

**Village of Martin's Additions**

7013 Brookville Road (Suite B, 2nd floor)

Chevy Chase, MD 20815-3263

**Agenda for**

**Council Meeting**

**January 19, 2017**

*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 December 15, 2016 Monthly Council Meeting: Krajeck
- 7:40 PM Amendment to Policy 9-16-01: Policy for Inclusion in Martin's Edition: Krajeck
- 7:50 PM Discussion of Ordinance 1-17-1 To Amend the Code of Ordinances to Further Regulate the Construction of Curb Cuts, Driveways, and Aprons in the Public Right-of-Way: Krajeck
- 8:05 PM Financial matters, including Treasurer's Report: Alexander
- 8:10 PM Manager's Report, including: street repaving; sidewalks; streetlights; RFPs and contracts: Trollinger
- 8:20 PM Opportunity for Council to hear residents' comments: Krajeck
- 8:30 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 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.: 1-17-1  
Introduced: January 19, 2017  
Adopted:  
Effective Date:

**THE VILLAGE OF MARTIN'S ADDITIONS**

**SUBJECT:** AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO FURTHER REGULATE THE CONSTRUCTION OF CURB CUTS, DRIVEWAYS, AND APRONS IN THE PUBLIC RIGHT-OF-WAY.

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, 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 January 19, 2017;

WHEREAS, the Council has considered the construction, alteration, and replacement of curb cuts, driveways, and driveway aprons in the public right-of-way and finds that the Code of Ordinances should be amended to further regulate the same;

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 \_\_\_\_\_, 2017, 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 6-101. Definitions**

For the purposes of this Chapter, the following words and phrases shall have the following meanings:

\* \* \*

- (g) "Council" means the Village Council of the Village of Martin's Additions.
- (h) "Curb cut" means a break in the continuity of the curb in a public right-of-way for allowance of vehicular access to an adjoining parcel, or where there is no curb, the intersection of the driveway and edge of the improved roadway.
- (hi) "Dumpster" means a large container, including, but not limited to, a detached wheeled trailer, designed or used to store rubbish, construction and/or demolition debris, or other material to be discarded.

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\* \* \*

(Ord. No. 5-13-1, adopted 9/9/13, effective 10/10/13; Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16; Ord. No. 4-16-1, effective 7/6/16).

\* \* \*

**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~~
- 3)4) Add to, install, replace, alter, construct, re-construct, repair or improve any curb cut, driveway, or driveway apron; or
- 4)5) 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.

(c) Repairs.

Notwithstanding paragraph (b) above, no building permit shall be required in the case of ordinary repairs or maintenance, as defined in Section 6-101, and no building permit shall be required for any of the above described activities occurring entirely within the interior of a building. Emergency re-construction, repair or excavation may be undertaken without first securing a building permit, except that such permit shall be applied for as soon as possible after the need for such activities becomes known.

\* \* \*

(Ord. No. 5-13-1, adopted 9/19/13, effective 10/10/13; Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16; Ord. No. 10-16-1, adopted 12/15/16, effective 1/4/17)

\* \* \*

**Section 7-402. Construction Standards and Requirements**

\* \* \*

(i) **Curb Cuts.** There shall be no more than one curb cut on any lot, the width of which shall be no greater than twenty (20) feet, inclusive of the turning radii, provided however, that two (2) curb cuts shall be permitted on lots requiring vehicular access to Brookville Road to allow the construction of a circular driveway, the width of which shall be no greater than fourteen (14) feet at the curved portions of the driveway.

(j) **Driveways and driveway aprons.**

**(1) Width.** No driveway on private property or within the public right-of-way shall exceed ten (10) feet in width in front of the front building line. Driveway width includes the width of any adjoining or adjacent surface comprised of the same material as the driveway. Notwithstanding the foregoing, a driveway that is wider than ten (10) feet as of June 16, 2009 may be replaced or repaired provided that such replacement or repair shall not increase the width of the driveway.

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**(2) Permit considerations.** Except as may be determined by the Code Enforcement Officer, the construction of a curb cut, driveway, or driveway apron shall comply with published Montgomery County standards. In addition, the Code Enforcement Officer shall grant a permit to construct or expand a curb cut, driveway, or driveway apron only if the proposed construction would not interfere with the public health, safety, or welfare, as may be determined by the Code Enforcement Officer. In determining whether the construction would interfere with the public health, safety, or welfare, the Code Enforcement Officer may consider the following:

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- (i) Location of trees, hedges, berms, and shrubbery or other plant growth;
- (ii) Location of fences, walls, or other structures;
- (iii) Location of public utilities;
- (iv) Location of public and private improvements in the public right-of-way;
- (v) Possible obstruction of pedestrian and/or motorist visibility; and
- (vi) Other factors as may be determined by the Code Enforcement Officer to be necessary to protect the public health, safety, or welfare.

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(3) Initial construction. The applicant shall be responsible for all costs associated with initial construction and/or expansion of a curb cut, driveway, and/or driveway apron.

(4) Maintenance. The Village shall maintain and repair existing curb cuts, driveways, driveway aprons, and public sidewalks within a public right-of-way as necessary to address wear and tear from ordinary use, unless such maintenance or repair is necessitated by the actions of the property owner or the property owner's tenants, guests, or invitees. The use of a driveway or driveway apron by trucks or construction equipment shall not be considered ordinary use. Notwithstanding the foregoing, the Village shall not be obligated maintain and repair any existing curb cuts, driveways, or driveway aprons that include betterments, or alternative materials, installed by property owners. Such betterments, or alternative materials, shall not be installed by property owners without the permission of the Village, according to the provisions of Section 7-209.

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(5) Removal. In the event a curb cut, driveway, or driveway apron within a public right-of-way is removed, the property owner previously served by the curb cut, driveway, or driveway apron shall restore the public right-of-way by installing a curb, sidewalk, grass or other ground cover and plantings consistent with the adjacent area as determined by the Code Enforcement Officer.

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\* \* \*

(Ord. No. 4-09-2, adopted 5/27/09, effective 6/16/09; Ord. No. 4-10-1, adopted 6/17/10, effective 7/8/10; Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16)

\* \* \*

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 \_\_\_\_\_, 2017.

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

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

	<u>Dec 16</u>	<u>Budget</u>	<u>Jul - Dec 16</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
<b>Income</b>					
<b>4000 · Revenue</b>					
4010 · Permit Fees		1,666.00	2,663.00	9,996.00	20,000.00
4020 · Cable TV Franchise Fees		2,000.00	2,057.96	4,000.00	8,000.00
4040 · County Revenue Sharing			26,907.00	26,800.00	26,800.00
4050 · Highway Users Fees	1,019.04	1,000.00	17,624.34	18,000.00	23,000.00
4060 · Income Tax			334,432.44	150,000.00	600,000.00
4080 · Personal Property Tax	71.05	4,700.00	4,073.05	5,700.00	6,000.00
4090 · Real Property Tax	3,097.52		86,844.38	81,100.00	150,000.00
4095 · Utility Property Tax		1,000.00	0.00	1,000.00	12,300.00
4100 · Holiday Fund	8,990.00	6,300.00	8,990.00	6,300.00	6,500.00
4110 · Interest	825.66	164.00	4,784.02	741.00	4,000.00
4140 · Washington Gas - Street Work			72,898.20		
<b>Total 4000 · Revenue</b>	<u>14,003.27</u>	<u>16,830.00</u>	<u>561,274.39</u>	<u>303,637.00</u>	<u>856,600.00</u>
4200 · Prior Years Surplus	0.00		0.00	2,562,376.00	2,562,376.00
<b>Total Income</b>	<u>14,003.27</u>	<u>16,830.00</u>	<u>561,274.39</u>	<u>2,866,013.00</u>	<u>3,418,976.00</u>
<b>Expense</b>					
<b>5000 · General Government</b>					
5010 · Office Expenses	911.47	1,500.00	5,347.40	9,000.00	18,000.00
5025 · Office Furniture & Equipment			0.00	6,000.00	12,000.00
5030 · Insurance	90.00	170.00	5,214.00	5,000.00	5,000.00
5040 · Printing & Mailing	443.12	1,250.00	643.12	2,500.00	5,000.00
5050 · Dues & Subscriptions/Conference		120.00	3,807.54	5,120.00	10,000.00
5055 · Storage Rental	257.00	268.00	1,285.00	1,608.00	3,200.00
5060 · Office Lease	2,190.67	2,191.00	17,141.21	16,854.00	30,000.00
5065 · Telephone		250.00	1,086.32	1,500.00	3,000.00
5080 · Holiday Fund	8,132.00	6,300.00	8,132.00	6,300.00	6,500.00
<b>Total 5000 · General Government</b>	<u>12,024.26</u>	<u>12,049.00</u>	<u>42,656.59</u>	<u>53,882.00</u>	<u>92,700.00</u>

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

	<b>Dec 16</b>	<b>Budget</b>	<b>Jul - Dec 16</b>	<b>YTD Budget</b>	<b>Annual Budget</b>
<b>5100 - Salaries &amp; Benefits</b>					
<b>5110 - Managerial &amp; Office Salaries</b>	8,212.12	11,000.00	48,709.64	66,000.00	132,000.00
<b>5120 - Payroll Taxes &amp; Benefits</b>	979.84	1,924.00	5,826.82	11,504.00	23,000.00
<b>Total 5100 - Salaries &amp; Benefits</b>	9,191.96	12,924.00	54,536.46	77,504.00	155,000.00
<b>5200 - Professional Fees</b>					
<b>5210 - Accounting &amp; Auditing</b>	3,000.00	3,000.00	23,800.00	24,000.00	42,000.00
<b>5220 - Building &amp; Permitting</b>					
<b>5222 - Building Review &amp; Permits</b>	2,700.00	1,663.00	16,800.00	9,998.00	20,000.00
<b>5224 - Enforcement &amp; Oversight</b>	2,185.00	1,000.00	3,330.00	6,000.00	12,000.00
<b>5226 - Municipal Operations</b>	1,607.50	1,500.00	3,092.50	9,000.00	18,000.00
<b>Total 5220 - Building &amp; Permitting</b>	6,492.50	4,163.00	23,222.50	24,998.00	50,000.00
<b>5230 - Legal</b>	1,475.00	4,174.00	16,286.00	25,004.00	50,000.00
<b>5240 - Police</b>	2,368.30	2,500.00	14,609.51	15,000.00	30,000.00
<b>5242 - Lighting Consultant</b>		1,250.00	0.00	2,500.00	5,000.00
<b>5244 - Traffic Engineering</b>			2,387.00	750.00	3,000.00
<b>Total 5200 - Professional Fees</b>	13,335.80	15,087.00	80,305.01	92,252.00	180,000.00
<b>5300 - Streets</b>					
<b>5305 - Streets - General</b>					
<b>5310 - Street Lighting - PEPCO</b>	1,306.67	1,300.00	5,943.92	7,950.00	16,000.00
<b>5322 - Street Cleaning - Fall/Spring</b>	10,054.47		10,054.47	14,000.00	28,000.00
<b>5324 - Street Maintenance - Other</b>		1,250.00	242.50	7,500.00	15,000.00
<b>Total 5305 - Streets - General</b>	11,361.14	2,550.00	16,240.89	29,450.00	59,000.00
<b>5349 - Snow Removal Services</b>					
<b>5350 - Snow Removal - Shovel Bvl. Rd.</b>			0.00		5,000.00
<b>5351 - Snow Removal - Plowing</b>	700.00		700.00		20,000.00
<b>Total 5349 - Snow Removal Services</b>	700.00		700.00		25,000.00
<b>Total 5300 - Streets</b>	12,061.14	2,550.00	16,940.89	29,450.00	84,000.00

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

	<u>Dec 16</u>	<u>Budget</u>	<u>Jul - Dec 16</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
<b>5400 · Waste &amp; Recycling</b>					
5410 · Waste Collection & Recycling	6,961.76	7,100.00	48,498.32	42,400.00	85,000.00
5420 · Leaf Bags			13,955.00	14,025.00	14,025.00
5425 · Recycling Bins		500.00	13.57	500.00	1,000.00
<b>Total 5400 · Waste &amp; Recycling</b>	<u>6,961.76</u>	<u>7,600.00</u>	<u>62,466.89</u>	<u>56,925.00</u>	<u>100,025.00</u>
<b>5500 · Other</b>					
5510 · Tree Maintenance		6,000.00	870.00	16,000.00	35,000.00
5515 · Tree Replacement			0.00	4,000.00	4,000.00
5518 · Right-of-Way Landscaping	1,399.38	500.00	4,077.24	3,000.00	6,000.00
5520 · Community Events			5,021.10	2,000.00	10,000.00
5530 · Website	114.90	165.00	1,879.44	740.00	1,500.00
<b>Total 5500 · Other</b>	<u>1,514.28</u>	<u>6,665.00</u>	<u>11,847.78</u>	<u>25,740.00</u>	<u>56,500.00</u>
<b>5600 · Initiatives</b>					
5620 · Street Light Study	832.50		2,464.35		
5630 · Tree Planting Initiatives Prog.	0.00		0.00	4,000.00	4,000.00
<b>Total 5600 · Initiatives</b>	<u>832.50</u>		<u>2,464.35</u>	<u>4,000.00</u>	<u>4,000.00</u>
<b>5800 · Designated Funds</b>					
5810 · Designated - Street			163,538.98	500,000.00	500,000.00
5811 · Designated Street Lighting			0.00	500,000.00	500,000.00
5812 · Designated - Sidewalk			0.00	250,000.00	250,000.00
5813 · Designated - Wynne Decision			0.00	150,000.00	150,000.00
<b>Total 5800 · Designated Funds</b>	<u>0.00</u>		<u>163,538.98</u>	<u>1,400,000.00</u>	<u>1,400,000.00</u>
<b>5900 · Undesignated Fund Balance</b>			0.00	1,346,751.00	1,346,751.00
<b>Total Expense</b>	<u>55,921.70</u>	<u>56,875.00</u>	<u>434,756.95</u>	<u>3,086,504.00</u>	<u>3,418,976.00</u>
<b>Net Income</b>	<u><u>-41,918.43</u></u>	<u><u>-40,045.00</u></u>	<u><u>126,517.44</u></u>	<u><u>-220,491.00</u></u>	<u><u>0.00</u></u>

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

FROM: Doug Lohmeyer

DATE OF MEMO: January 16, 2017

SUBJECT: Building Administrator's Report

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**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 appears to be finished and I made a final site visit. The improvements, at the rear of the house, appear to be in accordance with the approved building permit plans. I recommend that the building permit be closed.

However, five sections of recently poured concrete sidewalk, within the Village right of way, are spalling (showing stones at the surface). I have advised the applicant to replace the five sections of spalling concrete sidewalk. I recommend holding the \$2500 performance bond until the Village sidewalk is acceptable.

**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**

The improvements to the house, the addition, the front porch, and the new deck above the old garage appear to be finished. The two, new A/C compressors, original located on the

east side of the house, have been relocated to the rear of the house, behind the new patio. I recommend the building permit be closed.

If the new slate sidewalk, within the Village right of way, is not an issue, the \$2500 performance bond should be returned.

### **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.

### **3510 Taylor Street**

The staff has noticed that the existing brick retaining wall within the Village right of way is collapsing, is a safety hazard, and is in need of immediate repair. The staff is attempting to contact the homeowner. A right of way license will be required.

### **3512 Taylor Street**

The staff noticed that when the retaining wall was re-built, the contractor left a 2-inch-wide depressed area between the existing Village sidewalk and the base of the new wall, which may cause a pedestrian to trip and fall. The staff is attempting to contact the homeowner to correct the situation.

### **3405 Thornapple St.**

The applicant has submitted a building permit application, which has been reviewed and approved by staff and MCDPS. The staff has issued a building permit to relocate the existing house to the adjacent lot and add improvements to the old structure. The improvements include a new curb cut and driveway.

### **MSHA – Brookville Road**

MSHA maintenance crews have been completed the repairs to the inlet in Brookville Rd., just north of Shepherd St. They also are investigating the water ponding at the northeast corner of Brookville Rd. and Bradley La.

## **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. The GIS update is on hold. Staff is preparing a RFP for the GIS system.