

**Village of Martin's Additions
Council Meeting Minutes
7013 B Brookville Road, Chevy Chase, MD 20815
September 17, 2009**

COUNCIL MEMBERS AND VILLAGE REPRESENTATIVES PRESENT: Council Members: Noell Sottile, Richard Krajeck, Larry Wasson, Chris Mueller, Mike Zielinski. Village Manager: Jean Sperling; Attorney: Ron Bolt; Building Administrator: Alan Beal.

Residents: Bill Catherwood, Shepherd Street, Steve Schmal, Summit Ave.

CALL TO ORDER 7:30PM

POLICE REPORT: No officer was available for the meeting. The monthly police report for August was reviewed by the Council. There were no criminal incidents in Martin's Additions, only traffic stops. A subsequent report received from the Chevy Chase Village Police via email indicated that larceny of vehicles throughout Bethesda/Chevy Chase area is up about 18% compare to last year.

ACTION ON MINUTES

Mike Zielinski suggested a word change.

Motion to adopt the minutes as amended: Sottile; 2nd: Zielinski; **Vote:** All in favor

RESIDENTS COMMENTS AND CONTRIBUTIONS

No residents present for comment period.

FINANCIAL REPORTS FOR THE MONTHS OF JULY and AUGUST

Presented by Chris Mueller, Treasurer

Expenses for July and August totaled approximately \$104,000. Revenues of \$30,500 for the same period met seasonal expectations.

Unique expenses worth noting included \$2,700 for the Independence Day picnic and about \$9,000 for Capital Improvements to Turner Lane (curb repair, bollard installation), to enhance pedestrian safety and improve traffic management. They were funded as part of our Capital Improvement Program.

Note was made that the Village suffered a loss of more than, \$30,000 in highway User Revenues as a result of cuts made in the State budget by the Board of Public Works.

Motion to adopted the Treasurer's Report: Zielinski; 2nd: Sottile; **Vote:** All in favor

DEBT POLICY DISCUSSION

Attorney Bolt explained that the State of Maryland is requiring all municipalities to adopt a debt policy and provide a copy to the State Treasurer to comply with recent changes in the Maryland Code. The policy has to be consistent with Maryland law and meet the needs of the local jurisdiction. The debt policy is essentially a restatement of what is written in our Charter. Councilmember Mueller suggested that the words "best efforts" be changed to "reasonable efforts". This is a policy only, and can be changed if needed by the Council. The policy is as follows:

THE VILLAGE OF MARTIN'S ADDITIONS' DEBT POLICY

This Debt Policy is adopted to help ensure that debt is issued and incurred prudently and cost effectively. The Debt Policy sets forth guidelines for the issuance and management of all financings of the Village. Adherence to the policy will help ensure that the Village of Martin's Additions maintains a sound debt position while protecting the financial stability of the Village and the credit quality of its obligations.

I. Uses of Debt.

Subject to the applicable provisions of the Maryland Constitution, the Maryland Code, and the Village Charter and Code of Ordinances, as amended from time to time, debt may be used by the Village as deemed necessary and appropriate by the Village Council.

The Council will use reasonable efforts to limit long-term borrowing to capital improvements that cannot be financed from current revenues. The Council will use reasonable efforts to avoid using long-term debt to support current operations. Except when necessitated by cash flow or other emergency situations, short-term debt will not be used for non-capital purposes.

Because the Village does not currently have enterprise or utility fund related debt, no policy is incorporated herein with respect thereto. This policy, however, will be revised if and when the Village issues enterprise or utility fund related debt.

Capital projects financed through the issuance of bonds will not be financed for longer than the expected useful life of the project. The Council will use reasonable efforts to avoid using bond proceeds to finance non-capital projects, supplies, and personnel expenses. The Council will use reasonable efforts to keep the average maturity of general obligation bonds at or below 20 years.

II. Borrowing Power.

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Section 702 of the Village Charter, as may be amended from time to time, is incorporated into this policy.
MOTION TO ADOPT RESOLUTION 9-09-1, DEBT POLICY: as amended: Zielinski; 2nd:Sottile; Vote: All in favor.

MANAGER'S REPORT for August and September

Street and Road Improvements:

- **Thermoplastic** crosswalks constructed at Market and on Taylor Street.
- Re-design and reconstruction of Turner Lane at exit to shopping center.
- Dual Pepco poles were all identified in the Village and reported to PEPCO. They assisted with getting the Cable companies to move any remaining lines and are now in the process of removing the 6 extra poles. 3 have already been removed.

Safety Improvements/Issues

- **Resolution of truck** exiting market issue-(Sign still needs to be developed).
- **No right turn/left turn** signs installed at market exit.
- **Clearance of corner of Brookville Road and Cummings Lane** –Work to clear the line of sight at this corner continues here. County received a complaint about that area and their Code Enforcement Division has cited Martin's Additions for the conditions. Martin's Additions has asked the property owner to remove a fence and vegetation located within the right-of-way.
- **Clean up of corner of Melville and Raymond-** Work in progress. Paul Wolfe of Integrated coordinated the removal of a pine tree on private property with our need for mulch. 20 years of debris was removed from this location. Improved line of sight has resulted. Working with homeowners there.
- **Additional clean up** of private property sight restrictions on Brookville Road is underway in several locations.
- **We have cleared Quincy Street** on west side of Brookville Road to improve sight access to mirror. We worked with County and Chevy Chase Village on this project.
- **All fire hydrant locations have been confirmed**, change noted to fire department, all signs turned toward assumed fire truck direction, new signs were purchased and installed where necessary to make signage consistent. Dual signs installed where two-way sight-direction is needed.
- **Street light assessment work** is underway- No report yet due to contractor's family crisis.
- **The pole at the corner of Raymond and Brookville** that was damaged in the June storm has been photographed and reported to PEPCO. They have scheduled a complete pole replacement.
- **House numbers project** awaits follow up with letters.
- **The fire hydrant at Turner Lane** was examined again by WSSC and found to still be leaking. The water needs to be turned off for the repair to be completed. They were supposed to do it this week.

Service Delivery/ Changes/Improvements

- **Leaf bags** were purchased and delivered this week
- **Waste Management (WM)** changed yard waste collection to Mondays—a lot of people seem to be unaware of the change. More notice is needed.
- **Service during week of Labor Day** was very confusing. The Manager will work with WM to iron out the problems. It seems that simply going to “day after” services for all holidays would be the simplest policy if it can be arranged within the current contract.
- **Recycling Program Enhancements**-Chevy Chase View and VMA are working together to negotiate an agreement with WM for enhanced recycling program that we built into our FY 2010 budget. It appears that we may be able to arrange a no-new-fee agreement. The only cost to us will be new larger recycling bins. We are still designing a plan and a campaign to move us to new larger bins and use of them. Complications are storage and distribution.

Tree Report

- Dead tree on Raymond was removed that haddropped dead overnight. Dogwood on Oxford also removed. Routine and seasonal pruning (suckers off of Cherry trees for example) continued as well as reported singular incidents.
- Paul Wolfe of Integrated Plant Care and Dan Gardner are assessing areas for fall planting and pruning.
- Tree-watering program has really helped with new tree growth. Mr. Wolfe reported extensive new tree growth that he feels confident is a part of being properly watered throughout the summer.

Administrative work and Improvements

- **Numerous Buildings Permits** have been processed over the past two months.

- **Traffic Order documents** have been finished by Joe Cutro, our traffic engineer. They need a signature of the Council chairman and they need to be forwarded to the Chevy Chase Village Police and the Montgomery County Police to be sure all traffic regulations are enforceable in Martin's Additions.
- **Village Code of Ordinances** has been updated with the new building regulations; new copies available for Council members. Attorney Bolt was asked to review the document to make sure it is laid out correctly.
- **New Building Project tracking forms** have been developed. It is still a work in-progress.
- **New Illustration** of Building Code has been completed; Studio 27, the architectural firm that assisted in the development of this illustration helped reformat it for us.
- **Variance Application** form has not yet been developed, but it is being worked on.
- Special help was provided by CCV Police Chief Gordon willing to help with a needy resident.

Up and Coming Work:

- **Taylor Street sidewalk RFP** (for replacement of the majority of the sidewalk). Plan to have the work done in October.
- **Halloween Parade and Party October 25**
- **Directory development** is being assisted by Councilmember Sottile.
- **Speed humps** appear to need remarking. Traffic engineer Joe Cutro has been asked to make an assessment of the condition of the markings. They were not considered in the "routine maintenance" street budget so we may need a supplemental budget appropriation.

BUILDING ADMINISTRATOR'S REPORT-Alan Beal

Permits:

Pre-Construction Meeting: 7300 Summit Avenue. We had a community meeting on July 27th for the construction project at 7300 Summit Avenue. It was an opportunity for residents to look at the plans and share any concerns they might have about the project with the owner and builder. The permit was issued in August. There have been some sediment control challenges at this location.

Permit request:

7404 Summit Ave. New permit application was just received for a sizeable project on a sizable lot. It is a complete teardown. It has not yet been reviewed.

Other Permits issued:

101 Quincy Street (formerly 6607 Brookville), Fence Permit.

160 Quincy Street, Building Permit (Rear addition).

3505 Taylor Street, Dumpster and Building Permit (rear addition).

3515 Bradley Lane, Demolition and Building Permit (garage).

7320 Delfield Street; Dumpster for interior work.

Permits in the Works: 3418 Turner Lane. **Bond Return Cleared** 124 Quincy Street.

Other: Jean asked the Council for confirmation that having Alan and Jean's signature on the permits is sufficient. The Village Code states that only the Code enforcement officer needs to sign it. It was agreed that the signature of a Council member is not necessary.

OLD BUSINESS

Home Business Registration—Chairman Krajeck introduced the topic of Home Business Registration for discussion. He explained that we have regulations that require business registration but we don't enforce them. Recently there was an issue about a business sign on private property that several residents complained about, but we don't have sign regulations. We need to consider whether we want to register home businesses.

Resident Steve Schmal of Summit Avenue suggested that the Council look at this topic. He offered the opinion that there were several ways to consider these regulations: that the Village shouldn't have ordinances in the code that aren't used, that if the regulations currently do not meet our needs they should be adjusted to be more useful, or that they can be saved for "just in case", although this is not a good reason to keep unused regulations.

Krajeck had reviewed a collection of ordinances from other jurisdictions related to home businesses and found interesting limitations in a number of jurisdictions, for example the home business has to be run by the family living there, renters cannot make such use of the property, there can be no signs, materials cannot be stored on the lot, no exterior lighting, no traffic generated by the business and no businesses that require a license from a higher level of government.

Attorney Bolt explained that municipalities in Montgomery County have limited zoning authority, and that we do not have the type of "land use" authority necessary to pass regulations on what types of home businesses are permitted in the Village. Municipalities in Montgomery County can regulate signage. After further discussion of the Council, Mr. Krajeck asked Mr. Schmal if he would be willing to do some research into what the County allows in the way of home businesses and what kind of signage is permitted. Mr. Schmal agreed.

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CLARIFICATION OF VARIANCE PROCEDURES

Sperling asked for a few clarifications on the variance procedures approved at last month's meeting. It was agreed that no limit would be placed on the number of variances that could be heard at a meeting because the Council could determine whether there was time on the agenda to allow consideration of a variance request. The Council can also schedule a special hearing to review variance requests. This decision can be made at a public meeting or by email if at least three council members agree. It was agreed that no special deadline was going to be required for the submission of variance requests as the deadline will be determined by what amount of time is needed to process an application and provide the requisite notice to interested parties.

NEW BUSINESS

STREET LIGHT REPORT: Report not yet received.

STORM WATER MANAGEMENT PROJECT INITIATIVE

Chairman Krajeck explained that he met with Chris Jakubiak (Jakubiak and Associates, Urban Planners) and Lynne Iadarola (resident architect and member of the Land Use Task Force) to explore the issues surrounding storm water management. Lynne had recently attended a special training session on storm water management as a part of her work. From that meeting a draft mission statement was developed and made available for discussion.

Alan Beal explained that the County has just developed more stringent regulations related to storm water management during construction as well as provisions that require new homes to keep the water run-off on the property. The County is also involved with storm water management issues because they maintain the storm water drains and system. The Town of Chevy Chase has passed more stringent regulations that are worth examining.

The Council agreed that Councilmember Zielinski, who has agreed to chair a Storm Water Management Task Force, would review the draft mission statement and make some recommendations to the Council.

RIGHT-OF-WAY MAINTENANCE POLICY DISCUSSION

Manager Sperling expressed a concern that while the care of the right-of-way in front of residences is a generally understood responsibility of the resident, the common practice in all neighborhoods. Even the county expect that homeowners abutting the public area will maintain the area.

Sperling recommended that this relationship and responsibility be clarified and codified. She did some research in other jurisdictions and found that virtually every one of our neighboring towns has a provision in their code making this responsibility very clear and enforceable. Even the County expects that homeowners abutting the public area will maintain that area. She provided samples for the Council to review.

The Village does not have an ordinance expressly addressing the situation. The Village Manager often has to contact residents about clearing shrubs and vines that are obstructing sidewalks for the safety of pedestrians. This is most important along Brookville Road where the traffic volume is high and numerous children walk to Chevy Chase Elementary. The Council directed the manager and attorney to work together to develop a draft ordinance for introduction and/or discussion at the next meeting.

STAFF RESOURCES

Councilmember Mueller introduced the topic of staff resources for the office. He said he was concerned about the excessive time that the manager spends in the office. He is aware that the Council had authorized the village manager to hire additional staff to do the minutes but he was concerned that this is not addressing the real needs. He believes that the question should be asked whether we are currently correctly staffed. In the discussion that followed, Jean commented that she is concerned that there is no coverage when she is not available. The past practice for years has been that the Village had two employees, so adding another staff member would not be something unusual. She added that now having public space is a great advantage for the community but it adds a big responsibility to the job and complicates the ability to control the day.

Krajeck recommended that the manager develop a job description to give the council a better understanding on how to divide the responsibilities.

Adjourned 9:30 Mueller, Sottile All.