

## **October 19, 2020 Town Council Meeting**

(held by Zoom Video Conferencing)

- Approved the Town Meeting Minutes of September 14, 2020.
- Discussed possible amendments to the Town Charter and Code with regards to the Town Election process; and discussed conducting a survey questionnaire for community feedback on allowing 16 and 17-year-olds to vote, along with permanent residents, in Town Elections.
- Concurred to send a letter of support for the proposed Administrative Regulation changes by the Historic Preservation Commission, which would allow Historic Preservation staff to review and approve certain Historic Area Work Permits (HAWP).
- Continued **Resolution No. R-07-2020** – A Resolution to accept a contribution from Knowles Manor Senior Housing, LLC, to supplement traffic and parking Enforcement. Mayor Furman and a Council Member will work with Neighbors for an Improved Kensington on revising the existing settlement agreement and presenting an amended Resolution at a future Council Meeting.
- Adopted **Resolution No. R-11-2020** - A Resolution of the Mayor and Council of the Town of Kensington authorizing the Town Manager to enter into a contract with EMCOR Services for the replacement of a 7.5-ton Carrier HVAC system at Town Hall.
- Adopted **Resolution No. R-12-2020** – A Resolution of the Mayor and Council of the Town of Kensington authorizing the Town Manager to enter into a contract with the State Highway Administration (SHA) for the purchase of salt during certain snow emergency events.

## **Meeting October 19, 2020, 7:00 pm, by Zoom Video Conferencing**

Mayor Furman, Council Members Bartram, Crimmins, Engle, and Hill-Zayat; Town Attorney Ferguson (present until 7:38 pm); Town Manager Hoffman; and Clerk-Treasurer Engels were present by Zoom Video Conferencing. A moment of silence was observed.

The Town Meeting Minutes from September 14, 2020 were reviewed and approved. See Council Actions.

### **From the Mayor and Council**

#### **Town Elections Sub-Committee**

Council Members Bartram and Engle presented a draft proposal to amend the Town Charter and Code pertaining to Town Elections.

Town Attorney Ferguson stated that she reviewed the proposed changes and provided a memo to the Council with initial feedback. Ms. Ferguson noted that the Town has control over their municipal elections, with a few exceptions, which allows the Town to determine a voter's age, residency requirement, and any provisions on changing the form and timing of an election in case of an emergency.

The Council discussed a possible referendum or survey questionnaire to gauge Town Resident's opinion on allowing 16 and 17-year-olds to vote, along with permanent residents. The Council concurred that a survey questionnaire was more appropriate and would continue the discussion at the November Council meeting.

Town Attorney Ferguson will draft an Ordinance for introduction at a future Council Meeting.

Jack Gaffey stated that the survey pertaining to allowing 16 and 17-year-olds, along with permanent residents, to vote within Town Elections should be separate questions on the questionnaire.

Silvia Maza noted the importance of discussing the merits behind potentially allowing 16 and 17-year-olds, along with permanent residents, to vote prior to issuing the survey.

Joe Campbell noted that postcard surveys tend to have low response rates.

### **Pedestrian and Bicycle Access**

Council Member Engle reported that the Pedestrian and Bicycling Access and Safety Working Group held their second meeting and have scheduled a Walkability Audit Training for October 31, 2020, 11:00 am, along Kensington Parkway. The Walkability Audit will be expanded throughout the entire Town and findings will be prioritized and presented to the Council at a future meeting.

### **Historic Preservation Regulation Changes**

Town Manager Hoffman noted that Rebeccah Ballo, Historic Preservation Supervisor, requested a letter of support from the Town with regards to the proposed Historic Preservation (HP) regulation changes, which would allow HP staff to review and approve certain Historic Area Work Permits (HAWP).

Council Member Crimmins asked whether the Local Advisory Panel (LAP) needed to comment on the proposed changes.

Mayor Furman noted that she had provided Helen Wilkes, LAP, with the proposed regulation changes and that the LAP could comment on the changes independently.

The Council concurred to send a letter of support.

Council Member Crimmins thanked the Town Crew for providing the tables for Kensington Parkwood's 5<sup>th</sup> Grade Bake Sale and noted that a second Bake Sale will be held on Saturday, October 31, from 9 am to 11 am, at Howard Avenue Park.

Mayor Furman reported that Jason Swain, PW Crew, completed the art work at the Kensington Dog Run and is working on the wood carving to commemorate David Gregg's forty years of service to the Town, which will be placed at Reinhardt Park; the Clum-Kennedy brick pathway and garden improvements are moving forward with Shorb Landscaping; the new informational

Park signs have been ordered and will be installed later this fall; and the Town will host a Puppy Parade at the Kensington Dog Run November 1, 2020 for puppies under two years-old.

Town Manager Hoffman reported that Montgomery County is expanding their fiber network around Town and that crews will be present; Washington Gas is currently in the Town on Carroll Place and Washington Street upgrading connections; and that the brick crosswalks along Kensington Parkway are scheduled for installation the second week of November, weather permitting.

## **Public Appearances**

Jack Gaffey noted two upcoming astronomical events: the Orionids Meteor Show October 21; and a Blue Moon on October 31.

Joe Campbell questioned whether David Gregg was still working with the Town; stated that he supports enforcing the left turn restriction at Kensington Parkway and Kent Street; and noted that the Stop sign was no longer flashing on Kensington Parkway.

Town Manager Hoffman noted that David Gregg officially retired as the Town's tree contractor and that Mulheron Tree Experts will serve as the Town's contractor; and noted that the Town's patrol officers have been monitoring Kensington Parkway and Kent Street for Stop sign violations and not necessarily the left turn restriction.

Eric Durland noted that the switch had been turned off on the Stop sign.

Jack Gaffey stated that David Gregg should receive a Mayoral Proclamation; and noted that it would be useful to have a traffic count to determine the number of vehicles making the left turn onto Kent Street from Kensington Parkway.

## **Ordinances, Resolutions, Regulations**

**Resolution No. R-07-2020** – A Resolution of the Mayor and Town Council of Kensington 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. Although 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.

Al Carr stated that he was present in personal capacity as a Town Resident and not as a State Legislator to answer questions pertaining to Neighbors for an Improved Kensington, also present were Pam Smith; Jill McCrory; Jennifer Loukissas; Ruth Hoffman; Peter and Jackie Pickard; Jim Cooper; and Molly Hauck.

Council Member Crimmins thanked the group for attending and noted that the Knowles Manor Senior Living project was approved through a public process between the Town's Development Review Board (DRB), Town Council, and Montgomery Planning. The process by the applicant included multiple public meetings held by the Town and County, along with a community meeting held by the developer to allow public comment on the project. Council Member Crimmins stated that the DRB met all requirements for public meetings and noted that concerns regarding a development project should be brought forth during the public review process. In addition, the DRB and Town Council worked with the developer on many of the concerns raised by Neighbors for an Improved Kensington and were able to receive concessions, including the reduction of an entire floor, and questioned the group's expectations for the \$100,000 monetary contribution.

Council Member Bartram stated that he has concerns about accepting the \$100,000 contribution because he has not been convinced that the lawsuit had merit, and requested that the Neighbors for an Improved Kensington explain where the Planning Board erred in approving the Knowles Manor Senior Living project. Council Member Bartram noted that the developer was forced to settle the lawsuit due to the threat of expiring bonds for the project; and that accepting the contribution would set a precedent for future development projects.

Council Member Hill-Zayat stated that the Town needs to move forward now and work together with Neighbors for an Improved Kensington on how best to use the money to benefit the Town.

Pam Smith stated that the Town did not allow enough input from the community when considering the project, and that the Town had an opportunity to have a greater role in influencing the project with respect to an egress lane; lay-by lane; inadequate parking; and deliveries. Ms. Smith noted that while she lives outside of the Town, the whole community is affected by the development and that Neighbors for an Improved Kensington believed it was their responsibility to address their concerns with the developer through the lawsuit.

Other members present from Neighbors for an Improved Kensington including Jill McCrory and Molly Hauck discussed concerns about potential traffic and parking from the development project.

Joan Mitric discussed the current traffic conditions at Connecticut Avenue and Knowles Avenue and how the project should have been reviewed within a more holistic manner.

Al Carr acknowledged that the DRB meetings were open and included members of the public, and that he would send out a correction to his earlier statement.

Jon Gerson stated that the Town should delay action on accepting the monetary contribution until the merits of the lawsuit are fully shared with the community to ensure everyone is aware of the issue.

Jack Gaffey stated that if the Town decides not to accept the monetary contribution, then it should be used by the County for traffic enforcement instead of a community center.

Joe Campbell questioned the merits of the lawsuit and noted his concerns that accepting the \$100,000 would set a precedent and stated that the Town should not accept the money.

The Council concurred to continue the Resolution and allow the Mayor and a Council Member to negotiate with Neighbors for an Improved Kensington to revise the existing settlement agreement for review by the Council at a future Council Meeting.

**Resolution No. R-11-2020** – A Resolution of the Mayor and Council of the Town of Kensington authorizing the Town Manager to enter into a contract with EMCOR Services for the replacement of a 7.5-ton Carrier HVAC system at Town Hall was presented. See Council Actions.

Town Manager Hoffman noted that the HVAC system that services the 2<sup>nd</sup> floor lobby and 3<sup>rd</sup> floor offices is over 20 years old and has a cracked heat exchanger. The Town's service provider, EMCOR Services, recommended full replacement of the unit and provided a quote of \$16,785. The quote is in excess of \$10,000 and therefore needs approval from the Town Council.

**Resolution No. R-12-2020** – A Resolution of the Mayor and Council of the Town of Kensington authorizing the Town Manager to enter into a contract with the State Highway Administration (SHA) for the purchase of salt during certain snow emergency events was presented. See Council Actions.

Town Manager Hoffman stated this was the third extension of the agreement with SHA for the Town to establish the price for purchase of salt, if necessary, during winter storms.

Eric Durland suggested minimizing the amount of salt used and suggested looking into alternatives to rock salt.

Town Manager Hoffman stated the Town does not have the necessary equipment for brine application; however, the county offers an alternative mixture of sand and salt, and that he will review alternative options.

### **Council Actions**

Council Member Engle moved to approve the Town Meeting Minutes from September 14, 2020. The motion passed unanimously.

Council Member Crimmins moved to continue Resolution R-07-2020 - A Resolution to accept a contribution from Knowles Manor Senior Housing, LLC, to supplement traffic and parking enforcement. The Mayor and an assigned Council Member will work with Neighbors for an Improved Kensington on revising the existing settlement agreement and presenting an updated Resolution at a future Council Meeting. The motion passed unanimously.

Council Member Crimmins moved to adopt Resolution R-11-2020 - A Resolution of the Mayor and Council of the Town of Kensington authorizing the Town Manager to enter into a contract with EMCOR Services for the replacement of a 7.5-ton Carrier HVAC system at Town Hall. The motion passed unanimously.

Council Member Bartram moved to adopt Resolution R-12-2020 - A Resolution of the Mayor and Council of the Town of Kensington authorizing the Town Manager to enter into a contract with the State Highway Administration (SHA) for the purchase of salt during certain snow emergency events. The motion passed unanimously.

Council Member Bartram moved to adjourn the meeting at 10:10 pm. The motion passed unanimously.