

TOWN OF CHEVY CHASE
COUNCIL MEETING
July 17, 2007

Present: Linna Barnes, Mayor; Rob Enelow, Vice Mayor; Kathy Strom, Secretary; Lance Hoffman, Treasurer; Mier Wolf, Community Liaison; David Podolsky and Ron Bolt, Town Attorneys; Ted Pochter, Assistant Town Manager; Andi Silverstone, Town Clerk; and Mr. Jakubiak, Jakubiak and Associates. Residents and guests: Leanne Boland, 4115 Leland Street; Pat Burda, 4108 Woodbine Street; Michael Coplan, 7003 Meadow Lane; Bridget and Lees Hartman, 7214 Ridgewood Avenue; Mary Anne Hoffman, 7104 44th Street; Julia Miller, 4212 Oakridge Lane; George and Lynn Mitchell, 4109 Leland Street; Scott Orbach, 4401 Stanford Street; Todd Ray, Studio 27; Joe Rubin, 4409 Ridge Street; and Julie and Ollie Thomas, 4421 Ridge Street.

Absent: Todd Hoffman, Town Manager

The meeting and work session were called to order by Mayor Barnes at 6:35 p.m. She led everyone in attendance in the pledge of allegiance to the flag.

I. Budget Transfer to Cover Montgomery County Police Expenses

Councilmembers were informed that there were not enough funds in the Public Safety/Montgomery County Police Services line item to cover related expenses incurred in fiscal year 2007. Council was asked to make a budget transfer of \$3,492.00 from the Sidewalk Snow Removal line item to Montgomery County Police Services line item.

Councilmember Enelow made a motion to approve the budget transfer. Councilmember Strom seconded the motion, and it passed unanimously.

II. Action on Chatham Road Traffic Control Ordinance

Councilmember Hoffman made a motion to adopt emergency legislation authorizing the Council to have stop signs installed at proper locations on northbound Chatham Road at Blackthorn Street and on southbound Chatham Road at Aspen Street. Councilmember Enelow seconded the motion.

Discussion followed about whether or not the Council should delegate the authority to install stop signs to the Town Manager or the Mayor. Councilmember Strom noted that there should be a process that included discussion and public comment before stop signs are installed. It was the sense of the Council that that they should have the authority to install stop signs by resolution. The Town Attorney was directed to prepare an ordinance giving the Council the authority to pass resolutions to install stop signs.

Councilmember Wolf expressed displeasure with the process of installing the stop signs at the residents' request without having a plan or procedure in place. In his opinion, the decision on how to respond to the residents came too quickly. It was the sense of the Council to refer future requests for stop signs to the Public Services Committee.

Staff was directed to notify residents via the listserv and the website about the two new stop signs on Chatham Road and to put a notice in the September FORECAST. Staff also was directed to use flags or some other means to draw attention to the new stop signs on Chatham Road.

The vote was called on the emergency legislation authorizing the installation of the stop signs on Chatham. All Councilmembers voted in favor of the motion.

III. Discussion of RFP for Purple Line Analysis

Councilmembers discussed the requirements included in the RFP for the Purple Line Analysis. It was noted that there were not a lot of specifics in the document, such as the number of meetings to attend or the number of documents to review. The Council discussed three options for the RFP: to leave the specifics open-ended and request hourly rates; to quantify the tasks and request a fixed fee; or ask for a fixed fee with hourly rates for any extra work.

It was the sense of the Council to require attendance at eight committee meetings; three Council meetings; a minimum of four public meetings; and a minimum of four meetings with State and County officials. Staff was asked to include an addendum in the contract that would provide for the Mayor or Town Manager to add tasks to the projects, since there is no way to predict the number of public meetings.

IV. Public Hearing and Council Action on Established Building Line Ordinance

Mayor Barnes explained that the intent of the Town is to calculate the EBL using the same method as Montgomery County so that residents, builders and others can perform one set of calculations for purposes of complying with both Montgomery County and Town setbacks.

George Mitchell, 4109 Leland Street, noted that he wanted to defer his comments for lack of understanding of the ordinance. He explained that he was confused about the article in the newsletter and on the web and did not have a full understanding of the issue.

Ollie Thomas, 4421 Ridge Street, presented the Council with written comments on the proposed EBL ordinance. He also said that he was unclear about the need for the ordinance and did not understand it. He expressed his objection to holding such an important meeting during the summer when many residents are away. He asked the Town Council to table any action until residents have sufficient information on the ordinance.

Joe Rubin, 4409 Ridge Street, asked about 50-foot wide lots and if they are considered sub-standard. It was explained that the Town would treat 50-foot wide lots as a standard lot, and, therefore, an EBL would be needed for new construction.

Scott Orbach, 4401 Stanford Street, noted that he was confused about the EBL ordinance by the notice given to residents. He asked if the ordinance would apply to new homes or existing homes. He asked the Council to postpone acting on the ordinance and to make the notice and the ordinance consistent with Montgomery County's ordinance. He wanted clarification about whether the Town's ordinance is intended to harmonize with the County's ordinance or the County's interpretation of its ordinance. He also

asked the Council to quantify the impact of the ordinance on the Town and explain to residents why the ordinance is necessary.

Julia Miller, 4212 Oakridge Lane, agreed that there was confusion about the interpretation of the EBL ordinances between the County and the Town. She suggested that the Council publish a new notice in the FORECAST that would be easier to understand.

Councilmembers discussed the need to clarify the EBL ordinance, which they acknowledged was difficult to understand. Councilmember Strom asked that the complete ordinance be put on the website and in the September FORECAST. Any summary of the ordinance should be reviewed by the Town Attorney before publication.

The Council directed staff to invite officials from the County's Department of Permitting Services to meet with Councilmembers to explain the interpretation of the County's ordinance regarding EBL. The Council directed the Town Attorney to send two versions of the EBL ordinance to the County: one that included lots with a 50-foot width and one that excluded such lots. Councilmember Wolf made a motion to table consideration of the ordinance until the September Council meeting and publish a new notice to the residents. Councilmember Hoffman seconded the motion, and it passed unanimously.

V. Council Work Session with Jakubiak and Associates

Mr. Chris Jakubiak from Jakubiak and Associates and Todd Ray from Studio 27 Architecture presented their recommendations for how the Town could implement the new authority it has been given. The Town is now able to regulate height, bulk, massing and design, and lot coverage. He gave effects and examples of "mansions" in the Town. It was the sense of the Council that the Town would not take any action related to design review authority.

He gave the background of the study, including the stated goals and the recommended approach. He described compatible development and provided an example of a Compatibility Checklist and a Floor Area Worksheet to be included as parts of a building permit application.

Councilmembers asked questions about Floor Area Ratio (FAR), the development of "green houses", and whether or not the consultants had looked into what other neighboring municipalities were doing. Councilmembers discussed the impact of FAR on different size lots. Mr. Jakubiak indicated that the plan they submitted to the Town could be expanded if requested by the Council.

It was the sense of the Council that it was important to include residents in the process of determining how the Town will use its zoning authority. Clear information will need to be put on the website. Town resident Joe Rubin, 4409 Ridge Street, asked the Council to address concerns about livability and private property rights with residents.

Councilmember Strom urged the members of the Land Use Committee to be ready to present recommendations to the Council as soon as possible, because the Town will need to introduce the ordinance and hold a public hearing.

There being no further business, the meeting and worksession were adjourned at 9:20 p.m.

Respectfully submitted,

Lance Hoffman
Secretary

Transcribed by Andi Silverstone