

November 8, 2023, Town Council Meeting Summary

(held in Person and by Zoom Video Conferencing)

- Approved the Town Meeting Minutes of October 11, 2023.
- Acknowledged receipt of the Audit Committee’s Report for the Fiscal Year Ending June 30, 2023, FY23.
- Held a Variance Hearing for 3419 Dupont Avenue in accordance with Section 5-109, “Fences, Walls and Retaining Walls”, of the Town Code. *A Resolution in support of the Variance request will be prepared for the December 13, 2023, Council Meeting.*
- Resolution No. R-19-2023 was removed from the Agenda.
- Approved Resolution No. R-20-2023 – Accepting a Monetary Contribution in the amount of \$100,000 from Knowles Manor Senior Housing, LLC, to be used for Traffic and Parking Enforcement within the Town of Kensington.
- Approved Resolution No. R-21-2023 – Amending the existing Parking Restrictions at the Metropolitan Avenue Parking lot, 10450 Metropolitan Avenue, by Prohibiting Parking for more than Four (4) Hours total within any Twenty-Four (24) Hour period, in one or a combination of the restricted spaces, Except by Permit.
- Approved Resolution No. R-22-2023 – Proclaiming November to be Municipal Government Works Month in Kensington, Maryland.

Town Council Meeting November 8, 2023, 7:00 pm, held in Person and by Zoom Video Conferencing

Mayor Furman; Council Members Bartram, Crimmins, Engle, and Lichter; Town Manager Hoffman; Assistant Town Manager Marini; and Clerk-Treasurer Engels were present. The Pledge of Allegiance was recited, and a moment of silence was observed.

The Town Meeting Minutes from October 11, 2023, were reviewed and approved. See Council Actions.

From the Mayor and Town Council

Audit Committee Report

Town Manager Hoffman stated the Audit Committee met with the Auditing firm, LSWG, Town staff, and Council Member Lichter; a few corrections were made to FY23 financial statements based on recommendations from the Auditors and Audit Committee.

Council Member Lichter thanked the Audit Committee for their diligence; and noted one material deficiency with M&T bank not collateralizing an account which was remedied.

The Mayor and Council acknowledged receipt of the Audit Committee’s Report for the Fiscal Year ending June 30, 2023, (FY23), which recommended the audited financial statements of the Town be accepted as submitted.

3419 Dupont Avenue Variance Hearing

Property Owner, Margie Rodgers, was present to request a variance for a six-foot (6') gate and post installed in the front plane of the property in accordance with Section 5-109(b), of the Town Code.

Ms. Rodgers stated the property has two retaining walls with a large drop and the six-foot gate provides safety for people trespassing on her property that could fall over a steep area.

Town Manager Hoffman stated a variance was needed due to the gate being six feet in height (6') instead of the maximum four feet (4'); support was received from both adjacent neighbors; and the staff supports the variance.

The Council concurred to support the variance based on safety and the topography of the property. A formal resolution will be presented at the next Town meeting.

Mayor and Council Reports

Council Member Lichter stated the Town received the Sustainable Maryland Bronze Certification and thanked the committee and staff; there are still volunteer activities with the Weed Warriors; and noted that the Town is hosting the Menorah lighting on December 7, and welcomed everyone to the special community event.

Council Member Engle stated the PBASWG had their successful Walktober event on October 28.

Council Member Crimmins reported the cones and barricades on St. Paul Street for Halloween worked well to slow traffic and widen walkways and thanked the Residents for the Scary Perry Event.

Mayor Furman stated the Town's Attorney, Suellen Ferguson, will attend the December meeting to provide an update on street light negotiations with Pepco and the Public Service Commission; Tacos Don Perez will be opening on Howard Avenue; the Brookewood School will be holding an observance at Ernest Memorial Park on Veterans Day; the Town is collecting toys for the Toys for Tots campaign through December 14; and noted the many upcoming Town events during December.

Town Manager and Staff

Town Manager Hoffman reported milling and paving is scheduled for Plyers Mill Road, St. Paul Street, and Farragut Avenue; a traffic counter will be placed at 10600 St. Paul Street to determine whether a speed hump should be installed; leaf pick up will continue through December 15; the radar speed sign for Metropolitan Avenue should be in by the end of the month; additional blinking stop signs were ordered; and a quarterly meeting will be scheduled with Derek Gunn, District Engineer with MDOT, in January to address the status of the rapid flashing beacon along Metropolitan Avenue at Wheatley Street, and the advisory sign on University Boulevard within the southbound St. Paul Street turn lane to notify drivers of the Town's 'Do Not Enter' restrictions.

Ordinances, Resolutions, and Regulations

Resolution No. R-19-2023 was not presented to the Council.

Resolution No. R-20-2023 – A Resolution of the Mayor and Council Accepting a Monetary Contribution in the amount of \$100,000 from Knowles Manor Senior Housing, LLC, to be used for Traffic and Parking Enforcement within the Town of Kensington was presented. See Council Actions.

Town Manager Hoffman stated that this was a staff request in preparation of the FY25 Budget; within the settlement agreement from January 2020, between Knowles Manor Senior Housing, LLC, and Neighbors for an Improved Kensington, the Town must accept the funding in order to allocate this in the FY25 Budget.

Council Member Engle stated as a private citizen, he was part of group that led to this settlement agreement, and although not a direct conflict of interest, based on the previous recommendation from the Ethics Commission, he recused himself from the discussion.

Council Member Lichter questioned how the Town plans to use the funds.

Town Manager Hoffman stated it is limited within the agreement on how the funds can be used and the funds would be appropriated in the Public Safety Budget for secondary enforcement with Montgomery County Police and for other traffic mitigation issues.

Leslie Olson questioned if the escrow money goes back if it is not used.

Council Member Crimmins stated that if the Town does not accept the funds, then the funds would be given to Montgomery County for use in developing a community recreation center within the existing Housing Opportunities Commission (HOC) property, which is not an actual plan for the property.

Jon Gerson stated he understands why the Council needs to accept the funds, but noted it sets a precedent as the developer was pressured by a group of citizens, and it is important when the funds are used to ensure it adds maximum value to the most people in Town.

Darin Bartram stated the Resolution tonight is to accept the funds and allocation would be in next year's budget.

Council Member Crimmins stated it was unfortunate how this agreement happened because there was a public process with numerous meetings and the concerns were addressed by the developer through this process.

Resolution R-21-2023 – A Resolution Amending the existing Parking Restrictions at the Metropolitan Avenue Parking lot, 10450 Metropolitan Avenue, by Prohibiting Parking for more than Four (4) Hour's total within any Twenty-Four (24) Hour period, in one or a combination of the restricted spaces, Except by Permit was presented. See Council Actions.

Town Manager Hoffman stated the original resolution that was sent out was changed to amend the existing signs instead of creating a parking zone on the advice of the Town Attorney. He stated the Town is having problems with Modena employees parking for four hours and then relocating their vehicles to another space, and by amending the signs to add 4 hours total in any 24-hour period, it will prevent people from moving their vehicles to circumvent the restriction.

The Council discussed parking issues in Town, including new development, and noted the importance of a parking district study along with an analysis on how to get people to drive less by parking in a central location and walking.

Resolution R-22-2023 – A Resolution Proclaiming November to be Municipal Government Works Month in Kensington, Maryland, was presented. See Council Actions.

Town Manager Hoffman thanked the entire Town staff for all their hard work in municipal government.

Public Appearances

Leslie Olson noted concerns over children playing near the railroad tracks and suggested a note be added to the Town newsletter to remind parents of the speed of the trains; and questioned if there are final plans for the egress and intersection at Kensington Crossing.

Town Manager Hoffman stated he will reach out to CSX regarding additional signage; and the intersection will not be changed by the time the property is developed but is something the Town will be addressing with SHA, who is studying how to move pedestrians in a safe manner at the intersection.

Council Actions

Council Member Crimmins moved to approve the Town Meeting Minutes from October 11, 2023. The motion passed unanimously.

Council Member Bartram moved to adopt Resolution R-20-2023 Accepting a Monetary Contribution in the amount of \$100,000 from Knowles Manor Senior Housing, LLC, to be used for Traffic and Parking Enforcement within the Town of Kensington. The motion passed unanimously. Council Member Engle abstained.

Council Member Engle moved to adopt Resolution R-21-2023 Amending the existing Parking Restrictions at the Metropolitan Avenue Parking lot, 10450 Metropolitan Avenue, by Prohibiting Parking for more than Four (4) Hours total within any Twenty-Four (24) Hour period, in one or a combination of the restricted spaces, Except by Permit. The motion passed unanimously.

Council Member Lichter moved to adopt Resolution R-22-2023 Proclaiming November to be Municipal Government Works Month in Kensington, Maryland. The motion passed unanimously.

Council Member Bartram moved to adjourn the meeting at 8:29 pm. The motion passed unanimously.