

**Village of Martin's Additions Council Meeting**  
**7013 B Brookville Road, Chevy Chase, MD 20815**  
**Agenda for February 20, 2014**

**Council Members Present:** Arthur Alexander; Tiffany Cissna; Jon Fleming; Bill Lebovich; Josh Bowers. **Village Residents:** Keith Allen; Ted Stoddard; Hanne Correl; Frank Correl; Steve Schmal; Bert Leibman. **Staff:** Tori Hall, Assistant Manager. **Village Attorney:** Ron Bolt. **Building Administrator:** Alan Beal.

**CALL TO ORDER: Arthur Alexander 7:30 p.m.**

**RESIDENTS' CONCERNS AND CONTRIBUTIONS**

*Steve Schmal (Summit Ave)* commented about increasing community involvement in Village activities.

*Frank Correl (Turner Lane)* is concerned that the Council and active residents should try harder to increase interest among more residents in how our municipality operates.

**PRESENTATION OF ELECTIONS AND ETHICS COMMITTEE: Correl**

Nominations for Village Council open Feb. 28<sup>th</sup>. The Community Forum is Sat., March 15<sup>th</sup> (10:00-Noon). Chairman Alexander was asked to moderate. The two Council members whose terms expire will be asked to indicate if they would like to be re-nominated.

**UPDATE ON VILLAGE TREE COMMITTEE: Alexander**

The Village is still looking for six volunteers for the Tree Committee and encouraged residents to formally apply.

**EXEMPTION FROM COUNTY LAWS: Bolt and Alexander**

*Roadside Tree Protection, Bill #41-12, and the Montgomery County Tree Canopy Conservation Law, Bill #35-12, and introduction of Village ordinance.*

Attorney Bolt said there was confusion about the applicability to municipalities of two recently passed County bills. County officials had led concerned managers to believe that the laws would not apply to them. As a specific example, Jean and others asked if the County would consider amending the private tree bill to compel reforestation in the town where the law was applied (i.e., where the "disturbance fee" was paid). They were apparently told by County officials that such an amendment would not make sense because the law was not going to apply in the towns. This broad statement was not correct, as the existing code of each town must be consulted to determine whether the specific town has exempted itself from new County laws adopted over time, or contains a statement that new County laws that are adopted over time will apply. If the latter is the case, the town's code must be amended to exempt the new law. The County's Department of Permitting Services recently notified municipal managers that they would start enforcing both County bills, effective March 1, 2014.

The Tree Canopy Conservation Bill (35-12) applies to private property and is triggered if one needs a sediment control permit (i.e., if 5,000 square feet of land is disturbed). An applicant must plant "shade" trees at a 3:1 ratio (1 tree for every 6,000 sq. ft. of land disturbance), or instead, pay a fee to the County, regardless of whether any trees are removed by the applicant. The funds are to be used by the County for the planting of shade trees in the subwatershed where the project is located, if feasible. Otherwise the shade trees may be planted anywhere in the County. The Roadside Tree Protection Bill (41-12) applies to street trees on State and County Roads. An applicant conducting work in the right-of-way must implement a tree protection plan and if trees are removed from a County road, the applicant must plant replacement trees or pay a fee to the County. The Bill embodies some of the existing requirements for removal of street trees under State law.

A discussion about the Village's current exemptions from County laws in general followed. Bolt suggested that a comprehensive review of the County laws and Village exemptions should be conducted soon, as it has not been done since the 1980's.

The proposed ordinance (2-14-1) to exempt VMA from the requirements of County bills #35-12 and #41-12 was introduced, and seconded. Vote was unanimous. A summary of the text of the Village exemption follows. It will be discussed further and voted on at the March 20, 2014 meeting, following a public hearing. It will be considered as an emergency measure, given the incorrect information previously received from the County.

**SUBJECT:** AN ORDINANCE TO AMEND SECTION 5-103 OF THE CODE OF ORDINANCES TO EXEMPT THE VILLAGE FROM APPLICATION OF CERTAIN MONTGOMERY COUNTY LAWS PERTAINING TO CANOPY TREES.

WHEREAS, Local Government Article, Section 5-202 of the Maryland Code grants to the legislative body of every incorporated municipality in Maryland, including the Village of Martin's Additions, 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, Local Government Article, Section 4-111 of the Maryland Code authorizes a municipal corporation within the State, by charter amendment or ordinance, to exempt itself from county legislation;

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, on the 23<sup>rd</sup> day of July, 2013, the Montgomery County Council enacted Bill No. 35-12 and Bill No. 41-12, both effective on the 1<sup>st</sup> day of March, 2014, and concerning canopy tree conservation measures;

WHEREAS, the Village Council, after proper notice to the public, considered the following Ordinance at a public meeting held on the 20<sup>th</sup> day of February, 2014;

WHEREAS, the Village Council finds that Bill No. 41-12, concerning trees in the right-of-way, would create an additional unnecessary level of regulation and burden on residents. Residents must already comply with the Maryland Roadside Tree law;

WHEREAS, the Village Council finds that application of Bill No. 35-12, concerning trees on private property, would create an undue burden on Village residents for which there is no counterbalancing benefit to Village residents. Among other concerns, Bill No. 35-12 would require 3 “shade trees” to be planted for land disturbances of less than 6,000 square feet, or make a disturbance mitigation payment. Generally, each new tree planted would require at least 400 square feet of growing area. As a result, many Village residents would be forced to pay into a mitigation fund, as an alternative. The County law does not require the mitigation funds to be used to plant trees in the jurisdiction where the mitigation payment was required;

WHEREAS, the Village Council finds that Maryland law and the Village’s Trees and Shrubs Ordinance, and the Village’s tree planting program, promote tree canopy conservation in Martin’s Additions, and the Village Council is currently assessing whether additional regulations, if any, should be adopted by the Village Council;

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 following Ordinance:

BE IT ORDAINED AND ORDERED, this \_\_\_ day of \_\_\_\_\_, 2014, by the Village Council, acting under and by virtue of the authority given it by the Maryland Code and the Charter of the Village of Martin’s Additions, that Section 5-103 is hereby amended as follows:

\* \* \*

**Section 5-103. Specific Exemptions from County Law**

The Village of Martin’s Additions is exempt from the following legislation, and regulations pertaining thereto, as codified in the Montgomery County Code, 1984, as amended (new language is bold and underlined):

**Buildings**

Contracts, Purchases & Dispositions

**Erosion, Sediment Control and**

**Storm Water Management**

Ethics

Finance

Financial Disclosure

Legislative Oversight

Motor Vehicles and Traffic

Personnel

Solid Waste

Streets and Roads

**Tree Canopy**

Silver Spring, Bethesda, Wheaton & Montgomery Hills

Parking Lot Dist.

City, Town and Village Charters

**Sections 8-26(n) and 8-26(o)**

Chapter 11B

**Section 19-71**

Chapter 19A

Chapter 20

Chapter 20A

Chapter 29A

Sections of Chapter 31

Chapter 33

Chapter 48

Chapter 49

**Chapter 55**

Chapter 60

Chapter 71-86

**BUDGET PLANNING AND DEVELOPMENT SCHEDULE: Alexander**

The FY 2015 budget for the next fiscal year must be approved at the Annual meeting, scheduled for 5/15/2014. Notice of the proposed budget must be distributed to residents by May 1<sup>st</sup>. The budget development process will begin with a meeting with the Village accountant.

## COMMUNITY INVOLVEMENT/BLOCK CAPTAIN DISCUSSION: Alexander

Resident Steve Schmal suggested that Village activities could be improved with the creation of Block Captain Program. Schmal commented that despite the Village newsletter and listserv and other ways of communicating many residents seem to be unaware of Village activities. Can communication between the Village and its residents be improved by creating key contact persons on each street?

In the discussion that followed, Alexander expressed the opinion that new residents deserve special treatment, ongoing communications (monthly newsletter, list serv announcements, stopping a council member on the street) seem to be sufficient. Cissna added that the welcome bag she received five years ago led to her attending her first council meeting, so the initial contact is important. Participation seems to be adequate when there are contentious issues. Fleming noted that the Council Members are the primary contact with residents and that contact should be adequate. Lebovich asked if this recommendation is about how the Council communicates to the residents, or vice versa. Alexander suggested that the Welcome Committee could be multi-purposed: it can be a vehicle for welcoming new people and expanding involvement in the community. Council member Cissna volunteered to work on re-invigorating the welcome committee.

## PLANNING FOR MARCH 2 EVENT AT LA FERME:

Sunday, March 2<sup>nd</sup>, 1-3 PM; **Location:** La Ferme Restaurant, 7101 Brookville Road; **Planning estimates:** based on 175 adults; 50 children; **Entertainment:** Children – The Wonderbunny, a magician/entertainer, from 1-3pm. **Adults:** Jazz Music.

## BUILDING ADMINISTRATOR'S REPORT: Alan Beal

### New Permit Requests/Confirmations:

- **3413 Bradley:** Interior work in progress. Awaiting revised MC building permit before issuing Village permit for exterior work.
- **3510 Bradley:** Pre-construction meeting held 2/4/14. Beal has reviewed plans. Awaiting MC Permit.
- **3414 Cummings:** Driveway, 4-car garage, accessory building; Initial plans reviewed by Beal. Awaiting further info and formal application.
- **7210 Delfield:** Awaiting new plans.
- **3408 Raymond:** Deck, pergola and fireplace proposed. No Village permit required for this project.
- **3515 Shepherd:** Interior repairs. Future exterior alterations expected. New plans received, awaiting site plan; review still underway.
- **7203 Summit:** New drawings received (2/20/2014) and awaiting review.
- **7400 Summit:** MC Fence Permit issued. Awaiting Village application and fees.
- **3411 Thornapple:** Preliminary drawings received (2/20/2014); initial review to be scheduled.
- **3414 Thornapple:** Beal has reviewed initial plans; Awaiting formal application and fees.
- **3511 Turner:** Pre-construction meeting needed. MC Demolition Permit issued. MC Building Permit in process. Still no action on site.

### Underway:

- **3504 Bradley:** Porch project can proceed.
- **3518 Bradley Ln –** Front deck/Patio restoration/ exterior steps/ driveway repairs.
- **3410 Cummings:** Pool construction continues. Weather impeding progress.
- **3414 Shepherd:** Rear addition nearing completion
- **3509 Shepherd:** Continues
- **3515 Taylor:** Exterior renovations continue; no alteration to footprint.

### Other Municipal Support: General Management:

- Ongoing supervision and updating on status of construction projects.
- Storm oversight- Storm drain clearance; review of street icing; Checking on parking restrictions and violations; additional parking sign management.
- Move in / out parking control.
- Storage unit/equipment management
- Monthly nighttime check and reporting to PEPCO of street light outages.
- Monitoring of MC DPS Reports.
- ROW Maintenance/ Street/ Trees/ Signage review
- Monitoring street conditions and patches.
- Water main blow on Raymond St., photo documentation.
- Water main damage by WGL, photo documentation
- Assist with trash removal for senior resident.

## FINANCIAL MATTERS: Fleming

**Review of Banking Investments: Rollover of Congressional Bank CD.** Attorney Bolt confirmed that the Council does not need approval to roll over a CD because it is a part of the existing investment policy.

## **Report for the Month of January 2014:**

	July 2013 - January 14, 2014		
	Actual	YTD	Budget
	<u>Current</u>	<u>Cumulative</u>	<u>Budget</u>
Revenues	\$63,541	\$522,310	\$490,790

Expenses	42,613	248,528	378,390
Net Income	20,928	273,782	112,400
Designated allocations:			
Re-paving	400,000		
Street Lighting	500,000		
Reserve Account:	778,023		
Net Budget Surplus	8,300		

This report does not include snow removal expenses.

**No action taken**, deferred until March 2014 Council meeting .

**ACTION ON MINUTES OF JANUARY 2014:** Deferred until March 2014 Council meeting.

**VILLAGE MANAGER’S REPORT:**

***Sanitation Services/Street Cleaning***

- Garbage Collection/recycling: Minor Issues. Some challenges with the snow that we haven’t seen before. We need to encourage residents to pull cans to the curb if they can’t clear a path to their cans.
- Resident suggested we consider ending rear yard pick up and going to toters at the curb.

***Winter Services***

- Snow removal and Brookville Road sidewalk shoveling was a challenge. Complaint received that it didn’t happen fast enough. My suggestion is that if the residents want more service they can either get out their own shovel or hire their own assistance.
- Raymond Street hill parking has not been problematic.
- Quincy Street parking –residents have been cooperative on parking so street can be plowed. Washington Gas tractors were moved to La Ferme Parking lot from Quincy (thanks owed to La Ferme) so street could be plowed.
- Dead End Delfield- Carport and driveway creating a problem
- Re-clearing streets refused: Residents refused to allow Peyton to re-clear streets (“southern” streets mentioned); residents stood in driveway to prevent clean-up.

***Utility Services:***

***WSSC-WATER***

- Water line broken on Quincy—unmarked—hit by Washington Gas.
- Valve leaking at Brookville caused serious icing. WSSC was called several times for their salt truck. Wayne monitored and assisted.
- Water line break on Raymond repaired.
- No progress on the project start date for Pinehurst Circle waterline.

***WSSC –SEWER***

- Isolated sewer repairs needed

***Washington Gas:***

- Quincy and Oxford Streets underway: Weather delays; waterline break.
- Delfield Street had a leak. Suggests bigger problems.
- No further information yet on other gas line projects that may impact our street repairs in VMA.
- Still working on re-imburement payment with Washington Gas; Wayne and Joe Cutro will evaluate street conditions when the snow clears.

***Pepco:***

- No reported outages despite several opportunities that were presented by Mother Nature!
- New poles installed on Oxford –a bit of a conflict with Washington Gas.

**Street light update:**

- 8 lights (cobra heads) have been installed on Grafton Street in Chevy Chase Village, for those wishing to see a sample.

**Community Events and Wellbeing**

- **Improvements at the Market Area:** Street lights finally replaced. Light replaced out back over the rear doors; Office lock being repaired. Graffiti cleaned but not great. Another graffiti incident occurred early this week on the office door. Brick work to be done in spring.
- **Community Event** on March 2, 2014 at La Ferme from 1-3 PM; light lunch-like fare. Mardi Gras Theme. The focus will be on recognizing new residents, volunteers and service providers.
- Linking with **“A Wider Circle”** with our heavy trash pick-up. Resident Michelle Alberg has offered to help us get a possible joint effort underway. Any council members want to help?

**Administrative Matters**

- *Directory* updates continue.
- *Building issues* have been many this month, between unpermitted work and non-conforming plans.
- *Website Update:* Website update still under development.
- *Survey Update:* Council approval of Survey completion was transmitted to survey contractor (AMT). The work continues and is expected to be completed by April 1, 2014.
- To be done: Toters; State Highway meeting on Taylor and Brookville; Revitalizing Welcome Committee.

Jon asked whether we need additional police coverage. Arthur suggested we bring up the proposal for hiring additional police coverage as part of the upcoming budget process.

**9:15 PM Executive Session.** Council member Lebovich moved to enter executive session, pursuant to State Government Article 10-508(a)(1) to discuss the employment, assignment, compensation, and performance evaluation of the Village Manager, an employee over whom it has jurisdiction. Council member Fleming seconded the motion and it passed unanimously. All Council members were present, and Mr. Bolt, Village attorney. Discussion followed. No action was taken. The meeting adjourned at 10:46 p.m. by unanimous consent.