



Kensington Around Town

MARCH/April 2012

CALENDAR

**Town Council
Meeting**
Mon., April 9th 7pm

Day of the Book
Sun., April 22nd
Info Page 17

**Town Council
Meeting**
Mon., April 23rd 7pm
Public Hearing
Town Budget
Info Pages 4~9

Town Election
Mon., June 4th
6pm - 9pm
Info Page 3

**County, State, &
Federal Election
Polling Location
Changes**
Info Page 16

Please check the
Town's website for up
to date
Information:
www.tok.md.gov

Town's Sector Plan is finally approved!

Dear Kensington Residents,

The Kensington Sector Plan was approved by the County Council on Tuesday, March 20th. We successfully achieved the densities and heights requested necessary to properly gentrify our core areas. This Plan for Kensington's future has been in the making for over four years. Several deserve a thank you including the Town Council & Staff, the Revitalization Committee, the Planning Board & Staff, County Council & Staff, property owners, business owners and most of all, the residents who participated and carried the flag for this endeavor. The Sector Plan is a 20-year map for the necessary road improvements and solutions we desperately need to alleviate traffic issues, offer housing choices, assisting new service options for entertainment and dining diversity, while preserving the neighborhoods, historic aspects and charm of the Town.

It has been a long process, with valuable, diverse, and thoughtful input from many. Anyone who met County Staff Members Marlene Michaelson and Fred Boyd can marvel at their dedication to developing this long-term plan. And, if you participated in the exercise, you saw Town and County Council Members who educated themselves in great depth on the smallest details of our Plan and took ownership of it, lobbying for their desired positions, and taking note what's best for our Town.

In the end, the approved Sector Plan is an outstanding blueprint for our future with reasonable, controlled growth and practical solutions to our needs. We are not done: future projects will require review by the Town and County prior to their approval, and we will have meaningful input on the scope and nature of those projects. Everyone's (over)

Town's Sector Plan is finally approved! (cont')

participation in our steps forward will be key to a successful revitalization.

To learn more about the Plan, please visit www.tok.md.gov under the drop down menu entitled "Revitalization". I hope this information has been helpful and you take an active role in the renewal of Kensington as we move forward. My optimistic outlook is the Sector Plan will lead to a better, livelier Kensington. Thank you again for your help in setting us correctly on this path ahead while properly reflecting on our past.

Warmest regards,
Pete Fosselman
Mayor

Sector Plan Development

We are fortunate to have property owners who have participated in the planning process and have taken interest in the Sector Plan. While details and design remain to be decided, the two most likely scenarios are the new zoning of the Konterra lot on Metropolitan Avenue and Antique Row on Howard Avenue. Both will be mixed use projects having residential and commercial/office/retail uses. In addition, Mizell Lumber on Metropolitan Avenue and the Huggins & Harrison property on Connecticut Avenue are for sale. While the possibility exists, the likelihood of the Kensington Shopping Center changing in the next five years is slim as the owners recently spent hundreds of thousands of dollars to renovate and have renewed many of the leases for several years. Nothing will happen overnight and there will be public notice and opportunity for review of all projects.

Revitalization Committee - Thank You

The Revitalization Committee played a valuable role in the Sector Plan process. The Committee consists of fifteen members (12 residents and 3 property owners) who are volunteers and meet as needed:

Darin Bartram (resident), Gloria Capron (resident), Martha Deale (resident), Sabina Emerson (resident), Tracey Furman (resident), Dennis McCurdy (property owner), Matt Merz (resident), Jimmy Mizell (property owner), Laura Richardell (resident), Barbara Scharman (resident), Diane Burka (property owner), T.J. Monahan (resident), Sean Neary (resident), David Weeda (resident) and Stowe Teti (resident).

Town Permits

3505 Kent—Interior
10620 Conn.—Shed
10603 Wheatley—Fence
10321 Summit—Addition
Frederick—Wash. Gas
Kent—Wash. Gas
3603 Dupont—Alteration
10408 Montgomery—
Interior
3809 Howard—Sign
3507 Dupont—Shed
10013 Fredrick—Pepco
3507 Dupont—Bond
10207 Montgomery—
Solar Panels

2012 Town Elections

Town Elections will be held on Monday, June 4, 2012 from 6:00pm—9:00 pm at Town Hall (3710 Mitchell Street).

The term of Mayor Fosselman and Council Members McMullen and Sullivan are set to expire this June (2012). All three have the option of running for re-election.

Nominations: Interested Candidates may be nominated for elective office in the Town by filing a certificate of nomination at Town Hall by 4:00 pm on or before the second Monday in May—Monday, May 14, 2012

Voter Registration: Registration by a Town resident with the Montgomery County Board of Supervisors of Elections shall be deemed registration for Town elections. Please note: you must be registered by the County with a Town address. Town citizens, who do not register to vote with the County, may register with the Town at Town Hall, Monday through Friday, 8:00 a.m. to 4:00 p.m. The Town office may be contacted during regular office hours for an absentee ballot if you cannot be present at an upcoming Town election.

MAYOR

Peter C. Fosselman

Mayor.Fosselman@tok.md.gov

COUNCIL

Mackie Barch Sean McMullen

John Thompson Lydia Sullivan

Mayor.Council@tok.md.gov

Town Manager
Sanford W. Daily
SWDaily@tok.md.gov

Asst. Town Manager
Matthew J. Hoffman
MJHoffman@tok.md.gov

Town of Kensington
3710 Mitchell Street
Kensington, MD 20895

Office: 301-949-2424
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Office Hours:
8:00am ~ 4:00pm
Monday ~ Friday

Clerk—Treasurer
Susan Engels
Susan.Engels@tok.md.gov

Facility Manager/Events
Shirley Watson
Shirley.Watson@tok.md.gov

FY12-13 Budget Ordinance—Introduced March 26th—Public Hearing April 23rd

ORDINANCE NO. O-02-2012

ORDINANCE ADOPTING THE TOWN OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2013 AND LEVYING A TAX ON ALL ASSESSABLE PROPERTY WITHIN THE TOWN OF KENSINGTON, MARYLAND

WHEREAS, the proposed budget for the 2013 Fiscal Year, beginning July 1, 2012 and ending June 30, 2013 must be submitted to the Town Council on or before the third Monday in April; and

WHEREAS, the proposed budget ordinance should be introduced at the March 26, 2011, meeting of the Mayor and Town Council to allow for timely notice as required by the Town Charter and for a public hearing on April 23, 2012; and

WHEREAS, the Fiscal Year 2013 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 Fiscal Year 2013, beginning July 1, 2012 and ending June 30, 2013, be and it is hereby adopted as follows:

ANTICIPATED REVENUE	
Local Taxes	\$870,875
Shared Revenues	400,500
Licenses & Permits	35,000
Intergovernmental Revenue	296,604
Miscellaneous Revenue	59,000
ANTICIPATED OPERATING REVENUE	<u>\$1,661,978</u>
Grants - County & State	<u>83,295</u>
TOTAL ANTICIPATED REVENUE	<u>1,745,273</u>
Re-appropriation	<u>257,254</u>
TOTAL ANTICIPATED FUNDS AVAILABLE	<u>\$2,002,527</u>
PROPOSED EXPENDITURES	
General Government	\$745,079
Public Works	704,112
Public Safety	109,142
Parks	50,900
Non-Departmental	15,000
OPERATING TOTAL	<u>\$1,624,233</u>
Capital Improvements Budget	<u>378,295</u>
TOTAL PROPOSED EXPENDITURES	<u>\$2,002,528</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: Thirteen and 6/10 Cents (\$0.136) 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: Fifty five Cents (\$0.55) 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, operating personal property of a railroad and all other personal property directed by said article to be assessed, with the exception that there is hereby levied a tax of One dollar and ninety cents (\$1.90) 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 public utility that is machinery or equipment used to generate electricity or steam for sale; and
2. all other operating personal property of a public utility; and
3. 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 _____ day of _____, 2012.

PETER C. FOSSELMAN, 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 _____ day of _____, 2012.

Susan Engels, Clerk- Treasure

**TOWN OF KENSINGTON
BUDGET DETAILS FOR FISCAL YEAR 2012-2013**

		Proposed Budget 2012-13	Adopted Budget 2011-12	Actuals 3/19/12	Projected 6/30/12
ANTICIPATED REVENUE					
LOCAL TAXES					
Real Property Tax	0.1360	647,751	643,760	634,768	643,760
Personal and Ordinary Tax Business	0.55	117,725	67,100	117,551	117,551
Personal Property Tax - Utilities	1.90	105,400	95,700	91,531	91,531
	SUBTOTAL	870,875	806,560	843,850	852,842
SHARED					
Admissions and Amusements Tax		500	500	254	500
Income Taxes		400,000	400,000	321,099	488,251
	SUBTOTAL	400,500	400,500	321,353	488,751
LICENSES					
Building Permits		4,000	4,000	7,221	9,628
Traders' Licenses		11,000	11,000	1,058	11,000
Cable Franchise Tax		20,000	20,000	13,329	26,657
	SUBTOTAL	35,000	35,000	21,608	47,285
INTERGOVERNMENT					
County Revenue Sharing		137,523	115,200	123,080	123,080
Speed Camera Revenue		136,500	140,000	5,799	195,149
State Highway User Tax		18,355	28,111	12,051	27,887
Bank Shares		4,226	4,226	0	4,226
	SUBTOTAL	296,604	287,537	140,930	350,342
OTHER					
Interest		12,000	20,000	11,659	15,000
Town Hall Rentals		36,000	27,000	30,380	37,805
Municipal Events		8,000	8,000	11,866	11,866
Code Infractions/Parking Permits		1,000	1,000	400	450
Miscellaneous		2,000	2,000	3,502	3,502
	SUBTOTAL	59,000	58,000	57,807	68,623
TOTAL OPERATING REVENUE		1,661,978	1,587,597	1,385,548	1,807,843
GRANTS FOR CAPITAL IMPROVEMENT PROJECTS					
				446,600	446,600
				0	11,000
Tennis Courts St. Paul Park		83,295	0		
TOTAL GRANT REVENUE		83,295	0	446,600	457,600
TOTAL OPERATING & CAPITAL REVENUE		1,745,273	1,587,597	1,832,148	2,265,443
UNAPPROPRIATED SURPLUS		257,254	179,151		
TOTAL AVAILABLE REVENUE		2,002,527	1,766,748	1,832,148	2,265,443

EXPENDITURES

**GENERAL GOVERNMENT
PERSONNEL SERVICES**

	Proposed Budget 2012-13	Adopted Budget 2011-12	Actuals 3/19/12	Projected 6/30/12
Salaries	273,673	267,863	171,330	264,107
Social Security & Medicare	20,936	20,492	16,550	20,489
Unemployment Insurance	2,788	2,720	0	2,788
Health/Life/Disability Benefits	35,545	40,869	23,288	34,261
Workers Compensation Insurance	6,573	5,935	5,208	5,935
Pension Contributions	32,841	26,786	7,702	24,334
SUBTOTAL	372,355	364,665	224,078	351,914

OPERATING EXPENSES

ELECTED & APPOINTED EXPENSES

Training/Seminars for Staff	2,500	2,500	505	2,500
Mayor and Council Compensation	22,000	22,000	16,500	22,000
Mayor/Council Legislative, Education, Travel	17,550	16,550	5,110	16,550
Building Inspector (moved to public safety)				
SUBTOTAL	42,050	41,050	22,115	41,050

PROFESSIONAL SERVICES

Town Attorney	50,000	30,000	40,121	60,182
Audit	13,500	13,000	13,000	13,000
Other Professional Services	38,444	30,150	17,401	30,150
SUBTOTAL	101,944	73,150	70,522	103,332

TOWN GOVERNMENT OPERATIONS

Town Hall Repairs and Maintenance	24,530	22,660	24,822	30,000
Town Hall Utilities	46,696	46,453	29,708	44,562
Town Hall Equipment	10,500	5,500	8,956	8,956
Commercial Revitalization	49,000	39,000	21,158	33,000
Office Expenses	23,227	18,045	14,695	25,191
Office Equipment/Furniture	3,000	3,000	1,956	3,000
Insurance	27,673	27,673	14,699	14,699
Dues and Fees	12,240	12,045	7,759	8,500
Miscellaneous	3,300	2,000	1,685	2,000
SUBTOTAL	200,165	176,376	125,438	169,908

ANNUAL AND SPECIAL EVENTS

Municipal Events	28,565	21,900	19,772	19,772
SUBTOTAL	28,565	21,900	19,772	19,772

TOTAL GENERAL GOVERNMENT EXPENSES	745,079	677,141	461,925	685,976
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EXPENDITURES

PUBLIC WORKS

PERSONNEL SERVICES

	Proposed Budget 2012-13	Adopted Budget 2011-12	Actuals 3/19/12	Projected 6/30/12
Salaries	215,924	200,657	118,474	183,905
Social Security & Medicare	15,371	14,232	12,153	14,069
Unemployment	2,788	3,340	0	2,788
Health/Life/Disability Benefits	68,257	65,130	40,292	61,888
Workers Compensation Insurance	34,662	24,316	20,363	29,316
Pension Fund	24,111	14,291	727	20,315
SUBTOTAL	361,112	321,966	192,009	312,281

OPERATING EXPENSES

OPERATING SUPPLIES

Training/Seminars	500	500	20	500
Drug Testing - Drivers	1,000	1,000	0	500
Uniforms, Gloves, Vests & Shirts	2,000	2,000	1,411	2,000
Small Equipment Purchase	7,500	7,500	1,018	7,500
Vehicle Expenses Fuel - Gas & Diesel	10,000	7,500	6,788	10,182
Small Equipment Maintenance/Repairs	2,500	2,500	2,082	2,500
Vehicle Maintenance/Repair	20,000	15,000	29,288	35,000
Shop Supplies/Tools	2,500	2,500	1,897	2,500
SUBTOTAL	46,000	38,500	42,504	60,682

REFUSE, RECYCLING & LEAF COLLECTION

Refuse, Recycling, Yard Waste Contract	115,000	115,000	84,698	112,930
Leaf Removal & Disposal Fees	12,000	7,000	2,606	2,606
SUBTOTAL	127,000	122,000	87,304	115,536

INFRASTRUCTURE

Street Sweeping	16,000	12,000	3,525	7,000
Street Maintenance, asphalt, street name signs	24,000	24,000	8,533	24,000
Snow Removal, salt and contracted services	5,000	5,000	0	0
Sidewalk Repair & Replacement	25,000	5,000	0	25,000
Storm Drain Maintenance	10,000	10,000	0	10,000
SUBTOTAL	80,000	56,000	12,058	66,000

OTHER EXPENDITURES

Street Tree Maintenance and Other Landscaping	80,000	55,000	36,548	55,000
Garage Maintenance & Utilities	9,000	5,000	4,062	5,000
Miscellaneous	1,000	1,000	152	1,000
SUBTOTAL	90,000	61,000	40,762	61,000

TOTAL PUBLIC WORKS EXPENSES	704,112	599,466	374,637	615,499
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EXPENDITURES

PUBLIC SAFETY

OPERATING SUPPLIES & SERVICES

Building Inspector	4,000	4,000	3,000	4,000
Parking Lot Lighting	2,000	0	0	0
Street Light Lighting	56,142	56,142	35,322	54,984
Traffic Enforcement [Mont Co Police]	35,000	35,000	16,637	33,274
Traffic Control & Signage	12,000	0	0	0
SUBTOTAL	109,142	95,142	54,959	92,258

TOTAL PUBLIC SAFETY EXPENSES	109,142	95,142	54,959	92,258
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EXPENDITURES

PARKS

OPERATING SUPPLIES & SERVICES

Park Lighting	900	0	0	0
Park Equipment and Maintenance	20,000	15,000	2,875	15,000
Park Landscaping	30,000	30,000	9,009	30,000
SUBTOTAL	50,900	45,000	11,884	45,000

TOTAL PARKS EXPENSES	50,900	45,000	11,884	45,000
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EXPENDITURES

NON DEPARTMENTAL

Contingency	15,000	5,000	0	0
TOTAL NON DEPARTMENTAL EXPENSES	15,000	5,000	0	0
TOTAL OPERATING BUDGET	1,624,233	1,421,749	903,405	1,438,733
TOTAL CIP BUDGET APPROPRIATIONS	378,295	345,000	746,352	782,113

TOTAL OPERATING & CIP EXPENDITURES	2,002,528	1,766,749	1,649,757	2,220,846
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CAPITAL IMPROVEMENT PROJECT EXPENDITURES

GENERAL GOVERNMENT

	Additions to CIP Budget 2012-13	Adopted Budget 2011-12	Actuals 3/19/12	Projected 6/30/12
Town Hall Renovations - Lighting, Kitchen & Doorways	20,000	15,000	0	0
Streetlights Howard Ave-Energy Imp (will be offset by \$11,000 grant)			10,945	10,945
Town Hall - Roof Replacement	30,000	30,000	0	0

PUBLIC WORKS

Vehicle, Equipment & Capital Replacement Fund Contribution	35,000	30,000	2,286	2,286
Brick Imprint Crosswalks			0	0
Cement Plant Parking Lot (will be offset by \$446,000 from County)		70,000	720,948	756,709

Street Reconstruction & Renovation Program	160,000	115,000	12,173	12,173
Bridge Renovation & Repair Program	20,000	5,000	0	0
Storm Drainage Reconstruction & Renovation Program	5,000	20,000	0	0

PUBLIC SAFETY

Street Light Upgrades	10,000	50,000	0	0
Intersection Improvement - Speed Camera Revenue			0	0

PARKS

Park Play Area Improvements	15,000	10,000	0	0
Tennis Courts St. Paul Park	83,295		0	0

TOTAL	378,295	345,000	746,352	782,113
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TOWN MINUTES

January 30, 2011 Special Town Council Summary

- Approved Town Meeting Minutes from January 17, 2012.
- Adopted Resolution R-04-2012 confirming appointments of David Weeda and Jack Gaffey to the Ethics Commission.
- Adopted Resolution R-05-2012 as amended expressing continued support for the revised Kensington Sector Plan (June, 2011) and requesting certain minor amendments.
- Adopted Resolution R-06-2012 opposing further reduction in FAR, Height, or other changes in the Sector Plan that can affect incentive to redevelop.

January 30, 2011—Mayor Fosselman, Council Members Barch, McMullen, Sullivan and Thompson, Town Attorney Ferguson, Town Manager Daily, Clerk-Treasurer Engels and Assistant Town Manager Hoffman were present. The Pledge of Allegiance was recited.

David Weeda was appointed to the Ethics Commission to fill the unexpired term of Linda Silberg who resigned, due to moving out of Town; and Jack Gaffey was reappointed to the Ethics Commission. The Mayor swore in David Weeda.

Resolution No. R-05-2012 expressing continued support for the Revised Kensington Sector Plan (June 2011) and requesting certain minor amendments was discussed. The Mayor explained at the last meeting Marlene Michaelson, Senior Legislative Analyst for the County Council, and Fred Boyd, Planner for MNCPPC, went over the proposed changes to the Sector Plan and this Resolution is to support those changes.

The Mayor noted, for the record, two issues brought to attention by Residents, the Schlesinger property has special exceptions and the neighborhood has requested the special exception be enforced after the property is rezoned to CRT; and a letter was received from Patricia Harris, attorney for the Kensington Shopping Center, requesting language pertaining to green space west of Connecticut Avenue be eliminated. Ms. Michaelson, was present and explained in reference to the

Kensington Shopping Center, the word public use space was inadvertently replaced with green space on the chart, technically they have different meanings, and the word will be changed back to public use space, the public use space may not be on Connecticut Avenue but somewhere else on the site and will be decided when development occurs.

Town Attorney Ferguson arrived.

The Mayor also noted Ms. Michaelson corrected typographical errors that were made on her chart, the height of 8a and 8b now reads correctly, H45.

Council Member Barch suggested removing the language relating to Konterra in order to have a unanimous vote on the Resolution. He stated exploring additional height for Konterra was already supported in a prior resolution and doesn't need to be restated. He also suggested changing the wording in the Resolution to use the word "concepts" instead of "changes" since the exact language has not been seen.

Council Member Sullivan stated she had sent the Mayor and Council an alternative resolution similar to what Council Member Barch suggested in order to send a unanimous decision to the County Council. She stated in her alternative resolution she removed the language relating to Konterra and the language stating the Council does not support any further reduction in FAR and height; and she

TOWN MINUTES

added language supporting compatibility with adjoining single family homes. She also stated she prepared a separate resolution for the Council on exploring additional height for Konterra.

Council Member Barch stated a separate resolution was not needed for Konterra since exploring additional height for Konterra had already been supported in last week's resolution (No. R-03-2012).

Council Member McMullen supported changing the Resolution to have full support of the County Council Staff's changes and not adding additional clauses.

Council Member Thompson and Barch supported keeping the specific language relating to opposing any reduction in FAR and height in the Resolution. Council Member Sullivan stated she could support a more general statement saying the Council does not support other changes in the Sector Plan that can affect incentive to redevelop in Town.

After discussion, Town Attorney Ferguson read the originally prepared Resolution R-05-2012 as amended to remove language relating to Konterra, to use the word "concepts" instead of "changes" and to change the 5th Whereas clause to state the Council does not support any further changes in the Sector Plan that can affect incentive to redevelop in the Town. See Council Actions.

Council Actions:

Council Member Thompson moved to approve the minutes from the January 17, 2012 Town Meeting. The motion passed unanimously.

Council Member McMullen moved to approve Resolution R-04-2012 to confirm appointments made by the Mayor to the Town Ethics Commission of David Weeda, to fill the unexpired term of Linda Silberg for one year, and Jack Gaffey for a two year term. The motion passed unanimously.

Council Member Sullivan moved to approve her alternative resolution, which she read, expressing general support of the County Council Staff changes from January 13, 2012. The motion did not pass 0-4. The Council decided to amend the Resolution, R-05-2012 to support the general concepts from County Council Staff and to have a separate resolution to specify the type of further reductions not supported.

Council Member McMullen moved to approve Resolution R-05-2012 as amended, read by Town Attorney Ferguson, to change the fourth Whereas, fifth Whereas, and Now Therefore Be it Resolved clauses to read "Whereas, the Council supports the Sector Plan with the concepts proposed by the County Council staff. The Council urges the PHED Committee to adopt the proposed concepts in its recommendation to the full Council; and Whereas, the Council does not support any further changes in the Sector Plan that can affect incentive to redevelop in the Town. Now Therefore Be it Resolved that the Council of the Town of Kensington supports the revised Sector Plan (June 2011) with the concepts proposed by the County Council staff, as more particularly set out in the attached Memorandum dated January 13, 2012 and table, marked as Exhibit A. The Council requests that the PHED Committee approve the Sector Plan with the proposed concepts recommended by the County Council Staff in its recommendation to the full Council." The motion passed unanimously.

Council Member McMullen moved to approve a new resolution to oppose further reduction in FAR, height, or other changes in the Sector Plan that can affect incentive to redevelop in Town. Town Attorney Ferguson clarified this would be the Now Therefore Be it Resolved clause. The motion passed 3 to 1. Council Member Sullivan voted against the motion. The Resolution was subsequently numbered R-06-2012.

TOWN MINUTES

Council Member McMullen moved to adjourn the meeting at 8:40 p.m. The motion passed unanimously.

February 13, 2012

Council Summary

- Approved Town Meeting Minutes from January 30, 2012.
- A Public Hearing was held on Ordinance O-01-2012
- Adopted Ordinance O-01-2012 to Amend Chapter 5, "Housing and Building Regulations" by adding Article 6 "Moderately Priced Housing".
- Adopted Resolution R- 07 -2012 to adopt a policy to regulate the use of the Armory.
- Adopted Resolution R- 08-2012 to support the proposed state law regarding Consuming Wine Beverages Not Bought on Premises HB228/SB755.
- Adopted Resolution R-09-2012 to support Street Lighting Purchase of Equipment by Local Government and Tariffs HB628/SB688.

February 13, 2012—Mayor Fosselman, Council Members Barch, McMullen, and Thompson, Town Manager Daily, Clerk-Treasurer Engels, and Assistant Town Manager Hoffman were present. Council Member Sullivan was necessarily absent. The Pledge of Allegiance was recited. A Moment of Silence was observed for a Town Resident Craig Procter who passed away.

Elisenda Sola-Sole commended the Public Relations Firm, Maier Warner, for their good work in promoting the businesses along with the whole community.

John Morris provided a handout with MARC Train passenger counts and shared his

observations, he stated 90 commuter spaces are needed and the four hour spaces in the new lot are not being used.

The Mayor stated the Council agreed to study the parking for 3 to 6 months to determine the needs, the parking lot was not built for commuters but for retail shoppers, he realizes the need for commuter spaces, ten additional spaces were given for commuter use, and no changes will be made until after the study period.

Council Member McMullen suggested Mr. Morris talk with MTA about adequate parking for their station and explained the new lot is not an MTA lot but a Town parking lot which is part of an economic development plan. Ken Timmerman stated he wants development but concerns over height, density and Konterra have not been addressed; he has concerns over closed sessions; he was embarrassed by the Washington Post article and the Town minutes; he stated the Mayor is going after someone who opposed him on the Town Council and filing ethics charges against her; he stated the Mayor has a conflict of interest and did not divulge his property holdings which he stands to benefit financially from; he requested a thorough public investigation; the Mayor recuse himself from any further deliberations about the Sector Plan; and the Town Attorney invalidate any decisions made six months prior to the purchase of his property.

Council Member Barch stated he completely disagrees with Mr. Timmerman and anyone who owns property, residential or commercial, benefits from a healthy vibrant community; he would love to see more residents invest in the community; and he stated Fred Boyd, from MNCPPC, has done an analysis of properties held by the Mayor and found no conflict of interest.

TOWN MINUTES

Council Members Thompson and Barch stated the closed meetings are about a breach of confidentiality by a Council Member and are unrelated to real estate transactions.

The Mayor stated that he does not get a vote on the Sector Plan, his purchase of properties were after the Town took the initial vote on the Sector Plan, not prior, and he addressed the Ethics Commission on his own and published their response which stated if he stayed away from zoning discussion it was not a conflict of interest to discuss the Sector Plan and own property which he abided by.

The Mayor stated Mr. Timmerman has it backwards, he is not going after anyone on the Council as Mr. Timmerman stated but is being sued and a Town Council Member's husband is the plaintiff's attorney in the case, has had ethics complaints against him at all different levels of government, has had freedom of information requests and the Town's legal bills are out of control.

Sean Neary stated the Washington Post article had misleading accusations and was planted by individuals against revitalization in the Town, he applauded the Mayor and Council for putting up with this, stated the Mayor has done nothing but champion the Town, and questioned how anyone could criticize the Mayor for investing his own money in the Town.

John Huber (not a Town Resident) stated traffic problems need to be solved first, the Washington Post article causes a bad aura for Kensington, and the definition of recusal is not entering the room.

The Mayor stated if we do nothing traffic will get worse because development is occurring around us in areas such as Bethesda, White Flint, and Wheaton; the Sector Plan brings solutions because developers will have to

provide public amenities and improve traffic and intersections. He asked Mr. Huber if he had actually read the entire Plan including the appendix addressing traffic solutions. Mr. Huber had not.

The Mayor stated he was also not happy with the Washington Post article, it was not accurate, several things were left out including the analysis by Park and Planning of his property, it is part of being in the public eye and stories are not always told accurately.

Yvonne Gurney requested the Town support no reduction in MARC service, and requested more space for commuters at the Town lot.

Darin Bartram stated the Town has a process, an ethics code, which the Mayor went through and complied with the result, the process may not be as sophisticated as the SEC but it is pretty good, and he doesn't want to be lectured by someone from Chevy Chase View when their town doesn't even have an ethics code.

Anne Thornehill, (not a Town Resident) expressed concern over residents and businesses being displaced by the Summit Avenue extension in the Sector Plan. The Mayor explained the extension is to alleviate some of the traffic, he stated there was no displacement of homeowners he was aware of, it did not cross over into Ken-Gar but was in the Town limits, and the county will reach out to surrounding communities for discussion when they move forward with the plan.

Jack Gaffey stated if we want to have good businesses we need to support them and he was uncomfortable with the tone of the Town meetings and suggested everyone work together.

Courtney Thornton questioned what criteria is used to write a letter of support for an HPC

TOWN MINUTES

permit and whether the Town sees the approved plan before issuing a permit. She stated the result of the Ball's hearing was that they were asked to move the fence back and lower it.

The Mayor stated that we do not have any criteria, the applicant usually comes in to present their plans, as long as they are within the law and there is not opposition from surrounding neighbors it is usually approved, the Town does see the approved plan but only enforces the Town's building regulations not HPC's.

Duane Rollins stated there should be revenue generation from the new parking lot from commuters, bike lockers, and usage on the weekends; he and the Mayor, his domestic partner for 16 years, invested in the Town long before living in it which was due to a fitness club they used closing in Wheaton and wanting to spend more time in Kensington.

The Mayor reported he attended the Maryland Mayors Conference in Annapolis, one of the sessions addressed funding avenues from grants and developers, Rockville's Economic Director was a guest speaker and noted 25% of their capital improvement projects are paid for in advance by developers; attended the PHED Committee meeting on Feb 6th, the Committee recommended the Sector Plan as approved by the Town and by the Planning Board with the recommended County Council Staff changes, and with the provision to explore the height increase at Konterra which will include a public charette paid for by Konterra group; the Mayor stated clarifications need to be made on what happened at the January 30th Town Meeting, he stated the Mizell family did request a height increase at the Town Meeting and also went to the County with a letter requesting the height increase, after he and Marlene Michaelson confirmed this at the PHED Committee, Council Member Sullivan told the PHED Committee

that this request was not made, when in fact it was made both orally and in writing; the Mayor also clarified that the Town supported the changes proposed by Ms. Michaelson and Fred Boyd at the Town Meeting and also supported exploring additional height for Konterra, after the PHED Committee meeting, people went to the County Council Staff claiming there was confusion and this did not happen at the Town Meeting, more time and legal fees had to be spent for the Town Attorney to write a letter clarifying the Town's position which was sent to the Town Council today and will be sent to the County Council tomorrow; the full County Council will be considering the Sector Plan on Feb 28th which will be open to the public, with no public comment taken; the Town in the past has received grants for the bathrooms on the first floor, upgrading lights on Howard Avenue, and sidewalk improvement on Connecticut Avenue, the Town has applied for a grant for a tennis court at St. Paul Park, and will be applying to MEMA for funds to help move the concrete culvert and mitigate the flooding issues of Silver Creek, the staff is working hard to find grants and other sources of funding; a letter was sent to County Council President Berliner requesting mitigation of Silver Creek and the extension of Summit Avenue be high priorities in the CIP budget; and he attended the Governor's State Address.

Evan Reynolds questioned where and when the charrette for Konterra would be held.

Council Member Thompson attended the recent PHED Committee Meeting; attended the School Site Selection Committee; noted fire protection engineers evaluated the armory garage for use as a museum and did not find any life safety issues that would require a great expense such as sprinklers; still waiting for the curb cut on Metropolitan Avenue, suggested the exit lane of the new parking lot be reconfigured, the seven unusable spaces be

TOWN MINUTES

abandoned and six relocated to the other side; it may not be possible for citizens to place cones to block "do not enter" streets as the Traffic Committee suggested; and the Town Attorney is still reviewing whether local traffic only signs can be enforced.

Council Member Barch stated he is working with the Town Manager and Assistant on a grant from the state for a Bike Share Program; attended the PHED Committee meeting and looks forward to the process being completed; he stated there will be a lot of common ground working on the Design Guidelines; and he requested an update from the Town Manager on Kensington Cabin Park.

A Public Hearing was held on Ordinance No. O-01-2012 to amend Chapter 5, "Housing and Building Regulations: by adding Article 6, "Moderately Priced Housing" to require future residential construction include a requirement for moderately priced housing. Julie O'Malley spoke in support of the Ordinance. There were no other public comments.

Resolution No. R-07-2012 was discussed to formalize a policy to regulate the use of the Armory which will require a facility use permit. Council Member Thompson referenced a Town Resident email and requested the fee schedule be reviewed to provide cost savings to residents who already pay for the Armory through their taxes. There were no public comments.

Resolution No. R-08-2012 to support adoption of SB 755/HB228 allowing an individual in a restaurant, club, or hotel the privilege of consuming wine not purchased from or provided by the license holder was discussed. Council Member Barch explained the Resolution. Council Member McMullen questioned how this law interacts with the Town's special "K" license. The Town Manager explained that the "K" license is a form of the other

licenses so it would be covered under this Bill. Julie O'Malley questioned whether the restaurant would already need to have a license. Council Member Barch stated an existing license would be needed and it would be up to the restaurant whether they permitted it. Jack Gaffey suggested beer should be included. There were no other public comments.

Resolution R-09-2012 was discussed to support SB 688/HB 628. The Mayor stated Delegate Carr asked the Town to support the Bill. Council Member McMullen explained the Bill would set a procedure to determine the fair market value of street lighting equipment so the municipality would know the cost if they chose to purchase the fixtures. Jack Gaffey spoke in support of the Resolution. There were no other public comments.

Council Actions:

Council Member Barch moved to approve the minutes from the January 30, 2012 Town Meeting. The motion passed unanimously.

Council Member Thompson moved to close the public record on Ordinance No. O-01-2012 amending Chapter 5, "Housing and Building Regulations". The motion passed unanimously.

Council Member Thompson moved to approve Ordinance No. O-01-2012 amending Chapter 5, "Housing and Building Regulations" by adding Article 6 "Moderately Priced Housing" to require that future residential construction include a requirement for moderately priced housing. The motion passed unanimously.

Council Member Barch moved to approve Resolution No. R-07-2012 to adopt a policy to regulate the use of the Kensington Armory. The motion passed unanimously.

Council Member Barch moved to approve Resolution R-08-2012 to support adoption of SB 755/HB 228 allowing individuals in a restaurant, club, or hotel the privilege of consuming wine not purchased from or provided by the license holder. The motion passed unanimously.

Council Member McMullen moved to approve Resolution R-09-2012 to support adoption of SB 688/HB 628 setting the procedures to determine the fair market value of street lighting equipment and requiring the development of one or more tariffs for local governments. The motion passed unanimously.

Council Member Barch moved to adjourn the meeting at 9:04 p.m. The motion passed unanimously.

2011 Tax Returns

FORM 502		MARYLAND RESIDENT INCOME TAX RETURN	
OR FISCAL YEAR BEGINNING		2009, ENDING	
MUTUAL SECURITY #		MUTUAL SECURITY #	
Your First Name	Initial	Last Name	
Spouse's First Name	Initial	Last Name	
PRESENT ADDRESS (No. and street)			
City or Town		State	Zip Code
Name of county and incorporated city, town or special taxing area in which you were a resident on the last day of the taxable period. (Use legislation #)		Maryland County	City, town or taxing area

The Town's second largest revenue source is a repayment of the State's income tax to the municipality.

In order for the Town to acquire its share of the income tax and to continue to help fund the services the Town provides, it is necessary the Town's name is filled out, **Town of Kensington**, in the appropriate box. A sample of the form is shown below with the appropriate box labeled.



County, State, Federal Election Polling Location Changes

The Montgomery County Board of Elections has recently redistricted many of the polling locations within the County.

You should have received a card from the County explaining your new polling place. If you continue to have questions, please contact the County Board of Elections at 240-777-VOTE or you may check your polling station with the following address:

<http://www.montgomerycountymd.gov/apps/Elections/EnterStreet.cfm>

Please note that **Town municipal elections (June 4th) will still be held at Town Hall.** All County, State, and Federal elections and polling locations should be verified with the County Board of Elections.

Own a Historic Structure? Apply for Tax Credits

The county Historic Preservation Commission is accepting applications for county tax credits on work completed in 2011. If you received a historic area work permit for a rehabilitation project that exceeded \$1,000, the work may qualify for a tax credit. Many routine maintenance projects that do not require a HAWP are also eligible, although only exterior work qualifies.

Submit applications by April 15. For more information, please visit: www.montgomeryplanning.org/historic/

**Maier
Warner**

Public Relations/Marketing

Are you following Explore Kensington on Facebook? If not, you're missing the one place to find out what nearly 200 merchants are up to in Kensington.

Sales, events and promotions and are posted two to three times a week. We also continue to add new videos and photos. Currently we have more than 150 fans on Facebook and have 230 businesses listed on Explore Kensington.

Feedback from the merchants is very positive and more and more are reaching out to us to be included on the website and the social media channels. This month we added profile descriptions for more than 200 Kensington merchants to Yelp – a popular online directory.

We also launched a series of eblasts where we feature a Kensington merchant. Last month we sat down with Suzanne McLean from Catch Can. Not only did we learn a lot about her business, we also secured a great cross-marketing opportunity with another Kensington Merchant – Two Pears Cafe. Shoppers can take their Catch Can receipt within two weeks to Two Pears and receive 20% off a lunch or dinner entrée!

We also did a feature on The Old Town Market on Kensington Parkway. The Old Town Market is offering Explore Kensington subscribers a \$1.50 Soft Serve ice cream on Sundays in March.

Maier & Warner successfully injected Kensington into latest Bethesda Magazine featuring coverage of development in Montgomery County and they continue to work on an opportunity with Chesapeake Living magazine.

Kensington Celebrates



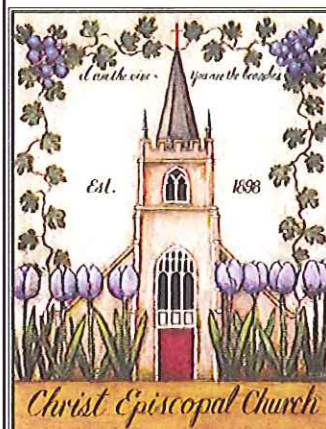
The International
**DAY
OF THE
BOOK**

This afternoon street festival celebrates the International Day of the Book with live music, author readings, open mic, activities for children and adults, storytellers, . . . And books, books, books! Local authors, bookartists, publishers, booksellers, and literary groups line Howard Avenue in Historic Old Town Kensington to show, sell, and discuss their works. All activities are free, rain or shine. Come celebrate with us!

www.DayoftheBook.com

**Mark
Hudson**

301.641.6266



*"A Community of
Doubters, Seekers &
Believers
Pursuing & Offering
Hope"*

4001 Franklin St.
Kensington
301-942-4673

Ethics Complaints Must Be Kept Confidential

Section 2-304(C) of the Town of Kensington Code states that one of the duties of the Ethics Commission is to process and make determinations as to complaints filed by any person alleging violation of this Article.

A key component of the Ethics Commission procedures is strict confidentiality of all communications to and from the Ethics Commission and the deliberations and investigations conducted by the Ethics Commission. Confidentiality is necessary in order to protect both the complainant and the subject of the complaint. The Commission requests that anyone who has submitted an ethics complaint keep the complaint strictly confidential. The Ethics Commission, upon finding that an Ethics violation has occurred, will publicly release the Commission's final determination. Complaints resulting in a finding of no Ethics violation shall remain confidential unless both parties to the complaint waive their rights to confidentiality.

David Beaudet
Town of Kensington Ethics Commission Chairperson



Kensington Around Town

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To Kensington Residents