

August 10, 2015 Town Council Meeting:

- Approved the Organizational Meeting Minutes from July 6, 2015.
- Approved the Town Meeting Minutes from July 6, 2015.
- Approved a driveway reconstruction at 3502 Kensington Court.
- Approved a new driveway at 10200 Frederick Avenue, pending final approval of the site plan by the Department of Permitting Services with Montgomery County, and the Town's Building Inspector.
- Held a Public Hearing on [Ordinance No. O-04-2015](#) - Amending Driveway and Apron Construction Permits. *The Public Record will remain open until 4:00 pm on Friday, September 11th.*
- Approved [Resolution No. R-07-2015](#) - A Resolution of the Mayor and Town Council to authorize the Town Manager to extend an existing contract with NZI Construction for the resurfacing of certain Town streets.
- Approved [Resolution No. R-08-2015](#) - A Resolution of the Mayor and Town Council to authorize the Town Manager to extend an existing contract with Maier & Warner for marketing and public relations services through June 30, 2016.
- Approved [Resolution No. R-09-2015](#) - A Resolution of the Mayor and Town Council to revise, confirm, and re-confirm the membership of the Development Review Board.

August 10, 2015

Town Meeting 7:00 p.m.

Mayor Fosselman, Council Members Bartram, Furman, McMullen, and Rodriguez, Town Manager Daily, and Assistant Town Manager Hoffman were present. Clerk Treasurer Engels was necessarily absent. The Pledge of Allegiance was recited and a Moment of Silence was observed for long-time Kensington Resident, Charlie Haughney, who recently passed away.

The minutes from the July 6th Organizational and Town Meetings were reviewed and approved. See Council Actions.

From the Mayor and Town Council –

The Mayor reminded Residents of the upcoming 48th Annual Labor Day Parade and Festival; and announced that Jack Gaffey will be the Grand Marshal; the Montgomery Art Association (MAA), along with the Town, will once again host Paint the Town during Labor Day weekend and that the Town will donate \$250 to MAA. The Mayor also announced that the Kensington Volunteer Fire Department (KVFD) and Town will host a Movie in the Park on Sunday, September 6th, and also asked that Residents consider donating to KVFD's ambulance fund.

The Mayor stated he met with the property owner of the Kensington Shopping Center, and also met with the owners of SpiderSmart, a new business offering academic tutoring; thanked the KVFD for sponsoring Movie in the Park, along with all of the volunteers that helped; attended a campaign kick-off for Patrick Wojahn, currently on the City Council of College Park and Mayoral Candidate; met with Secretary of Aging, Rona Kramer, to discuss services that may be helpful to Kensington Residents; met with Town staff to discuss a number of code violations; met with the Maryland Municipal League (MML) staff to discuss agenda items for the Mayor's

Association; and met with Town Residents, St. Paul's Church, Council Member Furman, and staff to discuss parking concerns along Fawcett and Mitchell Streets.

Council Member Furman reported she will be attending the Historic Preservation Commission hearing with regards to the Pergola at Howard Avenue Park; reported the plantings and trees at Howard Avenue Park are doing well, along with the boxwoods that were transplanted to Clum Kennedy Park; noted posters of the Town Map have been printed and will be for sale during the Labor Day festival, with proceeds going towards Noyes Children's Library.

Council Member McMullen stated that he has been approached by Residents several times about composting within the Town and was asked to look into Howard County's composting program. After discussing the possibility with Town staff, and reviewing Howard County's program, Council Member McMullen suggested that the Town reach out to neighboring municipalities, along with the County, to explore the possibility; and announced that the Traffic Committee will meet the last week of September.

Mayor Fosselman noted that the Town has ordered additional recycling bins and to contact the Town staff if you are interested.

Council Member Bartram thanked the Residents of the Town for a second term.

A Hearing was held to review the request for the widening of the driveway at 3502 Kensington Court, in accordance with Section 3-203 (a) of the Town Code. The property owners, Joel and Julia Martin, were present and explained that due to the configuration of the lot, the widening of the driveway would be helpful with the parking of their two cars.

Bonita Condon, 3504 Kensington Court, spoke in favor of the request to widen the driveway.

The Town's Building Inspector, along with staff, recommended that the request be approved, and noted no objections to the request had been received. See Council Actions.

A courtesy review was held for the proposed new home at 10200 Frederick Avenue. The Mayor stated that the lot is buildable, and noted that the Town's regulations pertain to side-yard setbacks only, and all requirements of the Department of Permitting Services with Montgomery County will have to be met prior to final Town approval. The property owners, T.J. and Katherine Monahan, were present and presented a site plan and renderings of the proposed home to the Mayor and Council.

Tim Stelzig, 10119 Frederick Avenue, requested clarification on any tree removal requirements, and welcomed the Monahans to the neighborhood.

Julie O'Malley, 10019 Frederick Avenue, stated the pictures sent through an email to neighbors were not flattering, and mentioned that when you look at the side of the house from Kent Street, it appears massive, and suggested altering the architectural features.

Gay Hardwick, 3505 Kent Street, stated she supports infill development, but does not believe the

proposed house meets zoning code. Ms. Hardwick expressed concern over the height of the proposed home and how the calculations were determined within the site plan. She also noted a concern with the placement of the garage on Frederick Avenue and did not believe this met zoning regulations within the County.

Delinda Hanley, 3500 Kent Street, asked about the removal of any large trees and how long the building process may take.

Jeff Hardwick, 3505 Kent Street, asked how the dimensions of the trees were calculated and on any possible removals.

Darin West, 10203 Frederick Avenue, spoke in support of the proposed house and welcomed the Monahans.

Paul Sexton, 10215 Summit Avenue, spoke in support of the proposed house.

Mr. Monahan stated he was happy to meet with any of the neighbors to discuss the design of the house and he intends to keep as many trees as possible; he also noted that landscaping will help enhance the appearance. Mr. Monahan also mentioned that the front of the house, Frederick Avenue, is eight (8) inches under the height requirements, and the plans propose as much as possible of the house to be below grade. He anticipates construction taking six (6) to seven (7) months once all permits have been approved.

The Mayor requested that an update be presented before the Council once the plans have been finalized and prior to submittal to the County and Town.

A Hearing was held to review the request for a proposed driveway at 10200 Frederick Avenue, in accordance with Section 3-203 (a) of the Town Code. The property owners, T.J. and Katherine Monahan, were present and requested the Town to allow a driveway width of 20 feet. Town Manager Daily noted that the existing law requires that driveway widths be held to 11 feet at the property line; however, Ordinance No. O-04-2015, on the Agenda for a Public Hearing, would allow for a wider driveway to correspond with an existing garage.

Council Member Furman supported a larger driveway due to the configuration of the lot.

Julie O'Malley, 10019 Frederick Avenue, spoke in support of the two car driveway, as it eliminates the blocking of streets.

Assistant Town Manager Hoffman explained that within Section 3-203 (a) of the Town Code, certain conditions must be met to allow for a driveway width to be greater than 11 feet. Of the seven criteria, six have been met; however, the seventh would be met if the final site plan (for the proposed house at 10200 Frederick Avenue) submitted to the Department of Permitting Services with Montgomery County was approved. The staff recommended that the driveway width of 20 feet be approved, pending approval of the site plan by DPS and the Town's Building Inspector.

Follow up -

Council Member McMullen noted that the Town would include the crosswalk at Kensington Cabin Park with the proposed crosswalk enhancements along Armory Avenue at Howard and Knowles Avenues.

Town Manager Daily stated that the crosswalks will be placed once the paving of Armory Avenue has been completed.

From the Public –

Leslie Olson expressed concern over the speed of vehicles traveling along Metropolitan Avenue and asked about two blinking lights at the corner of Metropolitan and St. Paul.

Town Manager Daily stated that Metropolitan Avenue does not meet the criteria for speed cameras and that the Town staff would look into the blinking lights.

Mayor Fosselman stated he would discuss additional traffic calming devices with the State Highway Administration.

Sabina Emerson expressed concern over the smell of the dumpster within the Safeway garage along Armory Avenue.

Town Manager Daily stated he would contact Safeway's manager.

George Buckwalter stated that the exhaust fans within Safeway's garage do not work; requested an update on parking along Fawcett Street, and noted that the street is still missing signs.

The Mayor stated an additional part time Code Enforcement Officer had been hired to help with enforcement during off-hours, and the Town would verify what signs were missing and have them replaced.

Alice Kessler expressed concern that there is no crosswalk between Flinn Park and Clum Kennedy Park.

Town Manager Daily stated the Town will research the issue and see if a crosswalk is feasible.

Ordinances, Resolutions, Regulations –

A Public Hearing was held for Ordinance No. O-04-2015, amending Chapter III , “Streets, Sidewalks, Maintenance and Use of the Public Rights of Way”, to repeal Section 3-202, “Driveway Construction Permits”; to Repeal, renumber and reenact Section 3-204, “Construction and Maintenance of Driveway Aprons”, and to renumber Sections 3-205 “construction of new streets”, 3-206 “Bonds required” and 3-207, “Penalties”, and amending Chapter V “ Housing and Building Regulations” to repeal and reenact, Section 5-102 “Town Building Permit Required” and to enact Section 5-106, “Driveways and Parking Surfaces.

Leslie Olson requested a summary of the Ordinance.

The Mayor explained that the intent of the Ordinance is to prevent people from paving their entire front yards and turning them into parking lots.

George Buckwalter questioned who is responsible for maintaining driveway aprons.

The Mayor and Town Manager explained it is the responsibility of the property owner; however, the Town will include aprons within any street reconstruction project.

The Public Record with regards to Ordinance No. O-04-2015 will remain open until the close of business on Friday, September 11th. See Council Actions.

Resolution No. R-07-2015 – A Resolution amending a contract for street improvements and repairs was presented. Town Manager Daily stated the CIP Budget was approved to include an additional \$350,000 for street resurfacing. There was no public comment.

Resolution No. R-08-2015 – A Resolution to extend a contract with Maier Warner Public Relations to serve as the marketing and public relations representative for the Town was presented. See Council Actions.

Eli Sola-Sole commended Kariann Zentz, Maier Warner, for the work she does with the businesses, and suggested including within the scope of work for Maier Warner the promotion of the Day of the Book Festival, Kensington Car Show, and Fall Festival.

The Mayor recommended the staff update Maier Warner on events sponsored by the Town.

Jack Gaffey suggested that the promotion of the Model Train Show be included within the scope of work.

Julie O'Malley asked when the Town Map poster would be available.

Council Member Furman confirmed that it will be distributed during Labor Day weekend at Paint the Town; the cost will be \$5 with proceeds benefiting Noyes Children's Library.

Resolution No. R-09-2015 – A Resolution to revise the membership of the Development Review Board and to reconfirm appointments. Town Manager Daily stated this resolved the issue of the Revitalization Committee being dissolved, and allows for Council appointments to coincide with their elected terms.

Julie O'Malley stated that the Revitalization Committee was a group of volunteers from the community, which started in the 1990's, and was intended to work on projects such as Howard and Metropolitan Avenues. Ms. O'Malley questioned if the DRB would serve the same purpose.

Mayor Fosselman explained that the Development Review Board (DRB) is an ad-hoc committee similar to the Revitalization Committee and all meetings are open to the public.

Council Actions –

Council Member McMullen moved to approve the Minutes from the July 6, 2015 Organizational Meeting. The motion passed unanimously. Council Member Bartram abstained.

Council Member McMullen moved to approved the Minutes from the July 6, 2015 Town Meeting. The motion passed unanimously. Council Member Bartram abstained.

Council Member McMullen moved to accept the Staff recommendation regarding 3502 Kensington Court for the driveway width expansion. The motion passed unanimously.

Council Member McMullen moved to approve the driveway at 10200 Frederick Avenue pending final approval of the site plan by the Department of Permitting Services with Montgomery County; meeting the seven conditions in the Town code, and approval of the Town's Building Inspector. The motion passed unanimously.

Council Member McMullen moved to hold the record open through 4:00 pm on Friday, September 11, 2015 for Ordinance No. O-04-2015 Amending the Driveway and Apron Construction Permits. The motion passes unanimously.

Council Member McMullen moved to approve Resolution R-07-2015 to amend the contract for street improvements and repairs with NZI Construction for an additional \$350,000. The motion passed unanimously.

Council Member Furman moved to approve R-08-2015 to extend the contract with Maier Warner from July 1, 2015 through June 30, 2016. The motion passed unanimously.

Council Member McMullen moved to approve R-09-2015 to revise the membership of the Development Review Board and Confirm/Re-Confirm Appointments. The motion passed unanimously.

Council Member Furman motioned to adjourn the meeting at 9 pm. The motion passed unanimously.