

TOWN OF CHEVY CHASE
TOWN COUNCIL MEETING
August 6, 2008

Present: Kathy Strom, Mayor; Rob Enelow, Vice Mayor; David Lublin, Secretary; Linna Barnes, Treasurer; Al Lang, Community Liaison; Todd Hoffman, Town Manager; Andi Silverstone, Town Clerk; and David Podolsky and Adam Cohen, Town Attorneys.

Residents and guests: Stephanie Flack, 7111 Oakridge Avenue; March Dodge, 7214 Chestnut Street; Judy McGuire, 4003 Rosemary Street; Naomi and Irvine Kaminsky, 6903 Oakridge Avenue; William Pritchard, 7211 Ridgewood Avenue; Alisa Lebowitz, 7102 Oakridge Avenue; Katie Berg, 7217 Oakridge Avenue; Francis Cavanaugh, 7213 Oakridge Avenue; Rose Miller, 7000 Valley Place; Michael Coplan, 7003 Meadow Lane; Jeff Urda, 7201 Oakridge Avenue, and Reinier Lock, 7006 Hillcrest Place.

I. General Business

A. Call to order

Mayor Strom called the meeting to order at 6:40 p.m.

B. Pledge Allegiance to the Flag

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

C. Approval of Minutes of July 9 Council Meeting and Executive Session

Councilmember Lublin made a motion to approve the minutes of the July 9 Council meeting and Executive Session. Councilmember Enelow seconded the motion, and it passed unanimously.

D. FY08 Budget Transfers

Council Treasurer Barnes explained that four budget transfers are required to be made between programs in the FY08 budget. While there are four programs in which more funds were spent than budgeted, there are enough funds in other programs to cover the expenses. According to the Town Charter, budget transfers between programs require approval from the Town Council.

On a motion by Councilmember Barnes and a second by Councilmember Enelow, the following four budget transfers were approved unanimously: 1) a transfer of \$6,000 from Civic Affairs and Constituent Services to Administration/Salaries and Benefits; 2) a transfer of \$70,500 from Civic Affairs and Constituent Services to Administration/Services and Supplies; 3) a transfer of \$2,600 from Streets and Roads to

Public Safety/Services and Supplies; and 4) a transfer of \$4,785 from Streets and Roads to Sanitation and Waste Removal/Household Trash.

E. Acceptance of June 2008 (unaudited) and July 2008 Financial Reports

Councilmember Barnes made a motion to accept the unaudited June 2008 financial report and the July 2008 financial report. Councilmember Lublin seconded the motion, and it passed unanimously.

F. Schedule October Meeting Date

The regularly scheduled October Council meeting falls on Yom Kippur. It was the sense of the Council to reschedule the meeting for October 14, 2008.

The Council scheduled a meeting with committee chairs for September 11, 2008.

The mid-year meeting was scheduled for November 18, 2008. The theme will be public safety. Councilmembers agreed to invite the Commander and Community Liaison from the Bethesda Police Station to speak at the meeting.

II. Variance Hearing

A. Flack, 7111 Oakridge Avenue, Driveway Width Variance

Town Manager Todd Hoffman presented the staff report. Stephanie Flack, 7111 Oakridge Avenue, applied for a variance from Town building regulations to widen an existing non-conforming driveway. The proposed driveway would be 15.5 feet in the applicant's front yard and in the public right-of-way, and 20.5 feet at the roadway. Town building regulations prohibit the construction, expansion or replacement of a driveway wider than 10 feet in the front yard of private property or in the public right-of-way, and no wider than 15 feet, inclusive of the aprons, at the paved roadway. Therefore, variances are required.

The applicant proposes to widen the existing driveway on private property to make the driveway a uniform 15.5 feet, requiring a variance of 5.5 feet. She also proposes to widen the existing driveway in the Town right-of-way to make the driveway a uniform width of 15.5 feet, requiring a variance of 5.5 feet. The applicant is asking to be able to widen the driveway apron to accommodate the new driveway, also requiring a variance of 5.5 feet.

The applicant made several claims in support of her variance request, including that the newly installed sidewalk and crosswalk on Oakridge Avenue will eliminate on-street parking in front of the applicant's house and that the proposed driveway improves the safety of children by allowing them to get into the car on the property.

Town Manager Todd Hoffman reported that the office had received an e-mail expressing concern about a tree that abuts the proposed driveway. The Town's arborist determined that the proposed expansion of the driveway will not harm the tree.

Alisa Lebowitz, 7102 Oakridge Avenue, and Jeff Urdan, 7201 Oakridge Avenue, spoke in support of Ms. Flack's request for a variance.

Councilmember Strom made a motion to grant the variance based on the extraordinary condition of the positioning of the Stop sign and the inability of the applicant to park in front of her property, with the condition that Ms. Flack comply with the recommended excavation procedures.

III. Public Hearings and Council Actions (All public hearings were recorded.)

A. Introduction of, and Public Hearing on, a Resolution to Impose Traffic Controls in the Vicinity of Chevy Chase Elementary School

The Town Council held a public hearing on a resolution to impose traffic controls in the vicinity of Chevy Chase Elementary School. The traffic plan consists of several elements: 1) signage changes, including parking, standing and stopping restrictions, around the school, 2) a school speed zone designation, and 3) new car and bus routing. Councilmember Lang made a motion to introduce the ordinance. Councilmember Barnes seconded the motion, and it passed unanimously.

The Council made two amendments to the ordinance. One amendment changed the hours of the prohibition against cars entering onto southbound Hillcrest Place adjacent to the school. The original resolution established the ‘Do Not Enter’ hours at this location from 8 to 9 a.m. and from 2 to 4 p.m. Councilmember Lublin made a motion to reduce the length of the afternoon entry restriction by one hour so that cars will now be prohibited from entering southbound Hillcrest adjacent to the school from 2:30 to 3:30 p.m. Councilmember Barnes seconded the motion, and it passed with Councilmembers Strom, Barnes, Lublin and Lang in favor, and Councilmember Enelow opposed. Councilmember Enelow made a motion to post a “No stopping, standing, or parking” sign at the intersection of Meadow Lane and Rosemary Street to allow for unobstructed access to the crosswalk. Councilmember Barnes seconded the motion, and it passed unanimously.

Councilmember Strom made a motion to exclude the “No stopping or standing” signs on the south side of Rosemary Street in front of 4100 Rosemary Street. Councilmember Lublin seconded the motion. Discussion followed, and Councilmember Lublin withdrew his second. There was no second to the motion.

The Council voted unanimously to adopt the resolution as amended. The resolution was made effective immediately. Staff was asked to direct the off-duty Montgomery County police officers to begin education and enforcement of the provisions of the resolution. Staff also was directed to coordinate with Chevy Chase Elementary School to inform parents about the new traffic plan around the school, send a letter to Town residents about the new traffic plan, and post a summary of the plan on the Town’s website.

B. Public Hearing on an Ordinance to Establish Special School Zone Speed Limits in the Vicinity of Chevy Chase Elementary School

The Council held a public hearing on an ordinance to establish special school zone speed limits in the vicinity of Chevy Chase Elementary School. Town engineer Joe Cutro explained the provisions of the ordinance. Councilmember Barnes made a motion

to amend the ordinance to make it emergency in nature, so that it will be in effect by the time school starts, and to expand the school zone to include the 7000 block of Beechwood Drive, the 7000 block of Hillcrest Place and Valley Place. Councilmember Enelow seconded the motion to amend, and it passed unanimously. Councilmember Lublin made a motion to adopt the ordinance as amended. Councilmember Enelow seconded the motion, and it passed unanimously.

C. Introduction of, and Public Hearing on, a Resolution to Require Vehicles to Stop at the Intersection of Oakridge Avenue and Curtis Road

The Council held a public hearing on a resolution to require vehicles to stop at the intersection of Oakridge Avenue and Curtis Road. Councilmembers discussed placement of signs and visibility issues. Councilmember Lublin made a motion to adopt the resolution. Councilmember Lang seconded the motion, and it passed unanimously.

D. Introduction of, and Public Hearing on, a Resolution to Prohibit Parking on Portions of the West Side of the 7100 and 7200 Blocks of Oakridge Avenue

The Council held a public hearing on a resolution to prohibit parking on the west side of the 7100 block of Oakridge Avenue and on two portions of the 7200 block of the same street. Bill Pritchard, Chair of the Public Services Committee, explained the reasons for the recommendations made by the committee. Councilmembers discussed the location of the parking prohibitions. Councilmember Barnes made a motion to amend the resolution to remove the prohibitions on parking on the 7200 block of Oakridge Avenue, except for within 50 feet of the intersection with Curtis, and prepare another resolution and hold a public hearing on parking prohibitions for that block during the September Council meeting. Councilmember Lang seconded the motion. The vote on the amendment was called and was approved with Councilmembers Strom, Enelow, Barnes, and Lang in support and Councilmember Lublin in opposition. The vote on the amended motion was called and was approved with Councilmembers Strom, Barnes, Lublin and Lang in favor, and Councilmember Enelow opposed. The Public Services Committee will look into widening a portion of the west side of the 7100 block of Oakridge Avenue to allow for two-sided parking in that block.

The Council approved Alisa Lebowitz's request for a driveway apron at 7102 Oakridge Avenue.

IV. Discussions

A. Public Safety

Town Manager Todd Hoffman presented Councilmembers with a comprehensive memo describing the Town's public safety services and recent changes to these services in response to several crimes that have occurred in and around the Town. Councilmembers directed the Town Manager to edit his memo and post it on the Town's website.

Councilmember Barnes reported that Rich Madeleno is planning to ask the State to install a traffic light at Thornapple Street and Connecticut Avenue. It was the sense of the Council that the request should be delayed until the Council could seek resident input on the request. The Public Services Committee will manage this public outreach effort.

The Council accepted Councilmembers Barnes and Lublin's proposal to invite the Bethesda Police Commander to the Fall meeting.

B. TOCC/PEPCO Partnership

Judy McGuire, 4003 Rosemary Street, came before the Council to request that the Council send a letter to PEPCO about becoming an active partner with the Town in various energy conservation efforts. It was the sense of the Council to send the letter.

E. Adjournment

There being no further business, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

David Lublin
Secretary

Transcribed by Andi Silverstone

