

July 8, 2019 Town Council Meeting

- Approved the Town Meeting Minutes from June 10, 2019 and the Special Town Meeting Minutes from June 19, 2019.
- Held a *Public Hearing* on **Ordinance No. O-03-2019** – An Ordinance Amending Chapter VI, Article 1, “Signs and Solicitors”, Sections 6-101, “Signs”; 6-102, “Town Sign Permit Required”; 6-103, “Signs in the Public Right of Way”; 6-104 “Signs on Private Property – CRT, CRN and Industrial Zones”; and 6-106, “Enforcement and Penalties” to identify the types of signs that are authorized and are required to be permitted; expand the prohibition on pole signs; to regulate limited duration signs on private property; to clarify that all illuminated signs are regulated in the same manner and to make conforming changes. *The Public Record will remain open until 4:00 pm on Friday, August 9, 2019.*
- Approved **Resolution No. R-13-2019** – A Resolution of the Mayor and Town Council extending a contract with Maier Warner Public Relations, LLC, to serve as Marketing and Public Relations representatives for the Town.
- Approved **Resolution No. R-14-2019** – A Resolution of the Mayor and Town Council authorizing the Town Manager to execute a road transfer agreement with Montgomery County to transfer responsibility of certain roads through Annexation Resolution No. AR-01-2018 and the accompanying storm drain facilities.
- Approved **Resolution No. R-15-2019** – A Resolution of the Mayor and Town Council to approve an Easement Agreement with SHI-III Solera Kensington Owner, LLC, owner of 10540 Metropolitan Avenue, for use and maintenance of land adjacent to the St. Paul Street right-of-way on the part of the Town, and for maintenance of sidewalk in the public right-of-way by SHI-III Solera Kensington Owner, LLC.
- Tabled **Resolution No. R-16-2019** – A Resolution of the Mayor and Town Council to approve a Memorandum of Understanding with Konterra Limited Partnership for the use of the property located at 10450 Metropolitan Avenue as a dog park, in substantially the form attached, subject to review and approval of the Town Attorney, and to authorize the purchase and installation of a fence from Capital Fence for the purpose of enclosing the dog park.

Town Meeting 7:00 p.m.

Mayor Furman; Council Members Bartram, Crimmins, and Rollins; Town Manager Daily; Assistant Town Manager Hoffman; and Clerk-Treasurer Engels were present. Council Member Hill-Zayat was necessarily absent. The Pledge of Allegiance was recited, and a moment of silence was observed for Betty Ball, who recently passed away.

The Town Meeting Minutes from June 10, 2019 were reviewed and approved following the correction to delete the reference of the incorrect date for the Traffic Committee meeting. See Council Actions.

The Special Town Meeting Minutes from June 19, 2019 were reviewed and approved. See Council Actions.

From the Mayor and Council

Mayor Furman acknowledged the re-appointment of Jeff Capron, Leslie Olson, and Kerry Thompson to the Audit Committee.

Council Member Crimmins reported that the Development Review Board met on June 19th with the developers of Lauraner Knowles Estate at Knowles Station, a proposed 12-unit residential townhome project. Due to the pending one-year moratorium on certain residential projects within the Walter Johnson school cluster, the Planning Board deferred the project for future consideration once the moratorium has been lifted.

Council Member Crimmins reported that he and Town Manager Daily met with State Highway Administration (SHA) and Montgomery County Department of Transportation (MCDOT) in a meeting Delegate Carr arranged to review adding a 'jumper lane' for buses on Knowles Avenue. The proposal would add a fourth lane eastbound along Knowles Avenue, which would serve as a queue lane for buses only, when turning northbound on Connecticut Avenue. SHA and MCDOT determined that the proposal was not feasible due to the limited amount of right-of-way. The meeting also provided an opportunity to discuss the importance of the proposed Summit Avenue Extension project; confirming that the temporary flex-posts and quick curb would be installed later this summer on Farragut Avenue; confirming that MCDOT will remove the second travel lane along Summit Avenue and return it to a parking lane between Prospect Street and Brookfield Road; and discuss the possible reconfiguration of the straight lane on westbound Plyers Mill Road to a left-turning and straight lane.

From the Town Manager and Staff

Town Manager Daily stated that he is working with Safeway's management to confirm their delivery times in an effort to close Armory Avenue during Food Truck Nights.

Council Member Crimmins also suggested positioning the food trucks to help with pedestrian safety.

Council Member Rollins noted that the sidewalk on Plyers Mill Road needed to be repaired.

Town Manager Daily stated that he will advise NZI to repair the section of sidewalk.

Mayor Furman asked Town Manager Daily to determine the reason for the metal pipe protruding out of the sidewalk in front of Car Wash Coffee.

Council Member Rollins stated that the recycling collection at the train station had improved and asked if additional containers would be added.

Council Member Crimmins noted the recent and successful Cycling in the Circle and Bike Parade events; and also thanked Katherine Wood, Friends of Warner Circle, and Mark Hudson for their efforts.

Public Appearances

Lori Simmons stated that she appreciated the new sidewalk along Frederick Avenue, but was still concerned with the amount of water channeling down the foundation on the bridge; and also noted impediments along Howard Avenue sidewalks for pedestrians.

Town Manager Daily stated that NZI will be repairing the wooden fence along the Frederick Avenue bridge and confirmed that each of the Town's bridges are inspected by Montgomery County through periodic inspections.

Joe Campbell stated that he was unable to attend the previous meeting when the NZI contract extension was approved, and noted his concerns towards their lack of responsiveness to residents and care towards the environment; stated that contracts lasting several years are an invitation to corruption; and noted that continuing this violates the spirit of the Town Code.

Ordinances, Resolutions, Regulations

Resolution No. R-15-2019 – A Resolution of the Mayor and Town Council to approve an Easement Agreement with SHI-III Solera Kensington Owner, LLC, owner of 10540 Metropolitan Avenue, for use and maintenance of land adjacent to the St. Paul Street right-of-way on the part of the Town, and for maintenance of sidewalk in the public right-of-way by SHI-III Solera Kensington Owner, LLC was presented. See Council Actions.

Juan Cameron, McCaffery Interests, stated the agreement would formalize the easement that exists between the Town, Ayoub Carpet, and Solera to provide egress and ingress along St. Paul Street.

Ordinance No. O-03-2019 – A Public Hearing was held to amend Chapter VI, Article 1, "Signs and Solicitors", Sections 6-101, "Signs"; 6-102, "Town Sign Permit Required"; 6-103, "Signs in the Public Right of Way"; 6-104 "Signs on Private Property – CRT, CRN and Industrial Zones"; and 6-106, "Enforcement and Penalties" to identify the types of signs that are authorized and are required to be permitted; expand the prohibition on pole signs; to regulate limited duration signs on private property; to clarify that all illuminated signs are regulated in the same manner and to make conforming changes. The Public Record will remain open until 4:00 pm on Friday, August 9, 2019. See Council Actions.

David Meit, Oculus Realty, spoke against the proposed Ordinance, which would require the Kensington Shopping Center to remove their pylon sign within five years. Mr. Meit noted that this regulation would be a hardship for their tenants and proposed that the existing pylon sign be re-faced with individual channel letters, reducing the illumination, in return for allowing the pylon to remain for 20 years.

John Blick spoke in opposition to the proposed Ordinance with regards to the restrictions on limited duration signs. Mr. Blick noted the difficulty for brokers to lease commercial spaces and stated that the proposed limited duration restrictions would prevent him from advertising vacant space for lease.

Resolution No. R-13-2019 – A Resolution of the Mayor and Town Council extending a contract with Maier Warner Public Relations, LLC, to serve as Marketing and Public Relations representatives for the Town was presented. See Council Actions.

Joe Campbell questioned the marketing extras and whether the contract was less than previous years; suggested exploring social media outlets besides Facebook, such as Instagram or Twitter; and questioned the website hosting fee of \$3,500.

Mayor Furman and Town Manager Daily stated that the scope of work had been amended from previous years, as the Town's new communications and marketing specialist, Kariann, was able to complete many of the promotional materials.

Council Member Crimmins stated that Facebook has been an effective social media tool for marketing the Town and noted that the hosting fee includes securing the ExploreKensington.com website.

Resolution No. R-14-2019 – A Resolution of the Mayor and Town Council authorizing the Town Manager to execute a road transfer agreement with Montgomery County to transfer responsibility of certain roads through Annexation Resolution No. AR-01-2018 and the accompanying storm drain facilities was presented. See Council Actions.

Town Manager Daily stated that the Resolution authorized the road transfer agreement to be executed, subject to approval by the Town Attorney, and includes responsibility of the storm drains. Mr. Daily also noted that the storm drains were filmed and showed no intrusions and were reported to be in good condition and should last 100 years.

Council Member Rollins stated that he was still concerned that the Town was taking on responsibility for a storm drain that may need to be replaced in 40 years.

Town Manager Daily stated that the Town already has the responsibility of the storm drain system south of Perry Avenue, and the annexation added two blocks of responsibility; and noted that new technology allows the lining of pipes instead of a full replacement if the pipes incur future failures.

Resolution No. R-16-2019 – A Resolution of the Mayor and Town Council to approve a Memorandum of Understanding with Konterra Limited Partnership for the use of the property located at 10450 Metropolitan Avenue as a dog park, in substantially the form attached, subject to review and approval of the Town Attorney, and to authorize the purchase and installation of a fence from Capital Fence for the purpose of enclosing the dog park was presented. See Council Actions.

Council Member Rollins suggested the fence contract include the cost of a delay and the depth of the footings be changed to 48 inches along with the necessary width to support the fence and gate.

Council Member Bartram questioned the length of fencing, which was a different length in the easement memorandum.

The Resolution was tabled until the next Town Meeting, August 12th, as the MOU had not yet been reviewed by Konterra Limited Partnership.

Joe Campbell stated he was very pleased bids were sought for the fencing which should be a precedent; and questioned who will be maintaining the dog park.

Mayor Furman stated the crew will be responsible for any areas that need mowing, trash removal, dog station bags, and an ad hoc committee of volunteers will help maintain the park.

Council Actions

Council Member Crimmins moved to approve the Town Meeting Minutes from June 10, 2019 as amended with omission of reference to the incorrect Traffic Committee date. The motion passed unanimously.

Council Member Rollins moved to approve the Special Town Meeting Minutes from June 19, 2019. The motion passed unanimously.

Council Member Bartram moved to approve Resolution No. R-15-2019 to approve an Easement Agreement with SHI-III Solera Kensington Owner, LLC, owner of 10540 Metropolitan Avenue, for use and maintenance of land adjacent to the St. Paul Street right-of-way on the part of the Town, and for maintenance of sidewalk in the public right-of-way by SHI-III Solera Kensington Owner, LLC. The motion passed unanimously.

Council Member Crimmins moved to close the Public Hearing on Ordinance No. O-03-2019 Amending Chapter VI, "Article 1, "Signs and Solicitors", Sections 6-101, "Signs"; 6-102, "Town Sign Permit Required"; 6-103, "Signs in the Public Right of Way"; 6-104 "Signs on Private Property – CRT, CRN and Industrial Zones"; and 6-106, "Enforcement and Penalties" to identify the types of signs that are authorized and are required to be permitted; expand the prohibition on pole signs; to regulate limited duration signs on private property; to clarify that all illuminated signs are regulated in the same manner and to make conforming changes and hold the record open until 4:00 pm on Friday, August 9, 2019. The motion passed unanimously.

Council Member Crimmins moved to approve Resolution R-13-2019 extending a contract with Maier Warner Public Relations, LLC, to serve as Marketing and Public Relations representatives for the Town as amended deleting reference in the contract to attending revitalization committee meetings. The motion passed unanimously.

Council Member Bartram moved to approve Resolution R-14-2019 authorizing the Town Manager to execute a road transfer agreement with Montgomery County to transfer responsibility of certain roads through Annexation Resolution No. AR-01-2018 and the accompanying storm drain facilities. The motion passed unanimously.

Council Member Crimmins moved to table Resolution R-16-2019 until the August 12th meeting. The motion passed unanimously.

Council Member Rollins moved to adjourn the meeting at 9:35 p.m. The motion passed unanimously.