

TOWN OF CHEVY CHASE
TOWN COUNCIL MEETING
June 23, 2004

Present: Bill Hudnut, Mayor; Mier Wolf, Vice Mayor; Rob Enelow, Treasurer; Scott Orbach, Secretary; Linna Barnes, Community Liaison; Todd Hoffman, Town Manager; Marty Hutt, Town Attorney; and Andi Silverstone, Town Clerk. Residents and guests: Please see attached sign-in sheet.

I. General Business

A. Call to order- 7:15 p.m.

The Council convened in an executive session at 7:00 p.m. The executive session adjourned at 7:35 p.m., and Mayor Bill Hudnut called the open 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.

C. Comments, questions, suggestions from residents

There were no residents in attendance who wanted to speak on any non-agenda items.

D. Acceptance of Financial Report for May

Council Treasurer Rob Enelow gave the Treasurer's report for May. There was brief discussion about the income tax revenues. Councilmember Wolf made a motion to accept the financial report for May. Councilmember Barnes seconded the motion, and it passed unanimously.

The Treasurer requested that the Council approve a budget transfer of \$6,500 from line item X12530-359 – "Sidewalk Snow Removal ("Streets and Roads" program) to X12421.304 – "Yard Trash Contractual Services" (Sanitation and Waste Removal Program) to cover the cost of a special pick-up of residents' yard debris as a result of Hurricane Isabel. The transfer requires Council approval, because it is between two different programs. Councilmember Barnes made a motion to approve the transfer request. Councilmember Wolf seconded the motion, and it passed unanimously.

E. Approval of April and May Council Meetings

Councilmember Wolf made a motion to approve the minutes of the April and May Council meetings. Councilmember Barnes seconded the motion, and it passed unanimously.

Mayor Bill Hudnut presented Mier Wolf with an award in appreciation for his two decades of service to the Town. Councilmember Wolf thanked his wife, who was in attendance for her support. He also thanked his colleagues on the Council and the Town staff. The award was a mounted gavel.

II. Action

- A. Approval of Employment Agreement with Town Manager (Note: This agenda item was discussed by the Council after the variance hearings and the public hearing on speed humps.)

The approval of the employment agreement with the Town Manager was deferred until the July 14th Council meeting.

- B. Variance, 4429 Bradley Lane, Front Yard Fence

Maria Cecil and Evan Hirsche, 4429 Bradley Lane, applied for a variance from the Town building regulations to construct a front yard fence. Town Manager Todd Hoffman described the request to the Council. The applicants proposed constructing a six-foot high picket fence in a portion of the functional side yard of their property along West Avenue. The proposed fence would not extend into the Town right-of-way.

The hardships claimed by the applicants include the impact of the traffic on Bradley Lane. They are bothered by the noise of the traffic and the pollution. They want to have a usable backyard that would provide a safe barrier from the street for their child and pets. In addition, they want additional privacy from the church and day school that is located across the street from their house. The Town Manager recommended approval of the request as presented.

Councilmember Orbach made a motion to approve the variance as recommended. Councilmember Wolf seconded the motion, and it passed unanimously.

- C. Variance, 4428 Ridge Street, Front Yard Fence

Andrea Harris, 4428 Ridge Street, has applied for a variance from Town building regulations to reconstruct a front yard fence that encroaches two feet into the public right-of-way along Ridge Street and abuts the public right-of-way along West Avenue. Ms. Harris was out of the country and was represented by her sister, Meg McElroy.

The Town Manager described the variance request to the Council. The existing picket and chain link fences are old and deteriorated and need to be replaced. The property is located at a busy intersection, and the board on board fence is requested to provide privacy from West Avenue traffic and the abutting commercial corridor. The

applicant's property is subject to light and noise pollution, cut-thru pedestrian traffic and trash problems associated with being located along West Avenue. The new fence will be constructed in the same location and to the same linear dimensions as the existing fence. The Town Manager recommended approval of the fence with the following conditions: 1) the applicant must sign a right-of-way use agreement with the Town for the fencing that extends into the public right-of-way; 2) the Town Council may, at any time and for any reason, order the applicant to relocate all proposed fencing two feet from the public right-of-way, in accordance with Town Code.

Discussion followed about the height and location of the proposed reconstructed fence. The topography of the lot also was discussed. The applicant requested a 6' high fence with an additional 6" of lattice. It was the sense of the Council that the height of the fence should not exceed 5'6", with an additional 6" for the lattice.

Councilmember Barnes made a motion to approve the fence at a height of 6', including the lattice. Councilmember Wolf seconded the motion, and it passed unanimously. Ms. Harris' sister was asked to convey the Council's decision to Ms. Harris.

D. Variance, 7200 Ridgewood Avenue, Front Yard Fence

Noel and Jennifer Fisher, 7200 Ridgewood Avenue, applied for a variance from Town building regulations to reconstruct a front yard fence. The property is a corner lot and has two front yards. The applicants propose to replace an existing four-foot high picket fence with a five-foot high board on board fence in the same location and to the same linear dimensions within the functional side yard of their property along Thornapple Street.

The Town Manager described the variance request and presented the hardships claimed by the applicants. The existing fence is deteriorated and poses a safety risk to the applicants' children. In addition, the applicants want some privacy and safety along the heavily trafficked intersection. The applicants also claim that the fence is needed to provide their children with a safe play area that is separated from the large grading drop-off along the street.

Town Manager Todd Hoffman recommended approval of the fence as presented. Councilmember Barnes confirmed with the applicants that they would be keeping their botanical buffer in front of the fence.

Councilmember Wolf made a motion to approve the variance request with condition that the residents maintain the botanical buffering. Councilmember Barnes seconded the motion, and it passed unanimously.

E. Public Hearing on Speed Humps

Mayor Hudnut asked residents to voice their comments about speed humps that had been recommended by the Town's Traffic Committee. The sites for the speed humps had been chosen based on an engineer's recommendations. The following residents expressed support for speed humps: Lee Tiedrich, 4007 Thornapple Street; M. Davidson, 3915 Thornapple Street; William Pritchard, 7211 Ridgewood Avenue; Doug Mangel, 4410 Leland Street; Cathy Trost, 4228 Leland Street; Mark Nolan, 3905 Leland

Street; and Gerard Thompson. The following residents spoke in opposition to speed humps: Jane Terry, 4013 Thornapple Street; Rob Fisher, 4310 Stanford Street; Nathan Kingsley, 4217 Leland Street; and Win Southworth, 7105 Ridgewood Avenue.

Councilmember Barnes reminded Councilmembers that John Fleder, 4309 Thornapple Street, had spoken in opposition to speed humps at a previous Council meeting, because they can impede emergency vehicles. There was discussion about the impact of speed humps on emergency vehicles. While there was general consensus that speed humps do impede the travel of emergency vehicles, it was pointed out that rescue personnel believe that it is more important to prevent accidents. Councilmember Enelow pointed out that speed humps deal with a public health issue, which, like all public health issues, have a cost. Councilmember Barnes also reported that resident Bridget Hartman, 7214 Ridgewood Avenue, told her that the Town has too many speed humps already.

The Council deliberated on the following general locations for the proposed speed humps, that were recommended by the Town's Traffic Committee, and voted on each one as indicated. A map of the proposed locations was provided to the Council and to residents.

- **Two on Thornapple Street between Connecticut Avenue and Meadow Lane** – Councilmember Enelow made a motion to approve the installation of the two speed humps. Councilmember Wolf seconded the motion, and it passed, with Councilmembers Enelow, Orbach, and Wolf in support and Councilmember Barnes opposed.
- **One on Stanford Street between Ridgewood Avenue and Hillcrest Place and one on Stanford between Maple Avenue and Ridgewood Avenue** – Councilmember Enelow made a unified motion to install the speed hump between Ridgewood and Hillcrest and to reject the speed hump between Maple Avenue and Ridgewood Avenue. Councilmember Wolf seconded the motion. Councilmembers Enelow and Wolf voted in favor of the motion. Councilmembers Barnes and Orbach voted against the motion. Mayor Hudnut broke the tie vote by voting in opposition to the motion, and the motion failed. Councilmember Orbach made a motion to adopt the recommendation for a speed hump on Stanford Street between Ridgewood Avenue and Hillcrest Place and to defer consideration of the speed hump recommended for Stanford Street between Maple Avenue and Ridgewood Avenue. Councilmember Wolf seconded the motion. Councilmembers Enelow, Orbach and Wolf voted in favor of them motion. Councilmember Barnes voted against the motion. The motion carried with the 3 to 1 vote.
- **Two more on Leland Street between 44th and 46th streets and one more on Leland Street between Oakridge Avenue and Maple Avenue** – Councilmember Orbach made a motion to approve the three new speed humps proposed for Leland Street. Councilmember Wolf seconded the motion. Councilmembers Enelow, Orbach, and Wolf voted in favor of the three humps. Councilmember Barnes voted against the motion. It carried with a vote of 3 to 1.
- **Relocate existing speed humps on Rosemary Street between Rosemary Circle and Connecticut Avenue and install a third speed hump closer to Meadow Lane** – Councilmember Wolf made a motion to follow the recommendation of the

Traffic Committee for three speed humps on Rosemary Street as recommended, subject to review by an engineer. Councilmember Enelow seconded the motion. Councilmembers Enelow, Orbach, and Wolf voted in favor of the motion. Councilmember Barnes was opposed. The motion carried with a vote of 3 to 1.

Councilmembers discussed considering the Traffic Committee's recommendation to reduce the speed limit Town-wide to 20 miles per hour. It was the sense of the Council to purchase a laser gun for use by the off-duty Montgomery County police officers who work for the Town. The Council will review the effectiveness of the laser gun in reducing speeding in the Town. Town staff also was directed to look into purchasing a portable speed monitor for the Town.

III. Reports

A. Mayor : Vice Mayor Mier Wolf reported that he testified against higher density development for the Woodmont Triangle.

He commended Town Manager Todd Hoffman's quick response to residents' concerns about rat sightings, primarily in the vicinity of 44th Street. The Town Manager will be meeting with a representative from a pest control company to see what can be done to deal with the problem.

B. Town Manager: It was the sense of the Council to set the date for the fall "Trash and Treasures" for the week beginning on October 3.

The Town Manager asked Councilmembers for guidance regarding police services and how strict the Council wanted the police to be about enforcement. It was the sense of the Council and the Town Attorney that it was important to be consistent, but that the officers could exercise discretion.

C. Committee Reports

Mayor Bill Hudnut reported that the Tree Committee would likely have to schedule a meeting for this summer. A member of the committee wants to consider raising the fee for tree removals. The Mayor also reported that the History Committee has big plans for the Town's 4th of July event. The activities include identifying items to include in a time capsule.

Councilmember Barnes reported on the status of the Construction Committee. The committee is working on setback issues. Construction Committee members would like to have a Town meeting in early October in order to get feedback from residents on setbacks. Councilmember Barnes recommended that the Council consider whether or not to set a policy regarding resubdivisions.

Mayor Hudnut reported that the Traffic Committee is in transition at this point and does not have a Chair. The Mayor is considering asking Councilmember Enelow to be the Chair or asking a Town resident.

The Mayor described what he would like to see in terms of the size and make-up of committees. Vice Mayor Wolf suggested that an article be included in the Forecast to explain how committee's work.

Vice Mayor Wolf reported that the Air Rights building had been sold and that the area above the parking structure will be developed as a hotel. A community meeting will be needed to inform residents about the project.

There being no further business, the meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Scott Orbach
Secretary

Transcribed by Andi Silverstone