

June 12, 2024, Town Council Meeting Summary (held in Person and by Zoom Video Conferencing)

- Held a Closed Session meeting pursuant to State Government Article §3-305 (b)(7), “Closed Session”, to consult with counsel to obtain legal advice. No Actions were taken.
 - 10401 Connecticut Avenue (BCTGM)
 - 10415 Montgomery Avenue (M&T Bank Drive-Thru)
 - 10524 and 10526 St. Paul Street (Pepco Vacant Lots)
- Approved the Town Meeting Minutes of May 8, 2024.
- Approved the Special Town Meeting Minutes of May 23, 2024.
- Acknowledged the Certification of the June 3, 2024, Town Election by the Board of Supervisors of Elections.
- Continued the Sign Variance Hearing to allow the monument sign to exceed six feet (6’) in height from grade for 10335 Kensington Parkway, in accordance with Section 6-104 (c) of the Town Code. *A Resolution in support of the Variance request will be prepared for the July 10, 2024, Council Meeting.*
- Held a Variance Hearing for 3401 Ferndale Street to allow a six-foot (6’) fence to be placed within the front plane of the property, 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 July 10, 2024, Council Meeting.*
- Held a Variance Hearing for 3505 Kent Street to allow a driveway width of 13 feet, 10 inches (13’10”), in accordance with Section 5-107, “Driveways and Parking Surfaces – Single Family Residential Zones”, of the Town Code. *A Resolution in support of the Variance request will be prepared for the July 10, 2024, Council Meeting.*
- Adopted Resolution No. R-12-2024 - A Resolution of the Mayor and Council of the Town of Kensington Authorizing the Town Manager to Award a contract for Survey Services to evaluate the existing storm drain inlets, pipe inverts, and underground utilities in coordination with the St. Paul Street and Farragut Avenue Storm Drain projects; and to Award this contract to the lowest received proposal in an amount not to exceed \$30,000.
- Approved an Alcohol Waiver for the 3rd Annual Juneteenth Celebration on Saturday June 15, 2024, at St. Paul Park.

Town Council Meeting June 12, 2024, 7:00 pm, held in Person and by Zoom Video Conferencing

Mayor Furman; Council Members Bartram, Crimmins, Engle, and Lichter; Town Attorney Ferguson; Town Manager Hoffman; Assistant Town Manager Marini; and Clerk-Treasurer Engels were present. The Pledge of Allegiance was recited, and a moment of silence observed for David Gregg, who served as the Town’s tree contractor for over forty years, and passed away on June 1, at the age of 94.

The Town Meeting Minutes from May 8, 2024, and the Special Town Meeting Minutes from May 23, 2024, were reviewed and approved. See Council Actions.

From the Mayor and Town Council

A Closed Session was held prior to the Council Meeting pursuant to State Government Article §3-305(b)(7), “Closed Session”, to consult with counsel to obtain legal advice with regards to 10401 Connecticut Avenue (BCTGM); 10415 Montgomery Avenue (M&T Bank Drive-Thru); and 10524 and 10526 St. Paul Street (Pepco Vacant Lots). No Actions were taken. See Attached form – “Statement for Closing a Meeting.”

Town Election

Town Manager Hoffman stated that the Board of Supervisors of Elections certified the June 3, 2024, Election and declared Mayor Furman and Council Members Engle and Lichter elected.

10335 Kensington Parkway (Sign Variance)

A Variance Hearing was continued from the May 8, 2024, Town Meeting to clarify questions with the Town Attorney regarding a waiver and determining factors for a hardship to allow the existing monument sign to remain at its current height (6’4”).

Glen Kessler, Compass Art Center at 10335 Kensington Parkway, stated it was cost prohibitive to remove the existing sign based on the estimate he received of approximately \$5,000 to \$10,000; and he planned to improve the existing monument sign by painting it white to match the building.

Town Attorney Ferguson was present and clarified that a variance is a type of waiver. She reviewed the hardships of the variance request with the Council and noted that: it is a new business, the sign has been there for many years, the amount of difference between 6’4” and 6’ is minimal, the subtenants in the building will be on the sign, and the sign will be improved and is compatible with other properties.

There was no public comment.

The Council discussed the hardships and concurred to support the variance providing that the sign is painted white, and all the slots are used. See Council Actions.

3401 Ferndale Street (Fence Variance Hearing)

A Variance Hearing was held to allow a six-foot (6’) fence within the front plane of the property at 3401 Ferndale Street in accordance with Section 5-109(b), “Fences, Walls and Retaining Walls”, of the Town Code.

Town Manager Hoffman stated that the staff supports a variance of a six-foot (6’) fence behind the front plane of the house on the Mannakee Street side of the property, at which point the fence should taper to four feet (4’) once past the front plane. A similar precedent was set in 2018 at 3908 Baltimore Street, which was also a corner lot and allowed for a portion of the fence to be six feet along the side plane of the house.

Letters of support were received from 3405 Ferndale Street and 10419 Mannakee Street.

Zakary Boyer, 3401 Ferndale Street, was present and stated he has a unique corner lot with frontage on both Ferndale Street and Mannakee Street and he is requesting a 6-foot fence along the back half of their lot to create privacy from traffic along Mannakee Street and provide a safe place for pets and kids to play in the yard; and he prefers to begin tapering to four feet as close to the driveway as possible due to aesthetics.

The Council discussed the length of the fence, the unique layout of the property, the curvature of the streets, and the property comprising 3 fronts, and concurred to support the variance as requested. See Council Actions.

3505 Kent Street (Driveway Variance Hearing)

A Variance Hearing was held to allow for a driveway width of 13 feet, 10 inches (13'10"), in accordance with Section 5-107, "Driveways and Parking Surfaces – Single Family Residential Zones", of the Town Code.

Town Manager Hoffman stated the applicant, Jeremy Schappert, is requesting a variance and retroactive permit for a driveway that has already been installed, as the applicants were unaware that a permit was needed; and that the staff supports the variance.

Jeremy Schappert stated that he is expanding the width of the driveway due to the existing grade. Mr. Schappert noted that some areas of the driveway are not usable due to projections of a low carport, posts, and air handler; and that the wider driveway will provide greater access for a disabled family member.

Letters of support were received from 3507 Kent Street and 10200 Frederick Avenue.

There were no public comments.

The Council discussed the topography and safety and concurred to support the variance as requested. See Council Actions.

St. Paul Park Alcohol Waiver – Juneteenth Celebration

Town Manager Hoffman requested a waiver from the Council to allow for a beer garden at the Juneteenth celebration on June 15 at St. Paul Park. See Council Actions.

From the Mayor and Town Council

Mayor Furman welcomed Girl Scout Troop 8, from Chevy Chase, who attended the meeting to obtain their Citizenship in the Community Badge.

Council Member Lichter stated the 3rd Annual Juneteenth Celebration is Saturday, June 15; the Greenscape Committee meeting is June 13 at Ernest Memorial Park, and they will be discussing upcoming projects and how to provide education on tree care through the newsletter and website.

Council Member Engle reported that Sustainable Kensington sponsored a tour of a food waste processing center, the Bio Energy Center in Jessup, which produces renewable natural gas and fertilizer; this is the facility the Town is considering working with for food waste collections; PBAS Working Group met and set priorities for the coming year, including actions on the BPPA Plan and Corridor Study; questioned which site could be used for tactical urbanism public street art; and whether the Town will be resubmitting the Safe Roads for All (SS4A) Grant for the Connecticut Avenue pedestrian bridge.

Town Manager Hoffman stated the traffic engineer identified the intersection of Metropolitan Avenue, Kensington Parkway, and Ferndale Street for street art to narrow the intersection.

Assistant Town Manager Marini noted that the Town's consultant, Fehr & Peers, determined that the Connecticut Avenue bridge project is not eligible for the SS4A grant, as it does not meet the necessary criteria. The next step would be to have MCDOT add this project to Montgomery County's Vision Zero plan and then reapply for SS4A in 2025.

Council Member Crimmins reported the Town received the Community Parks and Playgrounds (CPP) State Grant \$177,801 for a playground expansion at St. Paul Park, which will connect the existing swing area to the playground with new ADA compliant equipment and surfacing that will allow for greater mobility; once the Board of Public Works approval is received, the Town will hold another onsite meeting and finalize the equipment.

Mayor Furman stated the Organizational Meeting will be at 6 pm on July 10 prior to the Town Meeting at 7 pm; a separate meeting will be scheduled with the District 18 delegation; the Town is working with other municipalities on a technical amendment to change "single family" to "residential" in R60 so the Town's setbacks continue to apply to all types of dwellings.

Public Appearances.

There were no public appearances.

From the Town Manager

Town Manager Hoffman stated the intersection improvements at Howard Avenue and Armory Avenue are scheduled to begin tomorrow; and the Town has received a number of complaints regarding parking and suggested implementing a task force at the organizational meeting to address public parking concerns throughout the Town.

Ordinances, Resolutions, and Regulations

Resolution No. R-12-2024 - A Resolution of the Mayor and Council of the Town of Kensington Authorizing the Town Manager to Award a contract for Survey Services to evaluate the existing storm drain inlets, pipe inverts, and underground utilities in coordination with the St. Paul Street and Farragut Avenue Storm Drain projects; and to Award this contract to the lowest received proposal in an amount not to exceed \$30,000 was presented. See Council Actions.

Town Manager Hoffman stated that the Agenda was revised to add Resolution R-12-2024, in which the Town received a proposal for survey services related to the Farragut Avenue and St. Paul Street storm drain improvement projects. Town Manager Hoffman noted that he is waiting on two additional proposals for survey services and did not want to delay the awarding of the contract until the July meeting. The contract would be awarded to the lowest received proposal, pending final approval by the Town Attorney.

Council Actions

Council Member Crimmins moved to approve the Town Meeting Minutes from May 8, 2024. The motion passed unanimously.

Council Member Lichter moved to approve the Special Town Meeting Minutes from May 23, 2024. The motion passed unanimously.

Council Member Crimmins moved to direct staff to prepare a Resolution in support of the sign variance for Compass Art Center, 10335 Kensington Parkway, with the condition that the metal housing of the existing sign is painted white, and all the panels are used for approval at the July 10, 2024, Town Meeting. The motion passed unanimously.

Council Member Bartram moved to direct staff to prepare a Resolution in support of the variance at 3401 Ferndale Street to allow a 6' foot fence in the front plane of the property, based on the topography for approval at the July 10, 2024, Town Meeting. The motion passed unanimously.

Council Member Engle moved to direct staff to prepare a Resolution in support of the variance at 3505 Kent Street to allow a 13' 10" driveway width because of the peculiarities of the property and safety concerns for approval at the July 10, 2024, Town Meeting. The motion passed unanimously.

Council Member Lichter moved to approve the alcohol waiver for St. Paul Park on June 15 (or rain date June 16) for the 3rd Annual Juneteenth Celebration. The motion passed unanimously.

Council Member Crimmins moved to adopt Resolution R-12-2024 Authorizing the Town Manager to Award a contract for Survey Services to evaluate the existing storm drain inlets, pipe inverts, and underground utilities in coordination with the St. Paul Street and Farragut Avenue Storm Drain projects; and to Award this contract to the lowest received proposal in an amount not to exceed \$30,000. The motion passed unanimously.

Council Member Lichter moved to adjourn the meeting at 8:21 pm. The motion passed unanimously.