

**Village of Martin's Additions
Council Meeting
7013 B Brookville Road, Chevy Chase, MD 20815
Minutes September 19, 2013**

Council Members Present: Arthur Alexander; Tiffany Cissna; Bill Lebovich; Jon Fleming.

Village Staff Present: Jean Sperling, Tori Hall. **Village Attorney:** Ron Bolt. **Building Administrator:** Alan Beal. **Residents Present:** Bill Catherwood, Ted Stoddard, Keith Allen, Jim Alberg, Frank Correl, Bert Liebman, Cris Fleming, Paula Goldberg, Molly Ruhl.

7:30 PM Call to Order

Public Hearing on Resolution 5-13-1

AN ORDINANCE TO CLARIFY AND AMEND PERMIT REQUIREMENTS FOR AIR CONDITIONERS, HEAT PUMPS, GENERATORS, AND OTHER STRUCTURES, AND PROJECTS REQUIRING HEAVY EQUIPMENT THAT MAY DAMAGE THE PUBLIC RIGHT-OF-WAY

As required by our charter, a public hearing was held to discuss and take comments on Resolution 5-13-1 described above. Council Chairman Alexander and Attorney Bolt explained that these new regulations arose from a concern about the use of heavy equipment on private property that has required crossing the public right of way, as well as the desire to make the Village aware of work being performed on behalf of residents in the community by requiring a permit. A definition of "heavy equipment" was added to the code. Discussion centered on the technical description of the word "structure" and its application elsewhere in the code, and the difference between "ordinary" and "emergency." Attorney Bolt suggested that further clarity to other code provisions can be achieved when we perform a general code clean up as has been discussed at prior meetings.

Action on Resolution 5-13-1: Councilmember Lebovich moved to approve; Fleming offered a second; vote: All in favor.

BUILDING ADMINISTRATOR'S REPORT:

Construction Completed:

- 124 Quincy Street – Front yard gate and fence in ROW. ROW agreement needed.
- 3414 Cummings Lane- Final clearance almost ready.
- 3502 Cummings: Driveway Resurfacing
- 3517 Cummings Additional landscaping and fence.
- 3410 Bradley- Dumpster
- 3410 Cummings Lane – Fence
- 3401 Thornapple Street – Steps and patio.
- 3523 Raymond Street – Deck replacement.

Ongoing Construction Projects:

- 3408 Turner Lane. Front Yard Paving follow up needed.
- 3414 Cummings Lane - All new home construction close to completion
- 205 Oxford Street – Rear/side addition.
- 3509 Shepherd Street – Demolition and Rear addition
- 3414 Shepherd-Rear addition. Cleared to proceed by Alan Beal.
- 3504 Cummings: Driveway Resurfacing; deck extension; additional screening.

Permits Issued:

- 3410 Cummings Lane – Fence
- 3401 Thornapple Street – Steps and patio. Variance alterations.

New Permit Requests/Pending or In-process:

- 3511 Turner Lane – Utility disconnect.
- 3518 Bradley – Front deck/Patio restoration.
- 3410 Cummings Lane – Swimming pool in rear yard.

Construction Inquiries/ Pending Building Issue:

- 3408 Raymond Street – Screened porch, denied due to multiple issues.

- 7203 Summit Avenue – Side or rear addition. Setback issues expected; nothing further.
- 7209 Delfield- Inquiry into possibility of modular home being erected at that sight.

Other Municipal Support

General Management:

- Pepco pole removal: post all of Raymond Street for No Parking
 - Oversight of ROW restoration after WSSC Project; assist with no Parking restrictions. Assist with any traffic issues.
 - Ongoing supervision and progress reporting of construction projects.
 - Mark down telecom wires
 - Clearance of projects; driveway apron check; tree protection check
 - Move in / out parking control.
 - Assist w/Resident concerns – Missed yard waste, recycling and trash pickup, WSSC project, telecom line transfer and
 - Pepco pole removal; illegally parked cars and trucks, private bulk trash in ROW
 - Stump grinding - placement and removal of no parking restrictions.
 - Respond to construction complaints on Cummings
 - Storage unit/equipment management/ Recycling bin swaps
 - Repair Village signs.
 - Monitor Verizon box relocation on Cummings Lane.
- ROW Maintenance – General:*
- Complaint Management- incomplete WSSC restoration on Taylor Street and other streets at the North end.

- Assist WSSC in accessing water meter in ROW on Chestnut Street

- Inventory and report on Utility restoration of ROW

RESIDENTS’ CONCERNS AND CONTRIBUTIONS

Request from Chevy Chase Rescue Squad

The Village has received a request for a contribution from VMA for the Chevy Chase Rescue Squad for equipment and vehicles. Chairman Alexander explained that the Village Council is not able to make such a donation because Section 2-401 of our code prohibits the donation of Village funds to public and private institutions and charitable organizations. Attorney Bolt confirmed that the code was clear that such a contribution could not be made. Discussion about the history of Section 2-401 followed. Chairman Alexander noted that the Council is not prevented from encouraging residents to consider making donations directly.

Request for Parking Signage Change on Cummings Lane

A request was received for the installation of a “No Parking” sign for the portion of the curb opposite a driveway apron. The Council was also asked to consider adding another speed bump to slow traffic.

The Village’s traffic engineer Joe Cutro was asked to evaluate the situation and provide a report. *Engineer’s reply:* Mr. Cutro discouraged the Council from honoring requests for parking clearances primarily aimed at easing driveway access for a specific residence. According to Mr. Cutro’s analysis, such restrictions are not needed to provide safe access for any reasonable combination of driver, vehicle, and driveway apron design. In the case of Cummings Lane, granting similar clearance requests for the other nine driveways on the north side of the street would eliminate on-street parking along the south side, in addition to creating a virtual forest of parking control signs.

Specifically, the fire hydrant at 3408/3410 could be posted with a pair of signs to reinforce the statutory 15’ clearance on each side. The signing would help to keep the zone clear of violators, which have apparently been a problem here, and would (secondarily) make maneuvering a bit easier at the 3409 driveway, at least for vehicles backing out and heading westward toward Brookville Road. Even with the zone posted as described, a smallish (16’-17’) but viable parking space would remain available to the east of the 3410 driveway. To minimize offending sign clutter, the existing Fire Hydrant warning sign (a design unique to Martin’s Additions) could be removed here. If it is felt that something is needed to locate the hydrant in deep or piled-up snow, the Village may want to consider using one of the many hydrant locational devices now on the market and in widespread use.

The Council agreed that special requests cannot be honored for the reasons spelled out by Mr. Cutro.

COMCAST FRANCHISE NEGOTIATIONS WITH COUNTY: ATTORNEY BOLT

The County’s 15 year franchise agreement with Comcast expired in June, 2013. Attorney Bolt reported that negotiations continue and he will continue to keep the Council informed.

MUNICIPAL TAX DUPLICATION NEGOTIATIONS: BOLT

Attorney Bolt explained that Maryland State law requires a tax rebate to the municipalities to address any tax duplication that might arise because of services provided by the towns that might otherwise be provided by the County. The Montgomery Chapter of Maryland Municipal League discussed drafting a group letter to the County Council in response to the Office of Legislative Affairs report on the municipal tax duplication payment. A list of points to be considered in the letter to the County Council will be: 1) strong refutation of any link to income tax revenues; 2) use of an external reporting system for calculating County per mile road maintenance costs (internal County calculations are overly complex); 3) agreement with OLO recommendation to provide option for each municipality to choose between a rebate payment or tax differential; 4) support for a grant program to provide additional funds for municipalities providing duplicative services; and 5) insistence that tax duplication payments be based on the County’s full cost of service (not just the 40% portion funded by property tax). The Chapter will take a vote at the next Chapter meeting scheduled for Tuesday October 15th.

FINANCIAL MATTERS September 19, 2013

Financial Report for August 2013 prepared by Arthur Alexander, former Treasurer

July 2013-August 2013

	<i>Actual</i>	<i>Budgeted</i>
<i>Revenues</i>	<i>\$16,805</i>	<i>\$93,814</i>
<i>Expenses</i>	<i>51,323</i>	<i>90,104</i>
<i>Net Income</i>	<i>-34,518</i>	<i>3,710</i>
<i>Reserve account (less designated allocations): \$748,116</i>		

The first two months of the 2014 fiscal year are getting off to a slow start. Revenues and expenditures are well below the pro-rated annual values, as expected during the summer months. Our first major receipts from income taxes will arrive at the end of October. The reserve account, which is equal to total savings accounts minus funds set asides for lighting, streets, and other capital expenditures, is somewhat greater than annual expenditures, giving us a cushion against unexpected occurrences.

Accountant Reports for July 2013

Action: Motion to Approve: Lebovich 2nd: Alexander Vote: All in Favor

Accountant Reports for August 2013;

Action: Motion to Approve: Lebovich

2nd: Alexander; Vote: All in favor

BUDGET AMENDMENTS FOR FY 2013

Council member Jon Fleming introduced the following budget amendments needed for the FY 2013 budget based upon the report of the Village Manager and the Accountant. Fleming made a motion for the following adjustments to be made:

- Increase the income tax revenue line items by \$2,120
- Increase office expense by \$70
- Increase Building Review and Permits by \$13,050
- Decrease Enforcement and Oversight by \$13,050
- Increase survey upkeep by \$2,050.

Action: Motion: Fleming; 2nd: Lebovich; Vote: All in favor

DISCUSSION OF TREES: PRESERVATION AND EDUCATION

Council member Alexander remarked that he was impressed by the amount of work that goes into protecting our trees in the Village; the recent presentation of how the Village operates made it quite clear that elaborate procedures are in place to care for the trees. He asked the attorney to offer an opinion on whether the Village may provide subsidies for care of trees on private property, or incentives for installation of canopy trees. Attorney Bolt concluded that such expenditures generally would be permissible under State law. However, the specifics of any such program would need to be reviewed and assessed.

Village arborist Paul Wolfe has offered to speak to interested residents about Risk Management and the care of trees, as a part of an educational effort. Council member Cissna suggested that Councilmember Bowers should be consulted about the interest he has heard about caring for the tree canopy in the Village. (He is not present at this meeting) Resident Cris Fleming recommended that the value of the trees to the community be part of any discussion/presentation and summarized concerns expressed by a group of residents about trees being cleared on private property. She also mentioned a discussion with our Arborist about holding a contest to see who can find the biggest tree in Martin's Additions. It was agreed that an educational campaign might start with the presentation by Mr. Wolfe.

DISCUSSION OF COUNCIL AREAS OF RESPONSIBILITY

The following areas on interest were assigned to council members;

1. Streets/Rights-Of-Way (ROW): Fleming
2. Trees And Select Right-Of-Way Care: Bowers
3. Trash And Recycling: Arthur Alexander
4. Building Regulation/Building Permit Processing/Code Enforcement: Lebovich
5. Storm Preparation, Management& Clean Up: Alexander
6. Communications : Cissna

It was agreed that the Council will be generally kept informed of three remaining broad operation categories, and advice sought on an as needed basis: Municipal Governance & Village Administrative Matters: Finance, Accounting and Bookkeeping Functions, Event Planning and Execution/Community Events

ACTION ON MINUTES

July 18, 2013 Meeting

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

September 12, 2013 Work Session

Action: Motion to approve: Alexander 2nd: Fleming; Vote: All in favor

Clarification of Fee Return for public record:

Lebovich moved to return the previously agreed upon unexpended variance fee amount of \$727 to the Legarretas at 3401 Thornapple Street; 2nd: Alexander Vote: All in favor.

MANAGER'S REPORT: SPERLING: September 19, 2013

SANITATION SERVICES/LEAF BAGS:

- Heavy Trash uneventful.
- Complaints received about odor of truck-handled with Waste Management
- Leaf bags to be distributed this weekend.

UTILITY SERVICES:

•WSSC:

- Finished CC V Phase of waterline project; Restoration locations remain-very minor.
- Next Project will be in the south end. VMA sponsored the meeting with reps from WSSC on 9/18 and residents on south eastern border of VMA. Street renovations work to be planned.

•VERIZON: moved equipment sufficient to allow for pole removal on Raymond Street

•PEPCO . Occasional brief outages-one about ½ hour. Dual poles removed on Raymond Street

•WASHINGTON GAS: All planned Gas line replacements (Cummings, Raymond and Melville) are complete. Future WGL work to be determined.

ROAD CONDITIONS:

Utility Work: Raymond Street scheduled for concrete work and Asphalt permanent trench repair next week. Does not preclude financial contribution to complete restoration after WSSC water main replacement. Joe Cutro assisting.

Road Signs: Work by County for replacement is underway. New signs being created.

SHA District 3 is reviewing our concern about the Brookville Road/Taylor intersection. Meeting yet to be scheduled. Accident on Labor day at that intersection.

STREET LIGHTING: Met with Scott Watson again- he is getting final confirmations on LED's.

ROW PROBLEMS AND RESTORATION

Dead end of Quincy Street will be cleared of all growth.

COMMUNICATION & SURVEY UPDATE

Website update is underway (Calvert Design); Survey Update ready for review. (A. Morton Thomas)

PUBLIC SAFETY

- CCVillage has tabled our police service request. We continue to work closely with Officer Janney of the MCPD

TREES

- All stumps ground except for one on Bradley Lane where a car was parked.
- Trees are being watered on an "as needed basis" by Integrated Plant Care.
- Fall planting sites have been determined. About 25 possible sites; 20 selected for planting. Trees selected- notice placed in newsletter.

ADMINISTRATIVE MATTERS:

- Community event- Halloween Dinner-Turner Lane
- Move in/out/tree work/Parking restrictions for utilities provided on an "as needed" basis.
- Still awaiting clearance of water run off problems from 3410 and 3414 Cummings Lane

Legislative concerns-

- Zoning Code re write- Chevy Chase Village is hiring their own attorney to keep their eyes on this zoning re-write.
- Municipal Tax Duplication-working with other muni's preparing to take a position. Just received FY 2014 Check, almost \$27,000.

Opportunity for Residents' Closing Remarks

Frank Correl: (Turner Lane) remarked that the work session to discuss Village operations held earlier this month was very valuable and positive. He inquired about any end-of the year surplus that remained and encouraged the Council to make every effort to improve community outreach to get more residents involved.

Bernice Duvall (Taylor St) was recognized by the Council for all of her beautification efforts at the Market area.

Jean Sperling and Tori Hall were recognized for their work in putting together the comprehensive Handbook for Council Members.

Adjournment