

February 8, 2021 Town Council Meeting

(held by Zoom Video Conferencing)

- Approved the Town Meeting Minutes of January 11, 2021.
- Held a Variance Hearing for 10311 Summit Avenue in accordance with Section 5-107, “Driveway and Parking Surfaces – Single Family Residential Zones”, of the Town Code. *A Resolution in support of the Variance request will be prepared for the March 8, 2021 Council Meeting.*
- Adopted **Charter Resolution No. CR-01-2020** - A Resolution of the Mayor and Council of the Town of Kensington Amending Article VII, “Registration, Nominations and Election”, Section 703, “Removal”, Section 704, “Duties”, Section 705, “Notice of Elections”, Section 706, “Appeal of the Actions of the Board of Supervisors of Elections”, Section 707, “Registration”, Section 708, “Nominations”, Section 709, “Election of the Mayor and the Council Members”, Section 710, “Conduct of Elections”, and Section 712, “Vote Count”, to make provisions for resolving a Tie Vote, remove an invalid provision with respect to eliminating Voters from the Supplemental List, provide that no Election will be held and the qualified Candidates will be Declared Elected by the Supervisors of Elections if the number of qualified Candidates is not more than the number of seats to be filled, change how Notice of Elections is given, to allow for Publication in the Town Journal and posting to the Town’s website, any Town Listserv, and at Town Hall, limit Appeals of Supervisors of Elections decisions to Candidates and other qualified voters and set a time limit, extend the deadline to qualify as a Candidate to the third Monday in May in the event that no Candidate has timely filed for an office, clarify that qualifications for office are determined at the time of filing of the Certificate of Nomination, allow the Council by Resolution in an Emergency to postpone an Election until such time as it can be safely held, and to make other changes, allow the Council by Resolution to Authorize vote by mail, and allow placement of drop boxes for receipt of ballots. *The Charter Amendment will become effective on March 30, 2021.*
- Adopted **Ordinance No. O-03-2020** – An Ordinance to Amend Chapter VIII, “Health and Environmental Regulations”, by Enacting Article 9, “Pesticides”, to incorporate Chapter 33B, of the Montgomery County Code entitled “Pesticides”, which contains various provisions to protect the health of the public and to make conforming changes. *The Ordinance will become effective on March 1, 2021.*
- Held a Public Hearing on **Ordinance No. O-01-2021** – An Ordinance of the Mayor and Council of the Town of Kensington Amending Chapter 2, “Government and Administration”, Article 2, “Elections”, Section 2-201, “General Voter Registration”, Section 2-202, “Distribution of Absentee Ballots”, Section 2-203, “Procedures of Absentee Voting”, and Section 2-204, “Canvassing of Absentee Ballots” of the Town Code to delete any requirement that a voter provide a reason for voting by Absentee Ballot and to delete an invalid provision with respect to eliminating voters from the supplemental list. *The Public Record will be held open until 4:00 pm on Friday, March 5, 2021.*
- Approved **Resolution No. R-01-2021** - A Resolution of the Mayor and Council of the Town of Kensington to Authorize the Town Manager to extend the auditing contract with Linton Shafer Warfield & Garrett, P.A., Certified Public Accountants, to perform the Annual Audit for Fiscal Years 2020-2021, 2021-2022, and 2022-2023

Meeting February 8, 2021, 7:05 pm, by Zoom Video Conferencing

Mayor Furman, Council Members Bartram, Crimmins, Engle, and Hill-Zayat; Town Manager Hoffman; and Clerk-Treasurer Engels were present via Zoom Video Conferencing. A moment of silence was observed for longtime resident Doris Lee who passed away.

The Town Meeting Minutes from January 11, 2021 were reviewed and approved. See Council Actions.

From the Mayor and Council

Pepco Rate Case Filing

Tami Watkins and Lindsey North, Pepco representatives, presented an overview of the multiyear Pepco Rate Case filing (No. 9655) before the Public Service Commission (PSC). Ms. Watkins noted highlights of the filing include keeping customer energy rates flat until March 2023; investing in energy infrastructure and maintenance projects; and transitioning Pepco owned streetlights to LED technology along with smart streetlight technology. The smart technology will be a pilot project and there will be a centralized demonstration site for various fixtures and lights. Pepco agreed to keep on the table demonstrating a limited number of lights in the Town. Pepco anticipates a response from the PSC this spring and welcomed letters of support.

The presentation can be found at the following: [TOK.MD.gov/council-presentations-february-8-2021](https://www.tok.md.gov/council-presentations-february-8-2021).

10311 Summit Avenue Variance Hearing

Kevin and Kristi Jones, property owners at 10311 Summit Avenue, were present and requested a variance to allow the construction of a 190 square foot parking pad within the front plane of their property. Mr. Jones stated that the parking pad would allow for improved safety with regards to egress and ingress due to the volume of traffic along Summit Avenue, along with County imposed parking restrictions.

The Council directed the Town staff to draft a resolution in support of the variance to construct a 190 square foot parking pad within the front plane of 10311 Summit Avenue. See Council Actions.

Town Election Survey Question

Council Members Bartram and Engle discussed a proposed survey that would ask residents to provide feedback with regards to two separate questions that could possibly allow 16 and 17-year-olds to vote within Town Elections, along with lawful permanent residents. The survey would be used to determine if there was enough support within the community for the measures prior to moving forward.

Jack Gaffey stated the questions should be separate and supported the survey postcard.

Yvonne Gurney supported the survey.

The Council concurred to send out a survey and will work with the Town Attorney to draft the questions for Council review at a future Council meeting.

Development Review Board – Thrive Montgomery 2050 and Zoning Text Amendment (ZTA) 20-07

Council Member Crimmins presented an overview of Montgomery Planning’s Thrive Montgomery 2050 (Thrive), an update to the County’s Wedges and Corridors General Plan, which will shape planning within the County for the next 30 years. Future community master and sector plans will be based on Thrive and will impact future development within the Town.

Council Member Crimmins noted that the Town has joined a coalition of 27 other municipalities and resident associations to help amplify concerns with the proposed plan and recommended that Residents follow the plan through Planning work sessions and address any concerns directly to the Planning Board. The Planning Board is scheduled to approve the final draft in April, in which the plan will be submitted to the County Executive and County Council for review.

Council Member Crimmins presented an overview of Zoning Text Amendment (ZTA) 20-07, which proposes to amend existing regulations and could allow multi-family dwelling units within certain R60 Zones.

Council Member Crimmins noted that ZTA 20-07, which has been introduced in an effort to provide missing middle housing by reducing certain land restrictions would currently only target R60 Zones within one-half, or one mile of a Metro station; although the Town is not within this radius, applicability could expand to MARC station, which would apply the entirety of the Town to the proposed ZTA. The Town will continue to monitor ZTA 20-07.

Steve Cohen stated the accessory dwelling unit on Carroll Place is an example of unintended consequences of ZTA’s, which defeats the purpose of the Sector Plan and the culture of the Town.

Jack Gaffey supported Mr. Cohen’s comments.

The Council discussed taking action to amend the Town Code to address building code issues related to Zoning Text Amendments and will discuss further at a future Town Council meeting.

Mayor Furman encouraged Residents to stay engaged with regards to ZTA 20-07 and suggested reading about missing middle housing on Montgomery Planning’s website, or visiting MissingMiddle.com.

Council Member Crimmins’ presentation can be found at the following: [TOK.MD.gov/council-presentations-february-8-2021](https://tok.md.gov/council-presentations-february-8-2021).

Pedestrian and Bicycle Access and Safety Working Group

Council Member Engle and Anne-Marie Turner, PBASWG, presented on the Pedestrian and Bicycling Access and Safety Working Group (PBASWG) recommendations. The working group identified thirteen recommendations for immediate consideration by the Town Council, to include the following:

1. Seek Bicycle & Pedestrian Priority Areas (BPPA) designation for the Town.
2. Apply for Transportation Land Use Connections (TLC) program for consulting services support.
3. Work with MCDOT on planned pedestrian and bicycling improvements to Summit Avenue.
4. Invest in improvements, repairs, and enhancements identified in the “walkability and bicycling audit” process.
5. Prioritize pedestrian and cycling improvements along Connecticut Avenue and at major intersections in the Connecticut Avenue corridor.
6. Pursue enhancements to Kensington Parkway to improve bicycling and pedestrian options and experience.
7. Enhance pedestrian safety at Metropolitan Avenue intersections.
8. Consider adding Capital Bikeshare (CaBi) station(s) in the Town.
9. Improve crossings along Knowles Avenue.
10. Improve options for pedestrian crossings of the railroad tracks.
11. Pursue a ‘road diet’ on North-bound University Boulevard (North of split with Connecticut Avenue).
12. Assess opportunities and needs for pedestrian-scale street lighting.
13. Reduce speed limits.

Council Member Engle noted that a walkability audit was performed by the working group to identify areas of concern for the recommendations and requested feedback from the Council and Residents. The working group is currently working on the Transportation Land Use Connections (TLC) grant along with an application for a Bicycle & Pedestrian Priority Area (BPPA) designation.

Council Members Bartram and Crimmins thanked the working group and looked forward to improving pedestrian and bicycle safety in Town.

Vince Burk stated his opposition to the proposed County shoulder enhancements along Kensington Parkway between Everett Street and Saul Road.

Jon Gerson stated he was appreciative of the working group’s efforts in compiling the thirteen recommendations.

Joe Campbell questioned what the working group’s enhancement for Kensington Parkway entailed and the importance of enforcing Town regulations when considering lowering the speed limit.

Mayor Furman noted the depth of the working group's report and that additional feedback from the community would be welcomed, as the report would be included within the March Around Town Journal.

The full report and presentation can be viewed at TOK.MD.gov/council-presentations-february-8-2021.

Mayor Furman noted that Montgomery Parks received formal approval from the Maryland Historical Trust to move forward with the park step improvements at the intersection of Montgomery Avenue and Kent Street.

Council Member Bartram noted that The Flats at Knowles Station, which is currently pending before the Planning Board, has the potential to provide an additional 30 to 50 public parking spaces. The proposal for additional parking could entail transferring density from a Town owned property on Dupont Avenue and that he would provide additional information after speaking with the developer.

Town Manager Hoffman stated that he spoke with the County's Zoning Manager with regards to bay window projections and was advised that the County is currently working with the Maryland Industry Association on a ZTA to address certain projections. Mr. Hoffman noted that it would be in the best interest of the Town to address projections independently of the County by drafting an ordinance limiting certain projections.

The Council discussed if the Town staff should begin the permitting process to hold the annual Labor Day Parade and Festival and concurred to have staff contact SHA about permitting.

Public Appearances

Jack Gaffey stated that he supported filing permits for the Labor Day Parade and Festival and determining later if the event should be held.

Joe Campbell thanked the Town Crew and Code Enforcement Officer for cleaning up the glass from the recycling truck; appreciated the excellent snow removal; asked about a link from the Mormon Temple about the Festival of Lights; and questioned whether Council Members Bartram and Crimmins would be running for reelection.

Council Members Bartram and Crimmins stated that they both intend to run for reelection.

Ordinances, Resolutions, Regulations

Charter Resolution No. CR-01-2020 – A Charter Resolution to Amend Article VII, "Registration, Nominations and Election", Section 703, "Removal", Section 704, "Duties", Section 705, "Notice of Elections", Section 706, "Appeal of the Actions of the Board of Supervisors of Elections", Section 707, "Registration", Section 708, "Nominations", Section 709, "Election of the Mayor and the Council Members", Section 710, "Conduct of Elections", and Section 712, "Vote Count", to make provisions for resolving a Tie Vote, remove an invalid

provision with respect to eliminating Voters from the Supplemental List, provide that no Election will be held and the qualified Candidates will be Declared Elected by the Supervisors of Elections if the number of qualified Candidates is not more than the number of seats to be filled, change how Notice of Elections is given, to allow for Publication in the Town Journal and posting to the Town's website, any Town Listserv, and at Town Hall, limit Appeals of Supervisors of Elections decisions to Candidates and other qualified voters and set a time limit, extend the deadline to qualify as a Candidate to the third Monday in May in the event that no Candidate has timely filed for an office, clarify that qualifications for office are determined at the time of filing of the Certificate of Nomination, allow the Council by Resolution in an Emergency to postpone an Election until such time as it can be safely held, and to make other changes, allow the Council by Resolution to Authorize vote by mail, and allow placement of drop boxes for receipt of ballots as presented for adoption.

Town Manager Hoffman reported no additional comments were received and the Ordinance will be posted for four consecutive weeks in the Washington Post, as required, and will become effective on March 30, 2021. See Council Actions.

Ordinance No. O-03-2020 – An Ordinance to Amend Chapter VIII, “Health and Environmental Regulations”, by Enacting Article 9, “Pesticides”, to incorporate Chapter 33B, of the Montgomery County Code entitled “Pesticides”, which contains various provisions to protect the health of the public and to make conforming changes was presented for adoption. The Ordinance will become effective on March 1, 2021. See Council Actions.

Ordinance No. O-01-2021– A Public Hearing was held on Ordinance to Amend Chapter 2, “Government and Administration”, Article 2, “Elections”, Section 2-201, “General Voter Registration”, Section 2-202, “Distribution of Absentee Ballots”, Section 2-203, “Procedures of Absentee Voting”, and Section 2-204, “Canvassing of Absentee Ballots” of the Town Code to delete any requirement that a voter provide a reason for voting by Absentee Ballot and to delete an invalid provision with respect to eliminating voters from the supplemental list. The Public Record will be held open until 4:00 pm on Friday, March 5, 2021. See Council Actions.

Council Member Bartram stated the oath should be included and a provision added for sending out applications for an absentee ballot possibly in the Town Journal.

Resolution No. R-01-2021 – A Resolution of the Mayor and Council of the Town of Kensington to Authorize the Town Manager to extend the auditing contract with Linton Shafer Warfield & Garrett, P.A., Certified Public Accountants, to perform the Annual Audit for Fiscal Years 2020-2021, 2021-2022, and 2022-2023 was presented. See Council Actions.

Town Manager Hoffman stated a proposal was received from Linton Shafer to conduct the Town's Audit and that the contract from 2017 will be extended with the proposed new rates.

Council Actions

Council Member Hill-Zayat moved to approve the Town Meeting Minutes from January 11, 2021. The motion passed unanimously.

Council Member Bartram moved to direct the staff to draft a resolution in support of the variance request for a driveway at 10311 Summit Avenue for approval at the March Town Meeting. The motion passed unanimously.

Council Member Crimmins moved to adopt Charter Resolution No. CR-01-2020 amending Article VII, “Registration, Nominations and Election”, Section 703, “Removal”, Section 704, “Duties”, Section 705, “Notice of Elections”, Section 706, “Appeal of the Actions of the Board of Supervisors of Elections”, Section 707, “Registration”, Section 708, “Nominations”, Section 709, “Election of the Mayor and the Council Members”, Section 710, “Conduct of Elections”, and Section 712, “Vote Count”, to make provisions for resolving a Tie Vote, remove an invalid provision with respect to eliminating Voters from the Supplemental List, provide that no Election will be held and the qualified Candidates will be Declared Elected by the Supervisors of Elections if the number of qualified Candidates is not more than the number of seats to be filled, change how Notice of Elections is given, to allow for Publication in the Town Journal and posting to the Town’s website, any Town Listserv, and at Town Hall, limit Appeals of Supervisors of Elections decisions to Candidates and other qualified voters and set a time limit, extend the deadline to qualify as a Candidate to the third Monday in May in the event that no Candidate has timely filed for an office, clarify that qualifications for office are determined at the time of filing of the Certificate of Nomination, allow the Council by Resolution in an Emergency to postpone an Election until such time as it can be safely held, and to make other changes, allow the Council by Resolution to Authorize vote by mail, and allow placement of drop boxes for receipt of ballots. The Charter Amendment will become effective on March 30, 2021. The motion passed unanimously.

Council Member Engle moved to adopt Ordinance No. O-03-2020 to Amend Chapter VIII, “Health and Environmental Regulations”, by Enacting Article 9, “Pesticides”, to incorporate Chapter 33B, of the Montgomery County Code entitled “Pesticides”, which contains various provisions to protect the health of the public and to make conforming changes. The Ordinance will become effective on March 1, 2021. The motion passed unanimously.

Council Member Crimmins moved to hold the record open on Ordinance No. O-01-2021 to Amend Chapter 2, “Government and Administration”, Article 2, “Elections”, Section 2-201, “General Voter Registration”, Section 2-202, “Distribution of Absentee Ballots”, Section 2-203, “Procedures of Absentee Voting”, and Section 2-204, “Canvassing of Absentee Ballots” of the Town Code to delete any requirement that a voter provide a reason for voting by Absentee Ballot and to delete an invalid provision with respect to eliminating voters from the supplemental list until 4 p.m. March 5, 2021. The motion passed unanimously.

Council Member Bartram moved to approve Resolution No. R-01-2021 – A Resolution of the Mayor and Council of the Town of Kensington to Authorize the Town Manager to extend the auditing contract with Linton Shafer Warfield & Garrett, P.A., Certified Public Accountants, to perform the Annual Audit for Fiscal Years 2020-2021, 2021-2022, and 2022-2023. The motion passed unanimously.

Council Member Hill-Zayat moved to adjourn the meeting at 10:40 pm. The motion passed unanimously.