

Chevy Chase Village Board of Managers

January 11, 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	Absent
Peter M. Yeo, Board Member	Present

STAFF

David R. Podolsky, 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 7:31 p.m. Mr. Trifilo was absent.

Approval of the minutes from the Board’s regular session held on December 14, 2009 and executive session held on December 14, 2009. Ms. Stephens submitted the following change:

- P. 9 lines 12-14 – amend the first sentence to read as follows:

“Ms. Davis-Cook reported that delegate Al Carr had submitted legislation that would apply to properties within the 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.”

Mr. Jones made a motion to approve the minutes of the Board’s regular session held on December 14, 2009, as amended and the minutes of the Board’s executive session held on December 14, 2009. Mr. Yeo seconded the motion. Dr. Kamerow, Ms. Feldman, Ms. Stephens, Mr. Yeo, Mr. Jones and Mr. Winstead voted in favor of the motion. 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—

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 the tax-based and *SafeSpeed* Program budgets. Discussion followed.

Heloise Morgan of 31 Oxford Street suggested that drivers appear to have learned about the cameras and have begun to slow down, which may have affected the *SafeSpeed* revenues.

Judy Rovner of 31 West Irving Street asked why the legal fees have risen. Ms. Davis-Cook replied that the legal fees have risen this year due to many factors such as litigation that the Village has entered into, an increase in Village projects that have required more legal expertise, personnel changes, Verizon FiOS franchise agreements in the Village, recruitment efforts for a new Village Manager and a personnel ethics investigation.

Decision on Previous Appeals

None.

Appeals

None.

Old Business

Resolution No. 11-02-09: Permit Parking Amendment Petition – Northeast side of the 5500 block of Kirkside Drive Between Western Avenue and Grove Street. This resolution was introduced at the Board's November 9, 2009 regular meeting. Ms. Davis –Cook explained that the petitioners were concerned with the increase of evening parking by employees that appear to work at the Chevy Chase Center.

Gerri Carr of 3 Grafton Street asked if the Village has approached the businesses at The Chevy Chase Center to make them aware of the problem of employees parking on Village streets. Ms. Davis-Cook replied that the Village has been in communication with the Chevy Chase Center in efforts to reach a compromise that could minimize the number of Center employees that are parking in the Village.

Susie Eig of 34 West Kirke Street suggested that the Board postpone its decision pending a discussion with the restaurant managers at The Chevy Chase Center.

Phyllis Cass of 33 West Irving Street agreed with Ms. Eig's recommendation. Discussion followed.

The Board agreed to defer a decision on the petition for Permit Parking (Resolution No. 11-02-09) pending a re-visit of the Ordinance regarding Permit Parking.

Resolution No. 11-03-09: Permit Parking Petition – North side of the block of West Lenox Street between Connecticut Avenue and Laurel Parkway. This resolution was introduced at the Board's November 9, 2009 regular meeting. Dr. Kamerow noted the overwhelming citizen objection that had been received in regard to this petition. Discussion followed.

Mr. Jones made a motion to deny the request for a Permit Parking area on Laurel Parkway (Resolution No. 11-03-09). Ms. Feldman seconded the motion. Ms. Feldman, Mr. Yeo, Mr. Winstead, Ms. Stephens, Mr. Jones and Dr. Kamerow voted in support of the motion to deny the request. The motion passed.

Resolution No. 11-01-09: Permit Parking Petition – Southwest portion of the 5400 block of Center Street (from Belmont Avenue to the northeast property lines extended of 5406 and 5409 Center Street). This resolution was introduced at the Board’s November 9, 2009 regular meeting.

Celia Shapiro of 5403 Center Street stated her opposition to the Permit Parking Petition for Center Street.

Kate Hayes of 5407 Center Street stated her support for the Permit Parking Petition for Center Street.

Cheryl Baird of 3923 Oliver Street stated her opposition to the Permit Parking Petition for Center Street and would like to be involved in the process of reviewing the Ordinance regarding Permit Parking.

Peter Kilborn of 4007 Oliver Street stated his opposition to the Permit Parking Petition for Center Street.

Herb Geller of 5617 Grove Street stated his opposition to the Permit Parking Petition for Center Street.

Ms. Carr suggested that if there will be a review and new draft of the ordinances regarding Permit Parking, then the existing restrictions (permit parking only) on Montgomery Street should be also in re-reviewed by the Board.

The Board agreed to defer a decision on the request for a modification of the Permit Parking restrictions on Center Street (Resolution No. 11-01-09) pending a re-visit of the Ordinance regarding Permit Parking. The Board unanimously agreed to approve the formation of an ad hoc Permit Parking Committee.

New Business

Sidewalk Presentation

Scott Davis, President of *Capital Brick*, presented an overview of his company and their product Pine Hall Brick Paver, the brick sample preferred by residents in the recent Resident Survey and recommend by the Public Works Committee.

Larry Heilman of 46 Grafton Street asked if this material is safer for pedestrians than concrete sidewalks. Mr. Davis replied that the Pine Hall Brick Paver is safer because it is slip resistant, it withstands frost-heave cycles and has compressive strength. Discussion followed.

The Board unanimously approved the Pine Hall Brick Paver as the selected material to be used throughout the Village to replace deteriorating sidewalks.

Request for Projected Additional Draw on Reserves

Ms. Davis-Cook informed the Board that due to a decrease in income tax revenues and an increase in expenses, she expected an additional draw on reserves through the end of FY2010 in the amount of \$640,000 (including projected supplemental appropriations requests totaling \$400,000, which have not yet been requested). The Board acknowledged the Manager's report.

Consent Agenda

Purchase/Contract Authorization and Supplemental Appropriation Requests

- Contract Amendment for engineering services related to the Brookville Road Sidewalk Project, *Rummel, Klepper & Kahl*: \$ 62,169 from *SafeSpeed* budget.
- Purchase Authorization and Supplemental Appropriation for a copy machine, *Centric Business Systems*: \$ 9,772 from *SafeSpeed* reserves to the *SafeSpeed*, Facilities & Infrastructure and Equipment Purchase/Replacement budget.

The Board unanimously approved all items on the consent agenda.

Chairman's Report

None.

Manager's Report

None.

Police Report

The Police Report was circulated to the Board prior to the meeting. No discussion followed.

Ms. Stephens made a motion to adjourn the open meeting and 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 the 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.) and pending contract negotiations related to the *SafeSpeed* Program (ACS State & Local Solutions, Inc.) Mr. Winstead seconded the motion. Mr. Winstead, Dr. Kamerow, Ms. Feldman, Ms. Stephens, Mr. Jones and Mr. Yeo voted in favor of the motion. The motion passed. The open meeting adjourned at 9:39 p.m.

Secretary, Chevy Chase Village Board of Managers

Final.