

Village of Martin's Additions

7013 Brookville Road (Suite B, 2nd floor)

Chevy Chase, MD 20815-3263

Agenda for

Council Meeting

October 20, 2016

- 7:30 PM Call to Order: Krajeck
- 7:30PM Opportunity for Council to hear residents' comments: Krajeck
- 7:40PM Action on Meeting Minutes of September 15, 2016 Monthly Council Meeting: Krajeck
- 7:40PM Action on Confirming Additional Member of Election Committee: Krajeck
- 7:40PM Arborist's Recommendations for Fall Tree Planting: Krajeck
- 7:45PM Policy 9-16-01: Draft Policy for Inclusion in *Martin's Edition*: Krajeck
- 7:50PM Discussion and Possible Introduction of Ordinance 10-16-01: to amend the Code of Ordinances regarding the Established Building Line front setback; Setback for certain projections; Non-conforming buildings; Right-of-Way license agreements: Krajeck
- 8:10PM Results of Annual Survey 2016: Hill
- 8:25PM Sidewalks in the North End of the Village: Krajeck
- 8:35PM Financial matters, including Treasurer's Report: Alexander
- 8:40PM Manager's Report, including: street repaving; streetlights; RFPs and contracts: Boa
- 8:50PM Opportunity for Council to hear residents' comments: Krajeck
- 9:05PM The Council will entertain a motion to enter closed session pursuant to Maryland Code, General Provisions Article, Section 3-305(b)(1) to discuss the appointment, assignment, and performance evaluation of an appointee (independent contractor) over whom the Village Council has jurisdiction.
- 9:20PM Adjournment: Krajeck

Following are draft meeting materials up for discussion by the Village Council at the monthly meeting.

Feel free to bring copies to the meeting.

Village of Martin's Additions
7013 Brookville Road, Suite B, Chevy Chase, MD 20815
Minutes for Council Meeting on
September 15, 2016

Council Members Present: Richard Krajeck (Chair), Arthur Alexander, Tiffany Cissna, Susan Fattig; Katya Hill; **Village Manager:** Matt Trollinger; **Assistant Village Manager:** Beth Boa; **Attorney:** Ron Bolt; **Building Administrator:** Doug Lohmeyer; **Residents and other attendees:** Bonnie Baugh (Summit Ave); Elissa Bean (Turner Ln); Lauren Biel (Delfield St); Kathleen Bishop (Taylor St); Marty Langelan (Chestnut St); Steve Schmal (Summit Ave).

7:30 PM Call to Order: Krajeck

7:30 PM Opportunity for Council to hear residents' comments: Krajeck

Bonnie Baugh (Summit Ave) asked whether the Village still had public meetings for affected residents when building permits were issued. Discussion ensued; Chairman Krajeck agreed that public meetings would be held when new construction was permitted. Such meetings would not affect the decision to grant permits, rather they would give residents an opportunity to see the plans and share any concerns.

Elissa Bean (Turner Ln) noted that Waste Management trash collection seems to be taking a lot longer recently and that there is usually only one person doing the collecting. Matt Trollinger (Village Manager) will meet with Waste Management next week and will raise this issue.

Marty Langelan (Chestnut St) said that the Election Committee needs one more member and that its first meeting will be held in October.

Lauren Biel (Delfield St) asked if Village residents could weigh in on the stores that lease sites on the commercial strip on Brookville Rd. The Village office will provide contact information to Lauren for the landlord, Shirazi Enterprises.

Lauren Biel also raised the safety issue due to the lack of sidewalks on Thornapple St. Discussion ensued. Lauren requested that the Council conduct a survey to determine the feasibility of adding sidewalks in the right-of-way. The Council will discuss this topic at the October 20 Council meeting.

Steve Schmal (Summit Ave) raised the issue of newsletter guidelines for *Martin's Edition*. He asked that the proposed policy be adopted as it was not a new policy and, to his knowledge, in the past only three organizations had asked to have items published in the newsletter. This item was on the agenda for the evening Council meeting.

8:02 PM Action on Council Meeting Minutes of August 18, 2016: Krajeck

Motion by Councilmember Fattig to approve the draft minutes for the Council meeting held on August 18, 2016; seconded by Councilmember Hill. All in favor.

The minutes as approved are attached.

8:02PM Clarifying the Code: Sec. 7-403 and Sec. 7-404: Bolt

Attorney Bolt explained that developmental non-conformities are buildings that are lawful when erected but no longer conform to the code, as a result of amendments. Section 7-403 applies to rebuilding structures lost to casualty events and section 7-404 applies to changes to non-conforming structures in all other situations. In the case of Section 7-403 the resident can rebuild as long as the building is in the same height/setback but in Section 7-404 the owner can alter the non-conforming building only within the three-dimensional boundary existing as of June 16, 2009.

Discussion ensued; the Council requested that Attorney Bolt draft language to change the Code so that both sections have the same requirement that alterations must be within the three-dimensional boundaries.

8:25PM *Martin's Edition* Newsletter Contents: Krajeck

The Council discussed whether to adopt a policy that would allow the newsletter (*Martin's Edition*) to include non-Village business. Attorney Bolt counseled that the newsletter could become a public forum, depending on what articles and notices were allowed. Attorney Bolt suggested a preamble and other edits be added to the draft policy. Beth Boa (Assistant Village Manager) will revise the policy and include the suggested preamble for review by the Council.

Draft Policy for What Non-Village Business Can and Cannot be Included in *Martin's Edition* Attached.

8:30 PM Discussion on Established Building Line front setback and front porches: Krajeck

First, the Council discussed changes to the Code regarding the Established Building Line front setback based on recommendations from Doug Lohmeyer, Building Administrator. One option would be to adopt Montgomery County code that only applies to new construction.

On a related, but separate matter, the Council discussed Village Code requirements for projections into the front setback such as front porches and how far they can project. Lohmeyer suggested the option of making the allowable porch depth a percentage (20%) of the setback.

Attorney Bolt will draft language for an amendment to the Code that applies the EBL front setback only to new construction and adopts a 20% rule for projections. This amendment will be formally introduced at the October Council meeting.

9:02 PM Annual Survey: Hill

Councilmember Hill presented the draft survey questions for the 2016 Annual Survey of Village residents. She will make the discussed edits and recirculate the questions to the Council after the meeting and then post the survey for two weeks. It will close October 3rd and results will be discussed at the October 20 Council meeting.

9:20PM Right-of-Way License Agreements: Fattig

Attorney Bolt described the history of right-of-way (ROW) license agreements in sections 6-302 and 7-209 of the Code. ROW license agreements are required for any vegetation over 12 inches and any structure in the ROW, and intend to put residents on notice that such structures may need to be removed by the Village and would need to be replaced at the resident's cost. Discussion ensued about exceptions to this requirement. Attorney Bolt will draft language to address exceptions in the Code in coordination with the Village Building Administrator and Manager. This amendment may be formally introduced at the October Council meeting.

9:45 PM Financial matters, including Treasurer's Report: Alexander

July 2016 through August 2016

	Actual Pro-rated	Budgeted
Revenues	\$107,313	142,767
Expenses	72,608	111,367
Net Income	34,705	31,400

Reserve account (current assets less designated allocations): \$1,645,558

For the first two months of the fiscal year, both revenues and expenses are running somewhat behind the pro-rated budgeted amounts. The first significant income receipt will be the Village's allotment from the state income tax, which arrives in late November.

Over the past several years, the Village has allocated a large part of its reserves to capital improvement projects: \$500,000 for street repaving; \$250,000 for sidewalk renewal; and \$500,000 for street lights. We now have proposals from several contractors for repaving and sidewalk repairs; after choosing a contractor, the Village will proceed shortly to renew all the streets. The budgeted amounts, more by luck than solid analysis, will be adequate to pay for these eagerly awaited improvements.

The reserve account (current assets minus funds set aside for designated capital expenditures) is roughly double the Village's budgeted annual expenditures, which provides a planned cushion against unexpected occurrences.

The Council agreed to add a designated line item for the *Wynne* repayment. In order for it be clear going forward that this money will have to be repaid by March 31, 2019.

Motion by Councilmember Alexander to approve the Leaf Bag budget amendment adding \$4,025 to the line item; seconded by Councilmember Fattig. All in favor.

Treasurer's Report attached.

9:50 PM Building Administrator's Report: Lohmeyer

Doug Lohmeyer, Village Building Administrator, gave his report.

7219 Chestnut St.

The homeowner placed stones tiles over the top of the existing concrete lead sidewalk. A right of way license agreement was prepared for that portion of the sidewalk in the Village right of way. We are waiting for the homeowner to return the executed and notarized agreement, which will be recorded in the land records at Montgomery County.

3414 Cummings Lane

The construction of the detached garage, pool, pool decking, and driveway is on-going. The Village recently extended the building permit.

7210 Delfield St.

The homeowner has planted rose bushes and other plants, outside the new fence at the front of the property and within the Village right of way. A right of way license agreement was prepared for the plantings in the Village right of way. We are waiting for the homeowner to return the executed and notarized agreement, which will be recorded in the land records at Montgomery County.

3505 Raymond Street

Work is continuing on the original house improvements and a new building permit has been issued for the front porch addition, the new deck above the old garage, and the relocation of two A/C compressors at the rear of the house.

3507 Raymond St.

The homeowner has submitted plans and a building permit application to the Village make interior improvements and to add a deck to the rear of the house. The Village has issued a building permit. The work is ongoing.

3512 Taylor Street

The staff noticed that the existing retaining wall along the front property line was being totally removed and re-built. The Village no longer issues permits for retaining walls. A right of way license agreement was prepared for the wall in the Village right of way. We are waiting for the homeowner to return the executed and notarized agreement, which will be recorded in the land records at Montgomery County.

3416 Bradley Lane

The staff noticed landscaping in the right of way. A right of way license agreement was prepared for the wall in the Village right of way. We are waiting for the homeowner to return the executed and notarized agreement, which will be recorded in the land records at Montgomery County.

MCDOT – Quincy and Oxford

Presently, large trucks are having difficulty making the turning movement at the intersection of Quincy and Oxford and the rear wheels are driving across the curb and sidewalk.

In April, we met with the MCDOT maintenance staff and discussed rebuilding the existing brick inlet to allow a larger turning radius at the western side of the intersection. In July, I again met with the staff at MCDOT. They have determined the cost of rebuilding the inlet was too expensive and set a bad precedent. We discussed enlarging the radius without changing the inlet. We will meet with Joe Cutro to discuss this option and cost.

MSHA – Brookville Road

When the WSSC contractor was flushing the fire hydrant on the east side of Brookville Road, the staff noticed that the existing MSHA storm drain inlet, just north of Shepherd St. was missing a grate and a large hole was located adjacent to the sidewalk and bike lane. The MSHA maintenance crew has rebuilt the inlet, but the opening, where the water enters the inlet, is restricted. I contacted MSHA and they agreed the opening is too small. They are scheduled to enlarge the opening in this month.

AMT GIS Update

AMT last updated the Village GIS computer data in 2014. We are presently compiling the information for a new update. The update will include the new front yard construction projects since 2014, the WSSC water main replacement project from 2012 and 2016, and

any changes to trees within the Village right of way. We hope to submit this information to AMT in September.

Recently, residents have been questioning the location of their property lines. We are also compiling a folder of individual lot surveys, which may help clarify where the individual property lines are located. AMT provided a street right of way survey in 2007. We will ask AMT to review the individual property line surveys and compare that information to the survey the provided in 2007.

The Village office plans to meet with AMT to discuss service issues.

9:55 PM Manager's Report: Trollinger

Village Manager Matt Trollinger gave his report.

Administrative Matters:

- Audit: Village staff is working with the Village Accountant and Linton, Shafer, Warfield & Garret (LSWG) on putting together the necessary documents for the annual audit.
- Community Events:
 - o Halloween Party: The Village will be hosting a Halloween celebration on October 30 at the end of Turner Lane. We will have pizza, ice cream, a DJ playing music, crafts, and pumpkins for carving. Special thanks to Keith Allen, who is assisting in planning and storage, as well as providing electricity and restroom facilities. We are looking for volunteers to help set up and clean up for the event, and to help with any additional planning in the next couple of months.
- Website: Google Analytics reports that we had 1,530 page views from August 10 to September 10th, which is about average, as summer closes out. It is far more than the 989 from the previous month, but down from the nearly 2,800 we had around the time of the annual Celebration on the Sidewalk/Election.
- Contacting the Office: The VMA Office is staffed from at least 9:00 am – 5:00 pm Monday through Friday, although someone is often in the office earlier than that. Outside of the regular office hours, the best way to get in contact with Village staff is via email at martinsadditions@gmail.com.
- Newsletter: continues to be published monthly online.
- Directory: Staff has put together and sent out 2016 Village Directories to residents. There are still extra copies in the office if residents need them.
- Contracts:
 - o Municipal Code Enforcement: Consistent with our Charter and Policy, the Village has put out a formal RFP for Municipal Code Enforcement work.
 - o Snow Plowing: The Village has triggered its option clause with Rolling Acres to continue to provide snow plowing to the Village this Winter.
 - o Arborist: Village is working on a formal RFP for Village Arborist position. An RFP should be posted on the Village website and on the Maryland Municipal League's website by the end of the month.

- o Website: Village staff also plans to put together a formal RFP in the next month to receive proposals from various vendors to host and potentially redo the Village's website.

Safety and police:

- Reminder to always double-check to make sure your car doors are locked, and to not keep any valuables in your car if at all possible.
- Residents should also report any suspicious activity to police.
- The sign behind Brookville Market has been fixed.

Utilities: WSSC

- WSSC has removed all vehicles from the Village, and is done with all utility work.
- Village staff previously did a walk-through to identify issues that cropped up due to WSSC's work. WSSC has now addressed those identified problems. The Village staff will now perform a final walk-through to make sure the issues were addressed adequately. Once that is done, WSSC has one year from that date in which they are responsible for any other issues that may arise.

Street Lighting:

- PEPCO sent pricing over for seven new fixtures and poles to be put up in the Village to address identified dark spots. Pricing is based on 55 watt LED fixtures (see below).
- PEPCO prepared a memo for the Village comparing LED and Induction Lighting. The memo outlines performance and cost differences. The cost difference is not as prohibitive as originally thought, based on estimates from Scott Watson. The custom-built 55 watt LED fixture that is located on 3525 Bradley are essentially the same price as the 55 watt Induction light (in fact it is slightly cheaper).
- o PEPCO has agreed to stock additional custom-made LED lights for the Village.
- Alternatively, as lights go out, PEPCO would replace with (less popular) High-pressure sodium bulbs at no charge.
- PEPCO's supplier, Holophane, has decided to cease and desist its line of QL Induction lights.

Trollinger (Village Manager) will move forward with Pepco on installing new poles and the custom built 55 watt LED fixtures on all poles.

Streets & Sidewalks:

- Street Repaving: The street repaving RFP has closed, and the Village received four proposals. Staff has been checking up on references, and has gone over the bids with both Joe Cutro, the Village's traffic engineer, and Doug Lohmeyer, Engineer and Building Administrator for the Village.
- o Washington Gas has reimbursed the Village for paving repairs. Village staff is working with WSSC to get its reimbursement checks as well.

Sanitation:

- Bulk Trash: Pickup on September 10, again coordinated with A Wider Circle pick up on Friday September 9. The next bulk trash pickup will be on Saturday, November 12th. A Wider Circle will pick up on Friday, November 11th.
 - Residents should let the Village office know if there are particularly large items, or a large amount of items out so that Waste Management is aware when they come through.
 - The Village office has scheduled a meeting with Waste Management next week to discuss service issues.
- Leaf Bags: Leaf bags are tentatively scheduled to be delivered next week. We are awaiting final confirmation from Laniado's manufacturer. Office staff will send out an email ahead of time to let residents know which day they can expect the delivery.

10:05 PM Opportunity for Council to hear residents' comments: Krajeck

10:05 PM Adjournment: Krajeck



Village of Martin's Additions
7013 B Brookville Road
Chevy Chase, MD 20815
301-656-4112 (Phone)
301-656-0030 (Fax)

Policy No. 09-16-01

DRAFT Policy for Contents of *Martin's Edition*

The Village of Martin's Additions (Village) Council desires to be transparent in its publishing policy for *Martin's Edition*, the Village's monthly newsletter.

The Village newsletter is generally reserved for official Village business. However, residents may submit articles and notices. In order for non-Village business to be included in *Martin's Edition*, the information

- (1) must be submitted by a current Martin's Additions resident;
- (2) must pertain to a not-for-profit organization;
- (3) must be received in its entirety by the Village staff in electronic format by the 15th of the month it is to be printed; and
- (4) is limited to written text and cannot exceed 100 words.

Policy Number: 09-16-01

Action/Adoption:

Effective Date:

Ordinance No.: 10-16-1
Introduced: October 20, 2016
Adopted:
Effective Date:

THE VILLAGE OF MARTIN'S ADDITIONS

SUBJECT: AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO RESTRICT APPLICATION OF THE ESTABLISHED BUILDING LINE FRONT SETBACK TO NEW CONSTRUCTION; AMEND THE REQUIRED FRONT SETBACK FOR CERTAIN PROJECTIONS; LIMIT THE RECONSTRUCTION AND REPLACEMENT OF NON-CONFORMING BUILDINGS; AND ALLOW APPROVAL OF CERTAIN RIGHT-OF-WAY IMPROVEMENTS AND PLANTINGS WITHOUT A RECORDED LICENSE.

WHEREAS, Local Government Article, Section 5-202 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;

WHEREAS, Maryland Code, Local Government Article, Section 5-211 authorizes the legislative body of each municipal corporation in the State of Maryland to make reasonable regulations concerning buildings to be erected within the limits of the municipality, including a building code and the requirement for building permits;

WHEREAS, Maryland Code, Land Use Article, Section 20-509 grants to the legislative body of incorporated municipalities in the Maryland-Washington Regional District general power to adopt building regulations for the protection of the public health, safety, and welfare; the preservation, improvement, and protection of lands, water, and improvements in the municipal corporation; and to regulate the construction, repair, or remodeling of buildings on land zoned for single-family residential uses at it relates to fences, walls, hedges, and similar barriers; signs; residential parking; residential storage; the location of structures, including setback requirements; the dimensions of structures, including height, bulk, massing, and design; and lot coverage, including impervious surfaces;

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

WHEREAS, the Village Council introduced the following Ordinance at a public meeting held on October 20, 2016;

WHEREAS, to comply with Maryland Code, Land Use Article, Section 20-509, on the 23 day of ___ day of _____, 2016, a copy of following Ordinance was submitted to the Montgomery County Council for its comments;

WHEREAS, the Montgomery County Council did not submit any comments;

WHEREAS, after proper notice to the public, and after at least thirty days from the date a copy of the following Ordinance was transmitted to the Montgomery County Council, the Village Council considered the following Ordinance in public session assembled on the ___ day of _____, 2016;

WHEREAS, the Village Building Permit Administrator has made certain recommendations to the Village Council for amendment of the Village building regulations concerning the application of the established building line front setback and the permissible encroachment of porches and certain other projections, to allow more flexibility in altering existing structures;

WHEREAS, the Council has further considered the alteration and replacement of non-conforming buildings and finds that the same standard that applies to the alteration of existing non-conforming buildings should apply to the replacement of non-conforming buildings that suffer a casualty event;

WHEREAS, the Council has further considered the requirement for a recorded license to use the right-of-way and finds that the Village should have discretion to not require a license for the alteration or replacement of stairs, guardrails, walkways, and the installation of non-woody plant growth, if the circumstances warrant;

WHEREAS, the Village Council finds that the foregoing Ordinance would assure the good government of the municipality, protect and preserve the municipality's rights, property, and privileges, preserve peace and good order, secure persons and property from danger and destruction, and protect the health, comfort and convenience of the citizens of the Village of Martin's Additions, and is necessary for the preservation of the property, rights, and privileges of the Village and its residents.

NOW, THEREFORE, the Village Council does hereby adopt the following Ordinance.

BE IT ORDAINED AND ORDERED, this ___ day of _____, 2016, by the Village Council, acting under and by virtue of the authority given it by the Maryland Code and the Charter of the Village of Martin's Additions, that the Village Code is hereby amended as follows:

| * * *
Section 6-302. Permits Required.

| * * *
(b) Improvements.

Prior to the issuance of a building permit pursuant to the provisions of this Chapter, no person shall:

- 1) Add to, erect, install, replace, alter, construct, re-construct, repair or improve any building;
- 2) Add to, install, replace, alter, construct, re-construct, repair or improve any non-vegetative surface in a front yard;
- 3) Place any heavy equipment upon or move any heavy equipment over an improved street surface, curb, or sidewalk; or
- 4) Commence any activity involving reconstruction, repair, or excavation of any street, curb, or sidewalk, or installation of any structure thereon, or temporarily close or block any street or sidewalk within the Village. No building permit for construction of a private structure within the public right-of-way shall be issued until the owner of the abutting property has executed a revocable license to use the right-of-way in a form approved by the Village. The Code Enforcement Officer may waive the requirement for a license for the alteration or replacement of stairs, guardrails, and walkways, if, in the discretion of the Code Enforcement Officer, the cost and inconvenience of the license exceeds the benefit to the Village.

* * *

Section 7-101. Definitions

For the purposes of this Chapter,

* * *

(gg) “Main Building” means a building in which is conducted the principal use of the property on which it is situated. Any dwelling shall be deemed to be a main building on the lot on which it is located.

(hh) “New construction” means the construction of a new main building on a vacant lot or subsequent to the substantial demolition of a main building. Substantial demolition means demolishing fifty (50) percent or more of the exterior surface area of the main building, including the roof surface and any projections and appurtenances.

(hii) “Non-vegetative surface” means any surface that is not vegetative, including, but not limited to, asphalt, concrete, stone, gravel, sandstone pavers, and the like, and includes the area of any front porch, stoop, steps, and/or stairs.

* * *

Section 7-209. Maintenance of Public Right-of-Way

(a) The owner of private property adjoining a public right-of-way shall maintain that portion of the right-of-way located between the private property line and the edge of

the paved street in a safe and sanitary condition. Said owner shall not permit grass or weeds to grow within the right-of-way to a height in excess of twelve (12) inches above the ground. Nothing herein shall be deemed to require an owner of private property adjoining a right-of-way to repair sidewalks or curbs located within the right-of-way.

- (b) The owner of private property adjoining a public right-of-way shall not place any structure, wall, fence, tree, hedge, shrubbery, or any other plant growth, except low growing plantings, within the right-of-way without a license to use the right-of-way issued pursuant to Section 6-302. The Code Enforcement Officer may waive the requirement for a license for the placement of non-woody plant growth, if, in the discretion of the Code Enforcement Officer, the cost and inconvenience of the license exceeds the benefit to the Village. Any ~~such~~ tree, hedge, shrubbery, or other plant growth located within the right-of-way on December 9th, 2009 may be maintained, but not replaced, provided that it does not interfere in any manner with pedestrian or vehicular traffic and is maintained in such a manner and at such height that a clear and unobstructed view is available to pedestrians and vehicular traffic.
- (c) The owner of private property adjoining a public right-of-way shall not permit any structure, wall, fence, tree, hedge, shrubbery, or any other plant growth located on such owner's private property to extend into the right-of-way in such manner that interferes with pedestrian or vehicular traffic. Any structure, wall, fence, tree, hedge, shrubbery, or any other plant growth located on private property adjoining a right-of-way shall be maintained in such a manner and at such height that a clear and unobstructed view of the right-of-way is available to pedestrians and vehicular traffic.
- (d) Any ~~non-public~~ structure, wall, fence, tree, hedge, shrubbery, or any other plant growth located within the public right-of-way, other than an improvement or plant growth installed by the Village, in violation of any provision of this Section 7-209 shall be removed by and at the expense of the owner and occupant of the abutting private property upon the request of the Code Enforcement Officer. The Code Enforcement Officer may request removal as a result of a violation of any provision of this Section 7-209 or when otherwise deemed necessary by the Code Enforcement Officer for the public health, safety, or welfare, or for the public use of the right-of-way. The Code Enforcement Officer, or his or her designee, may take such action as is necessary to restore the right-of-way or return the right-of-way to a condition required by this Section. The cost of any restoration or corrective action may be specially assessed against the abutting private property and collected with the property taxes or collected by a suit for damages.
- (e) Any person who violates any provision of this Section 7-209 or allows a violation of any provision of this Section on his or her property, shall be guilty of a municipal infraction and shall be jointly and severally subject to a penalty of One Hundred Dollars (\$100.00) for each day that a violation exists. If a violation occurs, there shall be a rebuttable presumption that all owners of the property allowed the violation.

Section 7-402.

Construction Standards

* * *

* * *

(e) Setbacks

- (1) Front: Except as otherwise set forth in this Chapter, no wall or projection of any main building shall be located closer to any front lot line than ~~the established building line or~~ twenty-five (25) feet, ~~whichever is greater.~~ For new construction, no wall or projection of any main building shall be located closer to any front lot line than the established building line or twenty-five (25) feet, whichever is greater.

* * *

(5) Projections (main buildings)

- i. Bay windows, oriel entrances, balconies, and vestibules no greater than ten (10) feet wide, and cornices, eaves, and chimneys shall be permitted to project a maximum of two-and-one half (2.5) feet into any setback area.
- ii. Unenclosed porches, decks, breezeways, steps, stoops, and exterior stairways may project nine (9) feet into the ~~front or~~ rear setback area and three (3) feet into any side setback area. Unenclosed porches, decks, breezeways, steps, stoops, and exterior stairways may project into the front setback area a distance that is equal to twenty percent (20%) of the distance between the front building line and the front property line.
- iii. Air conditioners, generators, and heat pumps may project five (5) feet into any front or rear setback area.

* * *

Section 7-403.

Exemptions for rebuilding

Notwithstanding any provision to the contrary contained in this Chapter, a main building or accessory building existing prior to June 16, 2009 that sustains a total physical loss or substantial physical loss (fifty (50) percent of more) due to accidental causes including, but not limited to, fire, storm, falling tree(s), flooding, other natural disaster, may be rebuilt or repaired provided that ~~(i)~~ the replacement building (i) does not encroach farther into any setback area than the previous building, and (ii) the footprint of the replacement building is not enlarged beyond the dimensions of the previous building, and (iii) the replacement building does not exceed the building height of the previous building is not enlarged in any manner, including but not limited to enlargement of any three-dimensional boundary of the building that existed on June 16, 2009.

Section 7-404. Developmental Nonconformities

A developmental nonconformity may be maintained, altered, or repaired, but not replaced, provided that it may not be enlarged in any manner, including but not limited to enlargement of any ~~beyond the three~~-dimensional boundary that existed on June 16, 2009, except in accordance with this Chapter.

* * *

AND BE IT FURTHER ORDAINED AND ORDERED, by the Village Council, acting under and by virtue of the authority granted to it by the Maryland Code, and the Charter of the Village of the Village of Martin’s Additions, that:

(1) If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and

(2) This Ordinance shall take effect on the ___ day of _____, 2016.

ATTEST:

THE VILLAGE OF MARTIN’S ADDITIONS

~~Tiffany Cissna~~Susan Fattig, Secretary

Richard Krajeck, Chair
Village Council

Underline indicates new material
~~Strikethrough~~ indicates material deleted
* * * indicates material unchanged

**Village of Martin's Additions
Financial Report for August 2016
Arthur Alexander, Treasurer
October 20, 2016**

July 2016 through September 2016

	<u>Actual</u>	<u>Pro-rated budget</u>
Revenues	\$133,496	214,150
Expenses	116,039	168,056
Net Income	17,457	46,094

Reserve account (current assets less designated allocations): \$1,612,351

For the first three months of the fiscal year, both revenues and expenses are running somewhat behind the pro-rated budgeted amounts. The first significant income receipt will be the Village's allotment from the state income tax, which arrives in late November. An unbudgeted revenue came from Washington Gas, which provided \$72,900 in August for repaving the streets that the company dug up for new gas lines.

Over the past several years, the Village has allocated a large part of its reserves to capital improvement projects including \$500,000 for street repaving and \$250,000 for sidewalk repair. We now have a contract for repaving and sidewalk repairs, the cost of which closely matches our allocated amounts.

The reserve account (current assets minus funds set aside for designated capital expenditures) is roughly double the Village's budgeted annual expenditures, which provides a planned cushion against unexpected occurrences.

**Village of Martin's Additions
Treasurer's Report
September 2016**

	Sep 16	Budget	Jul - Sep 16	YTD Budget	Annual Budget
Income					
4000 - Revenue					
4010 - Permit Fees	930.00	1,666.00	2,338.00	4,998.00	20,000.00
4020 - Cable TV Franchise Fees	0.00	2,000.00	0.00	2,000.00	8,000.00
4040 - County Revenue Sharing	0.00		26,907.00	26,800.00	26,800.00
4050 - Highway Users Fees	15,931.82		15,931.82		23,000.00
4060 - Income Tax	0.00		0.00	0.00	600,000.00
4080 - Personal Property Tax	2,976.65		2,984.35		6,000.00
4090 - Real Property Tax	5,391.37	7,000.00	10,113.67	12,100.00	150,000.00
4095 - Utility Property Tax	0.00		0.00		12,300.00
4100 - Holiday Fund	0.00		0.00		6,500.00
4110 - Interest	777.78	135.00	2,322.71	262.00	4,000.00
4140 - Washington Gas - Street Work	0.00		72,898.20		
Total 4000 - Revenue	26,007.62	10,801.00	133,495.75	46,160.00	856,600.00
4200 - Prior Years Surplus	0.00		0.00	2,562,376.00	2,562,376.00
Total Income	26,007.62	10,801.00	133,495.75	2,608,536.00	3,418,976.00
Expense					
5000 - General Government					
5010 - Office Expenses	447.30	1,500.00	2,493.35	4,500.00	18,000.00
5025 - Office Furniture & Equipment	0.00		0.00		12,000.00
5030 - Insurance	0.00		5,124.00	4,830.00	5,000.00
5040 - Printing & Mailing	0.00		0.00	1,250.00	5,000.00
5050 - Dues & Subscriptions/Conference	100.00		3,807.54	3,500.00	10,000.00
5055 - Storage Rental	257.00	268.00	514.00	804.00	3,200.00
5060 - Office Lease	2,190.67	2,191.00	10,569.20	10,281.00	30,000.00
5065 - Telephone	268.43	250.00	537.83	750.00	3,000.00
5080 - Holiday Fund	0.00		0.00		6,500.00
Total 5000 - General Government	3,263.40	4,209.00	23,045.92	25,915.00	92,700.00

**Village of Martin's Additions
Treasurer's Report
September 2016**

	<u>Sep 16</u>	<u>Budget</u>	<u>Jul - Sep 16</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
5100 - Salaries & Benefits					
5110 - Managerial & Office Salaries	13,094.43	11,000.00	22,670.78	33,000.00	132,000.00
5120 - Payroll Taxes & Benefits	1,380.25	1,916.00	2,780.01	5,748.00	23,000.00
Total 5100 - Salaries & Benefits	<u>14,474.68</u>	<u>12,916.00</u>	<u>25,450.79</u>	<u>38,748.00</u>	<u>155,000.00</u>
5200 - Professional Fees					
5210 - Accounting & Auditing	3,000.00	3,000.00	9,000.00	9,000.00	42,000.00
5220 - Building & Permitting					
5222 - Building Review & Permits	4,000.00	1,667.00	6,600.00	5,001.00	20,000.00
5224 - Enforcement & Oversight	0.00	1,000.00	0.00	3,000.00	12,000.00
5226 - Municipal Operations	0.00	1,500.00	0.00	4,500.00	18,000.00
Total 5220 - Building & Permitting	<u>4,000.00</u>	<u>4,167.00</u>	<u>6,600.00</u>	<u>12,501.00</u>	<u>50,000.00</u>
5230 - Legal	5,575.50	4,166.00	6,932.50	12,498.00	50,000.00
5240 - Police	4,736.60	2,500.00	7,504.61	7,500.00	30,000.00
5242 - Lighting Consultant	0.00	1,250.00	0.00	1,250.00	5,000.00
5244 - Traffic Engineering	0.00		367.00		3,000.00
Total 5200 - Professional Fees	<u>17,312.10</u>	<u>15,083.00</u>	<u>30,404.11</u>	<u>42,749.00</u>	<u>180,000.00</u>
5300 - Streets					
5305 - Streets - General					
5310 - Street Lighting - PEPCO	1,117.00	1,400.00	2,196.68	4,000.00	16,000.00
5322 - Street Cleaning - Fall/Spring	0.00		0.00		28,000.00
5324 - Street Maintenance - Other	0.00	1,250.00	0.00	3,750.00	15,000.00
Total 5305 - Streets - General	<u>1,117.00</u>	<u>2,650.00</u>	<u>2,196.68</u>	<u>7,750.00</u>	<u>59,000.00</u>
5349 - Snow Removal Services					
5350 - Snow Removal - Shovel Bvl. Rd.	0.00		0.00		5,000.00
5351 - Snow Removal - Plowing	0.00		0.00		20,000.00
Total 5349 - Snow Removal Services	<u>0.00</u>	<u></u>	<u>0.00</u>	<u></u>	<u>25,000.00</u>
Total 5300 - Streets	<u>1,117.00</u>	<u>2,650.00</u>	<u>2,196.68</u>	<u>7,750.00</u>	<u>84,000.00</u>

**Village of Martin's Additions
Treasurer's Report
September 2016**

	<u>Sep 16</u>	<u>Budget</u>	<u>Jul - Sep 16</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
5400 - Waste & Recycling					
5410 - Waste Collection & Recycling	6,922.76	7,100.00	27,691.04	21,100.00	85,000.00
5420 - Leaf Bags	0.00		0.00		14,025.00
5425 - Recycling Bins	19.46		19.46		1,000.00
Total 5400 - Waste & Recycling	<u>6,942.22</u>	<u>7,100.00</u>	<u>27,710.50</u>	<u>21,100.00</u>	<u>100,025.00</u>
5500 - Other					
5510 - Tree Maintenance	485.00	8,000.00	485.00	8,000.00	35,000.00
5515 - Tree Replacement	0.00		0.00		4,000.00
5518 - Right-of-Way Landscaping	492.00	500.00	1,117.86	1,500.00	6,000.00
5520 - Community Events	3,195.71		3,495.71		10,000.00
5530 - Website	114.90	115.00	500.64	345.00	1,500.00
Total 5500 - Other	<u>4,287.61</u>	<u>8,615.00</u>	<u>5,599.21</u>	<u>9,845.00</u>	<u>56,500.00</u>
5600 - Initiatives					
5620 - Street Light Study	1,631.85		1,631.85		
5630 - Tree Planting Initiatives Prog.	0.00		0.00		4,000.00
Total 5600 - Initiatives	<u>1,631.85</u>		<u>1,631.85</u>		<u>4,000.00</u>
5800 - Designated Funds					
5810 - Designated - Street	0.00		0.00	500,000.00	500,000.00
5811 - Designated Street Lighting	0.00		0.00	500,000.00	500,000.00
5812 - Designated - Sidewalk	0.00		0.00	250,000.00	250,000.00
Total 5800 - Designated Funds	<u>0.00</u>		<u>0.00</u>	<u>1,250,000.00</u>	<u>1,250,000.00</u>
5900 - Undesignated Fund Balance	<u>0.00</u>		<u>0.00</u>	<u>1,496,751.00</u>	<u>1,496,751.00</u>
Total Expense	<u>49,028.86</u>	<u>50,573.00</u>	<u>116,039.06</u>	<u>2,892,858.00</u>	<u>3,418,976.00</u>
Net Income	<u><u>-23,021.24</u></u>	<u><u>-39,772.00</u></u>	<u><u>17,456.69</u></u>	<u><u>-284,322.00</u></u>	<u><u>0.00</u></u>

Manager's Report October 20, 2016

Administrative Matters:

- *Audit:* Village staff is working with the Village Accountant and Linton, Shafer, Warfield & Garret (LSWG) on putting together the necessary documents for the annual audit.
- *Community Events:*
 - *Halloween Party:* The Village will be hosting a Halloween celebration on October 30 at the end of Turner Lane. We will have pizza, ice cream, a DJ playing music, crafts, and pumpkins for carving. Special thanks to Keith Allen, who is assisting in planning and storage, as well as providing electricity and restroom facilities. We are still looking for volunteers to help set up, assist with crafts, and clean up the day of the party.
- *Website:* Google Analytics reports that we had 2,281 page views from September 11 to October 11, which is up from the slower days of summer. It is far more than the 989 in July/August, but down from the nearly 2,800 we had around the time of the annual Celebration on the Sidewalk/Election.
- *Contacting the Office:* The VMA Office is staffed from at least 9:00 am – 5:00 pm Monday through Friday, although someone is often in the office earlier than that. Outside of the regular office hours, the best way to get in contact with Village staff is via email at martinsadditions@gmail.com.
- *Newsletter:* continues to be published monthly online. The next edition should be going out next week.
- *Office Cleaning:* Staff has hired a new cleaning firm.
- *Centennial Plaque:* A centennial plaque will be placed by the centennial tree next week.
- *Contracts:*
 - *Municipal Code Enforcement:* Consistent with our Charter and Policy, the Village put out a formal RFP for Municipal Code Enforcement work.
 - *Arborist:* Village has also finalized a formal RFP for Village Arborist position. An RFP should be posted on the Village website and on the Maryland Municipal League's website tomorrow, Friday October 21st.
 - *Website:* Village staff is putting together a formal RFP to host and potentially redo the Village's website. That should be finalized and posted on the Village's website and the Maryland Municipal League's website by the end of next week. The Village has already been contacted by two vendors with experience in municipal websites design that have expressed interest.

Safety and police:

- Remember to have a safe Halloween. Halloween is an exciting time, especially for young people. Police have offered a few tips to keep the holiday as safe as possible:
 - **Trick-or-Treating** – Do so in your neighborhood and in areas that are familiar. Adults are encouraged to be present during trick-or-treating, to stay close and to watch their kids as they approach unfamiliar houses. Instruct children not to eat any candy until returning at the end of the night, and not to enter strangers' houses.
 - **Costumes** – Wear reflective clothing and carry a flashlight in order to be seen by motorists. In the same vein, drivers operating vehicles should be wary of children. Wear costumes that allow for visibility so kids can clearly see around them.
 - **Candy** – Accept only wrapped candy unless it's coming from a family member or a well-known neighbor. Adults, make sure to examine the candy collected beforehand.
 - **Families** – Homeowners, be sure the outside of your property is well-lit, and all outside lights are turned on and any animals are secured.
 - **Transportation** – If you are operating a car or another vehicle on Halloween night, be wary of kids going door to door. Be sure to enter and exit driveways carefully. As the night progresses and it gets darker, drivers should pay special attention to kids dressed in dark clothing.

- All of these tips will be published in the newsletter.

Utilities: WSSC

- Village staff is working with WSSC to receive reimbursement for road repairs.
- WSSC is returning to VMA! – next up is a series of sewer main replacement projects. The following VMA streets will be affected: Quincy, Raymond, Chestnut, and Thornapple. About half of the work is scheduled to begin soon after the new year, while the rest will begin in late summer/early fall of 2017.

Streets Lighting:

- The Village has received the photometric data to send to PEPCO to begin installation of the seven new poles, and replace existing streetlights throughout VMA. The Village is going ahead with the custom-made 55-watt LED lights that were hung on Bradley Lane. These lights have the appropriate color and temperature, and were voted on by residents as one of two acceptable options. PEPCO is ordering the lights, and their computers show a lead time of about six weeks to fill the order, though I have been in touch with Holophane to try and see if we can expedite that process. Installations should begin shortly thereafter. (PEPCO said that cold weather doesn't matter, but rain and snow and staff availability during holiday season can affect installation time).

Streets & Sidewalks:

- *Street Repaving:* Village staff sent out an email to residents outlining where we are in the street repaving process. After an RFP was issued, the Village selected A.B. Veirs as its contractor. Village staff has gone through the Village with A.B. Veirs, and identified concrete that needs to be fixed or replaced throughout Martin's Additions (residents may have noticed orange dots on the sidewalks, curbs and gutters – those denote spots that are to be replaced or repaired). Work is scheduled to begin shortly after Halloween. Actual street repaving will be done in the spring – this avoids us having to re-do (and re-pay for) the same work after WSSC tears up the streets (again). It also makes sense from a weather standpoint – falling leaves can impact the stability of asphalt, but more importantly asphalt plants close around Thanksgiving time until through February.
- One exception to no paving is Quincy Street, where we will repair the failing Washington Gas trench, and pave over and smooth out the road this fall. Quincy is in dire need of some work, and for safety reasons we cannot allow it to go ignored for another year while WSSC tears it up again. Keep in mind, this is only a temporary solution. Once WSSC has finished up its sewer replacement work, we will go back and finish up the aforementioned streets – Thornapple, Quincy, Chestnut. (Raymond work should be finished in time to begin repairs in the spring).
- In total, the project is estimated to cost slightly under \$800,000 which, after accounting for Washington Gas and WSSC reimbursements, should keep the project under the \$750,000 set aside in the budget.
- A number of residents have taken advantage of the opportunity to "piggy-back" off the Village's contract with A.B. Veirs and get an evaluation and estimate to redo driveways.

Sanitation:

- *Bulk Trash:* The next bulk trash pickup will be on Saturday, November 12th. A Wider Circle will pick up on Friday, November 11th.
 - Please contact the Village Office if you have unusually large-sized objects, or an unusually large amount of items for bulk pickup (see below). This allows us to contact Waste Management so they can send the appropriately-sized truck. Unusually large refers to items that are:
 - Over four feet in size;
 - Over 50 lbs;
 - More than six items. Also as a reminder, certain items cannot be picked up as part of Bulk Trash, including construction debris, tires, and refrigerators that have not been tagged.

- *Leaf Bags*: Leaf bags were delivered by Laniado's. If any residents need extras, they can contact the Village Office.

Building Administration:

- Please see report from Doug Lohmeyer, attached.

TO: The Council at the Village of Martin's Additions

FROM: Doug Lohmeyer

DATE OF MEMO: October 20, 2016

SUBJECT: Building Administrator's Report

7219 Chestnut St.

The homeowner placed stones tiles over the top of the existing concrete lead sidewalk. A right of way license agreement was prepared for that portion of the sidewalk in the Village right of way. We are waiting for the homeowner to return the executed and notarized agreement, which will be recorded in the land records at Montgomery County.

3414 Cummings Lane

The construction of the detached garage, pool, pool decking, and driveway is on-going. The Village recently extended the building permit.

7210 Delfield St.

The homeowner has planted rose bushes and other plants, outside the new fence at the front of the property and within the Village right of way. A right of way license agreement was prepared for the plantings in the Village right of way. We are waiting for the homeowner to return the executed and notarized agreement, which will be recorded in the land records at Montgomery County.

3505 Raymond Street

Work is continuing on the original house improvements and a new building permit has been issued for the front porch addition, the new deck above the old garage, and the relocation of two A/C compressors at the rear of the house.

3507 Raymond St.

The homeowner has submitted plans and a building permit application to the Village to make interior improvements and to add a deck to the rear of the house. The Village has issued a building permit. The work is ongoing.

3512 Taylor Street

The staff noticed that the existing retaining wall along the front property line was being totally removed and re-built. The Village no longer issues permits for retaining walls. A right of way license agreement was prepared for the wall in the Village right of way. The agreement has been recorded in the land records at Montgomery County.

MSHA – Brookville Road

When the WSSC contractor was flushing the fire hydrant on the east side of Brookville Road, the staff noticed that the existing MSHA storm drain inlet, just north of Shepherd St. was missing a grate and a large hole was located adjacent to the sidewalk and bike lane. The MSHA maintenance crew has rebuilt the inlet, but the opening, where the water enters the inlet, is restricted. I contacted MSHA and they agreed the opening is too small. They are scheduled to enlarge the opening.

When we walked the Village in order to access the condition of the sidewalks, we notice water was ponding onto the handicapped ramp at the northeast corner at Brookville Rd. and Bradley La. We contacted MSHA and asked them to correct that situation. Waiting to hear their decision.

AMT GIS Update

AMT last updated the Village GIS computer data in 2014. We are presently compiling the information for a new update. The update will include the new front yard construction projects since 2014, the WSSC water main replacement project from 2012 and 2016, the recent WGL improvements, and any changes to trees within the Village right of way. We have submitted some of this information to AMT and the rest should follow in the near future.

Recently, residents have been questioning the location of their property lines. We are also compiling a folder of individual lot surveys, which may help clarify where the individual property lines are located. AMT provided a street right of way survey in 2007. We have asked AMT to review the individual property line surveys and compare that information to the survey they provided in 2007.