

SECTION 5 OF THE VILLAGE OF CHEVY CHASE  
MINUTES OF THE COUNCIL MEETING

Date: May 8, 2007  
Time: 7:30pm  
Place: 5906 Connecticut Avenue, Chevy Chase Village Hall  
Present: Margy Abbott; Peter Gray; Frances L. Higgins; Ira Rosenbaum; Andrew Smith; Alan Beal; 14 Section 5 residents

1. Minutes

Andrew moved that the April 10, 2007, Annual Meeting Minutes be approved as revised by email. Peter seconded the motion and it passed unanimously.

2. Ellen's Run

Paul Kaplan, a Section 5 resident, said that Ellen's Run, a 5 k race, last fall raised \$45,000. About \$8,000 was spent to cover expenses. The remainder was contributed to BCC High School Community Scholarship Fund and The Mental Health Association of Montgomery County. Section 5's Council contributed \$5,000 to Ellen's Run last year and Paul asked the Council to contribute again this year. Andrew asked if the race was going to be held each year. Paul said they planned to have it yearly. Margy moved that Section 5 contribute \$5,000 to Ellen's Run this year. Ira seconded the motion and it passed unanimously.

3. Citizens' Concerns and Suggestions

A Thornapple Street resident asked the Council if David Podolsky has written to the Council stating what authority Section 5 has to enforce setbacks. Andrew said that Ron Bolt, an attorney in David's firm, has affirmed that Section 5 has authority to examine all buildings during construction and order any changes necessary to insure strength and solidity and safety of buildings. This same resident asked if the letter could be made public and if anyone else had seen the letter. The manager said that the owner of 3704 Thornapple St. had asked for the letter and the manager had given her a copy. The manager made a mistake by giving the letter to the resident because the letter was confidential. The resident asked if the Council had a copy of the letter; the answer was yes and the Council gave a copy of the letter to the resident. The Council asked the resident to return the letter to the Council and the resident returned it. The resident then asked if Section 5 has scheduled an inspection for the 3704 Thornapple St. property. Andrew said no, that an inspector has not been scheduled to inspect that property. Another Thornapple St. resident said that he had some safety concerns about the 3704 Thornapple St. property. Michael Eig asked to see the letter. He said that he needed to see the letter in order to know how to phrase his concerns.

4. Discussion of Building Setback Ordinances

Andrew asked the residents to look at the letter which the Council had sent describing four options which the Council could pursue to give Section 5 some zoning authority. He said that John Higgins had written the letter and given it to the Council for its additions and corrections. A Thornapple St. resident objected to John writing the letter. Andrew said that these options are only suggestions and that anyone could make other suggestions. It was stated that Montgomery County has only five building inspectors for the entire County and that if Section 5 had some zoning authority, it could employ a building inspector of its own for its inspections. A resident asked if the Council

had planned to vote on one of the options at the meeting. Margy said that no one had planned to vote tonight but that this was a forum at which residents could express their opinions. A Thornapple St. resident said that he would like to adopt the option which would give the town the most control over building projects. He did not want to adopt the County's regulations because the County does not always respond to requests for inspections.

A Woodbine St. resident asked which issues involving building projects are most controversial. A resident said that setbacks are the most controversial. Another resident said that he disagreed with the statement in the Council's letter which said that people object to mansionization. He said that he liked the presence of larger homes in the area. A Williams Ln. resident said that Section 5 should piggy back on The Town of Chevy Chase and the Village's new zoning ordinances. A Thornapple St. resident said that adopting the County's ordinances regarding building is the same as doing nothing. An Underwood St. resident asked why option 4 would take a long time to implement. Alan Beal said that the Town of Chevy Chase has employed a consulting firm from Annapolis to advise it about new zoning ordinances. He went on to say that this firm has divided the town into eight fabric zones and each of these zones has distinct characteristics. After each of these zones have been defined, the Town will write ordinances which will allow the Town to regulate building projects.

A Thornapple St. resident said that she would like Section 5 to create rules which can be enforced. She said the Board of Governors in the Village would be happy to talk to Section 5's Council about building ordinances. Andrew asked this resident if she would like Section 5 to pursue option 2. The resident said that she would like option 4. A resident asked if Section 5 would like to have building ordinances very different from the County's. Peter said that he is not certain that residents want something very different from the County's.

Andrew asked if anyone would like to serve on a committee to investigate the possibilities for Section 5 exercising zoning authority. Tom Gann and Emily Eig volunteered to serve on the committee. A resident asked the Council to clarify the process to have an inspection of a building site done in Section 5.

#### 5. Discussion of Emails to Council

Andrew said that the emails which the Council has received over the last month were about the different options concerning zoning authority.

#### New Business

##### 6. 6 Leland Ct.

Andrew asked if the Council members each had a copy of the letter from the owner of the property at 6 Leland Ct. concerning the driveway apron. In this letter the owner asked the Council to reconsider his request to widen his driveway. Margy asked why the resident needs a wider apron when an apron is used only to access a driveway. She said that she has a shared driveway and the apron is the same width as the apron at 6 Leland Ct. Andrew said that he too has a shared driveway and his apron is a standard size. It was agreed that the Council will inspect the apron at 6 Leland Ct. and then have a further discussion.

##### 7. Employing Legal Counsel

Andrew read a letter from David Podolsky stating that Section 5 agrees to pay

for legal advice which David's firm provides. Andrew said that he would sign the letter agreeing to pay the town's legal advice.

#### 8. Treasurer's Report

Margy said that the town has incurred greater expenses this year than last. Expenses last year were about \$230,000 whereas this year the town has spent \$310,000 and there is another month and a half before the end of the fiscal year. Margy said that in years past Section 5 has rebated money on residents' tax bills. She recommended rebating \$750 per household this year. There was some discussion. Margy moved that Section 5 rebate \$750 per household in Section 5 and also pay each household's solid waste charge. Ira seconded the motion and it passed unanimously.

#### 9. Building Inspector's Report

Peter said that there were no permits issued.

#### 10. Storm Water Management

Peter said that the State has passed a law regarding storm water management in the State and Section 5 should not address the issue of storm water management in the town until the Council has studied the State's law. The Council agreed to wait.

#### 11. Discussion of Criteria for Town's Web Master

Andrew will contact Farooq tomorrow and get the criteria for a web master. The Council will give prospective web masters this criteria and then decide on a web master for Section 5.

#### 12. Manager's Report

Margy asked the manager to check into the best interest rate for the CD's which will come due in May, June and July and invest the maturing CD's at the best rate. The Council reviewed the bid proposals for the town's trash haulers. They expressed some concerns about the figures. The manager will call each of the companies which submitted a bid and review their figures and get back to the Council. The Council will make a decision about a trash hauler for the town at the June meeting.

The manager will call Ron Bolt and ask him about the process to enact option 4 in the Council's letter to the residents of April 25, 2007 that has enforcement capability.

Because of the incidents of malfunctioning fire hydrants in the District, the manager contacted WSSC about the reliability of Section 5's fire hydrants. A WSSC employee told the manager that Section 5's hydrants are inspected every 12 to 18 months. The County is raising its tipping fee by \$4 per ton. A tipping fee is the charge which the County levies to pay the cost of the transfer station. This increase will cost Section 5 about \$1,000 per year. This increased charge will be paid for by the town not the hauler. Section 5's fall party will be held September 9, 2007.

Andrew moved that the meeting be adjourned; there was second and the motion passed unanimously. The next meeting will be June 12, 2007, at 7:30pm at the Village Hall, 5906 Connecticut Ave. It is the last meeting until September.