

August 12, 2019 Town Council Meeting

- Held a Closed Session to discuss a personnel matter that affects one or more specific individuals; and to consult with the Town Attorney to obtain legal advice.
- Approved the Town Meeting Minutes from July 8, 2019.
- Continued **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. *A Council Work Session will be announced to further discuss the proposed Ordinance.*
- Adopted **Resolution No. R-16-2019** - A Resolution of the Mayor and Town Council of Kensington to approve a grant of easement and temporary construction easement with Konterra Limited Partnership for the use of certain property located at 10450 Metropolitan Avenue as a Dog Park and to authorize the purchase and installation of a fence from Capital Fence, Inc., for the purpose of enclosing the Dog Park subject to final approval by the Town Attorney.
- Approved Council Member Bartram to serve as Mayor Pro-Tem.
- The Mayor and Council discussed areas of interest and were assigned to the following Committees:
 - **Auditing Committee** (*Council Liaison*) - Crimmins and Hill-Zayat
 - **Board of Elections** (*Council Liaison*) - Hill-Zayat
 - **Ethics Commission** (*Council Liaison*) - Bartram
 - **Greenscape Committee** - Furman
 - **Development Review Board** - Bartram and Crimmins
 - **Traffic Committee** - Bartram and Hill-Zayat

The following closed session Special Town Council Meetings were held in between the regularly scheduled Town Council Meetings July 8, 2019 and August 12, 2019:

Special Town Council Meeting - Closed Meeting July 18, 2019

Mayor Furman, Town Attorney Ferguson (by phone), Council Member Bartram (by phone), Council Member Hill-Zayat (by phone), and Council Member Rollins were present. Council Member Crimmins was necessarily absent.

Council Member Rollins moved to close the meeting at 1:03 p.m. pursuant to State Government Article §3-305(b)(7) to consult with the Town Attorney to obtain legal advice. Council Member Hill-Zayat seconded the motion. The motion passed unanimously.

Testimony for the July 25, 2019 Planning Commission Hearing on the conditional use application (CU-19-03) for a proposed self-storage facility at 10619 Connecticut Avenue was discussed. There were no actions taken.

Council Member Bartram moved to adjourn the closed session of the meeting at 1:35 p.m. Council Member Rollins seconded the motion. The motion passed unanimously.

Special Town Council Meeting - Closed Meeting August 5, 2019

Mayor Furman, Town Attorney Ferguson, Town Manager Daily, Council Bartram (by phone), Council Member Crimmins, Council Member Hill-Zayat, and Council Member Rollins were present. Council Member Rollins moved to close the meeting at 8:02 a.m. pursuant to State Government Article §3-305(b)(7) to consult with the Town Attorney to obtain legal advice. Council Member Crimmins seconded the motion. The motion passed unanimously.

Testimony for the August 9, 2019 Hearing Examiner Hearing on the conditional use application (CU-19-03) for a proposed self-storage facility at 10619 Connecticut Avenue was discussed. A Special Town Council Meeting to hold a closed session was scheduled for August 8, 2019, 11:00 a.m.

Council Member Hill-Zayat moved to adjourn the closed session at 10:10 a.m. The motion was seconded by Council Member Crimmins. The motion passed unanimously.

Town Meeting August 12, 2019 6 p.m.

Mayor Furman, Town Attorney Ferguson, Town Manager Daily, Council Members Bartram, Crimmins, Hill-Zayat, and Rollins were present.

Council Member Bartram moved to close the meeting at 6:06 p.m. pursuant to State Government Article §3-305(b)(1)(ii) to discuss a personnel matter that affects one or more specific individuals, and State Government Article §3-305(b)(7) to consult with the Town Attorney to obtain legal advice. Council Member Hill-Zayat seconded the motion. The motion passed unanimously.

Personnel matters concerning one or more specific individuals was discussed. No action was taken.

Council Member Hill-Zayat moved to adjourn the closed session and open the meeting at 6:57 p.m. The motion was seconded by Council Member Rollins. The motion passed unanimously.

The Council Meeting reconvened in public session at 7:03 p.m.

Assistant Town Manager Hoffman and Clerk-Treasurer Engels joined the public session. The Pledge of Allegiance was recited, and a moment of silence was observed.

The Town Meeting Minutes from July 8, 2019 were reviewed and approved. See Council Actions.

From the Mayor and Council

Kathie Durbin, Chief of Licensure, Regulation & Education with Montgomery County's Department of Alcohol Beverage Services, was present to discuss the possibility of the Town adopting the County's alcohol regulations.

The Council discussed and questioned certain controls they wished to continue regulations on, to include: number of licenses; operational hours; and alcohol advertising (signage).

Ms. Durbin explained that the Town could adopt the County's alcohol regulations with slight revisions for greater restrictions. However, she noted that the Board of Licenses would work with the Town if an issue were to arise with a license holder. Ms. Durbin also noted that signage is now handled by zoning and not alcohol licensing.

Mayor Furman noted that the Town has taken incremental steps over the years to expand the sale of alcohol within the Town, and that each revision requires State legislation. The thought behind adopting the County's regulations would be to lessen the dependence on State legislation and to allow certain types of distilling and alcohol related events within the Town.

Town Attorney Ferguson noted that if the Town decides to adopt the County's regulations, they may still enter into property use agreements or covenants.

Public Appearances

Jack Gaffey requested enforcement of the 'No Parking' area along the east side of Frederick Avenue between Frederick Place and Kent Street; and noted the upcoming Perseid Meteor Shower.

Leslie Olson noted concerns with the current parking situation along Wheatley Street at Metropolitan Avenue; property maintenance issues with a number of commercial buildings in the same vicinity; that the Ayoub Carpet and Rugs sign continues to be illuminated through the night; questioned the removal of certain plants within Town parks and at the Kensington train station.

Town Manager and Staff

Council Member Bartram suggested that the Town promote a Sidewalks for School campaign to bring attention to clear overgrowth along public sidewalks.

Ordinances, Resolutions, Regulations

Ordinance No. O-03-2019 – An ordinance 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 was presented for adoption. See Council Actions.

Mayor Furman stated that the Town received a letter from the owner of the Kensington Shopping Center, Neil Burka, prior to the close of the public comment period requesting that the existing pylon sign remain following modifications.

Mr. Burka was present at the meeting as well and noted that small businesses face many challenges and urged the Council not to be more restrictive than Montgomery County pertaining to commercial signage.

The Council discussed Mr. Burka's proposal to keep the existing pylon sign following modifications; the illumination of the existing pylon sign at the Kensington Shopping Center; options on how to regulate limited duration signs (specifically commercial lease signs); and concurred that Ordinance No. O-03-2019 was not ready for adoption.

Town Attorney Ferguson stated that retail and office lease signs may be differentiated through limited duration regulations.

The Council will meet for a future work session to discuss additional revisions to the proposed Ordinance.

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.

Town Attorney Ferguson stated that the Memorandum of understanding is mostly complete; however, she was working with Konterra on clarifying the indemnification clause, as Konterra had some concern over the puddling and runoff; she suggested the Resolution could be approved in substantially the form shown subject to her final approval.

Mayor Furman stated that the Town will be grading the site prior to installing the fence to help with runoff concerns.

Leslie Olson asked about the design of the dog park.

Mayor Furman stated that there will be a double-gate system that will allow both Town vehicles (for maintenance) and pedestrians to enter the area, while providing a leash removal area in between the gates.

Council Assignments

The Mayor and Council discussed areas of interest.

Council Members Hill-Zayat and Rollins requested changes to the assigned Council Members on the Development Review Board.

Council Members Bartram and Crimmins requested to remain on the Development Review Board.

Mayor Furman stated that she wanted consistency on the Development Review Board at this time and assigned Council Members Bartram and Crimmins to serve on the Development Review Board for another year.

The following assignments were made:

- **Auditing Committee** (*Council Liaison*) - Crimmins and Hill-Zayat
- **Board of Elections** (*Council Liaison*) - Hill-Zayat
- **Ethics Commission** (*Council Liaison*) - Bartram
- **Greenscape Committee** - Furman
- **Development Review Board** - Bartram and Crimmins
- **Traffic Committee** - Bartram and Hill-Zayat
- **Historic Preservation** - Disbanded

Council Member Bartram will remain Mayor Pro Tem. See Council Actions.

Mayor Furman announced that County Planning staff, along with the Town, will be hosting a workshop on Saturday, September 14th from 9 am – 12:30 pm, St. Paul’s Methodist Church, to allow the community to learn about the development process and the Town’s role.

Council Actions

Council Member Rollins moved to approve the Town Meeting Minutes from July 8, 2019. The motion passed unanimously.

Council Member Bridget Hill-Zayat moved to continue 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. The motion passed unanimously.

Council Member Crimmins moved to adopt Resolution R-16-2019 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 subject to final approval by the Town attorney. The motion passed unanimously.

Council Member Hill-Zayat moved to approve Council Member Bartram as Mayor Pro Tem. The motion passed 3 to 1. Council Member Rollins voted against the motion.

Council Member Crimmins moved to adjourn the meeting at 9:08 p.m. The motion passed unanimously.