

TOWN OF CHEVY CHASE
COUNCIL MEETING
September 9, 2021

4-H Property Redevelopment Presentation (6:00-7:00 p.m.)

The buyers of the 4-H property will make a presentation to the Town on the general concept for the use of the land.

- I. GENERAL BUSINESS (7:00-7:30 p.m.)
 - A. Call to Order
 - B. Approval of Meeting Minutes
 - C. Acceptance of August 2021 Financial Report
 - D. [Town Manager's Report](#)
 - E. Public Comments

- II. COUNCIL DISCUSSIONS (7:30-9:30 p.m.)
 - A. [Discussion and Possible Introduction of an Ordinance to Amend the Town's Urban Forest Ordinance](#)
 - B. [Discussion and Possible Introduction of an Ordinance to Adopt the County's Healthy Lawns Act](#)
 - C. Farm Women's Market Redevelopment
 - D. American Rescue Plan Act (ARPA) Relief Funds
 - E. [Public Safety/Crime Statistics](#)
 - F. Organizational Assessment/Executive Recruitment

- III. ADJOURNMENT (9:30 p.m.)

Join Online

<https://us02web.zoom.us/j/3016547144?pwd=NnJvS1BpM3ZkSFA4bXBwbWZhWVM2UT09>

Meeting ID: 301 654 7144

Passcode: 6547144

Join by Phone

(301) 715-8592 US

Meeting ID: 301 654 7144

Passcode: 6547144

MEMORANDUM

I-D

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Town Manager's Report
DATE: September 9, 2021

This report highlights some of the initiatives undertaken by Town staff over the past month. In the interest of brevity, I have not included ongoing staff functions. Please let me know if you have any questions or need additional information.

- Assisted with responding to sale of 4-H Center property. Organized September 9 community presentation.
- Organized September 20 Council work session/developer presentation on Farm Women's Market redevelopment project.
- Organized and attended July 29 Council closed session and work session.
- Retained consultant for Zimmerman Park improvements and approved Phase 1 work.
- Assisted Town attorney in researching eligible uses of ARPA funds.
- Assisted the CEC in reviewing and revising proposed amendments to Town's Urban Forest Ordinance and private/public tree planting lists.
- Requested and reviewed proposal for organizational assessment and executive recruitment.
- Assisted the Elections Board in reviewing options for future election administration.
- Prepared MOU with MMCTV for cable-related services in exchange for PEG grants.
- Began parking permit renewals/registrations.
- Addressed land offer from Lynn Drive/Oakridge Lane residents.
- Communicated with MCPD regarding traffic enforcement needs.
- Oversaw workers compensation audit.
- Organized fall Trash & Treasures event.
- Continued administration of Battery-Powered Blower and Equipment Rebate Program.
- Assisted the Long-Range Planning Committee with tracking Bethesda redevelopment projects.
- Assisted the Public Services Committee with responding to resident requests and inquiries regarding public safety, traffic, and street lighting.
- Assisted the Community Relations Committee with special events.

**Town of Chevy Chase
(Urban Forest Ordinance)**

Ordinance No.:
Introduced: September 9, 2021
Adopted:
Effective Date:

Subject: AN ORDINANCE TO ADD AND REMOVE TREE SPECIES FROM
THE LIST OF CANOPY TREES IN THE URBAN FOREST
ORDINANCE

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, the Natural Resources Article, Title 5, Subtitle 4, Part IV of the Maryland Code authorizes a municipal corporation to implement a local urban and community forestry program within its jurisdiction; and

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes the Town Council to pass ordinances as it may deem necessary for the good government of the Town and for the protection and promotion of the health, safety, comfort, convenience, and welfare of the residents of the Town; and for such other police and health matters as it may deem necessary; and

WHEREAS, trees benefit the Town by filtering the air, capturing carbon dioxide, providing shade, buffering noise, harboring wildlife, controlling storm water runoff, and stabilizing soils, and the Town Council has determined that certain trees in the Town constitute an important natural resource that must be protected, preserved, and replaced; and

WHEREAS, after receiving a recommendation from the Canopy Tree Working Group and upon consideration of the testimony and evidence presented at the public hearing, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town and for the protection and promotion of the health, safety, comfort, convenience, and welfare of the residents of the Town.

NOW, THEREFORE, the Town Council does hereby adopt the foregoing Ordinance.

SECTION 1. BE IT ORDAINED AND ORDERED, this ____ day of _____, 2021, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that the Code of Ordinances is hereby amended as follows:

* * *

Sec. 29-3. - Trees included.

(a) This chapter applies to the following trees on private and public property in the Town of Chevy Chase:

(1) *Canopy tree*. A canopy tree is defined as a tree with a trunk that measures at least twenty-four (24) inches in circumference at four and one-half (4½) feet above ground and of one of the following species: ~~Green Ash; White Ash; American Beech; English Elm; European Beech; Bald Cypress; American Elm; Franklinia; Ginkgo; Hackberry; Bitternut Hickory; Mockernut Hickory; Pignut Hickory; Shagbark Hickory; American Holly; Honeylocust; Katsura; American Linden; Southern Magnolia; Virginia Magnolia; Black Maple; Red Maple; Sugar Maple; London Planetree; Black Oak; Blackjack Oak; Chestnut Oak; Overcup Oak; Persimmon; Pin Oak; Post Oak; Northern Red Oak; Sawtooth Oak; Southern Red Oak; Scarlet Oak; Shingle Oak; White Oak; Swamp White Oak; Willow Oak; Tulip Poplar; American Sycamore; Sweetgum; Blackgum (Tupelo); Black Walnut; and Yellowwood~~

- American Beech**
- American Elm**
- American Holly**
- American Hornbeam**
- American Linden**
- American Sycamore**
- Bald Cypress**
- Bitternut Hickory**
- Black Birch**
- Black Maple**
- Black Oak**
- Black Walnut**
- Blackgum (Tupelo)**
- Blackjack Oak**
- Canadian Hemlock**
- Chestnut Oak**
- Chinquapin Oak**
- Cucumber Magnolia**
- Eastern Cottonwood**
- Eastern Red Cedar**
- European Beech**
- Ginkgo**
- Green Ash**
- Hackberry**
- Honeylocust**
- Hop Hornbeam**

Katsura
Loblolly Pine
Mockernut Hickory
Northern Red Oak
Northern White Cedar
Overcup Oak
Persimmon
Pignut Hickory
Pin Oak
Post Oak
Red Maple
River Birch
Scarlet Oak
Shagbark Hickory
Shingle Oak
Shortleaf Pine
Silver Maple
Southern Magnolia
Southern Red Oak
Sugar Maple
Swamp White Oak
Sweetgum
Tulip Poplar
Virginia Magnolia
White Ash
White Oak
White Pine
Willow Oak
Yellow Birch
Yellowwood

(2) *Regulated tree.* A regulated tree is defined as a tree that measures at least twenty-four (24) inches in circumference at four and one-half (4½) feet above ground, regardless of species.

(b) If a tree divides into branches at less than four and one-half (4½) feet, the trunk shall be measured immediately beneath the dividing point.

* * *

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of _____, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Maryland law and the Town Charter, that:

(1) If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This Ordinance shall take effect on the ____ day of _____.

ATTEST:

TOWN OF CHEVY CHASE

Joel Rubin, Secretary

Barney Rush, Mayor

Bold and Underline indicates new material

~~Strikethrough~~ indicates material deleted

* * * indicates material unchanged

**Town of Chevy Chase
(Pesticides)**

Ordinance No.:
Introduced: September 9, 2021
Adopted:
Effective Date:

Subject: AN ORDINANCE TO MAKE COUNTY CODE CHAPTER 33B, CONCERNING PESTICIDES, APPLICABLE IN THE TOWN OF CHEVY CHASE, AND TO CLARIFY THE CODE CONCERNING THE APPLICABILITY OF OTHER CHAPTERS OF THE COUNTY CODE

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Local Government Article, Section 4-111 of the Maryland Code authorizes a municipal corporation within the State, by charter amendment or ordinance, to determine what county legislation is applicable within the boundaries of the municipal corporation;

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes the Town Council to pass ordinances as it may deem necessary for the good government of the Town and for the protection and promotion of the health, safety, comfort, convenience, and welfare of the residents of the Town; and for such other police and health matters as it may deem necessary; and

WHEREAS, Montgomery County, Maryland adopted 2015 L.M.C., ch. 46 (Bill 52-14) to minimize the potential pesticide hazard to people and the environment, consistent with the public interest in the benefits derived from the safe use and application of pesticides, among other purposes, and although enforcement of the law was enjoined as preempted by, and in conflict with, State pesticide law in *Complete Lawn Care, Inc., et al. v. Montgomery County, Md.* (Cir. Ct. Mont. Cnty. Aug. 3, 2017; Nos. 427200V & 427253V), the law was been upheld by the Court of Special Appeals, on appeal, 240 Md.App. 664 (2019);

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in public session assembled on the 9th day of September, 2021; and

WHEREAS, after proper notice to the public, the Town Council considered the following Ordinance in public session assembled on the ____ day of _____, 2021; and

WHEREAS, after receiving a recommendation from the Town Climate & Environment Committee and upon consideration of the testimony and evidence presented at the public hearing, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town and for the protection and promotion of the health, safety, comfort, convenience, and welfare of the residents of the Town.

NOW, THEREFORE, the Town Council does hereby adopt the foregoing Ordinance.

SECTION 1. BE IT ORDAINED AND ORDERED, this ____ day of _____, 2021, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that the Code of Ordinances is hereby amended as follows:

* * *

Sec. 1-7. - Applicability of county legislation within town.

(a) Except as provided in this section, the town council exempts the town from all legislation heretofore or hereafter enacted by the county, relating to any subject upon which the town council has heretofore or is hereafter granted legislative authority either by public general law or by the town charter.

(b) Subsection (a) of this section does not repeal or prohibit any town ordinance that specifically adopts or incorporates by reference any county legislation, and such county legislation adopted or incorporated as of the adoption of this section or incorporated by references into this Code in the future shall have full force and effect to the extent provided in the town ordinance adopting or incorporating the same.

(c) The following chapters of the Montgomery County Code, 1984, or portions thereof, enacted by the county, ~~as they now exist,~~ are exceptions to the general exemption set forth in subsection (a) of this section and shall be applicable within the town until such time as the town council shall exempt the town from their application:

* * *

(32) Chapter 32, entitled "Offenses—Miscellaneous."

(33) Chapter 33A, entitled "Planning Procedures."

(34) Chapter 33B, entitled "Pesticides."

~~(34)~~**(35)** Chapter 34, entitled "Plumbing and Gas Fitting."

* * *

(Note: subsequent subparagraphs are renumbered accordingly).

(d) Any amendment to the provisions and chapters specified in subsection (c) of this section or the enactment of new chapters to the Montgomery County Code after June 11, 1988 **concerning the same subject matter**, shall be applicable within the corporate boundaries of the town until the town council adopts an ordinance which exempts such amendment or new chapter within the corporate boundaries of the town.

(e) The county is requested to enforce the chapters described in subsection (c) of this section within the town as county laws to the same extent and in the same manner that such county laws are enforced in unincorporated areas of the county.

* * *

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that:

(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect upon adoption, this ____ day of _____, 2021.

ATTEST:

TOWN OF CHEVY CHASE

Joel Rubin, Secretary

Barney Rush, Mayor

Bold and Underline indicates new material

~~Strikethrough~~ indicates material deleted

* * * indicates material unchanged



CRIME STATS FOR THE TOWN OF CHEVY CHASE

CAS #21-763, 8/3/2021

Prepared by: P. Margelis

All data provided here is based on the same query,

Data Source: EJustice

Query: ID 12883

Filter: Report date is between 1/1/2017 and 8/2/2021

PRA is 013, 014, 035 or 036 (this is identical to the 2017 stats)

Case Status is NOT Unfounded or Referred to Another Jurisdiction

Counts for events that occurred prior to 2017 were taken from the 1/10/2017 document.

The table below lists selected incidents that occurred in the Town of Chevy Chase. The crime counts varied little with the exception of residential burglaries and thefts from autos.

- Residential burglaries spiked in 2017 with nine events but decreased to zero in 2020 and 2021 (YTD).
- Thefts from auto and auto parts dipped in 2020 but have already surpassed the 2020 count as of August 2nd.
- Thefts of auto parts were mostly limited to lost or missing tags prior to 2021, but there have been four stolen catalytic converters (from four Toyota Prius models) through August 2nd.
- Auto thefts peaked in 2020, and the 2021 count appears as if it will meet the 2020 count. Between 2017 and 2021, keys were left in nearly half of the stolen vehicles.

Classification	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021*
Robbery	2	2	1	1	0	0	0	0	0	0	0
Residential Burglary	22	2	2	2	7	7	9	5	1	0	0
Larceny from Vehicle	24	22	31	28	34	46	10	28	20	14	14
Auto Theft	2	3	4	0	3	8	1	2	3	5	3

Note:

- The 2021 count includes 1/1/2021 to 8/2/2022
- Event counts from 2011-2016 were taken directly from the previous Town of Chevy Chase Overview (1/10/2017).

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