

TOWN OF CHEVY CHASE  
COUNCIL MEETING  
TOWN HALL  
April 24, 2019

OPEN SESSION TO VOTE TO ENTER CLOSED SESSION (6:00 p.m.)

The Town Council will meet in open session for the purpose of voting to enter a closed session pursuant to the Open Meetings Act, Maryland Code, General Provisions Article, Section 3-305(b)(1) to discuss a personnel matter.

- I. GENERAL BUSINESS (7:00-7:15 p.m.)
  - A. Call to Order
  - B. Pledge of Allegiance
  - C. Approval of Minutes of March 13 Council Meeting, March 20 Work Session, April 4 Closed Meeting, April 4 Work Session, and April 4 Council Meeting
  - D. Acceptance of March 2019 Financial Report
  - E. Approval of a Supplemental Appropriation of \$30,000 for Executive Search Firm
  - F. [Town Manager's Report](#)
  - G. Public Comments
  
- II. PUBLIC HEARINGS (7:15-7:45 p.m.)
  - A. [Public Hearing on an Ordinance to Amend the Town's Permit Parking Regulations](#)
  
- III. COUNCIL ACTIONS (7:45-8:00 p.m.)
  - A. [Introduction of an Ordinance to Adopt the FY20 Budget and Tax Rates](#)
  - B. [Approval of a Resolution to Designate Permit Parking on Oak Lane between Leland Street and Ridgewood Avenue](#)
  
- IV. COUNCIL DISCUSSIONS (8:00-9:30 p.m.)
  - A. Discussion and Possible Introduction of an Ordinance to Amend the Town Building Code
  - B. Zimmerman Park Amenities & Improvements
    - 1. Lee Dennison Sustainable Garden
    - 2. Pathway and Staircase
    - 3. Concept Master Plans
  - C. Project Updates:
    - 1. East West Highway Safety
    - 2. Purple Line Mitigation
    - 3. Bethesda Downtown Plan Implementation
    - 4. East Avenue Traffic Calming
    - 5. Town Traffic Study
  
- V. ADJOURNMENT (9:30 p.m.)

# MEMORANDUM

I-F

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Town Manager's Report  
DATE: April 24, 2019

This report highlights some of the initiatives undertaken by Town staff over the past month. In the interest of brevity, I have not included ongoing staff functions. Please let me know if you have any questions or need additional information.

- Assisted Purple Line Mitigation Committee with obtaining additional information from MTA/PLTP/PLTC and with ongoing noise analysis work by acoustical engineer.
- Communicated with SHA and MCPD re. pedestrian safety improvements on East West Highway.
- Assisted Land Use Committee with considering amenities for Zimmerman Park and reviewing possible changes to the Town building ordinance.
- Assisted Sustainable Garden Advisory Group with planning for Lee Dennison garden.
- Assisted Long Range Planning Committee with tracking Bethesda redevelopment projects.
- Assisted Public Services Committee with developing RFP for Town-wide traffic study and responding to resident inquiries/requests re. public safety, traffic and street lighting.
- Planned for installation of radar speed board on East Avenue.
- Installed bike safety signage.
- Continued developing proposed FY20 budget.
- Continued preparations for 2019 election.
- Completed A/V improvements in the Town Hall.
- Worked with Community Relations Committee on special events.

Ordinance No.: 19-02  
Introduced: March 13, 2019  
Adopted: April 24, 2019  
Effective Date: May 24, 2019

## **TOWN OF CHEVY CHASE**

**SUBJECT:** AN ORDINANCE TO AMEND SECTION 15-40 OF THE TOWN CODE TO AUTHORIZE THE ISSUANCE OF A SECOND GUEST PARKING PASS, UPON REQUEST, FOR USE IN PERMIT PARKING AREAS; TO EXTEND THE PERMIT TERM FROM 12 TO 24 MONTHS, OR SUCH OTHER PERIOD AS MAY BE DETERMINED BY THE TOWN MANAGER; AND TO OTHERWISE CLARIFY AND AMEND EXISTING PROVISIONS

WHEREAS, Section 5-202 of the Local Government Article of the Maryland Code grants to the legislative body of every incorporated municipality in Maryland, including the Town of Chevy Chase, general power to pass such ordinances not contrary to the Constitution of Maryland or public general law as deemed 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; and

WHEREAS, Section 25-102(a)(1) and Section 21-1003.1 of the Transportation Article of the Maryland Code grant the power to regulate and prohibit the parking of vehicles, including by the issuance of residential parking permits; and

WHEREAS, the Town Public Services Committee has recommended that the Town Council allow a second guest card to be issued, upon request, for use in permit parking areas, as set forth in this ordinance; and

WHEREAS, Section 301(a) of the Charter of the Town of Chevy Chase authorizes the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and for such other police or health matters as it may deem necessary; and

WHEREAS, the Town Council introduced the following ordinance in public session assembled on the 13<sup>th</sup> day of March, 2019; and

WHEREAS, the Town Council held a public hearing on the following ordinance in public session assembled on the 24<sup>th</sup> day of April, 2019; and

WHEREAS, upon consideration of the recommendation of the Public Services Committee, and the testimony and evidence presented at the public hearing, the Town Council finds that the issuance of as second guest card, upon request, would be appropriate; and

WHEREAS, the Town Council finds that the following ordinance is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town.

NOW, THEREFORE, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance:

SECTION 1. BE IT ORDAINED AND ORDERED, this 24<sup>th</sup> day of April, 2019, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter, that the Town Code is amended to read as follows:

**Sec. 15-31. - Restricted areas.**

\* \* \*

(b) *Criteria for designation.* The decision whether to designate a parking permit area (including the terms and conditions of any such designation) shall take into account, among other things:

(1) The effect on the safety of residents of the area under consideration resulting from intensive use of such area by nonresidents for the parking of vehicles.

(2) The need of the residents of the area to obtain adequate on-street parking adjacent to or close by their places of residence.

(3) The difficulty or inability of residents of the area to secure adequate on-street parking adjacent to or close by their places of residence because of widespread use of the available parking spaces by nonresident, transient motorists. A condition of "difficulty or inability" is deemed to exist when the average number of nonresident vehicles parked in the area, as shown by a survey or vehicle count taken on two (2) separate days, is in excess of twenty-five (25) percent of the number of parking spaces on such streets and the total number of spaces actually occupied by vehicles exceeds seventy-five (75) percent of the number of such spaces.

\* \* \*

(3) This Ordinance shall take effect on the 1<sup>st</sup> day of July, 2019.

ATTEST:

TOWN OF CHEVY CHASE

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Kirk Renaud, Secretary

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Barney Rush, Mayor  
Town of Chevy Chase

**Town of Chevy Chase  
Budget and Tax Rate Ordinance**

Resolution No.:  
Introduced: April 24, 2019  
Adopted:  
Effective Date: July 1, 2019

**SUBJECT:** AN ORDINANCE TO ADOPT A BUDGET FOR FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020 AND TO LEVY A TAX ON CERTAIN REAL AND PERSONAL PROPERTY UNDER THE PROVISIONS OF SECTION 6-203 OF THE TAX-PROPERTY ARTICLE OF THE MARYLAND CODE, AS AMENDED

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland, including the Town of Chevy Chase, general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed 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, Maryland Code, Tax-Property Article, Section 6-203, as amended, grants authority to municipal corporations to levy a tax on personal property, land, and improvements thereon, within the municipal corporation;

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes the Town Council to pass ordinances as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the resident(s) of the Town; and for such other police and health matters as it may deem necessary;

WHEREAS, pursuant to Section 501 of the Town of Chevy Chase Charter, the Town operates on an annual budget;

WHEREAS, Section 503(a) of the Town of Chevy Chase Charter authorizes the Town Council to levy and collect from the owners of real and/or taxable tangible personal property used in a trade or business in the town, tax on the assessed valuation of the real and/or taxable

tangible personal property used in a trade or business within the boundaries of the Town at a rate or rates set by the Town Council;

WHEREAS, the Town Council introduced the following Ordinance in public session assembled on the 24<sup>th</sup> day of April, 2019;

WHEREAS, the Town Council, after proper notice to the public, considered the following Ordinance at a public hearing held on the \_\_\_ day of May, 2019; and

WHEREAS, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town.

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

BE IT ORDAINED AND ORDERED, this \_\_\_ day of May, 2019, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town of Chevy Chase Charter, that the attached Budget be and is hereby adopted.

AND BE IT FURTHER ORDAINED AND ORDERED, that the Town Council of the Town of Chevy Chase, pursuant to the authority granted by the Town Charter and Section 6-203 of the Tax-Property Article of the Maryland Code, hereby levies a tax at the following rates:

- (i) ninety-nine one-hundredths of a cent (\$0.0099) per One Hundred Dollars of assessable value (fair market value) on real property subject to taxation;
- (ii) zero dollars and zero cents (\$0.00) per One Hundred Dollars of assessed value of assessable business-owned personal property subject to taxation; and
- (iii) zero dollars and sixty-six cents (\$0.66) per One Hundred Dollars of assessed value of assessable utility property subject to taxation.

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

- (1) That the tax levied hereby be certified to the County Council for Montgomery County, Maryland;
- (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

(e) *Contiguous streets.* After a street or portion of a street or section has been designated as a permit parking area, any adjacent street, upon a showing that sixty (60) percent or more of the households so desire, and upon completing the requisite survey or vehicle count under subsection (b)(3) hereof **that shows a condition of “difficulty or inability” exists**, shall, upon petition to the town council, be added to the area designated a parking permit area.

\* \* \*

**Sec. 15-34. - Issuance of permit.**

Upon the decision of the town council to designate any area for restricted parking, permits shall be issued to the following classes of persons:

(1) Residents of the area in which parking is so restricted for every vehicle owned by those persons.

(2) Persons who make a contribution to the welfare of residents of the town and who are present in a restricted parking area in connection with their duties but only upon a showing of special need **as determined by the town manager**.

(3) Persons who reside in the town outside the particular area but only upon a showing of special need **as determined by the town manager**.

\* \* \*

**Sec. 15-37. - Expiration and renewal of permits.**

Parking permits are valid for a ~~twelve~~ **twenty-four** month period, **or such other period as may be determined by the town manager**, and may be renewed upon expiration provided that the conditions for issuance continue to exist.

\* \* \*

**Sec. 15-40. - Guest cards.**

The town manager shall issue to each household holding a permit parking sticker, without fee, not more than one (1) guest card, **provided however, a second guest card shall be issued without fee upon the request of any resident of a permit parking area.** ~~which w~~When properly displayed on the inside left rear window of any parked vehicle, **a guest card** entitles such vehicle to park in a permit area in the general vicinity of the residence to which **it has been** issued. Entities, such as schools or churches, which require a greater number of guest cards, shall be given such allotment of guest cards as the town manager shall deem appropriate. Each such guest card shall be marked with the address of the household or name of the entity to which it has been issued. In addition, upon request to the town manager by any resident of a permit parking area and a showing that additional guest cards are temporarily required for a



social function or other legitimate purpose, the town manager shall issue without fee the required number of guest cards, provided that such cards shall be made valid for one (1) day only. Persons who are bona fide visitors of any residents of the area holding permit parking stickers will be issued a special guest card to be valid for a stated period not to exceed thirty (30) days. Except as otherwise provided in this section, a special guest card shall not be issued to more than three (3) vehicles belonging to persons who are visitors at a residence.

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this 24<sup>th</sup> day of April, 2019, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter that, that:

(1) 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

(2) This ordinance shall take effect on the 24<sup>th</sup> day of May, 2019 (30 days after adoption).

ATTEST:

TOWN OF CHEVY CHASE

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Kirk Renaud, Secretary

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Barney Rush, Mayor  
Town of Chevy Chase

**Bold and Underline** indicates new material

~~Strike through~~ indicates material deleted

\* \* \* indicates material unchanged

Resolution No.: 19-03  
Introduced: April 24, 2019  
Adopted: April 24, 2019  
Effective Date: April 24, 2019

**RESOLUTION OF  
THE TOWN OF CHEVY CHASE**

**SUBJECT: Resolution to Designate Permit Parking Area  
(Oak Lane, between Leland Street and Ridgewood Avenue)**

**WHEREAS**, Section 15-31(a) of the Town of Chevy Chase Municipal Code (the “Town Code”) authorizes the Town Council to designate roads, streets, and other areas within the Town in which the parking of vehicles may be restricted, in whole or in part, during certain specified times, to vehicles displaying valid parking permits or guest cards; and

**WHEREAS**, in accordance with Chapter 15 of the Town Code, the Town Council designated the blocks adjacent to Oak Lane, between the Leland Street and Ridgewood Avenue intersections, as permit parking areas; and

**WHEREAS**, in accordance with Section 15-31(e) of the Town Code, after a street or portion of a street has been designated as a permit parking area, any adjacent street shall be added to the designated parking permit area upon a petition to the Town Council supported by sixty (60) percent or more of the households of the adjacent street and upon completion of a survey or vehicle count; and

**WHEREAS**, residents of the subject area submitted a petition, signed by more than sixty (60) percent of the households of said block, to designate the block as a parking permit area; and

**WHEREAS**, in response to the petition, a vehicle count was completed by the Town on March 29, 2019 and April 2, 2019 and, on both days, all 4 of the parking spots on the block were taken by non-resident vehicles.

**NOW, THEREFORE**, it is, this 24<sup>th</sup> day of April, 2019, by the Town Council of the Town of Chevy Chase:

**RESOLVED**, that Oak Lane, between the intersections of Leland Street and Ridgewood Avenue, be and is hereby designated as a permit parking area, Monday through Friday, from 7:00 am to 7:00 pm, and the parking of vehicles in said parking permit area during said days and times shall be restricted to only vehicles displaying valid parking permits or guest cards issued by the Town; and it is further

**RESOLVED**, that the Town Manager be and is hereby authorized to issue appropriate parking permits and cause parking signs to be posted in the area, as necessary to implement this Resolution; and it is further

**RESOLVED**, that this Resolution shall become effective on April 24, 2019.

I, Kirk Renaud, Secretary of the Town Council of the Town of Chevy Chase, hereby certify that the foregoing Resolution was adopted by the Town Council at its meeting on April 24, 2019.

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Kirk Renaud, Secretary  
Town of Chevy Chase