

**Village of Martin's Additions
Council Meeting
March 19, 2009
7013 B Brookville Road, Chevy Chase, MD 20815**

COUNCIL MEMBERS AND VILLAGE REPRESENTATIVES PRESENT: Council Members: Noell Sottile, Richard Krajeck, Diane Everts, Catherine Gwin, Larry Wasson. **Village Manager:** Jean Sperling; **Attorney:** Ron Bolt; **Building Administrator:** Alan Beal.

Residents: Sharon Hadary Coyle, Summit Ave., Jeff Stann, Raymond Street, Bill Lebovich, Summit Ave.

7:30PM Call to Order by Chairman Krajeck. The Village recording device was turned on.

POLICE REPORT. Sgt. Dasilva of the Chevy Chase Village Police.

There were no police calls in the Village of Martin's Additions over the past month. Car thefts and break-ins continue however.

The Sergeant warned that there are scams targeting elderly people in the area, where criminals are impersonating government or utility workers saying they need to check the homeowner's water pipes because of problems in the neighborhood. While the resident goes to the basement, the accomplice raids the house. There have been incidents in Rockville and Bethesda.

RESIDENTS COMMENT AND CONTRIBUTIONS.

There were no resident comments at this time.

ACTION ON MINUTES

February 19, 2008 Meeting

Motion to Approve: Sottile; 2nd: Everts; **Vote:** All in favor.

March 10, Work Session

Motion to Approve: Everts; 2nd: Sottile; **Vote:** All in favor

PUBLIC HEARING: OPEN MEETINGS ORDINANCE 2-09-1: Introduced: February 19, 2009,. AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF ORDINANCES OF THE VILLAGE OF MARTIN'S ADDITIONS BY ADDING AN ARTICLE 5 TO ADOPT CERTAIN REGULATIONS FOR OPEN SESSIONS.

Chairman Krajeck presented background information on the development of this proposed ordinance. A discussion followed at the initiation of Councilmember Wasson who maintained that the ordinance could not be enacted because the Village would be exceeding its authority by requiring advance notice that a recording was going to be made of the meeting.

Attorney Bolt explained that the addition of "prior advance notice to the Village Manager" was added to lessen the potential administrative complications that might arise from television/recording crews appearing unannounced at the start of the meeting which could disrupt proceedings.

Motion by Mr. Wasson: The words “with prior advance notice to the Village Manager” be removed from sub section (a), (b) and (c). There was no second.

Discussion continued at the initiation of Ms. Everts who questioned whether the ordinance was too broad. After further discussion about the need to distinguish between an ordinary member of the public and the news media, Mr. Wasson made the following motion:

Motion by Mr. Wasson: Table Ordinance 2-09-1; 2nd: Ms. Gwin; Vote: All in favor. It was agreed that Mr. Wasson would redraft the ordinance and circulate a draft prior to the next meeting for discussion at the next meeting.

Sharon Hadary Coyle, resident of Summit Avenue, expressed confusion about the Council action; it was her understanding that this was supposed to be a public hearing about this proposed ordinance, not a Council discussion.

LAND USE PROPOSAL DISCUSSION

Chairman Krajeck summarized the work conducted at the two working sessions in March to review the proposed land use regulations offered by the Task Force to the Council. The issues remaining for discussion are: (1) what building elements are to be included in the definition of “building coverage,” (2) the permissible percentage of coverage for smaller lots, and (3) driveway and apron width.

Alan Beal presented an evaluation of the issues related to lot and building coverage, lot size, and a further explanation of what is included in the definition of lot coverage versus building coverage.

Additional discussion followed related to the percentage of building coverage that would apply for lots less than 6,000 sq. ft. The Council agreed that VMA should use the same calculation methodology that the County uses for all lot sizes, but that the definition of “building coverage” as drafted by the LUTF should stand—that accessory buildings, bay windows and covered decks, porches and steps be included in the definition.

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The Council also considered changes to the maximum driveway apron width, based on the observation and analysis of Mr. Beal who noted that modifications from 14 to 18 ft in width, made at the last meeting, is still too narrow, particularly because of the narrowness of some of our streets. There are some properties that have 15-16 ft aprons that are still driving over the curbs to avoid the cars parked across the street. Mr. Beal recommended that with the driveway width be limited to 10 feet, a 5 ft apron on either side, for a total of 20 ft. Additional width necessitated by extraordinary conditions could be addressed through the variance process. The Council agreed.

Motion by Mr. Wasson: The Village Council directed the Village attorneys to prepare an ordinance incorporating the Land Use Task Force proposal as amended by the Village Council for introduction at the April Meeting. **Second:** Ms. Sottile **Vote:** All in favor.

TREASURER'S REPORTS: GWIN

- **February Treasurer's Report for March 2009 Council Meeting**

Income for the month of February was \$105,493, the largest source of revenue being \$102,010--our share of the State income tax revenues.

Expenses for the month totaled \$48,364, \$20,000 below the \$67,033 budgeted. This is largely due to lower than budgeted street expenditures for the month, the latter continuing to run well below YTD expenses.

For the months July-February, income is \$584,498, or approximately 90% of the projected annual income of \$650,920. Expenses over the same time eight-month period are \$317,033, or about 41% of the FY2009 budget of \$764,400. Four income items bear mention as lower than budgeted for the period. These include: permit fees of \$10,100 compared to the YTD budget of \$13,333, highway user fee income of \$13,946 compared to the YTD budget of \$25,333, personal property tax of \$3,623 compared to the YTD budget of \$5,333, and interest of \$12,487 compared to the budget of \$26,667.

At the same time, the revenue from our share of the income tax receipts, code infractions, and real property tax is higher than budgeted. On the expense side, overall, expenditures for the first eight months are more than \$200,000 lower than the amount budgeted for this period and less than half of the total budgeted for the full year.

Motion to Adopt. Wasson; 2nd: Everts **Vote:** All in Favor

- **FY 2009 Budget Amendment**

An amended FY 2009 budget was presented and discussed. Anticipated revenues were adjusted upward due predominantly to a one time increase in income tax revenues. A slight increase is also expected in real property tax revenues. Major decreases in revenues are expected in interest and Highway User fees. On the expenditure side of the budget, several adjustments were made to account for lower than anticipated expenditures for such items as insurance, waste collection and recycling, and tree maintenance expenses. Adjustments were also made to lower planned capital improvements for trees and sidewalks. A major project that involved the widening of access to Turner Lane from Brookville Road has been delayed until WSSC can perform repairs to the fire hydrant at Turner and Brookville. Increases in spending are anticipated for legal fees related to the Land Use Planning effort, slightly higher printing costs and snow shoveling charges and website training.

Discussion: The Council discussed the Village reserves and long term planning. Wasson expressed an interest in historical reserves.

Motion to Accept the FY 2009 Budget Amendment: Gwin. 2nd: Sottile. **Vote:** Four in favor, one abstention (Wasson). Amendment passes.

- **FY 2010 Draft Budget & Constant Yield Tax Rate Discussion.**

Jean Sperling reported that the Village received notice from the State Department of Assessments and Taxation that the Village is exempt from the provision of State law (Section 6-308 of the Tax Property Article) related to the Constant Yield Tax Rate.

A first draft of the FY 2010 budget was presented for discussion purposes. A budget working session has been scheduled for Monday, March 30. The Village walk through will be on Saturday March 28th to identify any problem areas. Noell and Jean are available to do the evaluation.

Wasson expressed an interest in seeing the audit reports for the last 25 years in order to examine the Village reserves.

MANAGER'S REPORT

- **Crack Sealant bids** were received, analyzed and evaluation was provided to the Council. The manager recommended that Chamberlain Contractors be used to perform the work. **Motion to Approve:** Councilmember Everts. **2nd** .Sottile, **Vote:** All in favor. Work can begin the week of March 30 and will be planned out over a week.
- **Shred-It Event** set for April 18th. Martin's Additions will be working with Section 3 and Section 5 on this project.
- **Elections Committee** nominations notices were sent out.
- **Credit Card** Application completed and submitted to United Bank.
- **Budget work** and meeting with the Accountant Dan Baden resulted in the FY 2009 Budget Amendment and preliminary work up for the FY 2010 budget.
- **New Newsletter Format** was well received; we had many complements from residents.
- **Snow Removal** of February 2 storm went smoothly for both street and sidewalk clearance. Sidewalk shoveling was slightly less than \$2,000, a significant change from the prior storm.
- **Street Lighting Forum** was very well received-10 municipalities were represented. The communities are working on putting together another forum on power source and how we might work together to strike a favorable deal with PEPCO.
- The **Pedestrian Paddles** suggestion made in the Newsletter for Brookville Road generated no interest in the proposal at this time. Likewise Section 3's Council has received no support and decided to delay action on this project.

CONSTRUCTION UPDATE ALAN BEAL

There were no new construction permits.

9:40 PM ADJOURNMENT

Moved: Everts; **2nd**: Sottile; **Vote:** All in favor.