

November 23, 2015 Town Council Meeting:

- Approved the Town Meeting Minutes from November 9, 2015.
- Approved [Resolution No. R-13-2015](#) - A Resolution authorizing the Town Manager to purchase a SCAG Giant Leaf Vacuum from Gaithersburg Equipment.
- Held a Public Hearing on [Ordinance No. O-05-2015](#) - An Ordinance authorizing a non-exclusive franchise agreement between the Town of Kensington and Comcast of Potomac, LLC. *The Public Record will remain open until 4:00 pm on Friday, January 22nd.*
- A Closed Session was held to consult with the Town Attorney on a legal matter and to discuss a negotiating strategy for a contract.

November 23, 2015

Town Meeting 7:05 p.m.

Mayor Fosselman, Council Members Bartram, Furman, McMullen, and Rodriguez, 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.

The Minutes from the November 9th Town Meeting were reviewed and approved. See Council Actions.

The Variance hearing for a new driveway at 10703 Lexington Street was removed from the Agenda.

From the Mayor and Town Council –

The Mayor announced a closed session will be held at the end of the meeting to discuss a future contract; the **Old Towne Annual Holiday** shopping event will be on December 4th with beverages, treats and holiday gift ideas; the **Annual Christmas Tree and Menorah Lightings** will be held on Sunday December 6th; the Menorah lighting will be at 5:30 pm, followed by the Christmas Tree lighting at 6:30 p.m.; the Town will be collecting toys for **Toys-for-Tots** until Thursday, December 17th; the **Annual Chili Cookoff and Potluck Dinner** will be on January 23rd; thanked the Montgomery County Police for their increased efforts with time restriction enforcement and stop sign violations; thanked the Town Code Enforcement Officers, Jim and Bill, for their increased efforts with respect to parking enforcement.

Council Member Rodriguez reported he will be chairing the ad hoc Events Committee to plan street events for 2017 and beyond; the committee will consist of two previous event coordinators, two merchants on Howard Avenue, and two residents. Those interested in participating are encouraged to contact Council Member Rodriguez.

Council Member Furman attended the Chili Cook-off and Potluck Dinner organizational

meeting; reminded Residents that the NightHawks will be playing at the 12th Annual Town Dance, and that proceeds will benefit Bethesda Help and the 20895 Hunger Free Zone campaign.

Council Member McMullen reported the Traffic Committee will convene on December 8th, 7 pm, and that the Committee will be considering requests from Residents along Baltimore, Prospect, and Washington Streets to implement traffic calming devices and/or restrictions; the Committee will also discuss the proposed crosswalk enhancements at Frederick Avenue and Kensington Parkway; reported the Board of Education (BOE) approved the proposed CIP, which includes improvements to both Kensington Parkwood Elementary School and North Bethesda Middle School; the BOE also approved establishing a series of roundtable discussions, which will have representatives from various schools within the cluster; Council Member McMullen stated that while the Town will not have an official seat at the table, he has been invited to participate within the series of discussions.

Council Member Bartram reported he is looking forward to Co-Chairing the upcoming Traffic Committee meeting on December 8th.

Town Manager Daily provided the Council with updates on code violations at 4000 Knowles Avenue and 10321 Summit Avenue, which are being handled by Montgomery County; advised the Council that the Town received notification from the Historic Preservation Commission (HPC) of proposed work at 10318 Fawcett Street; stated Town staff met with the State Highway Administration (SHA) to discuss the proposed landscaping within the median along Connecticut Avenue, and that the project is expected to be completed in 2017; announced that Unity will collect regular trash on Saturday, December 26th and Saturday, January 2nd instead of Friday; and reminded the Council of the upcoming Maryland Municipal League (MML) Chapter Dinner and the Annual Committee for Montgomery Breakfast.

Public Works Supervisor, Jason Swain, was present and expressed concerns over SHA's landscaping plans along Connecticut Avenue; he stated it was important to choose salt tolerant plants because of the location, along with being low maintenance, as the median is difficult for the Crew to maintain with the amount of traffic along Connecticut Avenue.

The Mayor and Town Manager Daily discussed having a follow-up meeting with SHA to discuss more appropriate plantings and to see if the project could be moved up from 2017.

From the Public –

Julie O'Malley provided an article to the Mayor and Council, "Montgomery County's Design Awards Set Laudable Example for D.C. Area", and challenged the Town Council to think about what we want to see in Town to encourage developers to come to Kensington.

Mayor Fosselman acknowledged he was familiar with the article and was in attendance at the awards ceremony in which the article was introduced.

Eli Sola-Sole requested clarification on the new Events Committee to be Chaired by Council Member Rodriguez.

Duane Rollins questioned what the Town could do to help clean-up Summit Avenue, as there are many non-registered and broken-down vehicles in front of the businesses; and requested an update on the commercial vehicles parked in the yard at 4000 Knowles Avenue.

The Mayor stated the situation along Summit Avenue has been brought to the attention of the Town staff and they will review the area for violations; the Mayor also suggested investing in some simple streetscape improvements to revive the area.

Town Manager Daily stated that although Summit Avenue is within the public right-of-way of Montgomery County, any untagged or damaged vehicles would fall under the jurisdiction of the Town with regards to Code Enforcement. Mr. Daily stated he would have the Code Enforcement Officers investigate.

The Mayor noted that Montgomery County had issued a violation notice to the property owner at 4000 Knowles Avenue for operating a business without a use and occupancy permit; and noted that the individual occupying the property is not the owner to justify the property as a live-work unit.

Jack Gaffey questioned whether there had been any developments with regards to the sale of the Huggins and Harrison property along Connecticut Avenue, and asked about any plans to re-develop the American Self Storage property.

The Mayor stated he did not know of any pending development for those locations.

Ordinances, Resolutions, Regulations –

Resolution No. R-13-205 – A Resolution authorizing the Town Manager to purchase a SCAG Giant Vac Industrial Leaf Machine from Gaithersburg Equipment was discussed.

Town Manager Daily explained the Town has piggy-backed on a State of Massachusetts bid, which has comparable purchasing policies to the Town, for the purchase of the leaf machine. The bid price is for \$19,102, which is 15.1 percent less than the promotional price. The machine will be purchased from Gaithersburg Equipment Company.

Council Member Bartram questioned whether leafing would be better suited if outsourced.

Town Manager Daily explained that he had previously researched the idea to contract out leaf collection; however, he determined it was more cost effective to keep it in-house. Mr. Daily also noted that leaf collections occupy a good amount of the Crew's time from the end of the summer until the winter snow season begins.

Jason Swain, Public Works Supervisor, explained that the current leafing machine was 13 years old and continues to have maintenance issues, and with the Crew currently handling 75-90 truckloads a season, it was important to have a second machine. Mr. Swain also reiterated the

importance of not placing leaves within the street, as this does not allow the leaves to dry out.

There was no public comment. See Council Actions.

Ordinance No. O-05-2015 – A public Hearing was held on Ordinance No. O-05-2015 to approve a new, non-exclusive, Cable Franchise Agreement with Comcast of Potomac, LLC.

Town Attorney Ferguson stated the Ordinance accepts the Cable Franchise Agreement currently being negotiated between Montgomery County and Comcast of Potomac, LLC. Ms. Ferguson explained there are no major changes from the previous agreement, except for the allocation of grant money for PEG channels and which channels within the system will operate in high definition (HD). The term is for six years, to coincide with the ending of the existing Verizon contract agreement.

There was no public comment. See Council Actions.

Council Member Rodriguez questioned how the contract affects television with broadcasts over the internet, such as what Google has been doing.

Town Attorney Ferguson explained the Town's authority comes from federal and state level regulations, and may collect cable franchise fees through the agreement, but noted this does not include the internet. Moreover, Ms. Ferguson stated that the Town cannot control advances in technology, but the fees are defined and collected through the agreement by cable companies use of the Town's right-of-ways.

Duane Rollins asked that a grammatical error be corrected within the header of Ordinance No. O-05-2015.

The Public Record will be held open until the close of business on January 22, 2016. See Council Actions.

The Town Council adjourned the Council Meeting and entered into a closed session to discuss a pending contract negotiation. See attached closed session Minutes.

Council Actions –

Council Member McMullen moved to approve the Minutes from the November 9, 2015 Town Meeting. The motion passed unanimously.

Council Member McMullen moved to adopt Resolution No. R-13-2015 – authorizing the Town Manager to purchase a SCAG Giant Vac Leaf Machine from Gaithersburg Equipment Company. The motion passed unanimously.

Council Member McMullen moved to hold the Public Record open until 4:00 pm on January 22, 2016 for Ordinance No. O-05-2016, which will grant a non-exclusive cable franchise agreement between the Town of Kensington and Comcast of Potomac, LLC. The motion passed

unanimously.

Council Member Furman moved to adjourn the current meeting at 8:00 pm. The motion passed unanimously.

Council Member McMullen moved to go into a closed session at 8:00 pm to discuss a pending contract negotiation with the Town Attorney. The motion passed unanimously.