

TOWN OF CHEVY CHASE
TOWN COUNCIL MEETING
May 18, 2005

Present: Bill Hudnut, Mayor; Mier Wolf, Linna Barnes, Vice Mayor; Rob Enelow, Treasurer; Scott Orbach, Secretary; Mier Wolf, Community Liaison; Todd Hoffman, Town Manager; Marty Hutt, Town Attorney; and Andi Silverstone, Town Clerk.
Residents and guests: John Lorenz, Bethesda Architects; Bob and Judy Van Namen, 7617 Lynn Drive; and Daniel Walker, 8306 Custer Road, student at Walt Whitman High School.

I. General Business

A. Call to order – 7:30 p.m.

Mayor Hudnut called the meeting to order at 7:35 p.m.

B. Pledge Allegiance to the Flag

The Mayor led those in attendance in the pledge of allegiance to the flag.

C. Swearing-In of Newly Elected Councilmembers

Town Clerk Andi Silverstone administered the oath of office to newly re-elected Councilmembers Linna Barnes and Rob Enelow.

D. Election of Officers

Councilmember Wolf made a motion to nominate Bill Hudnut for Mayor; Linna Barnes for Vice Mayor; Rob Enelow for Treasurer; Scott Orbach for Secretary; and Mier Wolf for Community Liaison. Councilmember Barnes seconded the motion, and it passed unanimously.

Mayor Hudnut appointed Councilmembers as liaisons to the following committees: Linna Barnes to the Construction Committee; Mier Wolf to the Town Boundaries Committee; Bill Hudnut to the History Committee; Scott Orbach to the Traffic Committee; and Rob Enelow to the Environmental Committee (formerly the Tree Committee).

E. Comments, Questions, Suggestions from Residents

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

F. Approval of Minutes of February and March Council Meetings

Councilmember Barnes made a motion to approve the minutes of the February and March Council meetings. Councilmember Enelow seconded the motion, and it passed unanimously.

G. Acceptance of Financial Reports for March and April

The financial reports for March and April were accepted as presented.

II. Action

A. Variance, 7617 Lynn Drive, Rear Lot Line Setback

Background:

Bob and Judy Van Namen have applied for a variance from Town building regulations to construct a second-story addition onto the rear of their residence at 7617 Lynn Drive. The proposed addition would require a variance of 10.84 feet, as it is to be located 9.16 feet from the rear lot line. The required rear yard setback is twenty (20) feet, in accordance with Section 59-C-1.323(b)(2) of the Montgomery County Code, which the Town has adopted.

The property is located on the south side of Lynn Drive between Oakridge Lane and Maple Avenue. The applicants would like to construct a second floor addition, measuring approximately 100 square feet, onto an existing first floor. The existing first floor extends 10.84 feet into the rear lot line setback, as would the proposed second story addition. The Town and County granted a variance for the first floor addition in 1993. No additional lot coverage is proposed.

The Town Manager informed Councilmembers that the County had made a mistake in its notification to abutting and confronting residents regarding the amount of encroachment into the required setbacks. The County will re-notify abutting and confronting residents of the correct amount of encroachment and hold another hearing. The Town's notice to abutting and confronting neighbors also contained the same incorrect information.

Town Manager Todd Hoffman recommended approval of the variance application contingent on the re-notification of neighbors. If the Town does not receive any comments from residents within 15 days, the approval would stand and the Van Namens could proceed.

Discussion followed about whether or not the Town Council should approve the variance with the contingency, or whether the Town should re-notify neighbors and schedule another hearing for June 8, 2005.

Councilmember Orbach made a motion to continue the hearing until June 8, 2005. Councilmember Enelow seconded the motion. Councilmembers Barnes, Enelow, and

Orbach voted in favor of the motion. Councilmember Wolf voted against it. The motion carried. A notice will be sent to abutting and confronting residents notifying them of the correction, and the public hearing will be held at the June 8 Council meeting.

B. Agreement to Participate in HUD-Administered Grant Programs

Town Manager Todd Hoffman briefed Councilmembers on an invitation from Montgomery County to enter into a cooperation agreement with Montgomery County to participate in the Community Development Block Grant (CDBG) and the HOME Investment Partnerships Program (HOME) administered by the U.S. Department of Housing and Urban Development. The two grant programs provide a source of funding for neighborhood revitalization and housing programs to benefit low and moderate income Montgomery County residents.

The Town Manager recommended that the Town enter into the cooperative agreement with the County and participate in the programs described above. Councilmember Orbach made a motion to agree to participate in the agreement. Councilmember Barnes seconded the motion. The motion passed with Councilmembers Barnes, Enelow, and Orbach in favor. Councilmember Wolf recused himself, because he is an employee of the U.S. Department of Housing and Urban Development.

III. Discussion

A. Proposed Changes to Town Procurement Ordinance

The Town Manager requested Council's approval to change the Town's procurement ordinance for the following reasons:

- 1) Increase the threshold dollar amount required for:
 - a. competitive bidding of nonprofessional services; and
 - b. qualifying and selecting professional contractors
- 2) Remove the exemption of architects and engineers from other professional services, thereby eliminating the need to competitively bid all engineering and architectural services that exceed a threshold dollar amount.
- 3) Delete some of the criteria used to determine the responsibility of non-professional contractors and some of the factors used to rate professional consultants because they are not meaningful.

The Town's existing procurement ordinance has been in effect since 1993 without substantial modification. The current threshold dollar amount for competitive bidding of goods and services is \$8,000, as is the threshold dollar amount for qualifying and selecting professional contractors. Since the prices of goods and services have increased over the past 12 years, as have the administrative burdens associated with formal bidding or the professional contractor selection process, Town Manager Todd Hoffman recommended that Council approve increasing to \$25,000 the threshold dollar amount required for the competitive bidding of nonprofessional services and the qualification and selection of professional contractors. Montgomery County Government has the same threshold dollar amount. The Town Manager also recommended that the Council

approve removing the exemption of engineers and architects from other professional services, as it is currently in the code, so that architectural and engineering services would not be subject to a threshold competitive bidding requirement. Those professions would be treated as other professions, including attorneys and consultants, whose services are customarily negotiated. In addition, the Town Manager recommended the deletion of some of the criteria used to determine the responsibility of non-professional contractors and some of the factors used in the rating of professional consultants because they are not meaningful.

Discussion followed. Councilmembers proposed several technical changes to the language for clarification.

Councilmember Orbach made a motion to introduce the proposed ordinance with changes, as amended by the Council. Councilmember Wolf seconded the motion, and it passed unanimously.

At 8:40 p.m., the Council adjourned in closed session to discuss pending legal matters regarding the acquisition of real property for public purposes. The Council reconvened in open session at 9:30 p.m.

B. Scheduling a Work Session Re: Construction-Related Issues

Councilmember Barnes, as liaison to the Construction Committee, asked Councilmembers to schedule a work session to discuss changes to setbacks and the Town's zoning-related powers. Councilmembers will check schedules and let the Town office staff know their availability. Their goal is to meet sometime in mid-June.

IV. Reports A. Mayor

Mayor Hudnut suggested that the Town invite an official from the Maryland State Highway Administration to hold an information-gathering meeting about the purple line. Some residents support the purple line while others do not.

Staff was directed to purchase flags for the 4th of July. Town resident Tom Heidenberger had offered to distribute them and pick them up.

B. Town Manager

Town Manager Todd Hoffman reported that the two speed humps in the 3900 block of Leland Street have been installed. The Town Manager also reported that staff is looking into getting new streetlights with PEPCO.

C. Committee Reports

1. Construction Committee: The Construction Committee has been working on recommendations for changes to side and rear yard setbacks. The Council will have a work session to consider the committee's recommendations.

2. Environmental Committee: There was no report from the Environmental Committee.

3. Traffic Committee: There was discussion about the intersection at Leland Street, East Avenue and the Thornapple Path. There was consideration of widening East Avenue on the Thornapple side. There was no consensus about pursuing the installation of a sidewalk for the 4200 block of Leland Street.

There being no further business, the meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Scott Orbach
Secretary

Transcribed by Andi Silverstone