

# **Chevy Chase Village Board of Managers' Meeting**

## **October 10, 2022**

*Note: These minutes reflect the Board's actions and include limited remarks made by members of the Board of Managers, Legal Counsel, Village Staff, or others in attendance.*

### **BOARD OF MANAGERS**

Elissa A. Leonard, Chair	Present
Robert C. Goodwin, Jr., Vice Chair	Present
David L. Winstead, Secretary	Absent
Gary Crockett, Treasurer	Present
Nancy E. Watters, Assistant Treasurer	Present
Linda Willard, Member	Present
Louis 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	Absent
Jennifer Young, Administrative & Constituent Services Assistant	Present

### **COUNSEL**

Suellen M. Ferguson, Village Counsel	Present
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Elissa Leonard, Chair of the Board of Managers, called the meeting to order at 7:31 p.m.

### **Approval of Minutes from the Board's Previous Meetings**

Minutes of the Board's Executive Session and the Regular Monthly Meeting held on September 12, 2022, were circulated to the Board prior to the meeting.

*Mr. Crockett moved to approve the minutes from the Board's September 12, 2022, Executive Session and regular meeting, as drafted. Ms. Watters seconded the motion. Ms. Leonard, Mr. Goodwin, Mr. Crockett, Ms. Watters, Ms. Willard, and Mr. Morsberger voted in favor of the motion. The motion passed.*

### **Appeals, Special Permits and Variance Requests**

#### **A-8170 (Variance Request): Adrienne Arsht Revocable Trust**

##### **9 Chevy Chase Circle**

Replace a section of an existing chain link fence measuring five (5) feet in height with a new wood fence measuring five (5) feet in height in the Brookville Road front yard, forward of the twenty-five (25) foot front building restriction line. The section of fence measures twelve (12) feet in length and is located along the right (northeast) side of the driveway between the border line with the District of Columbia and the existing driveway gate. A Staff Report and supporting materials were circulated to

the Board and posted to the Village website prior to the meeting. Ms. Sands provided a Case Synopsis during the meeting.

*Mr. Goodwin moved to approve the variance request in Case A-8170 on the basis that the evidence presented, including the Staff Report and Case Synopsis, demonstrates that the applicable requirements for approval of the variance request have been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, approving the variance request.* Mr. Crockett seconded the motion. Ms. Leonard, Mr. Goodwin, Mr. Crockett, Ms. Watters, Ms. Willard, and Mr. Morsberger voted in favor of the motion. The motion passed.

**A-8171 (Variance Request): Marijke Jurgens Dupree  
2 East Lenox Street**

Construct a fence measuring a maximum of six (6) feet in height along the Connecticut Avenue front property line and along the side (south) property line between the front (Connecticut Avenue) lot line and the twenty-five (25) foot front building restriction line. A Staff Report and supporting materials were circulated to the Board and posted to the Village website prior to the meeting. Ms. Sands provided a Case Synopsis during the meeting.

*Mr. Goodwin moved to approve the variance request in Case A-8171 on the basis that the evidence presented, including the Staff Report and Case Synopsis, demonstrates that the applicable requirements for approval of the variance request have been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, approving the variance request.* Mr. Crockett seconded the motion. Ms. Leonard, Mr. Goodwin, Mr. Crockett, Ms. Watters, Ms. Willard, and Mr. Morsberger voted in favor of the motion. The motion passed.

**A-8178 (Variance Request): Robert E. and Jennifer C. Spallone  
7 East Irving Street**

Construct a screened porch, the rear (north) eave of which would project a maximum of eighteen (18) inches into the twenty (20) foot rear yard setback. The screened porch is proposed to include a fireplace chimney which would encroach a maximum of two (2) feet into the twenty (20) foot rear yard setback. A Staff Report and supporting materials were circulated to the Board and posted to the Village website prior to the meeting. Ms. Sands provided a Case Synopsis during the meeting.

*Mr. Crockett moved to approve the variance request in Case A-8178 on the basis that the evidence presented, including the Staff Report and Case Synopsis, demonstrates that the applicable requirements for approval of the variance request have been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, approving the variance request.* Ms. Willard seconded the motion. Ms. Leonard, Mr. Goodwin, Mr. Crockett, Ms. Watters, Ms. Willard, and Mr. Morsberger voted in favor of the motion. The motion passed.

**Treasurer's Report**

The Treasurer's Report was circulated to the Board and posted to the Village website prior to the meeting. *No action was taken by the Board.*

## **Matters for Board Discussion, Consideration, and Possible Action**

### **Presentation and Board Discussion: Project to Address Stormwater Management**

A Staff Report was circulated to the Board and posted to the Village website prior to the meeting. During the meeting, Ms. Davis-Cook provided an overview outlining the stormwater concerns in the Village and proposing: creation of a Stormwater Management Committee, an in-depth community survey, community education, regulatory review of current and future policies, and a review by the Board of potential mitigation projects. Staff will draft a committee Scope of Work for Board review and approval.

*The Board provided its support for the proposal and the creation of a Stormwater Management Committee, to include representatives of the Village Board, and representation from the Environment & Energy, Parks & Greenspaces and Tree Committees, with the goal of having the Stormwater Management Committee in place before the end of the calendar year.*

**Amendments to the Landscape Plan for Betty English Garden:** Ms. Carolyn Wilson, Garden Club of Chevy Chase.

A Staff Report along with the Garden Club's proposed changes to the landscape plan for the Betty English Garden located at the intersection of Brookville Road, Broad Branch Road and Oxford Street was circulated to the Board and posted to the Village website prior to the meeting. During the meeting, Ms. Sands confirmed that the Garden Club would perform most of the work to implement the proposed plan and pay for any plant or other materials, but requested the Public Works' staff's assistance in removing a section of the timber surround to allow for the installation of a new entry path from the Brookville Road sidewalk and relocating the bench and commemorative stone.

*Ms. Willard moved to authorize the proposed landscape plan for the Betty English Garden contained within the public right-of-way at Brookville Road, Oxford Street, and Broad Branch Road. Mr. Crockett seconded the motion. Ms. Leonard, Mr. Goodwin, Mr. Crockett, Ms. Watters, Ms. Willard, and Mr. Morsberger voted in favor of the motion. The motion passed.*

**Resolution No. 10-01-22:** An Ordinance to amend Chapter 2, "Public Ethics", Sec. 2-3, "Definitions", Sec. 2-5, "Conflicts of Interest" and Sec. 2-6, "Financial Disclosure – Village Elected Officials and Candidates to be Village Elected Officials", to conform to recent changes to the Maryland Public Ethics Law. A Staff Report and the draft ordinance were circulated to the Board and posted to the Village website prior to the meeting. Ms. Davis-Cook and Ms. Ferguson summarized the ordinance, which would bring the Village's Public Ethics Law into compliance with the State Ethics Law pursuant to changes enacted by the State legislature during its 2021 session.

*Mr. Crockett moved to approve Resolution No. 10-01-22, as drafted, for submission to the State Ethics Commission. Ms. Willard seconded the motion. Ms. Leonard, Mr. Goodwin, Mr. Crockett, Ms. Watters, Ms. Willard, and Mr. Morsberger voted in favor of the motion. The motion passed.*

## **Matters for Board Discussion, Consideration, and Possible Action**

**Staff Update:** Discussions with PEPCO RE: Municipal Ownership of Overhead Streetlights

Ms. Davis-Cook and Ms. Ferguson provided an update on the series of meetings held with Pepco officials during the preceding four weeks regarding municipal ownership of streetlights. They explained that while Pepco had attempted to provide an overview of the process they intend to follow should municipalities express an interest in owning the streetlights within their jurisdiction, the municipal officials in attendance made clear that the proposed process was onerous, expensive and failed to recognize the role of local governments (vs. for-profit entities) in these transactions. Ms. Davis-Cook and Ms. Ferguson will provide a report to the Maryland Public Service Commission when it meets on October 12, 2022. *No formal action was taken by the Board.*

### **Police Report**

The Police Report was distributed to the Board and posted on the Village website prior to the meeting. Chief Fitzgerald noted two recent staff separations in the Communications Center and that one position had been filled, and a recruitment effort was underway for the remaining position. *No formal action was taken by the Board.*

### **Manager's Report**

The Manager's Report was circulated to the Board prior to the meeting. Ms. Davis-Cook advised that the real estate broker for the lease extension negotiation with the United States Postal Service had confirmed that he was working to ensure the Village received payment for the outstanding utility payments totaling >\$39,000. Ms. Davis-Cook also advised that the work associated with the new HAWK signal on Connecticut Avenue at Lenox Street had begun with the replacement of the associated crosswalks; however, the contractor had advised that the start of work on the signal itself was unclear due to supply chain delays. *No formal action was taken by the Board.*

### **Adjournment**

*Mr. Crockett moved to adjourn the meeting.* Ms. Willard seconded the motion. Ms. Leonard, Mr. Goodwin, Mr. Crockett, Ms. Watters, Ms. Willard, and Mr. Morsberger voted in favor of the motion. The motion passed. The meeting adjourned at 8:53 p.m.

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Attested by: Shana Davis-Cook, Village Manager

*FINAL*