

## March 14, 2022 Town Council Meeting Summary

(held by Zoom Video Conferencing)

- Approved the Town Meeting Minutes of February 14, 2022.
- Adopted **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 Charter Resolution will take effect fifty (50) days after its passage unless petitioned to referendum in accordance with §4-304 of the Local Government Article, Annotated Code of Maryland, within forty (40) days following its passage.*
- Adopted **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 Ordinance will take effect on May 3, 2022.*
- Introduced **Ordinance No. O-02-2022** - An Ordinance to Appropriate and Adopt the Fiscal Year 2022 – 2023 (FY23) Budget and to levy a tax on certain Real and Personal Property under the provision of §6-203 of the Tax-Property Article of the Annotated Code of Maryland, as amended. *The Public Hearing has been scheduled for Monday, April 11, 2022, 7 pm.*
- Approved **Resolution No. R-04-2022** – A Resolution to confirm the appointments of Martha Deale, Spencer Harrill, and Jennifer Smith, made by the Mayor to the Board of Supervisors of Elections.
- Approved **Resolution No. R-05-2022** - A Resolution to confirm the appointment of John “Jack” Gaffey, Jr. made by the Mayor to the Ethics Commission.
- Continued **Resolution No. R-06-2022** – A Resolution authorizing the Town Manager to establish ‘No Parking Anytime’ on the south side of Carroll Place, from the projected west curb line of Hadley Place to a point 50’ westward; on the west side of Hadley Place, from the projected south curb line of Carroll Place to 40’ southward; and install a corner clearance prohibition on the west side of Hadley Place, from the projected south curb line of Carroll Place to 40’ southward.
- Approved **Resolution No. R-07-2022** – A Resolution approving a variance for a one-foot, six-inch (1’6”) encroachment into the required twenty (20) foot sum of the side yard setback in accordance with Section 5-104, “Building Lines”, for 3906 Washington Street.
- Approved **Resolution No. R-08-2022** – A Resolution to amend Fiscal Year 2021-2022 (FY22) Capital Improvement Plan (CIP) to move \$200,000 from the Storm Drain Reconstruction & Renovation Program (PW-005) to the Pavement Management Program (PW-003).

## Town Council Meeting March 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 for longtime resident, John McKenna, who recently passed away.

The Minutes from the February 14, 2022, Town Council Meeting were reviewed and approved. See Council Actions.

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

#### **Kensington Parkway Bike and Pedestrian Improvements**

Council Member Engle reported that there is an opportunity to collaborate with Chevy Chase View and North Chevy Chase to send a letter of intent to pursue a grant for the Kim Lamphier Bikeways Network Program with the Maryland Department of Transportation. The grant would allow for a feasibility study along Kensington Parkway in an effort to take a more integrative approach to incorporating the Bicycle Master plan between the Town and the purple line.

Council Member Bartram supported looking at the proposed bike path expansion as a whole instead of multiple parts.

Council Member Crimmins questioned best practices for bike infrastructure design.

Council Member Engle stated that a project that crosses jurisdictions is complex and would require an integrated study.

#### **Town Election**

The Council concurred to send out ballot applications, as was done in the prior year, to all registered voters for the upcoming election on June 6, 2022; in person voting along with vote by mail/drop box will be available.

Mayor Furman and Council Member Engle stated they filed for reelection. Council Member Hill-Zayat stated she did not intend on running for reelection.

#### **Town Council Meetings**

The Council concurred to return to in-person Council Meetings with the meeting live streamed, along with a Zoom option, beginning with the April 11, 2022, Town Meeting.

#### **Development Review Board**

Council Member Crimmins stated that the Public Hearing required by Montgomery Planning for the Crossroads at Kensington project (10619 Connecticut Avenue) has been scheduled for April 21; anyone interested in testifying can sign up on the County website.

#### **Mayor and Council Reports**

Council Member Crimmins stated that he and Mayor Furman participated in an idea exchange with the City of Bowie, who are interested in revamping their historic district and they showcased

the successes of the Town; attended the Kensington Can! Business Open House, which was well-attended by businesses in Town, including new businesses; attended the grand opening of a wonderful new business, Olive and Loom, in the Johnson's Shopping Center; and noted that a new microbrewery, Babycat Brewery, will be coming later this year to the Johnson's Shopping Center.

Council Member Hill-Zayat stated Assistant to the Town Manager Marini testified at the streetlight hearing for House Bill 0381 and the Bill is now in committee and then will cross over to the Senate.

Council Member Engle stated there will be a public workshop for improving pedestrian and bicycle access and connectivity along the Connecticut Avenue corridor on April 21 from 7:00 pm to 9:00 pm at Town Hall. The workshop will have a virtual component as well.

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

Town Manager Hoffman stated that the Kensington Historical Society is reorganizing and requested approval to use the remaining amount of their \$8,000 grant from the Town for communications staff, website hosting, computer equipment and an archiving project instead of an executive director, as originally intended. The Council approved the change in use of the grant. See Council Actions.

Town Manager Hoffman reported milling and paving will take place in April on Fawcett Street, Mitchell Street, Montgomery Avenue, and Lexington Street including speed humps on Kensington Parkway north and completion of the pedestrian access at St. Paul Park.

Town Manager Hoffman stated he should have a contract for the Council to approve at the April meeting for a consultant to oversee the bridge repair project.

### **Public Appearances**

Jack Gaffey supported the bump-out that was added at the corner of Fawcett Street and Howard Avenue, suggested two mirrors at 45 degrees at that intersection; and noted the upcoming full moon on March 18 and spring equinox on March 20.

Joe Campbell questioned when the new 20 mph speed limit takes effect and whether there will be additional enforcement; noted the no left turn at Frederick Avenue and Kent Street, Frederick Avenue and Wake Drive, and Kensington Parkway and Kent Street continues to be unenforced.

Town Manager Hoffman stated the speed limit is effective July 1, 2022, and the Mobility and Traffic Committee can review the primary enforcement area.

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

**Charter Resolution No. CR-01-2022** – A Public Hearing was held on 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. See Council Actions.

Town Manager Hoffman stated a letter and postcard notifying all Residents of the proposed change and hearing was sent out and nine comments were received; in order for the Charter Amendment to be effective for the upcoming June election it would need to be adopted tonight after the Hearing.

Jack Gaffey stated voting is a right of citizenship and requested the Council vote against the Charter Resolution.

Kathleen Danforth stated she supports the Charter Resolution, as she has lived in Town since 2014 and would appreciate having a voice on local issues.

Andrew Roud questioned how requirements will be verified and whether non-citizens could run for office.

Town Manager Hoffman stated the proposed Charter Resolution and Ordinance do not allow a non-citizen to run for office, but it could be considered later; and the Board of Supervisors of Elections would review the documentation to be eligible to vote.

Joe Campbell stated the public comment period should remain open as it normally does and questioned moving ahead with this amendment when the majority opposed this in the survey.

**Ordinance No. O-01-2022** – A Public Hearing was held on 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. See Council Actions.

Town Manager Hoffman stated language in the ordinance referring to “citizens” needed to be changed to agree with the charter amendment allowing non-citizens who are lawful permanent Residents or authorized to work to vote in Town elections. See Council Actions.

Council Member Bartram stated he acknowledges the comments made in opposition; supports citizenship for federal and state elections which address constitutional issues; the results of the survey showed the majority were not opposed, 51-49, and survey comments suggested additional support for non-citizens with a long term commitment, green card, or right to work; the Town election is not aligned with elections in November; and with the survey and notification

information sent out in advance of the public hearing, he did not see any reason to leave the record open longer.

Council Member Crimmins noted that non-citizen residents participate in the Town and support events and businesses in Town and should have a voice in the people leading the Town.

Council Member Engle noted the importance of increasing access to voting for non-citizen Residents even if it is a small number of Residents.

Council Member Hill-Zayat stated the survey showed some confusion and when the comments were taken into consideration there was strong favor for this change; and also noted the long process to become a citizen and that non-citizens participate in our community.

Mayor Furman stated she supports the proposed Charter Resolution.

Town Manager Hoffman stated the Charter Resolution will take effect fifty (50) days after its passage unless petitioned to referendum in accordance with §4-304 of the Local Government Article, Annotated Code of Maryland, within forty (40) days following its passage.

**Ordinance No. O-02-2022** - An Ordinance to Appropriately and Adopt the Fiscal Year 2022 – 2023 (FY23) Budget and to levy a tax on certain Real and Personal Property under the provision of §6-203 of the Tax-Property Article of the Annotated Code of Maryland, as amended was introduced. The Public Hearing was scheduled for Monday, April 11, 2022, 7 pm. See Council Actions.

Town Manager Hoffman stated tax rates are remaining the same and detailed information on the budget will be available for the public to view prior to the public hearing.

**Resolution No. R-04-2022** – A Resolution of the Town Council Confirming appointments made by the Mayor of Martha Deale, Spencer Harrill, and Jennifer Smith to the Board of Supervisors of Elections was presented. See Council Actions.

**Resolution No. R-05-2022** – A Resolution of the Town Council Confirming appointments made by the Mayor of John “Jack” Gaffey, Jr to the Ethics Commission was presented. See Council Actions.

**Resolution No. R-06-2022** – A Resolution authorizing the Town Manager to establish ‘No Parking Anytime’ on the south side of Carroll Place, from the projected west curb line of Hadley Place to a point 50’ westward; on the west side of Hadley Place, from the projected south curb line of Carroll Place to 40’ southward; and install a corner clearance prohibition on the west side of Hadley Place, from the projected south curb line of Carroll Place to 40’ southward was presented.

Town Manager Hoffman stated several requests were received from Residents to improve the sightline of the intersection. The Town’s Traffic Engineer reviewed the intersection and provided recommendations to the Traffic Committee in April 2021. An all-way Stop was not recommended;

however, the Traffic Engineer noted that this could be reviewed as an additional measure in the future.

Sheila Dinn suggested the proposal be reconsidered after the trees are trimmed and additional speed data is obtained.

Fred Beavers stated his trees will be trimmed to improve the sightline; and that the intersection would benefit from speed humps since speed is the main problem.

Daisy Whitmore stated when cars are parked closer to the corner it calms traffic by slowing vehicles down; and requested more notification on changes directly impacting Residents.

Cynthia Long Beavers stated speed is a concern at that intersection and questioned whether the location is appropriate for a speed camera.

Alan Simon stated an all-way Stop sign is a better solution than speed humps, which would not address the visibility issue.

The Council concurred to conduct a new analysis of the intersection after the trees are trimmed to see if speed humps are warranted; Town Manager Hoffman and the Traffic Engineer will meet on-site with Residents to review the intersection and obtain speed data.

**Resolution No. R-07-2022** – A Resolution of the Mayor and Town Council of Kensington approving a variance for a one-foot, six-inch (1’6”) encroachment into the required twenty (20) foot sum of the side yard setback was presented. The Variance Hearing was held on February 14, 2022. See Council Actions.

**Resolution No. R-08-2022** – A Resolution of the Mayor and Town Council of Kensington to amend the Fiscal Year 2021-2022 (FY22) Capital Improvement Plan (CIP) to move \$200,000 from the Storm Drain Reconstruction & Renovation Program (PW-005) to the Pavement Management Program (PW-003) was presented. See Council Actions.

Town Manager Hoffman stated the Resolution changes the original allocation of \$650,000 from the Pavement Management Program and \$350,000 for Storm Drain Reconstruction and Renovation from the CIP to allow an additional \$200,000 towards paving until the storm drain analysis is completed.

### **Council Actions**

Council Member Crimmins moved to approve the Town Meeting Minutes from February 14, 2022. The motion passed unanimously.

Council Member Engle moved to approve the reallocation of the use of KHS grant funds for communications staff, website hosting, computer equipment and an archiving project. The motion passed unanimously.

Council Member Bartram moved to close the Public Hearing on Charter Resolution No. CR-01-2022. The motion passed unanimously.

Council Member Crimmins moved to close the Public Hearing on Ordinance No. O-01-2022. The motion passed unanimously.

Council Member Crimmins moved to adopt 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. The motion passed unanimously.

Council Member Bartram moved to adopt 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 motion passed unanimously.

Council Member Crimmins moved to introduce Ordinance No. O-02-2022 to appropriate and adopt the Fiscal Year 2022 – 2023 (FY23) Budget and to levy a tax on certain real and personal property under the provision of §6-203 of the Tax-Property Article of the Annotated Code of Maryland, and set the Public Hearing for Monday, April 11, 2022, 7 pm. The motion passed unanimously.

Council Member Crimmins moved to approve Resolution No. R-04-2022 confirming the appointments made by the Mayor of Martha Deale, Spencer Harrill, and Jennifer Smith to the Board of Supervisors of Elections. The motion passed unanimously.

Council Member Bartram moved to approve Resolution No. R-05-2022 confirming the appointment of John "Jack" Gaffey, Jr. made by the Mayor to the Ethics Commission. The motion passed unanimously.

Council Member Engle moved to continue Resolution No. R-06-2022 authorizing the Town Manager to establish 'No Parking Anytime' on the south side of Carroll Place, from the projected west curb line of Hadley Place to a point 50' westward; on the west side of Hadley Place, from the projected south curb line of Carroll Place to 40' southward; and install a corner clearance prohibition on the west side of Hadley Place, from the projected south curb line of Carroll Place to 40' southward until additional analysis of the intersection can be completed. The motion passed unanimously.

Council Member Crimmins moved to approve Resolution No. R-07-2022 for a variance of a one-foot, six-inch (1'6") encroachment into the required twenty (20) foot sum of the side yard setback in accordance with Section 5-104, "Building Lines", for 3906 Washington Street. The motion passed unanimously.

Council Member Crimmins moved to approve Resolution No. R-08-2022 to amend Fiscal Year 2021-2022 (FY22) Capital Improvement Plan (CIP) to move \$200,000 from the Storm Drain Reconstruction & Renovation Program (PW-005) to the Pavement Management Program (PW-003). The motion passed unanimously.

Council Member Hill-Zayat moved to adjourn the meeting at 8:57 pm. The motion passed unanimously.