

TOWN OF CHEVY CHASE  
TOWN COUNCIL MEETING  
September 14, 2005

Present: Bill Hudnut, Mayor; Linna Barnes, Vice Mayor; Rob Enelow, Treasurer; Mier Wolf, Community Liaison; Todd Hoffman, Town Manager; Marty Hutt, Town Attorney; David Walton, Management Assistant.

Residents and guests: (See attached sign-in sheet)

I. General Business

A. Call to order – 6:30 p.m.

Mayor Hudnut called the meeting to order at 6:30 p.m.

B. Pledge of Allegiance to the Flag

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

C. Approval of Minutes of June and July, August Council Meetings

Councilmember Barnes made a motion to approve the minutes of the Council Meetings of June 8, July 13, and August 10, 2005. Councilmember Wolf seconded the motion, and it passed unanimously.

D. Acceptance of Financial Reports for June, July and August

Council Treasurer Rob Enelow gave the Treasurer's report for August. The report was accepted as presented. Councilmember Orbach made a motion to accept the financial reports from June, July, and August. Councilmember Barnes seconded the motion, and it was approved unanimously.

II. Reports

A. Moratorium Implementation Steering Committee – Barry Hager/Jane Lawton

Barry Hager and Jane Lawton provided the Council with an update from the Moratorium Implementation Steering Committee. The Committee is working to oversee a coordinated effort of the eight different subcommittees and will ensure that the process is open and transparent. The subcommittees have been instructed to have their recommendations to the Town Council by December, for consideration by the Council in January and implementation in February. The Town is using the website to publicize minutes from each of the committee meetings.

## B. Mayor's Report

### i. Li Property Update

The property located at 7206 Meadow Lane has been conveyed to the builder, Peterson and Collins. The County Attorney has requested continued jurisdiction from the Courts to oversee the property. Councilmember Orbach will schedule a meeting with Peterson and Collins to get an update from the builder on their plans for the property. It is the Town's current understanding that the builder would like to find a buyer for the partially constructed house. If the builder cannot find a buyer, the partially finished home would be demolished and the builder could consider resubdivision of the property. In the meantime, Mayor Hudnut will plan to meet with Councilmember Orbach, the Town Manager, and those residents in closest proximity to the property to see what they would like to see done with the property.

### ii. "Adopt a Town" Program for Hurricane Katrina Relief

The Town has received a request from the Maryland Municipal League and the National League of Cities seeking help for Towns and Villages that were impacted by Hurricane Katrina. Councilmember Enelow made a motion to adopt a city. Councilmember Wolf seconded the motion, and it was approved unanimously. Councilmember Wolf reported that Bethesda-Chevy Chase High School has adopted a high school in Louisiana, and has conducted a very successful money and clothing drive. Mr. Wolf asked if the Town could feasibly collect clothes and supplies to send to New Orleans, and it was decided not to engage in such an effort. Questions were raised about the logistics of collecting items and shipping them to those in the most need.

### iii. Podolsky Fee Agreement and Expense Reimbursement

The Town's Implementation Committee requested that the Town retain David Podolsky to help answer questions that may arise from the Town's various sub-committees. A fee agreement with Mr. Podolsky was drawn up and required authorization from the Town Council. The agreement includes a \$5,000 retainer and sets Mr. Podolsky's municipal rate for working for the Town. Councilmember Wolf voiced support for the fee agreement, but wanted to ensure that requests for Mr. Podolsky's services be filtered through Mayor Hudnut. Councilmember Barnes made a motion to approve the fee agreement. Councilmember Orbach seconded the motion, and it passed unanimously.

Additionally, the moratorium petitioners requested that the Town reimburse them for work product supplied by Mr. Podolsky that was subsequently used by the Town. Mayor Hudnut felt that the Town could reasonably reimburse the petitioners for half of the total cost of Mr. Podolsky's work with the Town's legal counsel in formulating a position on the moratorium. This amount totals \$5,415.00. Councilmember Wolf supported paying Mr. Podolsky for the work that was ultimately beneficial to the Town. Councilmember Orbach inquired if the Town could pay for the services at the newly approved municipal rate, instead of Mr. Podolsky's standard billing rate. Councilmember Enelow expressed

some concern about the precedent that could be set by reimbursing residents who incur costs without approval from the Town. Councilmember Orbach made a motion to approve the reimbursement for Mr. Podolsky's services up to \$5,415.00 with the understanding that the Town would ask Mr. Podolsky to retroactively adjust his invoice to reflect the Town's municipal rate. Councilmember Wolf seconded the motion, and it passed unanimously.

iv. Mid-Year Meeting Plans (November 15)

Councilmember Wolf reported that Derek Berlage had offered to talk to the Town about Park and Planning and its role in the Town and County. The mid-year meeting will be held on November 15. Councilmember Wolf will work with Todd Hoffman to schedule Mr. Berlage to speak.

v. CCES Ballpark Improvements

Two years ago the Chevy Chase Elementary School Foundation planned landscaping improvements at an estimated cost of approximately \$38,000. At that time, the Town agreed to pay 12.5% of the cost, with the Foundation paying 12.5%. It was anticipated that Program Open Space funds would be allocated to make up the balance of the project cost. Subsequently, the Montgomery County School system declined to support the Program Open Space request.

The Elementary School Foundation recently received a low bid for the project of \$42,849. The Montgomery County School system has agreed to pay \$2,000.00 towards the project cost. The Elementary School Foundation has agreed to pay \$8,000 for the project and requested that the Town make a contribution of \$32,849.00. Councilmember Wolf made a motion that the Town Council approve a supplemental appropriation for \$32,849.00. Councilmember Barnes seconded the motion, and it passed unanimously.

III. Public Hearings

A. Moratorium Waiver Request, 4002 Thornapple Street (Zwerdling)

Daniel and Barbara Zwerdling-Rothschild requested that their severely storm damaged property located at 4002 Thornapple Street be excluded entirely from the requirements of the Town's moratorium ordinance. After public comments and Council discussion (please refer to transcript available in the Town Office), Councilmember Wolf made a motion that the property be permitted to have a structure that is no higher than 30' with side setbacks totaling 18'. The motion was made with the understanding that these conditions would be allowed after the moratorium ended, even if stricter regulations were passed by the Council in the interim. Councilmember Barnes seconded the motion, and it passed unanimously.

B. Moratorium Waiver Request, 7301 Maple Avenue (Bleckner)

Lisa and Steven Bleckner requested a waiver since the proposed construction of a kitchen and two-story addition at 7301 Maple Avenue exceeded by 355 square feet the 500 square foot limit for an addition set forth in the Town's moratorium ordinance. After public comments and Council discussion (please refer to transcript available in the Town Office), Councilmember Orbach made a motion to approve the waiver for the plans that were presented as long as they remained unchanged upon permit application. Additionally, the driveway was to be constructed with a permeable material. Councilmember Enelow seconded the motion, and it passed unanimously.

C. Moratorium Waiver Request, 4420 Ridge Street (Monsein)

Douglas Monsein requested a waiver for a demolition permit and a new construction permit at 4420 Ridge Street. After public comments and Council discussion (please refer to transcript available in the Town Office), Councilmember Enelow made a motion to grant a waiver for the property with the conditions that the house will be constructed with a one car garage, and that the side setbacks be increased by two feet on each side. Councilmember Wolf seconded the motion. Councilmember Barnes amended the motion to restrict the height of the house to 30 feet. Councilmember Enelow accepted the amendment. Councilmember Wolf seconded the amended motion. The motion passed four-to-one with Mayor Hudnut opposing the motion.

D. Moratorium Waiver Request, 4200 Leland Street (Sachs)

Patricia and Howard Sachs requested a waiver because the proposed construction of a two story addition and a front and rear porch at 4200 Leland Street exceeded by 90 square feet the 500 square foot limit for an addition set forth in the Town's moratorium ordinance. After public comment and Council discussion (please refer to transcript available in the Town Office), Councilmember Enelow made a motion for the approval of their waiver request with the following conditions:

1. That the waiver would be valid only for the plans that were submitted to the Town Council at the waiver hearing, and
2. That the waiver would not include the front porch, which requires a variance, and
3. The approval will extend beyond the expiration of the moratorium ordinance.

Councilmember Wolf seconded the motion. Councilmember Orbach made a motion to add a fourth condition that would require any new construction to comply with any new drainage standards that come into effect between the waiver approval and the issuance of the permit. Councilmember Wolf seconded the amendment, and the motion passed four-to-one, with Mayor Hudnut opposing the motion.

E. Moratorium Waiver Request, 7105 46<sup>th</sup> Street (Benjamin)

Elly Benjamin requested a waiver for a demolition permit and a new construction permit at 7501 46<sup>th</sup> Street since the original permitted building plans to construct a two-story addition could not be completed as a result of termite damage to the home. After public

comment and Council discussion (please refer to transcript available in the Town Office), Councilmember Wolf made a motion to approve the waiver request with the following conditions:

1. The side setbacks of the proposed house will be changed to ten feet from the north property line and nine feet from the south property line, and
2. The entire driveway surface will be constructed of a permeable surface material, and
3. On the south side of the property, from the existing rear footprint of the house to the rear property line, a screen of four to five foot tall evergreen plants will be installed, the plan for which is to be approved by the Town Manager, and
4. The applicant will submit a storm water management plan for review by the Town's water subcommittee.

Councilmember Orbach seconded the motion. Councilmember Enelow made a motion to amend the motion to require the applicants to change the size of the garage from a two-car garage to a one-car garage. The proposed amendment was not seconded, and a vote was taken on the original motion. The motion carried four-to-one with Councilmember Enelow opposing.

F. Moratorium Waiver Request, 4229 & 4231 Leland Street (Keating)

The waiver request for Pat Keating at 4229 and 4231 Leland Street was postponed to a later date due to the lateness of the hour.

There being no further business the Council Meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Scott Orbach  
Secretary

Transcribed by David Walton