

**Mayor Tracey Furman**

**Council Member Darin Bartram  
Council Member Bridget Hill-Zayat**



**Council Member Conor Crimmins  
Council Member Duane Rollins**

*Released: March 8, 2019*

**Monday, March 11, 2019  
Mayor and Town Council Meeting – 7:00 PM**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**APPROVAL OF MINUTES**

Regular Town Meeting of February 11, 2019 and Work Session of February 25, 2019

**FROM THE MAYOR AND TOWN COUNCIL**

1. Greenscape Committee Update (Furman)
2. Traffic Committee Update (Bartram and Rollins)
3. Housing Opportunities Commission (HOC) Gymnasium Update (Furman)

**FROM THE TOWN MANAGER AND STAFF**

**PUBLIC APPEARANCES**

*(The public is invited to speak on any subject that is not a topic on tonight's agenda)*

**ORDINANCES, RESOLUTIONS, AND REGULATIONS**

*(Ordinances, resolutions, and regulations to be introduced or adopted following appropriate procedures required by the Town Code; or resolutions that may require discussion by the Mayor and Council prior to approval)*

1. **Ordinance No. O-02-2019 (Introduction)** – An Ordinance of the Mayor and Town Council *Introducing* the Fiscal Year 2019-2020 (FY20) Budget. *The Public Hearing will be scheduled for Monday, April 8, 2019.*
2. **Resolution No. R-04-2019** – A Resolution of the Town of Kensington Council Confirming Appointments made by the Mayor to the Town Ethics Commission.
3. **Resolution No. R-05-2019** – A Resolution of the Town of Kensington Council Confirming Appointments made by the Mayor to the Board of Supervisors of Elections.
4. **Resolution No. R-06-2019** – A Resolution of the Mayor and Town Council Amending the Schedule of Town Fees, Charges, and Expenses.

**Town of Kensington 3710 Mitchell Street Kensington, MD 20895  
Phone 301.949.2424 Fax 301.949.4925  
www.tok.md.gov**

5. **Resolution No. R-07-2019** – A Resolution of the Mayor and Council of the Town of Kensington to Establish a 20 MPH Speed Limit along the 3700 block of Farragut Avenue between University Boulevard and Lexington Street.

**ADJOURN**

*(The Mayor and Council may move to close the meeting and may move to reopen the meeting)*

THE NEXT SCHEDULED MEETING(S) OF THE MAYOR AND TOWN COUNCIL WILL BE HELD:

***Monday, April 8, 2019***

## **ORDINANCE No. O-02-2019**

### **AN ORDINANCE ADOPTING THE TOWN OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2019-20 (FY20) AND LEVYING A TAX ON ALL ASSESSABLE PROPERTY WITHIN THE TOWN OF KENSINGTON, MARYLAND**

**WHEREAS**, the proposed budget for the Fiscal Year, beginning July 1, 2019 and ending June 30, 2020 must be submitted to the Town Council on or before the third Monday in April; and

**WHEREAS**, the proposed budget ordinance must be introduced at a meeting of the Mayor and Town Council to allow for timely notice as required by the Town Charter and establish a public hearing on said Budget Ordinance; and

**WHEREAS**, the Fiscal Year 2019-20 (FY20) Proposed Budget provides a complete financial plan, including anticipated revenues and proposed expenditures for the fiscal year.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of Kensington, in public meeting assembled, that the budget for the Town of Kensington for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020 is hereby introduced and to be adopted as follows:

FY 2019-2020

#### **ANTICIPATED REVENUE**

Local Taxes	\$1,290,154	
Shared Revenues	\$618,595	
Licenses & Permits	\$48,278	
Intergovernmental Revenue	\$263,485	
Fines and Forfeitures	\$19,327	
Miscellaneous Revenue	\$81,900	
Grants - County & State		
<b>TOTAL ANTICIPATED REVENUE</b>		<u><u>\$2,321,739</u></u>
Re-appropriation		<u><u>\$765,666</u></u>
<b>TOTAL ANTICIPATED FUNDS AVAILABLE</b>		<u><u>\$3,087,405</u></u>

#### **PROPOSED EXPENDITURES**

General Government	\$1,006,613	
Public Works	\$863,537	
Public Safety, Parks & Non-Departmental	\$356,596	
<b>OPERATING BUDGET TOTAL</b>		<u><u>\$2,226,746</u></u>
Capital Improvements Budget		<u><u>\$860,659</u></u>
<b>TOTAL COMBINED PROPOSED EXPENDITURES</b>		<u><u>\$3,087,405</u></u>

**AND BE IT FURTHER ORDAINED** that all of the sums set forth herein under the heading "EXPENDITURES" be and hereby are appropriated;

**AND BE IT FURTHER ORDAINED** that there is hereby levied on all of the assessable real property within the Town a tax at the rate of:

**Real Property: \$0.1312 on each One Hundred Dollars (\$100)** of assessed value of said property.

**AND BE IT FURTHER ORDAINED** and there is hereby levied a tax on all personal property subject to taxation by the Town, at the rate of:

**Personal Property: \$0.80 on each One Hundred Dollars (\$100)** of assessed value on the following personal property subclasses as authorized in § 8-101 of the Tax-Property Article, Annotated Code of Maryland: stock in business, distilled spirits, and all other personal property directed by said article to be assessed, with the exception that there is hereby levied a tax of **\$5.00 on each One Hundred Dollars (\$100)** of assessed value on the following personal property subclasses as set forth in § 8-101 of the Tax-Property Article, Annotated Code of Maryland:

1. operating personal property of a railroad;
2. operating personal property of a public utility that is machinery or equipment used to generate electricity or steam for sale;
3. all other operating personal property of a public utility; and
4. machinery and equipment, other than operating personal property of a public utility, that is used to generate electricity or steam for sale or hot or chilled water for sale that is used to heat or cool a building.

**AND BE IT FURTHER ORDAINED** that the Council hereby adopts the imposition of a full year, one-half year, three-quarter year and one-quarter year tax levies authorized pursuant to §§ 10-102, 10-103, 10-104 and 10-105, Tax Property Article, Annotated Code of Maryland, as amended, and authorizes and empowers Montgomery County, Maryland, to collect and remit the same to the Town of Kensington, consistent with the imposition and collection of such levies on real property by Montgomery County.

**AND BE IT FURTHER ORDAINED** that the Town Council may from time to time transfer funds by Resolution within the Operating and Capital Improvements Budget categories.

**ADOPTED** by the Town Council this 13th day of May 2019.

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Tracey C. Furman,  
Mayor and President of the Council

**THIS IS TO CERTIFY** that the foregoing Ordinance was adopted by the Town Council in public meeting assembled on the 13th day of May 2019.

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Susan Engels, Clerk Treasurer

**RESOLUTION NO. R-04-2019**

**A Resolution of the Town of Kensington Council Confirming  
Appointments Made by the Mayor to the Town Ethics Commission**

**Whereas**, Section 2-304 of the Town Code requires that there shall be a Town Ethics Commission consisting of three (3) members who shall be appointed by the Mayor, with the approval of the Council, on or before the first Monday in April; and

**Whereas**, the terms of members of the Town Ethics Commission shall begin on the first Monday in April in the year in which they are appointed and shall run for two (2) years with staggered terms; and

**Whereas**, the Town Code provides that vacancies on the Commission shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term; and

**Whereas**, the members of the Town Ethics Commission shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their terms of office, nor be employees of the Town; and

**Now Therefore be Resolved** by the Town Council that the following appointment by the Mayor is hereby confirmed as follows:

David Beaudet	3506 Farragut Avenue	Two Year Term Expires	4-01-2021
Tina Sherman	3515 Perry Avenue	Two Year Term Expires	4-01-2021

The other Commission Member Terms continue as follows:

Jack Gaffey	10105 Frederick Avenue	Two Year Term Expires	4-01-2020
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Adopted this 11th day of March 2019.

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Tracey C. Furman, Mayor

**This is to certify** that the foregoing Resolution was adopted by the Town Council the 11th day of March 2019.

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Susan Engels, Clerk- Treasurer

**RESOLUTION NO. R-05-2019**

**A Resolution of the Town of Kensington Council  
Confirming Appointments Made by the Mayor to the Board of Supervisors of Elections**

**Whereas**, Section 703 of the Town Charter requires that there shall be a Board of Supervisors of Elections, consisting of three (3) members who shall be appointed by the Mayor with the approval of the Council on or before the first Monday in April; and

**Whereas**, the term of members of the Board of Supervisors of Elections shall begin on the first Monday in April in the year in which they are appointed and shall run for one (1) year; and

**Whereas**, members of the Board of Supervisors of Elections shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their terms of office; and

**Whereas**, the Board shall appoint one of its members as Chairperson:

**Now Therefore be Resolved** by the Town Council that the following appointments by the Mayor are hereby confirmed as follows:

Martha Deale	3941 Washington Street	One Year Term Expires	3-31-2020
Spencer Harrill	3810 Warner Street	One Year Term Expires	3-31-2020
Jennifer Smith	10537 St. Paul Street	One Year Term Expires	3-31-2020

Adopted this 11th day of March 2019

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Tracey C. Furman, Mayor

**This is to certify** that the foregoing Resolution was adopted by the Town Council in public meeting assembled on the 11th day of March 2019.

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Susan Engels, Clerk- Treasurer

## **RESOLUTION No. R-06-2019**

### **A RESOLUTION OF THE MAYOR AND TOWN COUNCIL AMENDING THE SCHEDULE OF TOWN FEES, CHARGES, AND EXPENSES**

**WHEREAS**, the Mayor and Council are authorized to set the fees and charges to be imposed by the Town for Building, Sign and Public Right-of-Way permits, and Town Park and Facility use permits; and

**WHEREAS**, the Mayor and Council have determined that certain permit fees should be adjusted or implemented based upon recent information, amendments, or ordinance adoptions.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Town of Kensington, that all previous Resolutions as to fees, charges and expenses, and bonds and/or deposits are hereby amended as set forth within Attachment "A".

**ADOPTED** by the Town Council of the Town of Kensington on this 11th day of March 2019, to be effective immediately.

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Tracey C. Furman, Mayor

**THIS IS TO CERTIFY** that the foregoing Resolution was adopted by the Town Council in public meeting assembled on the 11th day of March 2019.

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Susan Engels, Clerk- Treasurer



# Town of Kensington

## Fee Schedule

Attachment A of Resolution No. R-06-2019

BUILDING PERMITS		
<b>General</b>		
	Fence, Wall, or Retaining Wall	\$35
	Fence Variance Application Fee	\$50
	<i>Posting Sign Fee: A \$100 deposit which will be refunded following the Variance Hearing and return of the Posting Sign.</i>	
	Shed	\$35
	Sheds in excess of 100 square feet	<del>\$50</del> 110
	Storage Containers and Dumpsters on Private Property	
	Initial Fee for up to 30 Days	\$35
	Extension for an additional 120 Days	<del>\$125</del> 145
	Extension beyond an additional 120 Days	<del>\$250</del> 300
	Demolition	
	Commercial or Residential	<del>\$100</del> 110
	Accessory Structure 100 sq. ft. or less	\$35
	Swimming Pool (In Ground)	\$125
<b>Residential (Single Family and Townhomes)</b>		
	Addition	<del>\$100</del> 110
	<i>Plus an additional \$0.12 per square foot of construction.</i>	
	Alteration or Renovation (Interior Only)	<del>\$100</del> 110
	New Residential Construction (New Home or Townhome)	<del>\$500</del> 110
	<i>Plus an additional \$0.12 per square foot of construction.</i>	
	Building Line Variance Application Fee	<del>\$250</del> 260
	<i>Posting Sign Fee: A \$100 deposit which will be refunded following the Variance Hearing and return of the Posting Sign.</i>	
	Driveway and Parking Surfaces (New or Reconstructed)	<del>\$125</del> 110
	Driveway and Parking Surface Variance Application Fee	\$150
	<i>Posting Sign Fee: A \$100 deposit which will be refunded following the Variance Hearing and return of the Posting Sign.</i>	
	Driveway Apron (New or Reconstructed)	\$35
	Driveway Apron Bond	\$1,000
	Driveway Apron Variance Application Fee	\$150
	<i>Posting Sign Fee: A \$100 deposit which will be refunded following the Variance Hearing and return of the Posting Sign.</i>	
<b>Commercial (Multi-Family and Non-Residential)</b>		
	Addition, Alteration, or Renovation	<del>\$250</del> 110



	<i>Plus an additional \$0.12 per square foot of construction.</i>	
	New Commercial or Multi-Family Construction <i>Plus an additional \$0.12 per square foot of construction.</i>	\$ <del>1,000</del> <sup>110</sup>
	Driveway and Parking Surfaces (New or Reconstructed)	\$ <del>225</del> <sup>215</sup>
	Driveway Apron (New or Reconstructed)	\$ <del>125</del> <sup>35</sup>
	Driveway Apron Bond	\$1,000
<b>Public Right-of-Way Excavations and Obstructions</b>		
	Excavations <i>Plus an additional \$<del>2.50</del><sup>2.10</sup> per linear foot under unimproved areas or sidewalks; or an additional \$<del>5.00</del><sup>4.60</sup> per linear foot under a Town paved street.</i>	\$ <del>150</del> <sup>165</sup>
	Excavation Bond <i>A cash or surety bonding will be required following review by the Town's Building Inspector. A bond may not exceed \$5,000. *Excavation bonds are usually set at \$2,000.</i>	\$1,000 - \$5,000
	Obstructions <b>Utility Pole Replacement or Installation</b> <b>Each additional Pole, if multiple poles</b>	\$ <del>200</del> <sup>165</sup> \$100
	Storage Containers and Dumpsters within the Public Right-of-Way *May not exceed 30 Days	\$35
	Dumpster Bond	\$1,000
	Storage Container Bond (POD or similar)	\$500
<b>TELECOMMUNICATION PERMITS</b>		
<b>General</b>		
	Telecommunications Antenna	\$500
	Wireless Communications Facilities and Related Overhead and Underground Wiring, Cable, Hoses, Pipes, and Similar Facilities Up to Five (5) Facilities Each Additional Facility Each New Pole Access Fee, Per Year  Surety Bonding <i>The Town may require a surety bonding for wireless infrastructure providers.</i>	\$500 \$100 \$1,000 \$270  \$1,000 - \$5,000
<b>SIGN PERMITS</b>		
<b>General</b>		
	Commercial Signs Illuminated Sign Non-Illuminated Sign Replacement Panel for an existing approved sign	\$ <del>225</del> <sup>215</sup> \$ <del>125</del> <sup>110</sup> \$35

	Sign Variance Application Fee <i>Posting Sign Fee: A \$100 deposit which will be refunded following the Variance Hearing and return of the Posting Sign.</i>	\$ <del>150</del> <b>155</b>
<b>PARKING PERMITS</b>		
Residential		
	Residential Parking Permit	\$20
Business Parking		
	Designated Business Parking Lot Permit, Per Year	\$20
Commuter Parking		
	Designated Commuter Parking Lot Permit, Per Year	\$ <del>225</del> <b>200</b>
<b>TOWN HALL</b>		
Town Hall Contractual Groups		
	Production and Rental Groups	
	British Players	\$4,700
	Kensington Arts Theatre	\$3,300
	Kensington Historical Society	\$15
Town Hall Hourly Rentals		
	Drill Hall Four (4) Hour Rental <i>The Drill Hall has a four (4) hour rental minimum and will be charged at \$200 per hour after the initial four hours.</i>	\$ <del>800</del> <b>200</b>
	Drill Hall Security Deposit	\$300
	Conference Room, Per Hour <i>A \$200 refundable security deposit will be required if the rental event includes serving drinks and/or food.</i>	\$70
	Class Room, Per Hour <i>A \$200 refundable security deposit will be required if the rental event includes serving drinks and/or food.</i>	\$80
	Custodial Fee <i>A custodial fee will be included if the event requires assembly or breakdown by the Town.</i>	\$ <del>100</del> <b>75</b>
<b>TOWN PARKS</b>		
St. Paul Park – Contractual Groups		
	Spring Bilingual Montessori School, St. Paul Park	\$1,4 <del>80</del> <b>50</b>
<u>St. Paul Park Athletic Field (Permitted for Children 13 and Under Only)</u>		
	St. Paul Park, Per Athletic Season	\$50
<b>St. Paul Park Pavilion</b>		
	St. Paul Park Pavilion may be reserved two weeks prior to an event	No Fee
<b>FARMERS MARKET</b>		
Farmers Market Vendor Fees		

	Annual Vendor (January - December)	\$400
	Seasonal Vendor (April – October)	\$250
<b>MISCELLANEOUS FEES</b>		
Administrative		
	Public Information Request Staff Hourly Rate Rate is per request in excess of two (2) hours. Copying Charge for documents in excess of 25 pages.	<del>\$40</del> 36 \$0.15
	Copying Charge for non-Town documents.	\$0.15 Per Page
	Town Voter Registration List (Montgomery County) Electronic Copy Paper Copy	No Charge \$25
	Town Address Label List	\$40
Around Town Journal		
	Advertisement ¼ Page ½ Page Full Page Insert	\$25 \$50 \$100 \$150

## RESOLUTION No. R-07-2019

### A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON, MARYLAND, TO ESTABLISH A 20 MPH SPEED LIMIT ALONG THE 3700 BLOCK OF FARRAGUT AVENUE BETWEEN UNIVERSITY BOULEVARD AND LEXINGTON STREET

**Whereas**, Chapter IV, "Traffic and Vehicles", Section 4-103, "Traffic and Parking Control Devices" of the Town Code states:

*The Council may, by resolution, have erected "stop," "no parking," "speed limit," "one way," "yield," "no U-turn," "no-thru traffic," "no right turn," and "do not enter" signs and other traffic control and parking restriction devices to control, regulate, warn, or guide traffic or limit parking on streets, other public ways, or other areas in the Town of Kensington; and*

**Whereas**, State law (Maryland TR §21-803(a)(I)(iii)) requires that posted speed limits below the statutory maximum - 30 mph for urban/suburban residential streets - be supported by an engineering traffic investigation; and

**Whereas**, the Town's Consulting Traffic Engineer has determined that a speed limit of 20 mph is appropriate for the 3700 block of Farragut Avenue; and

**Whereas**, the following factors were the key considerations in the determination:

- 1) The Town collected 48 hours (September 11-13, 2018) of traffic data on this block with an automatic recorder. The analysis of that data revealed a median (50<sup>th</sup> percentile) speed of 14.9 mph, and a "prevailing" (85<sup>th</sup> percentile) speed of 19.3 mph. Current best practice is to set the speed limit at the 5-mph increment above the 85<sup>th</sup> percentile speed. In this case, that increment would be 20 mph.
- 2) The measured width of the 3700 block of Farragut Avenue over the entire segment is only 24'. This is 2' less than the Montgomery County standard width for secondary residential streets, and for most other secondary residential streets in Kensington.
- 3) On-street parking occupancy is high, with larger commercial vehicles often parked toward the western end of the block. The parking situation, in combination with the narrower street width, greatly restricts the effective width of the available vehicle travel way. In addition, heavy on-street parking usage obstructs sight distance at driveways and conceals pedestrians who might be emerging from in between parked vehicles. Lower vehicle travel speeds become an imperative under such conditions.

**Now, Therefore, Be It Resolved** that the Town Manager is hereby authorized to implement the aforementioned traffic control along the 3700 block of Farragut Avenue.

**Adopted** by the Town Council on the 11<sup>th</sup> day of March 2019.

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Tracey C. Furman, Mayor

**This is to Certify** that the foregoing Resolution was adopted by the Town Council in public meeting assembled on **11<sup>th</sup>** day of **March 2019**.

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Susan C. Engels, Clerk-Treasurer

March 6, 2019

TO: Sanford Daily, Town Manager

FROM: Joseph Cutro, P.E., Traffic Engineering Consultant

SUBJECT: Proposal for Traffic Order of Farragut Avenue Speed Limit

This memo is a proposal for a Town of Kensington traffic regulation to establish a speed limit of 20 mph on Farragut Avenue between University Boulevard and Lexington Street. Following your review and Council approval, appropriate traffic signs would be installed to implement the approved regulation. A draft Traffic Order outlining the proposed regulation is attached for your use.

The speed limit on the subject block of Farragut Avenue is currently unposted, meaning that the Town's umbrella speed limit of 25 mph<sup>1</sup> is in effect. A speed hump located near the midpoint of this 500' long block is posted with a 10 mph advisory speed. That advisory speed is not enforceable, although it can be cited in incidents of reckless or negligent driving.

State law (Maryland TR §21-803(a)(1)(iii)) requires that posted speed limits below the statutory maximum of 30 mph for urban/suburban residential streets be supported<sup>2</sup> by an engineering and traffic investigation. On the basis of such an investigation<sup>3</sup>, I have determined that a speed limit of 20 mph is appropriate for this block of Farragut Avenue. The following factors were the key considerations in this determination:

- The Town collected 48 hours (September 11-13, 2018) of traffic data on this block with an automatic recorder. My analysis of that data revealed a median (50<sup>th</sup> percentile) speed of 14.9 mph, and a prevailing (85<sup>th</sup> percentile) speed of 19.3 mph. Current best practice is to set the speed limit at the 5-mph increment above the 85<sup>th</sup> percentile speed. In this case, that increment would be 20 mph.
- The street's measured width over the entire segment is only 24'. That is 2' less than the Montgomery County standard width for secondary residential streets, and for most other secondary residential streets in Kensington.
- On-street parking occupancy is high, with larger commercial vehicles often parked toward the western end of the block. The parking situation, in combination with the narrower street width, greatly restricts the effective width of the available vehicle travel way. In addition, heavy on-street parking usage obstructs sight distance at driveways and impedes the view of/to pedestrians who might be emerging from in between parked vehicles.

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<sup>1</sup>In the absence of a speed limit regulation for a particular street segment or a municipal umbrella speed limit, the State's default speed limit of 30 mph for residential districts would govern.

<sup>2</sup>Not required for legally posted limits established on or before December 31, 1974

<sup>3</sup>As a practicing traffic engineer in Maryland (P.E. #11404), I am qualified to conduct such investigations.