

TOWN OF CHEVY CHASE
TOWN COUNCIL MEETING
January 14, 2004

Present: Mier Wolf, Mayor; Bill Hudnut, Vice Mayor; Rob Enelow, Treasurer; Linna Barnes, Secretary; Martha Covell, Community Liaison; Todd Hoffman, Town Manager; Marty Hutt, Town Attorney; and Andi Silverstone, Town Clerk. Residents and guests: Shekhar Aiyar and Franziska Ohnsorge, 4505 Elm Street; Charles Bargerstock, 4222 Oakridge Lane; Greg Bitz, resident; Jim Blakely, 4409 Elm Street; Pam Browning and Joe Frankl, 4317 Elm Street; Ann Cowgill, 7506 Tarrytown Road; Grant Davies, Director of the Bethesda Fire Board; Dave Eason, 7507 Lynn Drive; Brian Ernst, 4404 Elm Street; Cynthia Esty, 4506 Elm Street; Susan Fix, 7508 Lynn Drive; Joel Miller, 4212 Oakridge Lane; Eric Murtagh, 4400 Elm Street/7210 Ridgewood Avenue; John Murtagh, 7002 Maple Avenue; William Pritchard, 7211 Ridgewood Avenue; Marty Saggese, 4220 Oakridge Lane; and Bill Simon, 4506 Elm Street.

I. General Business

A. Call to order – 7:30 p.m.

Mayor Wolf called the meeting to order at 7:40 p.m.

B. Pledge of Allegiance to the Flag

The Mayor led those in attendance in the pledge of allegiance to the United States of America.

C. Comments, questions, suggestions from residents

John Murtagh, 7002 Maple Avenue, had concerns about the meaning and provisions of a “grandfathering” clause in County Councilmember Howard Denis’ proposed bill to control heights of residential buildings. Councilmember Barnes offered to look into the provision. It was the sense of the Council to ask Town resident Sally Kelly, 7300 Oak Lane, to be on the committee, established by the Maryland-National Capital Park and Planning Commission. This committee will review the proposed legislation and report to the County Council. The committee has sixty days to review the bill and make a recommendation.

Town resident Greg Bitz came before the Council to offer the Town a conservation easement on a parcel of property in the Town that he plans to develop. The Mayor indicated that Councilmembers need more information and background on the concept before making an informed decision and would probably not be able to get back to Mr. Bitz on their decision until the February Council meeting.

Susan Fix, 7508 Lynn Drive, expressed concerns about safety problems for pedestrians near the Leland Center if a new traffic pattern, making Elm Street two-ways, is adopted. Ms. Fix was referring to the Traffic Study, which was presented by the

Town's Traffic Committee. Councilmember Covell pointed out that the committee has not made any recommendations yet and still has questions for the consultant.

Pam Browning, 4317 Elm Street, asked Mayor Wolf to discuss agenda item "Timeline for Consideration of Traffic Committee Proposal" first, because most of the residents in attendance at the meeting were there for that topic. (Note: As requested, the Mayor moved that agenda item up and the discussion took place at this time.)

D. Acceptance of Financial Report for December

Treasurer Rob Enelow presented the financial report for December. He pointed out that revenue expectations are down slightly due to a low August income tax distribution. The financial report for December was accepted.

E. Approval of Minutes of November and December Council Meetings

Councilmember Hudnut made a motion to approve the minutes of the November and December Council meetings. Councilmember Enelow seconded the motion and it passed unanimously.

II. Action

A. Variance, V04-09, 7506 Tarrytown Road, Roofed Porch Setback

Dr. Anne Cowgill and Dr. Scott Norton, 7506 Tarrytown Road, applied for a variance of 3 feet 6 inches from Town building regulations to construct a roofed, unenclosed porch that extends 6 feet 6 inches into the minimum required front yard setback.

The Town Manager described the hardships as presented by the applicant. He recommended approval of the variance.

After discussion, Councilmember Enelow made a motion to grant the variance. Councilmember Barnes seconded the motion, and it passed unanimously.

B. Public Hearing on Administrative Variances for Front Yard Retaining Walls

The Town Manager described the proposed legislation that would allow for administrative approval of variance requests for new or replacement front yard retaining walls. The purpose of the legislation is to streamline the process of approving retaining walls that are needed to support existing topographic grades and that do not impact openness or other objectives of Town building regulations.

Councilmember Enelow made a motion to pass the new legislation allowing for administrative approval for variances for retaining walls. Councilmember Barnes seconded the motion, and it passed unanimously.

III. Discussion

A. Effects of Traffic Calming Devices on Emergency Response, Grant Davies, Director, Bethesda Fire Department Board

Grant Davies, Director of the Bethesda Fire Department Board, came before the Council to discuss the effects of traffic calming devices on emergency response. Mr. Davies described three factors considered in evaluating the quality of emergency response as impacted by traffic calming devices: response time; patient care (comfort of patient in vehicle); and cost (costs to maintain emergency equipment damaged by traffic calming devices). He also described problems with specific traffic calming devices, such as speed humps and traffic circles.

It was the sense of the Council that staff interview Grant Davies for an article in the FORECAST to include statistics about rescue service for the Town.

B. Amendments to Setback Requirements for Accessory Buildings

Town staff became aware that the Town's setback requirements for accessory structures are less restrictive, in some applications, than the setback requirements for such structures imposed by the Montgomery County Zoning Ordinance. The Town's setbacks may not be less restrictive than the County's. The Town Manager recommended that the Town Council amend the Town Code to provide for accessory building setbacks that are consistent and uniform with those in the County Zoning Ordinance. In addition, the Town Code does not incorporate many of the accessory structure building requirements that are included in the County Zoning Ordinance. It is important for uniformity and clarity to replicate the County Zoning language in the Town Code.

After discussion, Councilmember Barnes made a motion to introduce the changes to the Town Code, submitted by the Town Manager, to make it consistent with the County Code. Councilmember Hudnut seconded the motion, and it passed unanimously.

C. Procedure for New Sidewalk Requests

Town Manager Todd Hoffman provided a draft procedure for residents to request new sidewalks. The form follows the same procedure that is currently being used for permit parking requests.

Councilmember Barnes made a motion to approve the procedure for requests for new sidewalks. Councilmember Hudnut seconded the motion, and it passed unanimously.

D. Speed Limit Controls in Leland Center Parking Lot

There was discussion about possible speed limit controls for the Leland Center parking lot, such as speed limit signs, public safety/caution signs, and traffic calming devices. The Town Attorney noted that the authority to install any speed limit

controls comes from the Maryland National Capital Park and Planning Commission (M-NCPPC).

After discussion, it was the sense of the Council to ask staff to check with M-NCPPC about painting directional arrows on the pavement in the Leland Center parking lot, installing “one way” signs to support the pavement markings, and installing speed limit signs.

E. Timeline for Consideration of Traffic Committee Proposal

(Note: The discussion of this agenda item took place earlier, after resident comments.)

Councilmember Hudnut pointed out that the Town Council had never officially received the Traffic Committee’s report. He made a motion that the Council officially receive the report. Councilmember Barnes seconded the motion, and it passed unanimously. There were residents in attendance who wanted to express their opposition to the Traffic Study proposal to make Elm Street two-ways.

Discussion followed about removing the proposal to make Elm Street two-ways from the Traffic report for consideration by the Council, due to the strong opposition by the residents who live on Elm Street. Discussion included proper procedural issues as well as the need to respond to the strong resident opposition. After discussion, Councilmember Hudnut made a motion to drop the Elm Street proposal from the report. Councilmember Barnes seconded the motion, and it passed unanimously.

It was the sense of the Council to hold a public hearing on the Traffic Committee’s report and schedule it for sometime in February. Councilmember Hudnut pointed out that, as Cicero said, community is a partnership for the common good and that is what should be worked towards in evaluating the report.

IV. Reports

A. Mayor: None

B. Town Manager: Town Manager Todd Hoffman presented the Council with a plan for medical benefits for employees that would standardize and update coverage for all employees and asked for Council concurrence. As previously approved by the Council, the Town changed coverage from the Local Government Insurance Trust (LGIT) to the State of Maryland, which has a better plan. It was the sense of the Council to approve the standardized benefit plan for employees and presented by the Town Manager.

C. Committee Reports

1. Construction Committee: Councilmember Barnes, liaison to the Construction Committee, discussed the new bill, proposed by County Councilmember Howard Denis, to limit the height of buildings. She offered to ask Town

resident Sally Kelly to join the committee that will be reviewing the bill. Councilmember Barnes also described the progress that the committee is making in developing setback requirements for the Town.

2. History Committee: Councilmember Hudnut, liaison to the History Committee, reported on the committee's activities in preparation of History Day. Committee members are planning to schedule the day before school is over. There is a plan to put all past and present Councilmembers' names on a plaque. Mayor Mier Wolf will be interviewed as a part of the project.

3. Traffic Committee: Councilmember Covell, liaison to the Traffic Committee, had nothing to add to the previous discussion of the Traffic Report and public hearing. As representative to the Maryland Municipal Cable Television Board of Directors, she reported that there will be an open house at the newly renovated television studio, which will be dedicated to the memory of Marilyn Ordway.

There being no further business, the meeting was adjourned at 10:00 p.m. The Mayor wanted the minutes to reflect that Vice Mayor Bill Hudnut acquired the "Colts" for Indianapolis.

Respectfully submitted,

Linna Barnes
Secretary

Transcribed by Andi Silverstone