

TOWN OF CHEVY CHASE
COUNCIL MEETING
March 14, 2007

Present: Linna Barnes, Mayor; Rob Enelow, Vice Mayor; Kathy Strom, Secretary; Lance Hoffman, Treasurer; Mier Wolf, Community Liaison; Todd Hoffman, Town Manager; Ted Pochter, Assistant Town Manager; David Podolsky and Ronald Bolt, Town Attorneys; and Andi Silverstone, Town Clerk. Residents and guests: Susan and William Blacklow, 6912 Oakridge Avenue; Pam Browning, 4317 Elm Street; Virginia Ceaser, 3919 Virgilia Street; Pat Burda, 4108 Woodbine Street; Susan Gordon and James Leonard, 3918 Virgilia Street; Sue Hill, 7013 Maple Avenue; Coralee and Dan Hoffman, 3917 Virgilia Street; S. Keeble, 4414 Walsh Street; Bob Lehrman; Lin and Gerry McKiernan, 3914 Virgilia Street; David Lublin, 4214 Thornapple Street; Stephen Muse, 4105 Stanford Street; Suzanne Parmet, 4318 Curtis Road; Joe Rubin, 4409 Ridge Street; Bruce Russell, 7107 Oakridge Avenue; David Salzman, 4407 Elm Street; Bill Sells, 7708 Meadow Lane; and Julie Stanish, 4307 Elm Street.

I. General Business

A. Call to order

Mayor Barnes called the meeting to order at 7:00 p.m.

B. Pledge Allegiance to the Flag

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

C. Public Comments

Susan Blacklow, 6912 Oakridge Avenue, spoke to the Council about two issues. She requested that variance notices be posted on the Town's website with more information and specifics. She also requested that public comments be heard after discussions rather than before so that residents have an opportunity to respond to the discussion.

D. Acceptance of February Financial Report

Councilmember Hoffman made a motion to accept the financial report for February. Councilmember Enelow seconded the motion, and it passed unanimously.

II. Variance Requests

A. Parmet, 4318 Curtis Road, Retaining Walls Setback

Assistant Town Manager Ted Pochter presented the staff report. Suzanne Parmet, 4318 Curtis Road, has applied for a variance from Town building regulations to construct two retaining walls within and on the Town right-of-way along Curtis Road and Leland

Street. The Town Code requires that walls be set back at least 2 feet from the public right-of-way. The Town office received one e-mail in opposition to the variance request.

The proposed wall along Curtis Road would be located 2 feet into the Town right-of-way and would be set back 18 inches from the sidewalk. The proposed wall along Leland Street would be located on the applicant's property line and would vary in distance from the sidewalk by 3 feet to 7 feet.

In December 2006, the Town Council approved a variance at this address to construct a 3 foot high front yard retaining wall along Curtis Road and Leland Street with several conditions, including that the proposed walls would be set back at least 2 feet from the Town right-of-way, as required by Town building regulations.

Among the hardships claimed by the applicant are that the currently approved location of the walls is impractical and would mean significant loss of yard space; and if the applicant were to install the walls on her property at least two feet from the public right-of-way, it would require significant excavation and regrading. Ms. Parmet claims that the wall she would like to construct would line up with the walls on adjacent properties.

Discussion followed about the location of the Town right-of-way. Surveys are not required for walls.

There was discussion about sight lines, since the property is a corner lot. The wall will be set back the required 15 feet from the intersection.

Councilmember Strom made a motion to grant the new variance subject to the same conditions that were imposed in the original variance. Councilmember Wolf seconded the motion. Councilmember Hoffman stated his opposition to the motion and pointed out that he had abstained from the first variance. He stated his concern that this case would set precedent. The vote was called with four Councilmembers in favor, and Councilmember Hoffman opposed. It was the sense of the Council to deny Ms. Parmet's request for a waiver of fees. Ms. Parmet was informed that she could not proceed with the project until the variance decision had been signed.

B. Lowenstein, 3902 Rosemary Street, Front Yard Setback

Assistant Town Manager Ted Pochter presented the staff report to Council. Douglas and Shelly Lowenstein, 3902 Rosemary Street, have applied for a variance from Town building regulations to construct a second story addition over an existing first story. The subject property is a corner lot and has two front yards -- one along Rosemary Street and one along Connecticut Avenue. The proposed second story addition would be constructed in the front yard along Connecticut Avenue and would project 1.66 feet beyond the existing first story. The Town office did not receive any correspondence in support or opposition of this variance request.

If the proposed addition were constructed entirely over existing footprint, the applicant would not require a variance. However, because the second story will project beyond the first story, the addition must conform to the front yard set back as determined by the Established Building Line (EBL). The EBL on the east side of this property (along Connecticut Avenue) is 55 feet. The proposed addition would project in front of the EBL by 26.66 feet, which is the amount of the requested variance. The existing first

floor currently projects 25' in front of the EBL. The second story addition, as proposed, would be located 28.34 feet from the front property line along Connecticut Avenue. The property is at the corner of Rosemary Street and Connecticut Avenue and has two front yards. The house as constructed was sited in front of the current EBL.

The applicants claim that they are requesting the minimum necessary to make a functional room. Town resident and architect, Stephen Muse, 4105 Stanford Street, expressed support for the variance and showed pictures. He described the project and why the location of the bathroom is logical. The hardships claimed by the applicants include that the proposed second story bay projection is in the Tudor architectural style of the residence; the proposed 1.66 foot bay projection is needed to attain proper clearance in the bathroom; there will be no change of light and air to the neighbors' residences; and the proposed addition is within the 25' front yard setback but is affected by the EBL calculated for the neighboring Connecticut Avenue houses.

There were no questions from Councilmembers. Mayor Barnes recused herself from the request, because she may have a similar variance request. Councilmember Wolf made a motion to approve the variance. Councilmember Strom seconded the motion. She pointed out that a good case was made because of the shape of the house and the lot and the extraordinary established building line, requiring a small variance. The vote was four in favor of approving the variance, with Mayor Barnes recusing herself. The applicants were told that they could not begin their project until they receive the signed variance opinion.

III. Public Hearings/Council Actions

A. Council Consideration of Strategic Plan

Councilmembers were provided with copies of a revised Strategic Plan. Town Manager Todd Hoffman pointed out changes and modifications made by the Council at a previous meeting. Councilmember Strom pointed out that the format of the plan shows deadlines that are to be met. It was the sense of the Council that all committees should be apprised of the status of each committee's progress. Minutes of each committee's meetings will be posted on the website.

Councilmember Enelow made a motion to adopt the Strategic Plan. Councilmember Strom seconded the motion, and it passed unanimously.

B. Introduction of an Ordinance to Amend Chapter 4 of the Town of Chevy Chase Municipal Code to Modify Provisions Related to Walls on Private Property

This amendment allows a wall that is less than one foot high to extend into the front yard and measures the cumulative height of walls that are within 30 inches of each other. Councilmember Wolf made a motion to introduce the amendment to Chapter 4 of the Town code. Councilmember Strom seconded the motion, and it passed unanimously. Town Attorney David Podolsky pointed out that when substantial changes are made to an ordinance that has already been sent to the Montgomery County Council,

the changed version must be sent to back to the County Council for review. Staff was asked to measure how close together the walls are at a house on Walsh Street and to check other groups of walls on private property to see how close together they are and report back to the Council in April. The vote on the amendment was called, and it passed unanimously.

C. Public Hearing and Council Action on an Ordinance to Amend Chapter 8 of the Town of Chevy Chase Municipal Code to Clarify and Codify the Absentee Ballot Process

Sue Hill, 7013 Maple Avenue, Chair of the Election Committee, came before the Council to ask questions about the ordinance and its impact on the language being recommended for placement on the absentee ballot envelopes. The Election Committee members wanted to add more to what will be written on the envelopes, and it was clarified that the ordinance will allow that.

Councilmember Hoffman made a motion to adopt the amendment to Chapter 8 of the Town Code. Councilmember Strom seconded the motion. Discussion followed about the benefits of the amendment. The deadline for voting is consistent with best practices. The vote was called, and the motion passed unanimously.

IV. Discussions

A. Election Procedures – Sue Hill

Sue Hill, Chair of the Election Committee, came before the Council to discuss polling hours for Town elections. There was discussion about expanding voting hours and staffing the polling place. Current hours for voting are 6:30 p.m. to 8:00 p.m. The Election Committee recommended voting hours from 5:00 p.m. to 8:00 p.m.

The absentee balloting process will give residents an expanded opportunity to vote absentee. The election issue of the FORECAST will have an absentee ballot request form in it, and a form will be posted on the Town's website. Delivery and pick-up arrangements will be made for very ill and infirmed residents. Absentee ballots will be able to be submitted until the end of the election voting hours.

Sue explained that the Town's election is part of the universal voter registration system, so when residents vote in the Town, their vote counts, and their names do not get purged from the system.

Discussion followed about the absentee ballot process. Town staff will only hand out the ballots. On Election Day, the Town office will open at 7:30 a.m. The Council accepted the recommendation of the Election Committee. Voting will be held between the hours of 5:00 p.m. and 8:00 p.m.

B. FY08 Budget Preparation

Town Manager Todd Hoffman presented Councilmembers with the proposed FY08 budget and asked the Council to advise staff of anticipated changes to Town programs and services, including any proposed new initiatives. Staff prepared a budget

that was developed assuming no major program or policy changes except those that have already been implemented.

The Town Manager asked the council to consider the key operational programs (Administration, Public Safety, and Civic Affairs), as well as key capital programs of open space acquisition and traffic plan implementation. He explained that the Capital Fund has no specific funding source. A portion of reserve funds that are earmarked for projected Capital Projects is the source of funding.

Councilmember Wolf requested that the Long Range Planning Committee make recommendations to the Council regarding the Purple Line issues and that the Council identify a budget item to cover the costs of a consultant to study the Purple Line and represent the Town. The State's plan has changed so that the train will be on the south side, which is the residential side, of the tracks. He requested that \$100,000 be in the FY08 budget. Councilmember Hoffman suggested that \$250,000 would be a better figure for that purpose. Councilmember Strom noted that the amount needed had not yet been determined.

Councilmember Wolf made a motion that the Town Manager be directed to include \$250,000 for a Purple Line study in the FY08 budget. Councilmember Hoffman seconded the motion, and it passed with a vote of four in favor with Mayor Barnes opposed.

C. FY08 Contract Recommendations

Town Manager Todd Hoffman provided Councilmembers with a summary of the responsible bids that were received and reference checks for the new contractors for the Town's major services beginning on July 1, 2007.

Unity Disposal was the lowest bidder for yard trash recycling. The Town's current contractor is Montgomery County Sanitation and Recycling. There was discussion about yard trash collection and whether or not there is a need to collect yard trash twice a week year round.

Councilmember Enelow made a motion to accept the contracts as recommended by the Town Manager. Councilmember Wolf seconded the motion, and it passed unanimously.

D. Regulatory Review and Enforcement Committee Recommendations

Town Attorney David Podolsky recommended that the "general building permit conditions" document be used for the building regulations. Using Bruce Russell's (Chair of the Regulatory Review Committee) suggestions, Mayor Barnes, Town Manager Todd Hoffman, and the Town Attorney will work with the proposed permit conditions and write the regulations. The Town Manager, Assistant Town Manager Ted Pochter, and Bruce Russell will formalize the Standard Operating Procedures (SOP) and present them to the Council for comments and suggestions. Councilmember Strom suggested that Town Staff should talk with members of the Enforcement Committee as operating procedures are implemented. The Mayor asked the Environmental Committee to look at the proposed Noise Ordinance and consider the ramifications.

The Mayor thanked the Committee for their work.

E. Town Handbook – Scope of Work

The Town Manager asked Councilmembers to discuss the proposed content of the Town handbook and whether it should serve as a general resource on Town programs and services or whether it should focus specifically on building-related issues and regulations.

There was discussion about the type and amount of information to be included in the Town handbook. It was the sense of the Council that the handbook should include general information about the Town. It was also the sense of the Council that staff would write the handbook but would use a consultant for layout and design. Councilmembers approved using the sample handbook prepared by the Town Manager as the scope of work.

F. Committee Budgeting Policy

Councilmembers Wolf and Hoffman presented their recommendation on a budgeting policy for Town committees. Their recommendation was to budget \$2,500 for each Town committee. The Committee Chair and Council liaison would both have to approve the expenditure.

Councilmember Wolf made a motion to adopt the recommended budgeting policy. Councilmember Hoffman seconded the motion, and it passed unanimously.

G. Crosswalks –Proposed Design and Location

The Town Manager reported that staff had researched available crosswalk applications and locations. He recommended using Duratherm, a product developed by Integrated Paving Concepts.

Council directed Town staff to get the cost of installing a textured crosswalk at Maple Avenue and Bradley Lane as a pilot project. They requested that staff recommend other locations for crosswalks.

H. Raised Intersections and Entryway Barriers

Councilmembers discussed the possible installation of raised intersections and entryway barriers, as recommended by the Town's Traffic Committee as part of its comprehensive traffic plan for the Town. The Traffic Plan recommended raised intersections on Leland Street at Oakridge Avenue and on Leland Street at Oakridge Lane and Maple Avenue. Given the forthcoming infrastructure work, the Town Manager recommended waiting to consider installation of raised intersections.

Discussion followed about the use of entryway barriers. It was the sense of the majority of the Council not to use entryway barriers, because they present mechanical and logistical problems and are unsightly, among other things.

I. Stormwater Infrastructure Improvements

Town Manager Todd Hoffman reported that, as a result of County Executive Ike Leggett's recommendation to fund the Town's storm water project, the County's CIP Manager, Martha Lamborn, advised the Town to write a letter of testimony to the County Council prior to the County's public hearings on the CIP.

Town Manager Todd Hoffman recommended modifying the letter that the Council sent to Ike Leggett and sending that as a letter of testimony to the County Council. It was the sense of the Council to modify the letter and to visit with County Council members and Transportation and Environment Committee members to urge support for the storm water project.

J. Bethesda Naval Hospital & Traffic

The Montgomery County Council is aware of the concerns of all neighboring municipalities in the vicinity of Bethesda Naval Hospital about the impact on local traffic resulting from the planned expansion of the National Naval Medical Center to accommodate the closing of Walter Reed Army Medical Center.

It was the sense of the Council that the Town should try a coordinated approach with the other municipalities in dealing with the County Council and Federal Government on these issues. The Council discussed the possibility of using the Maryland Municipal League (MML) to help.

K. Street Lighting

Town Manager Todd Hoffman gave Councilmembers an update from MML on the status of the state legislation that would permit local governments to purchase their streetlights mounted on wooden poles at fair market value and subsequently contract for maintenance of the streetlights.

L. Purple Line

The Town Manager distributed correspondence from the Maryland Transit Authority and civil engineers regarding the Purple Line. The information included various cost estimates for the Purple Line and for different alternatives to the Purple Line.

The Council asked to be kept apprised of the developments concerning the Purple Line.

Town Manager Report: Town Manager Todd Hoffman informed the Council that staff had arranged to have a shredder truck in the Leland Center parking lot for four hours during "Trash and Treasures" on April 21. Councilmembers wanted a report of how many residents used the service.

The Council approved the purchase of 300 additional light bulbs for the Climate Protection Committee. Councilmembers wanted to know how many bulbs the Town has on hand before purchasing the new bulbs.

The Community Relations Committee is considering establishing a block captain program for neighborhood parties and networking. Councilmembers will discuss this issue further, since it is unclear who will fund the parties.

Councilmember Enelow expressed objection to the large Verizon boxes located on Town poles. He requested that staff ask Verizon to relocate the poles or move them up the pole. Town Attorney David Podolsky indicated that the Town can only force Verizon to make any changes if they are related to public health, safety, and welfare according to the franchise agreement.

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

Respectfully submitted,

Kathy Strom
Secretary

Transcribed by Andi Silverstone