

TOWN OF CHEVY CHASE  
COUNCIL MEETING  
TOWN HALL  
June 11, 2014

OPEN SESSION TO VOTE TO ENTER CLOSED SESSION (6:00 p.m.)

The Town Council will meet in open session for the purpose of voting to enter a closed session pursuant to the Open Meetings Act, Maryland Code, State Government Article, Section 10-508(a)(7) to consult with counsel to obtain legal advice, including advice related to an Open Meetings Act complaint and a Maryland Public Information Act request; and pursuant to Section 10-508(a)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto.

REGULAR MEETING (7:00 p.m.)

- I. GENERAL BUSINESS (7:00-7:15 p.m.)
  - A. Call to Order
  - B. Pledge of Allegiance
  - C. Public Comments
  
- II. VARIANCE HEARINGS (7:15-7:45 p.m.)
  - A. [Castineira, 7707 Maple Avenue, Side Yard Setbacks](#)
  
- III. DISCUSSIONS & PRESENTATIONS (7:45-9:45 p.m.)
  - A. [Purple Line Lynn Drive Crossing \(Purple Line Mitigation Advisory Group\)](#)
  - B. [Lawton Center Traffic Study \(Public Services Committee\)](#)
  - C. [Town Use of Social Media](#)
  - D. [Town Investment Policy](#)
  - E. [Compost Subsidy](#)
  - F. [Speed Hump Request – 7200 Block of Oakridge Avenue](#)
  
- IV. GENERAL/NEW BUSINESS (9:45-10:00 p.m.)
  - A. Approval of Minutes of May 14 Council Meeting
  - B. Approval of May 2014 Financial Report
  - C. [Town Manager's Report](#)
  - D. New Business
  
- V. ADJOURNMENT (10:00 p.m.)

# STAFF REPORT

II-A

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Castineira, 7707 Maple Avenue, Side Yard Setback  
DATE: June 11, 2014

## **Variance Requested:**

Lourdes Castineira, 7707 Maple Avenue, is requesting two variances from Town building regulations to construct a 2-story addition on each side of the existing house. Both additions will replace existing 1-story structures.

The proposed addition on the north side of the house would project 5.1 feet into the 14.0 foot required side yard setback. The proposed addition on the south side of the house would project 3.2 feet into the 9.4 foot required side yard setback. Town building regulations do not allow an addition to project into the side yard setback; therefore, variances of 5.1 and 3.2 feet are required.

## **Background:**

The lot is 78 feet wide at the front building restriction line, resulting in a required side setback for the sum of both sides of 23.4 feet, and a minimum setback on one side of 9.4 feet. The encroachment into the north side setback measures approximately 33.1 square feet per floor. The encroachment into the south side setback measures approximately 12.8 square feet per floor.

As of June 4, the Town has not received any correspondence from the public about the variance requests. Any comments received by the Town will be provided to the Council at the public hearing.

*Staff note: The following assertions summarize materials provided by the applicant in support of the variance request. Their inclusion in the Staff Report does not intend to convey staff support for the approval or denial of the variance request. The applicant should indicate to the Council if any arguments have been misrepresented. Council should consider the entire record in considering the variance requests.*

## **Applicant Claims for the Variance Request:**

1. The variance is requested because the property is unusually shaped. The property is pie shaped which results in side yard setbacks that are very wide when applied to the lot at the location of construction.
2. Approval of the variance is requested because conforming to the Town's building ordinance would be impossible. The additions are proposed to re-use foundations that exist under non-conforming structures of the home. There is no other location on the lot that would accommodate the additions.
3. Approval of the variance will not be detrimental to the use and enjoyment of neighboring properties. The building footprint of the house does not change. The

project includes replacing the siding on the entire house, which will make the additions appear as if they are part of the original house.

4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. There are already structures in the proposed locations. The proposed additions will improve the existing non-conforming structures and improve the house.
5. The request does not impair the general plan of the Town. The additions will not increase the existing footprint of the foundation. The additions will improve the curb appeal of the property, thereby improving the neighborhood.

## MEMORANDUM

**TO:** Town Council  
**FROM:** Mary Anne Hoffman, Chair, Purple Line Mitigation Advisory Group  
**DATE:** June 6, 2014  
**RE:** Purple Line Lynn Drive Crossing

The Maryland Transit Administration (MTA) has proposed one more design for a grade-separated pedestrian crossing of the Purple Line tracks near Lynn Drive. MTA is willing to include this design in the Request for Proposals (RFP) it will issue to prospective P3 bidders on June 27 if the Town so requests by Friday, June 13. The design can be inserted as a “placeholder” in the RFP pending a public hearing and further Council deliberation, but MTA would like a final Town decision by August 30, 2014 about whether it wants the crossing built. Currently, there is no Lynn Drive crossing included in the RFP specs.

The following proposed crossing differs from the most recent plan specifically in that it lowers the overall south retaining/sound wall. With no underpass at all, the wall will be approximately 17.21 feet or 1 ½ stories tall. According to the MTA elevations, with the last underpass plan, the wall would have been 28.21 feet tall. With this plan it will be 22.71 feet tall.

### **Features of the proposed crossing (drawings and elevations illustrated in [Exhibit A](#)):**

- Utilizes the Town’s existing (but non-ADA-compliant) Lynn Drive path to the Trail
- From the path, a 5-foot wide sidewalk would be built on County right-of-way along the south side of the tracks for approximately 250 feet towards Bethesda to
- A 10-foot high, 14-foot wide pedestrian underpass beneath the tracks
- Underpass would go under the Purple Line and Capital Crescent Trail, culminating at steps to Montgomery Avenue and switchback ramps to the Capital Crescent Trail and Montgomery Avenue
- To accommodate the underpass, the tracks will be raised between 5 and 7 feet
- Height of the wall at its highest point seen from the Town will be 22 feet; this includes retaining wall for tracks plus noise wall
- Underpass goes under the Trail, so no negative experience for Trail users since Trail will not be surrounded by high walls

### **Issues related to the crossing:**

- Requires full property acquisition of 4306 Montgomery Avenue; a County official estimated order-of-magnitude cost of \$1 million; unclear who would pay, but MTA says it will not

- Town would be required to pay for temporary construction easement at 7508 Lynn Drive to build sidewalk, and Town would build and maintain the sidewalk
- Town connection is not ADA-compliant, another potential cost if corrected
- MTA says it is feasible to built an ADA-compliant bridge to the underpass on the Town side if the Town acquires appropriate property
- 5-foot walkway leading to underpass is narrow and would abut 7508 Lynn Drive and at least one other Lynn Drive backyard
- 7508 Lynn Drive will experience temporary construction impact (and the cost for the easement will be the Town's responsibility)
- A memorandum of understanding between the Town and County would be needed regarding maintenance of the underpass

**The Town's options:**

- Request the tracks be built to accommodate MTA's new underpass design
- Request the tracks be built to accommodate the new underpass design except that it would be accessed by an ADA-compliant bridge from Lynn Drive, as proposed in a previous crossing option (see [Exhibit B](#))
- Request the tracks be built to accommodate MTA's new underpass design but put off final decision-making until a much later date (underpass could be bricked up and reopened at a later date. Note: if this action is taken and Town ultimately decides against the underpass, the wall on Town side would have been constructed at the additional height for naught)
- Accept that no Lynn Drive crossing will be built and that Town residents will reach the Trail and north side of the tracks from Elm Street Park at Pearl Street or the stairs and ramp at East-West Highway

**MAG Recommendation:**

The Mitigation Advisory Group recommends that the Town requests that MTA include in the RFP tracks built to accommodate the proposed underpass as a placeholder until August 30, 2014. In the meantime, the Town will secure cost estimates and discuss cost-sharing with the County, explore different access points from Lynn Drive and hold a public hearing in order to present its final crossing preference by August 30.

# # #

To: The Town of Chevy Chase Town Council

From: David B. Eason, Chair Public Services Committee

Re: Lawton Center Cut Thru Traffic

Date: May 19, 2014

The PSC formally requests that a traffic study be implemented to address the Lawton Center "cut thru" traffic issue. We have had preliminary discussions with Dan Lovas on this and he is willing to prepare a formal proposal to obtain traffic counts once the Council approves same. The reason(s) for requesting the study are as follows:

- The cut thru traffic poses a danger to residents and children
- The Lawton Center parking lot is not a street
- Accidents caused by cut thru traffic pose a potential liability to the Town
- We need to do traffic counts in order to determine the number of vehicles that cut thru the parking lot during specific hours (specifically between the weekday hours of 4 PM to 6 PM)
- After completion of the study, the PSC will make a formal recommendation(s) to the Council on the study conclusions/recommendations
- The PSC recommends that the study be implemented before the summer holidays and be done on a Tuesday, Wednesday and Thursday from 7 AM to 7 PM
- VHB has provided (2) cost estimates for the traffic study: 1) Cut Thru Study- One camera to count total number of vehicles entering/exiting the parking lot and the number of vehicles cutting thru the parking lot. The cost for this is approximately \$110/hour so a 36 hour study will cost about \$4K. This is the simplest approach. 2) Origin- Destination Study- Two cameras are used (one at each end of the parking lot) with the footage being used to compare license plates of vehicle's entering/exiting each driveway to identify cut thru traffic. This cost is about \$215 per hour or approximately \$7,700. On top of the costs of data collection would be VHB's time to review and summarize the data for PSC review
- The PSC requests that the Council be polled via email so that permission can be granted to have the study done in early June before the summer holiday's

Thank you for your attention to this matter. Please let me know if you require any additional information at this time.

# MEMORANDUM

III-B

TO: Town Council  
FR: Eric Glidden, Management Assistant  
THRU: Todd Hoffman, Town Manager  
RE: Town Use of Social Media  
DATE: June 11, 2014

At the May 14 Council Meeting, Aki Peritz, member of the Community Relations Committee, presented a proposal for the Town to use Facebook and Twitter as additional resident communication tools. At this meeting, Council asked Town staff to meet with Aki and Mary Flynn, moderator of the Townneighbors listserv, to consider implementation issues prior to the launch of these social media applications. In particular, Council asked for recommendations regarding public postings and privacy settings.

The Town website is able to automatically feed Town news, agenda and calendar postings to Facebook and Twitter, and we recommend using this functionality upon deployment of these applications. In addition, staff would replicate Town Crier messages on both Facebook and Twitter, as the messages cannot be automatically fed to these applications at this time.

We also recommend the following settings upon initial deployment of Facebook and Twitter:

- Comments on Town Facebook postings will be allowed and moderated; however, public postings will not be allowed.
- Allow Town Tweets to be public, rather than restrict them to Town Twitter followers.

Finally, we recommend adopting a social media policy prior to the launch of these applications to establish a standard for oversight of all Town social media applications. Staff is drafting a policy for Council review.

## MEMORANDUM

III-D

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Town Investment Policy  
DATE: June 11, 2014

On May 29, Vicky Taplin, Al Lang and I met to discuss the Town's Investment Policy (attached) and how to proceed with considering alternative investments of Town reserve monies.

At this meeting, we agreed to ask Ron Bolt to review the Town's existing investment policy to ensure that it is consistent with current state law and to identify any discretionary terms that Council may wish to include in the policy. We also agreed to identify tasks that could be included in a RFI/RFQ (Request for Information/Request for Qualifications) that the Council may wish to issue to prospective financial advisors.

Ron Bolt and I have reviewed the Town's investment policy and have met with Vicky and Al to review our findings and recommendations. In addition, staff is currently researching municipal RFQ's for financial advisory services.

A discussion of the Town's investment policy and a RFI/RFQ will be scheduled at a subsequent Council meeting.

# Town of Chevy Chase

## Investment Policy

### 1.0 Policy

It is the policy of the Town of Chevy Chase to invest public funds in a manner which will provide a competitive rate of return with maximum security while meeting the daily cash flow demands of the Town and conforming to all state and local statutes governing the investment of public funds.

### 2.0 Scope

This investment policy applies to all financial assets of the Town of Chevy Chase. These funds are accounted for in the Town's Annual Report.

### 3.0 Prudence

Investments will be made with care, skill, prudence and diligence under the circumstances then prevailing that prudent persons acting with discretion and intelligence exercises in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

3.1 The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

### 4.0 Objective

The primary objectives, in priority of the Town of Chevy Chase's investment activities shall be:

4.1 Safety: Safety of principal is the foremost objective in the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification, third party collateralization and safekeeping will be required.

4.2 Liquidity: The Town's investment portfolio will remain sufficiently liquid to enable the Town to meet all operating requirements which might be reasonable anticipated.

4.3 Return on investment: The Town's investment portfolio shall be designed with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate the Town's investment risk constraints and cash flow characteristics of the portfolio.

## 5.0 Delegation of Authority

Authority to manage the Town's investment program is derived from state law (Article 95 and Title 6 of the Finance and Procurement Article of the Annotated Code of Maryland) and the Town's Charter Section 205.(b)(8). Management responsibility for the investment program is hereby delegated to the Treasurer of the Town Council, who shall establish procedures for the operation of the investment program consistent with this investment policy. The Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls.

## 6.0 Ethics and Conflict of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the Council any material financial interest in financial institutions that conduct business with the Town and also disclose any large personal financial/investment positions that could relate to the performance of the Town, particularly with regard to the time of purchases and sales.

## 7.0 Authorized Financial Dealers and Institutions

The Treasurer will maintain a list of all financial institutions authorized to provide investment services. All financial institutions who desire to become qualified bidders for investment transactions must supply the Treasurer with audited financial statements, proof of National Association of Security Dealers certification, proof of state registration and certification of having read the Town's investment policy.

7.1 An annual review of the financial condition and registrations of qualified bidders will be conducted by the Treasurer. A current audited financial statement is required to be on file for each financial institution and broker/dealer in which the Town invests.

## 8.0 Authorized and Suitable Investment

The Town of Chevy Chase is empowered by Maryland law to invest in securities described in Article 95. Section 22 and State Finance and Procurement Article, Section 6-222 of the Annotated Code of Maryland. (a copy of which is attached hereto). Notwithstanding the foregoing the Town is empowered by statute to shall invest in the following types of securities:

- Government and US Government Obligations
- Certificates of Deposit
- Prime Commercial Paper
- Investment pools as authorized by the State of Maryland
- Repurchase agreements collateralized with US Treasury Bills, Notes or Bonds

If repurchase agreements are included in the portfolio, a Master Repurchase Agreement must be signed by the financial institution or dealer.

## 9.0 Borrowing

The Town will not borrow solely for the purpose of investment and may not invest in a manner inconsistent with the Investment Policy.

## 10.0 Collateralization

Collateralization will be required on two types of investments: certificates of deposit and repurchase agreements. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 102% of market value of principal and accrued interest.

Collateral will always be held by an independent third party with whom the entity has a current custodial agreement. A clearly marked evidence of ownership must be supplied to the Town and retained. The right of collateral substitution is granted.

## 11.0 Safekeeping and Custody

All security transactions, including collateral for repurchase agreements, entered into by the Town, shall be conducted on a deliver-versus payment (DVP) basis. Securities will be held by a third party custodian designated by the Treasurer and evidenced by safekeeping receipts.

## 12.0 Diversification

The Town will diversify its investments by security type and institution. With the exception of US Treasury securities and authorized pools, no more than 50% of the Town's total investment portfolio will be invested in a single security type or with a single financial institution.

## 13.0 Maximum Maturities

To the extent possible, the Town of Chevy Chase will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the Town will not directly invest in securities maturing more than five years from the date of purchase. However, the Town may collateralize its repurchase agreements using longer-dated investments not to exceed years to maturity.

13.1 Reserve funds may be invested in securities exceeding five years if the maturity of such investments are made to coincide as nearly as practicable with the expected use of the funds.

## 14.0 Internal Control

The Treasurer shall establish an annual process of independent review by an external auditor. This review will provide internal control by assuring compliance with policies and procedures.

## 15.0 Performance Standards

In general, the Town's investment policy is passive. Given this, the basis used by the Treasurer to determine whether market yields are being achieved shall be the six-month US Treasury Bill and average Fed Funds rate.

## 16.0 Reporting

The Treasurer shall include a report on investment activity and returns in the Town's Financial Report. Reports will include performance, market sector breakdown, number of trades, interest, earnings and other material information.

## 17.0 Investment Policy Adoption

The Town's investment policy shall be adopted by resolution of the Town Council. The policy shall be reviewed annually by the Council and any modifications made thereto must be approved by the Town Council.

# MEMORANDUM

III-E

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Compost Subsidy  
DATE: June 11, 2014

At the June meeting, Council is scheduled to discuss whether to subsidize the cost of compost products purchased by residents who participate in the Town's organic waste collection program.

The Compost Crew, the Town contractor that collects organic waste, has offered to partner with the Town in the sale of compost products to Town residents. They have offered to cover 10% of the cost of any compost soil product purchased by Town residents if the Town covers an additional percentage of its choosing (10%, 15%, 20% etc.).

Compost Crew would bill the Town monthly for the Town's share of the subsidy. They are willing to extend these discount prices year-round if the Council chooses to do so. Compost Crew offered this incentive in Takoma Park which has approximately double the number of participants, and, by offering a 15% subsidy, Takoma Park was billed approximately \$100 extra per month.

The following products are available for Town residents to purchase on the Compost Crew website:

- 1 cubic foot of compost= \$9.99
- 8 quarts of potting soil= \$8.99
- 2 lbs. of worm castings= \$8.99
- 1 cubic foot of garden mix= \$10.99

Staff recommends that Council consider providing a subsidy equal to 90% of the cost of the composting products to those Town residents who currently participate in the organic waste collection program. Orders would be limited to two products per residence per year. Costs are difficult to anticipate since it is based on number of participants; however, if each resident who currently participates in the program purchased two bags of compost each year, the cost to the Town would be approximately \$4,500.

# MEMORANDUM

III-F

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Speed Hump Request (7200 Block of Oakridge Avenue)  
DATE: June 11, 2014

In April, the Town received the attached request for speed humps on the 7200 block of Oakridge Avenue. Since the request was made by more than three separate households, the Town staff commissioned a speed and traffic study for this block.

The results of the study, which are attached, show that the road segment in question does not meet either of the qualifying thresholds outlined in the Town's speed hump policy, specifically a minimum of 120 vehicles per day exceeding 30 mph or a minimum of 20 vehicles exceeding 30 mph during any hour of the day.

The Town's speed hump policy, attached, states that if the road segment does not meet these thresholds, the requestor(s), the PSC or the Town Council may propose significant mitigating factors in support of the request. Staff contacted the primary requestor to relay the results of the traffic study. (Note: Two studies were performed on this block based on concerns expressed by the requestor about the location of the speed sensors during the first study). Email correspondence between the Town and the requestor is attached. Staff also relayed the results of the traffic study to the PSC, which did not propose any mitigating factors in support of the request.

Council is asked to determine whether to proceed with consideration of this request.

# MEMORANDUM

IV-C

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Town Manager's Report  
DATE: June 11, 2014

This report highlights many of the initiatives undertaken by Town staff over the past month. In the interest of brevity, I have not included ongoing staff functions. Please let me know if you have any questions or need additional information.

### **Committee/Board/Commission Assistance:**

- Met with Election Board members to review 2014 election.
- Worked with the Community Relations Committee and Climate & Environment Committee to plan special events.

### **Special Projects:**

- Met with Vicky Taplin and Al Lang re. Town investment policy.
- Met with Aki Peritz and Mary Flynn to discuss implementation of social media.
- Met with MCPS officials re. proposed portable classrooms at CCES.
- Implemented new parking restrictions on 7200 block of Oakridge Avenue.
- Continued working with landscaping consultant on Meadow Lane right-of-way improvements.
- Continued working with consultant on street lighting improvements along E-W Highway.
- Worked on responses to MPIA requests and OMA complaint.
- Interviewed CPA firm to perform FY2014 audit.
- Completed spring flower plantings.
- Prepared for spring/summer asphalt and concrete repairs.
- Continued oversight of street signage inventory.
- Continued enforcement of overgrown vegetation on Town rights-of-way.
- Attended multiple meetings re. proposed Purple Line project.
- Attended MML Convention.