

March 28, 2016 Town Council Meeting:

- Approved the Town Meeting Minutes from March 14, 2016.
- Jack Gaffey was sworn in to the Ethics Commission to serve a two year term.
- Held a Variance Hearing for a sign at 10400 Connecticut Avenue. The Council will review the request again at the April 11th Council Meeting.
- Approved Resolution No. R-04-2016 - A Resolution confirming Martha Deale, T.J. Monahan, and Paul Sexton to the Development Review Board (DRB).
- Adopted Ordinance No. O-05-2015 - An Ordinance authorizing a non-exclusive Franchise Agreement between the Town of Kensington and Comcast of Potomac, LLC; amending the effective date to be twenty (20) days after adoption or once an administrative agreement between Montgomery County and the Town of Kensington can be reached.
- Approved a letter to County Council President Floreen thanking the County for authorizing a high definition ("HD") channel for municipal use.
- Postponed action on Resolution No. R-05-2016 and Resolution No. R-06-2016, both agreements with Montgomery County with regards to the Comcast and Verizon Franchise Agreements, as recommended by the Town Attorney.

March 28, 2016

Town Meeting 7:00 p.m.

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

The Minutes from the March 14, 2016 Town Council Meeting were reviewed and approved. See Council Actions.

Jack Gaffey was sworn in to the Ethics Commission for a two year term.

The Noyes Children's Library Foundation was invited to attend the April 25th Council Meeting to present the proposed renovation project and also to discuss possible funding solutions.

From the Mayor and Town Council –

The Mayor reported he was invited to speak and present at the annual **Montgomery Preservation** awards ceremony, where he presented Nicholas and Carrie Storer, 10234 Carroll Place, an award for Stewardship and Improvements, along with Steve Breslin and Jodi Longo for their work on the home; participated on the **Maryland Municipal League's** conference call with regards to the Legislative Committee; discussed planting trees along **Detrick and Summit Avenues** to improve the current aesthetics with the Town staff; and noted that a number of illegal banners and unlicensed vehicles were located on Summit Avenue.

Town Attorney Ferguson clarified that the unlicensed vehicles would be considered a zoning

issue and not necessarily code enforcement, since they are located on private property and may have the authority to store unlicensed vehicles on the property, depending on the use and occupancy permit.

Council Member Furman stated she has received positive feedback with regards to the pergola at Howard Avenue Park, and will have Assistant Town Manager Hoffman confirm the installation date with Walpole for the canopy; stated that Town Attorney Ferguson recommended that the fundraising letter for the proposed fountain at Flinn Park come from the Committee and that any solicitations for donations should not go to any organizations the Town is currently working with; and noted that the Greenscape Committee is scheduled to meet Thursday, April 7th to establish the sub-Committee for the Flinn Park Fountain project.

Council Member Rodriguez reminded Residents of the Kensington Car Show scheduled on April 3rd from 10 am – 4pm; and thanked Town Manager Daily and Council Member Bartram for clarifying the municipal parking ticket issue.

Town Manager Daily explained that parking violations within the Town may be written as either a municipal infraction with a fine of \$45 or as a violation by the Montgomery County Police with a fine of \$60. Mr. Daily stated that he and Town Attorney Ferguson will review the district courts procedures to establish a single fine amount for parking violations within the Town.

A Variance Hearing was held for 10400 Connecticut Avenue with regards to the Town's landscaping requirements within Section 6-104 (c) "Signs and Commercial Regulations" of the Town Code. Gabriel Vine, attorney for the property owner, Knowles Associates LLC, was present and requested that the pole sign located on Knowles Avenue be exempt from the Town's landscaping requirements due to an existing drainage issue.

Peter Bartram, 3824 Warner Street, presented a picture of 10400 Connecticut Avenue and expressed concern over the upkeep of the property. Mr. Bartram encouraged the Council to take the opportunity to impose conditions on the Variance request, and require that the property management group improve the structural and visual image of the property.

The Mayor questioned whether the code issues with the property had been resolved.

Assistant Town Manager Hoffman stated that he had been in contact with the property manager, Leslie Holyfield, and that the violations had been addressed, except for the signage. Mr. Hoffman also stated that there were a few other issues, including the screening of the dumpster, which needed to be addressed as well.

Town Attorney Ferguson stated that the Town was limited in the scope of conditions that they may place on the Variance; however, the property does need to be code compliant.

Council Member Bartram noted for the record that he is Peter Bartram's son, and concurred with his father's opinion of the property. Council Member Bartram also noted that the management group for 10400 Connecticut has been difficult to reach and address previous concerns, and questioned the future intentions of the property.

Mr. Vine stated that he had no knowledge of any future plans for the property, as he was there to request the Variance from the Town's landscaping requirements, but would report the Town's concerns to his clients.

Council Member Bartram requested that the variance applicant consider and report back on whether a raised landscaping would overcome the drainage issues that form the basis for the variance request.

The Mayor stated the Town will verify that the property is code compliant with regards to the issues Mr. Bartram raised; and although not dependent on the Variance, a meeting with the property management group to address the community's concerns would be helpful.

A notice of the Variance Hearing will be sent out to contiguous, confronting, and abutting property owners and the Variance will be addressed at the April 11th meeting.

From the Public –

There were no comments from the public.

Ordinances, Resolutions, Regulations –

Resolution No. R-04-2016 – A Resolution of the Town of Kensington Council confirming appointments by the Mayor to the Development Review Board of Martha Deale, representing the resident position; T. J. Monahan, representing the professional position, and Paul Sexton, representing the business position was presented. The Mayor stated three seats are open, two of the current people serving, Martha Deale and T. J. Monahan are being reappointed and the third position from the business community is to replace Matt Hodgson, who no longer wishes to serve on the board, with Paul Sexton.

Julie O'Malley requested clarification on the process of volunteering for the Development Review Board and stated the committee was listed under volunteer committees and she did not know there was an opening.

The Mayor stated that the Development Review Board is specific within its appointments with seats representing a resident, an architect/engineer/planner, a business owner, etc., this may limit opportunities to serve on the Committee, but the expertise is necessary. The Mayor nominates individuals for the DRB, which the Council confirms.

Town Attorney Ferguson stated that committees required by the Charter and Code, or a resolution as in this case, is considered a public body and is required to post public notice of all meetings and to take minutes. Mr. Ferguson noted that ad-hoc committees are not required by law and therefore do not require that same public notice and requirement of minutes.

The Mayor suggested changing the Development Review Board to a standing committee on the website instead of listing it as a volunteer committee.

Council Member Rodriguez suggested correcting Paul Sexton's address on the Resolution to his business address at 10401 Connecticut Avenue, Suite 105. See Council Actions.

Ordinance No. O-05-2015, an Ordinance authorizing a non-exclusive franchise agreement between the Town of Kensington and Comcast of Potomac, LLC, was discussed and presented for approval. There was no public comment.

Town Attorney Ferguson stated the Ordinance to approve the Comcast Franchise agreement was previously introduced and that the Public Hearing was held on November 23, 2015. Ms. Ferguson recommended adopting the Ordinance with the caveat that it will not go into effect until the later of twenty (20) days, per Town standards, or upon reaching an administrative agreement with Montgomery County with respect to the Comcast and Verizon agreements. The administrative agreement is with respect to Montgomery County wishing not to commit future Councils from negotiating and the specific language pertaining to administrative costs. Ms. Ferguson suggested that Resolution No. R-05-2016 and Resolution No. R-06-2016 be tabled until an agreement is made between the Town and County. See Council Actions

A letter to be sent to Council President Nancy Floreen and members of the GO Committees was presented by Town Attorney Ferguson. Ms. Ferguson stated that the letter was intended to thank the County Council for providing a high definition ("HD") channel for municipal use. See Council Actions.

Council Actions –

Council Member Furman moved to approve the Minutes from the March 14, 2016 Town Meeting. The motion passed unanimously.

Council Member Rodriguez moved to adopt Resolution No. R-04-2016 confirming the appointments of Martha Deale, Paul Sexton, and T. J. Monahan to the Development Review Board (DRB), as amended with Paul Sexton's business address. The motion passed unanimously.

Council Member Rodriguez moved to approve Ordinance No. O-05-2015, which authorizes a non-exclusive agreement between the Town of Kensington and Comcast of Potomac, LLC, as amending the effective date to be 20 days after this adoption or on the effective date of an agreement between the Town and County, whichever is later, on the administration of the Comcast and Verizon Franchise agreements. The motion passed unanimously.

Council Member Furman moved to approve the letter to Council President Nancy Floreen thanking the County for the HD access for municipalities. The date of March 28th will be added to the letter. The motion passed unanimously.

Council Member Furman moved to adjourn the Town Meeting at 8:21 p.m. The motion passed unanimously.