

Village of Martin's Additions

7013 Brookville Road (Suite B, 2nd floor)

Chevy Chase, MD 20815-3263

Agenda for

Council Meeting

December 15, 2016

The Village Council may entertain a motion during the open meeting to close a portion of the meeting, in accordance with Section 3-305(b) of the Open Meetings Act (Maryland Code, General Provisions Article)

- 7:30 PM Call to Order: Krajeck
- 7:30 PM Opportunity for Council to hear residents' comments: Krajeck
- 7:40 PM Action on Meeting Minutes of November 17, 2016 Monthly Council Meeting: Krajeck
- 7:40 PM Office Update Proposed Plan: Krajeck
- 7:50 PM Amendment to Policy 9-16-01: Policy for Inclusion in Martin's Edition: Krajeck
- 8:00 PM Hearing on draft Ordinance 10-16-1: to amend the Code of Ordinances regarding Non-conforming buildings; Right-of-Way license agreements: Krajeck
- 8:10 PM Replacement of Driveway Portions in the ROW: Krajeck
- 8:20 PM Financial matters, including Treasurer's Report: Alexander
- 8:25 PM Manager's Report, including: street repaving; sidewalks; streetlights; RFPs and contracts: Trollinger
- 8:40 PM Opportunity for Council to hear residents' comments: Krajeck
- 8:50 PM 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
November 17, 2016

Council Members Present: Richard Krajeck (Chair); Arthur Alexander; Tiffany Cissna; Susan Fattig; **Village Manager:** Matthew Trollinger; **Assistant Village Manager:** Beth Boa; **Attorney:** Ron Bolt; **Residents and other attendees:** Keith Allen (Turner Ln); Emily Boa (Kensington); Paula Goldberg (Bradley Ln); Lynn King (Thornapple St); Pat Pendergast (Thornapple St); Joe McCathran, CPA (LSWG).

7:30 PM Call to Order: Krajeck

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

Lynn King (Thornapple St) expressed her opposition to the proposed sidewalk for Thornapple St. She does not believe that there is a reason for a sidewalk which would involve expense and would be a divisive issue in the Village. She also reported that the boundaries for the new middle school are being determined shortly.

Pat Pendergast (Thornapple St) is not in favor of adding a sidewalk to Thornapple St and would prefer Thornapple St be changed to one-way from Chestnut St to Summit Ave.

Keith Allen (Turner Ln) reported that the weather outlook is for a mild winter.

7:45PM Presentation of the Annual Audit of the Village for FY2016 by LSWG:
Introduced by Alexander

Councilmember Alexander introduced Joe McCathran (CPA) of LSWG who conducted the FY2016 audit of the Village. He reported that there were no disagreements or difficulties found. The Village is in a strong financial position and is very liquid. The Village's Wynne liability is for \$149,000 and he suggested a one-time payoff to avoid interest. The audit report is posted on the Village website.

Presentation of Audit Report Attached.

7:55 PM Appointment of Village Tree Supervisor: Krajeck

Motion by Councilmember Alexander to approve Paula Goldberg's appointment as Village Tree Supervisor; seconded by Councilmember Fattig. All in favor.

7:55 PM Action on Council Meeting Minutes of October 20, 2016: Krajeck

Motion by Councilmember Alexander to approve the draft minutes for the Council meeting held on October 20, 2016; seconded by Chairman Krajeck. All in favor.

The minutes as approved are attached.

7:55PM Public Hearing on Policy 9-16-01: Draft Policy for Inclusion in *Martin's Edition*: Krajeck

The Council held a public hearing on an amended version of Policy 9-16-01 which would change the publication policy of *Martin's Edition*. No public comments were offered. The Policy will go into effect December 6, 2016. The Policy will be posted on the website and published in December's *Martin's Edition*.

Motion by Councilmember Alexander to approve policy 9-16-01 as amended; seconded by Councilmember Fattig. All in favor.

Policy 9-16-01 attached.

8:00PM Rollingwood Sign Request: Alexander

The Council discussed Rollingwood neighborhood's request to post neighborhood signs in the Village. Matt Trollinger, Village Manager, will contact Rollingwood and advise them that the Council has concerns and Rollingwood should to check the legality of posting signs on existing posts and utility poles (including compliance with the Maryland Design Manual). Some Council members indicated that the signs should be posted within Rollingwood's boundaries and not in the Village.

Councilmember Alexander requested that Joe Cutro (Street Engineer)'s list of Village signs be resent to the Council.

8:10 PM Financial matters, including Treasurer's Report: Alexander

July 2016 through October 2016

Actual Pro-rated budget

Revenues	\$ 203,639	285,248
Expenses	170,087	223,851
Net Income	33,552	61,397

Reserve account (current assets less designated allocations): \$1,150,900

For the first third 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, \$250,000 for sidewalk repair, and \$150,000 to cover our liability under the Supreme Court's Wynne decision. The first of our expenditures, \$164,000, under the street and sidewalk category has now been paid as the Village begins the concrete work associated with curbs, gutters, and sidewalk repairs.

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.

Motion by Councilmember Fattig to approve the Treasurer's Report; seconded by Councilmember Cissna. All in favor.

Treasurer's Report attached.

8:15 PM Manager's Report: Trollinger

Administrative Matters:

- Audit: Linton, Shafer, Warfield & Garret (LSWG) has completed the annual audit.
- Office Orientation: The Village Office received a redesign and furnishing update proposal in December 2015. The cost, including proposed construction costs of moving the door, would cost about \$64,000.
- Community Events:
 - o Halloween Party: The Village hosted its Halloween celebration on October 30, and it was a smashing success! Special thanks to Keith Allen, who assisted in planning and storage, as well as providing electricity and restroom facilities; Holly Worthington, who led the parade and assisted in crafts; and our Assistant Village Manager Beth Boa, who did most of the heavy lifting when it came to planning the party and booking the vendors.
 - o Holiday Fund: Office staff will be sending out a mailing (Nov. 28) via Spectrum printing and mailing to residents asking for donations by December 16 to give to our friends at Waste Management before the holidays.
- Website: Google Analytics reports that we had 2,291 page views from October 11 to November 10. It is up about 30% from the summer, but down about 40% from the highs around Village election season.
 - o The Village website was down for a few hours on Saturday Nov. 12. Village staff came into the office to sort out the problem, and were told by Calvert Design that we had unpaid invoices dating back to as far as 2013 & 2014. This was incredibly surprising because we receive an invoice every month that does not indicate an overdue balance. Most of the unpaid invoices did match up with our records after going back through old bills, but there were some discrepancies.

- 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. Staff has investigated other formats for an online newsletter. Most online templates would involve clicking links under the beginning of each article to read the entire article. This research is ongoing.
- Contracts:
 - o Survey crew: Staff recommends putting together an RFP for a new surveyor/GIS contract. Communication has been an ongoing issue with the current contractor, and they are not providing services at the rate that was agreed upon in the current contract. Additionally, other Villages/towns in the area have GIS systems with additionally capabilities and functionalities that ours does not currently offer. VMA owns the data for GIS systems, so we should be able to switch over to a new contractor if a different bidder was selected. The current contract was written up in 2007 and may not be applicably and technologically up-to-date. A new RFP will be developed for this service.
 - o Arborist: Village has an open RFP for the position until December 2.
 - o Website: Village has an open RFP for the website until December 2.
- New office copier will be delivered Tuesday, and Ricoh will administer training to office staff.
- Records Retention: Per the Records Retention Policy, staff has been creating an inventory of old building plans to send to MD state archives.

Safety and police:

- Village police are writing a newsletter article about preventing package theft for the holiday season.

Street Cleaning:

- Rolling Acres will be doing two street cleanings before winter hits. We should have one right after Thanksgiving and one in mid-December. Exact dates are TBD.

Utilities: WSSC

- Village staff is working with WSSC to receive reimbursement for road repairs. Village has received agreements from WSSC for \$190,000 for south end and north end repairs. Staff will ask Joe Cutro, Street Engineer, to review the agreements.
- 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.
- WSSC's contractor is Phoenix Engineering. Staff sent over our template permit for them to do work, and am setting up a meeting with them shortly after Thanksgiving.

Streets Lighting:

- The part numbers will not be created until the new year. PEPCO engineers need the part numbers to create the design and to order the lights. PEPCO estimated that part

numbers would be created in late January, followed by a two week design period (inputting into GIS system), then creating the parts. PEPCO gave a rough estimate of installations beginning in April. Staff has been emailing and on the phone with PEPCO's supplier, Holophane, to see if we can expedite that process.

Streets & Sidewalks:

- Street Repaving: Concrete work has been completed on Bradley, Melville, Raymond (dead end), Cummings, and Shepherd. Thank you to residents for their help in adhering to posted 'No Parking' signs. AB Veirs will begin on Turner after the week of Thanksgiving.
- 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 through February.
- One exception to no paving is Quincy Street, where we repaired the failing Washington Gas trench, and milled the street to smooth out the driving surface for winter. 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, and 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.
- North End Sidewalks: The Village's Building Administrator and Engineer, Doug Lohmeyer, took a look at the north end of Martin's Additions to assess the viability of adding sidewalks. Currently, none of the streets north of Taylor have sidewalks. What he determined was that adding a sidewalk to the east side of Delfield Street would have the least impact of any streets, and suggested that it might make sense as the first "phase" of sidewalk installation in the north end. Delfield actually has sidewalk on that side of the street about a third of the way up, and has the least amount of trees and other plantings and landscaping that would be impacted by new sidewalks. Joe Cutro, the Village's traffic engineer, also agreed with this sentiment, and felt that it would be a good "trial run" for sidewalk installation in the north end. Both Doug and Joe met with Mike Veirs of A.B. Veirs to go over one design plan and get an estimate. A.B. Veirs estimated that sidewalk installation on Delfield would cost roughly \$40,000. Parking is on both sides of Delfield so this needs to be considered. Matt Trollinger (Village Manager) will send a map of the sidewalk proposal to the Council. He will ask Joe Cutro (Street Engineer) to consider the feasibility of converting Thornapple Street to be one way.

Sanitation:

- Bulk Trash: Bulk trash pickup occurred on Saturday, November 12th, and A Wider Circle picked up on Friday, November 11th. Thank you to all the residents who called and emailed ahead of time about large items.

- The next bulk trash pickup will be January 14. A Wider Circle will pick up Friday, January 13.
 - o 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;
 - o 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.

Building Administration:

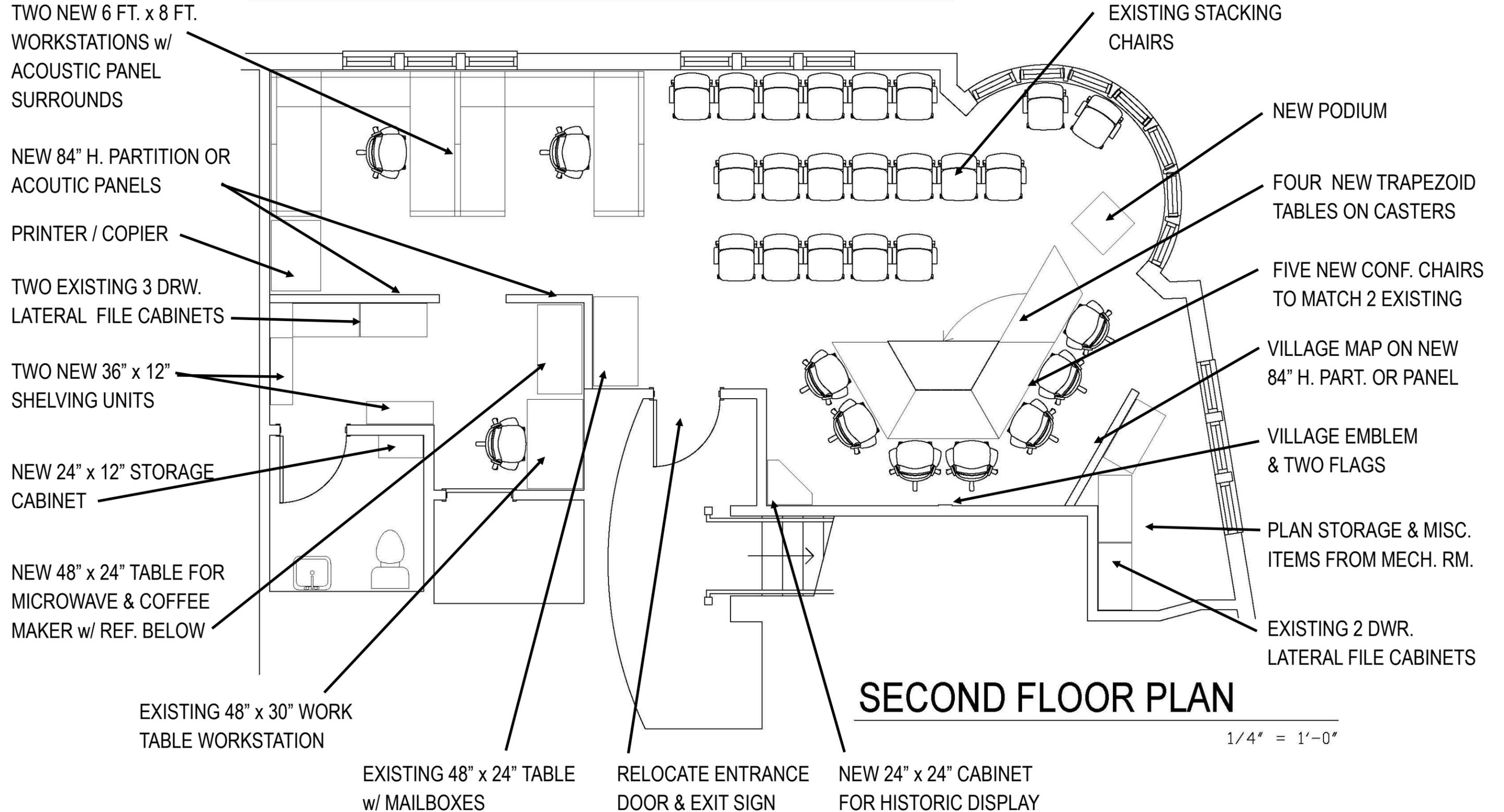
- Please see report from Doug Lohmeyer, attached.
- The state completed inlet repair on Brookville Road.

Building Administrator's Report Attached

8:50 PM Opportunity for Council to hear residents' comments: Krajeck

8:50 PM Adjournment: Krajeck

MARTIN'S ADDITION OFFICES



SECOND FLOOR PLAN

1/4" = 1'-0"



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

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, non-Village business may be included in *Martin's Edition*, provided that the information

- (1) is submitted by a current Martin's Additions resident;
- (2) pertains to a not-for-profit organization or community event (e.g., a block party);
- (3) is 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: 11/17/16
Effective Date: 12/6/2016

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 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 7th day of November, 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 15th day of December, 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 7-209. 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, ~~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 7-403. 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

Susan Fattig, Secretary

Richard Krajeck, Chair
Village Council

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