

January 13, 2020 Town Council Meeting

- Approved the Town Meeting Minutes of December 9, 2019.
- Accepted the revisions to the proposed Alcohol bill (MC 15-20), to amend the Town's Alcohol laws with certain conditions.
- Reviewed the proposed designs for the I Found HeART in Kensington banners; comments will be referred to the Greenscape Committee.
- Discussed adopting Montgomery County's Pesticide Law.
- Discussed reviving the Town's Historic Preservation Committee to serve as the formal Local Advisory Panel (LAP) to the County's Historic Preservation Commission.
- Held a Public Hearing on Ordinance No. O-04-2019 - An Ordinance Amending Chapter VII, "Public Health, Safety, and Conduct", Article 5, "Animals", by repealing and re-enacting Section 7-502, "Owners Responsible for Curbing of Animals", and Section 7-503, "Control of Vicious Animals"; and by adding Section 7-504, "Unwanted Contact", Section 7-505, "Animal Noise", Section 7-506, "Dangerous Animals", and Section 7-507, "Dog Exercise Area", and otherwise make conforming changes. The Public Record will remain open until 4:00 pm on Friday, February 7, 2020.

Town Meeting January 13, 2020, 7:00 p.m.

Mayor Furman, Council Members Bartram, Crimmins, Hill-Zayat, and Rollins; Acting 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 December 9, 2019 were reviewed and approved following a correction for a typographical error. See Council Actions.

Boy Scout Troop 439 were present to observe a portion of the Meeting.

From the Mayor and Council

Alcohol Legislation

The Council reviewed and accepted the proposed amendments to the Alcohol legislation bill (HB 860).

Council Member Rollins requested clarification on whether the County's fee for liquor licenses should be included, as County fees are listed within other areas of the bill; questioned whether Section 25-1604 (b)(4) and Section 25-1604 (b)(10) should both include language pertaining to on and off premise consumption to be consistent; and requested confirmation that the term 'side of a building' within Section 25-1604 (F) referred to all sides of a building, including the front façade.

Marshall Pressor confirmed with the Council that signs on building roofs would be covered within the Town's sign regulations.

Montgomery County Pesticide Law

Mary Travaglini, Organic Lawn and Landscape Program Manager with Montgomery County, was present to discuss the County's new Pesticide Law. Ms. Travaglini stated that Montgomery County is the first major locality within the United States to enact a law restricting the use of most synthetic pesticides, and she encouraged the Town of Kensington to adopt the regulations as well by opting into Chapter 33B of the County Code. The Department of Environmental Protection would enforce the regulations if the Town adopted the Pesticide Law.

The Council questioned the effectiveness of enforcement considering it was complaint driven, and whether other municipalities have opted into the Pesticide Law.

Ms. Travaglini stated that the enforcement goals at this time are to educate the community about the law.

Ruth Spivak questioned whether the Pesticide Law applies to mosquitos and insects.

Ms. Travaglini stated there are exemptions within the law for 'biting and stinging' insects and noted an information pamphlet that she brought for the Town to provide to residents.

The Council will discuss the Pesticide Law further at the January 22, 2020 Council Work Session.

Historical Preservation Committee

The Council discussed how the Local Advisory Panel (LAP) is structured and discussed reviving the Historic Preservation Committee to serve as the formal LAP to encourage administrative structure.

Council Member Crimmins stated that the Historic District is a key element of the Town's identity and the LAP plays an important advisory role in which the administrative process could be improved through a committee structure.

Mayor Furman noted that the Town received two separate emails from Residents depicting concerns over the LAP process.

Leslie Olson reminded Residents that the Kensington Historical Society will be hosting a meeting on January 14, 2020, 7 pm, to provide information for homeowners within Historic District.

Helen Wilkes, Chair of the LAP, spoke in support of the LAP serving as a formal Committee of the Town and to provide greater structure and transparency.

Council Member Bartram noted that it may be beneficial for the LAP to provide recommendations to the Council instead of the Historic Preservation Commission (HPC), similar to other Town Committees.

Mayor Furman stated that recommendations should be made to the HPC and not the Town Council.

Marshall Presser noted that the composition of the HPC has changed over time, but that he was treated fairly during previous HPC reviews.

Margaret Upton, Upton Architects, stated that the LAP is important because it looks at plans with respect to the Kensington Historic District, and not the entirety of the County, as does the HPC.

Community Art Display

The Council reviewed the proposed I Found HeART in Kensington banners, which will promote the Town through art.

The Council concurred that the banners should be located along Howard Avenue and suggested an opening along the brick wall.

Sharon Scott stated that she supported the banners and suggested that they be placed along Connecticut Avenue; and asked about adding a right-turn lane northbound on Connecticut Avenue from Howard Avenue to Plyers Mill Road.

Leslie Olson stated that she supported the banners; however, not within a park.

The Greenscape Committee will review the comments at their next meeting.

From the Mayor and Town Council

Mayor Furman reported that the Town will be hosting the January MML Chapter meeting on the 16th, and that the Wheaton Kensington Business Expo will be held on January 29th.

Council Member Rollins requested additional recycling containers to be placed at the Train Station and in front of the Sweat Shop.

Council Member Crimmins thanked Mark Hudson and volunteers for the Caroling Around the Fountain event and thanked the Town staff for contacting the State Highway Administration to repair the pothole on Metropolitan Avenue.

Council Member Rollins noted that there was a pothole on Howard Avenue at Detrick Avenue and one on Plyers Mill Road by the Fire Station.

Mayor Furman discussed the issue of abandoned Safeway shopping carts being left by Silver Creek at Kensington House.

Sabina Emerson questioned whether Safeway has been approached and if they could add sensors to the carts to lock the wheels.

Jack Gaffey suggested contacting Safeway; and thanked the Town Crew for painting over the graffiti along the Frederick Avenue bridge.

Bridget Collins suggested sending Safeway a bill for removing the shopping carts from Silver Creek.

Mary Travaglini noted that she would speak to one of the County's Code Compliance Officers about the situation.

Leslie Olson suggested a locking mechanism for the shopping carts and to contact Safeway instead of discarding their carts.

Council Member Bartram will contact Safeway with regards to the abandoned shopping carts.

From the Town Manager and Staff

A Council Work Session will be held on January 22, 2020, 6:00 pm, to discuss revisions to the sign ordinance (Ordinance No. O-03-2019); the proposed LAP ad-hoc Committee; and adopting the County's Pesticide Law.

Acting Town Manager Hoffman stated that Montgomery Municipal Cable (MMC) is recording the Council Meeting as a test run for future live streaming of Council Meetings.

From the Public

Joe Campbell stated that the brick crosswalk on Kensington Parkway has not been restored following paving; and requested enforcement for the 'No Left Turn' sign at Kensington Parkway and Kent Street.

Council Member Bartram stated that the Traffic Committee will review the enforcement of the 'No Left Turn' signs and noted that the Town has received a request to remove the signs.

Jack Gaffey stated that he supported enforcement of the 'No Left Turn' signs.

Jason Gerson stated that the current signage is not working as vehicles make illegal u-turns on Calvert Place to circumvent the restriction.

Joe Campbell requested the restoration of police presence and stated that this would prevent the illegal turns.

Sarah Timlin noted the importance of enforcement and mentioned the Dupont Avenue barrier as an example.

Council Members Bartram and Hill-Zayat stated that the Traffic Committee would continue to review and amend the enforcement list for priority locations.

Ordinances, Resolutions, Regulations

Ordinance No. O-04-2019 – A Public Hearing was held on Ordinance Amending Chapter VII, “Public Health, Safety, and Conduct”, Article 5, “Animals”, by repealing and re-enacting Section 7-502, “Owners Responsible for Curbing of Animals”, and Section 7-503, “Control of Vicious Animals”; and by adding Section 7-504, “Unwanted Contact”, Section 7-505, “Animal Noise”, Section 7-506, “Dangerous Animals”, and Section 7-507, “Dog Exercise Area”, and otherwise make conforming changes. The Public Record will remain open until 4 p.m. on Friday, February 7, 2020. See Council Actions.

Acting Town Manager Hoffman stated that the Ordinance is intended to establish and regulate the Kensington Dog Run, and to clarify regulations pertaining to animals within the Town by adopting the County’s existing language; and noted that a postcard was sent to Residents advising of the Public Hearing.

Leslie Olson stated that certain areas of the ordinance do not include definitions and were confusing; and questioned a few of the proposed regulations.

Sarah Timlin stated that the ordinance suggested that the Town was experiencing an animal issue, which she did not perceive to the case; and questioned a few of the proposed regulations.

Ruth Spivak questioned the section pertaining to animal noise.

David Romeo questioned if there was a fine for disposing of pet waste in private trash receptacles and stated that he was in favor of the ordinance overall.

Joe Campbell commended the unwanted contact section of the ordinance, but noted he was concerned about the enforcement provisions and the vagueness of the ordinance.

Council Member Hill-Zayat suggested revising the ordinance to provide clearer regulations and enforcement.

Council Member Bartram stated that the intent of the ordinance was to establish the new dog park and that it was important to consider other changes, such as incorporating the County’s language, considering the requirements needed to amend the Town Code; and noted that by formally adopting the County’s language allows Animal Control to enforce and investigate animal issues within the Town.

The Council will hold the Public Record open until February 7, 2020, 4:00 pm. (See Council Actions).

Council Actions

Council Member Crimmins moved to approve the Town Meeting Minutes from December 9, 2019. The motion passed unanimously.

Council Member Bartram moved to hold the record open until February 7, 2020 at 4 p.m. on Ordinance No. O-04-2019 Amending Chapter VII, “Public Health, Safety, and Conduct”, Article

5, "Animals", by repealing and re-enacting Section 7-502, "Owners Responsible for Curbing of Animals", and Section 7-503, "Control of Vicious Animals"; and by adding Section 7-504, "Unwanted Contact", Section 7-505, "Animal Noise", Section 7-506, "Dangerous Animals", and Section 7-507, "Dog Exercise Area", and otherwise make conforming changes. The motion passed unanimously.

Council Member Crimmins moved to adjourn the meeting at 9:40 p.m. The motion passed unanimously.