

Chevy Chase Village 108th Annual Meeting

April 18, 2022

Note: This meeting was held virtually with members of the Board of Managers, staff and the public attending and participating via phone and video-conference.

BOARD OF MANAGERS

Elissa A. Leonard, Chair	Present
Robert C. Goodwin, Jr., Vice Chair	Present
David L. Winstead, Secretary	Present
Linda Willard, Assistant Secretary	Present
Gary Crockett, Treasurer	Present
Nancy E. Watters, Assistant Treasurer	Present
Lou Morsberger, Member	Present

STAFF

Shana R. Davis-Cook, Village Manager	Present
John M. Fitzgerald, Police Chief	Present
Ellen Sands, Director of Municipal Operations	Present
Demetri Protos, Finance Director	Present (Virtual)
Jennifer Young, Administrative & Constituent Services Assistant	Present

Ms. Elissa A. Leonard, Chair of the Board of Managers, called the meeting to order at 7:32 p.m.

State of the Village Report

Ms. Leonard began by acknowledging and thanking the Village Manager and staff. Ms. Leonard noted that the financial state of the Village remains excellent, mentioning that a more detailed overview will be presented by Treasurer, Gary Crockett. Ms. Leonard then presented the following highlights:

- The implementation of all-electric vehicles for the Village’s fleet and the installation of charging stations at the Village Hall;
- The Village Police Department will begin a body-worn camera program this summer;
- The Board approved the installation of a speed hump in the 100 block of Newlands Street located between Brookville and Broad Branch Roads, and collection of traffic data continues on the east side of the Village;
- The Board authorized a statement, to be included both prior to the Village history in the Resident Directory and on the website, to acknowledge the views about race held by the Village’s founder (Francis G. Newlands) and his associates as being incompatible with the inclusive, welcoming, and more diverse community that the Village is today;
- The Village planted 12 trees last fall along the rights of way and in Village parks and greenspaces in an abbreviated planting cycle since the spring 2021 planting was skipped due to the 17-year cicada emergence. An additional 45 trees are scheduled for planting this spring ;
- The Village has maintained its designation as a *Tree City USA* by the Arbor Foundation. Ms. Leonard read the public proclamation required of Tree City USA designees to maintain the Village’s designation.

- The Village has for the third year in a row, received the PLANT (People Loving and Nurturing Trees) Award from the Maryland Department of Natural Resources;
- Juneteenth National Independence Day has been adopted as an official Village holiday;
- The Board amended the Charter to adopt a by-mail election process. The amendments to the Charter included moving Election Day from the first to the third Saturday in May.
- The Board amended the Building Code to allow the installation of electric vehicle chargers within the setbacks and in the public right-of-way;
- The Board authorized the Village Manager to determine that certain vaccinations and inoculations are required as a fitness for duty condition for employment;
- The Village joined Montgomery County's Healthy Lawns Act, prohibiting the use of cosmetic pesticides on lawns; and
- The Village's ban of gas-powered leaf blowers went into effect January 1, 2022;

Ms. Leonard read a proclamation recognizing the contributions of former Board Member Richard Ruda, followed by Certificates of Appreciation awarded to three long-time staff-members: Public Works laborer/driver Clarence Ricks for 30 years of service, and Police Lieutenant Adventino Dasilva and Public Safety Coordinator Jacqueline Parker for 20 years of service. Ms. Leonard also thanked and acknowledged the over twenty years of service by Village Manager Shana Davis-Cook.

Ms. Leonard read the names of Village residents who have passed since the last Annual Meeting and called for a moment of silence in their memory:

- Temple Grassi, Connecticut Avenue
- Mary Candon, Grafton Street
- C. King Mallory, (former) Magnolia Parkway
- Denise Williamson, Oliver Street
- Edward Symes, Newlands Street
- Judith Levin (former) Grafton Street

In conclusion, Ms. Leonard expressed her gratitude to the staff, fellow members of the Board of Managers, and volunteers on Village commissions and committees for all they continue to do on behalf of the community.

Report from Village Manager

Ms. Shana Davis-Cook presented her 13th Annual Report as Village Manager. She thanked Montgomery Municipal Cable for their financial and technical assistance in facilitating the new hybrid in-person and virtual meeting format, Administrative & Constituent Services Assistant Jennifer Young for preparing for the reception and meeting, Gail Feldman (Oxford Street) for providing desserts for the reception preceding the meeting in recognition of Passover, and to Susan Kilborn (Oliver Street) and members of the Garden Club of Chevy Chase for providing floral arrangements.

Ms. Davis-Cook reflected on the reopening of the Village Hall last July and she thanked the staff who seamlessly resumed in-person operations. Since re-opening, events taking place in the Hall include a COVID-19 vaccination clinic, a flu, pneumonia, and shingles vaccine clinic, a blood drive in coordination with the Red Cross and the Community Relations Committee, and an

upcoming paper shredding event. Ms. Davis-Cook acknowledged India Ingersoll (Magnolia Parkway) for continuing to manage food and holiday toy drives in the Hall's parking lot over the past two years.

Ms. Davis-Cook reported that over the past year there have been four key areas that the Village staff has been focused on:

1. Creating a truly safe pedestrian crossing on Connecticut Avenue—in March 2022, the Village was successful in convincing the State to approve a HAWK signal at Connecticut Avenue and Lenox Street to replace the current flashing beacon. The State has confirmed that the HAWK signal will be installed later this year.
2. Resolution of municipal tax duplication with the county—working with municipal colleagues and county officials to structure a reimbursement formula and amend the county code to ensure that municipalities are properly reimbursed for sole and shared services expenses provided at the municipal level. In January 2022, the County Council was presented new code language, which was approved unanimously.
3. Keeping the community constantly informed—information regarding changes enacted by outside agencies as well as community-based actions were featured in the weekly email blasts and posted on the Village website. Staff sent urgent safety messages by email, as well as articles included in the monthly *Crier* newsletter
4. Continued stormwater management on private property and in public rights of way—increased oversight of development projects to gauge their impact on stormwater runoff and has imposed, where appropriate, maintenance agreements to ensure that these water management solutions continue to operate as designed for years ahead. The Village is also pursuing a project to remedy stormwater runoff concerns in the Buffer; planning for the installation of a trench drain along the alley between Grafton and Oliver Streets, and smaller projects to address ponding at other locations in the public right-of-way.

Village staff has been working with local officials regarding the closure and eventual reopening of the new Amazon grocery store in Bethesda, addressing pedestrian safety concerns in and around the shopping center; oversight of a floor refinishing project in the Village Hall, repairs to the fountain in Western Grove Park to ensure that it functions as designed, and ongoing coordination with neighboring municipal and county officials on various matters of mutual interest and concern.

Ms. Davis-Cook thanked Director of Municipal Operations Ellen Sands for managing the permitting and code enforcement responsibilities while the Village is recruiting for a permanent staff member for the position.

The Village welcomed 16 new families to the community. New residents have been encouraged to pick up a welcome packet and a Resident Directory.

Ms. Davis-Cook recognized the Village's longest-tenured employee, Jerry Lesesne, who, after 40 years of employment, has announced his retirement for this July.

In looking to the year ahead, Ms. Davis-Cook noted that staff will be working with the Board and traffic engineers to evaluate cut-through traffic concerns on the east side of the Village, improve stormwater management by conducting surveys to better locate critical areas within the community, planning for new drainage and landscaping in the Buffer, construction of the Grafton-Oliver trench drain, and the Municipal Storm Drain Project in the block bordered by Hesketh Street, West Irving Street, and Magnolia Parkway. Staff and the Board will continue to monitor Pepco's efforts to modernize its streetlight network and will work with the State Highway Administration to ensure the HAWK signal is installed as planned.

Concluding her report, Ms. Davis-Cook offered her thanks to the Village Board, staff, and residents.

Village Counsel Report

Village Counsel, Suellen M. Ferguson's report was presented by the Village Manager. During the past year, Counsel had prepared ordinances that authorized the Village Manager to issue vaccine mandates, recognized Juneteenth as a Village holiday, amended Chapter 8 to enable installation of electronic vehicle chargers, and amended the ethics ordinance to change the filing deadline for Board candidate financial disclosure. Working with the Village Manager and Ms. Sheehan, Chair of the Board of Supervisors of Election, a charter amendment was drafted to enable voting by mail.

Counsel worked in consultation with staff, prepared or reviewed requests for bids, contracts and extensions and memoranda of understanding, including in particular with Chief Fitzgerald for body cameras for the Police Department; assisted in the review of staff reports and the preparation of Board Resolutions with respect to variances and special permits; enforcement of stormwater and other building permit regulations; and in the development of plans to address storm water management issues on an individual property basis as well as in conjunction with seeking global solutions.

The drafting of the Declaration of Covenants for the stormwater management program for certain properties on Hesketh Street, Irving Street and Cedar Parkway, has been completed and is now ready for submission to the property owners for approval.

Counsel worked with the Village Manager on the PEPCO rate case, LED lighting and related issues, and prepared the amicus brief filed on behalf of the Village in that case. Counsel provided legal advice to Department Heads with respect to numerous legal matters, such as personnel, vaccine mandates, Maryland Public Information Act issues, and code enforcement issues. Due to the receipt by the Village of ARPA funding, which involved understanding of a complex set of federal regulations, Counsel has advised as to appropriate spending parameters.

Lastly, Counsel reports that there are no cases in litigation at this time.

Report on Public Safety by Police Chief John Fitzgerald

Chief Fitzgerald thanked the Board and community for their support of the department.

Chief Fitzgerald noted a decrease in overall crimes in 2021 compared to 2020, thanking those residents who took measures to secure their property, which will serve to help keep criminals

from returning to the community. Chief Fitzgerald recalled an incident of armed robbery that occurred in July, resulting in injury to a resident. Residents are reminded to lock their vehicles, keep porch lights on at night, report suspicious incidents, and be vigilant and aware of one's surroundings.

Chief Fitzgerald mentioned that the leaf-blower ordinance is being enforced with warnings and citations. Residents are encouraged to report violations, with twenty-three (23) complaints received year-to-date. Last fall, the Village sent notices to all of the landscape companies known to be working in the community to alert them to the ban. Lastly, Chief Fitzgerald referenced the continuing cut-through traffic studies occurring on the east side of the Village.

Budget Overview by Board Treasurer Gary Crockett

Mr. Crockett reported that the Village gets over 50% of its revenues from State income taxes, which can be unpredictable, but seemed to hold steady during 2020-2021. The Village has been fortunate in maintaining about two years' worth of cash reserves.

The proposed FY2023 budget shows a draw on reserves due to Board decisions to move forward with certain capital projects. Mr. Crockett does not anticipate the full projected deficit as the income tax revenue is estimated very conservatively. Mr. Crockett noted that the ARPA funds allocated to the Village cover approximately four months' worth of operating expenses, allowing the Village to retain funds in reserves.

Mr. Crockett concluded his report noting that the Village's financial position is strong and stable.

Ethics Commission Report by Chair, Mr. Frank (Scot) McCulloch

Mr. McCulloch reported that during the preceding 12 months, the Ethics Commission received zero reports or disputes relating to ethics issues governed by the State Ethics Law nor by the Village Public Ethics Code.

The commission confirmed the filing of and reviewed all financial disclosure forms required by ordinance to be filed by all sitting and candidates for election to the Board, and found no conflicts nor appearances of conflicts of interest.

Financial Review Committee Report by Chair, Brian Christaldi

The committee met virtually in September 2021 with the Village's outside auditor to review the draft audited financial statements for FY2021. The committee was satisfied that the audit was done properly and thoroughly.

In February, the committee consulted with Village Treasurer, Gary Crockett, and indirectly with Village staff with respect to the proposed FY2023 Operating and Capital budget. In March, a committee representative attended and participated in the virtual Board of Managers Budget Work Session, and attended the public hearing on the proposed budget held on April 11, 2022.

Public Safety Committee report by Chair, Saul Goodman (virtual attendee)

Mr. Goodman reported that the committee serves as a citizens advisory board to the Board of Managers and Village Chief of Police and also as a liaison to the Bethesda District of the Montgomery County Police.

Mr. Goodman reported that the committee strongly urges residents to lock their vehicles, as unlocked vehicles create potential for more serious crimes to occur in the Village, and to report any suspicious activity to the Village Police.

Environment and Energy Committee Report by Chair, Dr. Marea Hatzios

Dr. Hatzios reported that the committee's main achievements over the past year include a successful campaign to ban gas-powered leaf blowers in the Village, a ban on non-essential (cosmetic) lawn pesticides, and raising awareness among residents to recycle more responsibly. In its continuing efforts to help make the Village a truly "green" community through education, proactive advice to the Board, and coordination with neighboring municipalities, the committee plans to focus on addressing climate change by promoting alternative energy sources, encouraging the planting of native species and pollinator gardens, increasing Village participation in more efficient recycling and food composting, encouraging participation of Village youth in its programming, and by resuming the committee's *Sustainable Living Lecture Series* at the Village Hall.

Parks and Greenspaces Committee Report by Committee Co-Chairs, Ms. Susan Kilborn and Ms. Margo Kingston

Ms. Kilborn and Ms. Kingston reported that the committee had held two-in person meetings during the preceding year, both of which were held at Western Grove Park. They outlined several committee-led projects to include several flowering shrubs that were planted in Big Triangle Park, repairs were made to park benches in the Village that needed to be repaired, and the planting of fifty Dixie Wood ferns at the entrance to the Village from *The Collection Chevy Chase* shopping center. Additionally, the committee provided monthly articles for the *Crier* showcasing tree species located throughout the Village in 2021, and "What to Do in the Garden" articles for 2022.

Elections Supervisors Report by Member, Ms. Sarah Brau

Ms. Brau reported that three Board members' terms will end in June 2022 and that three incumbents intended to run for their respective positions again. The committee oversaw the candidate declaration and election process beginning in February 2022 and used the *Crier* and the blast email system to inform residents of the candidacy opportunities and financial disclosure process.

The committee met following the March 15 deadline for candidates to submit their qualifying documentation, concluding that there were three candidates for the three open positions. The three candidates were the incumbents: Elissa Leonard, Robert Goodwin, Jr. and Nancy Watters. All three candidates had submitted the required Certificates of Candidacy and Financial Disclosure Statements by the March 15 deadline, and these had been reviewed and endorsed as duly filed by the Village Ethics Commission. Because the number of candidates and the number of vacancies were equal, there is no need for an election to be held in May.

Pursuant to the procedures specified in the Village Charter, the Election Supervisors declared the following three candidates elected to the Chevy Chase Village Board of Managers: Elissa Leonard, Robert Goodwin and Nancy Watters.

At its meeting on December 13, 2021, the Board adopted amendments to the Village Charter to provide for by-mail elections and approved changes to the dates pertaining to the election process.

On behalf of the Election Supervisors Committee, Ms. Brau expressed thanks to Village Manager, Shana Davis-Cook, for her support of their operations.

Public Discussion Period

Ms. Leonard opened the floor for public discussion.

Ruth Robbins (Magnolia Parkway), on behalf of The Friends of Chevy Chase Circle (FoCCC), thanked the Village for its support of the Chevy Chase Circle improvement projects, noting especially the landscaping, trees, and the fountain with lighting. She announced that she will be retiring as President of FoCCC next summer.

Susie Gelman (West Lenox Street) expressed concern regarding the Connecticut Avenue corridor study presented by the State Highway Administration as well as concern about the Thrive Montgomery 2050 initiative to increase housing density. Ms. Gelman urged Village leadership to closely monitor these projects and their potential effect on the Village community.

Saul Goodman (Cedar Parkway) expressed thanks to the Board and the Village staff for their efforts throughout the year.

Adjournment of Annual Meeting

Mr. Winstead moved to adjourn the Annual Meeting to move into a business meeting for the purpose of adopting the FY2023 budget and tax levy. Ms. Willard seconded the motion. Ms. Leonard, Mr. Goodwin, Mr. Crockett, Ms. Watters, Mr. Winstead, Mr. Morsberger, and Ms. Willard voted in favor of the motion. The motion passed. The Chevy Chase Village 108th Annual Meeting was adjourned, and the Board of Managers' business meeting opened at 8:43 p.m.

Board Action on Budget Adoption and Tax Levy Ordinance

Resolution No. 04-01-22: An Ordinance to adopt the fiscal year 2023 budget and to levy a tax on certain real and personal property under the provisions of §6-203 of the Tax-Property Article of the Annotated Code of Maryland, as amended.

Mr. Crockett moved to approve Resolution No. 04-01-22, as drafted. Mr. Goodwin seconded the motion. Ms. Leonard, Mr. Goodwin, Mr. Crockett, Ms. Watters, Mr. Winstead, Mr. Morsberger, and Ms. Willard voted in favor of the motion. The motion passed.

Adjournment

Mr. Crockett moved to adjourn the business meeting. Ms. Willard seconded the motion. Ms. Leonard, Mr. Goodwin, Mr. Crockett, Ms. Watters, Mr. Winstead, Mr. Morsberger, and Ms.

Willard voted in favor of the motion. The motion passed. The business meeting adjourned at 8:44 p.m.

Attested by: Shana Davis-Cook, Village Manager

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