

TOWN OF CHEVY CHASE  
COUNCIL MEETING  
June 13, 2007

Present: Rob Enelow, Vice Mayor; Lance Hoffman, Secretary; Kathy Strom, Treasurer; Mier Wolf, Community Liaison; Todd Hoffman, Town Manager; David Podolsky and Ronald Bolt, Town Attorneys; and Andi Silverstone, Town Clerk. Residents and guests: Ed Bonder, 3907 Aspen Street; Pat Burda, 4108 Woodbine Street; Dedun Ingram, 4411 Elm Street; Bruce Johnson, Montgomery County Department of Public Works and Transportation; David Lublin, 4214 Thornapple Street; Michael Mitchell, Montgomery County Department of Public Works and Transportation; Joe Rubin, 4409 Ridge Street; and David Steeds, 4507 Elm Street.

Absent: Linna Barnes, Mayor.

I. General Business

A. Call to order

Vice Mayor Enelow called the meeting to order at 7:05 p.m.

B. Pledge Allegiance to the Flag

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

C. Public Comments

Ed Bonder, 3907 Aspen Street, came before the Council to object to the need for an administrative variance to extend the height and length of his existing front yard wall. The proposed wall would exceed on foot in height and would be located adjacent public sidewalk. Mr. Bonder asked Councilmembers to reconsider the need for him to obtain a variance. Councilmembers took his request under advisement.

Dedun Ingram, 4411 Elm Street, indicated that walls that abut the sidewalk have a more unfriendly feel than those that are set back 2 feet.

D. Acceptance of Minutes of May 2007 Regular Meeting and Executive Session

Councilmember Wolf made a motion to approve the minutes of the May regular meeting and executive sessions. Councilmember Hoffman seconded the motion, and it passed unanimously.

E. Acceptance of May 2007 Financial Report

Councilmember Strom made a motion to accept the financial report for May. Councilmember Wolf seconded the motion, and it passed unanimously.

F. Acceptance of Minutes of October 2006 Regular Meeting and Executive Session and September 2006 Executive Session

Town Manager Todd Hoffman explained to Councilmembers that the minutes of the October regular meeting and executive session and the September 2006 executive session had not been formally approved in the minutes. Councilmember Strom made a motion to accept the minutes as described. Councilmember Wolf seconded the motion, and it passed unanimously.

G. Budget Transfer for Private Security Service Expenses

The FY07 budget for Private Security Services did not include funding for the additional patrol hours requested by the Council in response to increased criminal activity in and around Town during the spring/summer of 2006. Funds are available in the Streets and Roads Program, but not in the Public Safety Program.

Staff requested that Councilmembers approve a budget transfer in the amount of \$10,400 from the Sidewalk Snow Removal line item in the Streets and Roads Program to the Private Security Services line item in the Public Safety Program.

Councilmember Wolf made a motion to approve the transfer of funds as requested. Councilmember Strom seconded it, and it passed unanimously.

II. Adoption of FY08 Budget

The Town Manager noted that the only outstanding issue regarding the FY08 budget is the Purple Line Analysis line item. The Council held a public hearing on the funding of that line item. It was the sense of Councilmembers to include this funding in the FY08 budget.

Councilmember Strom made a motion to approve the adoption of the FY08 Budget as presented. Councilmember Wolf seconded the motion, and it passed unanimously.

III. Public Hearings

A. Public Hearing and Council Action on an Ordinance to Amend Chapter 4 of the Town of Chevy Chase Municipal Code to Modify Provisions Related to Structures, Fences, Walls, Trees, Hedges, Shrubbery and Other Plant Growth on Public Property Devoted to Private Use

The proposed ordinance was discussed in April and introduced in May. The ordinance prohibits structures and certain plantings on public property. It allows for the maintenance of improvements on public property if installed before the effective date of the ordinance. It also provides for the Town to revoke any license to use the public right-

of-way and remove any improvements made thereon if any person violates the proposed ordinance. The Town Manager also explained how this ordinance addresses an inconsistency between a Town ordinance regulating improvements in front yards and a Town ordinance regulating improvements in the public right-of-way.

Councilmember Wolf made a motion to approve the ordinance. Councilmember Strom seconded the motion, and it passed unanimously.

**B. Public Hearing and Council Action on an Ordinance to Amend Chapter 4 of the Town of Chevy Chase Municipal Code to Modify the Method of Calculating the “Established Building Line”**

An ordinance to amend the Town’s method of calculating the established building line (EBL) by modifying its definition was presented to the Council in April and introduced at the May Council meeting. Montgomery County recently changed the way it measures the EBL. It measures it from the front property line to the nearest foundation wall or cantilevered floor. The Town’s ordinance would adopt the same calculation method.

Councilmember Strom described an issue with the EBL and front yard setbacks. Under the County’s ordinance and the Town’s proposed ordinance, lots that are 50 feet wide would be exempt. Councilmember Strom made an amendment to the motion to change the width of lots that would be covered under the ordinance from 60 feet to 50 feet wide. Councilmember Wolf seconded the motion. Discussion followed about the need to hold another public hearing in July due to the amendment, and the need to notify Montgomery County of the amendment. Councilmember Wolf asked that an explanation of the ordinance and the amendment be included in the FORECAST and on the Town’s website.

A vote was called on the motion, and it passed unanimously.

**IV. Discussions**

**A. Montgomery County Briefing on Storm Drain Improvement Project**

Bruce Johnston and Michael Mitchell, Montgomery County Department of Public Works and Transportation, briefed Councilmembers on the details of the Storm Drain Improvement Project, including the phases, timeline, staging, traffic control/street closures, work hours, noise control, easements, coordination with WSSC, and trees and tree protection. They also gave a brief history of the need for the project.

There was discussion about the need to close Chatham Road and Stanford Street for a couple of weeks and the inconvenience it would cause residents. The County contractor will try to minimize any inconveniences to residents, but it was the sense of the Council to let residents know that some sacrifices will need to be made for the good of the community.

There was discussion about the County’s efforts to obtain easements from residents on Thornapple Street and Oakridge Avenue. The County is having some difficulty obtaining the easements but will be able to proceed without the easements. They have the right to replace/modify existing pipes on the properties. Town resident

David Lublin, 4212 Thornapple Street, expressed concerns about legal issues that the County had not addressed. The Town Manager was asked to facilitate a meeting among affected Town residents and County officials. Councilmember Wolf offered to attend the meeting.

The work will begin in July on Thornapple Street and then will stop until the end of August or early September. There was discussion about where the equipment would be stored. Councilmember Strom suggested that the Town try to get an agreement to store it at the 4-H Center rather than at the Leland Community Center.

Mr. Mitchell agreed that the County would notify Montgomery County Public Schools and the Fire and Police Departments of the project and the closure of any Town streets. Mr. Mitchell also agreed that the County would restore curbs if any are damaged when the new storm drain inlets are installed.

#### B. Montgomery County Growth Plan

Pat Burda, Chair of the Long Range Planning Committee, presented a description of the County's Growth Policy with suggested comments from her committee. She reported that there would be two opportunities for public comment to the County Council. There were some parts of the plan that committee members liked and others they didn't. They also made a few recommendations. Among the larger issues are those of traffic and environmental impact.

Councilmember Strom will testify before the County Council about the Growth Plan.

#### C. Charter Amendments

Town Manager Todd Hoffman and Town Attorney David Podolsky have reviewed the Town Charter for inconsistencies. Discussion on this topic was deferred until the July Council meeting to give Councilmembers an opportunity to review staff recommendations and offer comments.

#### D. Sidewalk Policy

Town Manager Todd Hoffman provided Councilmembers with copies of the Sidewalk Policy with the changes previously requested by Councilmembers. It was the sense of the Council that the policy was well-written and should be implemented. Staff was asked to publish the policy in the FORECAST and on the Town's website.

#### E. Block Party Regulations

Councilmember Wolf, liaison to the Community Relations Committee, raised issues with the Town's Block Party Petition form. Committee members have concerns about the Hold Harmless Agreement, which is a part of the petition form. There was discussion about what other jurisdictions do. Town Attorney David Podolsky recommended that the Town continue to include a hold harmless agreement in the petition.

Discussion followed about the hold harmless agreement and insurance issues. Staff was asked to check on the amount of the Town's liability insurance and find out if there is a cap. It was the sense of the Council to continue to use the current block party petition form with the hold harmless agreement. Staff was directed to prepare a cover sheet for the block party form that would describe tips for hosting a safe block party.

Councilmember Wolf made a motion to provide a subsidy of up to \$150 for costs incurred as part of hosting a block party. Receipts for reimbursement would be required. There was discussion about how the subsidy should be used. It was the sense of the Council that the subsidy would not be for funding the party but to cover unexpected expenses of the host. Councilmember Strom seconded the motion, and it passed unanimously.

#### F. Meadow Lane Bulletin Board

Town Manager Todd Hoffman gave Councilmembers the background on the bulletin board near 7206 Meadow Lane. Town resident Sally Kelly, 7300 Oak Lane, who provided the bulletin board, would like for the bulletin board to remain and be used to provide information on green building practices. The Town Manager reported that the bulletin board is in a state of disrepair and is in a location where there are no sidewalks. There is a bulletin board in front of the Town office that is used for dissemination of information to Town residents.

There was discussion about whether or not the bulletin board should remain until the status of the building at 7206 Meadow Lane is determined. Councilmember Wolf made a motion to have the sign removed as soon as possible. Councilmember Hoffman seconded the motion. The motion passed with Councilmembers Enelow, Hoffman, and Wolf in favor and Councilmember Strom opposed. It was the sense of the Council that a letter be drafted to Mrs. Kelly for the Mayor's signature, thanking her for the bulletin board and letting her know that it needs to be removed since the house at that location is going to be demolished within the next few weeks.

#### IV. Town Manager's Report

Town Manager Todd Hoffman presented Councilmembers with four executive regulations developed by Town staff and the Town attorney. He reported that the Mayor requested Councilmembers to comment on the executive regulations within two weeks. The regulations establish procedures for the Town to follow in various work-related situations, but they will not be part of the Town Code. The Town Manager also provided the Town Council with Standard Operating Procedures for building permit administration and code enforcement. These procedures are administrative and are intended to be a guide for the staff. The Town Manager asked that the Town Council provide comments within two weeks.

New Business (Not an agenda item)

Councilmember Wolf reported that Roger Berliner, Montgomery County Councilmember, asked him to join the County's Mansionization Committee, and he agreed to join.

Councilmember Wolf reported that Town resident Sue Goodman, 4113 Woodbine Street, would like to set up an electronic Community Bulletin Board for the Town. She will be soliciting information on the Town, but maintenance of the bulletin board would not be a Town responsibility. There was discussion about the need for the bulletin board not to be identified as a Town-sponsored communication tool. Staff was asked to contact Ms. Goodman about her plans and what she intends to name the bulletin board. Once that has been clarified and the bulletin board has been launched, it was the sense of the Council that it should be mentioned in the FORECAST and on the Town's website.

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

Respectfully submitted,

Lance Hoffman  
Secretary

Transcribed by Andi Silverstone