

TOWN OF CHEVY CHASE
COUNCIL MEETING
October 13, 2021

COUNCIL WORK SESSION (5:30-6:45 p.m.)

The Town Council will meet with a consultant to review and discuss concept plans for the redevelopment of Zimmerman Park.

- I. GENERAL BUSINESS (7:00-7:30 p.m.)
 - A. Call to Order
 - B. Approval of Meeting Minutes
 - C. Acceptance of September 2021 Financial Report
 - D. [Town Manager's Report](#)
 - E. Public Comments

- II. PUBLIC HEARINGS (7:30-8:15 p.m.)
 - A. [Public Hearing on an Ordinance to Amend the Town's Urban Forest Ordinance](#)
 - B. [Public Hearing on an Ordinance to Adopt the County's Pesticides Law](#)
 - C. [Public Hearing on a Speed Hump Request for the 7500 Block of Maple Avenue](#)

- III. COUNCIL DISCUSSIONS & PRESENTATIONS (8:15-9:30 p.m.)
 - A. [Request for ARPA Funds from Wonders Early Learning at Leland](#)
 - B. Financial Support for Farm Women's Market Redevelopment
 - C. Thrive Montgomery 2050/Attainable Housing Strategies
 - D. Traffic Control Signage (Public Services Committee)

- IV. ADJOURNMENT (9:30 p.m.)

Join Online

<https://us02web.zoom.us/j/3016547144?pwd=NnJvS1BpM3ZkSFA4bXBwbWZhWVM2UT09>

Meeting ID: 301 654 7144

Passcode: 6547144

Join by Phone

(301) 715-8592

Meeting ID: 301 654 7144

Passcode: 6547144

MEMORANDUM

I-D

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Town Manager's Report
DATE: October 13, 2021

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 with responding to the sale of the 4-H Center property. Assisted in preparing and submitting a letter to the contract purchasers. Met with contract purchasers to discuss process issues.
- Organized and attended September 20 Council work session/developer presentation on the Farm Women's Market redevelopment project.
- Organized and attended September 30 Council work session and Committee Organizational Meeting.
- Assisted with drafting a Town policy regarding the allocation of ARPA funds.
- Assisted in preparing and submitting a community coalition letter to the County's Commission on Redistricting regarding the coalition's interest in remaining in the same district that includes Bethesda and Friendship Heights.
- Met with County officials regarding the Capital Crescent Surface Trail and Tunnel projects. Assisted with drafting and submitting a letter to the Planning Board about these projects.
- Reviewed consultant's report and concept plans for Zimmerman Park improvements and organized/attended October 13 Council work session.
- Prepared a MOU with MMCTV for cable-related services in exchange for PEG grants.
- Oversaw evaluation of Lee Dennison Sustainable Garden and retained landscape designer to perform quarterly maintenance reviews.
- Oversaw traffic volume/speed collection and intersection safety review.
- Continued recruitment efforts for Assistant Town Manager position.
- Oversaw FY2021 audit.
- Managed fall Trash & Treasures event and annual flu clinic.
- Continued parking permit renewals/registrations.
- Continued administration of the Battery-Powered Blower and Equipment Rebate Program.
- Assisted the Long-Range Planning/Land Use Committee with tracking Bethesda redevelopment projects and with review of County Code chapters for applicability within the Town.
- Assisted the Public Services Committee with responding to resident requests and inquiries regarding public safety, traffic, and street lighting.
- Assisted the Community Relations Committee with special events.

**Town of Chevy Chase
(Urban Forest Ordinance)**

Ordinance No.:
Introduced: September 9, 2021
Adopted:
Effective Date:

Subject: AN ORDINANCE TO ADD AND REMOVE TREE SPECIES FROM
THE LIST OF CANOPY TREES IN THE URBAN FOREST
ORDINANCE

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland 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, the Natural Resources Article, Title 5, Subtitle 4, Part IV of the Maryland Code authorizes a municipal corporation to implement a local urban and community forestry program within its jurisdiction; and

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 and for the protection and promotion of the health, safety, comfort, convenience, and welfare of the residents of the Town; and for such other police and health matters as it may deem necessary; and

WHEREAS, trees benefit the Town by filtering the air, capturing carbon dioxide, providing shade, buffering noise, harboring wildlife, controlling storm water runoff, and stabilizing soils, and the Town Council has determined that certain trees in the Town constitute an important natural resource that must be protected, preserved, and replaced; and

WHEREAS, after receiving a recommendation from the Canopy Tree Working Group and upon consideration of the testimony and evidence presented at the public hearing, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town and for the protection and promotion of the health, safety, comfort, convenience, and welfare of the residents of the Town.

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

SECTION 1. BE IT ORDAINED AND ORDERED, this ____ day of _____, 2021, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that the Code of Ordinances is hereby amended as follows:

* * *

Sec. 29-3. - Trees included.

(a) This chapter applies to the following trees on private and public property in the Town of Chevy Chase:

(1) *Canopy tree*. A canopy tree is defined as a tree with a trunk that measures at least twenty-four (24) inches in circumference at four and one-half (4½) feet above ground and of one of the following species: ~~Green Ash; White Ash; American Beech; English Elm; European Beech; Bald Cypress; American Elm; Franklinia; Ginkgo; Hackberry; Bitternut Hickory; Mockernut Hickory; Pignut Hickory; Shagbark Hickory; American Holly; Honeylocust; Katsura; American Linden; Southern Magnolia; Virginia Magnolia; Black Maple; Red Maple; Sugar Maple; London Planetree; Black Oak; Blackjack Oak; Chestnut Oak; Overcup Oak; Persimmon; Pin Oak; Post Oak; Northern Red Oak; Sawtooth Oak; Southern Red Oak; Scarlet Oak; Shingle Oak; White Oak; Swamp White Oak; Willow Oak; Tulip Poplar; American Sycamore; Sweetgum; Blackgum (Tupelo); Black Walnut; and Yellowwood~~

- American Beech**
- American Elm**
- American Holly**
- American Hornbeam**
- American Linden**
- American Sycamore**
- Bald Cypress**
- Bitternut Hickory**
- Black Birch**
- Black Maple**
- Black Oak**
- Black Walnut**
- Blackgum (Tupelo)**
- Blackjack Oak**
- Canadian Hemlock**
- Chestnut Oak**
- Chinquapin Oak**
- Cucumber Magnolia**
- Eastern Cottonwood**
- Eastern Red Cedar**
- European Beech**
- Ginkgo**
- Green Ash**
- Hackberry**
- Honeylocust**
- Hop Hornbeam**

Katsura
Loblolly Pine
Mockernut Hickory
Northern Red Oak
Northern White Cedar
Overcup Oak
Persimmon
Pignut Hickory
Pin Oak
Post Oak
Red Maple
River Birch
Scarlet Oak
Shagbark Hickory
Shingle Oak
Shortleaf Pine
Silver Maple
Southern Magnolia
Southern Red Oak
Sugar Maple
Swamp White Oak
Sweetgum
Tulip Poplar
Virginia Magnolia
White Ash
White Oak
White Pine
Willow Oak
Yellow Birch
Yellowwood

(2) *Regulated tree.* A regulated tree is defined as a tree that measures at least twenty-four (24) inches in circumference at four and one-half (4½) feet above ground, regardless of species.

(b) If a tree divides into branches at less than four and one-half (4½) feet, the trunk shall be measured immediately beneath the dividing point.

* * *

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of _____, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Maryland law and the Town Charter, 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 _____ day of _____.

ATTEST:

TOWN OF CHEVY CHASE

Joel Rubin, Secretary

Barney Rush, Mayor

Bold and Underline indicates new material

~~Strikethrough~~ indicates material deleted

* * * indicates material unchanged

**Town of Chevy Chase
(Pesticides)**

Ordinance No.:
Introduced: September 9, 2021
Adopted:
Effective Date:

Subject: AN ORDINANCE TO MAKE COUNTY CODE CHAPTER 33B, CONCERNING PESTICIDES, APPLICABLE IN THE TOWN OF CHEVY CHASE, AND TO CLARIFY THE CODE CONCERNING THE APPLICABILITY OF OTHER CHAPTERS OF THE COUNTY CODE

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland 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, Local Government Article, Section 4-111 of the Maryland Code authorizes a municipal corporation within the State, by charter amendment or ordinance, to determine what county legislation is applicable within the boundaries of 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 and for the protection and promotion of the health, safety, comfort, convenience, and welfare of the residents of the Town; and for such other police and health matters as it may deem necessary; and

WHEREAS, Montgomery County, Maryland adopted 2015 L.M.C., ch. 46 (Bill 52-14) to minimize the potential pesticide hazard to people and the environment, consistent with the public interest in the benefits derived from the safe use and application of pesticides, among other purposes, and although enforcement of the law was enjoined as preempted by, and in conflict with, State pesticide law in *Complete Lawn Care, Inc., et al. v. Montgomery County, Md.* (Cir. Ct. Mont. Cnty. Aug. 3, 2017; Nos. 427200V & 427253V), the law was been upheld by the Court of Special Appeals, on appeal, 240 Md.App. 664 (2019);

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in public session assembled on the 9th day of September, 2021; and

WHEREAS, after proper notice to the public, the Town Council considered the following Ordinance in public session assembled on the ____ day of _____, 2021; and

WHEREAS, after receiving a recommendation from the Town Climate & Environment Committee and upon consideration of the testimony and evidence presented at the public hearing, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town and for the protection and promotion of the health, safety, comfort, convenience, and welfare of the residents of the Town.

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

SECTION 1. BE IT ORDAINED AND ORDERED, this ____ day of _____, 2021, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that the Code of Ordinances is hereby amended as follows:

* * *

Sec. 1-7. - Applicability of county legislation within town.

(a) Except as provided in this section, the town council exempts the town from all legislation heretofore or hereafter enacted by the county, relating to any subject upon which the town council has heretofore or is hereafter granted legislative authority either by public general law or by the town charter.

(b) Subsection (a) of this section does not repeal or prohibit any town ordinance that specifically adopts or incorporates by reference any county legislation, and such county legislation adopted or incorporated as of the adoption of this section or incorporated by references into this Code in the future shall have full force and effect to the extent provided in the town ordinance adopting or incorporating the same.

(c) The following chapters of the Montgomery County Code, 1984, or portions thereof, enacted by the county, ~~as they now exist,~~ are exceptions to the general exemption set forth in subsection (a) of this section and shall be applicable within the town until such time as the town council shall exempt the town from their application:

* * *

(32) Chapter 32, entitled "Offenses—Miscellaneous."

(33) Chapter 33A, entitled "Planning Procedures."

(34) Chapter 33B, entitled "Pesticides."

~~(34)~~**(35)** Chapter 34, entitled "Plumbing and Gas Fitting."

* * *

(Note: subsequent subparagraphs are renumbered accordingly).

(d) Any amendment to the provisions and chapters specified in subsection (c) of this section or the enactment of new chapters to the Montgomery County Code after June 11, 1988 **concerning the same subject matter**, shall be applicable within the corporate boundaries of the town until the town council adopts an ordinance which exempts such amendment or new chapter within the corporate boundaries of the town.

(e) The county is requested to enforce the chapters described in subsection (c) of this section within the town as county laws to the same extent and in the same manner that such county laws are enforced in unincorporated areas of the county.

* * *

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, 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 upon adoption, this ____ day of _____, 2021.

ATTEST:

TOWN OF CHEVY CHASE

Joel Rubin, Secretary

Barney Rush, Mayor

Bold and Underline indicates new material

~~Strikethrough~~ indicates material deleted

* * * indicates material unchanged

MEMORANDUM

II-C

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Public Hearing on a Speed Hump Request for the 7500 Block of Maple Avenue
DATE: October 13, 2021

At the October 13 meeting, the Town Council will hold a public hearing on a request to install a speed hump in the 7500 block of Maple Avenue. The hump was requested by petition of residents in accordance with the Town's Speed Hump Policy.

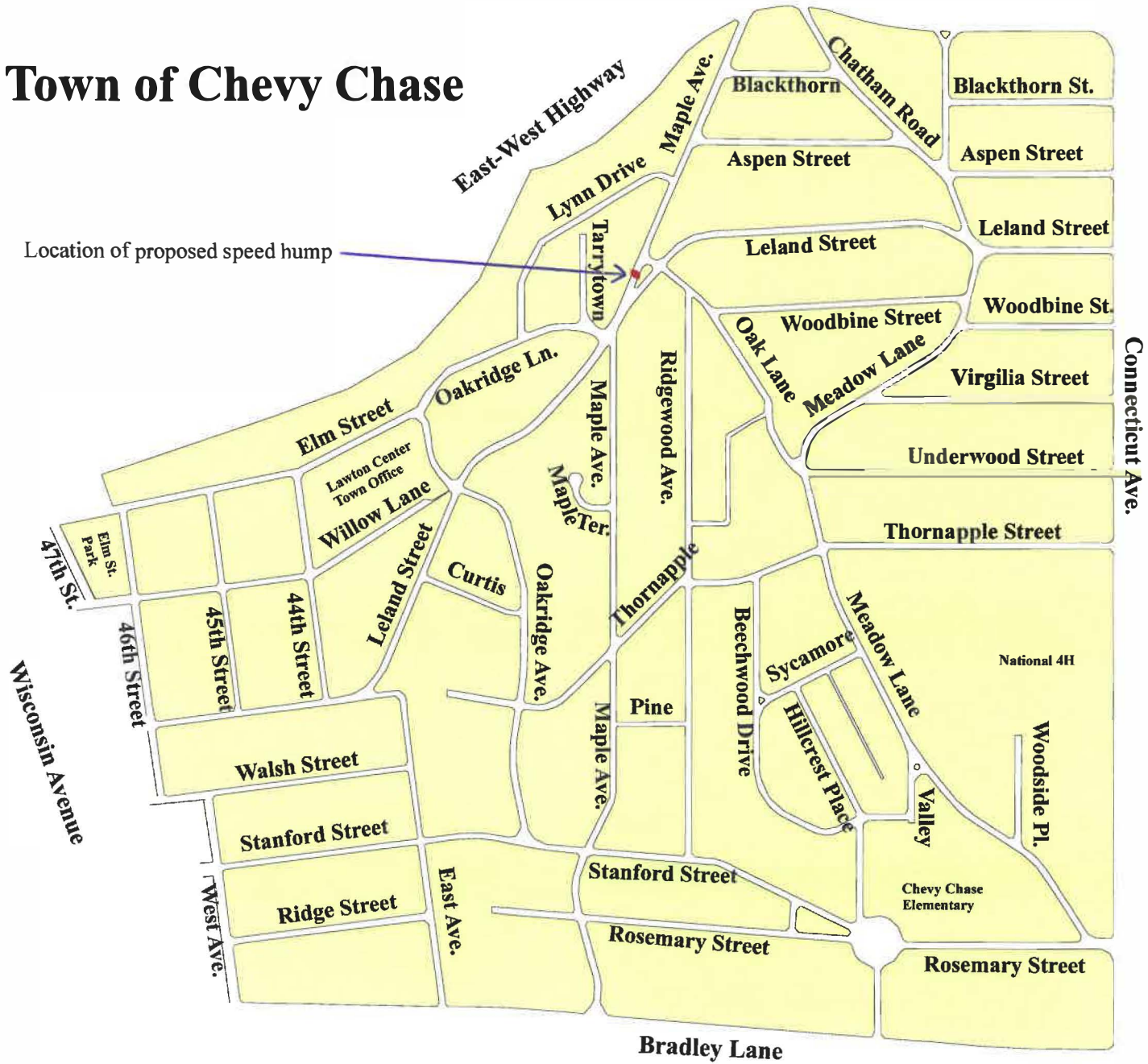
Following receipt of the petition, the Town engineer evaluated the street segment and found that there is a feasible location for the speed hump to be installed (to the right of the driveway for 7504 Maple Avenue). The Town commissioned a traffic study to determine whether the speed and volume of traffic on that block meet the Town's qualifying thresholds for a speed hump in that location. According to the policy, the street segment in question must generally meet either of the following criteria to qualify for the installation of the speed hump:

- A minimum of 120 vehicles per day exceeding 25 mph, or
- A minimum of 20 vehicles exceeding 25 mph in any hour of the day.

The traffic study showed that an average of 165 vehicles exceeded 25 mph in a day (236 on the peak volume day), and an average of 19.4 vehicles exceeded 25 mph in the highest volume hour of the day (35 on the peak volume day), so the location qualifies for a speed hump based on the traffic analysis.

Town of Chevy Chase

Location of proposed speed hump





early learning + extended day

The Town of Chevy Chase Council
4301 Willow Lane
Chevy Chase, MD 20815

October 8, 2021

Dear Council members,

Thank you very much for considering our proposal for funding from the Town of Chevy Chase's ARPA funds. Wonders Early Learning + Extended Day requests \$125,000, to be used during our current fiscal year, ending August 31, 2022.

The Town residents will benefit from the award of these funds by ensuring the continuity and availability of nonprofit, high quality early learning and extended day programming within the Town's boundaries. Between the two programs, Wonders is providing care and education for children from 18 months to 12 years of age. The continuum of care that Wonders offers beginning at Leland and progressing to Chevy Chase Extended Day, provides families who live in the Town access to age appropriate social/emotional learning as well as cognitive and skill development for their children while also accommodating the schedules of working parents. The work of Wonders supports today's workforce while educating and caring for tomorrow's workforce.

COVID-19 had a significant negative economic impact on our nonprofit organization. The initial shutdown, followed by restricted enrollment capacities, and now the resumption of "normal" operations amid the spread of the Delta variant have all impacted our tuition revenue, which typically comprises 99% of our revenue. Our current enrollment is 75% of capacity at Leland and 33% of capacity at Chevy Chase Extended Day. It will take more than one year to build enrollment to meet our licensed capacity level at both programs.

The combined income loss projected for Leland and Chevy Chase Extended Day is \$125,000. This equals the amount of our request.

In addition to this request, Wonders has applied to the state for a child care stabilization grant, which will be used to support and enhance the professional development of our workforce, which has provided essential services throughout the pandemic. Grant amounts are based on a formula that reflects licensed capacity. Wonders is conducting its annual giving campaign, which will provide nondedicated funding to Wonders.

Wonders provides critical economic infrastructure to the Town through our high quality programs. Families are able to work while their children learn and grow in a safe and caring environment.

Sincerely,

Joanne Hurt

NON-PROFIT SINCE 1976

main office

5272 river road, suite 530, Bethesda, Maryland 20816 • (301) 654-5339 • fax (301) 652-9533 • wonderslearning.org

[Back to Agenda](#)

To create and advance high quality, diverse educational communities that teach children the foundation of life-long learning and social responsibility.