

COUNCIL OF CHEVY CHASE VIEW
Monthly Meeting

Date: May 19, 2021
Place: Meeting was held via an open conference call
Present: Paula Fudge, Chair; Peter Marks, Carlos
Molina and Nancy Somerville, Council members
Jana Coe, Town Manager
Ron Bolt, Legal Counsel for Town
Joseph Toomey, CCV Building Permit Administrator
Julie Sparacino, Moderator
Others Present: Scott Watson, Town's Lighting Engineer
Al Carr, District 18 Delegate

Called Meeting to Order: 7:04 p.m. by Paula Fudge, Chair

Welcome Elected Council Members: Paula Fudge reported that Peter Marks was re-elected and Nancy Somerville was elected for a two-year term. Fellow Council members welcomed Nancy Somerville as a colleague.

According to the Town Charter, Sec. 5. Election procedure: Following the election, each newly elected official shall qualify within ten days by taking oath before any officer in Montgomery County authorized by law to administer oaths, to discharge diligently and faithfully all duties of the office. Peter Marks and Nancy Somerville each met the eligibility requirements and the Town manager administered the Oath of Office to the two nominees.

Election of Chairman: Peter Marks nominated Paula Fudge to serve as Chair of the CCV Council. Carlos Molina seconded the motion and it passed by a vote of 3-0 with Paula Fudge abstaining from the vote.

Election of Officers: Council members agreed to wait until the June 2021 monthly meeting to appoint the remaining officers, as the results of the special election will be known at that time. A chairperson was selected so that there would be a chairperson to preside in the interim.

Approval of Minutes of April 21, 2021 Annual Budget Hearing
April 21, 2021 Monthly Council Meeting, May 4, 2021 Council Work Session to
Review Stormwater Management Committee Report and May 9, 2021 Council
Special Meeting to Adopt Ordinance No. 90 for the Purpose of Adopting a
Plan for a Special Election to Fill a Vacancy on the Town Council:

Peter Marks moved the minutes of the April 21, 2021 Annual Budget Hearing, April 21, 2021 Monthly Council Meeting, May 4, 2021 Council Work Session to Review Stormwater Management Committee Report and May 9, 2021 Council Special Meeting to Adopt Ordinance No. 90 for the Purpose of Adopting a Plan for a Special Election to Fill a Vacancy on the Town Council be approved. Carlos Molina seconded the motion and it passed by a vote of 3-0, with Nancy Somerville abstaining from the vote.

Financial Report for Period April 1, 2021 to April 30, 2021: Paula Fudge moved that the financial report for the period April 1, 2021 to April 30, 2021 be accepted. Peter Marks seconded the motion and it passed with a 4-0 vote.

Council Member Walk: Paula Fudge conducted the monthly Council member walk and reported her findings which will be addressed by the Town Manager.

Ratify Building Permit No. 521-05001 - Sitting wall surrounding rear patio - 4008 Glenrose Street (Delphin): Allison and Ricardo Delphin submitted a permit application to construct a sitting wall surrounding the rear patio of their home at 4008 Glenrose Street in the Town of Chevy Chase View. The application complies with all of the applicable rules and restrictions of the Chevy Chase View Municipal Code.

Mr. Toomey reviewed the building permit application that detailed the construction of a sitting wall that will surround sections of their existing rear yard patio, to be built in conjunction with refurbishing and repairs to the existing patio, rear deck and steps from the deck. The work shall be in conformance with the drawings and details provided by the owners' April 29, 2021 email to the Town Manager. Mr. Toomey recommended on May 4, 2021, that this application should be administratively approved. Paula Fudge moved that the permit application be ratified. Peter Marks seconded the motion and it passed with a 4-0 vote.

Building Permit Application - Deck - 9808 Summit Avenue (Manfreda): Brendan and Lisa Manfreda submitted a permit application for their home at 9808 Summit Avenue in the Town of Chevy Chase View. The application complies with all of the applicable rules and restrictions of the Chevy Chase View Municipal Code.

Mr. Toomey's review is based upon the description of the project on the application, the site plan produced by Charles P. Johnson & Associates, Inc., dated April 25, 2021, and the architectural drawings by Franke Architects, dated April 26, 2021. The scope of the project is the construction of a deck, with steps to the ground, and an at-grade patio within their rear yard. The deck will be set back from the left south property line by 15.0 feet. The rear of the deck will be set back from the rear property line by 20.1 feet, meeting the allowable 5-foot projection of a deck into the 25-foot rear setback requirement. Mr. Toomey recommended that the Town Council approve this building permit application.

A building permit for this project will also be required by the Montgomery County Department of Permitting Services. Carlos Molina moved that the permit application be approved. Peter Marks seconded the motion and it passed with a 4-0 vote.

CCV Building Permit Summary for May 2021

New applications for a Building Permit:

- 9808 Summit Avenue (Manfreda) Deck and patio - applied 5/5/21

Applications for fence permits approved administratively:

- 10011 Connecticut Avenue (Pierola) Fence - applied 4/17/21
- 4008 Glenrose Street (Delphin) Patio sitting wall, applied 5/3/21, approved 5/4/21, issued 5/5/21

Application withdrawn by the applicant:

- 4005 Glenrose Street (Moyse/Haynos) Addition and portico - applied 1/5/21, approved 1/26/21

Applications on hold pending further information:

- 4312 Glenridge Street (Stogoski) Fence - applied 3/2/21

Approved applications awaiting issuance of the Chevy Chase View permit:

- 4100 Dresden Street (Tyson) Shed and fence - applied 6/23/20, approved 7/15/20
- 4209 Franklin Street (Winters) Addition and entry portico - applied 2/3/21, approved 2/17/21
- 4021 Glenridge Street (Matan) Addition - applied 4/7/21, approved 4/21/21
- 10114 Summit Avenue (Wellner/Pickard) Screen porch - applied 4/7/21, approved 4/21/21

Active and open permit construction projects:

- 9819 Connecticut Avenue (Spry) Porch and deck addition - applied 2/29/21, approved 3/17/21
- 4016 Dresden Street (Plank) Construct a new home - applied 4/14/20, approved 5/20/20, revision approved 6/17/20, issued 8/12/20
- 4101 Dresden Street (Klaaffky) Storage unit - applied 3/30/21, issued 3/30/21
- 4213 Dresden Street (Potomac Heritage Homes) New house construction - applied 11/21/20, approved 12/16/20, issued 1/14/21
- 4001 Glenridge Street (McDonnell) Dumpster - applied 3/31/21, issued 3/31/21
- 4101 Glenridge Street (Madden) - Storage Unit - applied 3/16/21, issued 3/17/21
- 4008 Glenrose Street (Delphin) Patio sitting wall, applied 5/3/21, approved 5/4/21, issued 5/5/21
- 9910 Kensington Parkway (Noce/Lucas) Fence and retaining wall - applied 3/17/21
- 4205 Saul Road (4205 Saul Road, LLC) New house - applied 9/3/20, approved 9/16/20, issued 12/21/20

Completed projects since the April 2021 Council meeting:

- 4014 Glenridge Street (Neckles) Retaining wall - applied 3/22/21, issued 4/23/21, completed 4/11/21
- 4201 Saul Road (4205 Saul Road LLC) Fence - applied 2/8/21, approved 2/8/21, issued 2/24/21, completed 4/20/21
- 4201 Saul Road (4205 Saul Road LLC) Outdoor kitchen - applied 4/7/21, issued 4/23/21, completed 4/26/21
- 4305 Saul Road (Coleman) Addition - applied 8/17/20, approved 9/16/20, issued 9/23/20, completed 4/22/21
- 10011 Summit Avenue (Barch) In-ground pool - applied 12/2/20, approved 12/16/20, issued 12/29/20, completed 5/4/21

Introduce Charter Amendment #14/Resolution No. 138-04-21 to Amend Section 5 of the Charter of the Town of Chevy Chase View: The Council held its public hearing on Charter Amendment #14, which was introduced at the April 21, 2021 Council meeting, conforming the ordinance adoption process to current practice and setting the referendum threshold at the common standard of 20% of the electorate.

History: In November, 2020, the Council discussed aspects of the Town Charter that would benefit from a full review and agreed to begin work sessions to conduct a thorough review of the Town Charter. Given the number of high-level issues the Council is currently managing, it discussed the need to modernize Town Charter Sec. 9.C Powers; police and corporate; distribution of ordinances; referendums, etc. The Council discussed the referendum procedures contained in the Charter. Ms. Coe noted how staff at the Maryland Municipal League reported that the Town's Charter provision allowing only 25 voters to compel a referendum on an ordinance is highly unusual, and that the standard requirement is 20% of the electorate. Ron Bolt explained that the Charter allows ordinances to be adopted without prior notice, and this may be why the referendum threshold is uncommonly low. He suggested that the ordinance adoption procedure be amended to require introduction of an ordinance prior to adoption, and for a public hearing to be held, which the Town currently does as a matter of practice. In that regard, the amendment would conform the Charter to current practice.

Hearing no comments from residents, Paula Fudge moved that Charter Amendment #14/Resolution No. 138-04-21 be adopted. Carlos Molina seconded the motion and it passed by a 4-0 vote.

Update on Thrive Montgomery 2050: As previously reported, the Community Coalition, representing over 33,000 Montgomery County residents in 27 community organizations and municipalities, continues to discuss steps to compile Missing Middle Housing best practices, lobbying on the benefits of compatibility, discussing the Thrive Montgomery 2050 process, and inviting County Council members to future meetings.

The Community Coalition's focus remains on four main topics:

- a. concern about the Thrive Montgomery 2050 development process
- b. need for ensuring compatibility no matter the housing type

- c. importance of including the necessary infrastructure and transportation investments during the forthcoming budget process
- d. significance of including multi-strategy economic development and environmental policies in Thrive Montgomery 2050 document

Maryland Capital National Park & Planning has officially adopted the Thrive Montgomery 2050 report (172 pages). The Coalition met on May 17th to discuss residents' input and strategies for preparing for the June 17th County Council Public Hearing on Thrive Montgomery, as well as the June 24th Planning Board Public Hearing on Missing Middle Housing Policy. Residents are encouraged to learn more about Thrive Montgomery 2050 via the following link:

<https://montgomeryplanning.org/planning/master-plan-list/general-plans/thrive-montgomery-2050/>

Stormwater Management Committee: Comments on the Stormwater Management Committee's final report have been received from Paula Fudge, Peter Marks, Carlos Molina and former Council members Ron Sherrow and Lisa Fair. The Council will now consolidate its questions/comments and this information will be shared with the SWM Committee for its consideration.

Update on Pepco Proposal to Transition to LED Streetlighting in Town:

As previously reported, the Town's lighting consultant, Scott Watson, recommended that the Town consider purchasing the lighting equipment in the Town owned by Pepco. The Town issued a formal request to Pepco asking that the fair market valuation of the Town's lighting equipment (induction lights and related equipment) be provided to the Council.

William Ellis, VP of Regional Affairs for Pepco, provided the following proposal on Monday, May 17, 2021: Pepco's vendor will survey the inventory of Pepco owned streetlights in the Town of Chevy Chase View. This cost of this survey is \$7,500, which will include locating all company owned and maintained streetlights, and recording attribute data to help assess the fair market value of the streetlights. In addition to the attribute data collection, the vendor will take digital pictures at each light location.

Upon completion of the survey, Pepco will provide the results of the survey to the Town for review. Pepco will move forward to determine the value of the following articles tied to the sale of the streetlights:

- Fair Market value of the streetlights,
- Third-Party attachment agreement for the streetlights to be attached to Pepco-owned poles and the associated rental fees. Note, additional and separate fees may be incurred for lights attached to Verizon owned poles,
- Cost to perform any make ready/reconfiguration work on each pole to safely allow customer-owned equipment to be installed in the same space as Pepco-owned equipment. Note, there would be an upfront cost to the Town to perform the engineering analysis that would be pre-paid and trued up similar to the survey costs. The

Town would also be responsible for the costs tied to performing the necessary work.

Scott Watson, the Town's lighting consultant, informed Council members that the Town laid out the 78 induction street lights originally in 2003-2004 when CCV purchased the lights and gave them to Pepco to install. The lights are now about 17-18 years old, at least two years past PEPCO's stated 15-year depreciation period. We also mapped out the 34 High Pressure Sodium Teardrop lights (and brackets) along Connecticut Avenue which were installed in 2009, and the LED post-top lights/poles on East Dresden Street and Cleveland Street which were installed in 2014-2015. Chevy Chase View has the records of the initial prices of these lights and posts/brackets. Mr. Watson concluded that we have the maps and know the purchase price and installation year for all the fixtures, and therefore does not believe Chevy Chase View should be forced to pay a contractor \$7,500 to tell us what we already know.

After considerable discussion, the Council asked Ron Bolt to present comments in the PSC rate case. Scott Watson will reach out to George Woodbury, President of Lights Smart Consulting, as he successfully worked with New England municipal officials to purchase streetlights.

Al Carr, our District 18 delegate who has been very helpful to municipal governments due to his extensive knowledge of street lighting issues, stated that Pepco's request for \$7,500 to hire a contractor to inventory and value the lights is nothing but a stalling tactic. It is in Pepco's interest to drag their feet and erect barriers to municipal ownership of the lights. Delegate Carr recommended that the Council consider a counter proposal and to remind Pepco that the Town has all of the information that might be obtained by the contractor, include that information with a purchase offer. Mr. Watson will assist the Town in preparing a counter proposal. Delegate Carr also encouraged the Town to share Pepco's tactics with the Public Service Commission in Chevy Chase View's brief filed in case #9655 on May 21, 2021.

Report Findings of 4200 Block of Franklin Street Speed/Traffic Study (early May 2021): Joe Toomey provided Council members with a summary of the traffic survey measuring the Springtime 2021 vehicle speed and traffic volume on the 4200 block of Franklin Street. The Jamar Technologies, Inc. Radar Recorder was set up on a utility pole, on the south side of the street, between 4216 and 4220 Franklin Street.

The total seven-day count on the 4200 block of Franklin Street was 4,441 vehicles, with a daily weekday average of 671 vehicles, and daily weekend average of 544 vehicles. Vehicular speed has not changed to any great degree from the previous studies (2019 and 2016).

The speed limit on Franklin Street, as set by Montgomery County, is 25 miles per hour. The May 2021 survey shows that 55% of the vehicles traveled at a speed of 25 miles per hour or less, 85% of the vehicles traveled at 28 miles per hour or less, 90% traveled at 30 miles per hour or less, and 95% traveled at 31 miles per hour or less.

Update on Connecticut Avenue Speed Enforcement: As reported at the April 21, 2021, Council meeting, Ron Sherrow met virtually with

the Village of Chevy Chase police chief to discuss staffing and facilities to operate its speed camera program. Topics of discussion included citation counts, definition of camera event and review of images that result in a citation. The Council awaits Mr. Sherrow's submission of a written report to the Council that details the findings of the virtual meeting with the police chief.

Review of Chamberlain Contractors Proposal for FY21 Road Maintenance:

The Council reviewed the Chamberlain Contractors, Inc. Proposal #C78130 in the amount of \$46,315.00. The proposal includes right-of-way repairs associated with construction and repair projects as well as general maintenance items. The work will be scheduled for Summer 2021. Paula Fudge moved the Chamberlain Proposal #C78130 be approved. Peter Marks seconded the motion and it passed with a vote of 4-0.

Clark/Azar Capital Improvement Study Recommendations for FY22 Street Improvements:

The Council discussed the Clark-Azar Right-of-Way expenditure proposal for FY22. Peter Marks recommended that the Council work quickly to assemble the major road work priorities (approximately \$620,000).

Assignment of Council Member Responsibilities: Council members agreed to wait until the June 2021 monthly meeting to appoint the remaining officers, as the results of the special election will be known at that time.

Assignment of Council Member Walk - June 2021 through May 2022: The Council member monthly walk assignments have been finalized.

Motion to Adjourn: At 8:43 p.m., Paula Fudge moved that the meeting be adjourned. Peter Marks seconded the motion and it passed with a 4-0 vote.

Time and Place of Next Meeting: The Council will meet next for its monthly meeting on June 23, 2021 at 7:00 pm. Location will be announced at a later date.

Respectfully submitted,
Jana Coe, Town Manager

NOTES and REMINDERS:

Unleashed Dogs: Many residents are expressing increasing concern about unleashed dogs in the Town. Dog owners are reminded of the following provisions in the Montgomery County Code, Chapter 5, related to Animals and Public Nuisance:

Animal Trespass (Montgomery County Code, Sec. 5-203(a)(3)) - "An owner must not allow an animal to enter private property without the property owner's permission. (\$100 fine). Any dog is at large if it is outside the owner's premises and not leashed, unless it is a service dog, is in a dog exercise area designated by the Maryland National Capital Park and Planning Commission or is participating in an approved activity." (\$100 fine for first offense; \$500 fine for each subsequent violation).

Unwanted Contact - "The pet owner must prevent unwelcome or unsolicited threatening physical contact or close proximity to a person or a domestic

animal that occurs outside the owner's property that may cause alarm in a reasonable person, such as biting, chasing, tracking, inhibiting movement, or jumping." (\$500 fine). **You are reminded to clean up after your dog and place the bag in your own trash container for disposal by Ecology Services' crew.**

Bulk Pick-Up - The next monthly bulk pick-up is scheduled on **Saturday, June 5, 2021**. As a reminder, heavy refuse includes major appliances (must have Freon removed), furniture, large toys, bicycles, and plumbing fixtures. Excluded are batteries, propane tanks, bricks, general construction debris and iron pipes. Please have your items at the curb by 7:00 AM on Saturday as the truck comes through early.

Application for Building Permit - Building Permit Applications for consideration at the June 23, 2021 meeting must be submitted to the Town Manager by 5:00 p.m. on June 9, 2021. Please note that the review may take several days, and an application is not considered perfected until the Town Permit Administrator-Municipal Engineer completes his review. Please contact Jana Coe, Town Manager, at janacoe@chevychaseview.org or by calling 301-949-9274.

PLEASE TAKE ADVANTAGE OF THE FOLLOWING THREE COMMUNICATION OPTIONS FOR TOWN RESIDENTS ONLY

1. Sign Up for eTown Mailings: You can receive the monthly CCV Council meeting minutes and other Council messages and important announcements from the Town Manager. This does not replace the CCV listserv. Go to the CCV website - on the front page under "Quick Links" - you will find the box that says "eTown Mailings". Enter your mail address in the white field, then hit "Go". This will take you to the website of our partner, Constant Contact. Re-type your email address in the box that says "Confirm your email address". Enter your first name, last name and street address in the section titled "Your Information". Finally click the button at the bottom left that says "Save Profile Changes". After you have completed these steps, you will receive an email confirming your registration. Please note that when one member of your household registers for our electronic mailing list, we will discontinue mailing hard copies of these documents to your household.

2. Town Directory and Members Only Access: The Town publishes a Resident Directory in early Fall each year. In addition, this Resident Directory is available online, when you to sign up for "Members Only" (link) access to the Resident Directory. When you sign up for access, the online Resident Directory will be updated to include the information you provide. If you are new to the Town, we would like to add you to the Town's online Resident Directory. Then, when the annual directory is reprinted in the Fall, your information will be included in the printed version as well. The Town Manager administers online access accounts and formally activates residents' accounts. You will receive an email with instructions once approved. We take your privacy seriously and have done everything possible to bring this useful content to you in a secure manner.

3. Listserv - Please consider becoming a member of the CCV listserv by emailing ChevyChaseViewNet+subscribe@groups.io