

**Mayor Tracey Furman**

**Council Member Darin Bartram  
Council Member Nate Engle**



**Council Member Conor Crimmins  
Council Member Bridget Hill-Zayat**

Released: September 10, 2021

**Monday, September 13, 2021  
Town Council Meeting, 7:00 pm**

The Town Council Meeting will be held through the Zoom Video Conferencing application. We recommend downloading the Zoom app prior to the meeting at the following link: [www.zoom.us](https://www.zoom.us)

The Council Meeting will begin at 7:00 pm. Access to the meetings will be through the following Zoom Video Conferencing link:

<https://us02web.zoom.us/j/88186609215?pwd=aTVhSlkxRXpnd2F4Ty9Sem8vajJyUT09>

**Meeting ID: 881 8660 9215**

**Password: 967632**

Or you may join the meeting by calling: +1 301 715 8592 US (Washington D.C) and entering the Meeting ID and Password above.

**CALL TO ORDER**

**MOMENT OF SILENCE**

**APPROVAL OF MINUTES**

Town Council Meeting Minutes of July 12, 2021  
Town Council Work Session Meeting Minutes of July 19, 2021  
Closed Session Minutes of July 19, 2021  
Town Council Meeting Minutes of August 9, 2021  
Town Council Work Session Meeting Minutes of August 30, 2021  
Closed Session Minutes of August 30, 2021

**THE MAYOR AND TOWN COUNCIL**

1. Acknowledge that the Mayor and Council met in Closed Session on August 30, 2021, in accordance with Section 3-305(b)(7) of the General Provisions Article to consult with counsel to obtain legal advice.
2. Summit Avenue Sidewalk Improvements (Proposed):

**Town of Kensington 3710 Mitchell Street Kensington, MD 20895  
Phone 301.949.2424 Fax 301.949.4925  
[www.tok.md.gov](http://www.tok.md.gov)**

- a. Update on the proposed Summit Avenue sidewalk improvement project.
- 3. Attainable Housing Strategies (Montgomery Planning):**
  - a. Update on the September 9 Montgomery Planning work session to discuss Attainable Housing Strategies.
    - i. Planning Board work session on the Attainable Housing Strategies initiative and recommendations to the County Council on adding more diverse housing options in Montgomery County.
- 4. Howard Avenue Mural:**
  - a. Update on the proposed mural that would face Howard Avenue from Metropolitan Avenue.

### **THE TOWN MANAGER AND STAFF**

#### **1. Town Election Survey Questions:**

- a. Discuss and review the proposed Election Survey Questions.
    - i. *You are asked to provide a response on the following two questions, both of which are for information gathering purposes only. Under current Town regulations, these are not binding questions and any action taken by the Town Council and Mayor based on this information would be discussed at a future Town Council meeting before any changes would be made regarding Town voter eligibility.*
      - 1. *Should the Council and Mayor propose an amendment to the Town Charter and Code to permit 16- and 17-year-old residents to vote in Town elections?*
        - a. *Please provide additional comments.*
      - 2. *Should the Council and Mayor propose an amendment to the Town Charter and Code to permit legal Town residents to vote in Town elections without requiring them to be US citizens?*
        - a. *Please provide additional comments.*
2. Update on Town RFP's for engineering services and bridge repair work.

### **PUBLIC APPEARANCES**

*(The public is invited to speak on any subject that is not a topic on tonight's agenda)*

### **ORDINANCES, RESOLUTIONS, AND REGULATIONS**

*(Ordinances, resolutions, and regulations to be introduced or adopted following appropriate procedures required by the Town Code; or resolutions that may require discussion by the Mayor and Council prior to approval)*

### **ADJOURNMENT**

*(The Mayor and Council may move to close the meeting and may move to reopen the meeting)*

THE NEXT SCHEDULED MEETING(S) OF THE MAYOR AND TOWN COUNCIL WILL BE HELD:

***Monday, October 18, 2021, 7:00 pm***

Summit Avenue  
Sidewalk Reconstruction

New 6-foot-wide Sidewalk 

Existing Sidewalk 



Marc Elrich  
County Executive



Christopher Conklin  
Director

DEPARTMENT OF TRANSPORTATION

August 13, 2021

**PLEASE NOTE:**

**You are receiving this packet in an effort to gather feedback on a proposal.**

**There are NO plans to construct at this time.**

**A decision will be made based on feedback received. Please send only one Comment.**

**Multiple and duplicate comments will not be accepted.**

Dear Property Owner(s):

This letter is to notify you that the Montgomery County Department of Transportation (MCDOT) has received multiple requests from residents within your community to reconstruct the sidewalk along the **east side of Summit Avenue** from the **Prospect Street to Knowles Avenue**. The new sidewalk will be six-feet-wide with a variable 0 to 3-foot-wide greenspace buffer between the sidewalk and the roadway. The sidewalk reconstruction will *not* impact your side of the road, however, I wanted to alert you to the potential construction in your neighborhood.

The Division of Transportation Engineering manages and administers the County's Sidewalk Program for MCDOT. Providing safer access for the disabled and improving pedestrian access to schools and nearby public transportation or public facilities is the major goal of the Sidewalk Program.

Enclosed, please find a project vicinity map that identifies the limits for the *proposed* sidewalk reconstruction, the Arborist's Tree Report, as well as a Comment/Survey form. Your comments are beneficial to our office for addressing issues or concerns prior to the public hearing process. *Please review the enclosed and submit all comments to the Sidewalk Program by **Friday, September 10, 2021.***

As you can see, the Arborist's Tree Report discloses what trees will need to be removed to make way for the proposed construction, as well as any protective measures that may be taken to maintain existing trees during construction. Please know, Montgomery County does not take tree removal lightly; every precaution will be taken to maintain the health of the existing right of way trees. If removal cannot be avoided, *the County will plant three replacement trees, each 5 to 6-feet tall, for every one tree removed.* The County's Arborist oversees placement of the new trees; the goal being to place as many trees as possible back into the community from which they were removed.

**Division of Transportation Engineering**

---

100 Edison Park Drive, 4<sup>th</sup> Floor · Gaithersburg, Maryland 20878 · 240-777-7220 · 240-777-7277 FAX  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

A public hearing may be required to decide on the sidewalk proposal; complete details for any such hearing will be provided at a later date via correspondence, the MCDOT website, and by legal advertisement posted in the Washington Times newspaper and Washington Times online.

You may see our Field Supervisor and/or Construction Representative in your neighborhood. Please note, though your comments regarding the proposal are welcome and encouraged, MCDOT field meetings are reserved only for those whose property is adjacent to the potentially impacted public right of way by the possible sidewalk construction.

Thank you for your attention to this matter. If you have any questions concerning the enclosed proposal, please contact the Sidewalk Program's Planning Specialist, Lori Jean Main at 240-777-7271 or [Lori.Main@montgomerycountymd.gov](mailto:Lori.Main@montgomerycountymd.gov).

Sincerely,



Robert Gonzales, Manager  
Annual Sidewalk Program

BG/ljm  
Enclosures

# **TREE PROTECTION PLAN - sidewalk program**

Summit Ave  
Rick Holley  
3.31.21

Note: refer to **Tree Protection Requirements For The Department Of Transportation** for Standard Tree Protection Measures

Note: Inspection of worksite tree protection measures required by Certified Arborist with the county prior to construction activities

Note: ROW not to be utilized for staging area unless otherwise permitted by Certified Arborist

Note: **three (3) trees required per tree removal (\$250.00 per tree)**

Note: Tree replacement fee to be paid prior to scheduled construction

**\*All root pruning shall be done to a maximum depth of 6"**

DBH = diameter (in.) at breast height (4.5 ft above ground)

Location: F = front, S = side, R = rear, I = island, P = private, O = opposite, M = median

Recommendation: F = Fencing required, s/w = sidewalk, elev = elevation pruning

DW = dead wood removal, d/w = driveway, cli = clear light, csi = clear sign, cpt = clear private tree, chl = clear house

Page 1 of 2

ADDRESS	SPECIES	DBH	LOCATION	RECOMMENDATIONS
4011 Prospect St	Maple	27	1S-P	Note: 5' sidewalk with 2 - 3' green space for all addresses listed unless noted otherwise F, Air excavation required
	Maple	36	2S-P	F, Air excavation required
	Maple	22	3S-P	F, Air excavation required
10311	Hackberry	9	1F-P	F, Root prune up to edge of proposed s/w
	Red Maple	4	1F	<b>REMOVE:</b> proposed construction will compromise health/structural stability of tree
10313	Cherry	21	1F-P	F, Root prune up to edge of proposed s/w
10315	Sugar Maple	3.5	1F	<b>REMOVE:</b> proposed construction will compromise health/structural stability of tree
	Weeping Cherry	3	1F-P	F
10317	Northern Red Oak	31	1F	<b>REMOVE:</b> proposed construction will compromise health/structural stability of tree Note: poor condition. Extensive dead wood
	Northern Red Oak	20	1F-P	F, Air excavation required
10323	Sugar Maple	10	1F	Note: tree located near PEPCO pole #777434-0307 <b>REMOVE:</b> proposed construction will compromise health/structural stability of tree Note: poor condition.
10325	Musclewood	15.5	1F	<b>REMOVE:</b> proposed construction will compromise health/structural stability of tree
From 10239 Summit Ave to Knowles Ave (Rear of 10400 Detrick Ave)	Sugar Maple	21.5	1F	<b>REMOVE:</b> proposed construction will compromise health/structural stability of tree
	Ash	12	1F-P	Root prune up to edge of proposed s/w
	Cherry	33	2F-P	Root prune up to edge of proposed s/w
	Black Cherry	30 ms	2F	Root prune up to edge of proposed s/w
	Paulownia	27	3F-P	<b>REMOVE:</b> proposed construction will compromise health/structural stability of tree
	Cherry	27	4F-P	Root prune up to edge of proposed s/w
	Cherry	32	5F-P	Root prune up to edge of proposed s/w
	Cherry	32	6F-P	Root prune up to edge of proposed s/w
	Elm	22ms	3F	<b>REMOVE:</b> proposed construction will compromise health/structural stability of tree
	Maple	12	4F	Root prune up to edge of proposed s/w
	Maple	5	5F	<b>REMOVE:</b> proposed construction will compromise health/structural stability of tree
	stump	44	6F	Remove stump
	stump	70	7F	Remove stump
	Mulberry	13	7F-P	n/a
	Cherry	34	8F-P	n/a
	Cherry	34	9F-P	n/a
	Cherry	36	10F-P	n/a



# SIDEWALK PROGRAM

## Division of Transportation Engineering

100 Edison Park Drive, 4<sup>th</sup> Floor • Gaithersburg, MD 20878 • 240-777-7270

[MCDOT.DTE.Sidewalk@montgomerycountymd.gov](mailto:MCDOT.DTE.Sidewalk@montgomerycountymd.gov)

[Lori.Main@montgomerycountymd.gov](mailto:Lori.Main@montgomerycountymd.gov)

## **COMMENTS & FEEDBACK SURVEY FORM\***

### **SIDEWALK RECONSTRUCTION**

**Location:**

- the East side of Summit Avenue from Prospect Street to Knowles Avenue

**COMMENTS or CONCERNS:**

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.**Property Owner(s) Name and Address:**

---

---

---

---

**If questions, please provide email address or telephone number:**

---

---

---

**NOTE: The Sidewalk Program welcomes all comments and input, and every attempt will be made to address your concerns.**

Unfortunately, due to the large volume of correspondence received daily, we reply to questions only. Please note, if you are unable to respond prior to the deadline, your comments will be accepted thereafter.

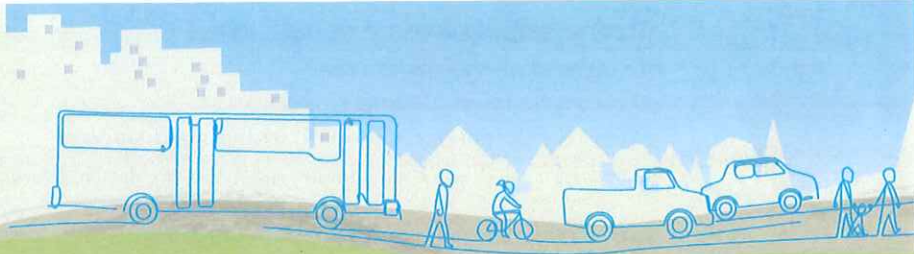
**\*This form is for your convenience; you are not required to use this form when submitting your comments.**

***Please mail or e-mail our office by:***

**Friday, September 10, 2021**

**Thank you!**





## SIDEWALK PROGRAM PROCESS

### PURPOSE & GOAL:

To improve pedestrian walkability by creating a safer walking environment, utilizing selected engineering technologies, and ensuring Americans with Disabilities Act of 1990 (ADA) compliance. The sidewalks that are funded under this program are relatively simple in nature to construct and do not require an engineering design.

### 1. Sidewalk Installation Request Received & Field Study Scheduled.

The program's proposals are generated by requests received from residents or Homeowner's / Civic Associations. Once received, the request is entered into the Sidewalk Program database and a Field Investigation scheduled to determine the constructability of the request. The field investigation will answer the following questions:

- Is there available public right of way?
- Can the sidewalk be constructed without an engineered design?
- Do associated costs fall within the program's criteria?

Sidewalk Request Link:

<https://www.montgomerycountymd.gov/dot-dte/forms/sidewalk.html>

### 2. Field Study Complete/Work Falls Within Scope of Sidewalk Program.

The Sidewalk Program manages sidewalk requests by feasibility and constructability. Once the field study is complete and the request determined feasible, it will be placed in our queue to await selection for sidewalk proposal.

### 3. Proposal & First Comment Period.

Once a sidewalk request reaches the top of our queue and is selected for proposal, the proposal will be drafted and mailed to all residents adjacent to and across the street from the County's impacted Public Right of Way. The proposal will include:

- Letter introducing the project;
- Project Vicinity Map;
- Potential construction impacts;
- Tree impact report;
- Comment Form;
- This Process & FAQ Leaflet.

Receipt of the proposal initiates the first comment period, wherein we encourage residents to provide their feedback and ask any questions they may have. All comments are posted in our project file and on the Record.

Also during this period, residents adjacent to the impacted Public Right of Way are welcome to **request a field meeting** on site with our Construction Representative, Juan Berrios, by emailing him at [Juan.Berrios@montgomerycountymd.gov](mailto:Juan.Berrios@montgomerycountymd.gov).

Members of the community who did not receive a proposal are welcome to request one and to be put on our project mailing list.

**4. Public Hearing.** Following the first comment period, a public hearing may be scheduled for residents to testify in front of a hearing officer regarding the proposal. Once scheduled, notice will be sent to all residents on our mailing list. Due to COVID-19, the Sidewalk Program will hold a virtual hearing. Whether virtual or in person, several displays and exhibits will be available for review or download. Testimony may be submitted verbally at the hearing, in writing or both. Please note, **written testimony carries the same weight as oral testimony**. Residents may request copies of the Hearing Record, the transcript of the hearing and the recording of the virtual hearing.

**5. Final Comment Period.** Following the public hearing, a 2-week final comment period will be held to allow residents to submit final comments. The due date for all final comments will be announced at the public hearing.

**6. Decision.** After the final comment period ends, the Hearing Officer will review the complete Record, which will include all displays, exhibits, comments, written testimony, and the transcript of the hearing. Thereafter, the Hearing Officer will draft his Recommendations and forward them with the Record to MCDOT's Director, Christopher Conklin, who will make the final determination.

In addition to his complete review of the Record including all comments and testimony, Director Conklin considers the following:

- Do the proposed sidewalks connect to pre-existing sidewalks or networks of sidewalk?
- Will the new sidewalk provide safer access to public transportation, schools, bus stops, parks, religious institutions or other amenities?
- Will the new sidewalk(s) meet a purpose?

Upon receipt of the decision, the Sidewalk Program will send notifying correspondence to all that are on the project mailing list. Because the process of the Sidewalk Program includes two comment periods and a public hearing, there is no appeal process. If approved, and once a construction date has been set, the Sidewalk Program will send a construction leaflet describing in detail the construction process with a description and pictures of each stage of construction. Immediately before construction, notices will be posted on-site. An on-site construction inspector will be available throughout construction to address any concerns that may arise.

**If you have any questions, please contact Lori Jean Main, Planning Specialist at 240-777-7271 or [lori.main@montgomerycountymd.gov](mailto:lori.main@montgomerycountymd.gov).**



MONTGOMERY COUNTY, MARYLAND  
DEPARTMENT OF TRANSPORTATION  
DIVISION of TRANSPORTATION ENGINEERING  
100 EDISON PARK DRIVE, 4TH FLOOR, GAITHERSBURG, MD 20878  
240-777-7220      [www.montgomerycountymd.gov/dot-dte/sidewalk](http://www.montgomerycountymd.gov/dot-dte/sidewalk)

**KEEPING MONTGOMERY MOVING**

**MC DOT**  
Montgomery County  
Department of Transportation



## FREQUENTLY ASKED QUESTIONS

### Who can request a sidewalk?

A sidewalk request can originate from an individual, elected official or an association.

### Are residents responsible for snow and ice removal in inclement weather?

Yes, residents are responsible for removing snow and ice on any sidewalk, other walkway on or adjacent to property that the person owns, leases, or manages, including any walkway in the public right-of-way, to provide a pathway wide enough for safe pedestrian and wheelchair use within 24 hours after the end of the precipitation that caused the condition. Residents may choose to wait to remove the snow and ice until after the road has been plowed so as not to duplicate efforts.

### Is there any additional cost or property tax assessment with the installation of a new sidewalk?

No. There are no assessments or costs to the property owner when a new sidewalk is installed. Further, statistically, sidewalks have been shown to raise property values due to the safety and connectivity the sidewalks add to your community.

### Is installation of a sidewalk contingent upon approval of the adjacent property owners?

No. The decision is made based on public use and need for the community-at-large.

### How will the sidewalk be constructed in relation to rainwater drainage issues?

Sidewalks are typically constructed in one of two ways:

- 1) The sidewalk will be constructed between the swale and road at a 2% pitch so that the rainwater will flow into the swale; or
- 2) The culvert pipe at the driveway apron may be replaced if damaged. A drainage pipe may be placed in the swale and back-filled, if needed. The sidewalk will be constructed over the backfilled area at a 2% pitch to direct the rainwater away from private property.

In some cases, the swale may need to be realigned or adjusted. If you have a concern regarding standing water or existing drainage issues along the proposed area, please inform the Sidewalk Program so that reparations can be coordinated if the sidewalk is approved and constructed.

### Why does the sidewalk have to be 5-ft-wide?

The State of Maryland has adopted the width of 5 feet for all new sidewalks based on the Americans with Disabilities (ADA) recommendations and guidelines. Montgomery County follows the State of Maryland design standards.

### What will happen to my mailbox?

All mailboxes are removed and reinstalled the same day as the sidewalk is constructed. In some locations, field conditions do not allow enough space for the mailbox to be installed with the mailbox's door facing the road. In this instance, the mailbox will be installed parallel to the roadway, with the door to the mailbox facing your driveway.

### What is the Sidewalk Program's Budget?

The Sidewalk Program is an ongoing Capital Improvement Project. Please visit the Office of Management & Budget's website for current annual funding figures: [https://apps.montgomerycountymd.gov/BASISCAPITAL/Common/Project.aspx?](https://apps.montgomerycountymd.gov/BASISCAPITAL/Common/Project.aspx?ID=P506747&CID=3&SCID=8)

ID=P506747&CID=3&SCID=8

### Does the Sidewalk Program repair and maintain sidewalks?

No, repairs and maintenance of sidewalks are the responsibility of the Division of Highway Services. If you would like to request that a sidewalk be repaired, please contact Montgomery County's 311 and request that a service ticket be opened with the Division of Highway Services. You can reach Montgomery County's 311 by dialing 311 from any phone in the County or, outside of the County, by dialing 240-777-0311.

### Does the Sidewalk Program install curbs and gutters?

The installation of curb and gutter is the responsibility of the Division of Highway Services, who can be reached via Montgomery County's 311. You can reach Montgomery County's 311 by dialing 311 from any phone in the County or, outside of the County, by dialing 240-777-0311. If adjustments to the existing curb and gutter are to be made with the potential sidewalk installation, such adjustments will be described in the Construction Impacts sent with the sidewalk proposal.

## SIDEWALK PROGRAM

Robert Gonzales  
Manager, 240-777-7296  
[Robert.Gonzales@Montgomerycountymd.gov](mailto:Robert.Gonzales@Montgomerycountymd.gov)

Juan Berrios  
Construction Representative  
[Juan.Berrios@Montgomerycountymd.gov](mailto:Juan.Berrios@Montgomerycountymd.gov)

Geary "Rick" Holley  
Field Supervisor  
[geary.holley@Montgomerycountymd.gov](mailto:geary.holley@Montgomerycountymd.gov)

Lori Jean Main, Planning Specialist • 240-777-7271 • [Lori.Main@montgomerycountymd.gov](mailto:Lori.Main@montgomerycountymd.gov)  
Sidewalk Request Link: <https://www.montgomerycountymd.gov/dot-dte/forms/sidewalk.html>