

Chevy Chase Village Board of Managers' Meeting

October 14, 2019

Note: These minutes reflect the Board's actions only, and do not include remarks made by members of the Board of Managers, Legal Counsel, Village Staff or others in attendance.

BOARD OF MANAGERS

Elissa A. Leonard, Chair	Present
Robert C. Goodwin, Jr., Vice Chair	Present
David L. Winstead, Secretary	Absent
Richard M. Ruda, Assistant Secretary	Present
Gary Crockett, Treasurer	Present
Nancy E. Watters, Assistant Treasurer	Present
Linda Willard, Member	Present

STAFF

Shana R. Davis-Cook, Village Manager	Present
John M. Fitzgerald, Police Chief	Present
Ellen Sands, Director of Municipal Operations	Present
Jessica Gebhart, Permitting & Code Enforcement Coordinator	Present
Demetri Protos, Finance Director	Present

COUNSEL

Suellen M. Ferguson, Village Counsel	Present
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Elissa A. Leonard, Chair of the Board of Managers, called the meeting to order at 7:31 p.m. Mr. Winstead was absent.

Approval of Minutes from the Board's Previous Meetings

Minutes of the Board's Executive Session and Regular Meeting held on September 9, 2019 were circulated to the Board prior to the meeting.

Mr. Goodwin moved to approve the minutes of the Board's Executive Session held on September 9, 2019, as drafted. Mr. Crockett seconded the motion. Ms. Leonard, Mr. Goodwin, Mr. Crockett, Ms. Watters, Mr. Ruda and Ms. Willard voted in favor of the motion. The motion passed.

Mr. Crockett moved to approve the minutes of the Board's Regular Meeting held on September 9, 2019, as drafted. Ms. Watters seconded the motion. Ms. Leonard, Mr. Goodwin, Mr. Crockett, Ms. Watters, Mr. Ruda and Ms. Willard voted in favor of the motion. The motion passed.

Consent Agenda—Tree Removal Consent Agreement

A-2499 - Ms. Karen Kuchins and Mr. Nick Jacobs (Contract Purchasers)

3931 Oliver Street

Removal of a fifteen (15) inch diameter Zelkova tree in the rear yard to accommodate the proposed construction of an addition.

There were no requests from Board Members to remove Case A-2499 from the Consent Agenda. The Consent Agreement was deemed approved.

Variance & Special Permit Requests

A-7599 (Variance) Mr. William McClure & Ms. Juliet A. Drake

109 Summerfield Road

Replace an air conditioner, which would encroach a maximum of three feet, two inches (3'-2") into the five (5) foot side (northwest) yard setback for replacement units.

Mr. Crockett moved to approve the variance request in Case A-7599 on the basis that the evidence presented, including the Staff Report and Case Synopsis, demonstrates that the applicable requirements for approval of the variance have been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, approving the variance request. Ms. Watters seconded the motion. Ms. Leonard, Mr. Goodwin, Mr. Crockett, Ms. Watters, Mr. Ruda and Ms. Willard voted in favor of the motion. The motion passed.

A-7603 (Variance) Mr. Werner Holtmeier & Ms. Natalia Szlarb

113 Hesketh Street

Construct first-story and second-story decks, which would encroach a maximum of four feet, nine inches (4'-9") into the twenty (20) foot rear (north) yard setback.

Mr. Goodwin moved to approve the variance request in Case A-7603 on the basis that the evidence presented, including the Staff Report and Case Synopsis, demonstrates that the applicable requirements for approval of the variance have been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, approving the variance request. Mr. Ruda seconded the motion. Ms. Leonard, Mr. Goodwin, Mr. Crockett, Ms. Watters, Mr. Ruda and Ms. Willard voted in favor of the motion. The motion passed.

Treasurer's Report

The Treasurer's Report was distributed to the Board and posted to the Village website prior to the meeting. *No formal action was taken by the Board.*

Matters Presented for Board Consideration & Possible Action

Board Discussion: Phasing in reduced hours for the operation of gasoline-powered leaf blowers and a ban on their operation effective January 1, 2022.

The Board directed Counsel to draft an ordinance to ban the use of gas-powered leaf blowers in the Village effective January 1, 2022. The Board directed staff to notice a Public Hearing on the proposed ordinance during the Board's regular meeting on November 20, 2019.

Resolution No. 10-01-19: A Resolution to adopt the Plan Document for the Chevy Chase Village Deferred Compensation Plan.

Mr. Crockett moved to adopt Resolution No. 10-01-19, as drafted. Ms. Watters seconded the motion. Ms. Leonard, Mr. Goodwin, Mr. Crockett, Ms. Watters, Mr. Ruda and Ms. Willard voted in favor of the motion. The motion passed.

Resolution No. 10-02-19: An Ordinance to amend Chapter 8, "Buildings and Building Regulations", Sec. 8-16, "Residential Building Construction Prohibitions", to allow encroachment into the front yard setback for steps used to access the main structure when necessitated by compliance with Montgomery County building standards for riser height and depth of tread, including when the encroachment would violate a covenant.

Mr. Crockett moved to adopt Resolution No. 10-02-19, as drafted. Mr. Ruda seconded the motion. Ms. Leonard, Mr. Goodwin, Mr. Crockett, Ms. Watters, Mr. Ruda and Ms. Willard voted in favor of the motion. The motion passed.

Resolution No. 10-03-19: An Ordinance to amend Chapter 8, "Buildings and Building Regulations", Sec. 8-24, "Swimming Pools and Outdoor Therapeutic Baths", to clarify that front, side and rear yard setbacks apply to therapeutic baths and that a protective cover is not required for an outdoor therapeutic bath if enclosed by a fence of the dimensions required for swimming pools, to exclude portable swimming pools from the requirement for protective covers, and to adopt conforming changes.

Mr. Crockett moved to adopt Resolution No. 10-03-19, as drafted. Mr. Ruda seconded the motion. Ms. Leonard, Mr. Goodwin, Mr. Crockett, Ms. Watters, Mr. Ruda and Ms. Willard voted in favor of the motion. The motion passed.

Briefing Regarding Small Cell Towers

- Briefing regarding updates on small cell telecommunication towers at the federal and county levels and Board consideration and possible action to authorize the submission of comments on the industry petition to the Federal Communications Commission (FCC) to amend federal regulations for small cell telecommunications towers.

The Board authorized the Village Manager to execute a retainer letter with the law offices of Best, Best and Krieger to join the coalition appealing the Federal Communications Commission's orders on treatment of in-kind benefits as franchise fees. The Board reaffirmed its prior authorization to spend up to \$5,000 in support of the Village's participation in the coalition.

Police Report

The Police Report was distributed to the Board and posted on the Village website prior to the meeting. Discussion followed. *No formal action was taken by the Board.*

Manager's Report

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

Adjournment

Mr. Crockett moved to adjourn the meeting. Ms. Watters seconded the motion. Ms. Leonard, Mr. Goodwin, Ms. Watters, Mr. Crockett, Mr. Ruda, and Ms. Willard voted in favor of the motion. The motion passed. The meeting adjourned at 8:46 p.m.

Attested by: Shana Davis-Cook, Village Manager

FINAL.