

Town Council Summary from the September 11, 2017 Town Meeting

- Approved the Town Meeting Minutes from August 14, 2017.
- Discussed drafting State legislation to allow for a certain number of Class D alcohol licenses; amend the number of existing Class A licenses; allow the sale of single bottles or cans of beer and refrigerated beer and wine products; allow Class B-K license holders to apply for a Caterer's license within Kensington; and allow Class B-K holders to reduce the required food to alcohol ratio from 50 percent to 40 percent and extend operational hours to midnight. *The proposed draft legislation will be presented at a future Town Council Meeting to allow for public comment.*
- Adopted Ordinance No. O-02-2017 - An Ordinance of the Mayor and Town Council amending Chapter V, "Housing and Building Regulations", by amending and re-enacting Article 1, "Building Code", Section 5-109, "Fences, Walls and Retaining Walls", and Article 2, "Housing Code", Section 5-201, "Montgomery County Housing Code Adopted"; enacting new Section 5-202, "New Home Warranty and Builder Licensing", and Section 5-203, "Parking on Yards and Greenspace". *The Ordinance will become effective October 2, 2017.*

Town Meeting 7:00 p.m.

Mayor Furman, Council Members Bartram, Crimmins, McMullen, and Rollins, 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 to honor the victims, survivors, and responders of the September 11th attacks; and for former Council Member Dan Botkiss, who passed away.

The Town Meeting Minutes from August 14, 2017 were reviewed and approved. See Council Actions.

From the Mayor and Town Council

Council Member Bartram stated that he was appreciative of the recently placed 'No Thru Traffic' signs to prevent traffic cutting through between Connecticut Avenue and Summit Avenue; acknowledged another successful Train Show; and noted that a Traffic Committee Meeting had been scheduled for October 4th.

Council Member McMullen stated that a hearing has been scheduled for September 19th with regards to the White Flint redevelopment project, and that the Town has been asked by the Walter Johnson Cluster to send a letter supporting the position of requiring the County to set aside land for any future development projects for the construction of schools. Mr. McMullen will draft a letter and circulate it amongst the Council prior to sending; and noted that the Kensington 8K Race will be held on September 23, 2017, which benefits Kensington-Parkwood Elementary School, Bethesda Middle School, and Walter Johnson High School.

Council Member Rollins thanked the Town staff and volunteers for an outstanding Labor Day Parade and Festival; reported on another successful Food Truck Night, which included Denizens

Brewery; and asked whether there was interest from the Town to explore additional parking options along Armory and Knowles Avenues.

Mayor Furman requested Mr. Daily obtain pricing for a parking study to possibly increase parking around the business district.

Council Member Crimmins stated that he and Council Member Rollins met with the Greenscape Committee and have scheduled a meeting for October 3rd. The Committee will review an approved planting list for trees within Town Parks. Mr. Crimmins noted that he attended a meeting at Warner Circle; the Annexation Committee Meeting; thanked everyone for a successful Labor Day Parade and Festival and Train Show; and thanked Kensington Businesses for the improvements at Food Truck Night.

Mayor Furman clarified that the proposed annexation would include 35 homes between Perry Avenue and University Boulevard, which are already within the Walter Johnson High School cluster; thanked the Kensington Business District Association (KBDA) for sponsoring Food Truck Night; noted that the contractors for the M&T Bank mural are expected to begin the week of October 9th; announced that the Town's contractor, Actualize Studio, has started designing the new website; announced that KVF D will hold an open house on October 8th; thanked the Town staff for the Labor Day Parade and Festival; and thanked the Montgomery Art Association for Paint the Town, which in cooperation with the Kensington Historical Society, hopes to develop a Town coloring book for distribution at next year's event.

From the Town Manager and Staff

Kathie Durbin, Division Chief of Licensing, Regulation and Education with Montgomery County Liquor Control, was present to answer questions with regards to the proposed amendments to the Town's alcohol regulations.

Ms. Durbin explained that the Town's proposed amendments would have to be done through State legislation. With respect to the Caterer's license amendment, she stated that approximately 90 percent of existing Class B license holders within the County have catering extensions, which were originally created for town centers, and allows businesses to extend their licenses off-premise. The Caterer's extension still requires businesses to maintain existing food to alcohol ratios and require approval prior to the event. Enforcement is usually not necessary, as the DLC works with the businesses prior to the event.

Council Member McMullen questioned whether broad legislation can be written with respect to proposed amendments, but restricted through a case-by-case basis, rather than going through the State for every future amendment.

Ms. Durbin explained that the Board cannot issue conditions on licenses; however, other municipalities, such as Gaithersburg, have imposed conditions through lease or business agreements, which will be listed on the license for the Board to enforce.

The Council questioned whether a license can be changed if an issue occurs.

Ms. Durbin explained that there is a protest period if an issue occurs with an existing license.

Rob Cooper, Old Town Market, was present and stated that he has concerns that his business is continually mentioned with regards to restrictions to alcohol out of fear of his business model changing. Mr. Cooper also discussed the success of his business and suggested that the Council limit any possible restrictions, which would allow his business greater flexibility.

Tom Brault, 10414 Detrick Avenue (Knowles Station), suggested the Council consider a combination of both Class A and Class D licenses not to exceed three (3) licenses, and also requested that the Council allow Class D holders to operate until 1 am on weekends.

Joseph Campbell questioned the timing of the protest period if issues occur.

Ms. Durbin explained that a protest period could begin as soon as a complaint is filed. In addition, there is typically a 90 day protest period prior to the renewal of a license where concerns may be addressed.

The Council concurred to direct the Town staff to draft language that would allow the sale of singles and refrigeration within Class A licenses; allow the expansion of the Caterer's license within the Class B license, along with reducing the alcohol to food ratio from 50/50 to 40/60, which is currently the County standard, and expand operational hours from 11 pm to 12 midnight. The Council will continue to review how many Class A and Class D licenses they wish to allow once the initial language has been drafted.

Council Member McMullen noted that the proposed State legislation supporting any alcohol amendments will be presented at a future Council Meeting in Resolution form to allow additional public comment.

Delegate Carr, District 18, was present and explained that a draft bill should be available by October and the Council will have many opportunities to amend the draft prior to February 2018. The first hearing will be held in early December.

Public Appearances

Jane Green spoke about the need for additional parking at the Kensington MARC station and requested the Town review parking options.

Town Manager Daily and Council Member McMullen explained how spaces are allocated within Town owned lots and that the Town places priority towards businesses and Town Residents.

Mayor Furman explained that half of the parking lot at the train station is owned by the Town and that we have allowed additional commuter parking over the years. The Mayor encouraged Ms. Green to contact MARC and request additional parking, and also noted that parking is available to commuters at Town Hall.

Julie O'Malley thanked the Town for once again supporting the Train Show and for the Labor Day Parade and Festival; and encouraged the Council and Residents to support Ken-Gar's 125th Anniversary Celebration on Saturday, September 16th.

Jack Gaffey thanked the Town for their support of the Train Show and Labor Day Parade; suggested a map of the Parade route be posted to the website; and announced that PBS will have a documentary on the Cassini Spacecraft on Wednesday evening.

Dan Calzadillas, NETcinity, introduced a community app which would highlight local businesses by purchasing beacons.

Council Member Crimmins questioned how the data would be collected and stored. Mr. Crimmins stated that a service agreement would need to be presented prior to further consideration.

Joseph Campbell thanked the organizers of the Labor Day Parade and Festival and stated he supported the new route; thanked David Gregg for trimming the trees along the Parade route; and spoke against the contract extension of NZI Construction last month and requested that the Council use competitive bidding next year.

Ordinances, Resolutions, Regulations

Ordinance No. O-02-2017 – An Ordinance amending Chapter V, "Housing and Building Regulations", by amending Article 1, "Building Code", by adding Section 5-109, "Fences, Walls and Retaining Walls", and Article 2, "Housing Code", by repealing and re-enacting Section 5-201, "Montgomery County Housing Code Adopted"; enacting new Section 5-202, "Maintenance of Structures and Fixtures"; and renumbering Sections 5-202, "New Home Warranty and Builder Licensing" and 5-203, "Parking on Yards and Greenspaces" was adopted. See Council Actions.

Town Manager Daily stated that the Ordinance will regulate the height of fences located within the front plane of the house by incorporating the County's previous language prior to a recent zoning text amendment. Mr. Daily confirmed that no public comments were received during the time the record remained open.

Council Actions

Council Member McMullen moved to approve the Town Meeting Minutes from August 14, 2017. The motion passed unanimously.

Council Member McMullen moved to adopt Ordinance No. O-02-2017, and Ordinance amending Chapter V, "Housing and Building Regulations", by amending Article 1, "Building Code", by adding Section 5-109, "Fences, Walls and Retaining Walls", and Article 2, "Housing Code", by repealing and re-enacting Section 5-201, "Montgomery County Housing Code Adopted"; enacting new Section 5-202, "Maintenance of Structures and Fixtures"; and renumbering Sections 5-202, "New Home Warranty and Builder Licensing" and 5-203, "Parking on Yards and Greenspace". The motion passed unanimously.

Council Member Rollins moved to adjourn the Town Meeting at 9:27 pm. The motion passed unanimously.