

Council Meeting Agenda – July 18, 2024 at 7:30 PM

VIA ZOOM CONFERENCE CALL AND IN-PERSON

The Council may entertain a motion in open session to enter into a closed session, in accordance with Section 3-305(b) of the Open Meetings Act (Maryland Code, General Provisions Article).

- Call to Order: Chair
- Update from our Montgomery County Off-Duty Police Officers to Address Brookville Pharmacy Break-in and Public Safety
- Weather Report: Keith Allen
- Opportunity for Council to Hear Residents' Comments
- Council Comments
- Approve June 20 Council Meeting Minutes (Page 2)
- Discussion of FY25 Committees and Task Forces
- Review of FY24 Election Committee Recommendations (Page 4)
- Update on Planning Board Recommendations to County Council Regarding Attainable Housing Strategies (Page 5) and Discussion on Technical Amendment to the State Code (Page 6)
- Manager's Report: Silliman (Page 8)
- Opportunity for Council to Hear Residents' Comments
- Adjournment: Chair

Join Zoom Meeting

<https://us02web.zoom.us/j/88331175094?pwd=OFNvZkFzbnA4coovdWI4KzA1Q2JjUTo9>

Meeting ID: 883 3117 5094

Passcode: 525784 One tap mobile: (301) 715-8592

Council Meeting Minutes – June 20, 2024

VIA ZOOM CONFERENCE CALL AND IN-PERSON

The audio recording for this meeting is available on the [Village website](#).

Council Members Present: Andrew Kauders; Jeff Blander; Susan Fattig; Arthur Alexander; Katie Howard

Other Attendees Include: Village Manager: Michael Silliman; Village Attorney: Ron Bolt, and residents Keith Allen, Lynn Welle, Steve Howard, Nathaniel Edelstein, Doug Grob, Hiromi Maruyama, Marty Langelan, and Mark Shaffer

7:30 PM Call to Order: Alexander

7:30 PM Weather Report: Keith Allen

Keith Allen reported record heat and welcomed everyone to the first day of summer.

7:32 PM Opportunity for Council to Hear Residents' Comments:

Marty asked if the office has AC. It does.

7:33 PM Approve May 9 Council Meeting Minutes

Andrew moved and Susan seconded. The minutes passed 5-0.

7:35 PM Committee Final Reports

Election Committee delivered their report. The written report is included in the packet for this meeting and in the FY24 Annual Report.

Antisemitism Awareness Task Force delivered their report. The written report is included in the packet for this meeting and in the FY24 Annual Report.

Community Engagement Committee delivered their report. The written report is in the FY24 Annual Report.

Ethics Committee was not able to deliver their report at this meeting. The written report is included in the packet for this meeting and in the FY24 Annual Report.

7:58 PM FY24 Budget Adjustments

Arthur moved to adopt the proposed budget adjustment. Andrew seconded. This was unanimous.

8:02 PM Discussion of Recommended Safety Improvements to the Entrance and Exit of the Brookville Shops Parking Lot.

Andrew and Jeff expressed that the proposed improvements to the right-of-way did not go far enough. A gate is their desired solution. This would be on private property, was not recommended by the Traffic Engineer, and would require engaging the property owner. Andrew offered to meet with the Traffic Engineer and the Village Manager.

8:17 PM Stormwater and Groundwater Task Force

Chair Mark Shaffer delivered their report. The written report is included in the packet for this meeting and in the FY24 Annual Report.

Water Task Force Engineering Study and Funding Request

Mark Shaffer made two recommendations. One was to renew the task force for the next year and add additional members. The second was to approve an RFP and funding to secure an engineer to conduct an assessment. The Council directed the Village Manager to finalize the RFP and to post this summer.

9:00 PM Treasurer's Report: Blander

Jeff Blander delivered a verbal financial report.

9:06 PM Manager's Report: Silliman

Arthur Alexander commented on signing onto a joint letter to the State clarifying building code authority regardless of County zoning type.

Michael Silliman delivered his report.

9:20 PM Opportunity for Council to Hear Residents' Comments

Marty Langelan is thankful to hear parking enforcement is a possibility and asked for more traffic calming measures on Turner Lane.

Steve Howard commented that we are missing several Street Captains right now, and that the volunteer Street Captains we do have are maxed out and may not be comfortable doing additional tasks beyond handing out flyers and welcome bags.

Katie Howard mentioned complaints about door-to-door salespeople being aggressive. Recommendation is to not engage as there are reported scams.

9:29 PM Closed Session

While in open session, Arhtur moved to go into closed session to receive legal advice regarding building regulations, per the Open Meetings Act, Sec. 3-305(b)(7). Susan seconded. This was unanimous. Present for the discussion were all Council members, the Village Manager, and the Village Attorney. The Council received legal advice regarding building regulations. No actions were taken in closed session.

10:14 PM Adjournment: Alexander

Susan moved to adjourn, and Jeff seconded. Adjournment was unanimous.

ITEMS FOR FUTURE COUNCIL CONSIDERATION

February 2024

In response to the request from the Council Chair, the 2024 Election Committee approved the following list of recommendations for Council consideration:

1. Include a reasonable procedure for recounts in the Election Regulations. Recounts are a normal election function. Without a pre-approved procedure, any VMA decision to either accept or reject a recount request could be seen as arbitrary and/or biased, which could create election turmoil and present a potential risk of litigation. See the Committee's 12/18/2023 document for the proposed language on recounts.
2. Include a reasonable procedure for referendums in the Election Regulations. Referendums are a standard component of local elections (e.g., in Rockville, Greenbelt, and other towns this past fall). See the Committee's 12/18/2023 document for a simple referendum procedure.
3. Update Section 602 of the Charter to provide a workable 4-week timeframe for run-off elections. It is not operationally possible to hold run-off elections by mail within two weeks, as the Charter currently requires.
4. Update Section 602 of the Charter to provide for a minimum of five members on the Election Committee. The Open Meetings Act now limits 3-person committees in such a way as to prevent any two members from communicating without a public meeting. VMA needs a minimum of five members on the Election Committee to stabilize the election process and enable the group to function.
5. Update Section 602 of the Charter to provide for the VMA election cycle to begin at least 75 days, not 60 days, before Election Day. The 60-day language dates back to the previous system of holding in-person elections; it's too short for mail-vote elections. That 60-day time period was sometimes difficult to manage even for in-person elections.
6. Update Section 602 of the Charter to remove the phrase that authorizes canceling some elections. The Council added that provision to the Charter under the Governor's temporary emergency COVID waiver in April 2020, without a hearing or public comment period. Canceling an election infringes on VMA residents' voting rights. There is no need to cancel elections when the elections can be held by mail.
7. Per the VMA Charter, clarify the separation of the election management process in the Election Regulations. The Charter assigns that management function to the Election Committee, to separate the Council members and VMA staff from operating the elections. The Council strictly enforced that separation for 35 years, from 1985 until 2020. A clear operational boundary is standard for most elections – e.g., the County government has a separate County Board of Elections for the same reasons. The Board of Elections, not the County Council staff, operates the Montgomery County elections.
8. Update the Election Regulations to reinstate the mandatory drop-box on Election Day, which the Council had previously approved. A drop-box for completed envelopes is a standard component of mail elections and makes it easier for VMA residents to vote.
9. Update the Election Regulations to reinstate the mandatory Election Forum. The Forum is an important source of information for VMA residents, and strengthens election fairness by providing an equal opportunity for all the candidates to present their views and answer the residents' questions. Requiring the Committee to hold the Forum benefits VMA voters.

*Approved by unanimous Committee vote
at the public Election Committee meeting on February 1, 2024.*

The Planning Board's recommendation to the County Council on attainable housing strategies is available here:

[2024-AHS-Final-Report.pdf \(montgomeryplanning.org\)](https://montgomeryplanning.org/2024-AHS-Final-Report.pdf)

Other information:

[Attainable Housing Strategies initiative - Montgomery Planning](#)

The Planning Board recommends allowing the addition of "small scale attainable housing types (duplexes, triplexes, and quadplexes)" as of right, within R-60 and R-90 zones as follows:

- duplexes and triplexes in all R-60 and R-90 zones; and
- quadplexes in the R-60 and R-90 zones if within the Priority Housing District.

The Priority Housing District would be areas within one mile from Red Line, Purple Line, and MARC rail stations, plus 500 feet from a Growth Corridor identified in Thrive Montgomery 2050.

Interestingly, 1 parking space per dwelling unit is generally recommended, which looks to result in a lot of pavement (as depicted here for a 5,000 sf lot):

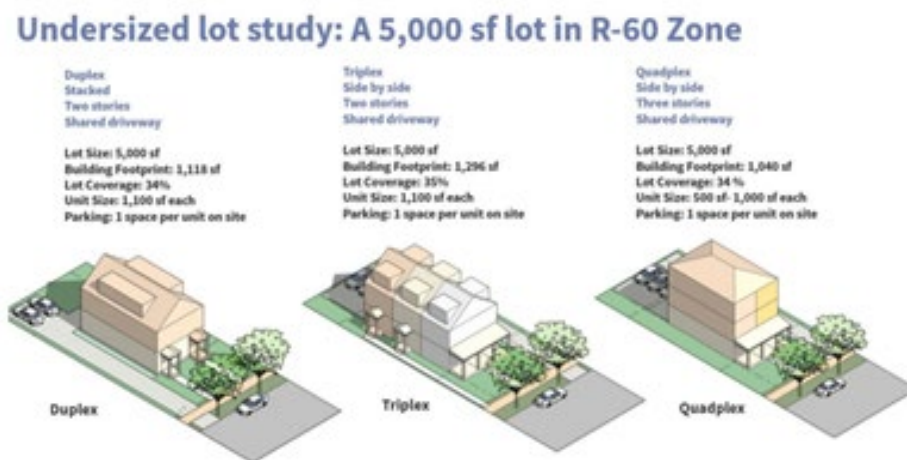


Figure 9 Undersized Lot Study

September XXXXX, 2024

[Montgomery County State Delegation]

Dear State Senators and State Delegates,

We are writing to request an important technical amendment to the State code (Md. Code Land Use Art. Section 20-509 of the Regional District Act). This amendment seeks to confirm that municipalities have the authority to regulate all residential housing types within their corporate boundaries, without impeding any specific housing type.

As you know, State law currently grants municipalities in Montgomery County the right to control certain features of residences within their boundaries, including setbacks, height, and massing, to protect “the use and enjoyment of neighboring properties in terms of light, air, privacy, and quality of life” (Dept. Legis. Serv. Fiscal Policy Note, HB 1232, 2006 Session). Notably, guidance from the State Attorney General’s office to local State legislators in 2020 suggests that it is reasonable to interpret the law such that municipal rights extend to any form of residential construction.

To fulfill the State law’s intent, and in anticipation of Montgomery County Council’s consideration of zoning reforms to facilitate a wider variety of housing types, we seek assurance that municipalities can regulate all residential buildings, both single family and multi-family. It is important to note that we are not seeking zoning authority, nor do we intend to prohibit or impede the construction of multi-family housing in our municipalities. Our collective goal is to support multi-family housing by ensuring it harmonizes with existing single-family housing.

Below is the proposed wording for the technical amendment to Md. Code Land Use Art. Section 20-509 of the Regional District Act, reflecting our commitment to supporting Montgomery County’s housing expansion efforts:

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2. may regulate only the construction, repair, or remodeling of ~~single-family~~ residential houses, buildings, or other structures on land zoned for ~~single-family~~ residential use as it relates to: (i) fences, walls, hedges, and similar barriers; (ii) signs; (iii) residential parking; (iv) residential storage; (v) the location of structures, including setback requirements; (vi) the dimensions of structures, including height, bulk, massing, and design; and (vii) lot coverage, including impervious surfaces; **provided that any such regulations that apply to buildings with more than one residence are not more restrictive than regulations that apply to single-family residences.**

We believe that this revised language clarifies the application of existing building regulations, without dictating uniform standards across all housing types.

There are two significant benefits to passing this technical amendment. First, it would provide a consistent regulatory framework for all residential housing types within municipalities. Second, by providing this assurance, this clarification should increase support for greater residential density in our communities.

Thank you for your attention to this important matter. We look forward to your support in advancing this technical amendment.

Sincerely,

City of Takoma Park

Chevy Chase Village

Section 3 of the Village of Chevy Chase

Section 5 of the Village of Chevy Chase

Town of Chevy Chase

Town of Chevy Chase View

Town of Garrett Park

Town of Glen Echo

Town of Kensington

Town of Somerset

Village of Martin's Additions

Village of North Chevy Chase

From: Michael Silliman, Village Manager
To: Village Council
Subject: Village Manager's Report
Date: 7-18-24

Administration:

- All Council members and staff have completed the FY25 Oath of Office and Conflict of Interest forms.
- The Council had a great, administrative planning session last week. The Council has reviewed the attached FY25 administrative calendar created by the staff.
- The FY24 Annual Report was published in the Newsletter and the video presentation was sent out in last week's Wrap-Up.
- As a reminder, we do not have a monthly meeting in August. We included August updates in the July-August Newsletter, so we will not deliver an August edition of the Newsletter.

Maintenance:

- The storm on Monday, July 15th damaged many Village trees. PEPCO and Mulheron Tree Experts responded quickly to address all issues. Please remember to water your young trees.
- Parking Enforcement: I am waiting to hear from the Montgomery County Department of Transportation's Parking Enforcement Division regarding our ability to ticket on their behalf.
- I am reaching out to residents that have overgrown vegetation in the public right-of-way, sidewalks, and sight lines.

Project Updates:

- The Brookville Road sidewalk: I have hired Potomac Valley Surveyors to provide additional surveys needed at six of the addresses along this section of sidewalk. They should complete their work within four weeks after which we can draft the necessary easements and finalize the design.
- I am hiring contractor, Julian Lamphear, to assist me in updating the resident directory. We hope to print the new directories by the end of September.
- I am considering hiring Polco and the National Research Center to conduct the VMA Annual Survey, which they will be able to benchmark against the National Community Survey. They will allow us to ask our own questions and will present the results to the Council.
- I will be working to make some improvements and technical fixes to the Village website this fall. I have been in contact with our web-hosting company, and we will be meeting soon.

Monthly Outline

VMA Fiscal Year 2025 Administrative Calendar

July

- Council takes office – complete oaths, COI forms
- Council selects officer positions
- Council Meeting – Thursday, July 18
- Solicit resident volunteers

August

- Continue to solicit resident volunteers
- Movie Night #1 – Sunday, August 4
- Administrative recess for Council (no Council meeting anticipated)
- Native Tree Planting Program Sign-up Deadline

September

- Start VMA Audit
- Movie Night #2 – Sunday, September 1 (Labor Day weekend)
- CPR and First Aid Class
- Council Meeting – Thursday, September 19
- Draft Annual Survey
- Appoint Volunteers
- Host Volunteer Orientation Session

October

- Council Meeting – Thursday, October 17
- Complete VMA Annual Audit (by Thursday, October 31)
- Circulate Annual Survey

- Halloween Party/Parade

November

- Annual performance review of management staff
- Council Meeting – Thursday, November 21
- Review of VMA Audit findings during Council Meeting

December

- Winter Community Event
- Council Meeting – Thursday, December 12 (A week early for introduction of Election Plan)
- Share Annual Survey results
- Holiday Fund collection of donations for Waste Management personnel

January

- Distribution of checks to Waste Management personnel
- Council Meeting – Thursday, January 16
- Adoption of Election Plan

February

- Council Meeting – Thursday, February 20
- Draft FY26 Budget and Public Budget Working Session

March

- Council Meeting – Thursday, March 20
- Introduction of Budget Ordinance and Tax Rate Resolution
- 40th Anniversary of VMA Incorporation and Community Brunch

April

- Council Meeting – Thursday, April 17
- Shredding Event
- Candidate Forum for Council Election

May

- Election Day and Celebration on the Sidewalk
- Annual Council Meeting – Thursday, May 15
- Adoption of Budget Ordinance and Tax Rate Resolution
- Announcement of Council Election results

June

- Council Meeting – Thursday, June 19
- Volunteer Appreciation event
- 4th of July Celebration – Sunday, June 29

TO: The Council at the Village of Martin's Additions

FROM: Doug Lohmeyer

DATE OF MEMO: July 17, 2024

SUBJECT: Building Administrator's Report

6701 Brookville Rd.

The property owner submitted an application to construct a circular driveway with a second driveway apron on Brookville Rd. The staff has reviewed the plan. The applicant has obtained a MSHA driveway access permit. MCDPS is reviewing the retaining wall permit. VMA issued the driveway permit. The work has not begun yet.

3415 Cummings La.

The property owner submitted an application to remove the existing house and to construct a new house. The MCDPS issued their building permit on Mar. 14, 2024. The resident's information meeting was held on April 4, 2024. The Village permits were issued on April 9, 2024. The pre-construction meeting took place on Monday, April 15th. The old house has been removed and work is progressing.

3417 Cummings La.

The owner submitted an application to demolish the existing house and to construct a new home on Nov. 22, 2022. The resident's information meeting was held on Tuesday, Mar. 14, 2023. The Village permit has been extended until the end of August. The work is ongoing.

3419 Cummings La.

The owner submitted an application to demolish the existing house and to construct a new home on Nov. 22, 2022. The resident's information meeting was held on Tuesday, Mar. 14, 2023. The Village permit has been extended to June 30, 2024. The work exterior work has been completed and the MCDPS finalized the project on July 15th. The VMA permit will be closed soon.

7306 Delfield St.

The property owner submitted an application to remove and replace the shed at the left rear of the backyard. The Village will issue the building permit, soon.

7309 Delfield St.

The staff has discussed with the architect the proposed additions to the existing house, including VMA Code requirements and the permitting process.

204 Oxford St.

The property owner submitted an application to remove the existing house and construct a new home. The MCDPS and the Village staff are reviewing the plans. A resident's information meeting will be scheduled as soon as the MCDPS issues their building permit.

3518 Shepherd St.

A plan to add a 2 story addition on the southern end of the existing house and for improvements to the existing house has been submitted to the Village. The EBL analysis indicated that a variance is required to construct the addition. The Council approved the variance on May 2nd. The Village issued the building permit on May 20, 2024. Work is ongoing. A wall check has been requested.

3415 Turner St.

The property owner has submitted an application to screen the existing deck at the rear of the house. The staff has reviewed the application and submitted comments to the owner.