

## **March 8, 2021 Town Council Meeting**

(held by Zoom Video Conferencing)

- Approved the Town Meeting Minutes of February 8, 2021.
- Held a Sign Variance Hearing for 10619 Connecticut Avenue in accordance with Section 6-104 (f), “Limited Duration Signs”, of the Town Code. An extension of the existing permit was granted until the April Town Council meeting to allow further discussion of the Sign Variance request.
- Approved the request of Noyes Library that the Town will send a letter of support allowing certain projections into the Town's public right-of-way, per the proposed construction plans.
- Adopted **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 Ordinance will become effective on March 29, 2021.*
- Introduced **Ordinance No. O-02-2021** - An Ordinance to appropriate and adopt the Fiscal Year 2021-22 (FY22) Budget and to levy a tax on certain real and personal property. *The Public Hearing was set for Monday, April 12, 2021, 7:00 pm.*
- Approved **Resolution No. R-02-2021** - A Resolution of the Mayor and Council of the Town of Kensington in support of a driveway variance at 10311 Summit Avenue, in accordance with Section 5-107 of the Town Code.
- Approved **Resolution No. R-03-2021** – A Resolution of the Kensington Town Council to Confirm the Mayor’s Appointments to the Board of Supervisors of Elections.
- Approved **Resolution No. R-04-2021** – A Resolution of the Kensington Town Council to Confirm the Mayor’s Appointments to the Town’s Ethics Commission.
- Approved **Resolution No. R-05-2021** – A Resolution of the Mayor and Town Council Authorizing and Ratifying a Contract with Greene Hurlocker, PLC for legal services. The Resolution was amended not to exceed \$5,000.

## **Meeting March 8, 2021, 7:01 pm, by Zoom Video Conferencing**

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

The Town Meeting Minutes from February 8, 2021 were reviewed and approved. See Council Actions.

## **From the Mayor and Council**

The Variance Hearing for 10112 Kensington Parkway was postponed and subsequently withdrawn by the applicant.

## **10619 Connecticut Avenue Sign Hearing Variance**

A Variance Hearing was held for an existing limited duration sign (Kensington Crossing) at 10619 Connecticut Avenue in accordance with Section 6-104 (f), "Limited Duration Signs", of the Town Code. Larry Hoffman and Michael Sanders, representing the ownership group, were present and requested that the existing limited duration sign be given a variance beyond the sixty (60) day placement of the sign.

Mr. Hoffman and Mr. Sanders stated that the Town's sign requirements for limited duration signs beyond sixty (60) days, which would require placement within five (5) feet of the building and limit the size to no greater than ten (10) square feet, would restrict visibility of the sign, which is being used to market the proposed commercial lease spaces. The variance requested that the existing sign be allowed for six (6) months, or until demolition of the existing structure.

The Council noted that the Kensington Crossing project is not yet before the Development Review Board (DRB) and this is only a Hearing on the limited duration sign and not the proposed project; discussed the history of the Town's regulations pertaining to limited duration signs; the timeframe of the proposed variance request; and establishing an affirmative date if the sign is allowed to remain.

Town Manager Hoffman explained that the Town's sign regulations allow limited duration signs greater than ten (10) square feet to be permitted for a sixty (60) day period; otherwise, the limited duration sign must be within five (5) feet of the building and may not exceed ten (10) square feet in size.

Joe Campbell stated the Council should not support the variance request since the defect was due to the developer not being aware of the Town's regulations.

The Council suggested an extension until the next Town meeting when the developer can provide more information about the duration the sign is needed. See Council Actions.

## **From the Town Manager and the Staff**

### **Noyes Children's Library**

The Council reviewed a request by Noyes Children's Library Foundation to allow certain projections into the public right-of-way, per the proposed construction plans for the facility.

Town Manager Hoffman noted that the Department of Permitting Services (DPS) with Montgomery County has requested a letter confirming that the encroachments are acceptable to the Town.

The proposed encroachments include an emergency generator, mechanical equipment, handrails and part of the stairwell wall.

Lindsey Field, Noyes Library Foundation, stated that due to the irregularly shaped lot, the proposed encroachments were necessary and would not obstruct pedestrian access or the pathways.

The Council concurred to support the letter for the encroachments into the Town's right-of-way. See Council Actions.

### **Thrive Montgomery 2050**

Council Member Crimmins gave an update on Thrive Montgomery 2050, the Planning Boards update to the County's general plan for redevelopment which effects sector and master plans. Thrive Montgomery 2050 continues to be reviewed by Planning and has significant edits from the original draft in October 2020. Council Member Crimmins requested the Council support signing on to a letter by the Coalition of municipalities and associations, which expresses concerns about the review process and requests the review of the plan be delayed until there is adequate time for public input.

The Council concurred to sign on to the letter from the Coalition.

Council Member Crimmins also suggested the Council create a committee to review land use issues and recommended changes to the Town's ordinances to have more control over land use.

The Mayor suggested the committee be established at the upcoming organizational meeting in July.

Council Member Bartram will work with the Town Attorney and Town Manager on more immediate changes to the Code for bay window projections, fence like structures, and driveway clarifications; and suggested a second coalition of municipalities that are along the MARC line could be established to distinguish MARC from mass transit.

### **Pedestrian and Bicycle Access and Safety Working Group (PBASWG)**

Council Member Engle stated that the PBASWG submitted the grant application for the Transportation Land Use Connections (TLC) program; the grant is to enhance pedestrian, bicycle, and nonvehicular safety along the Connecticut Avenue corridor and surrounding areas. The application was endorsed by the Montgomery County Department of Transportation, along with the support of several County Councilmembers.

Council Member Engle also stated that he attended the MCDOT Public Hearing on the proposed Kensington Parkway shoulder enhancements, which proposes adding a bike and pedestrian lane just outside of Town; noted the PBASWG also recommended the Town provide upgrades to the Town's section of Kensington Parkway based on MCDOT enhancements.

Mayor Furman, along with Council Members Engle and Crimmins, will meet with the State Highway Administration (SHA) to discuss the ongoing University Blvd (MD 193) study, which proposes safety improvements between Perry and Valley View Avenues. The proposed improvements will consider a lane reduction, bicycle lane with a separated sidewalk, and a safer

crossing distance across University Blvd. The Council will also request that the speed limit along Connecticut Avenue be lowered from 35 MPH to 30 MPH and an update on pedestrian safety measures along Metropolitan Avenue.

The Council supported continuing with Food Truck nights, twice a month, beginning in April.

Mayor Furman reported that she spoke with Montgomery County with regards to possibly holding the Labor Day Parade and was advised that additional guidance would be provided within the next few months; the Greenscape Committee met and additional plantings were approved for this spring within Clum-Kennedy Park.

Jack Gaffey, Chair of the Ethics Commission, stated that they met on February 5, 2021, and reviewed the Financial Disclosure Forms.

Town Manager Hoffman stated that Brian Greene, the Town's legal advisor, has filed testimony on behalf of Scott Watson to the Public Service Commission with respect to Pepco Rate Case 9655; and the RFP for the Town Hall portico project has been completed and the Council will need to approve the awarded bid at an upcoming meeting.

### **Public Appearances**

Joe Campbell stated that he appreciates the excellent work during the snow and ice storms by the Town Crew and requested clarification regarding yard waste pick up, which has not been every Monday as scheduled.

Town Manager Hoffman stated that the Town is working with the contractor, which due to COVID, has had staffing changes, and that some yard waste has been picked up late or the following day.

Julie O'Malley questioned whether the Town was going to look at Accessory Dwelling Units (ADU's) and limit lot coverage.

The DRB will be reviewing what other municipalities have done on ADU's and provide recommendations to the Council.

### **Ordinances, Resolutions, Regulations**

**Ordinance No. O-01-2021**– An 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 was presented for adoption. The Ordinance will become effective on March 29, 2021. See Council Actions.

Town Manager Hoffman stated the Public Hearing was held on Monday, February 8, 2021 and the Ordinance was amended to add the oath back in at the request of the Council.

**Ordinance No. O-02-2021** – An Ordinance to appropriate and adopt the Fiscal Year 2021-22 (FY22) Budget and to levy a tax on certain real and personal property was presented for introduction. The Public Hearing was set for Monday, April 12, 2021, 7:00 pm. See Council Actions.

**Resolution No. R-02-2021** – A Resolution of the Mayor and Council of the Town Council in support of a driveway variance at 10311 Summit Avenue, in accordance with Section 5-107 of the Town Code was presented. See Council Actions.

Town Manager Hoffman stated the Council granted the variance at the February Town Meeting and this is the formal resolution so the applicant can proceed.

**Resolution No. O-03-2021** – A Resolution confirming appointments made by the Mayor of Martha Deale, Spencer Harrill, and Jennifer Smith to the Board of Elections was presented. See Council Actions.

**Resolution No. O-04-2021** – A Resolution confirming the appointments made by the Mayor of Dave Beaudet and Tina Sherman to the Ethics Commission for a two-year term was presented. See Council Actions.

**Resolution No. O-05-2021** – A Resolution authorizing and ratifying a contract with Green Hurlocker, PLC for legal services was presented. See Council Actions.

The Council amended the resolution to include a limit of \$5,000 with an amount in excess of that requiring further Council approval.

### **Council Actions**

Council Member Engle moved to approve the Town Meeting Minutes from February 8, 2021. The motion passed unanimously.

Council Member Crimmins moved to allow an extension for the limited duration sign at 10619 Connecticut Avenue until April 14, 2021; the Council will reconsider the variance request at the April Town meeting. The motion passed unanimously.

Council Member Bartram moved to send a letter in support of the Noyes Children's Library Foundation request to allow certain projections into the public right-of-way, per the proposed construction plans. The motion passed unanimously.

Council Member Bartram moved to adopt 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. The Ordinance will become effective March 29, 2021. The motion passed unanimously.

Council Member Crimmins moved to introduce Ordinance No. O-02-2021 to appropriate and adopt the Fiscal Year 2021-22 (FY22) Budget and to levy a tax on certain real and personal property. *The Public Hearing was set for Monday, April 12, 2021, 7:00 pm.* The motion passed unanimously.

Council Member Engle moved to approve Resolution No. R-02-2021 in support of a driveway variance at 10311 Summit Avenue, in accordance with Section 5-107 of the Town Code. The motion passed unanimously.

Council Member Crimmins moved to approve Resolution No. R-03-2021 to confirm the Mayor's Appointments to the Board of Supervisors of Elections of Martha Deale, Spencer Harrill, and Jennifer Smith. The motion passed unanimously.

Council Member Engle moved to approve Resolution No. R-04-2021 to confirm the Mayor's Appointments to the Town's Ethics Commission of Tina Sherman and Dave Beaudet for a two-year term. The motion passed unanimously.

Council Member Crimmins moved to approve Resolution No. R-05-2021 authorizing and ratifying a contract with Greene Hurlocker, PLC for legal services as amended to include an expenditure limit of \$5,000. The motion passed unanimously.

Council Member Bartram moved to adjourn the meeting at 8:47 pm. The motion passed unanimously.