

Town Council Summary from the February 13, 2017 Town Meeting

- Approved the Town Meeting Minutes from January 9, 2017.
- Acknowledged the appointment of Jeff Capron, Leslie Olson, and Kerry Thompson to the Audit Committee.
- Held a Courtesy Review for the proposed redevelopment project at 10414 Detrick Avenue.
- Supported the Maryland Municipal League's position opposing House Bill 0859: Business Regulations - Trader's and Chain Stores Licenses and Personal Property Tax - Fee Exemptions.
- Approved [Resolution No. R-02-2017](#) - A Resolution authorizing a contract to be executed with Linton, Shafer, Warfield & Garrett, P.A., to perform the annual Audit for Fiscal Year 2016-17.
- Approved [Resolution No. R-03-2017](#) - A Resolution confirming the appointment of David Beudet and David Weeda to the Ethics Commission.
- Approved [Resolution No. R-04-2017](#) - A Resolution confirming the appointment of Martha Deale, Spencer Harrill, and Jenny Smith to the Board of Supervisors of Elections.
- Approved [Resolution No. R-05-2017](#) - A Resolution confirming Brian Hak and Paul Sexton to the Development Review Board (DRB).

February 13, 2017

Town Meeting 7:00 p.m.

Mayor Furman, Council Members Bartram, McMullen, Rodriguez, and Rollins, Town Manager Daily, Assistant Town Manager Hoffman, and Clerk-Treasurer Engels were present. The Pledge of Allegiance was led by Girl Scout Troop #1189.

Girl Scout Troup #1189 announced that they were in attendance to achieve their civics badge, and discussed their current activities within the community, which included: donating pet beds and toys to the local animal shelter; packaging and delivering presents; and baking cookies for NIH.

The Council acknowledged Dorothy Warren's 100th Birthday and held a moment of silence.

David Beudet was sworn in to the Ethics Commission.

Kerry Thompson and Leslie Olson were sworn in to the Audit Committee

The Town Meeting Minutes from January 9, 2017 were reviewed and approved. See Council Actions.

From the Mayor and Town Council –

Council Member McMullen reported that the Traffic Committee will convene March 1st, 7 pm; and that the Walter Johnson Cluster roundtable will be meeting next week to discuss long range

planning.

Council Member Rodriguez reported the Events Committee will be meeting on February 16th and the Greenscape Committee will be meeting February 18th at Clum Kennedy; announced that Kensington Can! will be sponsoring a Paper Airplane Day on May 21st at St. Paul Park; and noted that Officer Oliver Janney, Montgomery County Police, will be attending the March 13th Council Meeting to discuss community policing.

Mayor Furman noted that a rendering for the proposed mural along Howard Avenue will be presented at the March 13th Council Meeting; announced that a Council worksession will be held on February 27th to discuss proposed amendments to the sign ordinance; and will be creating an ad hoc committee to determine updates and uses for the Victorian Room.

The Mayor re-appointed Jeffrey Capron, Leslie Olson, and Kerry Thompson to the Audit Committee.

A courtesy review was held for the proposed redevelopment project at 10414 Detrick Avenue, Hawkins property.

Peter Fosselman, Development Review Board (DRB) Chair, reported that the DRB met on February 8th with Tom Brault, Woodside Ventures, and reviewed the proposed project at 10414 Detrick Avenue. Mr. Fosselman stated that a few concerns were raised by the DRB to include parking, loading, signage, and lighting, but stated that Mr. Brault agreed to address these concerns.

The DRB recommended approval of the proposed redevelopment project to the Council and also recommended supporting an amendment to allow a Class D Beer and Light Wine classification for the property.

Tom Brault and Joe Falcon, Woodside Ventures, presented renderings of the proposed redevelopment project at 10414 Detrick Avenue, and stated that they plan to anchor the property with a beer and wine tasting restaurant; which would require approval a Class D Beer and Light Wine license. Mr. Brault noted that he also anticipates Verizon opening in one of the units.

Mayor Furman noted that it was too late to submit legislation to the General Assembly to amend the Town's liquor regulations to allow a Class D license; however, it was suggested that the item could be attached to an existing bill. The Mayor cautioned moving forward with this approach.

Council Member Rodriguez stated that it is a difficult process to amend our alcohol laws in Annapolis, but the late filing period is still available, and suggested that the Town would have to move quickly and discuss the matter with our Delegation.

Peter Fosselman reminded the Council of the Town's alcohol laws and suggested that although he and the DRB are in support of the Class D license for 10414 Detrick Avenue, he would like to discuss the matter with Delegate Barkley, Alcoholic Beverages Committee Chair, prior to moving forward.

Peter Bartram stated that the proposed redevelopment of 10414 Detrick Avenue would improve the property; however, he suggested avoiding any tenants with carryout food because of the litter he finds on his property; and also noted his concerns with additional traffic congestion, which already backs up at Knowles Avenue.

Stephanie Cook asked about the use of the Hardware City lot next to the Hawkins property and the potential impact of traffic following the redevelopment. Ms. Cook also encouraged access for greater pedestrian traffic.

David Mitchell suggested more greenspace instead of paved surfaces for the proposed redevelopment.

Tom Brault stated that the current site is already paved and does not currently have a storm water management system, and that the proposed project will implement a storm water management system, apply additional green space, and provide a pedestrian friendly corner with Knowles Avenue. Mr. Brault addressed traffic concerns by stating that he believes the impact will be less than it is now and that the proposed project did not require a traffic review due to the size of the project.

The Council thanked Mr. Brault for presenting the project and agreed that the proposal was within the scope of the Kensington Sector Plan.

The Council Discussed House Bill 0859 (HB859) – Trader’s and Chain Stores Licenses and Personal Property Tax – Fees and Exemptions.

Council Member Rodriguez explained that the bill was introduced by Delegate Carr in an effort to streamline the corporate tax code, and in doing so, referenced the closing of Hardware City, suggesting that the Town’s inventory tax was partially to blame. However, upon further investigation, it was determined that Hardware City’s lease was up for renewal, and the owners decided not to continue operation.

Mr. Rodriguez explained that businesses are required to report their on-site inventory, in which the Town taxes through the Personal Property Tax at a rate of \$0.70 per \$100 of assessed value. Some jurisdictions have decided to exempt a percentage of the inventory tax or not tax it all, such as Montgomery County. However, the proposed bill would take away the Town’s authority to levy any inventory tax and also change the tiered structure of trader’s licenses by requiring all businesses to pay a \$300 annual fee.

The Mayor and Council discussed the proposed legislation and noted that they have not previously heard opposition to the tax from the business community, and questioned whether they should support legislation that would ultimately eliminate municipalities from having the authority to tax inventory. The Council also noted that the proposed legislation would adversely affect many businesses in Town, as the trader’s license fee would be increased to a flat fee of \$300.

Council Member Bartram stated it would be useful to inquire with a commercial broker to determine if the Town's inventory tax affects businesses when considering locating within the Town. Mr. Bartram also suggested reviewing the full impact of what commercial businesses pay and to determine if this is a fair balance.

Town Manager Daily explained that the Maryland Municipal League's (MML) legislative committee has opposed HB859, as it takes away the power of municipal governments to levy a tax and does not identify an adequate revenue replacement. Mr. Daily explained that the revenues the Town receives from the inventory tax is represented within the Town's Economic Development expenditures. Mr. Daily also noted that the Town has asked Delegate Carr to withdraw the legislation and to continue to work with MML on a more appropriate bill.

Peter Fosselman stated that if the Town supported HB859, it would contradict the opinion of MML.

Conor Crimmons requested clarification on what is classified as inventory and stated that although it is not the best system, it does not make sense to impose the inability of a municipality to collect an inventory tax.

See Council Actions.

Town Manager Daily reported that he spoke with Bill Ayoub, Ayoub Carpet, and that Mr. Ayoub has agreed to install a timer to the exterior sign at his business. The sign will not be lit between 9:30 pm and 5:30 am.

From the Public –

Julie O'Malley, Kensington Historical Society President, stated that the next Historical Society meeting will be held on February 21st in the Octagon Room of St. Paul's Methodist Church, and will feature Michael Robinson, who takes on the persona of President Lincoln's Police Chief the night Lincoln was murdered.

Kerry Thompson stated she and other neighbors have expressed concern over the lighting and thanked the Town, along with Mr. Ayoub, for addressing the matter; she also suggested that when reviewing the sign ordinance to address illumination and whether it can be regulated at a greater distance from residential properties.

Lindsey Nichols thanked the Town for contacting Mr. Ayoub and reiterated the importance of strengthening the sign ordinance to protect the residential areas.

Arlene Lukacs thanked the Town as well and noted that the sign's light reflects into her bay window.

Stephanie Cook asked if the Town could contact CSX about the continued sound coming from the speakers at the Train Station.

Ordinances, Resolutions, Regulations –

Resolution No. R-03-2017 – A Resolution confirming the appointments of David Beaudet and David Weeda for two year terms to the Town’s Ethics Commission was presented. See Council Actions.

Resolution No. R-02-2017 – A Resolution authorizing the Town Manager to execute a contract with Linton, Shafer, Warfield & Garrett, P.A., to perform the annual audit for the Town of Kensington for Fiscal Year 2016-17 (FY17) was presented. See Council Actions.

Resolution No. R-04-2017 – A Resolution confirming the appointments of Martha Deale, Spencer Harrill, and Jenny Smith to the Board of Supervisors of Elections was presented. See Council Actions.

Resolution No. R-05-2017 – A Resolution to revise the membership of the Development Review Board (DRB) to reconfirm the appointments of Brian Hak and Paul Sexton was presented. See Council Actions.

Council Actions –

Council Member McMullen moved to approve Resolution No. R-03-2017 – A Resolution confirming the appointments of David Beaudet and David Weeda for two years terms to the Town Ethics Commission. The motion passed unanimously.

Council Member McMullen moved to approve the Town Meeting Minutes from January 9, 2017. The motion passed unanimously.

Council Member Rollins moved to support the position of MML’s Legislative Committee in opposing House Bill 0859 (HB859). The motion passed unanimously.

Council Member McMullen moved to approve Resolution No. R-02-2017 – A Resolution authorizing the Town Manager to execute a contract with Linton, Shafer, Warfield & Garrett, P. A., to perform the Annual Audit for the Town of Kensington for Fiscal Year 2016-17. The motion passed unanimously.

Council Member McMullen moved to approve Resolution No. R-04-2017 – A Resolution confirming the appointments of Martha Deale, Spencer Harrill, and Jenny Smith to the Board of Supervisors of Elections. The motion passed unanimously.

Council Member McMullen moved to approve Resolution No. R-05-2017 – A Resolution confirming the appointments of Brian Hak and Paul Sexton for two year terms to the Development Review Board. The motion passed three (3) to zero (0). Council Member Rodriguez abstained.

Council Member Bartram moved to adjourn the Town Meeting at 8:54 pm. The motion passed unanimously.