

February 14, 2022 Town Council Meeting Summary

(held by Zoom Video Conferencing)

- Approved the Town Meeting Minutes of January 10, 2022.
- Held a Variance Hearing for 10311 Summit Avenue in accordance with Section 5-104, “Building Lines”, of the Town Code. The Variance was continued.
- Held a Variance Hearing for 3906 Washington Street in accordance with Section 5-104, “Building Lines”, of the Town Code. *A Resolution in support of the Variance request will be prepared for the March 14, 2022, Council meeting.*
- Approved the Shorb Landscaping proposal to replace the brick entry steps and construct a boulder wall at Clum-Kennedy Park.
- Approved sending a letter of support for HB 0381, which would allow municipalities to provide notice to residents of a proposed Charter Amendment through direct mail instead of posting within a newspaper of general circulation.
- Approved sending a letter of support for HB 1083, which would allow Maryland counties and municipalities to convert their street lighting service to a customer owned street lighting tariff.
- Approved supporting HB 0100, which would establish funding for the Sustainable Maryland Program Fund.
- Adopted Ordinance No. O-03-2021 - An Ordinance to Amend Chapter IV, “Traffic and Vehicles”, Article 3, “Traffic Control”, Section 4-302, “Speed Limits in the Town of Kensington”, to reduce the speed limit along Town maintained streets from 25 miles per hour to 20 miles per hour. *The Ordinance will take effect on July 1, 2022.*
- Introduced Charter Resolution No. CR-01-2022 – A Charter Resolution Amending Article IV, “Council”, Section 403. Qualifications of Council Members, Article V, “The Mayor”, Section 503. Qualifications of the Mayor, and Article VII, “Registration, Nominations, and Elections”, Section 701, “Qualifications of Voters”, of the Town Charter to enable a Non-Citizen who is a lawful permanent Resident or is authorized to work in the United States to be eligible to register to vote in Town of Kensington Municipal Elections. *The Public Hearing has been scheduled for Monday, March 14, 2022, 7:00 pm.*
- Introduced Ordinance No. O-01-2022 – An Ordinance Amending Chapter II, “Government and Administration”, Article 2, “Elections”, Section 2-201. “General Voter Registration” to enable a Non-Citizen who is a lawful permanent resident or is authorized to work in the United States to be eligible to register to vote in Town of Kensington Municipal Elections. *The Public Hearing has been scheduled for Monday, March 14, 2022, 7:00 pm.*
- Approved Resolution No. R-01-2022 – A Resolution authorizing the Town Manager to contract for the installation of a speed hump along the 10400 block of Kensington Parkway, between Mannakee Street and Oberon Street.
- Approved Resolution No. R-02-2022- A Resolution authorizing the Town Manager to establish Street Parking along the 3500 block of Plyers Mill Road.
- Approved Resolution No. R-03-2022 – A Resolution authorizing the Town Manager to establish “4 Hour Parking, 7:00 am – 5:00 pm, M-F” along the 10500 block of St. Paul Street south of Metropolitan Avenue.

Town Council Meeting February 14, 2022, 7:02 pm, by Zoom Video Conferencing

Mayor Furman, Council Members Bartram, Crimmins, Engle, Hill-Zayat; Town Manager Hoffman, Assistant to the Town Manager Marini, and Clerk-Treasurer Engels were present via Zoom. A moment of silence was observed.

The Minutes from the January 10, 2022, Town Council Meeting were reviewed and approved. See Council Actions.

From the Mayor and Town Council

Mayor Furman announced that the Town of Kensington provided the Kensington Volunteer Fire Department with a \$4,000 grant to help purchase computers for administrative staff.

Town Alcohol Licensing (MC28-22)

Kathie Durbin, Ron Price, and Amy Samman, Alcohol Beverage Services (ABS), were present to discuss alcohol licenses for businesses and to answer any questions.

Mayor Furman stated that the Town currently allows eight businesses to hold an alcohol license under a certain class, and there is a ninth business interested in obtaining a license. Mayor Furman mentioned that Delegate Al Carr is working on a bill that would increase that number from eight to twenty total licenses for on-site consumption.

Kathie Durbin discussed the different types of alcohol licenses that ABS offers, and how the types of licenses have evolved as businesses change.

Delegate Carr stated that the bill to increase the total number of alcohol licenses may not pass this legislative session due to time constraints.

10311 Summit Avenue Variance Hearing

A Variance Hearing was held for a proposed addition to the existing house at 10311 Summit Avenue in accordance with Section 5-104, "Building Lines", of the Town Code. Property owners, Kevin Jones and Kristi Pappalardo, were present and requested a variance for an encroachment of three feet into the required ten-foot side yard setback and to allow the dwelling to be less than fifteen feet from the adjacent dwelling at 4011 Prospect Street.

Ms. Pappalardo and Mr. Jones stated that their lot is small and rhombus-shaped, and that the existing house looks long and skinny. They stated that there is flexibility to add another story to the proposed addition and they have the option of adding an Accessory Dwelling Unit (ADU) in the back of the property, but think their neighbors would prefer the proposed addition.

The Council questioned whether the addition meets the variance requirements; why they were not considering a rear addition; and requested written letters of approval from their neighbors.

Ms. Pappalardo stated a side addition adds curb appeal, they can utilize space that isn't currently being used in the side yard, and there is a concrete pad in the back yard that their kids use that they are hesitant to remove.

Council Member Bartram stated that the shape and topography of the lot is similar to others in the Town and letter(s) of support from neighbors may not be sufficient for him to support the Variance.

The Council concurred to continue the Variance Hearing at the March 14, 2022, Council Meeting.

3906 Washington Street Variance Hearing

A Variance hearing was held for an encroachment of one foot, six inches into the required twenty-foot sum of the side yard setback in order to replace a one-story addition at 3906 Washington Street. The proposed addition would be two stories including a basement and would have a slightly smaller footprint than the existing addition.

Ellen Mitchell, Bennett Frank McCarthy Architects, presented the proposed project and answered questions. Ms. Mitchell noted that the existing addition is not structurally sound and would not support a second story and a new addition would better reflect the character of the home.

Town Manager Hoffman explained that the existing addition was built when the Town's side yard setbacks were different. He noted that if the Council is in favor of the project, the homeowner(s) still need to file a variance with Montgomery County since the proposed addition encroaches into the County's seven-foot setback requirement.

Town Manager Hoffman confirmed that the adjacent lot to the west of the property is currently vacant, but there could possibly be a problem regarding the amount of space between structures if a dwelling was built on the vacant buildable lot. Both property owners adjacent to the project provided letters of support for the proposed addition.

Council Member Bartram noted that the existing dwelling is already too close to the property line, so anyone building on the vacant lot would face the same problems, whether the proposed addition is built or not.

Town Manager Hoffman confirmed that the Staff supports the Variance.

The Council directed Town Staff to draft a resolution in support of the variance to encroach one foot, six inches into the required twenty-foot sum of the side yard setback to build a two-story addition with a basement. See Council Actions.

Kensington Parkway Bike and Pedestrian Improvements

Council Member Engle presented multiple options for expanding pedestrian and bicycling access on Kensington Parkway. Council Member Engle also noted that his objective was to have the Council agree to pursue a request for proposals (RFP) for a detailed analysis of the proposed options. Engle also mentioned that he was hoping to include Plyers Mill Road in the RFP, as Kensington Parkway and Plyers Mill Road are two key portions of Montgomery County's Bicycling Master Plan.

Council Member Bartram questioned the cost of creating a bike path on the unimproved road by Kensington Parkway and he would prefer Plyers Mill Road and Kensington Parkway be examined separately.

Anne Banville requested more details on the proposal between Frederick Avenue and Littledale Road; encouraged the Council to consider the recreational use of Kensington Cabin Park and the need for parking; and conduct resident outreach.

Council Member Engle stated that there is not a formal proposal, and that the study would help determine whether it is possible to both maintain existing parking and create a bike lane.

Clum-Kennedy Park Improvements

Mayor Furman discussed the Clum Kennedy proposal for park entry steps to be widened from four (4) feet to five (5) feet and to create a boulder wall around the rose garden to help with water runoff and to prevent bicyclists from cutting through the park. Mayor Furman requested that the Council approve the funds now, so the project did not have to wait until Fiscal Year 2023.

The Council approved the funding for improvements to Clum-Kennedy Park. See Council Actions.

Mayor and Town Council Reports

Council Member Engle reported a new speed camera was installed on Connecticut Avenue near Franklin Street and a public meeting has been scheduled to discuss the options presented from the Connecticut Avenue study on April 21, 2022, at the Town Hall Armory.

Council Member Crimmins reported the State of Maryland does not recognize the homes on St. Paul Street north of Metropolitan Avenue as historic, as they are not listed on the National Register of Historic Places. As a result, homeowners do not qualify for certain State tax credits. The Historic Preservation Commission is looking into getting those homes on the National Register.

Mayor Furman reported that the Racial Justice Committee is looking into planning a Juneteenth event this year, and the Committee hopes the Town will help fund the event; the sale of the Warner

Mansion and Carriage House has been approved by two committees and will move to the County Council for approval; the Town will be moving into District 4 and will be getting another County Council Member, Council Member Crimmins and Hill-Zayat will serve on an ad hoc committee to organize and host a candidate forum; and the Town was chosen to be one of Maryland Municipal League's Spotlight Maryland Towns.

From the Town Manager and Staff

Town Manager Hoffman requested Council support for HB 0381 – Municipalities – Charter Amendments – Notices, which would allow municipalities to provide notice to residents of a proposed Charter Amendment through direct mail instead of posting within a newspaper of general circulation. The Council approved sending a letter of support for HB 0381. See Council Actions.

Town Manager Hoffman requested Council support for HB 1083 – County and Municipal Street Lighting Investment Act, which would allow Maryland Counties and Municipalities to convert its street lighting service to a customer-owned street lighting tariff. The Council approved sending a letter of support for HB 1083. See Council Actions.

Town Manager Hoffman requested Council support for HB 0100 – Sustainable Maryland Program Fund, which would establish funding for the Sustainable Maryland Program. The Council approved supporting HB 0100. See Council Actions.

Public Appearances

Jack Gaffey supported the bump out that was added at the corner of Fawcett Street and Howard Avenue; suggested a two-way mirror be installed at that intersection; and noted the upcoming full moon on February 16.

Ordinances, Resolutions, and Regulations

Ordinance No. O-03-2021 – An Ordinance to Amend Chapter IV, “Traffic and Vehicles”, Article 3, “Traffic Control”, Section 4-302, “Speed Limits in the Town of Kensington”, to reduce the speed limit along Town maintained Streets from 25 miles per hour to 20 miles per hour was presented for adoption. The Ordinance will become effective on July 1, 2022. See Council Actions.

The Council received three (3) additional public comments since 4:00 pm on Friday, February 11, 2022. Two comments were opposed to lowering the speed, and one was in favor.

Charter Resolution No. CR-01-2022 – A Charter Resolution Amending Article IV, “Council”, Section 403. Qualifications of Council Members, Article V, “The Mayor”, Section 503. Qualifications of the Mayor, and Article VII, “Registration, Nominations, and Elections”, Section 701, “Qualifications of Voters”, of the Town Charter to enable a Non-Citizen who is a lawful permanent Resident or is authorized to work in the United States to be eligible to register to vote

in Town of Kensington Municipal Elections was introduced. The Public Hearing is scheduled for Monday, March 14, 2022, 7:00 pm. See Council Actions.

Ordinance No. O-01-2022 – An Ordinance Amending Chapter II, “Government and Administration”, Article II, “Elections”, Section 2-201. “General Voter Registration” to enable a Non-Citizen who is a lawful permanent resident or is authorized to work in the United States to be eligible to register to vote in Town of Kensington Municipal Elections was introduced. The Public Hearing will be scheduled for Monday, March 14, 2022, 7:00 pm. See Council Actions.

Resolution No. R-01-2022 – A Resolution of the Mayor and Council of the Town of Kensington to Authorize the Town Manager to contract for the installation of a speed hump along the 10400 block of Kensington Parkway, between Mannakee Street and Oberon Street was presented. See Council Actions.

Resolution No. R-02-2022 – A Resolution of the Mayor and Council of the Town of Kensington to Authorize the Town Manager to establish Street Parking along the 3500 block of Plyers Mill Road was presented. See Council Actions.

Council Member Engle expressed concerns about adding parking spaces along the 3500 block of Plyers Mill Road.

Resolution No. R-03-2022 – A Resolution of the Mayor and Council to the Town of Kensington to Authorize the Town Manager to establish “4 Hour Parking, 7:00 am – 5:00 pm, M-F” along the 10500 block of St. Paul Street south of Metropolitan Avenue was presented. See Council Actions.

Council Actions

Council Member Crimmins moved to approve the Town Meeting Minutes from January 10, 2022. The motion passed unanimously.

Council Member Engle moved to direct Town Staff to draft a resolution in support of the variance request for an addition at 3906 Washington Street for approval at the March Town Council Meeting. The motion passed unanimously.

Council Member Crimmins moved to approve the invoice from Shorb Landscaping for new steps and a boulder wall at Clum-Kennedy Park. The motion passed unanimously.

Council Member Engle moved to approve sending a letter of support for HB 0381. The motion passed unanimously.

Council Member Hill-Zayat moved to approve sending a letter of support for HB 1083. The motion passed unanimously.

Council Member Engle moved support HB 0100 and send a letter if needed. The motion passed unanimously.

Council Member Bartram moved to adopt Ordinance No. O-03-2021 to Amend Chapter IV, “Traffic and Vehicles”, Article 73, “Traffic Control”, Section 4-302, “Speed Limits in the Town of Kensington”, to reduce the speed limit along Town maintained Streets from 25 miles per hour to 20 miles per hour. The Ordinance becomes effective on July 1, 2022. The motion passed unanimously.

Council Member Bartram moved to introduce Charter Resolution No. CR-01-2022 Amending Article IV, “Council”, Section 403. Qualifications of Council Members, Article V, “The Mayor”, Section 503. Qualifications of the Mayor, and Article VII, “Registration, Nominations, and Elections”, Section 701, “Qualifications of Voters”, of the Town Charter to enable a Non-Citizen who is a lawful permanent Resident or is authorized to work in the United States to be eligible to register to vote in Town of Kensington Municipal Elections and schedule the Public Hearing for Monday, March 14, 2022, 7:00 pm. The motion passed unanimously.

Council Member Bartram moved to introduce Ordinance No. O-01-2022 Amending Chapter II, “Government and Administration”, Article 2, “Elections”, Section 2-201. “General Voter Registration” to enable a Non-Citizen who is a lawful permanent resident or is authorized to work in the United States to be eligible to register to vote in Town of Kensington Municipal Elections. The Public Hearing will be scheduled for Monday, March 14, 2022, 7:00 pm. The motion passed unanimously.

Council Member Crimmins moved to approve Resolution No. R-01-2022 authorizing the Town Manager to contract for the installation of a speed hump along the 10400 block of Kensington Parkway, between Mannakee Street and Oberon Street. The motion passed unanimously.

Council Member Bartram moved to approve Resolution No. R-02-2022 authorizing the Town Manager to establish street parking along the 3500 block of Plyers Mill Road. The motion passed 3-1. Council Member Engle opposed the motion.

Council Member Crimmins moved to approve Resolution No. R-03-2022 authorizing the Town Manager to establish “4 Hour Parking, 7:00 am – 5:00 pm, M-F” along the 10500 block of St. Paul Street south of Metropolitan Avenue. The motion passed unanimously.

Council Member Hill-Zayat moved to adjourn the meeting at 9:47 pm. The motion passed unanimously.