

April 11, 2016 Town Council Meeting:

- Approved the Town Meeting Minutes from March 28, 2016.
- Park policies were clarified with regards to the use and permitting of Town parks, along with the Town's leash regulations for dogs.
- Continued the Variance Hearing for 10400 Connecticut Avenue, which has requested a waiver from the Town's sign landscaping requirements within Section 6-104 (c) of the Town Code. The Council deferred action until the April 25th Council Meeting.
- Held a *Public Hearing* for Ordinance No. O-01-2016 - Budget Ordinance for Fiscal Year 2016-17 (FY17). *The Public Record will remain open until 4:00 pm on Friday, May 6th. If you have any questions or comments with regards to the FY17 Budget, please email them to Mayor.Council@tok.md.gov.*
- Approved Resolution No. R-05-2016 - A Resolution of the Mayor and Council of the Town of Kensington to approve an Agreement with Montgomery County concerning the Comcast Cable Franchise.
- Approved Resolution No. R-06-2016 - A Resolution of the Mayor and Council of the Town of of Kensington to approve an Agreement with Montgomery County concerning the Verizon Cable Franchise.
- Approved Resolution No. R-08-2016 - A Resolution authorizing the Town Manager to purchase a Ford F-350 pick-up truck from Apple Ford, Inc., and to sell the existing 2000 Ford F-150 pick-up through the eGOV program.

April 11, 2016

Town Meeting 7:00 p.m.

Mayor Fosselman, Council Members Bartram, McMullen, and Rodriguez, Town Manager Daily, Assistant Town Manager Hoffman, and Clerk-Treasurer Engels were present. Council Member Furman was necessarily absent. The Pledge of Allegiance was recited and a Moment of Silence was observed for Emma Baker, who recently passed away.

The Minutes from the March 28, 2016 Town Council Meeting were reviewed and approved. See Council Actions.

From the Mayor and Town Council –

Mayor Fosselman reported that the Town will be issuing a municipal infraction to the mortgage holder at 10549 St. Paul Street for property maintenance violations; noted that the Town was looking at various locations for potential murals, such as M&T Bank and the warehouse parallel to the train tracks on Metropolitan Avenue; contacted the State Highway Administration about painting a stone façade over the Connecticut Avenue bridge, similar to what has been done further south along Connecticut; requested the Governor's Office help in finalizing the median improvement project along Connecticut Avenue; reminded the Town staff on the importance of sending out a preliminary Agenda by Wednesday at 4 p.m., with an updated Agenda on Friday, if needed; attended the 3rd Annual Kensington Car Show, and thanked the volunteers, Town staff, and Mario Bruno of the Kensington Service Center; and spoke at the ribbon cutting for the Kensington Park Library, which completed their renovation project to emphasize public access

to the internet, and their young child programs.

Council Member Bartram noted the Kensington Car Show was a great event, and had the streets full of people; and asked that the Council review the benefits of having the shuttle and whether it was necessary.

Council Member McMullen reported that he attended the fourth roundtable discussion for the Walter Johnson Cluster on March 16th, and that the PTA representatives worked in groups to discuss the pros and cons of the proposed suggestions, the School Board reiterated during the roundtable that they are not looking to change the existing school boundaries, they are looking to utilize former school locations, including Kensington Park; announced that the next Traffic Committee will be held on Wednesday, April 27th, beginning at 7:00 pm; and stated that he attended the Kensington Car Show and was pleased with the event and the number of participants.

Council Member Rodriguez also noted he attended the Car Show and concurred with the rest of the Council on its success; and reported that the Greenscape Committee had met and established a sub-committee to oversee the proposed fountain at Flinn Park, which will present a final design to the Mayor and Council; additional information about the project and how to donate may be found on Mark Hudson's website: www.MarkHudsonGroup.com.

Mayor Fosselman led a discussion pertaining to the use and permitting of Town Parks, specifically that of St. Paul Park, and a number of recent issues concerning unleashed dogs and unpermitted groups utilizing the park. The Mayor clarified the Town's position that no organized group over the age of 13 can use the park for activities due to concerns with the field, and that all other groups must first apply for a permit, which may include a fee if the group is for-profit; the Mayor also noted that dogs must be on a leash at all times within any public area, and that the Town staff has been instructed to enforce these rules.

The Council discussed the current regulations, and suggested that there may be times when dogs may be without a leash, such as early morning hours; however, the Council concurred to have the Town staff continue enforcement of the leash regulations when another person is present, to include the Code Enforcement Officer.

From the Town Manger and Staff

A Variance Hearing was held for 10400 Connecticut Avenue with regards to the Town's landscaping requirements within Section 6-104 (c) "Signs and Commercial Regulations" of the Town Code. The Mayor stated that the owner had requested a Variance from the landscaping requirements for the proposed reconstructed sign along Knowles Avenue.

Town Manager Daily stated contiguous, confronting, and abutting property owners had been notified, and no additional comments had been received. A Resolution, No. R-07-2016, had been prepared to address the Variance and Mr. Daily reminded the Council of the importance of removing the existing pole sign.

Assistant Town Manager Hoffman confirmed that a violation notice had been sent to Scott Management Group, the property management group for 10400 Connecticut Avenue, advising them of a number of code violations. Mr. Hoffman noted that he has been working with the property manager, Leslie Holifield, to resolve these violations, and that the removal of the existing pole signs were the only items outstanding.

Peter Bartram, 3824 Warner Street, stated that he believed any drainage issue could be resolved if enough money was put into the project, and questioned whether the drainage issue was an actual hardship. Mr. Bartram also asked that if the drainage issue was in fact a hardship, if the Town could require landscaping in an alternative location.

Gabriel Vine, attorney for Knowles Associates, LLC, stated that in addition to the drainage issue, there was not enough space to meet the Town's requirement on landscaping for the proposed re-design of the Knowles Avenue sign. Mr. Vine also noted that he confirmed with Assistant Town Manager Hoffman that Ms. Holifield had resolved the code violations listed within the June 3, 2015 notice, with the exception of removal of the pole signs.

Mayor Fosselman stated that in addition to Mr. Bartram, a number of residents have complained about the maintenance of the property over the years, and spoke of the importance of being good neighbors by improving communication and maintaining the property on a regular basis.

Council Member Bartram stated that he asked at the last meeting whether elevated landscaping could be used for the location.

Mr. Vine stated elevated landscaping would not work due to space restrictions; and that he discussed synthetic landscaping with the Town staff, and was advised to request a complete waiver of the landscaping, as the synthetic landscaping was not permissible.

Council Member Bartram expressed concern as to whether a variance allowing zero square footage of landscaping was the minimum necessary to overcome the conditions of the property and noted the presence of asphalt was not a sufficient condition for a variance.

Council Member McMullen questioned whether we have the ability to place additional restrictions on the variance, as noted within Section 6-104 (k) (3) (c), and stated that it was important that it is the minimum reasonable necessary to overcome conditions.

Council Member Rodriguez agreed with Council Member McMullen and stated he was inclined to support the Resolution, as written. Mr. Rodriguez also noted that Town Attorney Ferguson stated at the previous Council Meeting that conditions generally had to be related to the sign ordinance, but that it was not clear.

Council Member McMullen questioned whether additional landscaping could be used as a condition of other issues relating to the property globally.

Council Member Bartram stated he was inclined to not support the Variance, and suggested tabling it due to concern over the minimum necessary.

The Mayor stated it was important to confer with the Town Attorney on whether landscaping could be required in another location because this would set a precedent and suggested deferring the decision until April 25th. See Council Actions.

The Mayor requested that Mr. Vine have a written response from the property owner addressing the management company holding a meeting with Residents to discuss the ongoing issues, and whether they would consider painting or staining the fence, move the existing dumpster location, and additional items of concern.

Council Member McMullen requested that they also address whether they would be willing to provide landscaping at another location on the property.

From the Public –

Mary Hanlon, 3507 Dupont Avenue, suggested setting a specific date as to when organized sports teams could apply to use the field at St. Paul Park, as there is currently no formal process and teams are not aware of when they may begin applying for the field permits. Ms. Hanlon also suggested that the Town give preference to Town Residents when issuing permits.

The Council discussed how to adequately qualify Residents and non-Residents with respect to priority.

Mayor Fosselman suggested an online system and asked that Ms. Hanlon recommend a formal process that the Council may review.

Duane Rollins commented that he believed that St. Paul Park was overused by organized groups and suggested that the Town alleviate pressure on the Park's field by allowing for a more residential park and shift the organized groups to other locations within the Town, such as the vacant lots across from Town Hall.

Mayor Fosselman suggested that the lots across from Town Hall could be used for organized groups with smaller children, but were limited due to topography.

Jack Gaffey thanked everyone that was involved with the Kensington Car Show and commented on how great the event was. Mr. Gaffey also noted an article written in Gary and Diana Ditto's newsletter with regards to the gardening Alison Oppenheim does at the triangle of Armory Avenue and Baltimore Street; was happy to see work being done at Kensington Cabin Park, and informed the Council of the Lyrid meteor shower, which will occur later this month between April 15th and April 25th, and will peak during the night of April 21st.

Joseph Campbell stated that the Car Show was successful and was a great turnout for the Town; requested renewed enforcement of the posted regulations at the intersection of Frederick Avenue and Frederick Place; and supported the Town's leash regulations, and noted that Kensington Cabin Park was in need of enforcement with regards to the leash laws.

Jack Gaffey stated the stop sign at the intersection of Frederick Avenue and Kent Street was also in need of enforcement.

Mary Hanlon stated that the stop sign at the intersection of St. Paul Street and Dupont Avenue was in need of enforcement.

The Mayor stated that aside from basic coverage from the Montgomery County Police, the Town does contract for additional enforcement, and the Town will inform MCP of the noted areas of concern.

Council Member McMullen noted that Town Manager Daily has proposed an increase within the FY17 budget for increased patrols.

Ordinances, Resolutions, Regulations –

Resolution No. R-08-2016 – A Resolution of the Mayor and Town Council to authorize the Town Manager to purchase a 2016 Ford F-350 pick-up truck from Apple Ford, Inc. and to sell the existing 2000 Ford F-150 pick-up truck through the eGOV program was presented.

Jason Swain, Public Works Supervisor, was present and stated that the existing 2000 Ford F-150 was in need of major repairs and that the F-350 was a necessary replacement to incur the load capacity of the salt spreader during the winter season. There were no public comments. See Council Actions.

Resolution No. R-07-2016 - A Resolution authorizing the Council's Action on a Variance request by Knowles Associates, LLC (10400 Connecticut Avenue) for a waiver on the Town's landscaping requirements within Section 6-104 (c) "Signs and Commercial Regulations" was deferred until the April 25th Town Meeting.

A Public Hearing on Ordinance No. O-01-2016 Budget Ordinance for Fiscal Year 2016-17 was held. The budget was introduced at the March 14th Council Meeting.

Town Manager Daily stated that the Town received an exempt status from the State of Maryland for the constant yield tax rate, which allows for a continuation of the existing property tax rate. Mr. Daily mentioned that in addition to maintaining the existing property tax rates, he is proposing the following: 1) an increase of four (4) percent for employee salaries; 2) funding for two separate part-time positions – one for Public Works and one for Administrative help; 3) increase funding to the defined benefit plan with an additional \$130,000; and 4) add \$750,000 to the Capital Improvement Budget (CIP). Mr. Daily also noted that the Town was not impacted much by the Wynn Case decision, nor were we affected much by the State's miscalculation on income disbursements from non-Residents of municipalities.

The Mayor stated an email was received from Duane Rollins requesting the Council consider reviewing our existing parking permit fees to determine if they are appropriate with other localities; purchase bicycle lockers for the Metropolitan parking lot; review the utilization of residential lots for permitting organized sports teams; reduce trash collection to one day a week

and have recycling collections twice a week; repair existing speed humps and traffic control devices; and to consider a three-way stop at the intersection Howard Avenue and Fawcett Street.

Paul Sexton stated he commended the previous Council for increasing the Council's compensation.

Joseph Campbell encouraged the Council to provide greater transparency with regards to employee salaries within the Town Budget, and requested that each employee's salary be listed as a line item.

The Mayor stated that employee salaries are public information and are readily available upon request; and also stated that the proposed four (4) percent increase was modest, as the Town Manager researches and compares salaries with other jurisdictions on a yearly basis, and that the staff's salaries tend to be lower when compared to surrounding municipalities.

The Council concurred that it was not necessary for each individual employee's salary to be listed within the Budget document.

The Mayor stated that the Noyes Children's Library Foundation will be attending the April 25th Council Meeting to present a funding request for their proposed renovation project. Mr. Fosselman also requested that Town Manager Daily include funding for the Kensington Car Show within the FY17 Budget.

Council Member Rodriguez will discuss the contribution to the Car Show at the next Event Committee Meeting.
See Council Actions.

Resolution R-05-2016 – A Resolution of the Mayor and Council to approve an Agreement with Montgomery County concerning the Comcast Cable Franchise was presented for approval. There were no public comments. See Council Actions.

Resolution R-06-2016 – A Resolution of the Mayor and Council of the Town of Kensington to approve an Agreement with Montgomery County concerning the Verizon Cable Franchise was presented for approval. There were no public comments. See Council Actions.

Council Member McMullen stated the agreements to the Resolutions relate to the culmination of the negotiations the Town Attorney went through to negotiate what the Town was interested in having in the contract.

Council Actions –

Council Member Bartram moved to approve the Minutes from the March 28, 2016 Town Meeting. Council Member McMullen abstained. The motion passed unanimously.

Council Member McMullen moved to adopt Resolution No. R-08-2016 to authorizing the Town Manager to purchase a 2016 Ford F-350 pick-up truck from Apple Ford, Inc. and to sell the

existing 2000 Ford F-150 pick-up truck through the eGOV program. The motion passed unanimously.

Council Member McMullen moved to close the Public Hearing on Budget Ordinance No. O-01-2016 for the Fiscal Year 2016-17 Budget and hold the record open until 4 p.m. on May 6th for consideration of adoption at the May 9th Town Meeting. The motion passed unanimously.

Council Member McMullen moved to adopt Resolution R-05-2016 to approve an agreement with Montgomery County concerning the Comcast Cable Franchise. The motion passed unanimously.

Council Member McMullen Moved to adopt Resolution R-06-2016 to approve an agreement with Montgomery County concerning the Verizon Cable Franchise. The motion passed unanimously.

Council Member Rodriguez moved to adjourn the Town Meeting at 9:08 p.m. The motion passed unanimously.