

**Village of Martin's Additions  
Council Meeting Minutes, July 10, 2008  
7013 B Brookville Road, Chevy Chase, MD 20815**

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

**EXECUTIVE SESSION CALLED TO ORDER 6:30 PM.**

Vice Chairman Noell Sottile moved to close the meeting pursuant to Maryland Code, State Government Article, Section 10-508(a)(7) to consult with counsel and obtain legal advice from counsel on a legal matter (legal matters related to the fulfillment of elected municipal officials' duties.) Councilmember Everts seconded the motion. Ayes: Sottile, Krajeck, Everts, Wasson. Gwin was absent at the time of the vote. The Executive session was adjourned at 7:30.

**REGULAR JULY MEETING CALL TO ORDER 7:35** by Noell Sottile, Vice Chair.

**POLICE REPORT.**

Corporal Tiedemann, Chevy Chase Village Police (CCVPD) reported that they responded to two animal complaints in VMA in addition to patrolling for speeding and parking violations. They also reported two car break-ins in the Town of Chevy Chase, and a garage door opener that was taken from a car and used to get into a home. There was an aggravated assault on a biker that resulted in the destruction of the bike. The incident was considered road rage and the motorist involved was arrested. The VMA Manager reported that she has received several reports of vehicle larcenies within Martin's Additions and the surrounding areas. Officer Tiedemann also reported that the CCVPD would step-up enforcement of speeding and Stop sign violations on Thornapple and Summit at the request of the Village Manager in response to residents' complaints.

**RESIDENTS COMMENT**

There were no residents present.

**APPROVAL OF MINUTES.** The minutes of the June 19<sup>th</sup> meeting were presented for adoption. Richard Krajeck moved for approval; 2<sup>nd</sup> offered by Diane Everts. Vote: All in favor.

**NEW BUSINESS**

- **Village Environmental & Energy Matters-** Council member Catherine Gwin reported on her meeting with Martin's Additions resident Jonathan Goldstein (Quincy Street) to discuss the Home Energy Audit Program and find out more about how the program information may be of interest to our residents. Mr. Goldstein suggested that a Home Energy Audit presentation be made to interested Village residents and possibly to neighboring municipalities. Catherine suggested that Mr. Goldstein would be an excellent resource for the Land Use Task Force. She felt that the Village may wish to consider developing an Energy and Environmental Committee. She also suggested that environmental issues be built into the list of Council areas of responsibilities. She would also like to see if neighboring municipalities were interested in getting involved with such an effort. At Catherine's suggestion, the Council agreed to invite Mr. Goldstein to make a presentation at the next meeting, if he is able.
- **Publication of Land Use Planning Handbook -** Council member Larry Wasson remarked that the Land Use Task Force Handbook: *Dealing with the Challenges of Promoting Compatible Residential Construction* produced by the Land Use Task Force (LUTF) and Jakubiak and Associates, was an excellent document and that the time is right to publish and distribute it. He felt that VMA should pro-actively provide it to every resident of the Village and not count on residents

to go to the Jakubiak website to download it. Larry moved that the Handbook be reviewed by the LUTF for any updating and then it be published and mailed to every household in the Village.

In the discussion that followed it was agreed that the document would be sent out in early September. It was agreed that the document would be copied in color and that an accompanying cover letter would be prepared with an explanation and background of the LUTF's work. It would be co-authored by Mike Zielinski, Chair of the LUTF and Council Chairman. A public meeting will be scheduled for a presentation and the announcement of the date of that meeting will be included in the text of the letter. The letter will also contain information on how to find additional information. Jean suggested we use Chevy Chase Village Hall for the public meeting.

Catherine Gwin asked that the minutes reflect that the Village Council Liaisons to the Task Force be responsible for informing the LUTF that the Handbook will be distributed and that a public meeting will be held in the fall. It was suggested that the LUTF members be identified in the letter.

Jean re-stated the motion initiated by Larry Wasson: that the Handbook be distributed to the entire Village in early September with a cover letter co-signed by the Chairs of the Village Council and the LUTF, identifying a date for a public meeting. Catherine seconded the motion. All voted in favor.

- **Discussion of Council Responsibilities/Position Designation**

**Council Position Titles:** Catherine Gwin noted that the current definition of Council positions-- Council Chair, Vice-Chair, Treasurer and Secretary—leaves one council member without an official position title. She suggested “Deputy Vice-Chair” serve as a fifth position title. Village Attorney David Podolsky affirmed that the Council can create a title for the Council position, but that there are four official positions recognized by the Charter. He recommended that the Council make it clear what kind of authority (check signing, for example) goes with this position. Catherine Gwin moved that we create the title of “Deputy Vice Chair”. Noell seconded the motion. The Council decided not to specify the responsibilities of this position at this time, but agreed that the position will have check signing authority. All voted in favor.

**Configuration of Council Responsibilities List.** Richard initiated the discussion of how Council member responsibilities could be more clearly defined to improve the business of the Village, support the manager and get Council members more involved. Richard noted that while the key responsibility for the Council is developing policy, he likes the functional area designations that were developed and presented by Jean. The Council members discussed the functional categories and made suggestions to streamline the categories and remove overlap. Attorney Podolsky confirmed that the final details can be worked out via email or phone conversations as an administrative function. The changes discussed in this meeting are reflected in the categories below.

**Public Safety:** Street Lighting, Police Oversight and Policy, Traffic and Roads, Emergency Preparedness, Sidewalks.

**Public Works:** Street Cleaning, Street Repairs and Maintenance, Trash Collection, Leaf Collection, Snow Removal& Sidewalk Shoveling, Storm Drains.

**Communications:** Website, List Serv, Newsletter, Bulletin Board, Directory, Records Retention, Email, Emergency Communications.

**Community Environment:** Tree Removal, Tree Plantings, Tree Care, Environmental Issues, Recycling, Welcome Committee, Community Events.

**Public Welfare:** Land Use Planning, **Zoning**, **Building** Regulations, **Code** of Ordinances, **Health** and Welfare Issues, Building Permit

- **Election of Council Officers**

At the direction of Council member Noell Sottile, a call was made for nomination of Council officers, beginning with the position of **Chairman of the Council**. Diane Everts nominated **Richard**

**Krajeck** for Chairman; second Larry Wasson. There were no other nominations for the Chairman. Noell called for a vote; all voted in favor.

Richard called for nominations for **Vice Chairman** and Diane Everts nominated **Noell Sottile** for that position. Catherine Gwin seconded the nomination and all voted in favor.

Larry Wasson nominated **Catherine Gwin** for **Treasurer**, seconded by Diane Everts, all voted in favor.

Larry Wasson nominated **Diane Everts** for **Secretary**, seconded by Catherine Gwin, all voted in favor.

Noell nominated **Larry Wasson** for **Deputy Vice-Chair**, seconded by Diane Everts. All voted in favor.

## **TREASURER'S BUSINESS**

- **Financial reports: Presented by Richard Krajeck**

The following report is made from information available as of July 2. It does not include the June bank reconciliation as the bank statement was not available. The report is un-audited and does not reflect all of the income and expenses that will be in the final fiscal year reports. With that in mind, income for June is \$71,240, of which \$66,850 is from income tax rebates to the Village.

Expenses totaled \$64,680, the most significant of which are: cable fees of \$5,337 which we pay to the Montgomery County Municipal cable TV channel; the first payment to the urban planner of \$23,900; the street snow plowing bill of \$1,870, a street cleaning bill of \$3,350 which reflected a reduction of \$500 from the original bill for less-than-satisfactory service. All other expenses were within anticipated limits.

For the month, income was \$6,565 greater than expenses. For the year, for this un-audited report, expenses are \$51,275 greater than income. We had projected a drawdown of reserves of approximately \$100,000. We will have a better idea within a month or so of the final figures. But, the year-end figures will not be finalized until the audit is completed in November. Moved for acceptance: Richard Krajeck; 2<sup>nd</sup> Larry Wasson, Vote: All in favor.

- **Bank Signatory Authority**

Catherine Gwin moved that all Council members have signatory authority for the Village checking account. Seconded by Diane Everts. All voted in favor. Jean processed the necessary signatory cards which will be filed with United Bank. The accompanying resolution was signed by the Secretary and co-signed by Noell and Richard.

- **Auditor Contract Signed**

Chairman Krajeck signed the audit authorization letter to the auditors (LSWG) for the FY 2008 Audit of the Village of Martin's Additions. The estimated cost of the audit is \$5,500.

## **MANAGER'S REPORT**

- The **Maryland Municipal League Convention** was attended by Jean and Noell at the end of June. Together they covered almost all of the relevant classes including Employment Issues, Ethics, Update in ADA compliance, E-mail and electronic document retention, and Mansionization Issues.
- The **July 4<sup>th</sup> wrap-up picnic** was well received. Jean suggested that the Village organize a Social Committee by advertising in the newsletter for volunteers. Help is really needed for setup and break down. The Council agreed that more resident participation is needed in creating these social events.
- The **website** has been through a revision and Council members have seen it. Noell asked if the website will allow for the creation of councilmember e-mail addresses through the website [martinsadditions.org](http://martinsadditions.org). Jean indicated that she would find the answer to that question. Jean asked that the Council look again at the website.

- The revisions to **Section 6-311, Work Hours and Noise Control** have taken effect. A copy of the revised code was placed in Council packets.
- The Village received notice from the Office of Emergency Management and Homeland Security that we must update the **Disaster Notification List**. Jean, Richard, Noell agreed to be contacts.
- An auditor from the **State Department of Labor, Licensing and Regulations** came to the office to review our records for 2006 unemployment compensation, our accountant Dan Baden was here to lend a hand. We have not received a final clearance because we are waiting for copies of employment agreements from Jana Coe, a part-time consultant to the village who provided coverage during the hiring of a village manager back in fall of 2006.
- **Trees--Removal and Pruning:** The State Permit was received for the removal of the tree at 103 Quincy Street. Pepco was prompt in responding to our request to bring the tree down below the power lines and arrangements were made for Integrated Plant Care, Inc. to complete the job. Several other problems in the Village are being addressed, particularly dead limbs overhanging the sidewalk from private trees and suckers on trees. The last storm brought down a large Bradford Pear limb on Taylor.  
**New Plantings:** All new trees have a gator bag and all residents have been notified by email or regular mail how to fill these bags. The Tree Supervisor, Dan Gardner, is watching over this watering program. A water truck may be used to supplement the watering of these new trees by residents.  
**Tree damage:** The tree at 3522 Raymond Street has suffered damage due to the construction. Arborist Barb Neal has checked it out and filed a report. Integrated Plant Care will monitor the tree very carefully.
- **Washington Gas** has been called to repair the pothole on Raymond Street across from the construction at 3501 Raymond.
- Victor Stanley, Inc has been contacted and their representative will be providing an estimate for **new municipal trash cans** we budgeted for in FY 2009. Jean asked the Village Attorney, David Podolsky, if we can buy a bench and install it on private property (the Market Area sidewalk) so long as it remains our property, like the trash cans. David didn't see any legal issues if we obtain the consent of the landlord and indicate that we reserve the right to remove it, should that become necessary. The Council agreed that they liked the idea of a bench in the area of the Village Office. Jean will get an estimate for a bench.

#### **CONSTRUCTION UPDATE: ALAN BEAL**

- **3525 Raymond Street:** We have a new resident at the Potter's house at 3525 Raymond Street, the Shannon family.
- **3516 Turner Lane:** The building plans have been received. McNamara Brothers is the builder. A plan review meeting will be scheduled for this project,
- **3513 Bradley Lane:** The MacCartee home is going to be demolished. We have not received the plans or any details.
- **107 Quincy Street** will be bumping out the kitchen.
- **7215 Chestnut Street** has made an application for a shed.
- **7315 Delfield Street.** Alan was not aware of any further action on this property.

#### **OLD BUSINESS**

**Development of Subdivision Review Procedures.** The potential development of the lot on the dead end of Delfield kicked off this discussion about whether the Village can have any influence on the subdivision of property. Attorney Ron Bolt had prepared information for the Council about the ability of a municipality to affect the decisions by the Planning Board on subdivision matters. The model of subdivision standards included in the information was from Town of Chevy Chase View.

David Podolsky explained that the authority to approve subdivisions rests with the Park and Planning Commission. If a municipality has set up a process and standards to review subdivision applications and it recommends against a particular subdivision, the Planning Board is forced to a supermajority vote rather than an ordinary majority.

In the discussion that followed, Larry asked how many lots might fall into a subdivision category--this information might help the Village get a sense of the potential magnitude of the problem. Jean suggested that one of the advantages of adopting such standards is that the Village would have a process in place to respond to resident concerns, should the need arise--it doesn't mean that the Council would have to use the power, only that the power would be available. Right now we have no more influence than the ordinary citizen, yet as a municipality we can at least force a supermajority vote on the Planning Board. It was generally agreed that this issue might best be tackled at a later date; that to put a zoning issue on the table when we have so much work underway on building ordinances might lead to too much confusion. Alan agreed to do an evaluation of the lots in Martin's Additions that might be involved in possible future subdivisions.

**Land Use task Force Update:** Prepared by Mike Zielinski, Chair of the LUTF.

The Land Use Task Force met on June 16 and 26, 2008, and reviewed draft ordinance provisions that could be recommended to the Council to address citizens' concerns on mansionization. At the June 16 work session, Jakubiak and Associates, the Village's consultant, presented the results of a study of representative samples of old and new construction in the Village. The studies were then used as guidelines for draft building regulation provisions that, if recommended by the LUTF and enacted by the Council, could help assure that new construction preserves and perpetuates VMA's neighborhood character.

The LUTF's June 26 work session was devoted to review of a first draft of ordinance provisions, prepared by Jakubiak, addressing a number of issues within the LUTF's Phase I effort. As previously reported, the LUTF decided to first focus on issues such as height and setback limitations, which have been regulated in neighboring jurisdictions for some time. In Phase II of its effort, the LUTF plans to address issues more directly related to "massing" of new construction, which have been the subject of recent legislative actions in the Town of Chevy Chase and Chevy Chase Village establishing limits on "floor-area-ratio," the square footage of interior space as related to lot size.

Provisions reviewed, and tentatively approved at the June 26 meeting, included:

- 1) a 33-foot limitation on building height (or 28 feet to the mean height of a slanted roof);
- 2) a limitation of 32 feet on the height of any wall plane on any side of a building;
- 3) a front setback requirement of 25 feet, and a rear setback requirement of 80 feet from the front established building line, no closer than 20 feet to the rear lot line;
- 4) side setback requirements that are consistent with existing County requirements, but expand for wider lots, and increased setbacks for portions of a building more than 44 feet from the front established building line;
- 5) a limitation of 28% building coverage on a lot;
- 6) a limitation of 25% on impervious surfaces in the front yard of any lot; and
- 7) a limitation to one front-loading garage, with a maximum door width of 9 feet.

Numerous questions raised at the June 26 meeting were transmitted to Jakubiak, and will be discussed at the LUTF's July meeting/work session, which has yet to be scheduled because of a need to coordinate members' schedules. Hopefully, the LUTF will be able to finalize recommendations on Phase I ordinance provisions at the July meeting, and forward them to the Council. All VMA residents are urged to review LUTF progress, as reported in the meeting minutes, the LUTF Handbook, and other documents that are available on the Jakubiak web-site.

**Richard moved to adjourn at: 9:10 PM. Diane seconded. All in favor.**