

August 10, 2020 Town Council Meeting

(held by Zoom Video Conferencing)

- Approved the Town Meeting Minutes of July 13, 2020.
- Approved the Town Organizational Meeting Minutes of July 13, 2020.
- Acknowledged holding a Work Session on August 7, 2020 with the Maryland Department of Transportation (MCDOT) and the State Highway Administration (SHA) with regards to traffic and pedestrian safety along the 3900 and 4000 block of Knowles Avenue (MD 547). The Mayor will send a letter to both MCDOT and SHA thanking them for participating within the Work Session.
- Acknowledged that the Ethics Commission met in closed session on July 31, 2020 and August 7, 2020 to provide an advisory opinion.
- Continued **Resolution No. R-07-2020** – A Resolution to accept a contribution from Knowles Manor Senior Housing, LLC, to supplement traffic and parking enforcement.

Town Meeting August 10, 2020, 7:00 pm, by Zoom Video Conferencing

Mayor Furman, Council Members Bartram, Crimmins, Engle, and Hill-Zayat; Town Manager Hoffman; and Clerk-Treasurer Engels were present by Zoom Video Conferencing. A moment of silence was observed.

The Town Organizational and Town Meeting Minutes from July 13, 2020 were reviewed and approved. See Council Actions.

From the Mayor and Council

Mayor Furman reported that a Council work session was held August 7, 2020 with the Montgomery County Department of Transportation (MCDOT), along with the Maryland State Highway Administration (SHA), to address concerns with the 3900 and 4000 blocks of Knowles Avenue.

Council Member Bartram noted that MCDOT had received a letter from the Parkwood Residents Association with regards to potentially narrowing the lanes along Knowles Avenue to accommodate the Bicycle Master Plan through future development.

Council Member Engle noted that the work session was encouraging in the fact that both MCDOT and SHA are viewing the Knowles Avenue corridor through an integrated and holistic nature while working with the community.

Council Member Bartram stated that he drafted a follow-up letter to MCDOT and SHA to recap the work session and the Town's expectations moving forward. The Council reviewed and concurred to send the letter.

Council Member Engle noted that the letter emphasized the Town's desire that all development adhere to SHA's Complete Streets Policy, along with the County's Vision Zero initiative and Bicycle Master Plan, while still seeking input from the Town.

Jeff Griffith, Vice President with the Parkwood Residents Association, asked if the audio from the work session would be available.

Town Election Sub-Committee

Council Members Bartram and Engle noted that they have spoken to the Board of Supervisors of Elections to review the 2020 Town Election and will propose revisions and ballot options for future Town elections. The Council discussed the following:

- Allowing in-person voting, but also allowing mail-in ballot requests, which would provide a mail or drop box option for ballots.
- Allowing residents that are not legal citizens of the United States the ability to vote in Town Elections.
- Allow 16 and 17-year-olds to vote.
- Establishing an emergency election plan that could be instituted by unanimous vote,
- Cancelling a formal election if uncontested.
- Providing for an advisory referendum on certain proposals.

The Council discussed the challenges that the Board of Supervisors of Elections reported during the 2020 Election, including disqualified ballots and ballots not received by the deadline.

Joe Campbell stated that there was confusion over the use of the correct drop box, as there was a parcel courier box outside of Town Hall in addition to the official ballot box; and asked how many ballots were disqualified or had issues.

Town Manager Hoffman noted that there were 163 ballots cast with both the affidavit and ballot within the ballot envelope, which the Election judges decided to count.

Karen Vincent asked for clarification on whether adjacent areas within Kensington, such as Parkwood, could be included in decisions, as they impact the surrounding community.

Council Member Engle stated that he welcomed Ms. Vincent's point and that decisions do impact surrounding areas, and it is important to participate in Town meetings.

Council Members Bartram and Engle will continue to outline areas of the Charter and Code that may be addressed for Council review pertaining to elections and provide information at the September Council Meeting.

Thrive Montgomery 2050

The Council discussed Thrive Montgomery 2050, Montgomery Planning's development vision for the next thirty years, which the Council was asked to provide comment. The final document will be available in 2021.

The Council noted concerns with the draft document, which lacked details on how future zoning text amendments could override the vision; clarity on increased density; the document provided no reference to the historic district; and the process and implications for current and future master/sector plans.

Council Member Crimmins suggested the Council provide him comments and concerns for a letter that could be sent by the Mayor.

Mayor Furman stated that County Councilmember Andrew Friedson was in support of Thrive 2050; however, other municipalities have expressed concerns over the vision.

Council Member Engle questioned whether the Town has ever consulted with a professional planning specialist to help stay ahead of County issues.

Ethics Commission Report

Jack Gaffey noted that the Ethics Commission met on July 31 and August 7 in closed session to consult with the Town Attorney and to provide advisory opinions following a request by two Council Members.

Council Member Bartram stated that he requested an advisory opinion, which was not intended to be confidential, on whether accepting the \$100,000 donation from Knowles Manor would violate Section 2-307 of the Town Code. The Ethics Commission determined that this Section applies to individuals and not the Town as an entity.

Joe Campbell questioned if the \$100,000 was the topic of both Ethics Commission meetings; the reason for confidentiality since it was made public; and the Council Members that sought the advisory opinion.

Jack Gaffey stated that the first meeting was closed following a request of confidentiality, while the second meeting was closed to consult with the Town Attorney. Mr. Gaffey stated that the individual Council Members are free to discuss the requests.

From the Mayor and Council

Council Member Hill-Zayat thanked the Town, along with the Residents, for their notes and donations to the Glioblastoma Foundation Charity in memory of her father.

Council Member Engle noted that there will be information within the upcoming Around Town Journal on a working group to explore bicycle and pedestrian access and safety, and anyone interested in joining the working group may contact him.

Council Member Crimmins noted that Metropolitan Avenue was reopened following utility work for the Modena by Solera Reserve project, and that individual lane closures may occur for additional work. The contractor reopened Metropolitan Avenue with an all-way stop at St. Paul Street in error; however, following public comment, the Town is working with the State Highway Administration to make the all-way stop permanent.

Town Manager Hoffman noted that SHA has transferred the request to maintain the all-way stop to their Operations division and that additional information will be provided once a traffic analysis has been completed.

Council Member Crimmins noted that the Development Review Board (DRB) will convene August 12, via Zoom, to review The Flats at Knowles Station (10509 Summit Avenue) project.

Council Member Bartram noted that the Traffic Committee will convene August 27, via Zoom.

Mayor Furman noted that Jenny Cakes will be closing in September; Nicole Bourgea has been contracted to paint a mural along the Frederick Avenue bridge, which will have a garden theme; and that Jason Swain will be carving a statue in honor of David Gregg, who will be retiring later this year after serving as the Town's tree contractor since 1980.

Public Appearances

Jack Gaffey stated that he enjoyed the Frederick Avenue mural and suggested a proclamation for Jenny Smith (Jenny Cakes).

Karen Vincent asked about the Town's arrangement with hiring off-duty Montgomery County Police Officers and if the Town kept demographical statistics on tickets issued within the Town.

Town Manager Hoffman noted that any demographical statistics would be entered into the County's database.

Joe Campbell noted that the mural on the Frederick Avenue bridge is nicely presented and how well Clum Kennedy Park is maintained by the Town Crew; questioned when David Gregg's last day will be; and noted continued sediment control problems with the houses under construction on Frederick Avenue.

Town Manager Hoffman stated that the County issued the sediment control permit and that they are the primary enforcement agency for compliance. Mr. Hoffman also noted that the contractor has been compliant following each issue and that they will continue to monitor the site.

Jack Gaffey noted that the contractor recently poured the concrete parking areas.

Nancy Sordin asked about the intersection of Plyers Mill Road and Summit Avenue.

Council Member Bartram stated that the intersection will be discussed at the August 27 Traffic Committee meeting.

Ordinances, Resolutions, Regulations

Resolution No. O-07-2020 – Resolution No. R-07-2020 to accept a contribution from Knowles Manor Senior Housing, LLC, to supplement traffic and parking enforcement was presented. See Council Actions.

Council Member Engle stated, in reference to Resolution No. R-07-2020, that he was part of the group, Neighbors for an Improved Kensington, which reached a settlement agreement with Knowles Manor Senior Housing, and even though he does not have a financial interest, based on the advisory opinion he sought from the Ethics Commission and out of an abundance of caution, he is recusing himself from the discussion and the vote.

Jim Cooper, part of Neighbors for an Improved Kensington, explained the background of the pitchfork traffic problems and the concern the group has about the development adding more cars through the neighborhood, which was his rationale for joining the group, in an effort to obtain a proffer from the developer to help with traffic enforcement within the Town.

Council Member Bartram stated his concerns with the settlement agreement and suit in general, as they circumvent the Planning Board's public approval process; the settlement also causes concern as setting a precedent for future development projects.

Council Member Crimmins questioned Dr. Cooper if the non-monetary part of the settlement agreement addressed the traffic and safety enhancements the group sought; and questioned where the public process failed that did not address the groups concerns.

Council Member Hill-Zayat stated that the settlement had already been agreed upon and there was no reason to continue to question Dr. Cooper.

The Council concurred to continue the Resolution until a representative of the group could be available to answer additional questions of the Council. See Council Actions.

Mayor Furman explained that if the Town does not accept the \$100,000 donation, the agreement states that the funds would be transferred to Montgomery County for a recreation center within the existing Housing Opportunities Commission (HOC) site; however, the Mayor questioned this proposal, as Montgomery County plans to turn the property back over to the School Board for pre-K instruction.

Council Actions

Council Member Crimmins moved to approve the Organizational Meeting Minutes from July 13, 2020 as presented. The motion passed unanimously.

Council Member Crimmins moved to approve the Town Meeting Minutes from July 13, 2020. The motion passed unanimously.

Council Member Crimmins moved to continue Resolution No. R-07-2020 to accept a contribution

from Knowles Manor Senior Housing, LLC, to supplement traffic and parking enforcement. The motion passed 3 to 0. Council Member Engle abstained.

Council Member Bartram moved to adjourn the meeting at 9:34 pm. The motion passed unanimously.