

February 11, 2019 Town Council Meeting

- Approved the Town Meeting Minutes from January 14, 2019 and the Work Session Minutes from January 28, 2019.
- Adopted Ordinance No. O-01-2019 - An Emergency Ordinance to Amend Chapter 3, "Streets, Sidewalks, Maintenance and Use of the Public Rights-of-Way", by Adopting Article III, "Wireless Telecommunications Facilities in the Public Rights-of-Way", to provide for certain standards and regulations relating to the location of small wireless telecommunications towers, antennas, and other structures within the Town's public rights-of-way or on Town property, consistent with Federal and State Law; and providing a fee, annual charge and a penalty.
- Adopted Resolution No. R-03-2019 - A Resolution authorizing the Town Manager to purchase a picnic pavilion from Playground Specialists, Inc., for St. Paul Park.

Town Meeting 7:00 p.m.

Mayor Furman; Council Member Bartram, Crimmins, Hill-Zayat, and Rollins; 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 Town Meeting Minutes from January 14, 2019 and Work Session Minutes from January 28, 2019 were reviewed and approved. See Council Actions.

From the Mayor and Council

Mayor Furman reminded Residents of the 125th Anniversary Celebration on April 6th, and noted that formal invitations will be mailed to Residents; the 125th Celebration will also include two additional events later this year at Kensington Cabin Park and St. Paul Park; noted that the Greenscape Committee had met recently and discussed re-designing the gardens within Clum-Kennedy Park, creating banners for the Howard Avenue street lights, and celebrating Arbor Day in cooperation with the Day of the Book Festival.

Council Member Bartram noted that the Traffic Committee will convene on February 21st, 7:00 pm.

Council Member Rollins noted that Food Truck Night will once again return on the 1st and 3rd Thursday of the month beginning May 2nd.

From Town Manager and Staff

4000 Knowles Venture LLC (4000 Knowles Avenue)

Tom Brault, Woodside Ventures, presented a proposed Townhome development project, Phase 3 of Knowles Station, at 4000 Knowles Avenue; and requested that the Council consider abandoning a portion of the public right-of-way along Kaiser Place (Warner Street) in exchange for certain public benefits to the surrounding site.

Jack Gaffey questioned the developers plans for improving traffic flow by adding a lane along Knowles Avenue.

Mr. Brault stated that he would be willing to work with the State, County, and Town on improving traffic along Knowles Avenue.

Joe Campbell, Adeline Louie, Doug Lynott, Leslie Maxam, Julie O'Malley, and Helen Wilkes all spoke in opposition to the proposed 3rd Phase of the Knowles Station Townhome project citing traffic implications, concern over zoning use, and a lack of greenspace.

Liz Brennan questioned the width of the sidewalks within Phase 2 of the Townhome project and whether the addition of 19 new homes would affect the current school capacity concerns.

Mr. Brault noted that the 19 new Townhomes was below the threshold to impact the school capacity concerns.

Nick Pirulli, Brainard Avenue, stated that the existing area is unsightly and suggested working with the developer for less density and something that would work with the character of the Town.

Town Manager Daily stated that the Town does not own the public right-of-way; however, the Town may regulate and control the right-of-way for safety and maintenance purposes. If the Town elected to abandon the right-of-way at the end of Kaiser Place, the area would most likely be split between 4000 Knowles and the HOC property.

Council Member Bartram discussed the importance of working with developers with proposed projects because there are certain projects that may be done by right, in which the Town would have limited leverage in design aspects.

Helen Wilkes requested that the Town place a moratorium on development or at least step back and figure out a plan to incorporate the character and look of the Town.

Mayor Furman reminded everyone that the 2012 Kensington and Vicinity Sector Plan includes Design Guidelines which addresses the characteristics of the Town, while the actual Sector Plan provides an outline for development within the CRN and CRT zones.

The Council discussed Mr. Brault's presentation and expressed concern with the existing intersection and the impact additional development would have on traffic; the Council stated that they would like to discuss the request for abandonment with the Town Attorney prior to making a decision on the request.

Asst. Town Manager Hoffman stated that the Town recently hired Kariann Zentz as a part time Communications and Marketing Specialist to help the Town staff with both communication and marketing tasks.

Leslie Maxam asked if the position was advertised and discussed the County's requirements for recruiting open positions; Ms. Maxam stated that she is concerned about transparent hiring and would have liked to have known the position was open.

Joe Campbell stated that the position should have been advertised and discussed more prominently; questioned the hours, salary and budget line.

Mayor Furman stated that the position was discussed and approved within a budget line for the existing FY19 Budget. The position will be for 20 hours a week at \$35 an hour and has no associated benefits. Mayor Furman also noted that Kariann previously worked with the Town's public relations firm, Maier Warner, and is very familiar with the Town and our operations.

Montgomery County Police (Additional Coverage Service Agreement)

Town Manager Daily stated that an analysis was done to compare the Town's existing additional coverage police services agreement with that of adjacent municipalities, in which they directly hire officers as employees for additional coverage. Mr. Daily noted that financially, the costs would be similar and suggested that either approach would be acceptable.

Leslie Olson stated that there is continuous disregard for the Town's posted restrictions and that she rarely sees enforcement; and thought that hiring our own officers would allow them to be there when needed.

Jack Gaffey stated that more police enforcement is needed, especially at the 'Do Not Block the Box' signs at the intersection of Connecticut and Howard Avenues.

Jim Cooper spoke in support of hiring our own officers and noted that this would allow for greater accountability and control.

Joseph Campbell stated that the current approach with the County police has been working well and that they have been doing a fine job enforcing the 'No Left Turn' sign at the intersection of Kensington Parkway and Kent Street; he questioned whether there would be more enforcement if the Town hired their own officers; if the police reports are available to the public; and whether the Town purchased police bikes have helped enforcement.

Town Manager Daily stated that the police reports are available by request and that current enforcement areas are determined by the Council and relayed to the Bethesda District Commander; and noted that there are not enough funds available to enforce all of the restrictions at all times.

Adeline Louie asked if the Town's traffic restrictions could be enforced with the use of cameras.

Town Manager Daily stated that the Town does not have authority to issue violations by use of camera for time restrictions or stop signs, as State law only permits camera use for speed violations within certain areas.

The Mayor and Council concurred to direct staff to provide for the hiring of two police officers to enforce traffic restrictions within the upcoming Fiscal Year 2019-2020 Budget; and asked that the Traffic Committee also discuss the proposal at their next meeting.

Ordinances, Resolutions, Regulations

Ordinance No. O-01-2019 - An Emergency Ordinance of the Mayor and Council of the Town of Kensington to Amend Chapter 3, “Streets, Sidewalks, Maintenance and Use of the Public Rights-of-Way”, by Adopting Article III, “Wireless Telecommunications Facilities in Public Rights-of-Way”, to provide for certain standards and regulations relating to the location of small wireless telecommunications towers, antennas, and other structures within the Town’s public rights-of-way or on Town property, consistent with Federal and State Law; and providing a fee, annual charge and a penalty was presented for introduction, public hearing, and emergency adoption. See Council Actions.

Town Manager Daily stated that following a recent FCC ruling in anticipation of wireless telecommunication companies introducing 5G, many local communities across the country have been adopting regulations on the aesthetics and placement of small cell towers within the public rights-of-way. Mr. Daily continued that Town Attorney Ferguson recommended that the Town adopt these regulations under an emergency ordinance.

The Mayor and Council accepted Town Attorney Ferguson’s recommendation and held a Public Hearing on Ordinance No. O-01-2019 under emergency circumstances.

Bernadette Engelstad, East Bexhill Drive, spoke against the emergency ordinance as she believed that the Ordinance would pave the way for telecommunication companies to install small cell towers, which she explained may cause harmful health concerns to the public.

The Council noted that the intent behind the emergency ordinance is not to pave a way for telecommunication companies to install small cell towers, but rather to provide regulations on certain aspects of the towers when the 5G network comes into fruition. The Ordinance may be amended at a later time and that there is current State legislation that may supersede the Town’s regulations; however, they believed the regulations were a necessary step to protect the Town.

Leslie Olson requested a longer Public Hearing to allow further review of a complex issue.

Council Member Bartram stated that the Council will revisit the ordinance as things develop; however, it is necessary to approve the Ordinance at this time in the unlikely event that a telecommunications company comes forward with a small cell tower proposal.

John Doherty questioned the origination of the text in the Ordinance.

Mayor Furman noted that Town Attorney Ferguson has been working very closely on this issue with other localities and the Maryland Municipal League.

Ellen Suthers, East Bexhill Drive, stated that she appreciated the intent behind the emergency ordinance and suggested that the Council continue reviewing the Ordinance for further clarification.

Resolution No. R-03-2019 - A Resolution authorizing the Town Manager to purchase a picnic pavilion structure from Playground Specialists for St. Paul Park was presented. See Council Actions.

Leslie Olson suggested adding snowbirds to the metal roof to help hold snow and ice.

Council Actions

Council Member Rollins moved to approve the Town Meeting Minutes from January 14, 2019 and the Work Session Minutes from January 28, 2019. The motion passed unanimously.

Council Member Bartram moved to introduce Ordinance No. O-01-2019 - an Emergency Ordinance of the Mayor and Council of the Town of Kensington to Amend Chapter 3, "Streets, Sidewalks, Maintenance and Use of the Public Rights-of-Way", by Adopting Article III, "Wireless Telecommunications Facilities in Public Rights-of-Way", to provide for certain standards and regulations relating to the location of small wireless telecommunications towers, antennas, and other structures within the Town's public rights-of-way or on Town property, consistent with Federal and State Law; and providing a fee, annual charge and a penalty. The motion passed unanimously.

Council Member Crimmins moved to close the Public Hearing on Ordinance O-01-2019. The motion passed unanimously.

Council Member Crimmins moved to adopt the Ordinance O-01-2019 - An Emergency Ordinance of the Mayor and Council of the Town of Kensington to Amend Chapter 3, "Streets, Sidewalks, Maintenance and Use of the Public Rights-of-Way", by Adopting Article III, "Wireless Telecommunications Facilities in Public Rights-of-Way", to provide for certain standards and regulations relating to the location of small wireless telecommunications towers, antennas, and other structures within the Town's public rights-of-way or on Town property, consistent with Federal and State Law; and providing a fee, annual charge and a penalty, effective immediately. The motion passed unanimously.

Council Member Rollins moved to approve Resolution No. R-03-2019 - authorizing the Town Manager to purchase a picnic pavilion structure from Playground Specialists for St. Paul Park. The motion passed unanimously.

Council Member Hill-Zayat moved to adjourn the meeting at 9:41 p.m. The motion passed unanimously.