

Chevy Chase Village Board of Managers

May 10, 2010

BOARD OF MANAGERS

Douglas B. Kamerow, Chair	Present
David L. Winstead, Vice Chair	Present
Peter M. Yeo, Secretary	Present
Peter T. Kilborn, Assistant Secretary	Present
Gail S. Feldman, Treasurer	Present
Allison W. Shuren, Assistant Treasurer	Present
Lawrence C. Heilman, 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, Director of Municipal Operations	Present
Demetri Protos, Finance Director	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 7:36 p.m.

Swearing in Board Members

Shana R. Davis-Cook administered the Oath of Office to Peter T. Kilborn, Allison W. Shuren and Lawrence C. Heilman.

Election of Officers

Lawrence C. Heilman made a motion to elect Douglas Kamerow as Chair of the Board of Managers, David Winstead as Vice-Chair, Peter Yeo as Secretary, Peter Kilborn as Assistant Secretary, Gail Feldman as Treasurer and Allison Shuren as Assistant Treasurer. Ms. Feldman seconded the motion. All Board members voted in favor of the motion. The motion passed.

Approval of the minutes from the Board's regular session held on April 12, 2010.

Ms. Davis-Cook advised that Ms. Feldman had submitted the following correction prior to the meeting: page 4 line 19

Ms. Feldman made a motion to approve the minutes of the Board's regular session held on April 12, 2010, as amended. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Feldman and Mr. Yeo 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

Brookville Road Working Group Update

Dr. Kamerow announced that the Historic Preservation Commission had approved the Brookville Road Sidewalk Project. He stated that there was still one property owner with whom the Village continues easement agreement negotiations.

Memorandum of Understanding with the State Highway Administration

Mr. Younes explained that the Memorandum of Understanding with the State Highway Administration would provide the Village with the authority to install the proposed sidewalk including shifting the roadway between East Melrose and Newlands Streets. It also states that the Village will be responsible for all of the maintenance on the sidewalk and timber barrier.

Susie Eig of 34 West Kirke Street asked if the Village has been in contact with its insurance carrier to inquire if the premiums would increase due to the proposed sidewalk. Ms. Davis-Cook stated that she will pose this question to the insurance company. Ms. Eig also wanted to know how the Village plans to ensure that the steel backing plate will not obstruct car and pedestrian traffic. Mr. Younes stated that the steel backing plate will be inlaid to the timber curbs which will make it flush and therefore will not obstruct car and pedestrian traffic. Discussion followed.

Mr. Winstead made a motion to approve the Memorandum of Understanding between the State Highway Administration and Chevy Chase Village for the sidewalk installation and maintenance along Brookville Road between East Irving Street and Quincy Street. Ms. Feldman seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, Ms. Shuren and Dr. Heilman voted in favor of the motion. The motion passed. Resolution No. 05-01-10: An Ordinance to amend Chapter 8 of the Chevy Chase Village Code to exempt owners of any lot fronting or abutting an improved public sidewalk that is within a State Highway Right-of-Way from the snow removal requirements of Section 8-32, and to delete a redundant term in Section 8-32(a). Ms. Davis-Cook explained that the proposed ordinance would relieve residents who abut State roads from the existing requirement that they clean the sidewalk in the State right-of-way following snow or ice accumulation. Discussion followed.

Mr. Yeo made a motion to approve Resolution No. 05-01-10 as drafted. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, Ms. Shuren and Dr. Heilman voted in favor of the motion. The motion passed.

Ethics Commission

Ms. Davis-Cook stated that the Ethics Commission requested the inclusion of the following language on the Financial Disclosure Statement which is a requirement of each Board Member, Village Manager and candidates for the Board of Managers: "I have compared my role in Chevy Chase Village with my financial holdings. I hereby certify that I have no conflict of interest unless listed above". Discussion followed.

Ms. Feldman made a motion to approve the adoption Ethics Commission’s recommendation for the Financial Disclosure Form as above stated. Mr. Yeo seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, Ms. Shuren and Dr. Heilman voted in favor of the motion. The motion passed.

Public Works Committee

Public Works Committee Co-Chair Thomas Jackson advised that his Committee continues to experiment with varying street light fixtures and wattages in the Triangle Park across from the Village Hall. Mr. Jackson recommended that a four year systematic approach be put in place for the installation of the new *Pine Hall Pathway* brick sidewalks in a running bond pattern in the historic district and a herringbone pattern in the non-historic areas of the Village.

Mr. Kilborn asked why the historic district had a different pattern than the rest of the Village. Mr. Younes answered that historically, the historic district has had the running bond pattern, however respondents in last year’s resident survey preferred the 90 degree herringbone pattern.

Ms. Eig stated that the difference in patterns helps differentiate between the historic district and the non-historic district. Discussion followed.

Ms. Feldman made a motion for sidewalk repairs to be done using the *Pine Hall Pathway* Brick Paver in the running bond pattern throughout the Village and that where the Director of Public Works has identified a pedestrian hazard, the entire subject block would be replaced. Dr. Heilman seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, Ms. Shuren and Dr. Heilman voted in favor of the motion. The motion passed.

Decision on Previous Appeals

None.

Appeals

A-5559: Mr. and Mrs. Gregory J. Ossi, 209 Primrose Street— Extension of a previously-granted variance 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. The applicants also request elimination of one of the Board’s previously imposed conditions. Ms. Ossi presented the request. Discussion followed.

Ms. Feldman made a motion to direct Counsel to draft a decision approving the request to: extend the previously-granted variance 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 and elimination of the Board’s previously imposed condition which required the applicants to obtain approval from the District of Columbia in order to proceed with the installation of the fence. Mr. Kilborn seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Yeo, Mr.

Kilborn, Ms. Feldman, Ms. Shuren and Dr. Heilman voted in favor of the motion. The motion passed. Ms. Ossi requested an expedited decision

A-5692: Mr. Daniel Korengold and Ms. Martha Dippell, 101 East Melrose Street— Replace that portion of an existing wooden stockade fence located in the Newlands Street public right-of-way, measuring six (6) feet in height, and forty-eight (48) feet in length. The fence would be located at least two (2) feet from the Brookville Road public sidewalk at its closest point and would be located approximately seven (7) feet from the Newlands Street curb at its closest point. Resident Agent Rob Nichols presented the request.

Ms. Eig stated that she wanted to point out that the Board should take into account that the vehicle headlights and noise on Brookville Road are likely to directly affect the nearby homes. Discussion followed.

Ms. Feldman made a motion to direct Counsel to draft a decision approving the request to: replace that portion of an existing wooden stockade fence located in the Newlands Street public right-of-way, measuring six (6) feet in height, and forty-eight (48) feet in length. The fence would be located at least two (2) feet from the Brookville Road public sidewalk at its closest point and would be located approximately seven (7) feet from the Newlands Street curb at its closest point. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, Ms. Shuren and Dr. Heilman voted in favor of the motion. The motion passed.

A-5693: Mr. and Mrs. Antonio Adelfio, 102 East Kirke Street—Install a wooden stockade fence varying in height from four (4) feet to a maximum of six (6) feet, in the west front (Brookville Road) yard of the property. The fence would be located along the west front (Brookville Road) property line, and would be located at least three (3) feet from the public sidewalk at any one point. Resident Agent Rob Nichols presented the request. Discussion followed.

Dr. Heilman made a motion to direct Counsel to draft a decision approving the request to: Install a wooden stockade fence varying in height from four (4) feet to a maximum of six (6) feet, in the west front (Brookville Road) yard of the property. The fence would be located along the west front (Brookville Road) property line, and would be located at least three (3) feet from the public sidewalk at any one point. Ms. Shuren seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, Ms. Shuren and Dr. Heilman voted in favor of the motion. The motion passed.

A-5694: Ashley Gerstenfeld Wiltshire, Trustee of the Gerstenfeld/Wiltshire Revocable Trust, 26 Oxford Street—Construct a wooden vertical board fence measuring six and one-half (6.5) feet in height located along the front (Brookville Road) property line and located eighteen (18) inches from the public sidewalk at its closest point. Resident Agent Rob Nichols presented the request. Discussion followed.

Dr. Heilman made a motion to direct Counsel to draft a decision approving the request to: construct a wooden vertical board fence measuring six and one-half (6.5) feet in height

located along the front (Brookville Road) property line and located eighteen (18) inches from the public sidewalk at its closest point Mr. Yeo seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, Ms. Shuren and Dr. Heilman voted in favor of the motion. The motion passed.

A-5695: Ashley Gerstenfeld Wiltshire, Trustee of the Gerstenfeld/Wiltshire Revocable Trust, 26 Oxford Street—Construct a timber tie retaining wall abutting the public sidewalk in the front (Brookville Road) yard of the property. The retaining wall would be located approximately three and one-half (3.5) feet from the front (Brookville Road) property line. The wall would be a maximum of twenty (20) inches in height at any one point and would be approximately one hundred (100) feet in length. Resident Agent Rob Nichols presented the request. Discussion followed.

Mr. Yeo made a motion to direct Counsel to draft a decision approving the request to: construct a timber tie retaining wall abutting the public sidewalk in the front (Brookville Road) yard of the property. The retaining wall would be located approximately three and one-half (3.5) feet from the front (Brookville Road) property line. The wall would be a maximum of twenty (20) inches in height at any one point and would be approximately one hundred (100) feet in length. Ms. Shuren seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, Ms. Shuren and Dr. Heilman voted in favor of the motion. The motion passed.

A-5696: Mr. and Mrs. Robert Nichols, 102 East Melrose Street—To install a wooden vertical board fence measuring six and one-half (6.5) feet in height, located in the west front (Brookville Road) yard and located twelve (12) inches from the public sidewalk at its closest point. The fence would be a total of eighty-nine (89) feet in length, a fifty-nine (59) foot portion of which would be located along the west front (Brookville Road) property line. Mr. Rob Nichols presented the request. Discussion followed.

Mr. Yeo made a motion to direct Counsel to draft a decision approving the request to: install a wooden vertical board fence measuring six and one-half (6.5) feet in height, located in the west front (Brookville Road) yard and located twelve (12) inches from the public sidewalk at its closest point. The fence would be a total of eighty-nine (89) feet in length, a fifty-nine (59) foot portion of which would be located along the west front (Brookville Road) property line. Ms. Feldman seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, Ms. Shuren and Dr. Heilman voted in favor of the motion. The motion passed.

A-5698: Mr. and Mrs. Alexander J. Triantis, 3706 Bradley Lane install a second curb cut for the purpose of installing a proposed circular driveway. Ms. Triantis presented the request. Ms. Triantis requested that the decision be expedited. Discussion followed.

Ms. Feldman made a motion to direct Counsel to draft a decision approving the request to: Install a second curb cut for the purpose of installing a proposed circular driveway. Mr.

Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, Ms. Shuren and Dr. Heilman voted in favor of the motion. The motion passed.

Old Business

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. This resolution was introduced at the Board's March 8, 2010 regular meeting and was submitted to the County Council for comment on April 7, 2010. A public hearing was conducted on the proposed ordinance and no comments were received. Discussion followed.

Mr. Winstead made a motion to approve Resolution No. 03-02-10 as drafted. Mr. Yeo seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Yeo, Ms. Feldman and Ms. Shuren voted in favor of the motion. Mr. Kilborn and Dr. Heilman abstained. The motion passed.

Installation of warning signs and two speed humps on Hesketh Street between Cedar Parkway and Magnolia Parkway, warning signs and one speed hump on Center Street between Belmont Avenue extended and Kirkside Drive, and warning signs and two speed humps on Center Street between Kirkside Drive and Cedar Parkway; and installation of "stop" signs on Cedar Parkway at the intersection with Center Street.

Mark Eig of 34 West Kirke Street stated that children have been yelling at him as he is driving the speed limit. He believes that the parent's fears for speeding cars have sensitized their children.

Herbert Geller of 5617 Grove Street suggested that there be a process put in place and that a decision be made according to data results.

Stephen Meisner of 5514 Center Street does not think that data should be the sole criteria for the process of determining which streets and blocks can receive speed humps.

Margot Anderson of 1 West Irving Street suggested that the Board hold a Public Hearing on each request.

Tom Jackson of 205 Primrose Street stated that because there are some streets that do not have sidewalks, decisions on speed humps should take this information into account.

David Lee of 5505 Center Street stated that he had an altercation with a driver that was speeding down Center Street and that the risk of speeders is very real. Discussion followed.

Ms. Eig stated that it is unfair to change the rules half-way through. Discussion followed.

The Board agreed to defer a decision on all of the requests pending a public hearing at the Board's regular meeting on June 14, 2010.

New Business

Ms. Jeanette Weaver Ruesch, 1 Primrose Street

Removal of one 10.0-inch diameter Crab Apple tree, located in the south front (Primrose Street) yard of the property, east of the existing driveway. Raymond Booney, Ms. Ruesch's personal assistant presented the request. The applicant requested that the decision be expedited. Discussion followed.

Dr. Kamerow made a motion to direct Counsel to draft a Resolution approving the request for the removal of one 10.0-inch diameter Crab Apple tree, located in the south front (Primrose Street) yard of the property, east of the existing driveway on the condition that the necessary permits are acquired from the Historic Preservation Commission and the State Forester, that the original landscaping plan which includes the installation of holly trees is implemented and that the resident reforests with a deciduous hardwood tree measuring at least 2.5 inches in caliper at the time of installation and of a species that achieves a mature height of at least 45 (forty-five) feet. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, Ms. Shuren and Dr. Heilman voted in favor of the motion. The motion passed.

Western Avenue Sidewalk Replacement

Ms. Davis-Cook explained the hazardous condition of the sidewalk along the north side of Western Avenue between Oliver Street and Kirkside Drive and attempts by abutting residents and Village Staff to get the District of Columbia to respond and make the necessary repairs. She explained that Dr. Kamerow had recently sent a letter to D.C. Mayor Adrian Fenty regarding the situation as well. Discussion followed.

Victor Fisher of 5624 Western Avenue expressed his concern over the safety hazards of the sidewalk due to growing tree roots.

Tony Churchill of 5612 Western Avenue stated that the sidewalk is now impassable due to growing tree roots.

David Podolsky stated that he has reservations about the Village installing a sidewalk within the District of Columbia. Among the problems with installing the sidewalk within the District of Columbia are the legal authority to do so and that the Village could be liable for future repairs and maintenance of the sidewalk.

Anne C. Fisher of 5624 Western Avenue stated that she would not be willing to have her landscape changed or her walkway moved in order to relocate the sidewalk to avoid the mature tree roots that have caused the sidewalk to lift.

The Board unanimously decided to deny the request to replace the sidewalk along Western Avenue but promised to continue to put pressure on D.C officials to make the necessary repairs.

Contract Authorization Request

Ms. Davis-Cook requested Board authorization to enter into a contract extension with *Lindsey and Associates* for independent auditing services.

Ms. Feldman requested that there be two (2) amendments to the contract:

- Exhibit 1 page 5 — The Engagement Team would be modified to remove the Staff II Auditor.
- Page 14 — The engagement timing would be modified to ensure that sufficient time be giving for reviews of the audit prior to sending it to the State of Maryland. Discussion followed.

Mr. Yeo made a motion to approve the contract amendment request, with the above amendments, for a Contract with *Lindsey and Associates* for independent auditing services. Ms. Shuren seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, Ms. Shuren and Dr. Heilman voted in favor of the motion. The motion passed.

Supplemental Appropriation Request and Purchase Notification

Ms. Davis-Cook requested a supplemental appropriation for repairs to the storm drain located at the intersection of Oliver Street and Cedar Parkway, which was damaged by public works crews during the winter storms

Mr. Winstead made a motion to approve the supplemental appropriation request for Chamberlain Contractors to repair a damaged storm drain in the amount of \$4, 875 from tax-based reserves. Mr. Yeo seconded the request. Dr. Kamerow, Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Shuren and Dr. Heilman voted in favor of the motion. The motion passed.

Chairman's Report

None.

Manager's Report

None.

Police Report

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

Mr. Kilborn made a motion to adjourn the meeting. Ms. Shuren seconded the motion. Dr. Kamerow, Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, Ms. Shuren and Dr. Heilman voted in favor of the motion. The motion passed. The meeting adjourned at 10:12 p.m.

Secretary, Chevy Chase Village Board of Manager

Final.