

Town Council Summary from the August 14, 2017 Town Meeting

- Approved the Town Organizational and Regular Meeting Minutes from July 10, 2017.
- Discussed supporting possible State legislation to allow Class D Alcohol Licenses within the Town. The Council directed staff to work with our State Delegates on drafting legislation for review at the September meeting.
- The Council concurred to remove the existing decorative tree lights along Howard Avenue and replace them with lights that will require less maintenance.
- Held a Public Hearing on Ordinance No. O-02-2017 - An Ordinance of the Mayor and Town Council amending Chapter V, "Housing and Building Regulations", by amending and re-enacting Article 1, "Building Code", Section 5-109, "Fences, Walls and Retaining Walls", and Article 2, "Housing Code", Section 5-201, "Montgomery County Housing Code Adopted"; enacting new Section 5-202, "New Home Warranty and Builder Licensing", and Section 5-203, "Parking on Yards and Greenspace". *The Record will be held open until 4:00 pm on Wednesday, September 6, 2017.*
- Approved Resolution No. R-12-2017 - A Resolution of the Mayor and Town Council authorizing the Town Manager to extend a contract with NZI Construction for the milling and paving of certain Town streets.
- Approved Resolution No. R-13-2017 - A Resolution of the Mayor and Town Council revising the membership of the Development Review Board (DRB) to confirm/reconfirm appointments.
- Approved Resolution No. R-14-2017 - A Resolution authorizing the Town Manager to install "No Thru Traffic" signs on Prospect Street, near Summit Avenue, and on Baltimore and Washington Streets, near Connecticut Avenue, to prohibit thru traffic.

Town Meeting 7:00 p.m.

Mayor Furman, Council Members Bartram, Crimmins, McMullen, and Rollins, Town Manager Daily, Assistant Town Manager Hoffman, and Clerk-Treasurer Engels were present. The Pledge of Allegiance was recited and a Moment of Silence was observed.

The Organizational and Town Meeting Minutes from July 10, 2017 were reviewed and approved. See Council Actions.

From the Mayor and Town Council

Council Member Bartram reported that a number of Residents have requested that the Traffic Committee consider a three-way stop at the intersection of Carroll Place, Montgomery Avenue, and Hadley Place, and also inquired about extending the existing sidewalk further south along Montgomery Avenue. Mr. Bartram stated the Traffic Committee would review the request at their next meeting.

Council Member Rollins reported that Food Truck Nights now include local breweries Waredaca and Denizens; and thanked Arlene Antonicelli and Sharon Murphy, along with Mark Hudson, for their continued maintenance of the water fountain at Flinn Park.

Council Member Crimmins reported that the Greenscape Committee recommended the Town hire a pool company to maintain the fountain, and also requested the placement of a recycling can at the park; noted that the Committee discussed approving a set list of trees for planting areas within the Town, reestablishing our Tree City designation, and creating a gardening communication for the Around Town Journal; the Committee will be reviewing the vegetation inventory for Clum Kennedy Park; and announced that the Town has submitted a grant for a picnic pavilion at St. Paul Park.

Mayor Furman reported that the Montgomery County Department of Transportation (MCDOT) will be hosting a second public meeting regarding the proposed Summit Avenue Extension project on September 14th, beginning at 7:00 pm; the MOU between the Town and M&T Bank for the mural along Howard Avenue was finalized; the contract with Actualize Studios for the new Town website was completed; and noted that the furniture within the Victorian Room had been removed, with the proceeds benefiting the Noyes Children's Library and the Women's Club of Kensington.

From the Town Manager and Staff

Town Manager Daily requested that the Council provide guidance for possible State Legislation to allow Class D Alcohol licenses within the Town. Mr. Daily noted that the request for Class D licenses had been raised by Tom Brault and Ki Yoon at a previous Council meeting in order to allow for a potential wine bar within the Town. In addition, the Dish & Dram, made a separate request to the Town to allow for Caterer's licenses within existing Class B licenses.

The Council discussed and concurred to support State Legislation for Caterer's Licenses and possibly loosen existing restrictions on our Class A Licenses, to include allowing the sale of singles and refrigeration.

Delegate Carr was present and discussed the process for introducing possible legislation in favor of Class D licenses, and stated that he had already filed a placeholder for the legislation, which would allow for amendments as late as February 2018.

The Council discussed the number of Class D licenses that may be issued, and also considered potential restrictions on operating hours.

Mr. Brault, 10414 Detrick Avenue, announced that he had secured the permits for the redevelopment of the Hawkins property, which would include the aforementioned wine bar. Mr. Brault anticipates that the project will begin in September and the property will include at least two additional tenants and will have approximately 40 parking spaces.

Mr. Yoon, the operating manager of the proposed wine bar, discussed the business plan and requested that the Council not restrict operating hours and follow the County's 1:00 am closing time; and also recommended that the Town allow any mixture of three licenses.

Council Member Crimmins questioned whether a universal approach to legislation could be taken and work with businesses on a case by case basis depending on future complaints and past

performance.

Council Member Rollins questioned whether one operation could obtain two separate Class D Licenses.

Council Member Crimmins stated that he visited Downtown Crown Wine & Beer, which is the proposed business model for the wine bar, and was favorable of the quality of products available, but noted it was a set in a different environment than the Town.

The Mayor and Council discussed and concurred that the closing time for Class D License holders should be comparable to the County's 1:00 am standard.

Town Manager Daily discussed the decorative tree lighting options along Armory and Howard Avenues, and explained that the existing issues relate to the ground fault interrupters, which cause the lights to go out when it rains.

The Mayor and Council discussed the problems with the existing lights and concurred to remove them and install straight line party lights, similar to what has been installed at the Kensington Shopping Center.

Mayor Furman noted that the Council will be meeting with the Town Attorney for a work session on September 25, 2017 to discuss commercial sign regulations.

Public Appearances

Leslie Olson suggested that the Council discuss the proposed picnic pavilion in greater detail before the project moves forward, especially concerning the proposed lighting.

Council Member Crimmins and Rollins noted that the lighting would include security lighting for the park.

Joseph Campbell questioned whether the MCP bicycle patrol is ongoing; requested a list of crosswalk upgrades; and questioned whether the crosswalk at Kensington Parkway and Kent Street is on the list.

Mayor Furman explained the police do not have a set schedule for the bicycle patrols and noted that they have been actively patrolling through the summer months. The Mayor reminded Residents that the bike patrols are not part of the Town's additional enforcement and do not monitor stop signs or time restrictions.

Town Manager Daily reviewed the crosswalks for upgrades and explained that the crosswalk at Kensington Parkway and Kent Street is not on the list due to the necessity of relocating an existing storm drain.

Arlene Antonicelli requested clarification of the parking signs along Montgomery Avenue, which are inconsistent and asked about obtaining a guest pass. Ms. Antonicelli also requested that the No Left Turn sign along the northbound lane of Kensington Parkway at Kent Street be

removed.

Paul Sexton suggested adding lights to Flinn Park around the fountain.

Ordinances, Resolutions, Regulations

Resolution No. R-12-2017 – A Resolution of the Mayor and Town Council authorizing the Town Manager to extend an existing contract with NZI Construction Corporation for the milling and paving of certain Town streets was discussed. See Council Actions.

Town Manager Daily explained the Town is authorized by State law and our Town Charter to piggy-back off of existing government contracts with similar bidding requirements. In reviewing the most recent Montgomery County and Prince Georges County paving contracts, Mr. Daily concluded that the unit prices submitted by NZI Constructions are comparable and he recommended adding \$300,000 to the budget this year.

Jon Gerson questioned whether the Town is able to coordinate with the utilities on upcoming paving contracts.

Town Manager Daily stated that the Town submits our paving schedule to the utilities; unfortunately, projects do not always coincide.

Joseph Campbell questioned the duration of the NZI contract and how many years the Town has piggy-backed off of other bids. Mr. Campbell also questioned the merit of the renewal with NZI, as he did not believe their performance warranted an extension.

Paul Sexton questioned whether Summit Avenue is on the Town's paving schedule.

Town Manager Daily explained that Summit Avenue is under the jurisdiction of Montgomery County and that WSSC will be repaving the street following the completion of the water main project.

Resolution No. R-13-2017 – A Resolution of the Mayor and Town Council to revise the membership of the Development Review Board (DRB) and confirm/reconfirm appointments was discussed. See Council Actions.

Town Manager Daily explained the Resolution is to clarify the intent of the original appointments from the Town Council, which will now coincide with designations following the Town's annual Organizational Meeting.

Resolution No. R-14-2017 – A Resolution of the Mayor and Town Council authorizing the Town Manager to install "No Thru Traffic" signs on Prospect Street, near Summit Avenue, and on Baltimore and Streets, near Connecticut Avenue, to prohibit thru traffic was discussed. See Council Actions.

Council Member Bartram explained the Resolution is to prevent cut thru traffic during the morning and evening rush hours, following a petition by Residents.

Mayor Furman stated she received one comment from an individual outside of the Town in opposition to the Resolution.

Brett Bagshaw spoke in support of the Resolution.

Ordinance No. O-02-2017 –A Public Hearing was held on an Ordinance of the Mayor and Town Council amending Chapter V, “Housing and Building Regulations”, by amending Article 1, “Building Code”, by adding Section 5-109, “Fences, Walls and Retaining Walls”, and Article 2, “Housing Code”, by repealing and re-enacting Section 5-201, “Montgomery County Housing Code Adopted”; enacting new Section 5-202, “Maintenance of Structures and Fixtures”; and renumbering Sections 5-202, “New Home Warranty and Builder Licensing” and 5-203, “Parking on Yards and Greenspace”.

Town Manager Daily stated that the Ordinance was drafted to limit the height of fences within the front plane of a property to four (4) feet, which was the previous regulation under the County prior to a zoning text amendment a few years back. Mr. Daily also reviewed suggested amendments to the Ordinance from the Town Attorney following earlier comments from the Council.

Kathy Buss requested clarification of the public right-of-way and how she would replace an existing fence/retaining wall located on the private property line, and if her side yard would be considered a front plane as well since she is a corner lot.

Town Manager Daily explained that a fence may not be placed within the public right-of-way.

Mayor Furman stated that Ms. Buss’ situation would require a Variance from the Council to place a fence in excess of four (4) feet in height on her side yard since she has a corner lot.

Leslie Olson stated the Ordinance was difficult to follow and noted inconsistencies in the numbering. Mr. Olson also suggested that the front plane be defined for corner lots within the Ordinance.

Assistant Town Manager Hoffman noted an error within the numbering of Sections and stated he would contact the Town Attorney to revise.

Council Members Crimmins and Rollins discussed shortening the violation times with regards to parking on greenspaces.

Council Member Bartram suggested addressing parking in yards at a separate time, as the Ordinance pertains to fencing.

Mayor Furman stated that any amendments would be strictly related to fences.

Council Member Rollins requested that fences be required to face outward.

Assistant Town Manager Hoffman stated there is no existing County or Town regulation requiring fencing to face outward.

The Council concurred that fences placed within the front plane of the house, including corner lots, should face outward.

Council Actions

Council Member McMullen moved to approve the Organizational Meeting Minutes from July 10, 2017. The motion passed unanimously.

Council Member McMullen moved to approve the Town Meeting Minutes from July 10, 2017. The motion passed unanimously.

Council Member Bartram moved to approve Resolution R-14-2017 authorizing the Town Manager to install “No Thru Traffic” signs on Prospect Street, near Summit Avenue, and on Baltimore and Washington Streets, near Connecticut Avenue, to prohibit thru traffic. The motion passed unanimously.

Council Member McMullen moved to hold the public record open on Ordinance No. O-02-2017 amending Chapter V, “Housing and Building Regulations”, by amending Article 1, “Building Code”, by adding Section 5-109, “Fences, Walls and Retaining Walls”, and Article 2, “Housing Code”, by repealing and re-enacting Section 5-201, “Montgomery County Housing Code Adopted”; enacting new Section 5-202, “Maintenance of Structures and Fixtures”; and renumbering Sections 5-202, “New Home Warranty and Builder Licensing” and 5-203, “Parking on Yards and Greenspace”. until 4 p.m. September 6, 2017. The motion passed unanimously.

Council Member McMullen moved to approve Resolution R-12-2017 authorizing the Town Manager to extend an existing contract with NZI Construction Corporation for resurfacing certain Town streets. The motion passed unanimously.

Council Member Rollins moved to approve Resolution R-13-2017 to revise the membership of the Development Review Board and Confirm/Reconfirm appointments. The motion passed unanimously.

Council Member Crimmins moved to adjourn the Town Meeting at 9:33 pm. The motion passed unanimously.