

February 8, 2016 Town Council Meeting:

- Approved the Town Meeting Minutes from December 14, 2015.
- The Mayor acknowledged receipt of the Audit Committee's Report for Fiscal Year 2014-15.
- Held a Courtesy Review of the proposed new home to be built at 3905 Prospect Street.
- The Council concurred with the landscaping requirements for commercial signs as defined by the Town Attorney; and added evergreens to the defined list of acceptable plantings.
- Postponed Action on Ordinance No. O-05-2015 - An Ordinance authorizing a non-exclusive franchise agreement between the Town of Kensington and Comcast of Potomac, LLC.
- Held a Public Hearing on Ordinance No. O-06-2015 - An Ordinance of the Mayor and Town Council Amending Chapter V "Housing and Building Regulations" to add Section 5-108, "Dumpsters and Other Storage Receptacles", to limit the time during which construction dumpsters and other receptacles are permitted on private residential property, prohibit installation of construction dumpsters and other receptacles on private residential property without a permit, and to institute a fine for non-compliance. The Public Record will remain open until 4:00 pm on Friday, March 11, 2016.

February 8, 2016

Town Meeting 7:08 p.m.

Mayor Fosselman, Council Members Bartram, Furman, McMullen, and Rodriguez, 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 Mayor asked that Toni Ward be kept in our thoughts and prayers as she continues to recuperate.

The Mayor tabled any action on Ordinance No. O-05-2015, an Ordinance authorizing a non-exclusive franchise agreement between the Town of Kensington and Comcast of Potomac, LLC, at the request of Montgomery County until the agreement could be finalized.

The Minutes from the December 14, 2015 Town Council Meeting were reviewed and approved. See Council Actions.

A Courtesy Review was held on the proposed new home to be built at 3905 Prospect Street. Richard Cantor, Hemingway Homes, stated that the building lines had been adjusted from his initial design over the summer, and no longer needed a variance for the side yard setbacks. Mr. Cantor detailed the new site plan and explained that both the width and depth of the house was reduced, and the overall square footage is down 20 percent from the original plans. A rendering of the home was presented.

Council Member Bartram clarified that the Town requires a ten (10) foot side yard setback, and also asked whether the house meets the requirement that two separate dwelling may not be closer than fifteen (15) feet.

Dean Packard, Engineer for Hemingway Homes, stated the neighboring property was five (5) feet from the property line, not including the fireplace projection, and the new house at 3905 Prospect Street met the requirement.

Assistant Town Manager Hoffman confirmed the neighboring house is five (5) feet from the property line.

Paul Sexton spoke in support of the house and thanked Mr. Cantor for his patience in re-submitting a plan.

The Council thanked Mr. Cantor and agreed the home fits well within the existing character of Prospect Street.

From the Mayor and Town Council –

The Mayor and Town Council commended the Crew and staff on a phenomenal job during the January snowstorm.

The Mayor reported: **1)** he attended the *Maryland Municipal League's Legislative Committee meeting* on January 13th, as the Committee annually hosts a reception for the Maryland General Assembly to highlight their legislative priorities; **2)** noted the Town hosted the *Montgomery County Planning Board* on January 14th, which included a tour of Town Hall, Manor Circle, Silver Creek, the bio-retention system at the Metropolitan Avenue parking lot, the home the Donatellis, along with Gala Artisan Jewelry & Gifts, and Frankly...Pizza! for lunch. The tour was initiated by Park and Planning to familiarize the Board with the Town and update them on progress made since the Sector Plan passed in 2012. The Mayor thanked all of those that hosted the Planning Board during their visit; **3)** attended an open house for the newly established *Villages of Kensington* on January 31st, along with Council Members Furman and Rodriguez, which is a volunteer organization designed to help members of the 20895 community; **4)** attended the *Annual Maryland Mayors' Association Conference* in Annapolis, as the Association's President, and hosted a reception at the Government House with Governor and Mrs. Hogan; **5)** held a press conference on behalf of the Maryland Mayors' Association encouraging State Legislation to fully restore *Highway User Revenues*, which attracted 80 mayors from across the State; **6)** thanked Town Manager Daily, along with staff, and Council Member McMullen for the excellent report submitted by the *Audit Committee* and noted that the Town's finances are in great shape; **7)** and thanked the Audit Committee members: Jeff Capron, Kerry Thompson, and Leslie Olson for their service.

Council Member Bartram reported he attended the Kensington Historical Society's presentation of the Kensington Historic District, and appreciated the many resources available to the community to assist our Residents.

Council Member McMullen reported: 1) the Town Crew, responsible for 8.2 miles of roadway, along with our contractors, was able to clear at least one passable lane within 15 hours of the last snowflake falling; and that the total estimated cost of the storm will be \$26,500. However, due to

the declaration as a snow emergency by the Governor, the Town will most likely be able to recoup some of the funds through FEMA; 2) attended the first public information meeting on the Walter Johnson Cluster roundtable on January 20th, and emphasized that the intent of the roundtable was to discuss possible solutions within the cluster and not to alter the existing border of the Walter Johnson cluster; the next roundtable discussion is scheduled for February 10th; 3) will be working with the Town staff to schedule a Traffic Committee meeting in the near future.

Council Member Furman reported that the Greenscape Committee met and discussed the installation of the pergola in early March, and decided that it will be dedicated to Wat Stewart, the founder of the Concert Series, on June 4th, beginning at 9:45 am; the Committee will also be holding an Arbor Day event in conjunction with the Day of the Book Festival on April 24th; will have an onsite meeting with County Parks to discuss planting trees along Silver Creek; and discussed placing a fountain at the encouragement of Mark Hudson, McEneaney Associates, and Paul Sexton, Edward Jones. The fountain has an estimated cost of \$40,000, according to Mr. Hudson, who has pledged a donation of \$10,000 towards the fountain. Council Member Furman also noted that a postcard highlighting Town events throughout the year will be sent out in early spring.

Mark Hudson discussed the proposed fountain at Flinn Park and noted that according to the supplier, the fountain will only require minimal maintenance and could be cleaned using bleach tablets weekly.

Laura Monahan, Co-Coordinator of the Day of the Book Festival, suggested taking the location of the fountain into consideration with respect to future events within Flinn Park.

Council Member Rodriguez reported that the Events Committee will hold their first meeting on February 23rd, 7 pm.

From Town Manager and Staff –

Town Manager Daily reported: 1) Eli Sola-Sole, Coordinator of the Day of the Book Festival, had requested that the Town contribute \$2,500 towards the event this year. The Council discussed the request and the importance of the event and the great exposure it brings to the Town, and agreed to contribute the requested amount of \$2,500; 2) requested clarification on the landscaping requirement within Section 6-104 (c) of the Town Code. Mr. Daily explained that there was no formal definition of the landscaping within the Code and a few businesses had asked for clarification. Town Attorney Ferguson provided a definition of landscaping and the Town Council concurred with Ms. Ferguson's opinion and added evergreens be included within the acceptable planting list.

The Mayor stated that the businesses with the remaining pole signs have been cooperating with the Town and asked for a status update on the Shell gas station sign.

Assistant Town Manager Hoffman stated that the Shell gas station was one of the businesses seeking clarification on our landscaping requirements.

From the Public –

Jack Gaffey commended the Town Crew for the excellent snow removal, and suggested that it would be helpful if the crew plowed the streets a little wider; and noted that the trash can at Frederick Avenue Park was missing.

The Mayor stated the Town will contact the County with regards to the trash can.

Leslie Olson thanked the Town Crew for clearing the streets and thanked the Residents on St. Paul Street for clearing their sidewalks; informed the Town that the commercial area on Plyers Mill and Metropolitan did not clear their sidewalks, including Pepco and Serve-Pro; and requested that the double-parking along Metropolitan Avenue by the businesses be addressed.

The Mayor stated that a number of municipal infractions were handed out to local businesses that failed to clear their sidewalks.

Ordinances, Resolutions, Regulations –

A Public Hearing was held on Ordinance No. O-06-2015 - an Ordinance of the Mayor and Town Council Amending Chapter V "Housing and Building Regulations" to add Section 5-108, "Dumpsters and Other Storage Receptacles", to limit the time during which construction dumpsters and other receptacles are permitted on private residential property, prohibit installation of construction dumpsters and other receptacles on private residential property without a permit, and to institute a fine for non-compliance. Town Manager Daily stated information was sent to the County and the Hearing was advertised as required.

The Mayor stated that Ordinance No. O-06-2015 is in response to complaints the Town has received about storage units, specifically PODS, from remaining on location for undefined periods, along with the parking spaces they subtract from in the street. The Mayor noted that temporary storage units will not be banned, but the proposed Ordinance will clarify what is allowed and create a permitting system. There is a provision to allow a longer period of time for a renovation, if needed. The fees will be set with the upcoming fee schedule.

No Public Comments were received. See Council Actions.

Council Actions –

Council Member McMullen moved to approve the Minutes from the December 14, 2015 Town Meeting. The motion passed unanimously.

Council Member McMullen moved to hold the record open until 4 p.m. on Friday, March 11th for Ordinance No. O-06-2015 to prohibit installation of construction dumpsters and other receptacles on private residential property without a permit. The motion passed unanimously.

Council Member Furman moved to adjourn the current meeting at 8:20 pm. The motion passed unanimously.