

September 24, 2015 Town Council Meeting:

- Approved the Town Meeting Minutes from August 10, 2015
- Discussed providing a grant fund for activities held within the public right-of-way that will require an insurance endorsement; Town staff will review and present at the October Council Meeting.
- Approved the closure of Howard Avenue for the Fall Festival on Sunday, October 18, 2015 and for the Day of the Book Festival on Sunday, April 24, 2016; requested that the Town staff work with the Coordinator of the Kensington Car Show to determine if an alternative date and location is feasible before committing to Howard Avenue. The Town staff will report findings at the October Council Meeting.
- Adopted Ordinance No. O-04-2015 - An Ordinance amending apron and driveway regulations and permitting requirements. *The Ordinance will take effect on October 14, 2015.*
- Approved Resolution No. R-10-2015 - A Resolution of the Mayor and Town Council to exercise a one (1) year extension with Unity Disposal and Recycling through December 31, 2016.

September 24, 2015

Town Meeting 7:00 p.m.

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

The minutes from the August 10th Town Meeting were reviewed and approved. See Council Actions.

From the Mayor and Town Council –

The Mayor thanked staff, volunteers, coordinators Lisa Kelley-Connor and Victoria Randall, Maier Warner, the Montgomery County Police, KVFD, Grand Marshal Jack Gaffey, and all the generous sponsors of the successful Labor Day Parade; thanked the Montgomery Art Association for another great Paint the Town event and for the art they provide at Town Hall; thanked volunteers and sponsors of the Model Train Show, especially Gary and Diana Ditto; thanked Council Member Furman for initiating the sale of the Town maps; thanked the 8K race organizers and volunteers; and thanked the KVFD for their successful movie in the park series, and mentioned their fundraiser, along with Sub*Urban Trading Co., on October 18th for a new ambulance.

The Mayor informed Residents that additional recycling bins are available if a replacement or a second one is needed; he met with Council Member Furman, Maier Warner, and Town Manager Daily to go over services in the new contract including minor improvements to signage, kiosk improvements, and modernizing the Town logo; and as part of the public amenity agreement with Safeway, the Town will be reaching out to businesses, schools, and organizations to decorate the windows facing Armory avenue; announced the MML Legislative Committee met

and set priorities as highway revenue fees and program open space; and the Maryland Mayor's Association had its first board meeting and supported the MML legislative priorities.

Council Member McMullen announced a Traffic Committee meeting will be held on October 13th, 7 pm, to address time restrictions due to the new school start time and to discuss the crosswalk at Frederick and Montgomery Avenues; thanked the KVFD for clearing a large tree limb along Frederick Avenue; and mentioned he attended a phenomenal book event at Kensington Row Bookshop, which has many outstanding author events.

Council Member Furman thanked Paint the Town organizers who were a great help with the Town map poster sales; announced the Greenscape Committee will meet October 15th, 7 p.m.; and suggested informing Residents of the process in which trees within the public right-of-way are removed and replaced.

Council Member Rodriguez attended the Friends of the Library event on July 21st, where Karen Johnson gave a wonderful presentation on her literary themed sustainable garden plan for the Kensington library; anyone interested in serving on the committee is encouraged to contact Friends of the Library; and also noted that the Stephen Knolls School will be having their 50th Anniversary on September 26th.

Assistant Town Manager Hoffman stated NZI paving had been completed, and striping was scheduled for the following week. The proposed crosswalks at Armory and Howard Avenues, along with Frederick Avenue, are scheduled to be installed the first week of November.

The Council discussed the Town's policy of requiring block parties to obtain general liability insurance in the amount of \$1,000,000 in order to close down Town streets. The Town staff initiated the policy following the recommendation of the Town's insurance provider, Local Government Insurance Trust (LGIT). The Town's Attorney, Suellen Ferguson, stated that the Town already requires liability for the Town's facilities (Resolution R-16-2013), and that staff was applying this principle to activities held within the public right-of-way. Ms. Ferguson noted that the reason LGIT had recommended liability insurance for block parties, or activities held within the public right-of-way, is because individuals or organizations are not covered under the Town's insurance, and this may allow for unnecessary claims against the Town.

Town Attorney Ferguson mentioned that the Town's insurance provider, LGIT, currently offers a Tenant User Liability Insurance Program (TULIP) to assist individuals and organizations in obtaining liability insurance for their event. Ms. Ferguson explained that the Town does not require that the liability insurance be purchased through TULIP, as it may also be purchased through an existing homeowners' policy, or other insurance carriers. Currently, the policy price for a block party (street closure) through the TULIP program is \$190.

Val Deale, Washington Street Block Party, explained the history of the "Pitchfork" block party he organizes each year, and the importance of the event to him and his surrounding neighbors. Mr. Deale stated that he currently does not collect enough funds to cover the cost of the required insurance, and had it not been for a generous offer to off-set the cost of the insurance liability,

they would not have been able to cover the costs of the block party and would have to reconsider.

Julie O'Malley stated there are not that many block parties held, and suggested a grant from the Town to cover the costs of the insurance.

Duane Rollins spoke in support of the block parties and agreed that the Town provide some type of grant to help cover the insurance costs.

The Council agreed on the importance of requiring additional liability insurance for events held within the public right-of-way, and were open to providing a grant program to reimburse the associated costs.

Council Member Bartram questioned how effective the insurance would be in an unlikely event occurring.

Town Staff will discuss the effectiveness with LGIT and report at the October meeting.

The Council tabled the discussion until the October Town Council Meeting.

The Mayor and Council discussed the requests to close Howard Avenue for three separate events: 1) The 1st Annual Kensington Fall Festival; 2) The Annual Day of the Book Festival; and 3) The 3rd Annual Kensington Car Show.

Assistant Town Manager Hoffman reported that the Town received a number of calls and emails with regards to the closing of Howard Avenue for the events, to include: eight (8) emails or calls, seven (7) of which were from businesses along Howard Avenue, opposing the closing of Howard Avenue; and thirty-eight (38) calls or emails in support of closing Howard Avenue, in which six (6) were from Town businesses, twenty-six (26) from Town Residents, and six (6) from individuals from outside the community. Within the support for closing Howard Avenue, the Town received a letter the Wheaton-Kensington Chamber of Commerce, in addition to support from the Executive Director of the Prevention of Blindness Association.

Linda Blackbourn (Kensington Fall Festival); Liz Brennan; Mario Bruno (Kensington Car Show); George Buckwalter; Joseph Campbell; Connor Crimmins; Jennifer Fulton; Jack Gaffey; Julie O'Malley; Duane Rollins; Ann Stone; and Eli Sola-Sole (Day of the Book) all spoke in favor of the events and for closing Howard Avenue.

Doug Meyers (Modern Mobler) and Margaret Goldsborough (Goldsborough Glynn), Howard Avenue business owners, stated they were both in favor of the events; however, they were against closing Howard Avenue, as their businesses had suffered greatly during past events.

Mayor Fosselman questioned whether the date or location of the Car Show could be moved to prevent Howard Avenue from being closed twice during the month of April.

Mario Bruno, Coordinator of the Kensington Car Show, stated he would discuss the possibility

with the Town staff.

The Council spoke in support of the festivals, but also noted the importance of adhering to the wishes of many of the business owners along Howard Avenue, as to help mitigate the impact the businesses face during the closing of the street. The Council agreed that the Day of the Book Festival belongs on Howard and would remain, and considering the approaching date of the Fall Festival, it may be held on Howard Avenue this year as well. The Council asked that Mr. Bruno work with Town staff to identify a possible alternative date and/or location for the Car Show. See Council Actions.

From the Public –

Liz Brennan, President of Friends of the Library, stated that the library will be closing October 10th for renovations; and that an Authors event will be held on September 30th at Town Hall.

Jack Gaffey informed Residents that a total lunar eclipse will occur Sunday, September 27th.

Julie O'Malley questioned why the Town meeting was being held on a Thursday evening.

Mayor Fosselman stated that it was due to a scheduling conflict with the Council.

Joseph Campbell requested a special street cleaning along Frederick Avenue and Frederick Place following the leakage issue with the trash trucks.

Mayor Fosselman stated that the Town's contractor, Unity, responded in a timely manner and has addressed the problem. The Mayor stated the Town staff will contact Unity about cleaning the streets.

Ordinances, Resolutions, Regulations –

Ordinance No. O-04-2015 – an Ordinance 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 5-107, “Driveways and Parking Surfaces was presented to the Council for approval.

Assistant Town Manager Hoffman stated that the Public Hearing was held on August 10, 2015, and that the public record remained open through September 11, 2015. No comments were received.

Town Attorney Ferguson stated that the purpose of the amendments were to clarify the Town's requirement with regards to driveway widths, and to relocate the provisions within the appropriate Section of the Town Code. Ms. Ferguson noted that an additional amendment was

added to the Ordinance to coincide with Montgomery County Zoning Ordinance, which limits driveways to 35 percent or 320 square feet of surface area, and a maximum width of twenty (20) feet. The new regulations would not allow a driveway to exceed eleven (11) feet in width, in the front plane of the house (front yard), unless it corresponded with a garage opening, not to exceed twenty (20) feet. The law would not apply to any driveway already permitted within the Town and only applies to single-family (R-60 zoned) properties. There were no public comments on the amendment. See Council Actions.

Resolution No. R-10-2015 – A Resolution authorizing the Town Manager to extend the contract with Unity Disposal and Recycling for an addition year, providing the same terms and conditions of the existing contract.

Assistant Town Manager Hoffman stated that Resolution No. R-10-2015 would exercise the final one year renewal options within the contract, and would require the Town to rebid collection services next year. Mr. Hoffman also stated that contract for Calendar year would be \$120,000, which includes twice a week trash collection, once a week recycling and brush collections, and bulk pick-up as needed.

Council Member McMullen stated he was very pleased with Unity's service, as they have been very responsive, and we have had few issues besides the recent leakage on Frederick Avenue and Frederick Place.

Jack Gaffey stated he was pleased with Unity, but suggested the Town consider a second brush collection during peak times of the year. See Council Actions.

Council Actions –

Council Member McMullen moved to approve the Minutes from the August 10, 2015 Town Meeting. The motion passed unanimously.

Council Member McMullen moved to approve the closure of Howard Avenue for the Fall Festival on October 18, 2015, and requested issues brought to our attention regarding access, signage, and parking be addressed. The motion passed unanimously.

Council Member McMullen moved to defer the decision on closing Howard Avenue for the Car Show to allow the Town staff to discuss a possible alternative to the requested date and location. The motion passed unanimously.

Council Member Furman moved to approve the closure of Howard Avenue for the Day of the Book Festival on April 24, 2016. The motion passed unanimously.

Council Member McMullen moved to approve Ordinance No. O-04-2015 amending driveway and apron construction permits. The motion passed unanimously.

Council Member McMullen moved to approve Resolution No. R-10-2015 authorizing the Town Manager to extend the contract with Unity Disposal and Recycling for an additional year,

providing the same terms and conditions of the existing contract. The motion passed unanimously.

Council Member Furman motioned to adjourn the meeting at 9:40 pm. The motion passed unanimously.