

October 19, 2015 Town Council Meeting:

- Approved the Town Meeting Minutes from September 24, 2015.
- Discussed insurance requirements and grant funding for activities held within the public right-of-way; Town staff will continue to review options and present at the November Council Meeting.
- Approved extending the existing time restrictions throughout the Town to 6:00 am - 9:30 am from 6:00 am - 9:00 am to accommodate the later MCPS start time.
- Approved the closure of Howard Avenue for the 3rd Annual Kensington Car Show; the Council requested Town staff to identify alternative dates for the Car Show, which will be presented at the November Council Meeting.
- An updated Courtesy Review was held for the proposed new home to be built at 10200 Frederick Avenue.
- Discussed supporting State legislation (PG/MC 112-16) to clarify Land Use Article §20-509 of the Maryland State Code; the legislation will be reviewed at the November Council Meeting.
- Introduced 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 Hearing was scheduled for Monday, November 23, 2015, 7 pm.

October 19, 2015

Town Meeting 7:00 p.m.

Mayor Fosselman, Council Members Bartram, Furman, McMullen, and Rodriguez, 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 Jack Green, a long time Resident and Town business owner; the Town will be dedicating a park bench in Mr. Green's honor.

The Mayor welcomed the members of Boy Scout Troop 439 who were present at the meeting.

The Minutes from the September 24th Town Meeting were reviewed and amended to remove former Council Member Sexton as being listed as present. See Council Actions.

From the Mayor and Town Council –

The Mayor thanked the organizers of the **First Annual Kensington Fall Festival**, with a special thanks to Gala co-owners Linda Blackbourn and Anne Stone, along with Mario Bruno, Al Lacey, Dennis McCurdy, Eli Sola-Sole, Duane Rollins, and their volunteers; **KVFD Fundraiser** - thanked the Kensington Volunteer Fire Department and Sub*Urban Trading Co. for a successful event to raise funds for a new ambulance; attended a joint **Maryland Municipal League** meeting between Montgomery and Prince George's Counties; thanked the organizers of **Food Truck Night** for a successful first season by bringing hundreds of new people into the community; the Mayor credited Duane Rollins for the idea, and noted that Linda Blackbourn, Mario Bruno, Al Lacey, Dennis McCurdy, Duane Rollins, Eli Sola-Sole, and Anne Stone deserve huge kudos for running the event all summer long; mentioned the Town received a

request for the placement of **time restrictions** and/or speed humps on Prospect Street to help ease cut-through traffic – the Traffic Committee will review at their next meeting; the Mayor spoke with the Board of Education’s Chief of Staff, Andrew Zuckerman, with regards to rumors about re-districting the **Walter Johnson School cluster** – Mr. Zuckerman stated that the Board of Education has no intention of re-districting the cluster, but Acting Superintendent Larry Bowers will be forming a committee to discuss overcrowding within the district; Council Member McMullen will be representing the Town on the committee if permitted by the Board.

Council Member Rodriguez reported that he attended the 50th Anniversary of the Stephen Knolls School, which provides a Special Education Program for students with needs. The school is currently raising money to remodel the student kitchen, and Council Member Rodriguez asked that anyone interested in the school may contact him for additional information: *tomrodriguezkensington@gmail.com*.

Council Member Furman attended the Kensington Fall Festival and noted she was supportive in helping to fund the event for next year; mentioned the Greenscape Committee had met the previous week and created a sub-committee to look into a pilot composting program, which would be introduced at the Arbor Day event next year; discussed developing a guide for maintenance and plantings within Town Parks; identified Flinn Park as revitalization project over the next year; and announced that the pergola will be installed next March at Howard Avenue Park.

Council Member McMullen reported the Traffic Committee met on October 13th and recommended that the existing time restrictions within the Town be extended to 9:30 am, from 9:00 am, to accommodate the later school start time; noted the Town continues to use our radar recording device to gather data on traffic counts and speed; stated that the proposed brick-imprinted crosswalks at Armory and Howard Avenues will be delayed until spring due to work by WSSC; and announced that the next Traffic Committee meeting has been tentatively scheduled for Tuesday, December 1st, 7 pm. Council Member McMullen also suggested that the Town consider taking a position at the November 9th Council Meeting with regards to the Kensington Park Elementary CIP considerations.

Council Member Bartram reported that he attended the Traffic Committee meeting, along with the Kensington Fall Festival and the KVFD fundraiser, and that it was great to see these events and the energy they bring to the Town; noted he forwarded a number of recycling articles to the Council with the hope of a future discussion to evaluate what materials are being recycled within the Town; and attended the induction of Reverend Emily Guthrie at Christ Church Parish Kensington.

The Council discussed the insurance requirements for community activities held within the public right-of-way, along with a possible grant system to off-set the costs. Town Manager Daily stated that the insurance policy has existed within the Town for a number of years; however, the staff, at the recommendation of our insurance provider, Local Government Insurance Trust (LGIT), began to apply the policy to block parties. Mr. Daily noted he spoke with both LGIT and the Town’s Attorney about the policy, and that many homeowner policies already have host liquor liability within their coverage; however, the purpose of the Town’s requirement is to limit

liability against the Town. Mr. Daily suggested that the Town may allow the individual block parties to provide proof of host liquor liability in order to indemnify the requirements. Town staff was not able to confirm how many claims or situations there have been with regards to this type of insurance.

Chris Carter, non-Resident, stated that in reference to the Town requiring insurance for the closing of public streets, the Town could essentially become liable as a sponsor of the event.

Town Manager Daily stated that there is some confusion as to whether the insurance covers only the individual or the actual event. The Council concurred to continue requiring insurance coverage for activities held within the public right-of-way, and for staff to check with the Maryland Municipal League (MML) to determine how other municipalities handle block parties.

Mayor Fosselman stated that the Council had already approved the 3rd Annual Car Show and the discussion this evening was to determine the location and actual date of the event.

Margaret Goldsborough (Goldsborough Glynn) and Doug Meyers (Modern Mobler), Howard Avenue business owners, stated they were encouraged following the September meeting that an alternative location would be proposed, and were disappointed to hear that the Council was considering closing Howard Avenue for the Kensington Car Show. Ms. Goldsborough and Mr. Meyers both agreed that if the street was to be closed, their preference was to have the event during the summer months.

Mayor Fosselman stated that he and the Council had received overwhelming support from the community in favor of the events along Howard Avenue, and explained to Ms. Goldsborough and Mr. Meyers that while the Town understands their concerns, it became clear that the logistics of the event, which is beneficial to the community, belonged on Howard Avenue.

The Mayor and Council did caution on the proposed date of the event, along with the concerns raised by Ms. Goldsborough and Mr. Meyers about limiting the number of events along Howard Avenue. The Council agreed that a general policy needed to be developed to limit the closing of Howard Avenue and that staff work with Mr. Bruno to decide on a date that did not overly impact the business community.

Mario Bruno, Coordinator of the Kensington Car Show, explained that his request of April 10th was due to a number of restrictions, including: other car shows around the area, possible weather conditions, and other Town events. Mr. Bruno stated he would work with the business community to transport merchants and customers to and from Howard Avenue from designated parking locations.

Town Manager Daily informed the Council that the staff requested the event not be held in September, due to the Labor Day Parade & Festival, 8K Race, and Model Train Show.

Linda Blackbourn (GALA), Sharon Scott, Paul Sexton, and Linda Silberg all spoke in support of the Kensington Car Show and the closing and the value of the festivals to the community.

A scout for Troup 439 thanked the Mayor and Town Council for hosting them during the Council Meeting to learn about local government.

TJ Monahan presented an update to the proposed new home at 10200 Frederick Avenue. Mr. Monahan stated that a tree save plan was approved by Montgomery County and that they would be saving two (2) specimen trees and would not be clear-cutting the lot. A permit application will be submitted to the Department of Natural Resources for the removal of four (4) right-of-way trees; if approved by the State Forester, the Town will require replacement trees to be planted.

Joseph Campbell questioned whether the lot, or adjacent lot to 10200 Frederick Avenue, was a natural protected area.

Mayor Fosselman stated the area had a special designation of tree conservation and that it is why the tree save plan was required by the County.

Council Member McMullen stated that the Traffic Committee recommended extending the existing time restrictions within the Town to 9:30 am, from 9:00 am, to accommodate the later school start time.

George Buckwalter questioned the reasoning of the time restrictions beginning at 6:00 am.

Council Member Bartram stated that they did not have a request to change the start time of the restrictions, and only to extend the hours to accommodate school bus activity beyond 9:00 am.

Matthew Weber spoke in support of the time changes.

Joseph Campbell spoke in support of the change and suggested enhanced enforcement of the “No Left Turn” restrictions along Kensington Parkway and Kent Street.

Mayor Fosselman stated that the Town has directed additional funds towards our supplemental coverage by off-duty Montgomery County Police officers to help enforce our restrictions; and that we have also requested additional coverage during base coverage hours.

Council Member McMullen also stated that the Traffic Committee requested the enforcement of the intersection of Baltimore, Prospect, and Washington Streets to be included.

Town Manager Daily introduced a Resolution to be discussed at the November Council meeting to clarify the language within Land Use Article §20-509 of the Maryland State Code following a re-codification.

Mayor Fosselman explained that the Town Attorney noticed an error within the re-write of the Land Use Article and suggested that the Town request our local delegation, District 18, draft legislation that would clarify the re-codified language. The Resolution will be presented at the November 9, 2015 Council Meeting.

From the Public –

Jack Gaffey informed the Mayor and Town Council that a meteor shower would happen later in the week.

Duane Rollins requested additional police presence for the Scary Perry event and noted overgrown bushes at St. Paul and Metropolitan, within the right-of-way.

Ordinances, Resolutions, Regulations –

Ordinance No. O-05-2015 – An Ordinance granting a non-exclusive cable franchise agreement between the Town of Kensington and Comcast of Potomac, LLC was introduced.

Town Manager Daily stated that a new contract agreement was being negotiated between Comcast and the County, along with the municipalities, and that the Town would need to agree to the terms through an Ordinance. The Public Hearing was scheduled for November 23, 2015. See Council Actions.

Council Actions –

Council Member McMullen moved to approve the Minutes, as corrected, from the September 24, 2015 Town Meeting. The motion passed unanimously.

Council Member Bartram to approve closing Howard Avenue for the Annual Kensington Car Show from Armory Avenue to Montgomery Avenue. The motion passed unanimously.

Council Member McMullen moved to continue the discussion on the proposed date for the Kensington Car Show and that Mr. Bruno work with staff to identify a date prior to the November 9, 2015 Council Meeting. The motion passed unanimously.

Council Member McMullen moved to approve the extension of the vehicle time restrictions to 9:30 am, from 9:00 am, with the exception of Connecticut Avenue at Washington Street. The motion passed unanimously.

Council Member McMullen moved to introduce Ordinance No. O-05-2015 – authorizing a non-exclusive cable franchise agreement between the Town of Kensington and Comcast of Potomac, LLC. The motion passed unanimously.

Council Member Furman motioned to adjourn the meeting at 9:16 pm. The motion passed unanimously.