

**Village Council Meeting
Thursday January 11, 2007
7013 B Brookville Road
Chevy Chase ,MD
7:30 PM**

**Special Session to Introduce Resolution 07-03-07 to Amend Section 6-307
of the Code of Ordinances for the Village of Martin's Additions**

Present: **Council Members and Village Representatives Present:** Tim Price, Chair; Noel Sottile, Vice-Chair; Richard Krajeck, Treasurer; Todd Mann, Secretary, Jean Sperling, Village Manager. Alan Beal, Building Consultant **Resident in Attendance:** Bert Leibman.

Meeting called to Order at 7:30 by Chairman Tim Price

CONSIDERATION OF RESOLUTION NUMBER 07-03-07 (attached) to amend Section 6-307 of the Code of Ordinances for the Village of Martin's Additions. This number reflects the calculated year (07-2007) and anticipated month (03-March) the resolution will become effective. The last number in the series reflects the resolution number (7) in the series of Resolutions adopted by the Council since the initiation of this numbering system. It is ordinance change number 2.

Purpose. The purpose of amending this section of the code is to allow the Village Council to establish and change the Village's permitting fee schedule by Resolution of the Council. Once the amendment is effective the Council will be able to set fees during a regular scheduled council meeting.

Clarification on process of adoption. Allowing for the 30 days required by the Charter between introduction and adoption of an amendment to our ordinances, this amendment will be adopted at the February 15th Village Council meeting and then effective within 20 days, on March 2, 2007. The final version will be published in the late February or March newsletter. Opportunities for comment will be available to residents on January 18th and then again at the meeting on the 15th of February

MOTION TO APPROVE: Tim called for a motion to approve the introduction of Resolution 07-03-07. Todd moved that we approve the introduction of this resolution to amend the code of ordinances. Noell seconded. No further discussion. Votes in favor: All.

DISCUSSION OF PERMIT FEE SETTING PROCESS.

The Council spent some time discussing the fee levels that will be set for building categories. Jean and Alan developed a draft of possible fees for discussion purposes. These permit fees are based on what has been set in similar jurisdictions such as Chevy Chase View and The Town of Chevy Chase. The Village Council wants to be able to put a fee schedule in place to introduce and adopt at the February meeting, even though the ordinance amendment is not effective until March 2, 2007. Discussion was lead by Alan Beal, VMA Building Consultant.

**DRAFT BUILDING PERMIT FEES FOR DISCUSSION
FOR THE VILLAGE OF MARTIN'S ADDITIONS**

NEW RESIDENTIAL CONSTRUCTION PERMIT.....	\$4,000
EXTERIOR ALTERATIONS, MODIFICATIONS OR REPAIRS (Commercial & Residential Buildings-Residence and Garage)	
Sq. footage increase of less than 500 square feet.....	\$250
Sq. footage increase equal to or greater than greater 500 square ft.....	\$500
DEMOLITION PERMIT.....	\$500
CURB CUT/DRIVEWAY APRON /CONSTRUCTION IN THE RIGHT OF WAY PERMIT.....	\$125
(Includes drainage or extension of front walk)	
WALL/FENCE PERMITS.....	\$75
DECK/SHED PERMITS.....	\$75
DUMPSTER PERMITS.....	\$75

- **Consider how you define "Exterior Alterations, Modifications or Repairs"** by "square foot increase" as a measure of the size of the additions rather than the "footprint" of the alteration. Experiences in the Town of Chevy Chase suggest that we want to take this approach. A resident built an enormous addition, added substantially more square footage to the house, but didn't change the footprint.

-**Distinction between cost of new construction and addition.** Todd asked why there is such a gap in the permit fees between new construction and modification to an existing structure that is not considered new. Couldn't an addition be equally as destructive to the public ROW as new construction? Alan felt that new construction has the biggest overall impact on the surrounding area. Demolition and new construction involves getting the neighbors together, getting everyone to look at it. We might also want to decide if there is a threshold for other types of construction where we want to involve neighbors and have a dialogue about a project.

-**Definition of demolition.** Richard asked about the Village's definition of demolition, remarking that it seemed very wide open and Alan confirmed that interpretation. [Section 6-302(a) of the Code states: Demolition of buildings. Any person intending to demolish, raze or tear down any portion of the exterior features of an existing building, garage or accessory building within the Village must first obtain a demolition permit...] Currently, demolition falls under the building permit category and the fee is \$25.

Although the Village could consider demolition a part of the overall building permit it might be preferable to create a separate demolition permit fee to protect the village from someone tearing down a house without a permit and not having a bond to protect the town. In other municipalities demolition is “the complete razing of the structure” and the permit and bond are in place to protect the town from someone taking down a house without a permit.

-**Origin of VMA’s definition of demolition** was to address the situation where a portion of a home is torn down before any building permit applications were filed for the property. This creates a construction zone without the protections afforded the town by a building permit, such as protective fencing, control of water run-off, and bond.

- **Request for Attorney Review and Instruction on Demolition.** Tim suggested that the Village Attorney David Podolsky look at the demolition section of our ordinances and provide some instructions on how to refine our definition. The Council agreed. The goal would be to develop a definition of demolition that doesn’t require a demolition permit just to remove a stoop.

-**Dumpster permit** fee will allow the Village to identify the resident who is going to completely remodel the interior of the house, for which they don’t need a permit, because there are going to need a dumpster to do that. Not only would they need a dumpster permit, but also a bond, so at least the Village is protected; we have identified the construction, which provides an opportunity to monitor and manage the project and any impact it might have on the Right-of-Way. Even when a dumpster is in a driveway VMA’s streets are at risk because when they change-out the dumpster they have to drop and drag it across the street.

The Council agreed to continue to work on the fee setting process at the January 18th meeting with a goal to have them in place for adoption at the February meeting.

The meeting was adjourned at 8:30. Motioned by Richard. Seconded by Noel. All in favor

ORDINANCE NO. 02

RESOLUTION NO. 07-03/07
INTRODUCED: 1/11/2007
(to be)ADOPTED: 2/15/07
(to be)EFFECTIVE: 3/2/07

THE VILLAGE OF MARTIN’S ADDITIONS

SUBJECT: AMENDMENT TO SECTION 6-307 OF THE CODE OF ORDINANCES OF THE VILLAGE OF MARTIN’S ADDITIONS TO REQUIRE, AS A CONDITION OF PROCESSING A BUILDING PERMIT APPLICATION, THE PAYMENT OF AN APPLICATION FEE IN ACCORDANCE WITH A FEE SCHEDULE SET BY THE COUNCIL BY RESOLUTION

WHEREAS, Article 23A, Section 2(a) of the Maryland Code, as amended, authorizes the legislative body of municipal corporations in the State of Maryland to pass ordinances that such legislative bodies deem necessary to assure the good government of the municipality, to protect and preserve the municipality’s rights, property and privileges, to preserve peace and good order, and to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, Article 23A, Section 2(a)(5) of the Maryland Code, as amended, authorizes the legislative body of municipal corporations in the State of Maryland to make reasonable regulations concerning buildings and signs to be erected within the limits of the municipality, including a building code and the requirement for building permits; and

WHEREAS, Section 501 of the Charter of the Village of Martin’s Additions authorizes the Village Council to pass ordinances as it may deem necessary for the preservation of the property, rights and privileges of the Village and its residents; and

WHEREAS, Section 6-302 of the Code of Ordinances provides that no person shall add to, erect, alter, construct, re-construct, repair or improve any structure, make any excavation or temporarily close or block any street or sidewalk within the Village prior to the issuance of a building permit pursuant to this Chapter; and

WHEREAS, the Village government incurs substantial costs in processing building permit applications; and

WHEREAS, the Village Council finds that requiring building permit applicants to pay all or part of the cost of processing their building permit applications is necessary to protect the public health, safety, welfare; to assure the good government of the Village; for the protection and preservation of the Village's property, rights and privileges; and to protect the health, comfort and convenience of the citizens of the Village; and

WHEREAS, the Village Council considered the following ordinance in public sessions assembled on the __11__ day of January, 2007 and the ____ day of February, 2007.

NOW, THEREFORE, the Village Council of the Village of Martin's Additions does hereby adopt the following ordinance:

AN ORDINANCE ENTITLED:

AMENDMENT TO SECTION 6-307 OF THE CODE OF ORGINANCES OF THE VILLAGE OF MARTIN'S ADDITIONS TO REQUIRE, AS A CONDITION OF PROCESSING A BUILDING PERMIT APPLICATION, THE PAYMENT OF AN APPLICATION FEE IN ACCORDANCE WITH A FEE SCHEDULE SET BY THE COUNCIL BY RESOLUTION

BE IT ORDAINED AND ORDERED, this ____ day of February, 2007, by the Village Council, acting under and by virtue of the authority given it by Article XI-E of the Maryland Constitution, Article 23A of the Annotated Code of Maryland, and the Charter of the Village of Martin's Additions, that Section 6-307 of the Code of Ordinances is hereby amended to read as follows Section 6-307. Fees

No building permit application shall be processed until the applicant therefore has paid a non-refundable [\$25.00] fee to the Village. The Council shall adopt a schedule of building permit fees by resolution. The schedule of fees may be amended from time to time by Council resolution.

* * *

BE IT RESOLVED, that the foregoing ordinance shall take effect on the ____ day of March, 2007.

Timothy Price, Chair
Village Council
ATTEST:

Secretary, Village Council
DATED: _____

[brackets] indicate material deleted.
underlining indicates new material.
asterisks * indicate material unchanged

**Village of Martin's Additions
Minutes of Council Meeting
January 18, 2007 7:30 PM**

Council Members and Village Representatives Present: Tim Price, Chair, Noell Sottile Vice-Chair, Richard Krajeck, Treasurer, Diane Everts, Council Member, Jean Sperling Village Manager, David Podolsky, Village Attorney, Alan Beal, Building Inspector. **Residents in Attendance:** Dan Gardner, Tree Supervisor, Cris Fleming, Tree Committee Chairman, Frank Correl.

CALL TO ORDER by Council Chairman Tim Price: 7:35

ELECTIONS COMMITTEE REPORT: Ed Holland, Elections Committee Chair.

- **Two Council Positions Up for Election this year.** Ed reported that there are two openings for the Village Council this year since the terms of Diane Everts and Todd Mann expire. If they wish to run again, they need to let Ed know. He is also looking for nominations and encouraged the council and community to let him know of good candidates that he can contact.
- **Election Date Review.** The Charter requires that the election and Annual Meeting must be held by May 15th. We need to move the official "Annual Meeting" in May to a date other than the third Thursday in the month, since that will put us beyond the time frame required by the Charter. The second Thursday in May is the 10th, and that would keep us in line with the Charter requirements. All action dates are backed up from the date of the election according to the Charter, including minimum requirements for notification of call for nominations, candidates' statements and the like. Ed highly recommended that we hold the election and the Annual Meeting together on May 10th. The election is usually held outside the Coffee Shop at the market area, weather permitting
- **Election Process Calendar.** The nominations open 60 days prior – that would be March 12th; and they would close on April 10th. Candidates statements are usually presented at the April council meeting—the 3rd Thursday, which would be April 19th. Normally, the Elections Committee has the candidates' statements and the forum the same day. It was decided that we'd get a bigger draw if the candidates' statements were published in advance of the candidates' forum, so people get a chance to read the statements before the meeting. Ed and Jean agreed to work together to determine a publishing schedule that would allow for nominations to be received through the April 10. Candidates' statements would be due shortly thereafter in order to publish them in the newsletter. Public notification in the newsletter is needed in February, March, and April.
- **Regulations Governing the Election.** The Charter specifies that a qualified voter is any person who owns property or is a resident of Martin's Additions who is 18 years or older. You can vote here if you own property but don't live here. Voters in VMA elections also do not need to be a registered voter in Montgomery County, nor do they need to be a citizen of the US.

POLICE REPORT: Corporal Tiedemann, Chevy Chase Village Police.

- **Local Citations/ Calls.** 12/ 21/06: CCV made a stop at 3402 Cummings Lane for a violation of soliciting without a County Permit.; 12/15 -16 Montgomery Co. Police responded to an attempted burglary at 7015 Brookville Road—the Barber Shop; 12/11 8 am-10:30 Burglary at 3419 Raymond Street handled by Montgomery County Police. In our neighboring community of Rollingwood there were 3 burglaries over the first week of January, two of which occurred during the day, in the 7500 block of Brookville, Pomander Lane, and Bybrook Lane.
- **Questions about the Police Schedule.** When reviewing the CCV Police Schedule, Richard noted that VMA is only getting police coverage during the middle of the week—Tuesdays, Wednesdays and Thursdays but no coverage Friday though Monday. He wondered why, especially given the number of hours per week we have contracted. He felt we should get a broader range of coverage during the week and some weekend patrols. The officer explained that CCV Police are down two officers, and try to give most officers' the weekends off. Council Chairman Tim Price said he would send a letter to Chief Gordon for further clarification. Richard asked whether our patrol time is used to catch speeders. Officer Tiedemann said yes, but that neither Martin's Additions nor Chevy Chase Village gets any revenues from ticketing speeders on Brookville Road, since it's a violation of state law, the money goes to the State.

APPROVAL OF MINUTES: December 21, 2006 Monthly Council Meeting. Motion to Approve: Richard
Motion Seconded: Diane; Vote: All In favor.

TREASURER'S REPORT: Richard Krajeck, Treasurer, Village Council

- **Presentation of Revised FY 2007 Budget Amendment Proposal.**

Our accountant Dan Baden and Richard have been working to revise the current budget. Updating some of the expense categories will give both the Council and residents a clearer picture of how the Village monies are being spent and help us in preparing the budget for the next Fiscal year. The FY 2006/07 Budget was passed at the May 2006 meeting as required by the Village Charter. Maryland Municipal law requires that any changes to the budget must be presented to and passed by a "super" majority of the Council—or 4 members. Under this proposed amended budget, projected income is increased by approximately \$85,000. The bulk of the projected increase is in Income Tax which represents \$60,000 of the proposed increase from \$390,000 to \$450,000. Expenses are increased by approximately \$32,500. An increase—as well as the re-categorizing of professional fees from Office Expense to a new category of Professional Fees—accounts for \$20,000 of that increase. We also added a new category "Tree Replacement" and proposed funding at \$15,000. Under this budget, income is projected to exceed projected expenses by \$132,684. The

income and expense of the Holiday Fund which raised and disbursed \$5,682 was not included in this presentation but that correction will be made. It will be included in future budget and financial reports.

- **Discussion of FY 2007 Amended Budget and Action.**

- **The Holiday Fund.** After discussing the Holiday Fund and the importance of transparency, the Council agreed to show the Holiday Fund as income and an expense. A resident asked for clarification on how the Holiday Fund was distributed. The amount collected was also the amount disbursed to Waste Management workers, with the exception of a late payment of \$50 that will be held over until next year.

- **Income Tax and Property Tax Revenues.** A resident remarked that income tax revenue is surprisingly high and that property tax revenues have gone down. Richard believes that the original projection of property tax revenues was higher than actual receipts and that he would speak to the accountant about the Property tax revenues for an additional explanation. Richard noted that under this budget we still have a very healthy surplus. In the Audit report for FY 2006, the Real Property Tax revenues (Page 1 of 4, exhibit B1) collected were \$15,046, so this year's budget estimate of \$17,000 is still high. We receive so much of our revenue from income because income levels are high, thus we don't raise a lot of money from our property taxes

- **Next year's budget.** Work will begin on developing next year's budget in April. A resident suggested that the Village closely re-examine the contract with the Chevy Chase Village Police. He felt that things are exactly the same now as they were before we had the police contract; the only difference is that the Village is out of pocket \$45,000 annually. Richard noted that the other municipalities that contract with the Chevy Chase Village police are getting 12 or 14 hours a month while we're getting 20 per week—80 hours a month and yet the Village Council has people ask for more police service! It was suggested that was because residents didn't see the police when they are on VMA time. More hours will not bring more visibility if the way the service is delivered is not changed. A suggestion was made that we should reconsider the use of the hours we are paying to catch speeders.

- **Amended Budget Adopted.** Richard motioned that the revised budget be accepted as presented with the correction noted and that a copy be attached to the minutes for distribution to the residents. Motion Seconded: Noell; Vote: All voted in favor.

- **Financial Report for December**

For the month of December, income was \$9,837, expenses were \$22,348. For the first 6 months of this fiscal year, income of \$305,816 exceeds expenses of \$210,037 by \$95,799. Income included \$2,000 in cable franchise fees, \$2,800 in Highway User Fees that are designated for street maintenance: repaving, snow plowing, etc.; and \$4,100 in interest income. Expenses of note are Street and Sidewalk maintenance of \$6,300 for street cleaning. All other expenses were within expected levels.

Annual Cable TV Franchise fees of approximately \$6,450 come to the Village as part of a contractual agreement with Comcast Cable. VMA gets 5% of the revenue; Montgomery County also gets a share. Although not required, at the time these fees were passed, Montgomery County asked that the various county municipalities use all or part of these fees in support of Montgomery County Cable (local cable broadcasting that includes county meetings and similar local programming). Historically, VMA has passed all the revenue received back to Montgomery County Cable. Not all local villages pass their funds back. Richard suggested that we raise that question when we work on the FY 2008 budget in May.

Tim Price asked that we follow up with Dan on the expense of \$6300 recorded in the Street category. Jean believes the expense was an unpaid bill from Verges Construction that reflected extensive street signage and painting in the prior Fiscal Year. Richard will verify this. Richard moved that the financial reports be accepted as presented. Motion Seconded: Diane; Vote: All In favor

TREE COMMITTEE REPORT AND UPDATES

- **Tree Committee studying regulation of trees on private property. Cris Fleming, Tree Committee**

Chair reported that the Tree Committee has been meeting to discuss the possibility of regulating trees on private property, having completed the drafting and adopting of ordinances regulating the village-owned trees last year. They narrowed their comparative research to the tree ordinances of Section 5, Town of Chevy Chase, and Chevy Chase Village because these three communities are close to VMA geographically, and in the case of Section 5, they are similar in size. The VMA Tree Committee is trying now to determine which of the ordinances used in these towns for regulation of trees on private property would be appropriate for Martin's Additions. The Committee will invite the Village Manager of Section 5, Francis Higgins, and Chris Wright, Tree Committee Chair in the Town of Chevy Chase to a future meeting to discuss how they developed their regulations and how they are working. Section 5 has had their permit requirement for trees on private property for about 5 years. Town of Chevy Chase updated their tree ordinance about 2 years ago; it is much stricter than the previous one that had been in place. The more strict regulations were driven by what we've seen here in Martin's Additions-- lots being clear cut. The Committee may have a recommendation for the Council by June.

- **Tree Committee report on the Tree Removal. Dan Gardiner, Village Tree Supervisor**

The Village took down 8 trees in mid January, 7 of which were in the original plan and an 8th one that was added because of damage from the PEPCO lines. Paul Wolfe of Integrated Plant Care handled the removal contract. Dan and Jean posted the No Parking signs and managed the overall implementation of the removal plan. It was agreed that the next time we take down trees we'll make it clear to residents that they are welcome to remove the remaining wood.

Council member Diane Everts expressed the concern that the tree on Raymond looked healthy. Cris agreed. Jean said she talked to Mr. Wolfe about that tree and he said it posed a particular threat to property because its root system was rotten and the tree was still so solid. Diane said she would like a further explanation. Jean suggested to Cris that she contact Mr. Wolfe and have him come discuss this at the Tree Committee meeting. While Dan agreed that it looked healthy he reiterated that the arborist had condemned it because it posed a real danger. It had been "lion-tailed"—all the branches had been cut up the trunk, so the only place where there were branches and leaves was at the top and it doesn't take very much wind to bring down such a tree.

Tim asked if we have done any planning for spring tree planting. Richard noted that there is about \$15,000 in the amended budget for tree planting after he talked to Cris.—Cris guessed that each tree might run about \$1,000 (including planting). Between the 15 trees we budgeted for and the 8 trees funded by McCullough we'll have 23 trees to plant. Dan will begin identifying the location for new trees.

ONGOING BUSINESS: Village Manager Report, Jean Sperling

- **Village Repairs Completed** - Jean reported that Verges Construction completed a long list of repairs in the village: street sign repairs, pothole repairs, installation of a No Parking sign on Turner Lane as requested by the Chevy Chase Village Police, change in the location of the Do Not Enter Sign and Stop Sign at the market to improve the safety and clarify the direction of traffic. Sand cans have been ordered, hedges have been clipped. Jean is very pleased with the work of Verges Construction.
- **Village Directory** - A draft has been included in the January Newsletter for residents to check for accuracy. The Council agreed that it was not necessary to publish their names since that information is published every month in the Newsletter. Jean hopes that the Directory be available within a month depending on the kind of response we get to the call for review.
- **Street Light Installation** - A request has been made to Pepco to prepare an estimate for an additional street light to be installed on Taylor Street.
- **Street Damage Estimate** - An estimate has been received for Chestnut from Chamberlain Paving.
- **La Ferme event** - Details for February 11th, 2007 have been planned.
- **Crosswalk Painting** - Kyle Llang of the Montgomery County Traffic Engineering Office provided Jean with the State of Maryland Uniform Traffic Code for proper crosswalk markings. Verges construction will use this information when they paint the crosswalks.
- **No Action on List Serv** - No action since Jean has continued to work on the email list for the Village.
- **Maryland Municipal League (MML) Convention** Information (June 24-27 in Ocean City) was provided for council members to consider attending this convention.
- **Pepco's potential increase of 19 %** for municipalities' street lights next fiscal year was provided to each Council member along with information on MML's Priority legislation in support of a bill to give municipalities the authority to purchase and maintain their own street lights.

CONSTRUCTION/ BUILDING REGULATION REPORT: Alan Beal, Village Building Inspector

• Updates.

-7003 Brookville Road: Demolition has begun at this site. The builders anticipate beginning to clear trees next week. The Permit from the State for removal of the ROW tree is expected shortly. Alan will meet with the builders next week and review the conditions of ROW tree removal, the 8 trees that are being offered to replace the ROW tree being removed and how we plan to proceed with that agreement. Alan anticipates that the builder is going to be removing most of the trees from the lot—they've designated several large trees they are going to keep; all the unhealthy trees are coming down. Only one of the large healthy trees is going to come down because it is right where one of the new homes will be.

-3408 Raymond Street and 3402 Thornapple Street: HVAC Units at both newly built homes are improperly located in the side-set back. Alan has filed complaints with the County against both these properties on behalf of the Village. The County will send out an inspector and confirm the problem. There is a bit of a complication on the project on Thornapple since the County has already done the final inspection; as far as the County is concerned, that project is done. The Raymond Street house has been sold but they haven't had their final inspections, so perhaps the necessary adjustments will be made at the time of the final inspection.

-3504 Taylor Street: There are some issues about the sidewalk and ROW at this address. Alan will check it out and speak to the builder about cleaning up any issues.

-Chestnut Street Damage from Construction – Dan Shaw, a representative from Chamberlain Paving and Asphalt Company came to review the street damage in front of this property and prepare an estimate for repairs if needed. Dan was most concerned with the concrete stain directly in front of the house, which he believed resulted from the homeowner's project. He estimated the cost of repairing the gouge and the concrete stain between \$900 -\$1,100. The Village currently holds a performance bond for that property of \$1,500. The owner contends that he has nothing to do with the damage, but that there is some easement there that allowed the County to do work on his property that caused the damage. Since this storm drain and County work pre-dates Jean and Alan, information will have to be gathered about the County and the storm drain construction. When the Village representatives understand the County involvement, we still need to move forward on the repairs to the street.

Tim offered a motion to authorize Jean and Alan to look into the issue of the street damage and concrete stain. Based upon the results, they can approach the homeowner and negotiate to split the \$1,000+ repair bill for the street. The

approximately \$500 in cost would be deducted from the owner's \$1,500 performance bond. Seconded: Richard Krajeck; Vote: All in Favor.

- 3512 Raymond Street: A meeting is planned for Tuesday 1/23/07 with a County representative, Alan Beal the Village's Building Inspector, Jean Sperling, Village Manager, the landscape architect for the project, the drainage consultant, the builder, and the homeowner at this site. This site has significant water problems and the owners are trying to figure out how to resolve them. Alan explained that they have a desire to pump the water into the street since there is nowhere else to place the water. The County prefers house run-off water be pumped directly into underground storm drains. Unfortunately no storm drains exist along this section of Raymond Street, so the owners will have to drain the water directly into the gutters of the street. Alan would like to see them keep as much water as possible on their own property but this presents many challenges since pumping it all back into the yard just re-cycles the water. Alan is hopeful that the County rep and the drainage specialist will have some good solutions.

Jean asked if it is possible that the owners/builders could build a storm sewer extension from their property down to the storm drain. The Village Attorney said that builders have to make improvements in the right of way all the time-- if you're putting up a large subdivision, you're putting sewers in the public street to hook up to the main storm drain. He further advised that the Village would want to involve the County in any such conversation since they operate the storm drain system and they're going to be responsible for it after it's constructed.

• **Resolution 7-03-07 To Amend Section 6-307a Code. Discussion lead by Alan Beal.**

This Resolution was introduced at a special Council meeting on January 11, 2007. Tonight's meeting is a part of the public comment opportunity. Additional comments will also be taken next month at the February meeting. At the January 11, 2007 a resolution was introduced to give the Council more flexibility to set building permit fees within the Village. The Code amendment will allow the permit fees to be changed by Resolution. A resolution can be introduced, adopted and effective all in the same meeting whereas an ordinance change requires substantially more time. The amendment and the resolution will not be effective until March 2, 2007—20 days after adoption. The actual vote will be at the next meeting.

- Consideration of Permit Fee Amounts: The following fee schedule is under consideration. The suggested changes were initially introduced at the January 11, 2007 meeting

New Residential Construction Permit	\$4,000
Exterior Alterations, Modifications or Repairs	
(Includes commercial & residential buildings, residences, garages, porches & stoops)	
Square footage increase of less than 500 square feet.....	\$ 250
Square Footage increase equal to or greater than 500	
square feet.....	\$ 500
Demolition Permit	\$ 500
ROW Construction Permit	\$ 75
(Includes Curb Cut/Driveway Apron/Construction)	
Wall/ Fence Construction Permit	\$ 75
Deck/Shed Permits	\$ 75
Dumpster Permit	\$ 75

-How were suggested fee levels set? The fees for the permits proposed here were based on estimates made by Jean and Alan of the average amount of time they and other Village officials involved in a project put in to process the paper and supervise a project throughout its duration. Tim remarked that we don't want the cost of supervising these projects coming out of the pockets of the general taxpayer. Alan oversees and manages these issues and even these fees may not cover what comes out of the pockets of Martin's Additions to review these projects.

-Clarify the definition of demolition. Does the Village want the definition of demolition to mean completely razing a structure, or just removing a portion of a structure? Currently a demolition permit fee is not needed to remove a house even though heavy equipment is crossing the ROW. Ideally the Village wants to be able to protect the right-of-way and infrastructure. A permit fee and performance bond is a way to do it. Tim Price agreed to contact David Podolosky the Village Attorney to develop possible definitions for demolition for discussion at the next meeting.

-Clarify Dumpster Permit. The same factors apply with the dumpster permit; a resident could conceivably remodel the entire inside of a house without any three-dimensional expansion of the house that would need a permit -- and yet any number of dumpsters could be brought in and out. By requiring a dumpster permit the project will be identified. A dumpster permit will also require a \$2,500 bond. So, the permit fee is not intended to cover the potential damage that could be caused by the demolition—that's where the performance bond comes in.

-Fee Simplicity. Alan suggested that the Council consider was how extensive a fee schedule they want for any one category. For example, there are many kinds of fences: do we charge different permit fees for each? Alan recommends that the Council keep the categories and fees for different construction projects simple. Diane noted that residents must also get County permits in addition to VMA permits. When you add these costs together they can be significant, and this can be especially painful when you're doing something simple, such as installing a fence to keep your dog inside; it's not the same as encircling your property. The Village needs to be sensitive to the smaller guy.

-Municipality-specific fees. Alan pointed out the fees for certain construction items are often "municipality-specific". Communities have very different fee levels for the same activity which is really a measure of the importance of that

particular issue in that neighborhood. Chevy Chase View, for example, set's it fence permit fee at \$125; Chevy Chase Village sets it at \$30; interestingly, in Chevy Chase view no one ever said anything about the fence fee but they felt very strongly about the deck fee and the Council changed the deck fee.

-Clarify porches and stoops. Tim asked how porches and stoops would be handled. Alan explained that they fall under the square footage regulation, so stoops will be a \$250 permit (under 500 sq. ft.) They can be surprisingly time-consuming to deal with because they involve setback calculations and encroachment issues; even though it's a small project it can take several weeks to manage correctly.

- Patios, driveways and activity pads, swimming pools. Tim pointed out that VMA doesn't have any regulations for such things in our code, nor do we have anything that regulates swimming pool construction, tennis courts, etc. Chevy Chase Village's Permit fee for a pool is \$750—that's significant.

-Setting fees for construction activities that are not yet regulated. Alan asked if the Village can set fees for activities and not actually collect the fees until the fee category has been approved. The Village Attorney explained that it would be ineffective to adopt a fee for a process that you currently don't regulate. The purpose of changing the code and setting up a fee structure by Resolution is that it will allow VMA to adopt a fee immediately. Setting fees by resolution allows you to identify the item you which to regulate, establish a fee, and adopt that fee all at the same meeting, thus there is no need to set that fee up in advance.

-Assure adequate public notice. Tim said that we want to be sure our permit fee proposal is finalized so it can be published with the next Martin's Edition. David Podolosky confirmed that this action can be done by email-- just send him the fee schedule to build into the resolution. The schedule will be effective before the ordinance will.

• **Consideration Of Performance Bonds For The Village Of Martin's Additions .**

While a resolution still needs to be drafted and introduced that sets the amounts of Performance Bonds in accordance with Section 6-304 of the Code, tonight's discussion is to consider setting only one bond amount-- \$2,500 --to apply to all of the following construction activities. Under consideration now is a proposal that would set a Performance Bond for (1) Demolition, (2) New Home Construction, (3) Additions, and (4) a Dumpster on Site. Performance Bonds would not be required for a deck, shed, wall or curb cut.

- Determining sufficient bond amount. Tim asked if \$2,500 is sufficient to cover street damage such as that caused at the end of Raymond Street. Most of what Alan has seen as far as damage to the Right of Way is in the \$1,000 to \$2,500 range; he hasn't really had anything over that amount, although you could conceivably have someone do much more damage than that. The Town of Chevy Chase has a sliding scale of bonds that's associated with the work being done. Other municipalities have just a flat rate and it varies, with a high of around \$5,000.

- Use of Sliding Scale. Diane asked if it made sense to have a sliding scale or a flat rate? Alan said that even though The Town of Chevy Chase has a broad sliding scale, very few municipalities keep the performance bond. Most of the money gets returned even when there was damage. Alan expressed the opinion that \$2,500 seems reasonable. Tim would like to see the performance bond for the new residential construction to be higher than \$2,500—perhaps \$5,000. This would be the highest bond in the area, and perhaps out of proportion.

-Bond amounts as they relate to project type. David Podolosky said there are two perspectives to consider in setting the bond amounts. You want to make sure that the town has secured enough money, so that no matter what a builder does, the town is protected. A lot of damage can be done to the streets, trees and sidewalks over the course of a year's construction—so from our perspective, the higher the bond the better. The other perspective is you don't want to make it so high that it's out of proportion to what they are spending on the project.

If a resident is spending half a million or a million dollars on a house, a \$5,000 bond is nothing; they are going to get it back if they don't do any damage. It's a challenge to find the balance between protecting the town – the higher the bond the better - and keeping residents feeling as though they are being treated fairly. When people complain, the answer is "look, don't damage anything, get the project done in a hurry and you'll get it back". The Council agreed to continue working on this topic.

NEW BUSINESS

• **Traffic Engineer Proposal for VMA**—Mr. Joe Cutro, a Traffic Engineering Consultant with many years of experience with municipalities in Maryland, has offered a proposal to look at the VMA, review traffic signage materials that have already been prepared, and offer a plan to resolve outstanding issues. Jean suggested that the Council invite him to a working session to discuss details of the problems he sees, and to discuss his proposal after a tour of the Village. Richard Krajeck will be included in the initial meeting to get a better understanding of what Mr. Cutro might do and to develop a project scope. Tim suggested that a written proposal be prepared before the working session.

• **Zoning Variance Denied.** The zoning variance request for a garage re-build at a home on Brookville Road was denied by the County Board of Appeals. Alan explained that the residents have a non-conforming structure and County law requires all the new construction must conform, but this option would have eliminated their back yard.

The Meeting was adjourned 9:15 . Motioned by Diane. Seconded by Noell, All in favor.