

TOWN OF CHEVY CHASE
COUNCIL MEETING
MINUTES
September 14, 2016

OPEN SESSION TO VOTE TO ENTER CLOSED SESSION

At 5:45 p.m., in the Town Hall, Councilmember Bickerman made a motion to enter closed session pursuant to the Maryland Open Meetings Act, Maryland Code, General Provisions Article, Section 3-305(b)(7) to consult with counsel to obtain legal advice on a legal matter regarding private improvements in the public right-of-way; and pursuant to Section 3-305(b)(8) to consult with counsel about pending litigation (ACT lawsuit). Councilmember Rush seconded the motion, and it passed by a vote of 3-0. Councilmembers Cecere and Flynn were not present. Town Attorney Ron Bolt and Town Manager Todd Hoffman were present. Council directed staff to compile documents responsive to a Maryland Public Information Act request. Council also directed staff to obtain an engineering report related to a retaining wall. The session was adjourned at 6:45 p.m.

Council and Staff

Scott Fosler, Mayor
Mary Flynn, Vice Mayor
Barney Rush, Treasurer
Fred Cecere, Secretary
John Bickerman, Community Liaison

Todd Hoffman, Town Manager
Joel Happy, Finance Officer
Ron Bolt, Town Attorney

Residents and Guests

Erik Heyer, 7104 44th Street
Deborah Vollmer, 7202 44th Street
Robert Gurney, 7105 45th Street
Diane Willkens, 7108 45th Street
Dedun Ingram, 4411 Elm Street
Christine Real De Azua, 4502 Elm Street
Robert LeCours, 4405 Leland Street
Jeffrey Berger, 7109 Meadow Lane
Thomas & Elaine Collins, 6903 Ridgewood Ave.
Joe Fontana, 4208 Rosemary Street
Richard Clay, 3917 Woodbine Street
Carib Martin, Guest

Thomas & Kathleen Fingleton, 7106 44th St.
Harvey Maisel, 7105 45th Street
Eric & Kristin Burka, 7107 45th Street
Donald Farren, 4009 Bradley Lane
John Fitzgerald, 4502 Elm Street
Vicky Taplin, 4120 Leland Street
Richard English, 7212 Maple Avenue
Jean Shorett, 7107 Oakridge Avenue
Jacob Vogelstein, 6910 Ridgewood Avenue
Frances Pitlick, 4420 Stanford Street
Don & Peg MacGlashan, 4114 Woodbine St
Doug Tallman, Guest

OPEN SESSION

Council discussed an unfunded accrued liability contribution to the Montgomery County pension plan. Councilmember Rush made a motion to pay the contribution in a lump sum prior to the end of the calendar year. Councilmember Cecere seconded the motion, and it passed unanimously.

I. GENERAL BUSINESS

A. Pledge of Allegiance

Mayor Fosler led those in attendance in the Pledge of Allegiance.

B. Approval of Minutes of July 13, 2016 Council Meeting & Executive Session

Councilmember Cecere made a motion to approve the minutes of the July 13 Council meeting and Executive Session. Mayor Fosler seconded the motion, and it passed by a vote of 4-0-1, with Councilmember Bickerman abstaining.

C. Approval of July 2016 and August 2016 Financial Reports

Councilmember Rush discussed the July and August 2016 financial reports. Councilmember Rush made a motion to accept the reports. Councilmember Cecere seconded the motion, and it passed unanimously.

D. Town Manager's Report

Town Manager Todd Hoffman reported on the initiatives undertaken by staff over the past month.

II. PUBLIC COMMENTS

Richard Clay, 3917 Woodbine Street, commented on issues related to WSSC's water bills. He also inquired about the restriping of Town speed humps and about mosquito control in the Town.

Donald Farren, 4009 Bradley Lane, commented on a court ruling regarding a Maryland Public Information Act request and its implications for the Town.

Deborah Vollmer, 7202 44th Street, expressed her opposition to the spraying of pesticides in Town.

Christine Real De Azua, 4502 Elm Street, commented on Town efforts regarding the Purple Line project.

III. COUNCIL DISCUSSIONS

A. Bethesda Downtown Plan and Subdivision Staging Policy

Council discussed issues and efforts related to the Bethesda Downtown Plan and Montgomery County's Subdivision Staging Policy.

B. Purple Line Mitigation

Council discussed issues and efforts related to Purple Line mitigation and reviewed two letters to be submitted to the Maryland Department of Transportation and the Maryland Transit Administration.

Councilmember Bickerman made a motion to amend the letter to Messrs. Pete Rahn and Charles Lattuca to 1) make specific reference to a recent court decision regarding the Purple Line and how it would affect the project's construction schedule, and 2) request the results of the soil boring analyses performed on the Georgetown Branch Trail. Councilmember Rush seconded the motion, and it failed by a vote of 1-4, with Mayor Fosler and Councilmembers Flynn, Rush and Cecere opposed.

Councilmember Bickerman made a motion to amend the letter to Messrs. Pete Rahn and Charles Lattuca to remove the reference to the Lynn Drive underpass and to add a reference to safe crossing alternatives. The motion failed for a lack of a second.

Councilmember Cecere made a motion to send both letters as presented. Mayor Fosler seconded the motion. Councilmember Bickerman moved to amend the motion to request that the letters include a request for the soil boring analyses. Councilmember Rush seconded the motion to amend. The amendment failed by a vote of 1-4, with Mayor Fosler and Councilmembers Flynn, Rush and Cecere opposed. The original motion was called and passed by a vote of 4-0-1, with Councilmember Bickerman abstaining.

C. Stormwater Management and Erosion and Sediment Control Ordinance

Council heard and discussed a Land Use Committee status update on a proposed Stormwater Management and Erosion and Sediment Control Ordinance.

III. VARIANCE HEARINGS

A. Variance Request, 6910 Ridgewood Avenue, Front Yard Setback

Town Manager Todd Hoffman reported that Jacob and Rachel Vogelstein, 6910 Ridgewood Avenue, were requesting a variance to construct a new covered front porch.

The applicants and their architect described the plan and the need for the variance.

There was no one present who wanted to comment.

Council discussed the request.

Councilmember Flynn made a motion to approve the variance. Councilmember Rush seconded the motion, and it passed unanimously.

B. Variance Request, 7105 45th Street, Rear Yard Setback

Town Manager Todd Hoffman reported that Harvey Maisel and Andrea Boyarsky-Maisel, 7105 45th Street, were requesting consideration by the Council to modify a condition of a previously approved variance.

The applicants and their architect described the plan and the need for the variance.

Several residents commented: Diane Willkens, 7108 45th Street; Eric Burka, 7107 45th Street; Erik Heyer, 7104 44th Street; Robert LeCours, 4405 Leland Street; Thomas & Kathleen Fingleton, 7106 44th Street; Deborah Vollmer, 7202 44th Street; and Dedun Ingram, 4411 Elm Street.

The applicants requested to withdraw their variance modification request. The request to withdraw was granted by the Council.

V. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Fred Cecere
Secretary

Transcribed by Joel Happy, Finance Officer

Audio recordings of Council meetings are available on the Town website (www.townofchevy Chase.org) approximately one week following each meeting.