

**Village of Martin's Additions
Council Meeting
7013 B Brookville Road, Chevy Chase, MD 20815
Draft Minutes January 19, 2012**

COUNCIL MEMBERS AND VILLAGE REPRESENTATIVES PRESENT: Council Members: Chris Mueller, Jill Filipczyk, Arthur Alexander and Mike Zielinski. Village Manager: Jean Sperling. Attorney: Ron Bolt.

RESIDENTS PRESENT: Keith Allen, Riley Markham, Steve Schmal, Ted Stoddard, Dianne Doolan Everts, Noell Sottile, Laura Thornton, CC Patch, Hanne and Frank Correl

7:30 PM CALL TO ORDER: MUELLER

Residents' Concerns and Contributions

Diane Doolan Everts (Raymond Street) expressed her interest in the new building permit fees being discussed at this meeting

PRESENTATION OF ELECTIONS AND ETHICS COMMITTEE-CORREL

Frank Correl presented a plan of the Elections and Ethics Committee for the 2012 Village Council Election. The seats up for re-election are Chairman Richard Krajeck, Jill Filipczyk, and Arthur Alexander. Correl highlighted the Charter requirements that the election be held before May 15th and that it has been traditionally tied to the Annual Meeting. The Committee recommends that the Election be held Thursday May 3rd. The suggested schedule was discussed, and based on a recommendation by Councilman Zielinski, adjusted slightly in order to open the nomination period earlier than had been originally proposed. This will allow for more time between the closing of the nomination period, preparation of candidate statements and publication of the required notice to the community. The summarized schedule below reflects the recommended date changes. The Council agreed that the annual "Celebration on the Sidewalk" associated with the Election and Annual Meeting is a very popular event and would like to sponsor it again this year.

2012 ELECTION SCHEDULE SUMMARY

Election and Annual Meeting Date: Thursday, May 3, 2012

Election Announcement Published on or before February 23, 2012

Nominations Open: Thursday, February 23, 2012

Nominations Close: Monday, March 26, 2012

Candidates' Statements and Resumes Due: Wednesday March 28th

Candidates' Forum: Thursday, April 19, 2012 (the date of the April Council Meeting)

Election: May 3, 2012 from 6 to 8 pm.

Annual Meeting: May 3, 2012 8 to 9 pm.

Motion to Accept Election Schedule: Zielinski; 2nd Filipczyk; Vote: All in favor

ACTION ON RESOLUTION 12-11-2 TO RESTRICT PARKING ON CERTAIN VILLAGE STREETS DURING HEAVY SNOWFALL.

Councilman Mueller noted that resolution 12-11-2 represents the installation of a permanent regulation related to the designation of one-side-of-the-street parking restriction during snow storms. Attorney Bolt noted that the resolution needs to be amended to include Oxford Street. The resolution, in summary reads:

Resolution No. 12-11-2; Introduced: December 12, 2011; Adopted: January 19, 2012;

Effective Date: February 9, 2012

SUBJECT: RESOLUTION TO RESTRICT PARKING ON CERTAIN VILLAGE STREETS
DURING HEAVY SNOWFALL

RESOLVED, that the Village Manager be and is hereby authorized to erect temporary "no-parking" signs and other devices on Village streets prior to an anticipated heavy snowfall and during and immediately after a heavy snowfall, in order to limit on-street parking to one side of the street; and it is further,

RESOLVED, that this Resolution shall become effective on February 9, 2012.

Motion to Approve Resolution 12-11-2 as amended: Filipczyk; 2nd: Alexander; Vote: All in Favor.

INTRODUCTION OF RESOLUTION 1-12-1: A RESOLUTION TO AMEND THE VILLAGE BUILDING PERMIT FEE SCHEDULE

Councilman Mueller explained that the Council has been working for some time to re-design the structure of Village building fees to better align them with the effort required to manage those projects. Currently, building permits are issued for square footage changes to a structure that expands the 3-dimensional boundaries of a home. The

challenge the Council wants to tackle is with larger size, multi-tiered projects where renovations can be of a scale virtually the same as new construction but require a disproportionately smaller fee.

Alan Beal, the Village building administrator explained the changes being proposed:

Clarification and expansion of Floor Area Definition: The new fee structure will clarify that the permit fees are based upon the total floor area being added to the house, not just the footprint of the addition.

Fees to be link to a per square foot area increase beyond 250 sq. ft: Currently, fees are based on whether the proposed modification creates additional floor area that is greater than or less than a threshold of 500 square feet. The new fees structure proposes that a total floor area increase of less than 250 sq. feet will cost \$250 (unchanged from current standards.) Beyond that, the new fee structure will be tied to a cost of a dollar per sq foot of additional floor area, equal to and greater then 250 square fee up to a maximum of \$4,000, including the exterior wall replacement fee below.

Replacement of Exterior Wall Fee: The new fee structure includes a fee of \$10 per linear foot for the construction of new exterior walls. If the total linear footage of new exterior walls is less than 15 feet, the linear footage fee is waived. This fee is in addition to the square footage fee, up to a total permit fee of \$4,000, including the square footage increase fee above. This threshold allows for more modest, and generally simple cosmetic changes to exterior walls, such as the construction of a bay window, to be unaffected by this proposal. The purpose of this proposal is to more accurately reflect the impact of large exterior renovations that are not otherwise captured by the fees based on additional square footage.

In the discussion that followed there was concern expressed that the definition of “replacement” can be a tricky one. Often the meaning of such new wording has to evolve as situations present themselves. Attorney Bolt suggested that an interpretive guidance document might be developed for the purposes of clarifying in advance. A public comment will be taken at the February and March Council meetings.

Zielinski noted that the wording on the fee schedule should be clarified that the two fees for new construction should not collectively exceed \$4,000.

Motion to Introduce Resolution 1-12-1 as amended: Alexander; 2nd: Zielinski; Vote: All in favor. The Resolution and schedule of fees are attached.

BUILDING ADMINISTRATOR’S REPORT -BEAL

Bond Return in Process

3412 Bradley- deck permit completed. ROW permit for deposit of materials issued and completed. Bond Requirement canceled.

Construction Completed:

7404 Summit Ave- Construction completed; final patch from Washington Gas needed in order to release bond.

New Permit Requests/ Pending:

7318 Delfield Street- (demo and new construction) Permits in process with the County. All utilities disconnected and confirmation received, Martin’s Additions plan review completed and new plans received. Full applications and all fees have been received. Council Notice and resident notice sent. Public Notice posted. Pre-construction meeting scheduled for 1-24-12.

7315 Delfield Street- Garage and addition. Application completed. All fees paid. All notices to Council and Neighbors sent. County permit received. VMA permit to be shortly. Construction expected to begin soon.

Ongoing Projects:

3518 Bradley Lane: Garage demo and re-build; county permit received; VMA notice provided; Fees received VMA permit issued. Demo completed. New construction has not begun.

3503 Bradley Lane: new home construction almost complete. Expect request for final clearance soon for bond to be returned.

- ROW Tree needed to be removed on an emergency basis. Three trucks had been damaged by low limb. Tree was in very in poor condition.
- Sidewalk extended to corner of Bradley and Melville (past 3501) as a part of the driveway apron pour at 3503. Initial agreement was for \$3,000 for sidewalk extension and sidewalk repairs at 3412 Bradley. Additional unexpected costs incurred as a result of the need for stump removal and installation of sod.

3401 Thornapple Street: (Variance) Construction almost complete. Plans received for rear steps; potential variance addendum.

3502 Cummings Lane: The renovation project is almost complete. Fence permit had been granted but no fence has yet been erected.

Other projects supported by Mid-Atlantic:

- Analysis of data to assist with side-of-the-street parking restrictions for Snow emergency
- Icing Problems
- Assistance with Smoke test on Raymond.

- Assistance with Customer relations Management Software
- Initiation of documentation for Village Survey update
- Identifying parking sign adjustments as a consequence of PEPCO poles.
- Monitoring utility disconnects
- Assistance with installation of new sidewalk on Bradley Lane
- Sign repair (Melville and Bradley)
- Moving in assistance with No Parking

Changes made in Time Card Records For MAI:

Starting in January 2012 the following adjustments will be used to record contracted and non-contracted work Wayne Fowler is currently performing on behalf of MAI in the Village of Martin's Additions. The timecard for VMA will be divided into two (2) headings. Jean recommends **Code Enforcement & Municipal Operations**. The first line in the Notes field will be the type of task followed by a description of the task performed.

Code Enforcement

VMA Site Visits: Tour of regularly scheduled site visits of pending and current construction projects in VMA.

VMA Field: In field and on site follow up to the regular Site Visit Tour.

VMA Meeting: Meetings scheduled for and related to permitting, plan review and code enforcement in VMA. (*PreCon, Final ROW Clearance, Reporting to Council*)

VMA Office: Filing, follow up and correspondence on permitting, plan review and code enforcement in VMA. This time may include similar duties on other projects in VMA as assigned.

Municipal Operations

VMA Traffic: In field duties as assigned that are related to traffic and parking issues in VMA.

VMA Utility: Any time spent working with the Utility Companies and their Subcontractors in VMA.

VMA Maintenance: In field duties as assigned that are not related to permitting, plan review and code enforcement in VMA. (*delivering recycle bins, ROW debris removal, posting signage*)

VMA Utility Emergency: On site support for Utility companies during an unscheduled repair or cleanup.

VMA Response to Resident Issues: Following up on Resident's demands.

FINANCIAL REPORTS FOR DECEMBER 2011 ARTHUR ALEXANDER, TREASURER

July 2011-Dec 2011

	<u>Actual</u>	<u>Budgeted</u>
Revenues	\$376,983	281,528
Expenses	223,711	245,358
Net Income	153,272	36,170

Reserve account: \$1,208,842

Note: Budgeted Expenses and Budgeted Net Income do not include \$100,000 in planned capital improvements for Street Lighting. The listed items include only current actual and budgeted amounts.

As noted last month, income tax revenues received in November included a windfall from earlier years' late payments. The detailed report from the State comptroller indicated that Martin's Additions ordinary revenues (not including the \$150,000 of unexpected receipts) for the rest of the year could be 10%-15% higher than budgeted. Unless we receive some nasty surprises, deferred capital improvement projects may be undertaken with the improved revenues.

Expenses in the first half of the fiscal year are running below the pro-rated annual budget amounts. However, street maintenance is being deferred until water main replacement is completed. Snow removal costs have not been an issue, so far.

The reserve account is roughly 2.0 times the average annual expenditures over the current fiscal year and past two years, giving us a cushion against unexpected occurrences and a source for needed capital investments.

Motion to Approve Financial Reports: Zielinski; 2nd Filipczyk; Vote: All in favor.

REVIEW OF BANKING INVESTMENTS

Councilmember Alexander reported that he had just begun reviewing the current Village funds investment policies. The Maryland Local Government Investment pool is paying very low interest rates—only one-quarter of a percent—e.g. we are only earning about \$2,500 on an investment of a million dollars. Manager Sperling has acquired the Annual Report from the Investment Pool and will share it with Alexander. She also suggested that the Village begin with Accountant Dan Baden for more information about requirements on municipal investments; likewise Attorney Bolt should be tapped for his knowledge of the insurance and indemnity policies that the Village has on investment accounts. The Council agreed that an analysis and investigation of requirements and options should be conducted.

ACTION ON MINUTES OF DECEMBER, 2011

Motion to Approve: Zielinski; 2nd Alexander; Vote: All in favor

MANAGER'S REPORT- January 2012

Street and/Or Utility Services:

- **WSSC Water Line Project** Met with EBA Engineers and Reps of WSSC (Clayton) with Councilman Alexander to discuss the plans and scheduling.
- **Met with Subcontractor-** Tidewater- who is doing work in unincorporated area behind Martin's additions. They need access to those water lines and they asked that we be point of contact.
- **Core samples** drilled for water line replacement project have been competed.
- We came to the rescue of a WSSC subcontractor who was getting ready to re-do the sewer project on Delfield Street. The URS Company was assured that the work had already been completed.

Trees:

- **Trees pruning** continues through January and possibly into February
- **Tree was removed from 3503 Bradley** on an Emergency basis-large limb hit by several trucks. Tree also rotten. Pepco assisted by removing a limb also.

Traffic:

- Request to remove no parking restrictions on Quincy, Village traffic engineer Joe Cutro has recommended that no change be made in the current signage.

Streets/Sidewalks

- Our plan to **piggyback on the concrete contract** at 3503 Bradley to repair broken sidewalks at 3412 Bradley and install a new stretch of sidewalk at 3501 worked well.
- **Original estimate for all of this sidewalk work was \$3,000**, the bulk of it (about \$2,800) funded from an insurance settlement made last year. We have not received the bill yet but it is possible that it will be higher than that because the contractor discovered two stumps that needed to be ground out.
- **Core drilling for our water main project** leaves a hole in the street that has been repaired with code asphalt patch. We will have to keep our eye on them to add patch as they sink.

Maintenance and Services

- **Snow removal signs** have been procured for one-side parking notice
- **Smoke test** conducted on Raymond Street for cracks in sewer lines.

Community Activities and Issues

- **Operation Treat our Troops** had a successful packing day on the MLK Day of service
- **Our food collection project for Manna** had a very successful collection on MLK day—they delivered 456 pounds of items to Manna's warehouse in Gaithersburg and received \$66 in cash donations which will be used to purchase more food.
- **Holiday Fund** was very successful.
- **Paul Mackell**, our recently appointed Fire Board representative, has just been appointed to the BCC Rescue Squad Board and will no longer be able to serve as our representative. We will have to find another resident to serve.

Administrative Work/ Broader Issues

- The **SHA Representatives** who were going to come to this meeting tonight will be meeting with VMA, CCVillage, Section 3 and Section 5 managers and representatives next **Thursday January 26 at Chevy chase Village Hall**. I would like a representative from the Council to accompany me if possible.
- Mike Zielinski attended the meeting with the CC Land Company and representatives of the CCAC to discuss further changes in the plans for **Chevy Chase Lake Area Development**.
Mike reported that CC Land Company is pushing for between 1.4 and 1.55 million square feet of development in the CCL area. The surrounding community continues to try to keep the density down. A traffic study is to be completed soon and should be interesting. With just a quarter of this level of development proposed, the last traffic report showed the road capacity being completely maxed out.
- **Pre-construction meeting** on 7318 Delfield Street is scheduled for Wednesday 1/25/2012 at 7 PM.
- **John MacDonald** resigned as our rep from MML because of Ethics Legislation and he feared he would have to file all sorts of personal information. It is my hope that we can convince him to return as our MML representatives once the issue is resolved. He did such an excellent job keeping the Village informed.

9:00 PM Adjournment

Resolution No.: 1-12-1

Introduced: January 19, 2012

To Be Acted On : March 15, 2012

Would be Effective Date: April 5, 2012

THE VILLAGE OF MARTIN'S ADDITIONS

SUBJECT: A RESOLUTION TO AMEND THE VILLAGE BUILDING PERMIT FEE SCHEDULE.

WHEREAS, Section 2(a) of Article 23A of the Maryland Code grants to the legislative body of every incorporated municipality in Maryland, including the Village of Martin's Additions, general power to pass such ordinances not contrary to the Constitution of Maryland or public general law as they may deem necessary in order 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, 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(b)(33) of the Maryland Code authorizes municipal corporations within the State to establish and collect reasonable fees and charges for permits authorized by law to be granted by a municipal corporation, or associated with the exercise of any governmental or proprietary function authorized by law to be exercised by a municipal corporation; and

WHEREAS, Section 6-307 of the Code of Ordinances of the Village of Martin's Additions authorizes building permit fees to be established by resolution of the Village Council; and

WHEREAS, on May 27, 2009 the Village Council adopted comprehensive building regulations governing the construction, repair, erection and remodeling of buildings and other structures; the location of structures, including setback requirements; the dimensions of structures, including height, bulk, and massing; and lot coverage, including impervious surfaces; and

WHEREAS, the Village Manager, having had occasion to administer the new building regulations, has recommended that the fees imposed for processing permits under the Village Code be increased to require applicants to defray a larger portion of the cost of processing such permits under the new building regulations; and

WHEREAS, based on the recommendation of the Village Manager and the Village Building Permit Administrator, the Village Council finds that the average costs to the Village of processing a building permit applications equals or exceeds the fees established by this Resolution; and

WHEREAS, the Village Council finds that the fees established by this Resolution bear a reasonable relationship to the recovery of actual costs incurred by the Village; and

WHEREAS, the Village Council finds that modifying the fee schedule with respect to applications for permits, as set forth on the attached Schedule of Fees, would promote the good government of the Village and protect and preserve the Village's rights, property and privileges;

**VILLAGE OF MARTIN'S ADDITIONS
REQUIREMENTS FOR FILING BUILDING PERMITS**

BUILDING PERMIT FEES

(Resolution 7-02-08, adopted 2/15/07; Resolution 7-09-1, adopted 7-16-09; Resolution 1-12-1, adopted 3-15-2012)

NEW RESIDENTIAL CONSTRUCTION PERMIT.....\$4,000

EXTERIOR ALTERATION and MODIFICATION PERMIT:
Commercial & Residential Buildings (including garage)

- A.**
- ~~Sq. footage~~ **Total floor area*** increase of less than ~~500~~ **250** sq. feet.....\$250
 - ~~Sq. footage~~ **Total floor area*** increase equal to or greater.....\$500
than ~~500~~ **250** square feet **\$1 per sq.**
- foot,**

and

B. Replacement of greater than fifteen (15) contiguous feet of exterior wall as measured along the exterior horizontal length of the wall plane.....\$10 per linear foot.**

(A. and B. not to collectively exceed a maximum fee of \$4,000.)

BUILDING CODE VARIANCE FILING FEE.....	\$1,500
DEMOLITION PERMIT	
Footprint of 250 sq. ft. or less.....	\$ 250
Footprint greater than 250 sq. ft.....	\$ 500
CURB CUT/DRIVEWAY APRON/R-O-W CONSTRUCTION PERMIT.....	\$ 75
WALL/FENCE PERMIT.....	\$ 75
DECK/SHED PERMIT.....	\$ 75
DUMPSTER/POD PERMIT.....	\$ 75
NON-VEGETATIVE SURFACE (e.g., new driveways, sidewalks, etc.) PERMIT.....	\$ 75

Separate Checks made out to “Village of Martin’s Additions” are required for Fees and Bond.

* Floor area includes all levels, including cellars, basements, and attics, and also includes stairwells and elevators. Areas with clear ceiling height (measured from floor to ceiling) greater than fourteen (14) feet shall count twice.

** Exterior walls shall be measured along the horizontal wall plane at the height of the first floor joists.

**PERFORMANCE BONDS
(Resolution 7-02-09 Adopted 2/15/07)**

Performance bonds or other security are required for the following types of projects in the amount specified.

CATEGORY: **BOND REQUIRED**

NEW RESIDENTIAL CONSTRUCTION.....	\$2,500
EXTERIOR ALTERATIONS, MODIFICATIONS.....	\$2,500
Commercial & Residential Buildings (Including Garage)	
DEMOLITION.....	\$2,500
RIGHT-OF-WAY CONSTRUCTION.....	\$2,500
DUMPSTER**.....	\$2,500

* A separate check must be written to the “*Village of Martin’s Additions*” for the Performance Bond. This check will be returned in whole if no damage is done to the public right-of-way during construction.

* *A bond is not required for a dumpster if a bond has already been posted for one or more construction categories.

Bold underline indicates proposed new language.

~~Strikethrough~~ indicates proposed deletion.