

Village of Martin's Additions Council Meeting
7013 B Brookville Road, Chevy Chase, MD 20815
May 27, 2009 7:30 PM
Minutes

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

Residents: Keith Allen, Bill Catherwood, Lucy and Ed Hand, Anita Difanis, Peggy Eastman, Althea Harlin, Peter Ross, Sharon Hadary, Hanne Correl, Neil Ellis, Chris Mueller, Steve Schmal, Ilene Shaw, Mike Zielinski, Bill Lebovich.

7:30PM CALL TO ORDER. Chairman Krajeck called the meeting to order and announced that the meeting was being officially recorded by the Village for the purposes of preparation of the minutes. He also asked that if anyone else is going to record the meeting to please let that be known so that private conversation are not inadvertently recorded.

The Chairman noted that Catherine Gwin has moved out of Martin's Additions and is therefore no longer a Village Council member. Our Charter specifies that Council members must reside in the Village throughout their term of office. In her letter of resignation from the Council, Ms. Gwin stated she is in complete support of the proposed building regulations that are before the Council this evening both as a former Council member and a Village homeowner.

ACTION ON MINUTES OF THE ANNUAL MEETING.

No changes were needed. **Motion for Approval:** Everts; **2nd:** Sottile; **Vote:** All in favor.

FINAL FINANCIAL REPORT FOR MONTH OF APRIL: Prepared and presented by Chairman Krajeck.

Income: In the month of April, income was just under \$6,000, with nearly \$3,500 of that from Highway User Fees. We anticipate significant income tax payments over the remaining two months of the current Fiscal Year.

Expenses: For the month on April expenses were about \$38,450. All were within projected budget. The most significant expense was Street and Sidewalk Maintenance which was \$23,500 to repair the cracks in the streets. We have completed about 80% of the Fiscal year and have spent about 63% of the budgeted allocations.

Motion to Approve: Krajeck; **2nd:** Sottile; **Vote:** All in Favor.

MANAGER'S REPORT

- **Street Repair Work Contract in North End of VMA:** Street repairs budgeted for FY 2009 will begin shortly. There are a range of repair, renewal and upgrade items for the north end of Martin's Additions. All designated repair areas will be reviewed by the Village Manager and marked before the work begins.
- **County asked to repair curbing in cul-de-sac:** Montgomery County is currently doing curb and gutter work throughout the areas around us as part of their "Renew Montgomery" program. The Village Manager has filed a requisition for repair of the Turner Lane cul-de-sac curb and gutter which is in complete disrepair. The County DOT was unaware of the condition of the curbing.
- **Spring Street Cleaning.** Will be performed within the next two weeks.
- **Business Advertisement Sign on Summit Ave.** There is an advertisement for tutoring services in front of a residence on Summit Avenue that has generated a great deal of neighborhood concern. The Manager does not believe it is prohibited by County law, but will

ask the County to make an assessment since so many people are concerned. The Council agreed that this action would be appropriate.

- **July 4th Event.** The Annual Village July 4th Celebration is scheduled to be held Sunday July 5th as a “wrap up” event from 1-4 pm. The manager hopes that all Council members who are in town will attend. Any suggestions for the event, especially to make it more adult friendly, are welcome.
- **Residential House Number Awareness and Compliance Effort.** Jean reported that there are many houses in Martin’s Additions without house numbers or without properly recognizable numbers. These houses are not in compliance with County law. Recently the Chevy Chase Historical Society photographed all the homes in the Chevy Chase area and found that Martin’s Additions has the highest number of unmarked houses among the surrounding jurisdictions. Jean has been working with a representative to the Fire Board to develop an assessment program that will include a letter from the Fire Department urging the homeowners who are not in compliance to correct the problem. Council members Wasson offered to help with this effort by doing the assessment on the north end of the Village.

ACTION: OPEN MEETING ORDINANCE 4-09-1

Chairman Krajeck confirmed that there was no further discussion or comments on Ordinance 4-09-1 related to Open Meetings provisions before the Council, and therefore asked for a Motion.

Motion to Approve Ordinance 4-09-1: Sottile; 2nd: Everts; **Vote:** All in favor. This Ordinance will take effect June 16, 2009 in accordance with Charter requirements.

RESIDENTS COMMENTS: Chairman Krajeck asked for any resident comments and reminded those who wish to speak to please state their name and address.

Comments on the Building Regulations Ordinance 4-09-2

Peter Ross, 3526 Raymond Street. Mr. Ross stated that he believes an inadvertent effect of the building Ordinance that is before the Council related to front setbacks for corner lots will prevent the installation of an elevator on their property that may be needed to accommodate his health issues. He has proposed language that can clarify this situation. He noted that the special accommodations needed for his corner lot on Brookville Road would be taken care of in the Variance process, but he feels the issue should be resolved from the onset and that the Council should not simply approve the Ordinance without considering his suggestions.

Bill Catherwood, 3517 Shepherd Street. Mr. Catherwood urged the Council to adopt the Ordinance as presented this evening. He felt there are ample provisions for special circumstances and provisions for residents who needed such consideration during the building process. He pointed out that there have been numerous workshops and public hearings to get resident input. He urged the Council to see how the process that they have envisioned works by passing the ordinance and addressing changes as they become necessary.

Althea Harlin, 3526 Raymond Street. Ms. Harlin indicated that she did attend the workshop and feels that this problem should be addressed before the Council moves forward. The Ordinance as presented here significantly affects owners of corner lots. Her house is historic and the corner lot provisions do not work with her home.

Comments by Councilmember Krajeck. Chairman Krajeck stated that it appears that there are seven lots that would be affected by this proposed change. He has checked with the Village attorneys who believe that what is being proposed is enough of a change that the Village would be required to send a revised ordinance to the County Council for comment and subsequently hold another public hearing. He suggested that an amendment be considered to address any changes that might be needed, once the Ordinance is passed. He noted that he has discussed this process with the owners at 3526 Raymond Street.

Peggy Eastman, 3409 Bradley Lane. Ms. Eastman urged the Council to pass the building Ordinance before them. She felt that an amendment could be made to address the specific issues after the ordinance is passed but that it was important to get the protection in place.

Comments by Councilmember Everts. Ms. Everts expressed the opinion that it was important to get this ordinance right. She asked what kind of time would be needed to include the suggested changes presented by the Harlin-Ross family.

Response by Attorney Bolt. Mr. Bolt explained that first the Ordinance would need to be revised, the Village Council would need to approve the new language; the Ordinance would then need to be re-introduced to Martin's Additions residents; it would need to be re-sent to the County Council for a 30-day comment period; and the Village would have to hold another public hearing at least 30 days before action could be taken on the Ordinance.

Steve Schmal, 7317 Summit Ave. Mr. Schmal asked the attorney to explain the difference between the kind of changes to the Ordinance that are considered minor and thus do not require starting the process all over again and those which might be considered material changes that call for re-introduction.

Response by Attorney Bolt. Mr. Bolt commented that Section 8-115.1 of Article 28 of the Maryland Code doesn't specify what changes are material enough to require a new notice be sent to the County Council for their comment and so the question must be answered on a case-by-case basis. Although a change may seem minor, someone who wants to have an ordinance declared unlawful for a failure to comply with the notice requirements of Section 8-115.1 may be able to convince a reviewing court that the change was material enough that an opportunity for public comment at a public hearing should have been provided. Mr. Bolt felt the proposed change being discussed here likely falls into the category of "material" requiring a new notice and comment period because, for example, a property owner confronting one of the seven subject corner lots may be opposed to the smaller front setback suggested by the Ross-Harlin family and therefore may want to provide comments to the Council on why this amendment to the Ordinance should not be made.

Hanne Correl 3505 Turner Lane. Ms. Correl urged the Council to pass the Ordinance so that the community has some protections until an amendment is passed.

Sharon Hadary Coyle, 7308 Summit Ave. Ms. Coyle noted that at last week's public hearing some residents spoke about things they'd like to see different. Overtime, we will need amendments and interpretations of these regulations. We need to seize the moment now as we go into the building season. The variance process has been established just for these purposes. If we find that there is a need for a broader change, this Ordinance can be amended.

Chris Mueller, 3509 Shepherd Street, Mr. Mueller introduced himself as one of the two newly elected Council members who will take office on July 1. He supports the regulations whether he was voting today or after July 1 when his term becomes official. We need to stop further mansions—two new tear-downs could occur between now and the time that this process was reiterated to handle the suggested changes.

Comments by Councilmember Larry Wasson. Mr. Wasson suggested that the Council pass a resolution that the Council will address the concerns about corner lots expressed by the Harlin-Ross family as soon as possible after the adoption of the Ordinance.

Mike Zielinski, 3418 Turner Lane. Mr. Zielinski introduced himself as a newly elected Councilmember. He remarked that he agreed with Ms. Coyle that one always runs into problems with newly drafted ordinances—this is why there is a variance process because that is its purpose. Things will come up and the Council will have to address the concerns as they present themselves. If he were on the Council at the present time he would vote to pass this Ordinance.

Lucy Hand, 3509 Bradley Lane. Ms. Hand asked the Council to please adopt these regulations and then proceed with an amendment.

Comments on the Topic of the July 4th Picnic:

Sharon Coyle: Fully supports neighborhood events such as the July 4th Picnic. It is an important part of building friendships and a sense of the community. She will help if she is in town.

Steve Schmal: Supports the July 4th event and serving food and will help.

This concluded the residents' remarks.

LAND USE ORDINANCE 4-09-2

Mr. Krajeck called for a motion on the Land Use Ordinance.

Motion to Approve the Ordinance: Everts; 2nd: Wasson; **Vote:** All in favor.

Motion for amendment consideration: Mr. Wasson moved that the Village Attorney draft language to amend the building regulations according to the suggestion from Peter Ross and Althea Harlin and place consideration of the draft amendment on the agenda for the June meeting.

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

BUILDING ADMINISTRATOR'S REPORT: ALAN BEAL

- **Construction at 3516 Turner Lane.** The Construction has been completed at this location and the home is now officially on the market. The builder, McNamara Brothers, Inc. has requested the return of their bond. Alan will have the right-of-way evaluated for action on the bond release.
- **Construction at 124 Quincy.** The renovations at 124 Quincy Street are coming along. Most of the work has been in the interior of the home. The external work on a small rear addition should begin soon.
- **3513 Bradley Lane.** Construction on a new home at this location continues.

ACTION ON POLICE CONTRACT FY 2010

The Manager presented the Chevy Chase Village FY 2010 Police Contract for the signature of the Chairman and witness by the Village Manager. The Contract reflects an agreement for 80 hours per month of police services at the same rate as FY 2009. The contract was executed as anticipated in the FY 2010 Budget.

ADJOURNMENT

Motion: Everts; 2nd: Sottile; **Vote:** All in Favor.