

# VILLAGE OF FRIENDSHIP HEIGHTS

## VILLAGE COUNCIL

MELANIE ROSE WHITE, *Mayor*  
MICHAEL MEZEY, *Chairman*  
CAROLINA ZUMARAN-JONES, *Vice Chairman*  
PAULADURBIN, *Secretary*  
KATHLEEN G. COOPER, *Treasurer*  
BRUCE R. PIRNIE, *Parliamentarian*  
MICHAEL J. DORSEY  
JULIAN P. MANSFIELD, *Village Manager*

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## APPROVED MINUTES

### PUBLIC SESSION

## FRIENDSHIP HEIGHTS VILLAGE COUNCIL MEETING

Conducted via Zoom Audio

May 11, 2020

### ATTENDEES:

Melanie Rose White, Mayor; Michael Mezey, Chairman; Carolina Zumaran-Jones, Vice Chairman; Paula Durbin, Secretary; Kathleen Cooper, Treasurer; Bruce Pirnie, Parliamentarian; Michael Dorsey, Council member; Julian Mansfield, Village Manager; Robert Shapiro, Assistant Village Manager; and 10 residents.

### CALL TO ORDER

Mr. Mezey called the meeting to order at 7:30 p.m.

### CHAIRMAN'S ANNOUNCEMENT:

Mr. Mezey announced that the Council had met in closed session with Attorney David Brown on April 27 regarding a proposed settlement agreement with the Chevy Chase Land Company ("Land Company") as to its obligation under the 1998 agreement between the Land Company and the Village of Friendship Heights ("The Village"). Ms. White summarized the facts as follows:

The Giant closed at Chevy Chase Center in January. The Chevy Chase Land Company advised the Village that a new grocery store would open in early 2021.

The terms of the 1998 agreement require the Land Company to provide a shuttle bus to a *comparable* grocery store whenever the grocery store at the Chevy Chase Center is inaccessible. Consistent with those terms, The Village asked the Land Company to provide a shuttle bus to the Westbard Giant while no grocery store is operational at the

Chevy Chase Center. The Land Company refused, claiming the 1998 agreement is no longer applicable because of the current presence in Friendship Heights of Whole Foods, which the Land Company claims is (1) a grocery store comparable to the now-closed Giant (2) to which the Village residents already have access via the Village's bus.

The Village does not agree that Whole Foods qualifies as a comparable grocery under the 1998 agreement and was prepared to sue the Land Company to enforce the 1998 agreement. Instead, the Village reached a settlement with the Land Company as follows:

1. The Land Company agrees to pay the Village sufficient funds (\$1,250 per week) to provide bus service once a week to the Giant in Westbard through March 2021 or until a comparable grocery store opens at the Chevy Chase Center, whichever occurs first.
2. Should there be no grocery store on the Chevy Chase Center site comparable to the now-closed Giant at any time in the future, The Village retains the right, in the event the Land Company ceases to pay for the aforementioned busing, to sue under the 1998 agreement to enforce the Land Company's obligation to provide busing because the Village does not consider Whole Foods a comparable grocery store under the agreement,
3. The Site Plan approving the original construction of the Chevy Chase Center includes a condition requiring the Land Company to provide busing when the grocery store on the site is closed, which condition The Land Company petitioned the Planning Board to eliminate. Under the settlement agreement now applicable, the Village retains the right to oppose this application and petition the Planning Board to require busing per the condition in the Site Plan.

The Land Company has since filed another application asking the Planning Board to make various amendments to the Site Plan. The most important would permit privately-owned restaurants to use the public sidewalk areas for dining. Under the settlement agreement, the Land Company will modify its application to clarify that any outdoor dining areas next to the grocery store were to be for grocery store patrons only. Under the settlement agreement, The Village will drop its opposition to the modified amendments to the Site Plan and will encourage others not to file or pursue objections.

**Ms. Durbin moved, Ms. Cooper seconded ,to adopt the settlement agreement with the Chevy Chase Land Company. The Motion carried. (7-0-0)**

Mr. Mezey commended Attorney David Brown for a job well done in negotiating this settlement agreement with the Chevy Chase Land Company.

**COMMENTS/QUESTIONS TO AND FROM COUNCIL:**

The Council heard questions and concerns from members of the audience.

**MAYOR'S ANNOUNCEMENTS:**

Mrs. White made the following announcements:

The County Department of Transportation has determined that the installation of a hybrid pedestrian beacon would enhance pedestrian safety at two marked crossings along Willard Avenue, one at North Park Avenue, and one at Shoemaker Farm Lane. This signal will be the same as the one recently installed on Willard Avenue near Whole Foods. The County has advised The Village that the design and installation process typically takes 12 months. With the COVID-19 emergency it may take longer.

In the interim, the County will reconstruct the pedestrian refuge islands at these two locations to enhance safety. The islands will be widened to provide a larger area where pedestrians wait to cross Willard Avenue, and additional markings will be provided. This work will also upgrade all related signs to ensure they are conspicuous and easily discernable by motorists approaching the crossings.

The shredding truck returns to The Village on Wednesday, May 20, from 5 to 7 p.m. The driver will be wearing protective equipment, and residents are encouraged to do the same as well as maintain social distancing while in line.

**SECRETARY'S REPORT:**

**Ms. Durbin moved, Ms. Cooper seconded, to approve the minutes of the Council's public session of April 13 and the closed session minutes of April 27. The motion carried. (7-0-0)**

**TREASURER'S REPORT:**

Ms. Cooper presented the financial summary for the period ending April 30, 2020.

**COMMITTEE REPORTS:**

**Report from the Community Advisory Committee:** Ms. White reported that the Community Advisory Committee met via conference call on May 7 and discussed the following:

- (1) Dave Doctor's move away from the Village with the result that he is no longer a member of the Community Advisory Committee;
- (2) Appreciation for the efforts of Shirley Carr and Bob Parker, who called the Chevy Chase Land Company to lobby for shuttle bus support;
- (3) The presence of a new temporary building manager at 4620 North Park and the expectation that renovations will be completed by the end of June.
- (4) Appreciation of residents' salute to front line heroes every Friday at 7:00 p.m.;
- (5) The availability of the GEICO parking lot for youngsters to play and ride their bicycles;
- (6) The inaccessibility of all pools and gyms except for the Carleton; and

- (7) The lack of any official announcement of a management change at 4701 Willard.

The next meeting will be June 4 at 5:15 p.m.

**Report from the Ad Hoc Village Infrastructure Committee:** Mr. Pirnie reported that on May 5 members of The Infrastructure Committee walked through the Village to examine its infrastructure. The Committee determined that the following three areas need to be addressed:

- (1) Trees: The grass strips paralleling the sidewalk have lost several trees that should be replaced per the Village arborist's recommendations on the survival possibilities of various species in particular locations. New trees should be the largest whose root balls will fit in the space between sidewalk and street.
- (2) Grass strips: In several locations, grass strips between sidewalk and street are in poor condition, notably on the north side of North Park Avenue opposite the Elizabeth and on both sides of The Hills Plaza east of the Center and Brighton Gardens. The soil in these areas is compacted and unsuitable for turf and should be excavated and replaced with richer soil.
- (3) Street Lamps: The cast iron lamps have worn surfaces and rust spots. The Village should investigate whether to renovate them or replace them with light metal street lamps in the same style.

**Report to the Community on Village Response to the Corona Virus:**

Mr. Mansfield reported that efforts are ongoing to update the Village website with information from the State and County. The administrative and program staff are continuing outreach to buildings with relevant updates for residents. The eight-page May newsletter and posters in the Center highlight the website. Most recently, staff is encouraging residents to demonstrate their appreciation for healthcare workers and first responders on Friday evenings. The Governor's website has released data on confirmed Covid-19 cases and deaths in nursing homes, assisted living facilities and group homes throughout the state. Per the site, Brighton Gardens has one confirmed case. Member Hans Reimer of the Montgomery County Council issued an email in favor of expanded Covid-19 testing in the County targeting up to 2,000 tests per day. The staff will keep residents posted re accessible testing facilities.

Ms. O'Neil of the Village staff reported the transition of programs from accessibility on site to accessibility via Zoom as a virtual Village Center offering clubs, lectures, classes and concerts. A customized YouTube playtime is offered for children and customized art classes for children may be expected. The customized YouTube tech classes, performances and lectures can also be accessed after the Center reopens.

The next Program Committee meeting is scheduled for May 18 at 5:30 p.m.

**OLD BUSINESS:**

Mr. Dorsey inquired about the repair of the storm drain on Friendship Boulevard near Willard Avenue.

**NEW BUSINESS:**

**Discussion/vote on the recommendation from the Ad Hoc Committee on Infrastructure to form a new standing committee:** Mr. Mezey recommended forming the Ad Hoc Committee on Infrastructure to act as follows:

The Committee will, periodically, in the company of the Village Manager, inspect physical plant of The Village, which includes trees, bushes, grass strips, streets, sidewalks, crosswalks, street lamps, storm drains, and parks; receive and consider comments and suggestions from Council members and residents regarding these aspects; develop and recommend to the Council a plan for maintaining and improving the physical appearance of the Village. For example, the Committee might develop a three-year plan for replacing deteriorating street lamps; recommend appropriate funding levels for these projects to the Finance Committee; periodically report to Council on the state of the infrastructure. The Committee will consist of three members of the Council appointed by the mayor, with one serving as Chair. The Village Manager or his representative would be a member ex officio. A brief discussion followed.


**Mr. Mezey moved, Ms. Cooper seconded, to approve the recommendation from the Ad Hoc Committee on Infrastructure to form a new standing committee. The motion carried. (7-0-0)**

**Possible discussion/vote on support for the post office:** Ms. Cooper reported that she received an online petition warning that the US Postal Service may have to shut down post offices next month. In response to the petition, she and Mr. Mansfield conveyed support and concern to County representatives.

**ADJOURNMENT:**

**There being no further business before the Council, Ms. Cooper moved, Ms. Durbin seconded, to adjourn the meeting at 8:40 p.m.**

Respectfully submitted,

  
Paula Durbin