliper at the time of installation and must be of a species that achieves a mature height of at least forty-five feet (45'). Mr. Trifilo seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Jones, Ms. Feldman, Ms. Stephens and Mr. Trifilo voted in favor of the motion. Mr. Yeo was not present to vote. The motion passed.**

#### **Old Business**

**Village Calculation for Lot Coverage**

Ms. Davis-Cook presented a report of comparative lot coverage data including and excluding overhangs along with two draft ordinances: 1) to repeal Village's lot coverage regulation, and 2) to amend the definition for "lot coverage" to exclude certain elements.

Susie Eig of 34 West Kirke Street favored the second draft ordinance.

Discussion followed. The Board directed staff to present a report detailing how this lot coverage fits in to the overall building regulations review that was performed last year. Discussion followed.

### **Parking Solutions Discussion**

Ms. Davis-Cook introduced parking recommendations to help alleviate parking problems throughout the Village, which had been circulated prior to the meeting. Discussion followed.

Diane Kartalia of 5412 Grove Street stated her objection to some of the recommendations. She also stated that she does not support individual restricted street parking.

Herb Geller of 5617 Grove Street favored the proposed parking plan for around the Village. He also stated that he does not support demarcating 5 feet on either side of residents' driveways and/or 35 feet from intersections (specifically in Zone 1), because he does not feel that there is an existing parking problem.

Susan Martin of 5511 Montgomery Street stated that she is in Zone 1 and she thinks that there is no need for demarcation on either side of residents' driveways.

Judy Rovner of 31 West Irving Street supports the new parking plan surrounding the Village Hall, but she does not agree with the proposed Zone 1 parking restrictions.

Ms. Eig suggested installation of low, more attractive "No Parking" signs surrounding Laurel Park. Ms. Davis-Cook responded that any signs installed must comply with the Manual on Uniform Traffic Control Devices in order for them to be enforceable.

Phyllis Kass of 33 West Irving Street stated her opposition to the driveway demarcation in Zone 1.

Ms. Kartalia stated her opposition to the addition of towing signs and enforcement of towing because it is unnecessary.

Peter Kilborn of 4007 Oliver Street opposed the addition of towing signs, hiring of a parking officer and contracted parking enforcement.

Ruth Robbins of 3 Magnolia Parkway stated her opposition to handicap space designations.

**The Board directed staff to begin discussions with Chevy Chase Center officials to modify their parking restrictions to encourage their workers and patrons to park on the Chevy Chase Center property. The Board also approved the proposed parking plan surrounding**

**the Village Hall. The Board will review requests for on-street handicap designation on a case-by-case basis. All other aspects of the proposed parking plan will not be implemented at this time.**

#### **New Business**

##### **Holiday Monetary Gifts for Village Staff**

Ms. Davis-Cook explained that the Board had historically provided a \$75.00 holiday bonus for the staff, and recommended that this year's gift be provided in the form of *Giant* Gift Cards.

**Ms. Stephens made a motion to approve \$75.00 *Giant* Gift Cards for Village staff. Mr. Jones seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Jones, Ms. Feldman, Ms. Stephens, Mr. Trifilo and Mr. Yeo voted in favor of the motion. The motion passed.**

##### ***Verizon* FiOS Presentation and Public Hearing on Proposed CATV Franchise**

Tara Potter, Assistant Vice President for *Verizon* presented an overview of the construction process that *Verizon* will need to undertake in order to supply FiOS throughout the Village. Ms. Potter suggested waiting until next Fall to begin construction, which would minimize the impact to trees and landscaping features.

Ms. Eig suggested *Verizon* only add FiOS wires to where copper wires currently exist, that the fiber distribution hubs should be painted another color such as green or black, and that the hubs should be put in the existing green spaces and not in front of residents' homes. Ms. Potter responded that *Verizon* plans to follow the routes of the existing wires. She also stated that they will work with the Village to decide on the placements, but that she thought the color of the hub may not be able to be painted.

Seth Morgan of 5417 Center Street outlined recent problems with his *Verizon* copper line service. Ms. Potter encouraged any residents that are experiencing a lack of response to contact the Village office so that information can be reported to her office.

Joel Winnik of 5804 Connecticut Avenue asked if the copper lines will be removed from the home once *Verizon* FiOS is installed. Ms. Potter replied that the copper lines can be removed from the home and the pole at the request of the homeowner.

Charlie Firestone of 3704 Bradley Lane asked why the utility lines could not be buried underground. Dr. Kamerow replied that it is too expensive to underground the wires.

**Mr. Jones made a motion to approve Resolution No. 12-02-09: Verizon CATV Franchise, Participating Municipality Franchise Agreement, Memorandum of Understanding between Montgomery County and Chevy Chase Village to Administer a Cable Franchise Agreement and Fiber to the Premises Project Agreements (within and outside the Right-of-Way). Mr. Yeo seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Jones, Ms. Feldman, Mr. Yeo, Ms. Stephens and Mr. Trifilo voted in favor of the motion. The motion passed.**

##### **WSSC Paving Agreement for Water Main Replacement Project**

Michael Younes explained the water main replacement program that is slated to begin in the spring of 2010. Discussion followed.

**The Board unanimously authorized the Village Manager to enter into the paving agreement WSSC for the water main replacement project scheduled for next year.**

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

None.

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

Ms. Davis-Cook reported that delegate Al Carr had submitted legislation that would apply to properties within historic districts in lower Montgomery County municipalities mandating that the municipalities' side yard setback regulations would not apply to projects that were approved by the Montgomery County Historic Preservation Commission.. The Board directed Ms. Davis-Cook to invite Delegate Carr to discuss the proposed legislation at the January Board meeting.

Ms. Davis-Cook reported that Chevy Chase Center had filed its project plan amendment with the Planning Commission. Ms. Davis-Cook suggested that the Village review the plans to ensure compliance with the original development agreement. Discussion followed.

#### **Police Report**

The police report was distributed to the Board prior to the meeting.

**Ms. Feldman made a motion to adjourn the open meeting to convene in closed session pursuant to State Government Article Section 10-508 (a) (3) to consider the acquisition of real property for a public purpose and matters directly related thereto (for Brookville Road sidewalk) and Section 10-508(a)(7) to consult with Counsel to obtain legal advice on legal matters, namely pending litigation (Cary M. Euwer, Jr. vs. Chevy Chase Land Company, et al). Mr. Jones seconded the motion. Mr. Winstead, Dr. Kamerow, Ms. Feldman, Ms. Stephens, Mr. Jones, Mr. Yeo and Mr. Trifilo voted in favor of the motion. The motion passed. The meeting adjourned at 10:37 p.m.**

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Secretary, Chevy Chase Village Board of Managers

*Final.*