

# Chevy Chase Village Board of Managers

March 8, 2010

## BOARD OF MANAGERS

Douglas B. Kamerow, Chair	Present
David L. Winstead, Vice Chair	Absent
Robert L. Jones, Secretary	Absent
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 7:30 p.m. Messrs. Winstead and Jones were absent.

### **Approval of the minutes from the Board's regular session held on February 16, 2010.**

No comments were received.

**Ms. Feldman made a motion to approve the minutes of the Board's regular session held on February 16, 2010. Ms. Stephens seconded the motion. Dr. Kamerow, Ms. Stephens Ms. Feldman, Mr. Yeo and Mr. Trifilo 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—Proposed Budget and Tax Rate for FY 2011**

The Budget Committee's report was distributed to the Board prior to the meeting. Committee Chair Samuel Lawrence, Ms. Davis-Cook and the Board discussed the Committee's report and the draft proposed budget and tax rate for FY2011. Discussion followed.

#### **Parks Committee**

Committee member Susan Kilborn presented a request to improve the declining Rain Garden that was created in 2004 and is located in Laurel Park. Ms. Kilborn explained that the Parks Committee proposed to install mulch paths leading to the garden's entrance, improved signage

and refreshing plant stock in the Rain Garden. The Parks Committee will be working with the Garden Club of Chevy Chase to raise funds for these improvements. Ms. Kilborn noted that the Parks Committee's only request from Village resources is for mulch. Ms. Davis-Cook responded that the Village could provide the requested mulch.

Mr. Yeo asked if the improvements to the rain garden might prevent the future installation of a playscape in Laurel Park. Ms. Kilborn replied that the proposed improvements would not hinder the construction of a possible future playscape.

**The Board members present unanimously supported the improvements to the Rain Garden as outlined by the Parks Committee.**

### **Update on the Brookville Road Sidewalk Project**

Dr. Kamerow provided an update on the Brookville Road Sidewalk Project. Dr. Kamerow explained that the project is in jeopardy due to the lack of agreement from three of the 16 abutting homeowners from which easement or similar forms of agreement were necessary to construct the proposed sidewalk. Dr. Kamerow stated that the Village staff continues to meet with these residents in hopes of gaining their needed support within a timely manner due to impending project deadlines.

Mr Yeo asked why the Village continues to pursue resident consent as opposed to using the government's powers to claim the needed property through eminent domain. Dr. Kamerow responded that pursuit of eminent domain for the needed property would cost more time and money than are currently available. He further explained that the eminent domain process would ultimately require a redesign of the project.

Rob Nichols of 102 East Melrose Street stated that there had been a resident-only meeting to discuss the project a few months ago at which time there was overwhelming support for the project because residents felt the project would improve: 1) safety, 2) convenience and 3) a sense of community.

Alice Breed of 2 Newlands Street stated that the one resident present at the aforementioned resident-only meeting who spoke in opposition to the project had concerns regarding reforestation that can be easily remedied. Ms. Breed stated that she supports the proposed sidewalk.

Phin Camper of 6 Primrose Street stated that he is uncomfortable with the speed of cars that travel along Brookville Road and that he is in favor of the proposed sidewalk.

Kathleen Buffon of 8 Oxford Street spoke in favor of the proposed sidewalk and suggested that the Village move forward with the project even if legal action is necessary.

Robert Bellinger of 2 Oxford stated that he is in favor of a sidewalk along Brookville Road and he suggested that property values would increase with its installation.

Discussion followed.

## **Decision on Previous Appeals**

None.

## **Appeals**

**A-5663: Mr. and Mrs. Irwin Pernick, 128 Hesketh Street—Maintain a lattice fence measuring thirteen feet, seven inches (13'-7") in height located in the southeast corner of the property.** Mr. and Mrs. Pernick presented the request. Ms. Davis-Cook stated that a letter had been received from one of the Pernicks' abutting neighbors in opposition to the request, hence, the applicants' request no longer met the minimum requirements for a special permit as stipulated in the Building Code. Discussion followed.

**The Board members present unanimously opposed the request to maintain a lattice fence measuring thirteen feet, seven inches (13'-7") in height located in the southeast corner of the property.**

**A-5664: Mr. and Mrs. Gregory Parisi, 138 Grafton Street—(a) construct a roof over a proposed west side entry, a portion of which would encroach ten inches (10") into the west seven foot (7') side yard setback, and (b) construct steps leading to a proposed west side entry, a portion of which would encroach one and three tenths feet (1.3') into the west seven foot (7') side yard setback.** Ms. Parisi presented the request. Discussion followed.

**Mr. Yeo made a motion to direct Counsel to draft a decision approving the request to: a) construct a roof over a proposed west side entry, a portion of which would encroach ten inches (10") into the west seven foot (7') side yard setback, and b) construct steps leading to a proposed west side entry, a portion of which would encroach one and three tenths feet (1.3') into the west seven foot (7') side yard setback. Ms. Feldman seconded the motion. Dr. Kamerow, Ms. Stephens, Ms. Feldman, Mr. Trifilo and Mr. Yeo voted in favor of the motion. The motion passed.**

## **Old Business**

**Adoption of Resolution No. 02-04-10: An ordinance to amend Section 8-22 of the Chevy Chase Village Code to regulate arbors.** This resolution was introduced at the Board's February 16, 2010 regular meeting. Discussion followed. No changes or comments were received from the audience.

**Ms. Feldman made a motion to adopt Resolution No. 02-04-10. Ms. Stephens seconded the motion. Dr. Kamerow, Ms. Stephens, Ms. Feldman, Mr. Trifilo and Mr. Yeo voted in favor of the motion. The motion passed.**

## **New Business**

### **Margot Anderson**

Margot Anderson of 1 West Irving Street expressed her frustration with the process utilized by the Board in its recent appointment of a Chair to the Village's Ethics Commission. Dr.

Kamerow and the Board apologized to Ms. Anderson for the embarrassment she incurred due to its handling of the aforementioned appointment.

### **Emergency Operations Plan Presentation**

Mr. Younes presented the draft Village Emergency Operations Plan, which provides the framework for the Village's response in the event of a man-made or natural disaster. Discussion followed. The Board supported the draft plan.

**Resolution No. 03-01-10: A Resolution to approve the Chevy Chase Village Emergency Operations Plan.** Mr. Younes explained that pursuant to his presentation and the Board's subsequent support of the draft plan, this Resolution was needed to formally adopt the plan. Discussion followed.

**Mr. Yeo made a motion to approve Resolution No. 03-01-10 as drafted. Ms. Feldman seconded the motion. Dr. Kamerow, Ms. Stephens, Ms. Feldman, Mr. Yeo and Mr. Trifilo voted in favor of the motion. The motion passed.**

**Resolution No. 03-02-10: An Ordinance to amend Section 8-1(p) of the Chevy Chase Village Code to modify the definition of lot coverage to exclude certain projections from the calculation of lot coverage.** Alan Beal of *Mid-Atlantic Inspection Services* explained the findings of his and Village staff's research into other jurisdictions' definition for and application of lot coverage. Ms. Davis-Cook explained that the draft Ordinance would better define the features that are included and excluded from the definition for lot coverage. Discussion followed.

The Board directed Counsel to insert "and raised structures such as", after "...covered by buildings, accessory buildings".

**Ms. Feldman made a motion to approve Resolution No. 03-02-10, as amended. Mr. Trifilo seconded the motion. Dr. Kamerow, Ms. Stephens, Ms. Feldman, Mr. Trifilo and Mr. Yeo voted in favor of the motion. The motion passed.**

### **Contract Authorization Request—*SafeSpeed* Program Camera Contract**

Ms. Davis-Cook requested /board authorization to enter into a contract with *ACS State & Local Solutions, Inc.* to provide support services for the Village's *SafeSpeed* Program. She explained that the new contract would provide a flat per month rate of \$74,000 for the months of February and March, 2010 and \$85,000 from April 2010 through February 2011. Discussion followed.

**Ms. Feldman made a motion to authorize the Village Manager to enter into a contract with *ACS State & Local Solutions, Inc.* to provide support services for the Village's *SafeSpeed* Program as stated above. Mr. Trifilo seconded the motion. Dr. Kamerow, Ms. Stephens, Ms. Feldman and Mr. Trifilo voted in favor of the motion. Mr. Yeo voted in opposition of the motion. The motion passed.**

### **Chairman's Report**

None.

**Manager's Report**

Ms. Davis-Cook and Chief Gordon explained that the Police Department had begun its fourth reaccreditation process and that assessors representing the Commission on Accreditation for Law Enforcement Agencies would be on-site between April 17 and April 20, with a public meeting at 6:00 p.m. on April 19. Discussion followed.

**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. Ms. Stephens seconded the motion. Dr. Kamerow, Ms. Stephens, Ms. Feldman, Mr. Trifilo and Mr. Yeo voted in favor of the motion. The motion passed. The meeting adjourned at 10:16 p.m.**

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Secretary, Chevy Chase Village Board of Managers

*Final.*