

Town Council Summary from the October 23, 2017 Town Meeting

- Approved the Town Meeting Minutes from September 11, 2017.
- Approved the Work Session Minutes from September 25, 2017.
- Approved Resolution No. R-15-2017 - A Resolution of the Town Council to confirm the Mayor's appointment of TJ Monahan as Chairperson of the Development Review Board (DRB).
- Approved Resolution No. R-16-2017 - A Resolution of the Mayor and Town Council supporting changes to the alcohol beverage article of the State Code to permit, under certain circumstances, a local Caterer's License, Class D-K Beer Licenses, and Class D-K Beer and Wine Licenses, with a limit of four (4) in the aggregate of Class A (Off-sale) Beer and Wine Licenses, Class D-K Beer Licenses, and Class D-K Beer and Wine Licenses and amending certain other restrictions.
- Introduced Ordinance No. O-03-2017 - An Ordinance amending Chapter VI, "Signs and Commercial Regulations", Article 1, "Signs and Solicitors", Section 6-101, "Signs"; 6-102, "Town Sign Permit Required" 6-103, "Signs in the Public Right-of-Way" Section 6-104, "Signs on Private Property CRT, CRN, and Industrial Zones" and 6-106, and to clarify requirements with respect to A-frame and sandwich signs, permitting, and signs in the right-of-way, to reduce landscape requirements, revise the length of time that a limited duration sign may be posted in the right-of-way, and to make conforming changes. The Public Hearing was set for Monday, December 11, 2017, 7:00 pm.
- Introduced Ordinance No. O-04-2017 - An Ordinance amending Chapter IV, "Traffic and Vehicles", by amending and re-enacting Article 1, "General Provisions", Section 4-102, "Definitions", Section 4-103, "Traffic and Parking Control Devices", Section 4-106, "Operation of Vehicles on Streets, Sidewalks, Curbs, and Gutters", Section 4-107, "Bicycles", Section 4-108, "Enforcement", Article 2, "Parking", Section 4-201, "General Parking Restrictions" and Section 4-208, "Residential Parking Area", while also deleting Section 4-207, "Professional Reserved Parking", and Article 3, "Traffic Control" by adding Section 4-305, "Enforcement" to update the Chapter and make provision for setting parking fines by Resolution, update various definitions to be consistent with the State Code. Authorize the Town Manager to make certain determinations, to clarify enforcement and authorize adoption of fines by Resolution, to delete the Section with respect to professional reserved parking, and to clarify that the Council may designate parking permit areas and delete that designation on its own authority, with conforming changes. The Public Hearing was set for Monday, December 11, 2017, 7:00 pm.

Town Meeting 7:00 p.m.

Mayor Furman; Council Members Bartram, Crimmins, McMullen, 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 Elizabeth Duvall and Margaret McCurdy who both recently passed away.

The Town Meeting Minutes from September 11, 2017 and the Work Session Minutes from September 25, 2017 were reviewed and approved. See Council Actions.

From the Mayor and Town Council

Justin Watson, Actualize Studios, was present to discuss feedback following the distribution of a survey to Town Residents with regards to the proposed new Town website. Mr. Watson noted that they received 125 responses that will help in designing the framework of the website.

Leslie Maxam noted that the Town is multi-generational and suggested that the Town consider visual obstacles for older people.

Jack Gaffey stated that lighter colors are difficult to see and that too many colors on websites are a distraction.

Joseph Campbell noted that the survey response rate was approximately 14 percent; questioned if a service request system will be available, and whether a focus group will be held following the survey.

Mr. Watson explained the accessibility compliance of the website through the agreed upon contract; and stated no focus groups were planned at this time, but the discovery phase will incorporate feedback received through the survey results.

Council Member Crimmins reported the Greenscape Committee met on October 3rd, and will be submitting a draft planting list to the staff by December; were updated on the proposed new tree lights along Armory and Howard Avenues; will continue submitting newsletter entries; and will hold a future meeting at Howard Avenue Park to discuss maintenance concerns.

Council Member Bartram reported the Traffic Committee met on October 4th, and discussed the request for extending the existing sidewalk along Montgomery Avenue to Hadley Place; the Committee will continue to discuss and currently does not have a recommendation for the sidewalk; discussed adding a three-way stop sign at the intersection of Carroll Place and Hadley Place and will consult the Town's Traffic Engineer; the Committee suggested a short-term fix of enforcing parking distances at intersections and/or stop signs; and discussed removing the No Left Turn sign on northbound Kensington Parkway at Kent Street; the Committee recommended covering the sign and having the Radar Recording Device collect data.

Mayor Furman noted that the MML Chapter Meeting will be held on October 26th; the Flinn Park Fountain dedication will be held on Friday, October 27th, from 6 pm – 8pm; and the Chili Cook-off has been scheduled for January 21st.

Assistant Town Manager Hoffman noted that leaf collection will begin the week of November 6th and run through the week of December 11th; the Development Review Board (DRB) is scheduled to convene on November 2nd; and announced that Richard Moten, employed with the Town for 16 years, has resigned to accept a new position closer to his residence.

Public Appearances

Jack Gaffey spoke in support of the Howard Avenue mural and suggested that the Town consider

other locations for additional murals.

Cliff Scharman announced two upcoming informational solar meetings with the Montgomery County Solar Coop on November 15th and January 8th for Residents interested in purchasing solar energy through the Community Solar Pilot Project between North Chevy Chase and Kensington.

Martha Deale questioned when enforcement of the new restrictions for the west side would start. The Mayor noted that the Town was already enforcing the signs; however, the enforcement was sporadic at this time and that certain navigation companies will need to be advised of the restrictions.

Julie O'Malley announced that the Kensington Historical Society will be hosting Dr. Edward Lengel on November 14th for a presentation of the American Doughboys during World War I.

Joe Campbell requested clarification on the intersection referenced within the Traffic Committee report.

Council Member Bartram confirmed the No Left Turn sign discussed is along northbound Kensington Parkway at Kent Street.

Ordinances, Resolutions, Regulations

Ordinance No. O-03-2017 – An Ordinance amending Chapter VI, "Signs and Commercial Regulations", Article 1, "Signs and Solicitors", Section 6-101, "Signs"; 6-102, "Town Sign Permit Required", 6-103, "Signs in the Public Right-of-Way", Section 6-104, "Signs on Private Property CRT, CRN, and Industrial Zones", to clarify requirements with respect to A-frame and sandwich signs, permitting, and signs in the right-of-way, to reduce landscape requirements, revise the length of time that a limited duration sign may be posted in the right-of-way, and to make conforming changes was introduced. The Public Hearing was set for Monday, December 11, 2017, 7:00 pm. See Council Actions.

Town Attorney Ferguson was present and discussed the proposed changes to the Sign Ordinance. Ms. Ferguson stated that upon receiving feedback from the Mayor and Council during the September 25th Work Session, the proposed amendments were drafted to represent content neutral regulations and limitations pertaining to limited duration signs.

Julie O'Malley questioned when limited duration signs may be placed within the public right-of-way, as the Kensington Historical Society Concert Series sign is usually placed out early Friday mornings.

The Mayor and Council discussed the proposed amendments and directed Town Attorney Ferguson to allow A-frame signage within the public right-of-way between 10:00 am on Fridays through 5:00 pm on Sundays; remove the material regulations for A-frame signs; and reduce the landscaping requirement from a two-to-one ratio to a one-to-one ration for monument and freestanding signs.

Ordinance No. O-04-2017 – An Ordinance amending Chapter IV, "Traffic and Vehicles", by amending and re-enacting Article 1, "General Provisions", Section 4-102, "Definitions", Section 4-103, "Traffic and Parking Control Devices", Section 4-106, "Operation of Vehicles on Streets, Sidewalks, Curbs, and Gutters", Section 4-107, "Bicycles", Section 4-108, "Enforcement", Article 2, "Parking", Section 4-201, "General Parking Restrictions" and Section 4-208, "Residential Parking Area", while also deleting Section 4-207, "Professional Reserved Parking", and Article 3, "Traffic Control" by adding Section 4-305, "Enforcement" to update the Chapter and make provisions for setting parking fines by Resolution, update various definitions to be consistent with the State Code; authorize the Town Manager to make certain determinations, to clarify enforcement and authorize adoption of fines by Resolution, to delete the Section with respect to professional reserved parking, and to clarify that the Council may designate parking permit areas and delete that designation on its own authority, with conforming changes was introduced. The Public Hearing was set for Monday, December 11, 2017, 7:00 pm. See Council Actions.

Town Manager Daily explained that the primary purpose for amending Chapter IV is to allow for any fines pertaining to parking regulations be set by the Mayor and Council through a Resolution.

Town Attorney Ferguson stated that certain definitions were amended to conform with State definitions, and the Ordinance also included the removal of reserved professional parking, allowing the Council to set parking fines by Resolution, and allowing the Town Manager to take certain emergency actions pertaining to parking.

Resolution No. R-15-2017 – A Resolution of the Mayor to confirm T. J. Monahan as the new Chairperson of the Development Review Board was presented. See Council Actions.

Julie O'Malley questioned whether members of the Development Review Board follow the guidelines within the Sector Plan for development.

Mayor Furman stated that the DRB does follow the guidelines outlined within the 2012 Kensington and Vicinity Sector Plan, and also clarified that the DRB is an advisory Committee that only makes recommendation to the Council.

Resolution No. R-16-2017 – A Resolution of the Mayor and Town Council supporting changes to the alcohol beverage article of the State Code to permit, under certain circumstances, a local Caterer's License, Class D-K Beer Licenses, and Class D-K Beer and Wine Licenses, with a limit of four (4) in the aggregate of Class A (Off-sale) Beer and Wine Licenses, Class D-K Beer Licenses, and Class D-K Beer and Wine Licenses and amending certain other restrictions was presented. See Council Actions.

Town Manager Daily explained that the Resolution includes the changes requested by the Mayor and Council, to include: allowing up to four (4) off-sale licenses within the Town by either Class A; Class D-K Beer; and Class D-K Beer and Light Wine; allowing the sale and refrigeration of singles within the Class A designation; and restricting any future Class D licenses on advertising and/or signage.

Jack Gaffey requested clarification on the different classes.

Town Manager Daily advised the following:

Class A – Off-sale establishments only (Old Town Market).

Class B – Restaurants (Dish & Dram).

Class D – On-sale and Off-sale establishment (proposed Wine Bar).

Leslie Maxam requested clarification on the changes being made within the Resolution and noted that she does not support the sale of singles; and also questioned if a Class D license could operate as a regular bar and noted the importance of providing a safe and pleasant environment for the community.

Council Members Bartram and Crimmins explained that although singles are not allowed currently, there is no restriction on purchasing two bottles, and considering that craft beers are typically sold in larger volumes, the Council concurred to allow the sale of singles in the legislation.

Council Member Crimmins also noted that the Town has the ability to file a grievance against a license holder with the Department of Liquor Control if issues arise.

Joseph Campbell requested clarification on what was meant by certain locations in reference to advertisements; noted he opposed the selling of refrigerated singles; and suggested the alcohol amendments be taken to referendum.

Council Actions

Council Member McMullen moved to approve the Town Meeting Minutes from September 11, 2017. The motion passed unanimously.

Council Member Rollins moved to approve the Work Session Minutes from September 25, 2017. The motion passed. Council Member McMullen abstained.

Council Member McMullen moved to introduce Ordinance No. O-03-2017 amending Chapter VI, "Signs and Commercial Regulations", further amended by discussions tonight. The Public Hearing was set for Monday, December 11, 2017, 7:00 p.m. The motion passed unanimously.

Council Member McMullen moved to introduce Ordinance No. O-04-2017 amending Chapter IV, "Traffic and Vehicles". The Public Hearing was set for Monday, December 11, 2017 at 7 p.m. The motion passed unanimously.

Council Member McMullen moved to approve Resolution R-15-2017 to confirm T. J. Monahan as the new Chairperson of the Development Review Board. The motion passed unanimously.

Council Member Bartram moved to approve Resolution R-16-2017 supporting changes to the alcohol beverage article of the State Code to permit, under certain circumstances, a local

Caterer's License, Class D-K Beer Licenses, and Class D-K Beer and Wine Licenses, with a limit of four (4) in the aggregate of Class A (Off-sale) Beer and Wine Licenses, Class D-K Beer Licenses, and Class D-K Beer and Wine Licenses and amending certain other restrictions. The motion passed unanimously.

Council Member Rollins moved to adjourn the Town Meeting at 9:00 pm. The motion passed unanimously.