

Chevy Chase Village Board of Managers

June 8, 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
Vacant, Assistant Treasurer	Vacant
Peter M. Yeo, Board Member	Present

STAFF

David R. Podolsky, Legal Counsel	Present
Ron Bolt, 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
Grace L. Brock, Community Liaison/Administrative Assistant	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 7:35 p.m.

Appointment of a New Board Member

Ms. Feldman made a motion to appoint Timothy J. Trifilo of 5414 Center Street to fill the vacant seat on the Board. Mr. Yeo seconded the motion. Dr. Kamerow, Mr. Jones, Ms. Feldman, Ms. Stephens and Mr. Yeo voted in favor of the motion. Mr. Winstead had not arrived yet. The motion passed.

Election of Officers

Mr. Yeo made a motion to nominate Robert L. Jones as Secretary and Betsy Stephens as Assistant Secretary. Mr. Jones seconded the motion. Dr. Kamerow, Mr. Jones, Ms. Feldman, Ms. Stephens and Mr. Yeo voted in favor of the motion. Mr. Winstead had not arrived yet. The motion passed.

Approval of the minutes from the Board's regular session held on May 11, 2009.

Mr. Jones made a motion to approve the minutes of the Board's regular session held on May 11, 2009. Mr. Yeo seconded the motion. Dr. Kamerow, Mr. Jones, Ms. Feldman and Mr. Yeo voted in favor of the motion. Ms. Stephens was absent from the May 11, 2009 regular session and did not vote. Mr. Winstead had not arrived yet. The motion passed.

Approval of the minutes from the Board's Executive Session held on May 11, 2009

Mr. Winstead made a motion to approve the minutes of the Board's executive session held on May 11, 2009. Ms. Feldman seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Jones, Ms. Feldman and Mr. Yeo voted in favor of the motion. Ms. Stephens was absent from the May 11, 2009 executive 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

Budget Committee

Chair Samuel Lawrence explained that due to uncertainty related to the timing of effects from recently enacted State Legislation on the Village *SafeSpeed* Program budget, the Budget Committee had submitted for Board approval a *SafeSpeed* Program budget specifically for the first quarter of FY2010 (July 1, 2009 through September 30, 2009). Mr. Podolsky explained that a letter had been received just prior to the meeting from the State of Maryland's Attorney General's office (AG) advising, in part, that the newly enacted legislation would not prohibit the Village from using existing *SafeSpeed* Program monies provided they are expended by June 30, 2010. Discussion followed.

Mr. Winstead made a motion to approve the *SafeSpeed* Program budget for the first quarter of FY2010. Ms. Feldman seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Jones, Ms. Feldman, Ms. Stephens and Mr. Yeo voted in favor of the motion. The motion passed.

Decisions on Previous Appeals

None.

Appeals

A-5559: Mr. and Mrs. Gregory J. Ossi, 209 Primrose Street—Install a fence measuring six feet (6') in height in front of the Western Avenue front building restriction line between the southern corner of the porch and the Western Avenue front lot line and along the northeast property line between the Western Avenue front lot line and the front building restriction line. The proposed maximum height of all proposed sections would be six-feet (6'). Mr. Ossi presented the request. Discussion followed.

Ms. Stephens made a motion to direct Counsel to draft a decision approving the request to install a fence measuring six feet (6') in height in front of the Western Avenue front building restriction line between the southern corner of the porch and the Western Avenue front lot line and along the northeast property line between the Western Avenue front lot line and the front building restriction line, contingent upon approval by the District of Columbia for the portion of fence that would be located in the District's public right-of-way, if District approval is required. Mr. Yeo seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Jones, Ms. Feldman, Ms. Stephens and Mr. Yeo voted in favor of the motion. The motion passed. The applicants asked for their decision to be expedited.

A-5560: Mr. Dane Butswinkas and Ms. Megan Rupp (Contract-Purchasers), 7 West Kirke Street—Request to: (a) construct a porch, a portion of which would encroach eight and two tenths feet (8.2') forward of the twenty-five foot (25') front (West Kirke Street) building restriction line; (b) to construct a porch, a portion of which would encroach one and eight tenths feet (1.8') forward of the front (Laurel Parkway) building restriction line; and (c) to construct a deck, a portion of which would encroach two and two tenths feet (2.2') forward of the twenty-five foot (25') front (Laurel Parkway) building restriction line. Ms. Rupp and her architect David Jones presented the request. Discussion followed.

Mr. Yeo made a motion to direct Counsel to draft a decision approving the request to (a) construct a porch, a portion of which would encroach eight and two tenths feet (8.2') forward of the twenty-five foot (25') front (West Kirke Street) building restriction line; (b) to construct a porch, a portion of which would encroach one and eight tenths feet (1.8') forward of the front (Laurel Parkway) building restriction line; and (c) to construct a deck, a portion of which would encroach two and two tenths feet (2.2') forward of the twenty-five foot (25') front (Laurel Parkway) building restriction line, contingent upon the applicants' purchase of the subject property and issuance of all applicable County permits for the project. Ms. Stephens seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Jones, Ms. Feldman, Ms. Stephens and Mr. Yeo voted in favor of the motion. The motion passed. The applicants asked for their decision to be expedited.

Old Business

Village Calculation for Lot Coverage

Mr. Biddle explained that the Village currently includes any above-grade structures on a property in the property's lot coverage calculation, including, but not limited to, eaves, gutters, raised patios, accessory buildings, decks, etc. He noted that Montgomery County uses the footprint of the main building and accessory structures when calculating the lot coverage. Discussion followed.

Joe Wohlmuth of 31 West Kirke Street stated that he did not feel the eaves and gutters of a home impacted the feeling of bulk or mass. He also encouraged the Board to consider the projection allowances permitted in the District of Columbia.

Diane Kartalia of 5412 Grove Street suggested that future *Crier* notices regarding these discussions should include a definition for the subject matter being discussed. She also stated that she did not feel that gutters affected the perception of a house's bulk.

Marion Blakey of 31 West Kirke Street advocated that the Board should exclude eaves and gutters from its lot coverage calculation.

Dr. Kamerow asked staff to provide the Board with the possible alternatives that could be used to modify the Village's method for calculating lot coverage.

Susie Eig of 34 West Kirke Street encouraged the Board to exclude eaves and gutters when calculating lot coverage.

The Board agreed to continue the discussion at a later meeting following a more detailed notice of the discussion in the *Crier*, including specific questions for resident feedback. Mr. Winstead asked staff to get information regarding the District of Columbia's and Montgomery County's projection allowances as described by Mr. Wohlmuth.

Variance, Special Permit and Appeal Forms/Worksheet

The Board approved the forms and directed staff to post them on the Village website for resident feedback and to begin using them as soon as possible. The Board also directed staff to circulate the Tree Committee Appeal Worksheet to the Tree Committee requesting members' feedback

New Business

Discussion of Possible Modifications to the Urban Forest Code

- **Reforestation requirement for by-right tree removals**

The Board discussed the implications that might arise from requiring reforestation for by-right tree removals.

Susie Eig of 34 West Kirke Street encouraged staff to implement a system to verify installation and track the maintenance of reforestation trees currently required as a condition of tree removal permits granted by the Board. Discussion followed.

The Board will continue this discussion at its September meeting.

- **Village Manager authority to approve the removal of trees for construction purposes**

The Board discussed the implications that might arise from allowing the Village Manager to approve the removal of trees for construction purposes. The Village Manager advised that he believed administrative authority in this area would be excessively problematic. The Board decided to take no action in this regard.

Playground Petition

Mr. Yeo presented a petition, circulated by the Village's Committee on Children, Youth & Families, which was signed by approximately 60 Village families. He noted that several issues needed to be addressed, including: location, security/safety, design and funding. Mr. Yeo requested Board support for a Village playground, and authorization of expenditures from surplus funds to hire a playground and landscape designer to generate a preliminary designs at a variety of candidate locations. Discussion followed.

Bliss Ryan of 5414 Grove Street and the Village Parks Committee encouraged Mr. Yeo to postpone formal Board approval until the Chair of the Parks Committee, Alice Kinter of 121 Hesketh Street, returned to the area in September. Mr. Yeo agreed.

Judy Elliott of 17 West Irving Street presented her recollection of past playground petitions in the Village and she encouraged the Board to get specific feedback from the residents surrounding the candidate parks prior to spending any funds on preliminary design work.

Susie Eig of 34 West Kirke Street encouraged the Board to pose specific questions regarding the proposed playground in the upcoming resident survey, such as: do you support the creation of a Village playground, what are the ages of the kids in your home, etc. She added that she felt feedback should be received from the residents before any money is spent on design work.

Megan Rupp of 3 Newlands Street asked what Village parks were proposed to receive playground equipment. Mr. Yeo advised that the two triangle parks along Oliver Street, Brookville Road Park, Laurel Park and the triangle park between Laurel Parkway and West Kirke Street were candidate sites.

Saul Goodman of 5515 Cedar Parkway volunteered to serve on a playground exploratory committee.

Ms. Kartalia noted that the residents of the 5400 block of Grove Street had submitted a petition in support of a natural playgarden for the Chevy Chase Open Space property. Dr. Kamerow encouraged Mr. Yeo to continue to explore natural “playscape” options for the Chevy Chase Open Space park.

Mr. Yeo agreed to schedule meetings with the playground exploratory Committee to investigate playground options, meetings of which will be publicized in the *Crier*.

Sidewalk Repairs

Dr. Kamerow explained that a letter had been received from Margot Anderson of 1 West Irving Street regarding the poor condition of the Village sidewalks, specifically along Connecticut Avenue. Mr. Biddle explained that these problem areas of sidewalk were currently being scheduled for repair. Dr. Kamerow requested an update on the sidewalk repairs at the July regular Board meeting. Discussion followed.

Resolution No. 06-01-09: A Resolution to amend Section 77-7 of the Chevy Chase Village Charter. Mr. Bolt explained that the discrepancy that currently exists between the Charter and Chapter 24 of the Village Code, entitled “Procurement and Disposition”.

The Board unanimously approved Resolution No. 06-01-09.

Resolution No. 06-02-09: A Resolution to amend Section 77-5 of the Chevy Chase Village Charter. Mr. Bolt explained that the proposed Resolution would allow any Notary Public in and for the State of Maryland to administer the Oath of Office to newly elected members of the Board of Managers, including the Board Chairman. Discussion followed.

The Board unanimously approved Resolution No. 06-02-09.

Resolution No. 06-03-09: An Ordinance to amend Chapter 8 of the Chevy Chase Village Code to clarify the height restrictions for main buildings by amending Sections 8-1 (e) and 8-17 (o). Mr. Bolt explained that the proposed Ordinance would better clarify the Board’s intent for the main building height regulation enacted last summer. Discussion followed.

The Board unanimously approved Resolution No. 06-03-09. After the vote, Susie Eig of 34 West Kirke Street expressed that she felt the Ordinance did not adequately clarify if other elements added to the roof (i.e., air conditioning units, solar panels, etc.) would be calculated in the main building height. Dr. Kamerow stated that the Board would discuss at a future meeting if projections installed on the top of a roof should factor into the maximum building height calculation.

Consent Agenda

Dr. Kamerow outlined the following items on the consent agenda:

- **Authorization for the Village Manager to Enter Into a Memorandum of Understanding with the City of Gaithersburg** (Continuity of Operations Plan [COOP] & Emergency Operations Plan [EOP]). Mr. Winstead asked for information from the County, other municipalities and Village staff regarding the final COOPs and EOPs for each.
- **Police Services Agreement**—Section 5 of the Village of Chevy Chase
- **Contract Awards**
 - Janitorial Services—*CleanNet USA, Inc.*
 - Independent Audit Services—*Lindsey & Associates, LLC*
- **Contract Extensions**
 - Street Maintenance—*Chamberlain Contractors, Inc.*
 - Refuse & Recycling—*Unity Disposal & Recycling, Inc.*
 - Tree Services—*The F.A. Bartlett Tree Expert Company* (Ms. Feldman and Ms. Stephens noted for the record that the aforementioned company provides tree services on their respective properties.)
- **Carry Forward Request**—Amend the FY2010 Budget to carry forward \$12,713 from the FY2009 “Website Redesign” line item to the FY2010 “Website Redesign” line item.
- **FY2009 Budget Reallocation—SafeSpeed Program Budget**—Reallocation from the FY2009 *SafeSpeed* Program budget in the amount of \$12,000 from “Capital Projects—Operations” to “Administration—Personnel”.

Discussion followed.

The Board unanimously approved all items on the consent agenda.

Chairman’s Report

None.

Manager’s Report

None.

Police Report

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

Mr. Yeo made a motion to adjourn the open meeting and to convene in closed session pursuant to State Government Article Section 10-508 (a)(1)(i) to discuss the contract for the Village Manager who is an employee or an official over whom it has jurisdiction. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Jones, Ms. Feldman, Ms. Stephens and Mr. Yeo voted in favor of the motion. The motion passed. The meeting adjourned at 10:21 p.m.

Secretary, Chevy Chase Village Board of Managers

Final.