

## **December 18, 2024, Town Council Meeting Summary**

(held in Person and by Zoom Video Conferencing)

- Approved the Town Meeting Minutes of November 13, 2024.
- Approved the Closed Session Town Meeting Minutes of November 15, 2024.
- Held a Variance Hearing for 10609 Wheatley Street to allow a driveway width of 17 feet, 8.5 inches 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 will be prepared for the January 8, 2025, Council Meeting.*
- Approved Resolution No. R-23-2024 – A resolution to change the project that would receive up to \$800,000 funding from State Bond Bills 23-458 and 23-706 from the Flats at Knowles Station development project to the acquisition of 10415 Montgomery Avenue for public use as a parking lot, and to authorize the Town Manager to submit a Prior Authorization Request to the Maryland General Assembly to request this change.
- Approved Resolution No. R-24-2024 - Authorizing a Contract with Ecology Services Refuse & Recycling, LLC, for the term of ten months, beginning March 1, 2025, and for three additional one-year options, to provide weekly residential, curbside, food waste collection within the Town subject to review by the Town Attorney.
- Approved Resolution No. R-25-2024 - Authorizing a Contract with WASTEQUIP (Toter) for the purchase of 650, 13-gallon food waste bins.

## **Town Council Meeting December 18, 2024, 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. Town Attorney Ferguson was present by Zoom Video Conferencing. The Pledge of Allegiance was recited and a moment of silence observed.

The Town Meeting Minutes from November 13, 2024, were reviewed and approved. See Council Actions.

The Closed Session Meeting Minutes from November 15, 2024, were reviewed and approved. See Council Actions.

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

#### **Closed Session**

Town Manager Hoffman acknowledged a Closed Session was held on November 15, 2024, at 11:04 am pursuant to State Government Article §3-305 (b) (7), “Closed Session”, to obtain legal advice with regards to 10509 Summit Ventures, LLC, and the Flats at Knowles Station development project. The Closed Session adjourned at 12:00 pm. No actions were taken. See Closed Meeting Form.

## **Joseph Park**

Town Manager Hoffman reported that an ordinance will be presented at the January 8, 2025, Town Meeting to propose the sale of Joseph Park, 3420 Plyers Mill Road, and set a public hearing date for February 12, 2025, for public comment; the Council will decide after the public hearing whether to proceed with the ordinance.

Council Member Lichter requested the Town provide for the public record financial implications including other financing options such as bonds, taxes, or delaying projects, along with background information prior to the February hearing.

## **Mayoral Proclamation**

Mayor Furman presented Dennis McCurdy with a Proclamation and a Key to the Town in honor of his work and retirement from the Kensington Business District Association (KBDA).

Eli Sola-Sole, from Kensington Row Book Shop, recognized Mr. McCurdy for all his years of work and read letters on behalf of the Kensington Historical Society and KensingtonCAN! along with expressing appreciation for the KBDA, and the printing of Kensington, A Picture History, and his contribution to the quality of life in the Town.

## **10609 Wheatley Street (Driveway Variance Hearing)**

A Variance Hearing was held to allow a driveway width of 17 feet, 8.5 inches at 10609 Wheatley Street in accordance with Section 5-107, "Driveways and Parking Surfaces - Single Family Residential Zones", of the Town Code.

The property owners, Kabir and Lindsey Archuletta, were present and requested a retroactive Variance to allow a driveway width of 17 feet 8.5 inches for the turfstone permeable concrete pavers they have installed to provide parking for two vehicles.

Town Manager Hoffman stated that the staff supports the Variance with the condition that the Applicants install a concrete driveway apron, or concrete substrate, which meets Montgomery County standards; and suggested that the Code be amended in the future to allow wider driveways when permeable materials are used.

Council Member Bartram stated the variance should be based on the combination of the width, curvature, and grade of the street and not just the narrow street.

There were no public comments. The Council supported the Variance. See Council Actions.

## **Noyes Children's Library – Renovation Project**

Mayor Furman stated the Noyes Children's Library Foundation needs additional funding for the renovation project and the Foundation is now proposing phasing for the project so additional funds

can be collected from the State, County, and other contributions; the Town has contributed \$75,000 so far and the Foundation has requested an additional contribution from the Town.

### **Mayor and Council Reports**

Council Member Bartram reported that he, along with Mayor Furman, Council Member Crimmins, and Staff attended the Committee for Montgomery Breakfast; and he, along with Mayor Furman, attended the MML Chapter Dinner; both provided opportunities to talk with state and local representatives; and suggested exploring options so the Town crew will not be subject to the gas leaf blower ban during next year's leafing season.

Council Member Lichter stated the first Parking Task Force Meeting was held, the agenda and minutes are available on the website and the next meeting will be January 7, 2025, and focus on goals; and the Menorah Lighting will be on December 29 at 6 pm.

Council Member Engle reported the Pedestrian and Bicycling Access & Safety Working Group and Mobility and Traffic Committee will be meeting on January 13, 2025, and Sustainable Kensington will be meeting on January 21, 2025.

Mayor Furman and the Council discussed with Town Attorney Ferguson Pepco's lack of responsiveness for maintaining their charging stations, of which only one is working. Town Attorney Ferguson will work with staff to send a letter to Pepco; if there is no response then it may be able to be addressed with the Public Service Commission.

Council Member Crimmins reported that he, along with Mayor Furman and Council Member Engle, met with MCDOT Director Chris Conklin to advocate for the Summit Avenue Extended project; and they also met with Montgomery Housing Partners to discuss the opportunity to expand affordable housing in conjunction with the Summit Avenue Extension; and he is continuing to follow Montgomery County's school boundary study related to the reopening of Woodward High School, which will affect middle and high schools, and the timeline includes multiple years with draft recommendations and outreach in 2025 with boundaries proposed in 2026.

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

**Resolution No. R-23-2024** – A Resolution of the Mayor and Council of the Town of Kensington to change the project that would receive up to \$800,000 funding from State Bond Bills 23-458 and 23-706 from the Flats at Knowles Station development project to the acquisition of 10415 Montgomery Avenue for public use as a parking lot, and to authorize the Town Manager to submit a Prior Authorization Request to the Maryland General Assembly to request this change was presented. See Council Actions.

Town Manager Hoffman stated that the funds will remain public parking and the redirection of the funds was due to the Town not coming to an agreement with the Flats at Knowles Station development team; the Town has a verbal agreement with M&T Bank to acquire the drive-through property for the appraised value of \$930,000 on July 1, 2025, to be used for public parking.

Joe Campbell inquired about the problems with the lease agreement and any repercussions from failing to reach an agreement.

Town Attorney Ferguson stated the Town could not enter into the required grant agreement for the bond until it had a long-term lease with the developer and an agreement could not be reached due to several issues. The M& T acquisition will require an ordinance and public hearing.

**Resolution No. R-24-2024** – A Resolution of the Mayor and Council of the Town of Kensington Authorizing a Contract with Ecology Services Refuse & Recycling, LLC, for the term of ten months, beginning March 1, 2025, and for three additional one-year options, to provide weekly residential, curbside, food waste collection within the Town subject to review by the Town Attorney was presented.

Town Manager Hoffman stated at the recommendation of Sustainable Kensington the Resolution is to accept a contract for a Town-wide Food Waste collection program, which will begin on March 1, 2025, initially for 10 months, with three additional one-year options.

The Council discussed outreach ideas to encourage participation including videos, mailings, and neighbor outreach; and Andrew Cassilly, Maryland BioEnergy Center, will provide an overview and answer questions about the program at the January Town meeting.

Lindsey Archueletta supported program and questioned whether the food waste would be returned to Residents as compost.

Council Member Engle explained the food waste goes to the Maryland Bioenergy Center in Jessup and is used for renewable natural gas.

Joe Campbell questioned whether it was voluntary to participate in the program, questioned the cost of the second trash pickup vs. composting, and suggested adding language on performance standards for Ecology.

Town Manager Hoffman noted that certain details of the collection have yet to be determined, including the pickup day and the provision for bags within the bins; each Residents will receive a 13-gallon bin, which will be delivered by the Town's Public Works Crew; stated that within the existing trash collection, the second pickup (Fridays) is less than the Food Waste contract, and that any future decision to end the second trash collection would be based on data collected.

**Resolution No. R-25-2024** – A Resolution of the Mayor and Council of the Town of Kensington Authorizing a Contract with WASTEQUIP (Toter) for the purchase of 650, 13-gallon food waste bins was presented. See Council Actions.

The Council discussed the number of toters to be ordered and suggested ordering additional toters for reserve. The resolution will be amended not to exceed \$25,000 to include additional toters.

## **Public Appearances**

Alicia Toledano commented on the benefits of Joseph Park and presented reasons why the Park should not be sold; she noted the majority of feedback the Town received at the prior meeting was against selling Joseph Park.

Joe Campbell commended Alicia Toledano on her presentation on Joseph Park, and noted the Crew did a great job with the leaf pickup and questioned the amount of the Noyes Library renovation shortfall.

Mayor Furman stated the shortfall is two million dollars due to costs increasing and the Foundation hopes by putting the project in phases additional funds can be obtained by federal, state, and local contributions.

The next Town Meeting will be on January 8, 2025, and will be by Zoom video conferencing.

### **Council Actions**

Council Member Lichter moved to approve the Town Meeting Minutes from November 13, 2024. The motion passed unanimously.

Council Member Crimmins moved to approve the Confidential Closed Session Minutes from November 15, 2024. The motion passed unanimously.

Council Member Bartram moved to direct staff to prepare a Resolution in support of the variance at 10609 Wheatley Street to allow a 17', 8.5" driveway width for approval at the January 8, 2025, Town Meeting with the condition that the driveway apron be concrete to meet County standards. The motion passed unanimously.

Council Member Crimmins moved to adopt Resolution No. R-23-2024 to change the project that would receive up to \$800,000 funding from State Bond Bills 23-458 and 23-706 from the Flats at Knowles Station development project to the acquisition of 10415 Montgomery Avenue for public use as a parking lot, and to authorize the Town Manager to submit a Prior Authorization Request to the Maryland General Assembly to request this change. The motion passed unanimously.

Council Member Crimmins moved to adopt Resolution No. R-24-2024 authorizing a Contract with Ecology Services Refuse & Recycling, LLC, for the term of ten months, beginning March 1, 2025, and for three additional one-year options, to provide weekly residential, curbside food waste collection within the Town subject to review by the Town Attorney. The motion passed unanimously.

Council Member Crimmins moved to adopt Resolution No. R-25-2024 authorizing a Contract with WASTEQUIP (Toter) for the purchase of 650, 13-gallon food waste bins as amended not to exceed \$25,000 for the purchase of additional toters. The motion passed unanimously.

Council Member Engle moved to adjourn the meeting at 8:59 pm. The motion passed unanimously.