

**Village of Martin's Additions  
Council Meeting  
7013 B Brookville Road, Chevy Chase, MD 20815  
Minutes for April 17, 2014**

Residents in Attendance: Bill Catherwood, Dan & Kirsten Gardner, Molly Ruhl, Keith Allen, Ted Stoddard, Steve Schmal, Bernice Duvall, Frank & Hanne Correl, Susan Post, Noel and Ben Dunford, Mark Weiner, Jeff Waldstreicher, Maryland State Delegate District 18.

**7:30 PM Call to Order: Alexander**

**COUNCIL CANDIDATES INTRODUCTION & DISCUSSION: CORREL**

Correl noted that two positions are open on the Village Council and there are three candidates: **Arthur Alexander, Tiffany Cissna and Ben Dunford**. Each candidate made a brief statement. Copies of the full statements were available for all attendees and available in the newsletter and posted on the website.

The floor was then opened for questions.

**Steve Schmal (Summit Ave): What is the one issue you think is a big issue in the coming year?**

Ms. Cissna: Budget is always big, tree committee work and updating building codes. Some code clarifications are needed. Street lighting is important.

Mr. Dunford: Finances are always an important topic, construction in the Village and storm water runoff are also issues that affect the quality of life. Safety of the construction projects going on in the Village are important.

Mr. Alexander: Street lighting replacement; the technology keeps changes and this is at the heart of the matter. Since this decision will be with us for decades these are major issues. Expensive

**Schmal also asked about the Village reserve fund—Is our reserve too large?**

Alexander said that there is still too much we don't know about continuing infrastructure changes that the Village will need to repair. Until more has been sorted out we can't be too cautious. The Council has increased the capital set aside amount for roads and street lighting. The big question is how much are the streets and light going to cost—we don't think there is too much in reserve. About one and a half years of revenues are left after the set-aside.

Cissna: Our auditors have made recommendations about the reserve that we should maintain and we are not out of line with those recommendations. We are working on developing better estimates for the work that needs to be done. This information will help us to better assess our reserves.

Dunford: Good accounting principles recommend that one to two years of operating income should be held in reserve.

**Frank Correl (Turner Lane): To what extent do you obtain information independently and reach conclusion?**

Cissna: Different council members have different resources. We employ experts—lighting consultants and the like. Google is a good place to begin to look at an issue. She has to depend on the subject experts.

Dunford: He brings his registered professional engineer skills to the table and would use those skills to review plans; he would also rely on the office staff and would follow up in a leadership roles.

Alexander: We have a number of experts we call on to provide us answers—a traffic engineer, the lighting engineer, and a lot of sharing with other communities. It is important to look around and use the expertise available to us.

**Questions about police services: What are your thoughts about additional police service?(speaker not identified)**

Alexander: There is a major new item in the budget to hire off duty police. We used the model that establishes the Village as the employer. Not a replacement for calls to the police; not 24 hour service.

Cissna: Our program goal is to have officers to get to know the community. Won't prevent career criminals from doing what they do.

Fleming: In full support of police service.

Dunford: Supports police service; agrees that it is important that residents continue to use the County Police outreach services.

**CITIZEN CONCERNS/ CONTRIBUTIONS**

**Questions to Delegate Waldstreicher: Schmal: is there any hope for modification of the maintenance of effort law?** Delegate Waldstreicher explained the "maintenance of effort law" and its origins. It was originally intended to make sure that the county didn't divert state contributions intended for education to other areas. The ridged formula needs to be modified to be more flexible and allow the decision makers to actually make the decisions rather than a computer to calculate the funding levels. There were no further questions.

**BCC RESCUE SQUAD PRESENTATION: Paul Mackell, BCC Rescue Squad member and secretary, VMA resident.**

**The following letter was presented to the Council: DATE: April 17, 2014**

"The Bethesda Chevy Chase Rescue Squad (BCCRS) is pursuing both a Zoning Text Amendment (ZTA) and a zoning change. The ZTA is a legislative action in front of the Montgomery County Council and we are requesting your support in this endeavor, in the form of a letter to Councilmember Berliner expressing the Village of Martin's Additions' support for BCCRS' attempt to rezone and proceed with development of our land as soon as possible.

BCCRS currently operates on 2.08 acres at 5020 Battery Lane in downtown Bethesda. The current facility, built in 1976, is in need of renovation or re-building – the cost of which would be in excess of \$10 million. At the same time,

BCCRS is seeking to create a sustainable and constant revenue source to address a deficit that began approximately 12 months ago due to fluctuations in traditional revenues. As a result, for the last several months, BCCRS has been investigating the possibility of re-developing our land - combining a new, state of the art rescue squad facility with a residential building. This model would require a change from the current zoning designation. The zoning we are seeking is becoming more common today and is in place in all of the buildings that abut or are located near the BCCRS facility.

The ZTA is in process. Legislative action will allow us to seek the zoning change we would need to accomplish our goal of re-zoning the lot. We cannot obtain zoning for anything other than a few single family residences unless we seek this amendment. Our goal is to get this ZTA approved through legislative action in the next 60 days. The short timeline is necessary for several reasons, but most importantly, the organization is in need of a new, predictable, and stable revenue in the relatively short-term. This project would provide BCCRS with a substantial financial benefit, allowing us to create an endowment and provide a constant revenue source that would cover our current deficit and provide us with a much-needed new facility. A new, more modern facility would allow us to continue to recruit and retain the best trained and well-equipped rescuers. To date, we have met with County Council members, Park and Planning staff, our immediate neighbors, County fire and rescue leadership, and residents of the neighborhood across the street. We have received a supportive letter from our immediate neighbors and a letter from the neighborhood across the street that is neutral (neither positive nor negative), but does ask that we work with them moving forward to address some specific issues. Furthermore, fire and rescue leadership is very supportive of our plan.

In 2013, we approached the incorporated towns and villages that we serve requesting financial support.

Understandably, many of the boards and councils have regulations barring charitable contributions. Now, all we are seeking is support in the form of a letter to Councilmember Berliner – and that may allow us to proceed with this innovative and well-thought out plan to use our largest asset (our land) to ensure our financial viability and stability. On behalf of the BCCRS, we respectfully request the Village of Martins Additions Council write a letter to Councilmember Roger Berliner expressing support for us as an organization and for our pursuit of a zoning text amendment, which would allow us to address our finances in the short-term, build a station, and provide the community with unparalleled service.

Thank you for your attention to this matter.”

#### **Discussion:**

Mr. Mackell summarized the request for support of a zoning text amendment to allow for mixed use of the Rescue Squad-owned property in Bethesda. He explained that the BCC Rescue Squad was asked to gather opinions from the surrounding community on the zoning amendment.

**MOTION TO SUPPORT THE ZTA WITH A STRONG LETTER OF SUPPORT WAS MADE BY COUNCILMEMBER LEBOVICH. 2<sup>ND</sup> JON FLEMING; VOTE: ALL IN FAVOR**

#### **FY 2015 BUDGET: Introduction by Chairman Alexander**

Councilman Alexander summarized the major provisions in the FY 2015 budget— our revenues are rising and but we are projecting strong revenues of about \$840,000—not as strong as the current year but above previous levels, nonetheless. Spending levels planned for the next fiscal year are pretty consistent with current levels. One big item is the addition of police services. The council has proposed that the Village hire two part time police officers. Total spending for FY 2015 is projected at \$685,000. We have also put \$100,000 more into the capital budget for streets. On the revenue side, our local property tax rate is being held at its current level. The Village could have increased the rate under the constant yield tax rate provisions but decided that the rate should remain unchanged. Reserves are at about 1.5 times the budget levels, as recommended.

Sperling pointed out the other tax rates and category of revenues and rates as contained in the following resolution:

#### **DISCUSSION OF REVENUES, TAX RATES**

The FY 2015 tax rates are proposed in Resolution 4-14-1 for FY 2015:

**SUBJECT: A RESOLUTION TO APPROVE LEVYING A TAX ON CERTAIN REAL AND PERSONAL PROPERTY UNDER THE PROVISIONS OF SECTION 6 203 OF THE TAX PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED**

WHEREAS, Section 6 203 of the Tax Property Article, of the Annotated Code of Maryland (as amended), grants authority to municipal corporations to levy a tax on personal property, land, and improvements thereon, within the municipal corporation; and

WHEREAS, the Village of Martin's Additions is a municipal corporation within the meaning of Section 6 203 of the Tax Property Article; and

WHEREAS, pursuant to Section 703 of the Village Charter, the Village Council has the authority to levy a tax on all real property in the Village at the rate determined in accordance with Section 703 of the Village Charter; and

WHEREAS, pursuant to Section 601 of the Village Charter, the Annual Meeting of the residents of Martin's Additions was held on May 15, 2014 after due notice and advertisement of the time and place of the meeting and said notice included the proposed budget for 2014-2015 and the proposed tax rates to be levied upon real and personal property; and

WHEREAS, after due deliberation and consideration of all information and testimony presented to the Village Council, the Village Council finds that the proposed tax rates on real and personal property will serve the best interests of the Village.

NOW, THEREFORE, be it:

RESOLVED: That the Village Council of the Village of Martin's Additions, pursuant to the authority granted by the Village Charter and Section 6 203 of the Tax Property Article of the Annotated Code of Maryland, hereby levies a tax at the rate of four and seventy-two hundredths of a cent (\$.0472) per One Hundred Dollars of assessable value (fair market value) on real property subject to taxation by the Village; fifty cents (\$.50) per One Hundred Dollars of assessed value of assessable personal property subject to taxation by the Village; one dollar and forty-five cents (\$1.45) per One Hundred Dollars of assessed value of assessable utility property subject to taxation by the Village; and ten cents (\$.10) per One Hundred Dollars of assessed value of assessable commercial property subject to taxation, in the Village of Martin's Additions; and be it further

RESOLVED: That the tax levied hereby be certified to the County Council for Montgomery County, Maryland, and that Montgomery County, Maryland be, and hereby is, authorized and directed to collect and pay over said tax to the Village of Martin's Additions; and be it further

RESOLVED: That the Director of Finance for Montgomery County, Maryland be advised of this resolution.

**PUBLIC COMMENT: NONE.**

**MOTION TO INTRODUCE THE FY 2015 TAX RATES (RESOLUTION 4-14-1): COUNCIL MEMBER LBOVICH; 2<sup>ND</sup> FLEMING; VOTE: ALL IN FAVOR**

**Introduced: April 17, 2014; to be Adopted: May 15, 2014; to be effective. June 5, 2014**

**PUBLIC COMMENTS AND DISCUSSION:**

**Steve Schmal (Summit Ave):** Schmal offered his views of several topics: This is not the time to reduce the tax rates. Interest rates are low and yet our returns of interest appear very low and out of balance with the amount of money we have in the bank. Schmal is dubious about the value of spending \$45,000 on police service. He believes we have little crime and the crime we do have is basically cars being broken into. Police patrols will not stop the car break ins. Schmal suggested that a community survey be conducted after a year or two of such services to get a sense of how the community feels. Councilman Fleming feels we are impacted by the development in the surrounding area, and that two break-ins at the Pharmacy finally convinced him of the need to take action. Time has come to have a police presence,

Councilman Lebovich remarked that he was very impressed by the presentation made by the Town of Chevy Chase View and one of their officers who took the time to attend our meeting. He also strongly supports Fleming's statement. Alexander said that when every jurisdiction around us is providing police services we are left as the soft spot. Presently this program is envisioned to provide between 10 and 15 hours a week.

Schmal asked about Village contracting. He is aware that we bid out contracts for trash and street. He wondered about other services such as building review and permits and enforcement and oversight area, snow removal, street cleaning and the like. Attorney Bolt noted that the Charter does not require competitive bidding for personal services contracts and in fact the Village is not required to accept the lowest bids. A \$10,000 threshold is set before we need to go out to bid. There was no further discussion.

**FY 2015 BUDGET ORDINANCE No.: 4-14-2** Introduced: April 17, 2014; To Be Adopted: May 15, 2014; To be Effective Date: June 5, 2014

**THE VILLAGE OF MARTIN'S ADDITIONS**

**SUBJECT: AN ORDINANCE TO ADOPT A BUDGET FOR FISCAL YEAR JULY 1, 2014 TO JUNE 30, 2015.**

WHEREAS, Local Government Article, Section 5-202 of the Maryland Code grants to the legislative body of every incorporated municipality in Maryland, including Section 3 of the Village of Chevy Chase, general power to pass such ordinances not contrary to the Constitution of Maryland, or public general law, as they may deem 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, Maryland Code, Local Government Article, Section 5-205, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to spend money for any public purpose and to affect the safety, health, and general welfare of the municipality and its occupants;

WHEREAS, Section 501 of the Charter of the Village of Martin's Additions authorizes the Village Council to pass such ordinances as it may deem necessary for the preservation of the property, rights, and privileges of the Village and its residents;

WHEREAS, the Village Council introduced the following Ordinance in public session assembled on the 17th day of April, 2014;

WHEREAS, the Village Council, after proper notice to the public, considered the following Ordinance at a public hearing held on the 15th day of May, 2014;

WHEREAS, prior to adopting this Ordinance, the Village Council held a public meeting on May 15, 2014 to adopt tax rates for the forthcoming fiscal year and, by the attached Resolution, adopted the tax rates for the forthcoming fiscal year; and

WHEREAS, the Village Council finds that the foregoing Ordinance would assure the good government of the municipality, protect and preserve the municipality's rights, property, and privileges, preserve peace and good order, secure persons

and property from danger and destruction, and protect the health, comfort and convenience of the citizens of the Village of Martin's Additions, and is necessary for the preservation of the property, rights, and privileges of the Village and its residents.

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

BE IT ORDAINED AND ORDERED, this 15th day of May, 2014, by the Village Council, acting under and by virtue of the authority given it by the Maryland Code and the Village Charter, that the attached Budget be and is hereby adopted.

AND BE IT FURTHER ORDAINED AND ORDERED, by the Village Council, acting under and by virtue of the authority granted to it by the Maryland Code, and the Village Charter, that:

- (1) Pursuant Maryland Code, Local Government Article, Section 5-205(b)(4), the Village Council may spend money for a purpose different from the purpose for which the money was appropriated or spend money not appropriated in the attached Budget if approved by a two-thirds vote of the Village Council;
- (2) 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
- (3) This Ordinance shall take effect on the 5th day of June, 2014.

**MOTION TO INTRODUCE BUDGET ORDINANCE 4-14-2: JON FLEMING; 2<sup>ND</sup> LEBOVICH: VOTE: ALL IN FAVOR.  
VILLAGE EXEMPTION FROM CANOPY TREE ORDINANCE:**

Action on Ordinance No. 2-14-1A to amend Section 5-103 of the Code of Ordinances to exempt the Village from application of certain Montgomery County Laws pertaining to canopy and roadside trees.

**MOTION TO ADOPT: CISSNA; 2<sup>ND</sup>: FLEMING; VOTE: ALL IN FAVOR  
TREE COMMITTEE REPORT:**

Chairman Alexander reported that some of the initial tasks of the Tree Committee have been allocated. Member Zielinski will be looking at the impact of new construction on the tree canopy and Paula Goldberg will be looking for experts. The next meeting of the Committee will take place on April 30. Minutes will be approved by email and posted on the Village website.

**BUILDING ADMINISTRATOR'S REPORT: April 17, 2014**

*New Permit Requests/Information requests/Acknowledgement*

- 3505 Raymond St- Addition. No further Action since March.
- 3511 Raymond Street-Renovations. Boundary Survey needed. Application needed, Huber-Hauf.
- 3529 Raymond St- Fence; decorative wall; landscaping. May involve ROW. No more info.
- 3506 Bradley Lane-Possible Fence- awaiting Permit Application

*Permitting Process Underway:*

- 3514 Bradley- tear down-Awaiting AB final Review; Tree protection to go up.
- 7309 Delfield- Demolition permit request received.- Awaiting AB review
- 3404 Thornapple Street- Front Porch, front yard landscaping. Awaiting MoCo Permit.
- 3219 Thornapple Street-Addition/porch. Variance will be needed for porch. Permit denied, Variance application received, next AB review, then Bolt review.
- 3406 Raymond St- Interior work now; addition to follow in July. MoCo Permit needed
- 3411 Thornapple St -Rear addition. VMA Permit ready to be picked up.

*Permits Ready/ Issued:*

- 3510 Bradley Ln -Demo & new Construction. MoCo Permit Received; VMA Demo and Build permits issued. Demo to begin immediately
- 7203 Summit Ave - Family Room, deck, mud room. Drawings reviewed and okayed. VMA Permit Issued

- 7400 Summit Ave - MC Fence Permit issued. VMA Permit issued.

*Construction Underway:*

- 3518 Bradley Ln - Front deck/Patio restoration/ exterior steps/ driveway repairs. Near Completion.
- 3413 Bradley Ln - Excavation for interior work well underway. Well underway.
- 3504 Bradley Ln - Front Porch/steps construction continues.
- 3509 Shepherd St -Rear addition continues.
- 3515 Shepherd St - Exterior alterations continue.
- 7210 Delfield St - Demo Complete. Foundation being poured.
- 3511 Turner Ln -All MoCo Permits received. Village Permit Issued. Demo Complete; Retaining wall under construction.
- 3410 Cummings Ln - Pool construction back underway.

*On Hold:*

- 3414 Cummings Ln - Driveway and 4-car garage, accessory building; Initial plans received and reviewed by Beal. Awaiting further information from builder. Formal application not yet received.
  - 3414 Thornapple St - either of the proposed driveway designs would work. Awaiting formal application and fees for driveway apron and pad.
- Completed:*
- 3414 Shepherd St- Rear addition. Bond returned
  - 3514 Turner Ln.-Fence. Row License needed.

Other Municipal Support: General Management: • General building support: Ongoing supervision and progress reporting of construction projects. Records of compliance with VMA requirements. (tree protection). New approach-No clearance letter until protection up. Prepare and post pre-construction meeting notice • Attend Wash Gas meeting •Monitoring of MC DPS Reports.

- Routine Support: Checking on parking restrictions and violations; additional parking sign management (tree removal). Move in / out parking control • Storage unit/equipment management • Monthly nighttime check and reporting to PEPCO of street light outages. • Monitoring street conditions and patches. Post storm street condition update. Monitor Utility work. Attend utility meetings. Maintain Village property (e.g. Repair mirror.). Record properties on market. Report of service problem (e.g. recycling)

**FINANCIAL MATTERS: FLEMING REPORT FOR THE MONTH OF MARCH 2014**

	July 2013- March 14, 2014			
	Current	Cumulative	Budget	Annual Budget
Revenues	\$8,168	\$653,421	\$591,065	\$740,600
Expenses	\$61,953	\$332,772	\$482,794	\$636,500
Net	-53,785	\$320,649	\$108,270	\$104,100
Designated Funds:				
Street/ Sidewalk Replacement		\$400,000	\$400,000	
Street Lighting Replacements		\$500,000	\$500,000	
Undesignated balance		\$ 778,023	\$778,023	
Total Expense		\$2,160,817	\$2,314,523	
Net Income	-53,785	320,649	4,170	0.0

**ACTION ON FINANCIAL REPORTS: MOTION TO APPROVE: ALEXANDER; 2<sup>ND</sup>: LEBOVICH; VOTE: ALL IN FAVOR.**  
 FY 2014 Budget Amendments: \$700 needs to be added to Leaf bags.

**MOTION TO AMEND: FLEMING; 2<sup>ND</sup>: LEBOVICH; VOTE: ALL IN FAVOR.**

**ACTION ON MINUTES OF MARCH 20, 2014: MOTION TO APPROVE: ALEXANDER; 2<sup>ND</sup> LEBOVICH; VOTE: ALL IN FAVOR.**

**APRIL 2014 MANAGER'S REPORT:**

**Sanitation Services/Street Cleaning** •Special April Pick up (gratis of WM)

**Winter Services:** DONE! •Last plowing/shoveling 3/17. Bill received, Plowing \$14,060; Shoveling: \$5,350

**Utility Services:**

WSSC-WATER

•No progress on the project-start date for Pinehurst Circle waterline. Project leaders very frustrated. This is both water and sewer.

Washington Gas:

•Quincy and Oxford Streets back underway. Lateral house connections to begin week of 4/21. Several Meters need to be moved outside.

•Delfield Street needs better repair of patch. Suggests bigger problems.

•It appears other gas line projects that may impact our street repair projects throughout VMA are not in the WGL budget. (at least through FY 2015)

•WGL re-imburement payment is still in the works.

Pepco:

•No reported outages despite several opportunities that were presented by Mother Nature!

•New poles/lines installed on Quincy completed.

•Sidewalk repair at pole on Shepherd & Brookville Completed.

•Tree removals on Thornapple Street was completed; pruning continues throughout the town

**Trees**

•Winter pruning completed throughout village.

•Reimbursement for town tree removal to be received from 7210 Delfield Turner Lane \$1,700); would like to use it along with money from 3511 Turner to plant Butterfly Garden at Cummings & Brookville

•Stumps to be ground

**Road repairs/ traffic issues:**

•Delfield awaiting permanent patch from WGL. •Potholes identified

•Review and estimate requested for sidewalks—meeting with Dan Shaw of Chamberlain.

**Street light update:**

•Meeting scheduled with Scott Watson Thursday April 24th @7 pm; TOCC may be teaming up with us.

•New tear-drop fixture with shield and LED available for viewing on Lenox Street. Better than Cobrahead. Look at both fixtures day and night.

**Community Events and Wellbeing**

•Celebration on the sidewalk planning started •Alma Eisele working on a community services directory for us •Butterfly garden planning underway

**Administrative Matters**

•Directory updates continue •Building issues have been many this month •Website Update: Website update still under development. •Survey Update: Bill has been received. Follow up needed.

•To be done: Toters; State Highway Meeting re: Taylor and Brookville;

**9:30 PM Adjournment**