

COUNCIL OF CHEVY CHASE VIEW
Monthly Meeting

Date: April 19, 2023
Place: Meeting was held at Christ Episcopal Church
Present: Paula Fudge, Chair; Peter Marks, Nancy Somerville,
and Ed Tarbutton, Council members
Jana Coe, Town Manager
Ron Bolt, Legal Counsel for Town

Others Present: Carl Lindgren, 4015 Dresden Street
Ron Sherrow, 4013 Glenridge Street

Called Meeting to Order: 6:50 p.m. by Paula Fudge, Chair

Approval of Minutes of March 22, 2023 monthly meeting: Ed Tarbutton moved the minutes of the March 22, 2023, Monthly Council Meeting be approved. Nancy Somerville seconded the motion and it passed with a 4-0 vote.

Financial Report for Period March 1, 2023 to March 31, 2023: Peter Marks moved the financial report for the period March 1, 2023 to March 31, 2023 to be accepted. Ed Tarbutton seconded the motion and it passed with a 4-0 vote.

Council Member Walk: Tommy George conducted the monthly Council member walk and found no new issues to report. He was absent for the meeting, but submitted his report in writing.

Building Permit Application - 10007 Connecticut Avenue (Hughes) Driveway removal and replaced with two patios, stairs to the second-story screen porch, and landscaping: John and Dana Hughes submitted a permit application for their home at 10007 Connecticut Avenue in the Town of Chevy Chase View. The application complies with all the applicable rules and restrictions of the Chevy Chase View Municipal Code.

Lance Ball's review is based upon the description of the project on the application, the Location Plat produced by LandTek Partners LLC, dated February 28, 2023, last revised March 28, 2023, and the Landscaping Plan. The scope of the project is to remove most of the existing driveway on the subject property and replace two at-grade patios with steps to the existing second

story screen porch with landscaping being readjusted. The steps are 29'9" to the nearest property line. It is Mr. Ball's understanding that this is to be phase 1 of a 2-phase process with phase 2 involving removing a retaining wall within the Everett Street right-of-way. Mr. Ball recommended the Town Council approve this building permit application pending receipt of the Montgomery County permit, if required for the new deck stairs.

Ed Tarbutton moved that the permit application be approved conditional upon receipt of the Montgomery County permit. Nancy Somerville seconded the motion and it passed with a 4-0 vote.

Ratify Town Permit #560-04002 - Dumpster - 4020 Franklin Street (Weisser): Nancy Somerville moved that the Town permit #560-04002 be ratified. Pete Marks seconded the motion and it passed with a 4-0 vote.

CCV Building Permit Summary for April 2023

New applications for a Building Permit:

- 10007 Connecticut Avenue (Hughes) - Driveway removal and replaced with two patios, stairs to second-story screen porch - Applied 02/02/23

Permits Issued after Administrative Approval:

- 4020 Franklin Street - Dumpster - (Weisser) 04/15/23, approved/issued 04/19/23

Approved applications awaiting issuance of the Chevy Chase View permit:

- 10007 Connecticut Avenue (Hughes) - Driveway removal and replaced with two patios, stairs to second-story screen porch - Applied 02/02/23, approved with conditions 04/19/23

Stop Work Order for Unpermitted Construction

- 9807 Connecticut Avenue (Guzman) Second-story addition, rear addition, fence
Town of CCV Stop Work Order Posted - 3/21/23
Montgomery County Stop Work Order Posted - 3/22/23

Active and open permit construction projects:

- 9819 Connecticut Avenue (Spry) Rear addition including basement - Applied 6/1/22, approved 6/15/22, issued 7/12/22
- 9901 Connecticut Avenue (Nix-Gomez) - Sunroom, mudroom entry, expand second floor bedroom, raise roof of third-floor level attic space - Applied 12/24/21, approved 2/26/22, issued 8/30/22
- 4221 Everett Street (Strittmatter) - Pool and paver patio Applied 5/12/22, approved 5/26/22, issued 6/22/22
- 4020 Franklin Street - Dumpster - (Weisser) applied 04/15/23, approved/issued 04/19/23
- 4021 Glenridge Street (Matan) Addition - Applied 4/7/21, approved, 4/21/21, issued 6/24/21
- 4109 Glenridge Street (Keenan) Screen porch - Applied 4/10/22, approved 5/18/22, issued 7/15/22

Closed projects since the March 2023 Council meeting:

- None -

DNR Resilience Study Implementation: Nancy Somerville reported Clark/Azar is reviewing the stormwater survey results and the Town's GIS data that includes CAD files with property lines, right-of-way lines, storm drain locations, gas lines and right-of-way tree information. Clark/Azar is running about 2-3 weeks behind schedule and the first community meeting will be in late May or early June.

The Town is also submitting a Modification Request to extend the DNR grant deadline to December 31, 2023 (from September 30, 2023).

Connecticut Avenue Study: The Council learned on April 14, 2023, that the District 18 Delegation recently met with the Maryland Department of Transportation (MDOT) to discuss the ongoing challenges of the Franklin Street and Connecticut Avenue intersection. The Delegation relayed the concerns expressed by the residents of Chevy Chase View regarding the growing number of accidents involving:

- Drivers turning left onto Connecticut Avenue from either side of Franklin Street
- Drivers travelling northbound or southbound on Connecticut Avenue attempting to make left turns onto Franklin Street

MDOT is currently conducting a safety study at the intersection of Connecticut Avenue and Franklin Street. MDOT will review speed limits, lane width, prohibition of through traffic at Connecticut Avenue and Franklin Street, and other measures designed to enhance safety along Connecticut Avenue. The analyses should be completed by early July 2023. MDOT will share proposed traffic safety measures by holding a community meeting with Kensington area residents as they may be affected by any roadway changes along Connecticut Avenue. MDOT will consider all feedback before instituting any roadway changes.

Chamberlain Contractor late Spring 2023 maintenance

schedule: The Town Manager reported that the late Spring 2023 maintenance work has been scheduled for Wednesday, May 24th and Thursday, May 25th. More detailed information will be shared with residents via e-Town mailings.

House Number Painting to Curbs: The Town Manager reported that the Town's house number painting contractor, Graphcom, will be returning to the Town to correct areas where the house number painted at the curbs is incorrectly placed or incorrect. Residents will receive information via e-Town mailings to make certain vehicles parked on the streets do not complicate this corrective work by the contractor.

Establishment of a Town Welcome Committee: The Town has many new residents who have made CCV their home over the past five years. Ed Tarbutton wants to spearhead the establishment of a Town Welcome Committee to make certain our new residents over the past two years (and moving forward) receive a personal greeting from the Town that provides a warm welcome, overview of Town services, the Town's building regulations and a copy of the most recent directory. More information will be forthcoming with the recommended approach to forming this much-needed Welcome Committee.

Motion to Adjourn to Executive Session: At 7:25 p.m., Nancy Somerville moved that the Council enter closed session pursuant to Maryland Code, General Provisions Article, Section 3-305(b)(7) to obtain legal advice regarding a lease agreement. Ed Tarbutton seconded a motion and it passed with a 4-0 vote. The Council received legal advice about certain provisions contained in a prospective

lease agreement, and directed the Town Attorney to complete negotiations. No other action was taken.

Town Office Lease: Ron Bolt reviewed the terms of the proposed lease for Town office space at 10401 Connecticut Avenue, Kensington, Maryland. Ed Tarbutton moved that the Town Council approve the proposed lease pending the finalization of the terms. Paula Fudge seconded the motion, and it passed by a 4-0 vote. The effective date of the lease will be determined within the next few weeks.

Ed Tarbutton moved that the agreement with Cresa be terminated immediately due to lack of progress after signing the brokerage agreement in February 2023. Pete Marks seconded the motion and it passed with a 4-0 vote.

At 8:05 p.m., Nancy Somerville moved that the executive session be adjourned and to enter an open session. Ed Tarbutton seconded the motion and it passed with a 4-0 vote.

Allocation of ARPA funds in the FY24 budget: At the time the FY24 budget was drafted in March 2023, the Town Council learned that the federal guidelines for ARPA spending contained requirements related to procurement processes that are not contained in the Town's service contracts. Due to the uncertainty surrounding the Federal guidelines, the Council determined it was prudent to allocate ARPA funds in the FY24 budget to the line items - salaries, payroll/benefits, legal, accounting/audit and office lease. Ed Tarbutton moved that the FY24 reassignment of ARPA fund expenditures be approved. Nancy Somerville seconded the motion, and it passed by a 4-0 vote.

Motion to Adjourn: At 8:10 p.m. Ed Tarbutton moved that the meeting be adjourned. Nancy Somerville seconded the motion and it passed with a 4-0 vote.

Time and Place of Next Meeting: The Council will meet next at Christ Episcopal Church on May 17, 2023, at 7:00 p.m.

Respectfully submitted,

Jana Coe, Town Manager

General Interest and Reminders

Monthly Street Sweeping Begins: The monthly street sweeping continues the third Wednesday of the month. While the Town does not post "No Parking" signs prior to this service, residents are encouraged to not park cars on the streets on the scheduled date. If a car remains parked on the street in front of your home, it also affects the quality of the sweep in front of your neighbor's homes.

Bulk Pick-Up - The next monthly bulk pick-up is scheduled on **Saturday, June 3, 2023**. 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 May 3, 2023 meeting must be submitted to the Town Manager by 5:00 p.m. on May 17, 2023. 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.

Recycling of Cardboard Boxes: Ecology Services, the Town's recycling contractor, has again asked us to remind **residents to break down cardboard boxes and place them in a pile next to your recycling Toter on Tuesdays**. If residents can take the time to break these boxes down, there is more capacity for collection and the crew members do not need to spend extra minutes in front of a home chucking boxes into the back of recycling truck. Thank you.

Find Your Home's Flood Factor: Residents can enter their address at the following website <https://riskfactor.com/> to ascertain the address's susceptibility to flooding based on past floods, current risks, and future projections. Please note that this data does not incorporate individual property drainage systems but looks at the broader geographical area's susceptibility to flooding. More information can be found at <https://chevyCHASEVIEWMD.GOV/2022/09/23/montgomery-county-has-a-new-flood-website/>.

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.**

***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 click "For Residents" - choose the box that says "e-Town Mailings". Add your address in the space at the bottom of the page and click "Go." This will take you to the website of our partner, Constant Contact. Follow the directions on the screen to complete your registration. After you have completed these steps, you will receive an email confirming your registration.

You can register as many email addresses as you like for your household, but you must use the link on the website page and enter each recipient individually.

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 sign up for "Members Only" access to the Resident Directory. Go to <https://chevychaseviewmd.gov/registration/> to sign up. When you register 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

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT")
UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)**

This form has two sides. *Complete items 1 – 4 before closing the meeting.*

1. **Recorded vote to close the meeting:** Date: 4-19-23 Time: 7:25 PM Location: Christ Church
Motion to close meeting made by: Nancy Somerville Seconded by Ed Tarbutton ;
Members in favor: Ed Tarbutton, Nancy Somerville ; Opposed: None ;
Abstaining: Pete Marks, Paula Fudge ; Absent: Tommy George .

2. **Statutory authority to close session (check all provisions that apply).**
This meeting will be closed under General Provisions Art. § 3-305(b) only:

(1) "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (2) "To protect the privacy or reputation of individuals concerning a matter not related to public business"; (3) "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (4) "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; (5) "To consider the investment of public funds"; (6) "To consider the marketing of public securities"; (7) "To consult with counsel to obtain legal advice"; (8) "To consult with staff, consultants, or other individuals about pending or potential litigation"; (9) "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; (10) "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; (11) "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; (12) "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; (13) "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; (14) "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process." (15) "To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information . . . or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices."

Continued →

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session discussion of topic
§3-305(b) <input checked="" type="checkbox"/>	Lease Agreement	Obtain legal advice pertaining to lease agreement
§3-305(b) <input type="checkbox"/>		
§3-305(b) <input type="checkbox"/>		
§3-305(b) <input type="checkbox"/>		
§3-305(b) <input type="checkbox"/>		

4. This statement is made by Y. Wald, Presiding Officer.

