

**Village of Martin's Additions
Council Meeting
Minutes August 20, 2015
7013 B Brookville Road,
Chevy Chase, MD 20815**

Council Members Present: Richard Krajeck, Arthur Alexander, Katya Hill, Tiffany Cissna.
Assistant Manager: Devon Gallagher; **Building Administrator:** Doug Lohmeyer; **Attorney:** Ron Bolt.
Residents and other attendees: Dejan Bujak, Beth Catherwood, Jon Fleming, Chris Kohl, Jodi Longo, Naomi Naierman, Ted Stoddard, Lynn & Natalie Welle.

7:30 PM WELCOME AND INTRODUCTIONS: Chairman Krajeck

Resident Comments

Naierman (Quincy St.) - Commend Council for putting house in order and getting through records. Asks Council to think about storing the information digitally. Offered to convene a committee for long term strategic planning and infrastructure planning.

Lynn Welle (Oxford St.) - Concerned about cars parking in a way that blocks sidewalks, particularly in winter time, and he sees it most frequently on Oxford & Quincy Streets. Dangerous situation with people having to step around cars. He spoke with police regarding this situation and nothing has been done. Council needs to speak out. Councilman Alexander that there was note in the newsletter and police have spoken to residents.

Naierman (Quincy St.) - Concerned about safety and abuse of public space. The Council should deal with this quickly before winter comes and there is an ice problem.

Councilwoman Hill asked if we can inquire on the number of calls we get regarding this issue.

BUILDING ADMINISTRATOR'S REPORT

Douglas Lohmeyer, the Village Building Administrator, presented his status report on permits and projects in the Village. Summary is as follows:

3414 Cummings Ln: A Building Permit for the detached garage and driveway has been approved.

7218 Chestnut St.: The Village has asked the applicant to submit a revised site plan showing the retaining wall and re-grading.

3513 Raymond St.: The applicant has installed a fence on the front lawn which was not included on the Building Permit Application or on the applicant's Site Plan. This item requires follow up.

3521 Raymond St.: The original permit fee was reviewed and confirmed to be correct.

3507 Turner Ln.: The applicant has submitted a variance request to construct an additional to a developmental nonconformity, among other items.

7209 Delfield St: Met with architect to discuss proposed new construction, setbacks, and options.

Resident Comments – Longo (Chestnut St.) commented that the county has approved and finalized out the sediment control permit, and since the Village defers to the county on sediment control she believes that issue to be closed. She believes the Village defers oversight of retaining walls to the county as well, and if the wall is under 30 inches the county does not need a revision to the site plan.

Chairman Krajeck commended Councilwoman Cissna and Asst. Manager Gallagher on the work they did on the Records Retention project and we are now submitting to the State our records retention policy.

Bujak (Chestnut St.) asked about the turn-around time on the return of the bond. Chairman Krajeck said it varies. Longo (Chestnut St.) questioned Village Council about the conditions that need to be met to return the

bond. Chairman Krajeck said the Council will be going into closed session to deal with that issue later in the evening.

INTRODUCTION OF NEW ELECTIONS COMMITTEE

Six residents applied to be on the Elections Committee to come up with a slate of at least three candidates for consideration by the Council for appointment to a vacant position. The six appointees are:

Lee Ann Anderson (Quincy St.)
Naomi Naierman (Quincy St.)
Chris Kohl (Shepherd St.) who is acting Chair.
Marty Langelan (Chestnut St.)
Steve Trowern (Raymond St.)
Natalie Strauss Welle (Oxford St.)

The first meeting will be held on the following Wednesday.

ACTION ON MINUTES:

Councilman Krajeck stated for the record that the memo by resident Steve Trowern (Raymond St.) has been made available in the Village Office if anyone wants to review it.

Councilman Arthur made a motion to approve the draft minutes for the Council meeting held on July 16, 2015; seconded by Councilman Cissna. All in favor.

Motion by Councilwoman Cissna to approve the draft minutes for the Council Work Session held on August 13, 2015, as amended; seconded by Mr. Alexander. All in favor.

DISCUSSION OF PROPOSED TECHNICAL AMENDMENTS TO THE CODE

Councilwoman Cissna began the discussion by explaining that Ron Bolt has been compiling a list of technical amendments to reorganize and clarify the Village Code. Bolt further clarified that these edits, which he is suggesting now, are edits he has been compiling since 2006, but that this is not intended to be a comprehensive review of the Village Code. Furthermore, he has not proofread the version of the Code which has been posted on the website and which has typos in it. Ron introduced the following proposed edits:

- Rules related to conduct at open meetings. Portions are duplicative.
- Rules related to prosecuting violations of the Code. Portions are possibly draconian. Portions are duplicative.
- Rules related to ethics ordinance. Certain items are confusing and misleading. Definition of public official could be clarified.
- Rules related to registering businesses in the Village. Some items may be impermissible or may only be regulated by the county. Making these changes would not preclude all regulations, however.
- Rules related to when a permit is required. What is a 'structure'? Are fences, outdoor kitchens, swing sets, trellises and arbors regulated? These issues could be clarified.
- Rules related to dumpsters and portable storage units could be moved into the permitting section of the Code (without changing it).
- Consider requiring a boundary survey when applying for a building permit. Consider establishing a standard and a margin of error and rather than determining whether a survey is necessary, on a case-by-case basis. Case studies may be in order for further discussion. House location surveys, which show the

location of a house within a lot, do not purport to show location of property lines. Boundary surveys are more precise and more expensive.

- Rules related to variance applications. Clarify that this section relates to comments made at third party hearings, not our own hearings.
- Consider amending the definitions to specifically include generators, air conditioners, and heat pumps which are all currently regulated in our Code, and another section to specifically exclude certain items.
- Established building line (EBL) rules in Village were modeled on county EBL rules, but county has since changed twice. We have not changed ours. One possible edit is to calculate the EBL without considering the subject lot or a corner lot because that can skew the calculation.
- Rules related to wall plane height for accessory structures could be moved to the accessory structure section of the code.
- Rules related to rear setback could be clarified by establishing a minimum.
- Rules related to maximum non-vegetative surface area currently applies to front yards. Should front porches be included in the area of the front yard covered by the surface area calculation?
- Driveway regulations currently restrict width to 10', and driveway apron can be up to 20' wide. Should we further define the apron?
- Permits are required for fences and retaining walls, but do we want to regulate them differently from the county? If we don't regulate them, do we need to permit them?
- Rules related to developmental nonconformities could be clarified to eliminate any ambiguity about replacement of such nonconforming structures.
- Rules related to variances could be codified to require boundary surveys to confirm exact extent of variance needed (as provided in the current variance processing policy).
- Current policy practice of 20-day notice for variance applications could be codified.

INTRODUCTION OF EMPLOYEE AND CONTRACTING POLICY

Attorney Bolt explained that policies do not require a public hearing of the draft; it is adopting administrative rules for the items already in the charter.

Discussion ensued about decisions related to employment and management of direct hires as well as contract positions, and the contracts related to those contract positions. Consensus emerged to table the current discussion.

SURVEY TO RESIDENTS

Councilwoman Hill introduced the changes to the resident survey since the original draft and work session. The survey could be sent via Survey Monkey or Constant Contact, and Hill will research comparative costs. The survey will be sent to residents on Sept. 15th.

ACTION ON FINANCIAL REPORT

Councilwoman Hill presented the Treasurer's Report:

Treasurer's Report

July is the beginning for the new fiscal year. In July expenses exceeded income by about \$30,000. Expenses included the annual payment of the Village insurance policies, Maryland Municipal League (MML) annual membership dues, and reimbursement of expenses for a Council member to attend the MML annual convention as well as the usual monthly expenses: rent, salaries, office supplies, etc. Income was limited to interest income of \$120. This is standard for the month of July because it is not one of the months when we receive regular disbursements from the county or the state (portions of personal income tax, property tax, etc).

Our overall financial condition remains very healthy.

Due to the non-responsiveness of our current bank, the Council will be moving our banking relationship from United Bank to SunTrust Bank. We will be meeting with officials from SunTrust at our Council Budget Work Session scheduled for Monday, August 24th.

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Councilwoman Cissna expressed interest in ideas for the future about how to make the budget as accessible as possible to residents.

Councilman Alexander made a motion to approve the treasurer's report. Councilman Krajeck seconded the motion. The motion passed unanimously.

CENTENNIAL CELEBRATION

Councilman Krajeck began the discussion related to a possible celebration of 2016 marking 100 years since we became a special taxing district. Beth Catherwood (Shepherd St.) said that the historical research for the 30th anniversary of incorporation was actually very interesting. Jon Fleming (Shepherd St.) believes we should celebrate in a big way, and expressed surprise that anyone flinch from a big celebration. Councilman Krajeck expressed concern that people attending a La Ferme event do not listen carefully to the proceedings. Catherwood suggested a series of lectures. Krajeck asked for volunteers to pursue this idea.

MANAGER'S REPORT

Devon Gallagher presented the following Manager's report for August 2015.

MANAGER'S REPORT: August 2015

Sanitation Services: No major issues.

RFPs:

Out for Proposals - Compliance Review - Due Friday September 11th
Drafts - Lawn Services, Snow Plowing

Utility Services:

WSSC-WATER- no issues

SEWER: no issues

WASHINGTON GAS: No issues.

PEPCO: Short Power outage on Oxford on 8/13 No explanation. Fixed LED street light on Bradley (suspected wiring issue)

Trees Service:

- Routine pruning and watering. Mr. Wolfe is scheduling time for larger limb cut downs in near future.

Administrative Matters

- Website continues to be restored and updated on daily basis. Website firm has not been responsive on issue of lost files on website, which resulted in pages not working
- Records Retention - All records have been sorted by type of file. Forms for State Archivist have been filled out. Suggested Edits to retention schedule now that survey has been completed. Found 2003 contract with CCHS regarding archiving. Reached out to director to discuss, CCHS may have 1st right of refusal on VMA records.
- Constant Contact is proving to be a good tool for the village. Lists have been created to separate out residents, concerned neighbors, and businesses. More can be created to break down by street. Recent Open rates are over 50% (much better than average) and about 30% of the openers are clicking on agendas.
- Master resident list has been created by Council Member Cissna.
- Banking - All previous United Bank contacts from I (Eye St) branch quit at some point this summer resulting in breakdown of communication during transition period. All banking should go through Bethesda branch until decision is made on future.

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RESIDENT COMMENTS

Steve Trowern (Raymond St.): Thanks to new manager and council for great work.

Steve Schmal (Summit Ave.):

Thinks proposal for Village subsidizes for new trees on personal property is great.

Street lighting project needs to move ahead.

Survey – Council needs to think about people that do not have computers/email. Survey will need to be published, potentially door to door

Councilmember Krajeck: Tiffany did a great job during transition.

Jodi Longo (Chestnut St.) presented her concerns about Village enforcement of her building project.

CLOSED SESSION

At 8:59 pm, in the Village Hall, the Village Council met in open session for the purpose of entertaining a motion to enter closed session pursuant to the Open Meetings Act, General Provisions Article, Section 3-305(b)(7), to consult with counsel to obtain legal advice on a legal matter, namely building code enforcement concerning two ongoing projects in the Village, and the requirements of the enforcement provisions of the Village Code. Motion by Ms. Cissna; seconded by Mr. Alexander. All in favor. Present were Council members Richard Krajeck (Chair); Arthur Alexander; Tiffany Cissna; and Katya Hill; Ron Bolt, Village Attorney; and Doug Lohmeyer, Building Code Administrator. Following discussions, the Council unanimously agreed to have staff instruct the applicants to amend their respective site plans and permit applications to conform to the as-built conditions. The session adjourned at 9:51 pm.