

# Chevy Chase Village Board of Managers

February 16, 2010

## 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
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
Dianna Reed, Permitting and Code Enforcement Coordinator	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 7:35 p.m.

### **Approval of the minutes from the Board's regular and executive sessions held on January 11, 2010.**

**Ms. Stephens made a motion to approve the minutes of the Board's regular and executive sessions held on January 11, 2010. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Jones, Ms. Stephens Ms. Feldman and Mr. Yeo voted in favor of the motion. Mr. Trifilo was absent from the Board's January 11, 2010 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**

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

The Environmental Committee's report was distributed to the Board prior to the meeting. Committee Chair Lawrence Heilman and the Board discussed the Committee's report regarding:

- A proposal to replace the light bulbs in the Village Hall’s wall sconces with energy efficient compact fluorescent bulbs.
- A proposal to promote an electronic waste (e-waste) drive by an area high school student to be funded with a grant provided by Learn/Serve International.
- Development of an energy and environmental SOP for Village Hall operations.
- A request that two members of the Environmental Committee be allowed to participate in the refuse and recycling contract award review process later this year.

Mr. Yeo suggested that the student who would investigate e-waste disposal system for use by the Village would ensure that the e-waste contractor selected disposes the waste domestically. Discussion followed.

**The Board supported the initiatives presented by the Environmental Committee.**

**Public Safety Committee**

Public Safety Committee Chair Saul Goodman presented a report on the acquisition of Electronic Control Devices (tasers) for Village police officers. Mr. Goodman stated that the recommendations of the Maryland Attorney General’s Task Force, report released in late 2009, greatly restrict the use of Tasers to the extent that the benefits of such a “less-than-lethal” weapon outweigh their need for Village officers to carry them at this time. Police Chief Roy Gordon agreed to withdraw his proposal to purchase Tasers for Village officers and told the Board of Managers that he knows of no police agency in the State of Maryland that complies with the Attorney General’s Task Force recommendations at this time.

The Board thanked Mr. Goodman, the Public Safety Committee and Police Chief Gordon for their time and effort researching and investigating this issue.

**Decision on Previous Appeals**

None.

**Appeals**

None.

**Old Business**

**Proposed Chevy Chase Center Development Plan Amendment**

Ms. Davis-Cook presented a summary of the presentation given by The Chevy Chase Land Company representatives on February 3 regarding the proposed development of the Chevy Chase Center.

Ms. Stephens stated her objections to the privatization of public space, and her support for creating a space that attracts more people and is more beautiful for all to enjoy.

Patricia Baptiste of 7 Grafton Street stated that she will only be commenting on Farr Park. Before her comments about Farr Park, she stated two corrections to the notes that were taken at

the presentation on February 3: 1) that Farr Park is a binding element of the original developmental plan approval, and 2) that Chevy Chase Village's official position at the time of the zoning application was to oppose the design of the parking lot because of the scarcity of trees in the plan. The exact square footage of Farr Park is a binding element of public space that can only be modified by the Montgomery County Council. Ms. Baptiste agreed that Farr Park needs improvement, but not by privatizing the space. She suggested that the Land Company propose a plan for uses of public space other than privatization of a public park. She urged the Board of Managers to stand up for the protection of the public spaces in the Center and to insist that there be every effort to use 100% of this space for the public.

Martha Mohler of 5609 Grove Street stated her concerns that the late notice that was given prior to the public hearing had led to poor attendance. She requested that the Board hold more discussions before making its decision whether to support or not support the plan amendment.

Heloise Morgan of 5417 Center Street agreed that the public space is important, but that it needs the super structure around it to be successful.

Larry Heilman of 46 Grafton Street favored allowing M Cafe to add outdoor seating to an area of Farr Park.

Dr. Kamerow asked if the Board would like to endorse, remain silent or oppose the plan amendment. Mr. Jones advised that the Village Board has no authority regarding the approval or denial of the plan amendment. Discussion followed

**Mr. Yeo made a motion to neither support nor oppose the proposed Chevy Chase Center Plan Amendment. Mr Jones seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Jones, Ms. Stephens, Ms. Feldman, Mr. Trifilo and Mr. Yeo voted in favor of neither supporting nor opposing the proposed development plan amendment. The motion passed.**

## **New Business**

### **Update on Budget Outlook**

Dr. Kamerow presented a summary of the Village's budget Outlook for the current and upcoming fiscal year. In the current fiscal year an approximate deficit of \$1.2 million is projected at this time. Budget cuts will be necessary due to unexpected expenses that have added to the deficit.

Angela Lancaster of 17 West Kirke Street asked what was the percent of legal expenses from the total budget. Ms. Davis-Cook replied that in the current fiscal year, approximately 10% of the total budget is legal expenses.

Dr. Heilman suggested the Board focus on a fundamental review toward building a sustainable budget. Ms. Baptiste concurred with Dr. Heilman adding that for the size of the Village (i.e., number of households) there should only be core and essential services for the Village resulting in a smaller staff. Discussion followed.

Mr. Trifilo left at 8:46 p.m.

**Resolution No. 02-01-10:** Amendment to Chapter 13 of the Village Code to add a new Section 13-11A to establish a procedure for restricting the parking of motor vehicles in certain locations on public streets in Chevy Chase Village and to amend Section 6-5 of the Village Code to establish the fine for violating Section 13-11A. Ms. Davis-Cook explained that this ordinance would authorize the Board to reserve on-street parking spaces for employees and/or visitors to public facilities such as the Village Offices and the Post Office. Discussion followed.

**Ms. Feldman made a motion to approve Resolution No. 02-01-10 as drafted. Ms. Stephens seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Stephens, Ms. Feldman and Mr. Yeo voted in favor of the motion. Mr. Jones was not present at the time of this vote. The motion passed.**

**Resolution No. 02-02-10:** An Ordinance to amend Chapter 8 of the Chevy Chase Village Code to regulate the installation of walkways, wires, cables, hoses, pipes, and similar facilities within the public right-of-way. Ms. Davis-Cook explained that this ordinance would require residents to execute a License to Use the Public Right-of-Way for the installation/construction of below and at-grade private improvements in the public right-of-way. The Village Code currently requires a License for the installation/construction of above-grade improvements such as fences, walls, etc., but does not require a License to install improvements such as walkways, irrigation systems, etc. Discussion followed.

**Ms. Stephens made a motion to approve Resolution No. 02-02-10 as drafted. Ms. Feldman seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Stephens, Ms. Feldman and Mr. Yeo voted in support of the motion to deny the request. Mr. Jones and Mr. was not present at the time of this vote. The motion passed.**

**Introduction of Resolution No. 02-04-10:** An Ordinance to amend Section 8-22 of the Chevy Chase Village Code to regulate arbors Ms. Davis-Cook explained that the Resolution had been drafted in response to a request by the Board to properly regulate arbors, which in the past have been regulated differently dependent upon their attachment to fences. She explained that her staff reviewed arbor-like structures throughout the Village and had taken an average of their heights, depths and widths, from which the draft Ordinance was based. Discussion followed.

**The Board approved the resolution as drafted and the draft resolution will be included on the April regular Board meeting for possible adoption.**

#### **Selection of the April 2010 Regular Board Meeting Date**

The Board agreed to hold its April regular meeting on Monday, April 12, 2010.

#### **Supplemental Appropriation and Purchase Requests**

Ms. Davis-Cook requested a supplemental appropriation for legal expenses to support pending litigation (Cary M. Euwer vs. Chevy Chase Land Company, et al [Chevy Chase Village]):

\$250,000 from tax-based reserves to Administration, Legal: Cedar Parkway Right-of-Way. Discussion followed.

**Ms. Feldman made a motion to approve the supplemental appropriation as stated above. Ms. Stephens seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Jones, Ms. Stephens, Ms. Feldman and Mr. Yeo voted in favor of the motion. The motion passed.**

Ms. Davis Cook requested authorization to purchase a surveillance vehicle from Chevy Chase Nissan and a supplemental appropriation for said purchase in the amount of \$27,700 from *SafeSpeed* reserves to the *SafeSpeed*, Facilities & Infrastructure, Vehicle Purchase/Replacement budget. Discussion followed.

**Ms. Feldman made a motion to authorize the Village Manager to purchase a surveillance vehicle and to approve the appropriation for said purchase as stated above. Mr. Jones seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Jones, Ms. Stephens, Ms. Feldman and Mr. Yeo voted in favor of the motion. The motion passed.**

Ms. Davis-Cook requested a supplemental appropriation for winter weather response-related expenses: \$50,000 from tax-based reserves to Public Works, Operations (weather events—labor, materials and equipment). Discussion followed.

**Ms. Feldman made a motion to approve the supplemental appropriation request as stated above. Ms. Stephens seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Jones, Ms. Stephens, Ms. Feldman and Mr. Yeo voted in favor of the motion. The motion passed.**

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

None.

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

Ms. Davis-Cook reminded residents to sign-up for the listserv. She stated that the listserv sign-up instructions are included each month in the *Crier* and she stated that staff is available to assist residents in signing up.

#### **Police Report**

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

**Ms. Feldman made a motion to adjourn the meeting. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Jones, Ms. Stephens, Ms. Feldman and Mr. Yeo voted in favor of the motion. The meeting adjourned at 9:40 p.m.**

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Secretary, Chevy Chase Village Board of Managers

*Final*