

# Chevy Chase Village Board of Managers

## September 12, 2011

*Note: These final minutes reflect the Board's actions only, and do not include testimony given by members of the Board of Managers, Legal Counsel, Village Staff or others in attendance. An audio recording of this meeting is available on the Village website at [www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov).*

### **BOARD OF MANAGERS**

Patricia S. Baptiste, Chair	Present
Peter T. Kilborn, Vice Chair	Present
Allison W. Shuren, Secretary	Present
Richard Ruda, Assistant Secretary	Present
Lawrence C. Heilman, Treasurer	Present
Gary Crockett, Assistant Treasurer	Present
David L. Winstead, Board Member	Present

### **VILLAGE COUNSEL**

David R. Podolsky, Legal Counsel	Present
Ronald M. Bolt	Present

### **STAFF**

Shana R. Davis-Cook, Village Manager	Present
Adventino Dasilva, Police Sergeant	Present
Michael W. Younes, Director of Municipal Operations	Present
Demetri Protos, Finance Director	Present
Ellen Sands, Permitting and Code Enforcement Coordinator	Present
Grace Brock, Administrative Assistant/Community Liaison	Present

Ms. Patricia S. Baptiste, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:33 p.m.

### **Approval of Minutes from the Board's Previous Regular Meeting Held on July 11, 2011.**

Action to approve the minutes of the Board's regular meeting held on Monday, July 11, 2011.

*Mr. Winstead made a motion to approve the minutes from the Board of Managers' regular meeting held on July 11, 2011. Mr. Ruda seconded the motion. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Dr. Heilman, Mr. Ruda and Mr. Winstead voted in favor of the motion. Mr. Crockett did not vote as he was absent from the Board's July 11, 2011 regular meeting. The motion passed.*

### **Administrative Reviews of Applications for Private Improvements in Public Rights-of-Way Continuance of Case No. 5960: Ms. Susan Colby, 6000 Connecticut Avenue—Install:**

(a) six (6) Holly (of varying types including Nellie Stevens and Red Hybrid) trees, (b) two (2)

English boxwood shrubs and (c) twenty-eight (28) American boxwood shrubs all in the Connecticut Avenue public right-of-way.

*Mr. Kilborn made a motion to direct the Village Manager to approve the Building Permit Application and execute a License to use the Public Right-of-Way to install: of (a) six (6) Holly (of varying types including Nellie Stevens and Red Hybrid) trees, (b) two (2) English boxwood shrubs and (c) twenty-eight (28) American boxwood shrubs all in the Connecticut Avenue public right-of-way. Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Dr. Heilman, Mr. Crockett and Mr. Winstead voted in favor of the motion. Mr. Ruda voted against the motion. The motion passed.*

### **Appeals**

**Continuance of A-5959 (Retroactive Special Permit Request): Ms. Susan Schmedes and Mr. John J. Gorman, 45 West Lenox Street**—Modify an existing Building Permit to maintain pool equipment that encroaches twenty (20) inches into the west (side) yard setback.

*Mr. Kilborn made a motion to direct Counsel to draft a decision approving the request to modify an existing Building Permit to maintain pool equipment that encroaches twenty (20) inches into the west (side) yard setback. Dr. Heilman seconded the motion. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Dr. Heilman, Mr. Ruda, Mr. Crockett and Mr. Winstead voted in favor of the motion. The motion passed.*

**Continuance of A-5809 (b) (Retroactive Variance Request): Ms. Susan Schmedes and Mr. John J. Gorman, 45 West Lenox Street**—Maintain a pool deck, a portion of which was constructed sixteen and three-quarters ( $16\frac{3}{4}$ ) inches from the rear lot line, encroaching seven and one-quarter ( $7\frac{1}{4}$ ) inches farther into the north (rear) setback than the previously approved variance.

*Mr. Crockett made a motion to direct Counsel to draft a decision approving the request to maintain a pool deck, a portion of which was constructed sixteen and three-quarters ( $16\frac{3}{4}$ ) inches from the rear lot line, encroaching seven and one-quarter ( $7\frac{1}{4}$ ) inches farther into the north (rear) setback than the previously approved variance. The motion failed for lack of a second.*

*Mr. Ruda made a motion to direct Counsel to draft a decision denying the request to maintain a pool deck, a portion of which was constructed sixteen and three-quarters ( $16\frac{3}{4}$ ) inches from the rear lot line, encroaching seven and one-quarter ( $7\frac{1}{4}$ ) inches farther into the north (rear) setback than the previously approved variance. Mr. Kilborn seconded the motion. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Dr. Heilman, Mr. Ruda, and Mr. Winstead voted in favor of the motion. Mr. Crockett voted against the motion. The motion passed.*

**A-5983 (Variance Request): Mr. and Mrs. Gerard Hoberg, 139 Grafton Street**—Expand the existing front stoop and construct one new tread, which would extend no more than seven and one-tenth (7.1) feet forward of the twenty five (25) foot front building restriction line.

*Mr. Crockett made a motion to direct Counsel to draft a decision approving the request to expand the existing front stoop and construct one new tread, which would extend no more than seven and*

*one-tenth (7.1) feet forward of the twenty five (25) foot front building restriction line. Dr. Heilman seconded the motion. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Dr. Heilman, Mr. Ruda, Mr. Crockett and Mr. Winstead voted in favor of the motion. The motion passed.*

**A-1943 (Tree Removal Appeal): Dr. and Mrs. Charles Bahn, 118 Hesketh Street**—Removal of one 8.0-inch diameter Holly tree located in the west (side) yard of the property, to accommodate a proposed addition.

*Mr. Crockett made a motion to direct Counsel to draft a decision approving the request to remove one 8.0-inch diameter Holly tree located in the west (side) yard of the property, to accommodate a proposed addition. Ms. Baptiste amended the motion to approve the request provided the applicants reforest with a similarly sized tree on the property. Ms. Shuren seconded the motion as amended. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Dr. Heilman, Mr. Ruda, Mr. Crockett and Mr. Winstead voted in favor of the motion. The motion passed.*

**A-1944 (Tree Removal Appeal): Mr. and Mrs. Thomas Jackson, 205 Primrose Street**—Removal of one 20-inch diameter Hickory tree located in the northeast (rear) yard of the property.

*Mr. Crockett made a motion to direct Counsel to draft a decision approving the request to remove one 20-inch diameter Hickory tree located in the northeast (rear) yard of the property, provided the applicants reforest with a deciduous hardwood tree that achieves a mature height of at least 45 feet and is the largest caliper at the time of installation as is recommended by the applicants' arborist. Mr. Kilborn seconded the motion. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Dr. Heilman, Mr. Ruda, Mr. Crockett and Mr. Winstead voted in favor of the motion. The motion passed.*

### **Legal Counsel Report**

The Legal Counsel report distributed prior to the meeting was orally updated. No action was taken by the Board.

### **Treasurer's Report**

The Treasurer's report was distributed to the Board prior to the meeting. No action was taken by the Board.

### **Committee Reports**

#### **Chevy Chase Open Space Committee (Wohlfarth)**

Action to approve the appointment of Lyric Winik of 30 Grafton Street and Virginia Leachman of 103 Newlands Street as members to the Chevy Chase Open Space Committee.

*Mr. Winstead made a motion to approve the appointment of Lyric Winik and Virginia Leachman to the Chevy Chase Open Space Committee. Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Dr. Heilman, Mr. Ruda, Mr. Crockett and Mr. Winstead voted in favor of the motion. The motion passed.*

## **Old Business & Status Reports**

Oral Status Reports on the Village Post Office, Wisconsin Avenue Sidewalk Project, Police Chief Recruitment, and the Public Works Space Renovation were presented. No action was taken by the Board.

## **New Business**

**Public Hearing and Board Action—Resolution No. 09-01-11:** An Ordinance to adopt a new Section 8-13 of the Chevy Chase Village Code to establish the position of Building Officer (*designated from among the members of the Board of Managers*) and to authorize and establish a process for Administrative Variances and Special Permits.

*Mr. Kilborn made a motion approve Resolution No. 09-01-11. Mr. Ruda seconded the motion. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Dr. Heilman, Mr. Ruda, Mr. Crockett and Mr. Winstead voted in favor of the motion. The motion passed.*

**Public Hearing and Board Action—Resolution No. 09-02-11:** An Ordinance to amend Sections 8-27, 8-29, 8-30 and 8-31 of the Chevy Chase Village Code to provide that Licenses to Devote the Public Right of Way to Private Use may be issued only by the joint action of the Building Officer and the Village Manager; to provide that licenses shall be recorded in the Montgomery County Land Records unless recordation is waived; and to amend Section 6-2(a)(22) to establish a lower fee for licenses that are not recorded.

*Mr. Crockett made a motion approve Resolution No. 09-02-11. Mr. Ruda seconded the motion. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Dr. Heilman, Mr. Ruda, Mr. Crockett and Mr. Winstead voted in favor of the motion. The motion passed.*

## **Board Designation of a Building Officer**

*Mr. Crockett made a motion to nominate Patricia Baptiste as Building Officer. Mr. Ruda seconded the motion. Ms. Baptiste called for further nominations; there were none.*

*Mr. Kilborn made a motion to appoint Patricia Baptiste as Building Officer. Ms. Shuren seconded the motion. Mr. Kilborn, Ms. Shuren, Dr. Heilman, Mr. Ruda, Mr. Crockett and Mr. Winstead voted in favor of the appointment. Ms. Baptiste abstained. The motion passed.*

**Board Action—**Repeal of the “Temporary Policy to Have the Village Manager Submit all Administrative Permit Requests to the Board of Managers for Comment Before a Building Permit and License for Private Improvements in the Village’s Public Rights-Of-Way are Issued”

*Dr. Heilman made a motion approve the repeal of the “Temporary Policy to Have the Village Manager Submit all Administrative Permit Requests to the Board of Managers for Comment Before a Building Permit and License for Private Improvements in the Village’s Public Rights-Of-Way are Issued” . Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Dr. Heilman, Mr. Ruda, Mr. Crockett and Mr. Winstead voted in favor of the motion. The motion passed.*

**Board Action—Resolution No. 09-03-11:** A Resolution approving the ninth amended and restated Local Government Insurance Trust Agreement, and authorizing and directing the execution and delivery of the member consent and approval form evidencing Chevy Chase Village’s consent, approval, acceptance and agreement to the ninth amended and restated Local Government Insurance Trust Agreement.

*Mr. Kilborn made a motion approve Resolution No. 09-03-11. Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Dr. Heilman, Mr. Ruda, Mr. Crockett and Mr. Winstead voted in favor of the motion. The motion passed.*

**Contract and Purchase Authorization, and Supplemental Appropriation Requests:**

- Purchase Authorization and Supplemental Appropriation Request—Police Radios
- Contract Authorization—Professional Services for Preliminary Design Work for the Renovation of the Public Works Department’s Offices and Facilities.

*Mr. Ruda made a motion to approve the Supplemental Appropriation Request for Police Radios pending a proviso by Board members Gary Crockett and Lawrence Heilman pending a review from the incoming Police Chief and direction to staff to proceed with the proposed purchase. Ms. Shuren seconded the motion. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Dr. Heilman, Mr. Ruda, Mr. Crockett and Mr. Winstead voted in favor of the motion. The motion passed.*

*Mr. Ruda suggested that the Board defer the Contract Authorization for Professional Services for Preliminary Design Work for the Renovation of the Public Works Departments offices and facilities pending additional contract negotiations. The Board unanimously agreed.*

**Manager’s Report**

The Manager’s Report was circulated prior to the meeting. No action was taken by the Board.

**Police Report**

The Police Report was circulated prior to the meeting. No action was taken by the Board.

**Staff Reports**

**Building and Tree Removal Permits and Permitting & Code Enforcement Activity Reports**

The Building and Tree Removal Permit and Permitting & Code Enforcement Activity Reports were circulated prior to the meeting. No action was taken by the Board.

**Capital and Infrastructure Upgrade Projects Report**

The Capital Infrastructure Upgrade Projects report was circulated prior to the meeting. No action was taken by the Board.

**Village Hall Activity Report**

The Village Hall Activity Report was circulated prior to the meeting. The Board requested that the Building Facilities Commission prepare a report on how to improve the use of the Village Hall.

*Mr. Winstead made a motion to adjourn the meeting to convene in closed session, pursuant to Article Section 10-508(a) (8) to consult with staff, consultants, or other individuals about*

*pending or potential litigation (statutory compliance).* Mr. Ruda seconded the motion. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Dr. Heilman, Mr. Ruda, Mr. Crockett and Mr. Winstead voted in favor of the motion. The motion passed. The open meeting adjourned at 10:07 p.m.

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Secretary, Chevy Chase Village Board of Managers

*Final.*