

## VILLAGE OF FRIENDSHIP HEIGHTS

### VILLAGE COUNCIL

MELANIE ROSE WHITE, *Mayor*  
ROBERT PESTRONK, *Chairman*  
MARTHA SOLT, *Secretary*  
ROY SCHAEFFER, *Treasurer*  
PAULA DURBIN, *Parliamentarian*  
CHERYL TYLER  
MICHAEL MEZEY  
JULIAN P. MANSFIELD, *Village Manager*

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### APPROVED MINUTES

### PUBLIC SESSION

### FRIENDSHIP HEIGHTS VILLAGE COUNCIL

Conducted via Livestream

Monday, July 10, 2023

A video of the meeting can be found at:

<https://www.regionalwebtv.com/village-of-friendship-heights>

### ATTENDEES:

Bobby Pestronk, Chairman  
Martha Solt, Secretary  
Roy Schaeffer, Treasurer  
Melanie Rose White, Mayor  
Paula Durbin, Parliamentarian  
Cheryl Tyler  
Julian Mansfield, Village Manager  
Jason Goldstein, Assistant Village Manager  
Robert Bryant, Recording Secretary

### CALL TO ORDER

The July 10, 2023 Council Meeting was called to order at 7:30 p.m.

### CHAIR'S ANNOUNCEMENTS

Chairman Pestronk encouraged anyone with comments to sign up to speak, with people called up in the order listed. Commenters were asked to speak directly into the microphone in order to be heard.

In the interest of transparency, Mr. Pestronk explained the status of Page Park. First, why is Page Park closed? Page Park is closed due to errors in judgment, mistaken oral assurances, and contractual obligations not followed during the previous year and a half. A shared understanding was reached during a meeting held on Wednesday, June 21, 2023 with representatives from Montgomery County Office of Permitting Services, GreenSweep, the Village Council, and the Village staff. Among the commitments reached were that: Page Park must be closed; an application for a permit to construct the

park was necessary; and a permit application would be submitted. It was made clear that an application for a permit should have been submitted before any construction began in the park. Steps are being made to eventually re-open the park. Second, what is necessary to re-open the park? An application has not yet been submitted by GreenSweep to Montgomery County. GreenSweep has informed us that the application for a permit could be done by early August 2023 following an engineer's certification regarding the technical aspects of park construction. The certification is complicated by the fact that construction in some parts of the park has already been completed. Once the application has been submitted, it will be reviewed by at least one - but perhaps several - county departments. The review will ensure compliance with health, safety, environmental, and other legal and regulatory requirements. If straightforward, the review may take between 30 and 45 working days (into early October 2023). As noted above, the review process - like the engineer's certification - may be complicated by the fact that some parts of the construction had already been completed. Once the review process has been completed, the Council will be notified about any additional steps that are necessary. Village officials will then consider any conditions specified by the county for the permit, and an estimate will be received from GreenSweep for any costs associated with those conditions. Village representatives will need to negotiate costs, timeframes, and work plans for changes, if any, to proceed. With that, any additional construction could begin. Third, when can Page Park be open for use? When completed according to specifications, the park can re-open. It is unlikely that Page Park will re-open before late fall 2023 to winter 2023-2024. The results of the county's review will help to determine any additional cost. Village residents should be assured Page Park will re-open once it has been deemed safe to use for its intended purposes; and is in compliance with county, state, and federal regulations. We hope that you will agree that our engagement to obtain a permit is to prevent damage to human life or the environment. The Village staff will prepare programs and events once the park re-opens. Fourth, what can we anticipate about additional costs for Page Park beyond those in the current contract? It is not possible to know this prior to the County's review.

#### **COMMENTS/QUESTIONS TO AND FROM THE COUNCIL**

- Joe Bucherer, as President of the Elizabeth Condominium, asked the Council to begin considering and outlining a position with respect to a state mandate to install sprinkler systems in high rise buildings constructed after 1975. Mr. Bucherer highlighted the cost to install such a system in The Elizabeth Condominium would be an estimated \$7 million for just the sprinkler system, equating to a special assessment of \$20,000 per door. Other types of fire suppression should be considered.
- Prem Garg, Carleton, expressed concern about the poor use of taxpayers' funds and urged the Council to do a retrospective about the Council's decision-making process.
- Michael Dorsey, 4620 N. Park, thanked those who rejected holding a Special Meeting in June 2023, as he is in favor of hearing the viewpoints expressed by the various members of the Council. (2) Mr. Dorsey inquired about the return on the Council's investments for the month of June 2023.
- Christine Knauer, Willard Towers, summarized the letter she sent regarding the conditions at The Willard and Willard Avenue Park - specifically the large log jam at River Road that is blocking most of the water from going under River Road; the excessive growth of bamboo in the park; and erosion behind Willard Towers which has grown worse during the most recent two years.

- Fred Knauer, Willard Towers, suggested that any fines or penalties associated with failure to secure a construction permit for Page Park should be turned over to the architect for payment. He reported amazement that the contractor was unaware of permit requirements.
- Afsaneh Mirfendereski, 4620 N. Park, recounted a racially-charged incident she suffered in 2022 involving a former Council member in the presence of a witness. The matter was reported to the Village Council, but nothing was done. The incident was also filed as a hate/bias incidence under Maryland law. Ms. Mirfendereski added Page Park was also being abused, as the proper county permits had not been obtained. The former Council member called Ms. Mirfendereski to apologize nine months later. Ms. Mirfendereski wants this story included in the history of Page Park. Ms. Mirfendereski encouraged the Council to establish a policy for handling future hate/bias incidents. (2) Ms. Mirfendereski urged the Council to pause the Page Park project and reach out to qualified landscape architects to modify the design.
- Ken Niles, Willoughby, encouraged the Council to establish a committee to address the sprinkler system mandate for the Village, as the cost to implement such a system at The Willoughby has been estimated at \$12 million. Mr. Niles believes the mandate was issued without consideration given to the financial impact to Friendship Heights and the various owners of each Association. He suggested that the requirements be moderated.
- In light of the impact to the entire Village, Dr. Al Muller urged Mayor White to appoint an ad hoc committee to gather information regarding the sprinkler mandate; and to arrange for elected officials to speak with the Village and the various community associations that would be affected by the mandate.
- Patricia Canessa, Willoughby, inquired about the Council's plan to address climate change.

#### **MAYOR'S ANNOUNCEMENTS**

Mayor White announced a shredding service will return to the Village on Saturday, July 15<sup>th</sup>. The service will be offered free of charge from 10:00 a.m. to 12:00 p.m. The truck will be parked on Friendship Boulevard next to the Village Center.

A Village Council Meeting will not be held in August 2023. Therefore, the next Council Meeting will be held on Monday, September 11<sup>th</sup>.

Mayor White announced a yard sale and puppy parade would be held on Saturday, July 15<sup>th</sup>.

#### **SECRETARY'S REPORT**

**Ms. Solt moved, Ms. Tyler seconded approval of the minutes as amended from the Council's Public Session held on Monday, June 12, 2023. The motion carried unanimously.**

**Ms. Solt moved, Mr. Schaeffer seconded approval of the minutes as presented from the Open Session of the Communications Committee held on Monday, July 3, 2023. The motion carried unanimously.**

**Ms. Solt moved, Ms. Tyler seconded approval of the minutes as presented from the Council's Closed Session with legal counsel held on Thursday, June 8, 2023. The motion carried unanimously.**

**Ms. Solt moved, Mayor White seconded approval of the minutes as presented from the Closed Session of the Personnel Committee held on Monday, July 3, 2023. The motion carried unanimously.**

### **TREASURER'S REPORT**

Treasurer Schaeffer reported interest totaling \$5,135 was earned during the month of June 2023; and \$99,271 was earned for the entire fiscal year that ended June 30, 2023.

Mr. Schaeffer presented unaudited year-end figures for the Council. Actual revenues exceeded the budget by \$141,000, with the main contributors stemming from \$89,000 in excess interest income and \$53,000 in excess parking ticket revenue. Actual expenses exceeded the budget by \$183,000, with capital expenses removed, and with the main contributors being the legal line item (\$111,000 over), bus contract fuel charge (\$30,000), and exterior painting (\$48,000). The two expenditures that were most under budget included snow removal and salaries/related benefits because of turnover and vacant positions. A year-end surplus of \$238,000 was originally projected. However, the actual surplus will be closer to \$196,000 - not including the recognition of capital expenditures.

### **VILLAGE MANAGER'S REPORT**

Mr. Mansfield reported a search will soon be underway for a part-time art curator to serve the Village Center, as long-time curator Millie Shott recently retired. Candidates will be presented to the Council during the fall.

### **COMMITTEE REPORTS**

**Personnel Committee:** Mayor White reported the committee met in Closed Session on Monday, July 3, 2023. Topics discussed included salary adjustments, staff evaluations, and a changes in title.

**Communications Committee:** The Communications Committee met in Open Session on Monday, July 3, 2023. The committee discussed significant infrastructure for communication being maintained by the Village. The committee would like to determine how the infrastructure is used, and the preferred ways for receiving information regarding the Village. A survey will be produced to gather information. Later, we will be evaluating communication content and following up on resident input.

**Community Advisory Committee (CAC):** The CAC held meetings on Wednesday, June 14, 2023 and Wednesday, July 5, 2023. As highlights:

- The committee continues to urge attention to its recommendations regarding traffic safety; and the placement of speed bumps and or pedestrian signs at specific intersections.
- A resident of the Village asked the CAC to consider a recommendation to modify the shuttle bus schedule to include 5530 and 5454 Wisconsin Avenue. The CAC agreed with the recommendation.
- Dr. Muller met with the CAC to discuss the need to provide additional pet litter bags and receptacles throughout the Village. Dr. Muller suggested having the Village's various associations help sponsor those items.

- During the CAC's July 5<sup>th</sup> meeting, Cheryl Tyler was introduced as the liaison from the Council.
- There are issues with the banisters at Willoughby Park that need to be remediated.
- There are balloons stuck in canopies and other areas from previous parties and events. The CAC suggested the performance of an occasional visual inspection to identify such matters.
- The Presidents of the various community association Boards of Directors will meet on Thursday, July 13<sup>th</sup> to discuss initiatives related to safety monitoring and the sprinkler mandate.
- The Community Advisory Committee will hold their next meeting via Zoom at 6:00 p.m. on Wednesday, August 9<sup>th</sup>.

### **OLD BUSINESS**

#### **Mr. Pestronk introduced the topic of old business.**

**Request from GreenSweep - Payment for Page Park Project:** GreenSweep requested the issuance of a progressive payment of \$200,000 for the Page Park project. The contract indicates payments would be made in thirds, with one-third paid at the signing of the contract; a second third paid when the contract is 2/3 complete; and the final payment made once construction has been completed. The first two payments have been made. The final payment has not been made. According to the contract, no additional payments were due at the time of the July 2023 Council Meeting. If the progress payment requested by GreenSweep (i.e., \$200,000) was approved by the Council, GreenSweep would have received approximately 90% of the total contract payment amount.

Two representatives from GreenSweep - President Kyle Narsavage and Vice President Jedd Narsavage - were in attendance during the July 2023 Council Meeting and offered the opportunity to speak. Jedd explained the requested payment would represent a 90% progress payment, as GreenSweep estimated roughly 90% of the tasks originally outlined in the contract had been completed with the exception of two items - the permitting work and the selection of equipment for the play area. According to the supplier, the delivery of equipment (depending on the play equipment selected) could take up to 22 weeks. The remaining two items were out of GreenSweep's control. Withholding the requested funds would place GreenSweep in a financial burden. Therefore, GreenSweep requested payment of the 90% progress payment. Jedd clarified the permitting issues with the park were the result of a shared error, as GreenSweep was informed on multiple occasions by the Council and the Village Manager that no permits were required for the work.

**After the team from GreenSweep answered questions raised by the Council, Ms. Tyler moved, Ms. Solt seconded paying GreenSweep \$50,000, on the condition that negotiation to move forward will involve the Village Council Chair, Village Manager, Village Attorney, and the Village Mayor. The motion carried by a vote of four in favor, two opposed (Mr. Schaeffer and Ms. Durbin), and zero abstained.**

### **NEW BUSINESS**

#### **Mr. Pestronk introduced the topic of new business.**

Discussion - Formation of Ad Hoc Committee on Friendship Heights Development: The Council agreed to vote on the formation of an Ad Hoc Committee on Friendship Heights Development during their October 2023 meeting. Ms. White indicated support for the idea as a proactive initiative. Ms. Tyler also voiced support. Ms. White will bring this for a vote next month.

Discussion/Vote - MML Membership Dues: Ms. Durbin moved, Ms. Solt seconded approving Maryland Municipal League (MML) membership dues totaling \$9,673 - an increase of \$250 compared to the previous year. The motion carried unanimously.

**ADJOURNMENT**

Mr. Pestronk introduced the topic of adjourning the meeting. Pursuant to Maryland Code, General Provisions Article, Section 3-305(b)(1). Ms. Durbin moved, Ms. White seconded entering the July 10, 2023 Council Meeting into a Closed Session at 9:00 p.m. to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom the Council has jurisdiction; or any other personnel matter that affects one or more specific individuals. The Council discussed moving into closed session. The motion failed.

Respectfully Submitted:

 9/14/2023

Martha Solt, Council Secretary