

Town Council Summary from the August 8, 2016 Town Meeting

- Approved the Organizational and Town Meeting Minutes from July 11, 2016.
- Moved to place a moratorium on all residential fence permits exceeding four (4) feet in height, which are to be located within the front plane of any residential property, until the current regulations can be reviewed.
- Approved a \$1,000 donation to the Montgomery County Police for the purchase of two bicycles to be used within the Town; the donation supplements a \$1,000 donation made by Splaine Security Systems.
- Held a *Public Hearing* on Charter Resolution CR-01-2016 - A Charter Resolution to Amend Article IV "The Council", Section 405, "Meetings of the Council", to change the date of the required Organizational Meeting to the First Council Meeting in July, and to make certain non-substantive changes. *The Public Record will remain open until 4:00 pm on Friday, September 9th.*
- Held a *Public Hearing* on Ordinance No. O-02-2016 - An Ordinance Amending Chapter IV, "Traffic and Vehicles", Article 2, "Parking", Section 4-201, "General Parking Restrictions", to prohibit commercial vehicle parking on Town rights-of-ways. *The Public Record will remain open until 4:00 pm on Friday, September 9th.*
- Held a *Public Hearing* on Ordinance No. O-03-2016 - An Ordinance Amending Chapter VIII, "Health and Environmental Regulations", Article 4, "Property Maintenance", Section 8-403, "County Clean and Lien Regulations Adopted", to authorize the Town to enforce County regulations. *The Public Record will remain open until 4:00 pm on Friday, September 9th.*
- Approved Resolution No. R-11-2016 - A Resolution authorizing the Town Manager to extend an existing contract with NZI Construction, LLC, for the resurfacing of additional Town streets.
- Approved Resolution No. R-12-2016 - A Resolution authorizing a contract with Maier Warner to serve as the marketing and public relations representatives for the Town of Kensington.

August 8, 2016

Town Meeting 7:04 p.m.

Mayor Furman, Council Members Bartram, McMullen, Rodriguez, and Rollins, Town Attorney Ferguson, 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 for Steven Casso, Philip Kurz, Jan Jablonski, and Mike Manos.

The Organizational and Town Meeting Minutes from July 11, 2016 were reviewed and approved. See Council Actions.

From the Mayor and Town Council –

Council Member Bartram suggested that the Town coordinate with the Kensington Volunteer Fire Department to help promote National Night Out; noted that the fence located at 10701 St. Paul Street was approved following a change in regulations by the County, thus allowing fences

6' 5" or less within the front yard; and stated he has reviewed other local municipalities that regulate fences and suggested the Town consider similar regulations on fences in front yards.

Town Attorney Ferguson confirmed that the Town is allowed to regulate fences on residential properties under Section 25-09, and any future legislation would require notification to the County, a Public Hearing, and a variance process. Ms. Ferguson suggested a moratorium could be imposed until the current regulations could be reviewed. See Council Actions.

Jack Gaffey noted fences cannot extend into the Town's right of way.

Peter Fosselman commended the Council for imposing a moratorium on front yard fences.

Leslie Olson suggested the Council ensure that any future fencing regulations do not penalize property owners, especially commercial properties that need higher fences.

Matthew Weber noted that it would be beneficial for the Town to provide contractors and homeowners guidance on residential fencing.

Council Member McMullen noted that a Traffic Committee meeting will be scheduled for September to discuss outreach and awareness for traffic regulations and calming devices; Mr. McMullen also noted, in response to a concern with regards to parking along Kensington Parkway access road, Residents have not noticed an issue and stated that the Town's radar recording device has showed 80 to 90 percent of vehicles traveling at or below the posted speed limit.

Council Member Rodriguez reported that both the Greenscape and Events Committees would be meeting later that week.

Council Member Rollins thanked the Mayor and Town staff for addressing a number of code enforcement issues brought up at the previous Council Meeting, and noted that the light poles at the Train Station were in need of painting.

Council Member Rollins presented a proposal for creating a Golden Leaf Award program, which would recognize businesses for aesthetic improvements, such as a welcoming garden; placement of an awning; creative window displays; façade improvements, installation of a water feature, performing a public service, or coordinating a unique Town activity that promotes the well being of the Town. Mr. Rollins suggested an annual reception at Town Hall to recognize five to six businesses and a budget not to exceed \$1,500.

Council Members Bartram and McMullen expressed concern over the program and questioned the objectivity of the awards; they also asked if the reception could be included within an existing event or if the award recipients could be recognized through the Town Journal or by Maier Warner on Explore Kensington.

Matthew Weber suggested an award that could be displayed on the front door of the respective business.

From the Town Manger and Staff

Lt. O'Neil Ormsby, Montgomery County Police, presented a proposal and request for funding to purchase two (2) bicycles for the Department, which would allow for officers to patrol various areas of the Town. The funding request was for 2,000. See Council Actions.

Mayor Furman stated that Sam Splaine, Splaine Security Systems Inc., generously contributed \$1,000 towards the requested \$2,000 in honor of their daughter, Christina Splaine.

Conor Crimmins spoke in support of the bicycle program and questioned where the bicycles would be housed, regularity of use, and maintenance.

Lt. Ormsby stated that the Department currently had two (2) officers certified for the program and that due to the nature of police work, he could not confirm a determined schedule, and that maintenance would be covered by the Department.

Jack Gaffey spoke in support of the funding request for the bicycle program by the Montgomery County Police.

From the Public –

Julie O'Malley, on behalf of the Kensington Historical Society, thanked the Town for the pergola at Howard Avenue Park.

Leslie Olson noted that while Metropolitan Avenue was under construction, the street was impassable, and requested that in the future this be addressed with a temporary measure. Ms. Olson also stated the new ADA ramp at Metropolitan and St. Paul blocks half of the sidewalk.

Ordinances, Resolutions, Regulations –

Charter Resolution No. CR-01-2016 - A Public Hearing was held to Amend Article IV, "The Council", Section 405, "Meetings of the Town Council", to change the date of the Organizational Meeting from the first Monday in July to the first Council Meeting in July, and to make certain non-substantive changes.

Town Attorney Ferguson stated that the Amendment is being proposed to correct a scheduling conflict when the first Monday in July is the 4th of July. The Ordinance would allow the Council to schedule the Organizational Meeting for the first meeting in July, correcting the issue. There was no public comment. The Public Record will remain open until 4:00 pm on Friday, September 9, 2016. See Council Actions.

Ordinance No. O-02-2016 – A Public Hearing was held to Amend Chapter IV, "Traffic and Vehicles", Article 2, "Parking", Section 4-201, "General Parking Restrictions", to prohibit commercial vehicle parking on Town rights-of-way.

Town Attorney Ferguson stated that while the Town has regulations pertaining to commercial vehicles carrying freight and merchandise, there are no specific regulations to the parking of commercial vehicles. Ms. Ferguson noted that the intent of the Ordinance is to clarify the type(s) of vehicles and times when certain commercial vehicles may be prohibited from parking on Town rights-of-way. The Ordinance would restrict the size of commercial vehicles on residential streets and prohibit advertising.

The Council discussed the reservation of not wanting to penalize residents with commercial vehicles or vehicles that may exceed the weight restrictions. In addition, they were concerned about the definition of advertising on vehicles. The Public Record will remain open until 4:00 pm on Friday, September 9, 2016. See Council Actions.

Matthew Weber, Frederick Avenue, spoke in support of the Ordinance.

Peter Fosselman, Dupont Avenue, commended the Council on the Ordinance, and noted examples from around the County where multiple commercial vehicles have overtaken residential areas, and stated that an exemption for Residents would not work.

Conor Crimmins, St. Paul Street, recognized the challenge of the Ordinance, and suggested more thought be given to the advertising restriction, as this may adversely affect Town Residents.

Leslie Olson, Wheatley Street, stated the Ordinance was overly restrictive.

Matthew Weber, St. Paul Street, stated that although drafting the Ordinance may be challenging, it was important to restrict commercial vehicles.

Council Member Bartram suggested reviewing Ordinances from other municipalities on commercial vehicle regulations.

Town Attorney Ferguson stated that she would review existing regulations pertaining to other local municipalities, and noted that the Ordinance could be amended to be more general in nature with regards to advertising.

Ordinance No. O-03-2016 - A Public Hearing was held to Amend Chapter VIII, "Health and Environmental Regulations", Article 4, "Property Maintenance", Section 8-403, "County Clean and Lien Regulations Adopted", to authorize the Town to enforce County regulations.

Town Manager Daily explained that the Ordinance would allow the Town to enforce all of Chapter 26 of the County Code, which will help with specific violations, especially pertaining to property maintenance.

Town Attorney Ferguson stated that the Council would need to decide what class of municipal infraction would be applied, if a property is found in violation of Chapter 26.

The Council concurred that a Class A municipal infraction, \$520, would be applied to violations.

Town Attorney Ferguson stated the importance of compliance first when dealing with property maintenance violations, and clarified that there would be a fee for the cost of abatement along with the municipal infraction. The Public Record will remain open until 4:00 pm on Friday, September 9, 2016. See Council Actions.

Conor Crimmins, St. Paul Street, stated he brought the issue before Council previously due to the condition of the property at 10549 St. Paul Street, and recommended that a Class A infraction be applied to the Ordinance.

Resolution No. R-11-2016 - A Resolution authorizing the Town Manager to extend an existing contract with NZI Construction Corporation for resurfacing additional streets.

Town Manager Daily stated that the unit pricing from the 2014 contract was being extended, and that there is still some funding remaining for street resurfacing, and an additional \$500,000 was added to the street resurfacing Capital Budget this year.

Town Attorney Ferguson stated that the contract should be extended through a specific date, June 30, 2018. There were no public comments. See Council Actions.

Resolution No. R-12-2016 – A Resolution extending a contract with Maier Warner Public Relations, LLC to serve as marketing and public relations representatives for the Town.

Town Manager Daily stated a contract has been prepared similar to the prior year for \$36,600 for services, and an additional \$16,400 for specific items, which he requested the Council review.

Council Member Rodriguez questioned the high cost of the list for direct mailing, which the Mayor will check on with Maier Warner.

Elisenda Sola-Sole, Fawcett Street, spoke in support of Maier Warner and the amazing work Kariann has done, and the effectiveness of branding the Town. Ms. Sole-Sole also requested the festivals be included in their scope of work, and clarified that the Town owns the Explore Kensington website.

Mayor Furman stated that the marketing has made a difference in getting the word out about Kensington, part of marketing is consistency, and trying to do marketing in-house we lose the consistency. She also stated Maier Warner made the Fox 5 Zip Trip happen which did not cost anything additional.

Council Actions –

Council Member McMullen moved to approve the Organizational and Town Meeting Minutes from the July 11, 2016 Town Meeting. The motion passed unanimously.

Council Member Bartram moved to impose a moratorium on issuing permits for fences over four feet tall in the front plane of any residential area. The motion passed unanimously.

Council Member McMullen moved to approve a donation of \$1,000 to be used in conjunction with a private donation to purchase two bikes for the Montgomery County Police Department Bethesda station for patrolling around Kensington. The motion passed unanimously.

Council Member McMullen moved to hold the record open on Charter Resolution CR-01-2016 until 4 p.m. on September 9, 2016. The motion passed unanimously.

Council Member McMullen moved to hold the record open on Ordinance No. O-02-2016 until 4 p.m. on September 9, 2016. The motion passed unanimously.

Council Member McMullen moved to hold the record open on Ordinance No. O-03-2016 until 4 p.m. on September 9, 2016. The motion passed unanimously.

Council Member McMullen moved to approve Resolution R-11-2016 and amend the Resolution to include the ability for Town Manager to extend contract through June 30, 2018. The motion passed unanimously.

Council Member McMullen moved to approve Resolution R-12-2016 extending a contract with Maier Warner Public Relations, LLC to serve as marketing and public relations representatives for the Town. The motion passed unanimously.

Council Member Rodriguez moved to adjourn the Town Meeting at 9:17 p.m. The motion passed unanimously.