

Chevy Chase Village Board of Managers

February 9, 2009

BOARD OF MANAGERS

Douglas B. Kamerow, Chair	Present
David L. Winstead, Vice Chair	Present
Susie Eig, Secretary	Present
Robert L. Jones, Assistant Secretary	Present
Gail S. Feldman, Treasurer	Present
Betsy Stephens, Assistant Treasurer	Present
Peter M. Yeo, 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 regular and executive sessions held on January 12, 2009. Prior to the meeting, Ms. Eig submitted changes to the minutes from the Board's regular meeting held on January 12, 2009. Discussion followed.

Ms. Feldman made a motion to approve the minutes of the Board's regular session held on January 12, 2009, as amended. Mr. Jones seconded the motion. Dr. Kamerow, Ms. Feldman, Ms. Eig, Mr. Jones, Ms. Stephens and Mr. Yeo voted in favor of the motion. Mr. Winstead was absent from the regular session held on January 12, 2009 and did not vote. The motion passed.

Ms. Feldman made a motion to approve the minutes of the Board's executive session held on January 12, 2009. Ms. Stephens seconded the motion. Dr. Kamerow, Mr. Jones, Ms. Feldman, Ms. Stephens and Mr. Yeo voted in favor of the motion. Mr. Winstead and Ms. Eig were absent from the executive session held on January 12, 2009 and did not vote.

Treasurer's Report

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

Committee Reports

Personnel Commission

Dr. Kamerow advised that he had appointed David Kushner of 111 Newlands Street to serve as Chair of the Village's Personnel Commission. Discussion followed.

Decisions on Previous Appeals

None.

Appeals

A-5494: McCullough Residential, LLC, 117 Oxford Street—Demolish the existing main building. Greg Davis, Vice-President of McCullough Residential, LLC presented the request. Discussion followed.

Ms. Eig made a motion to direct Counsel to draft a decision approving the request to demolish the existing main building. Ms. Feldman seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Mr. Jones, Ms. Feldman, Ms. Stephens and Mr. Yeo voted in favor of the motion. The motion passed.

A-5495: Mr. and Mrs. Christopher Ian Twinn, 5503 Center Street—(a) Construct a front porch, the eave and cornice of which would encroach four tenths of a foot (0.4 ft.) forward of the twenty-five foot (25 ft.) front building restriction line. Mr. Twinn and his architect, Chris Snowber of Hamilton Snowber Architects, presented the request. Discussion followed.

Ms. Stephens made a motion to direct Counsel to draft a decision approving the request to: (a) construct a front porch, the eave and cornice of which would encroach four tenths of a foot (0.4 ft.) forward of the twenty-five foot (25 ft.) front building restriction line. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Mr. Jones, Ms. Feldman, Ms. Stephens and Mr. Yeo voted in favor of the motion. The motion passed. The applicants requested that the Board expedite its written decision.

A-5495: Mr. and Mrs. Christopher Ian Twinn, 5503 Center Street—(b) Construct a rear addition, the eave and gutter of which would encroach one and six-tenths feet (1.6 ft.) into the southwest seven-foot side yard setback; and (c) construct a fireplace onto the aforementioned proposed addition, the exterior wall of which would encroach a total of one foot (1.0 ft.) into the southwest side yard setback. Mr. Twinn and his architect, Chris Snowber of Hamilton Snowber Architects, presented the request. Discussion followed.

Mr. Jones made a motion to direct Counsel to draft a decision approving the request to: (b) construct a rear addition, the eave and gutter of which would encroach one and six-tenths feet (1.6 ft.) into the southwest seven-foot side yard setback; and (c) construct a fireplace onto the aforementioned proposed addition, the exterior wall of which would encroach a total of one foot (1.0 ft.) into the southwest side yard setback. Ms. Stephens seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Jones, Ms. Stephens and Mr. Yeo voted in favor of the motion. Ms. Eig voted against the motion. Ms. Feldman abstained. The motion passed. The applicants requested that the Board expedite its written decision.

A-5496: Mr. and Mrs. John J. Campanella, 22 Hesketh Street—(a) Construct a rear addition, the cornice and gutter of which would encroach nine-tenths of one foot (0.9 ft.) into the east side yard setback; and (b) construct a fireplace and flue assembly onto the aforementioned proposed addition, which would encroach one and one-half feet (1.5 ft.)

into the east side yard setback, and the cornice and gutter of which would encroach up to an additional three-tenths of one foot (0.3 ft.) into the east side yard setback for a total encroachment of one and eight-tenths of a foot (1.8 ft.). Kathy Campanella and her architect, Chris Snowber of Hamilton Snowber Architects, presented the request. Discussion followed.

Ms. Stephens made a motion to direct Counsel to draft a decision approving the request to: (a) construct a rear addition, the cornice and gutter of which would encroach nine-tenths of one foot (0.9 ft.) into the east side yard setback; and (b) construct a fireplace and flue assembly onto the aforementioned proposed addition, which would encroach one and one-half feet (1.5 ft.) into the east side yard setback, and the cornice and gutter of which would encroach up to an additional three-tenths of one foot (0.3 ft.) into the east side yard setback for a total encroachment of one and eight-tenths of a foot (1.8 ft.). Mr. Yeo seconded the motion. Mr. Winstead, Ms. Eig, Mr. Jones, Ms. Feldman, Ms. Stephens and Mr. Yeo voted in favor of the motion. Dr. Kamerow voted against the motion. The motion passed.

Old Business

Wohlfarth Property (Chevy Chase Open Space) Discussion of Pending Demolition Plans and Discussion of a Draft Memorandum of Understanding (MOU) Amendment

Dr. Kamerow introduced Brenda Sandberg of Montgomery County's Department of Park and Planning. Ms. Sandberg advised that the demolition permit process is pending. Park & Planning will request a Special Permit from the Board of Managers to demolish the main building and detached garage at the Board's March 9 meeting. Park & Planning hopes to perform the demolition in March or April. Ms. Sandberg circulated a timeline for the park planning and design process after the structures are removed.

Ms. Eig stated that the existing fence between the property and the Chevy Chase Land Company site needs to be replaced. Mr. Biddle stated that he would contact the Land Company regarding the fence.

A copy of a draft amendment to the MOU agreement between the Village, Montgomery County and Park & Planning were distributed prior to the meeting. Discussion followed regarding the draft MOU amendment. The Board provided its preliminary approval of the draft MOU amendment, which still needs County Attorney approval.

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 technical amendments.

Mr. Cohen explained that the Board had before it two versions of the draft Resolution, one version that exempts signs from regulation that are placed on utility poles, and one version that regulates the placement of signs on utility poles. Discussion followed.

Mr. Winstead made a motion to approve the version of Resolution No. 11-01-08 that prohibits signs from being placed on utility poles. Ms. Eig seconded the motion. Mr. Winstead, Ms. Eig and Ms. Feldman voted in favor of the motion. Dr. Kamerow, Ms. Stephens, Mr. Yeo and Mrs. Jones voted against the motion. The motion did not pass.

Ms. Stephens made a motion to approve the version of Resolution No. 11-01-08 that prohibits the erection or placement of signs on utility poles, unless authorized by the owner(s) or occupant(s) of the directly abutting private property. Mr. Yeo seconded the motion. Dr. Kamerow, Ms. Stephens, Ms. Feldman, Mr. Yeo and Mr. Jones voted in favor of the motion. Mr. Winstead voted against the motion. Ms. Eig abstained. The motion passed.

New Business

Resolution No. 02-01-09: Amendment of Fee Schedule.

Mr. Biddle explained that the Board had previously discussed reducing the fees for variance and special permit hearings for the in-kind, in same location replacement of developmental nonconformities and that the Board had directed Counsel to draft an Ordinance that would reduce by half the filing/application and hearing fees for special permits and variances related to the replacement of developmental nonconformities, including air conditioners, heat pumps, generators, porches, decks, stoops, fences, patios, walls and driveways, and for the processing of a public right-of-way agreement for said work. Discussion followed.

Mr. Jones made a motion to approve Resolution No. 02-01-09. Mr. Yeo seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mrs. Jones voted in favor of the motion. The motion passed.

Resolution No. 02-02-09: An Ordinance to amend Chapter 8 of the Chevy Chase Village Code to regulate the installation of electronic pet containment systems.

Dr. Kamerow explained that feedback had been received from residents in regard to the possible regulation of electronic pet containment systems (commonly referred to as invisible fences). He stated that from the feedback received there appear to be two leading regulatory options:

1. Require that newly installed systems be set back a specified distance from the nearest public improvement (i.e., sidewalk, curb, etc.).
2. Require signage announcing that an electronic pet containment system is in use.

Discussion followed. The Board directed Counsel to draft a Resolution requiring the placement of a Village-supplied sign announcing that an electronic pet containment system is in use on the property. The Board also directed staff to provide a mock-up/sketch of a proposed sign for Board approval.

Resolution No. 02-03-09: An Ordinance to amend sections 6-3, 8-8, 8-15, and 17-8 of the Chevy Chase Village Code to clarify who is subject to a fine for certain violations and the amount of the fines for the violations and to establish the fine for failing to comply with the terms of a Building Permit.

Mr. Podolsky explained that clarification was needed in the Code to properly establish who was subject to a municipal citation. The proposed Ordinance would make all parties involved subject to the citation (resident, contractor, sub-contractors, etc.); however, only one party would be required to pay the municipal fine. Discussion followed.

Ms. Stephens made a motion to approve Resolution No. 02-03-09. 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.

Purchase Authorization Request—Police Lockers (*SafeSpeed* Program funded)

Mr. Biddle explained that lockers were needed for the new locker room space under construction on the lower level of the Village Hall. Funding for the lockers was included in the authorized FY2009 *SafeSpeed* Budget. Three bids were received for the eight requested lockers, and Mr. Biddle recommended purchasing the lockers from *Spacesaver Systems, Inc.* of Kensington, in the amount of \$13,264.00. Discussion followed.

The Board unanimously authorized Mr. Biddle to purchase eight lockers from *SpaceSaver Systems, Inc.* in the amount of \$13,264.00 from the FY2009 *SafeSpeed* Budget.

Purchase Authorization Request—Police Radios (base-operations funded)

Mr. Biddle explained that due to reallocation of radio frequencies authorized by the Federal Communications Commission years ago, law enforcement agencies must change to the new frequencies and that new radios are required. Within the authorized FY2009 base-operations budget, funding is in place to begin the transition to the new radios. Mr. Biddle requested authorization to purchase two portable radios and one base-station for the Communications Center from *Motorola, Inc.* through a Montgomery County contract in the amount of \$10,554.08.

The Board unanimously authorized Mr. Biddle to purchase two portable radios and one base-station for the Communications Center from *Motorola, Inc.* in the amount of \$10,554.08.

Contract Authorization Request—*SafeSpeed* Program Contract Amendment (*SafeSpeed* Program funded).

Dr. Kamerow explained that the contract amendment #1, which was circulated to the Board prior to the meeting, exercises the Village option to extend the existing contract for an additional two-year period and to modify the payment structure. The Village's contract with *ACS State & Local Solutions, Inc.* is for equipment, technical and back-office support for the Village's photo speed monitoring program. Payment structure would convert to a flat-fee basis. Discussion followed.

Ms. Feldman made a motion to approve the contract amendment #1 with *ACS State & Local Solutions, Inc.* Mr. Jones seconded the motion. Dr. Kamerow, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. Mr. Winstead abstained.

Contract Authorization Request—Landscape Maintenance Services (base-operations funded)

Mr. Biddle explained that of the four companies that responded to the request for bids, staff recommended staying with the Village's current contractor, *TruGreen LandCare*. Ms. Eig stated that the contract should be expanded to include the right-of-way at the north end of Cedar Parkway. Mr. Biddle replied that he would work on providing an amendment to the new contract before the termination of the existing contract.

Ms. Stephens made a motion to authorize a contract with *TruGreen LandCare* to provide landscape maintenance services. 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 voted against the motion. Mr. Biddle will seek to get an addendum to the contract before the Board as soon as possible.

Chairman's Report

None.

Manager's Report

Small Triangle Park Opposite the Village Hall (West Kirke Street at Laurel Parkway)

Mr. Biddle explained that clearing of non-protected landscape material would begin shortly and that the re-landscaped and newly designed park would be used as a "test-bed" for sidewalk materials and streetlights. Discussion followed.

Little League Field at Chevy Chase Playground

Mr. Biddle explained that he had spoken with the District's Department of Parks & Recreation. DPR staff advised that the drawings for the field would be available within the next week or two. DPR staff also advised that funds for the project are fully available, with construction slated to begin in autumn of 2009.

Streetlight System

Ms. Eig and Mr. Yeo directed Mr. Biddle to request a modified version of the *KCI Technologies, Inc.* concept plans for a streetlight system only. Discussion followed.

Police Report

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

Mr. Jones made a motion to adjourn the meeting. Ms. Stephens seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Mr. Jones, Ms. Feldman, Ms. Stephens and Mr. Yeo voted in favor of the motion. The motion passed. The meeting adjourned at 10:11 p.m.

Secretary, Chevy Chase Village Board of Managers

Final.