

### **March 14, 2016 Town Council Meeting:**

- Approved the Town Meeting Minutes from February 8, 2016.
- Approved the Town establishing an account to accept donations for a decorative fountain at Flinn Park.
- 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.
- Adopted Ordinance No. O-06-2015 - An Ordinance 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 Ordinance will take effect on April 4, 2016.*
- Introduced Ordinance No. O-01-2016 - Fiscal Year 2016-2017 (FY17) Budget Ordinance. *The Public Hearing will be held on April 11, 2016 at 7 p.m.*
- Amended and Approved Resolution No. R-01-2016 - A Resolution updating the Schedule of Fees, Charges, and Expenses as provided by the Ordinances of the Town of Kensington. The extension fee for an additional 120 days for dumpsters and other storage receptacles was changed to \$105 and the fee for A-frame and a sandwich board sign was changed to \$5.
- Approved Resolution No. R-02-2016 - A Resolution of the Town of Kensington Council confirming the appointment of Jack Gaffey to the Ethics Commission.
- Approved Resolution No. R-03-2016 - A Resolution of the Town of Kensington Council confirming the appointments of Martha Deale, Spencer Harrill, and Jenny Smith to the Board of Supervisors of Elections.
- Acknowledgement of the Appointment of Jeff Capron, Leslie Olson, and Kerry Thompson to the Audit Committee.

### **March 14, 2016**

#### **Town Meeting 7:00 p.m.**

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

The Minutes from the February 8, 2016 Town Council Meeting were reviewed and approved. See Council Actions.

The Council discussed a decorative water fountain for Flinn Park. Council Member Furman explained Mark Hudson brought the idea before the Greenscape Committee and the Committee was supportive and enthusiastic about it as it will allow greater utilization of the park. Once the Council approves the fountain, there will be a Greenscape sub-committee for the project. Town Manager Daily stated he confirmed with the auditors that contributions would be tax deductible

because it is a public project and he is continuing to research a previous water and sewer connection at Flinn Park to see if it can be located and used.

Mark Hudson, McEneaney Associates, Inc., stated he thought the fountain was beneficial for the community; he presented a photo and drawings of a model; it would be a public private partnership with contributions from companies along with engraved bricks available for purchase by individual donors; his company has pledged \$10,000; and the total cost without plumbing or electric should be approximately \$40,000.

The Council requested a drawing of the fountain in the park setting for the public to view and determined a 60% threshold, \$30,000 of \$50,000, would need to be met before proceeding with the project.

Eric Durland, a member of the Greenscape Committee, stated he would provide a drawing of the fountain in Flinn Park for review and to publish in an upcoming newsletter; and also pledged a \$100 donation.

Other additions to Flinn Park will include a wider sidewalk into the park along with additional landscaping.

#### **From the Mayor and Town Council –**

The Mayor stated the County Council has formally requested the Town contribute \$250,000 to **Noyes Library**; the Town has contributed in kind donations including grounds maintenance and Town Hall space for fundraising events. The project will cost 3.1 million, the County Executive has committed 1 million and the County Council is planning to add an additional \$500,000; the rest of the funds would need to be raised through other contributions. The Mayor explained the Town could not give such a large amount, it does not own the library, and suggested approaching the delegation for possible bond money from the state in FY2018 as was done with Warner Circle. The Mayor stated the Noyes Library Foundation has already requested a bond themselves. Council Member McMullen suggested approaching neighboring municipalities and associations that also use the library. The Council discussed the possibility of pledging a small amount over a period of time and suggested a representative from the Noyes Foundation come to an upcoming Town Meeting to explain the project.

The Mayor reported the Noyes Library will be having a fundraiser event, **The Magic of Books**, on April 17<sup>th</sup> from 3 to 5 p.m.; on March 9<sup>th</sup> he had a conference call with the MML Legislative Committee; sent a letter of support for **Highway User Funds** to the General Assembly, there are bills in both the House and Senate to reinstate Highway User Fees to the level they were at before the recession; on Feb 26<sup>th</sup> went to breakfast with Mayor Slavin of Somerset to discuss municipal issues; on March 2<sup>nd</sup> testified at the General Assembly at the request of MML and the MD Mayors Association for the **Highway User Restoration Bill**; the Town has been enforcing dogs be on a leash at St Paul Park, and there have been some requests for a **Dog Park**, a possible location would be Josephs Park.

The Council expressed concern over the park not being large enough and neighbors may not

welcome associated fencing or noise and questioned whether certain times could be designated for dogs in other parks. The Mayor will suggest those interested in a dog park attend an upcoming meeting when this will be on the agenda.

Council Member Bartram reported he is continuing to work on traffic issues.

Council Member McMullen reported the Traffic Committee is looking at temporary measures, such as speed humps to get people in the habit of coming to a stop at stop signs; there will be an upcoming Traffic Committee meeting and he is working on adding additional members to the Traffic Committee; he is continuing to attend the Walter Johnson Cluster round table discussions, there has been no discussion of any boundary changes, several different proposals were discussed for the overcrowding which included such things as additions to the school, reopening Woodward, two schedules, online classes for seniors, and the use of nearby commercial space, the members are discussing the proposals with their respective PTA's for input.

Andrew Martin, a representative on the cluster roundtable for Kensington Parkwood PTA, stated boundary changes were not to be considered and discussed the several proposals being considered and stated the next step is to obtain input and feedback from the PTA's.

Council Member Furman stated the Greenscape Committee has solved the shade problem at Howard Avenue with the newly installed pergola; discussed the light timing at Knowles and Connecticut; noted the amount of merchandise outside of Prevention of Blindness; a new event postcard will be mailed next Friday; and she is working on a kiosk along Howard Avenue to direct visitors to shops.

Town Manager Daily will contact the president of Prevention of Blindness regarding the large amount of merchandise outside their business.

Council Member Rodriguez reported the Events Committee met and reviewed their scope which will include setting event dates in 2017, looking at other prospective areas in Town, and exploring a little league team associated with the Town; and he also noted Savannahs was under new management, it now closes at ten and no longer offers keno, he suggested everyone try them again.

#### **From the Public –**

Arlene Antonicelli requested the status of the crosswalk at Kensington Parkway. Council Member McMullen stated that it has been designed and will be brought up at the next traffic committee meeting and then to the Council. A copy will be provided to her.

#### **Ordinances, Resolutions, Regulations –**

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, until the March 28, 2016 meeting.

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 was presented to the Council for Adoption. The public hearing was held on February 8, 2016. No Public Comments were received. See Council Actions.

Ordinance No. O-01-2016 – Ordinance No. O-01-2016 Adopting the Town Operating and Capital Budget for Fiscal Year 2016-17 (FY17) and levying a tax on all assessable property within the Town was introduced. A Public Hearing was set for Monday, April 11, 2016 at 7 pm. Council Member McMullen invited the public to contact the Town for any clarification comments or questions in advance of the Public Hearing. See Council Actions.

Resolution R-01-2016 – A Resolution updating a schedule of fees, charges, and expenses as provided for in the ordinances of the Town Code was presented. Town Manager Daily stated the fee schedule is updated annually based on the cost of living index; however, because it was nominal, the majority of fees have not been increased; he noted fees were added for the new ordinance regarding dumpsters and storage receptacles on private property along with a fee for those in the public right of way; fees were changed for illuminated, non-illuminated and panel replacement signs; and the farmers market fees were changed.

The Council questioned the difference in the fees between illuminated and non-illuminated signs. Town Manager Daily explained the fee previously was based on square footage and the fee for illuminated signs is higher because it requires more review time.

The Council discussed the fees for dumpsters or storage receptacles on private property and concurred to lower the second tier for the extension of an additional 120 days from \$140 to \$105.

The Council discussed enforcement reasons for requiring permits for A-frame and sandwich board signs and the associated fees; they concurred to lower the fee from \$35 to \$5.

Eli Sola-Sole noted that there was an A-frame sign in very poor condition in the right of way on Howard Avenue, and stated \$35 was a reasonable fee if permits of A-frame signs were required of all business owners.

Paul Sexton requested a renewed effort in removing illegally placed campaign signs in the right of way and questioned the status of the sign and tent for the Town business table at the farmers market.

Council Member Rodriguez questioned the status of his request to lower parking tickets from \$60 to \$45. The Mayor stated it should have been followed up on and Town Manager Daily will research how this can be changed.

Resolution R-02-2016 – A resolution confirming the Mayor’s reappointment of Jack Gaffey for two years to the Ethics Commission was presented. See Council Actions.

Resolution R-03-2016 – A resolution confirming the Mayor’s reappointment of Martha Deale, Spencer Harrill, and Jenny Smith to the Board of Elections was presented. See Council Actions.

The Mayor informed the Council he will be reappointing members to the Development Review Board, spaces open are for a resident, a professional, and a business member; Martha Deale will serve again as resident, T. J. Monohan will serve again as professional, Matt Hogdson has decided not to serve again and a business member will be needed.

The Mayor informed the Council he reappointed, Jeffery Capron, Leslie Olson, and Kerry Thompson to the Audit Committee.

#### **Council Actions –**

Council Member McMullen moved to approve the Minutes from the February 8, 2016 Town Meeting. The motion passed unanimously.

Council Member Rodriguez moved to instruct the staff to create a separate account for accepting donations for the decorative fountain at Flinn Park. The motion passed unanimously.

Council Member McMullen moved to approve Ordinance No. O-06-2015 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 with an effective date of April 4, 2016. The motion passed unanimously.

Council Member McMullen moved to introduce the Budget Ordinance No. O-01-2016 for Fiscal Year 2016-17, and set the Public Hearing for April 11, 2016. The motion passed unanimously.

Council Member McMullen moved to approve Resolution No. R-01-2016 updating the schedule of fees, charges, and expenses as provided for in the ordinances as amended to change the fee for Section 5-108 for the extension for dumpsters and other storage receptacles an additional 120 days from \$140 to \$105 and to amend Section 6-102 (d) to change the fee for A-frame and sandwich board signs from \$35 to \$5. The motion passed unanimously.

Council Member Furman moved to approve Resolution R-02-2016 confirming the appointment made by the Mayor of Jack Gaffey, for a two year term, to the Ethics Commission. The motion passed unanimously.

Council Member Furman moved to approve Resolution R-03-2016 confirming appointments made by the Mayor of Martha Deale, Spencer Harrill, and Jenny Smith to the Board of Supervisors of Elections. The motion passed unanimously.

Council Member Rodriguez moved to adjourn the Town Meeting at 9:19 pm. The motion passed unanimously.