



# KENSINGTON AROUND TOWN

MAY 2011

## **CALENDAR**

### **District 18 Assembly**

Wednesday, May  
18th—7:00pm

### **Candidates' Forum**

Monday, May  
23rd—7:00pm

### **Town Council Meeting**

Monday, May  
23rd—8:00pm

### **Town Voter Registration Closes**

Tuesday, May  
31st—4pm

### **Coffee with Mayor**

Saturday, June  
4th - 9:30am  
Town Hall

### **Town Elections**

Monday, June 6th  
6:00pm-9:00pm  
Town Hall

Please check the  
Town's website  
for up to date  
information.

[www.tok.md.gov](http://www.tok.md.gov)



## **Town Council Unanimously Passes FY12 Budget**

The Town Council unanimously passed the Fiscal Year 2012 Budget Ordinance at the May 9th Council Meeting. Following the Public Hearing and comments by the Town Council, the only amendment was to move an additional \$5,000.00 from Non-Departmental Expenditures to Commercial Revitalization to help off-set the anticipated expense of the future Design Guidelines schematics for the Sector Plan.

A copy of the Budget Ordinance is available beginning on page nine (9). The detailed FY12 Budget is available online at: <http://www.tok.md.gov/c/283/town-budget> or by contacting Town Hall at 301-949-2424.

## **Town Elections - Monday, June 6th; 6pm to 9pm**

The Town will hold Elections for two Council seats on Monday, June 6, 2011 from 6:00pm—9:00pm at Town Hall (3710 Mitchell Street). Prior to the Elections, please join us for a Candidates' Forum on Monday, May 23, 2011 at 7:00pm. The Candidates running for the two Council Seats are:

Mackie Barch  
Julie O'Malley  
Barry Peoples  
Stowe Teti  
John Thompson

Voter Qualifications: Every person who is a citizen of the U.S., at least 18 years of age, has resided within the corporate limits of the Town for thirty days and is registered in accordance with the provisions of the Town Charter shall be a qualified voter of the Town and shall be entitled to vote at any or all Town elections. Voter Registration Closes May 31st at 4pm.

## **INSIDE**

**Sector Plan Height Graph, p. 3  
Budget Ordinance, p. 9**



**TOWN PERMITS**

3703 Farragut Avenue—Roof

10605 Nash Place—Driveway

3505 Kent Street—Solar Panels

3604 Dupont Avenue—Addition

3706 Farragut Avenue—Fence

**Kensington Volunteer Fire Department**

I had the pleasure of attending the **KVFD's September 11th Memorial** groundbreaking with KVFD's President, Chief, and Congressman Chris Van Hollen. Donation bricks for the memorial, with inscribed messages, may be purchased at <http://www.kvfd.org/> for \$100.



**Sector Plan Update**

The Sector Plan is currently under review at Park and Planning. On April 28th, many testified at the public hearing with a majority in favor of the Plan. On May 9th the Board held a worksession and made recommendations with minor changes. The request for a height increase on Metropolitan Avenue by Konterra was denied; and heights were lowered per Town's request along the south side of Knowles Avenue. All other **heights and densities remain the same**. The municipal shared parking district stays intact, but the Town's appeal to increase parking for properties near the MARC Station failed. The final worksession is June 9th and then the Plan is transmitted to the County Council. Please see the height graph on page 3 for zoning information.

**Budget**

The Council approved the FY12 Budget with Council Member Barch's adjustments to allow funds for the Sector Plan's Design Guidelines process and marketing. Separate from the Budget approval, Council Member Barch also requested solar lighting for Town entrance signs. In addition, the Mayor announced he will allot 25% matching funds for State Open Space funding to help **Parkwood Elementary** with a playground landscaping project.

**Farmers' Market**

Thanks to Council Member Mary Donatelli, Staff Member Shirley Watson, and the Town's PR Firm, Maier Warner, our market has grown from ten to **twenty-two (22) vendors!** And more on their way for the 2011 summer season. An email campaign will be underway at the market for those wishing to sign up for Kensington Farmers' market information. Please look for sign up forms while shopping.

**Estate/Yard Sale Signs**

Reminder that signs may be posted free standing, on their own poles, 24 hours before the event . It is illegal to post signs on utility poles, traffic sign poles, trees, mailboxes and other public property.

# Kensington Sector Plan

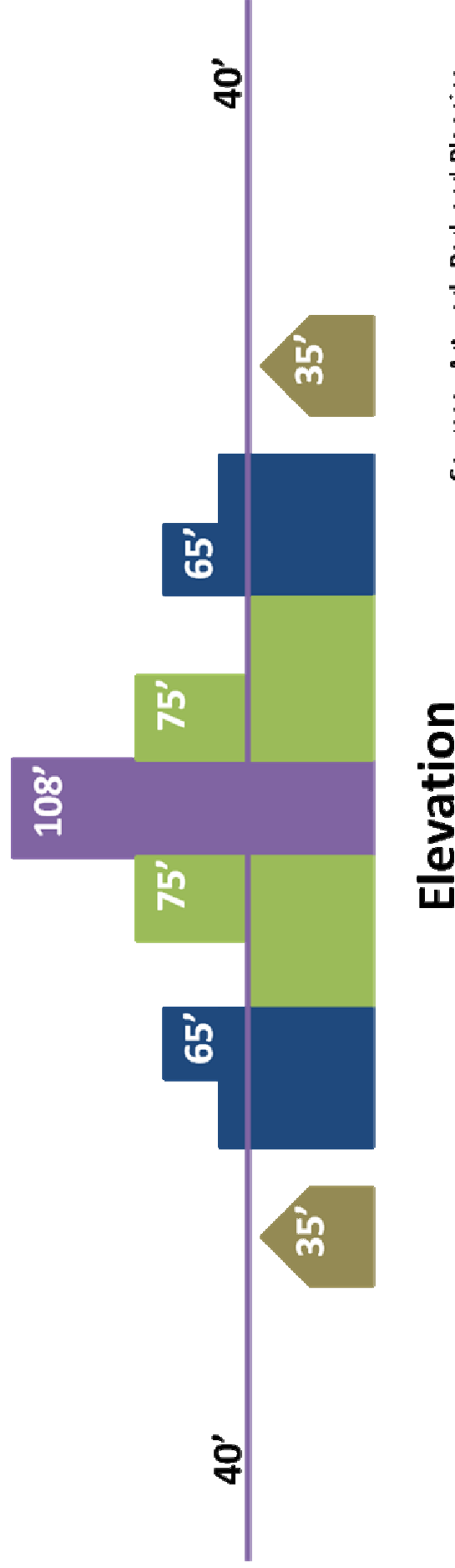
## Existing and Proposed Heights

**Residential R-10 Zone: 108'** (Kensington House - existing tallest building)

**Commercial CRT Zone: up to 75'** (proposed)

**Commercial CRN Zone: up to 65'** (proposed)

**Residential R-60 Zone: up to 35'** (existing)



**Elevation**

Sources: Artwork-Park and Planning,  
Montgomery County Zoning Ordinance;  
Approximate scale

### **March 28, 2011 Council Summary**

- Fred Boyd gave a Power Point presentation of revised recommendations for the Sector Plan
- Approved Minutes from March 14, 2011
- Introduced Fiscal Year 2012 Budget for Public Hearing on April 25
- Approved Resolution No R-04-2011 confirming appointments to the Board of Supervisors of Elections
- Approved Resolution No. R-03-2011 confirming appointments to the Ethics Commission
- Approved Resolution No. R-05-2011 authorizing an agreement between the Town and Montgomery County for towing of abandoned vehicles

**A complete audio of the March 28th meeting is available at: <http://www.tok.md.gov/c/412/>**

### **April 25, 2011 Council Summary**

- Approved Minutes from March 28, 2011
- Approved Resolution No. 06-2011 supporting the Revised Sector Plan
- Held a Public Hearing on the Fiscal Year 2012 Budget and held the record open until Monday, May 9<sup>th</sup> at 5 p.m.

**A complete audio of the April 25th meeting is available at: <http://www.tok.md.gov/c/412/>**

### **April 25, 2011 Minutes 7:00 pm**

Mayor Fosselman, Council Members Barch, Donatelli, McMullen and Sullivan, Town Attorney Ferguson, Town Manager Daily, and Assistant to the Town Manager Hoffman were present. Clerk-Treasurer Engels was necessarily absent. The Pledge of Allegiance was recited and a Moment of Silence observed for Ginnie Stuart, Ann Pfautz, and Carolyn Cohen.

#### **From the Public**

Al Lacey reported on the successful Day of the Book Festival and thanked everyone for their support and participation.

The Poet Laureate will be officially designated at the May meeting.

Julie O'Malley stated the Kensington Historical Society will begin its concert series on June 4, the concert series will be dedicated to the founder, Wat Stewart; and reminded residents about the special program tomorrow night at St. Paul's Church.

#### **Sector Plan**

T. J. O'Malley spoke on behalf of Appropriate Scale for Kensington, a group of citizens who believe the proposed Sector Plan can be much better, and informed the Mayor and Council he will be presenting a petition to the Planning Board on Thursday.

Neil Burka, an owner of the Kensington Shopping Center stated the following: Hardware City employees were approached by opponents to the Sector Plan and told the store would be torn down and they would lose their jobs; as a result he wrote a letter to the commercial property owners encouraging them to be involved

**Continued on Page 5**

in the Sector Plan process, he noted the letter had some inaccuracies which he corrected at this meeting; he does not have any plans to redevelop the property, it was just remodeled and the tenants have long leases; he believes if he doesn't have plans to redevelop and density is lowered in the Sector Plan it is unlikely other businesses will have incentive to redevelop and Kensington will remain the same with traffic, gas stations, and lack of green space, pedestrian improvements and public amenities; and he believes property values will decrease.

Duane Rollins stated opponents to the Sector Plan have sent out only partial information and fail to mention all of the information such as the small number of buildings that can be at 75 feet, the number of apartments Park and Planning projects, how old the current plan is, the four years we have been working on the plan and the many open public meetings held, infrastructure improvements are not made before development, the business district going dark at 5:30 p.m. in the winter, the numerous gas stations and auto body shops in Town, the lack of safe pedestrian crosswalks on Connecticut Avenue, and empty store fronts and struggling businesses because of no foot traffic. He stated the Sector Plan has been developed by professionals in this field and should be approved before we become the low rent district in the region.

The Mayor stated the current plan is 33 years old and infrastructure improvements are required before new development as any new development has to meet storm water management, school and traffic criteria before they get a permit.

Barry Peoples stated there are still areas of the Sector Plan that need fine tuning; the parking should be within 500 feet and adequate; CRN should be next to all residential areas; the height next to residential areas should be a maximum of 35 to 45 feet; he stated of the publicized 7,000 homes in Kensington Coalition in support of the Sector Plan most have not voted; he stated intersection improvements were done when Safeway redeveloped and that we could have a central business district and town center that complement each other if done correctly.

The Mayor stated it was never publicized that 7,000 homes in the Kensington Coalition approved the Sector Plan but the Board of Kensington Coalition voted in favor of the Sector Plan twice; he also stated the area by the train station cannot be developed because of petroleum contamination.

Margaret Upton, a small business owner, stated that she would relocate her business to Bethesda because there is no incentive in Kensington; she also stated the main things she likes in the Sector Plan is the increased green space, wider streets, more trees and pedestrian improvement.

The Mayor read Resolution No. 06-2011 supporting the Revised 2011 Sector Plan and the incorporation of CRT and CRN Zones. He reminded Residents that Thursday at 6:30 p.m. is the Public Hearing for the Sector Plan at Park and Planning. He stated a couple areas still outstanding are MARC and Metro parking being treated the same, the Resolution urges additional adjustments to this; and the Town received a letter from the Burka property's attorney requesting the use of generic language instead of designating the Burka property for a public parking facility.

The Mayor stated public comment has already been taken on this at the March meeting but additional comments would be taken since the minutes did not reflect that public comment would not be taken.

Julie O'Malley questioned how this Resolution affects Resolution No. 18 which requested the County Council to defer action on the Sector Plan until after CR Zone is completed. Town Attorney Ferguson stated in Resolution No. 18 the Town supported a procedural action so there would be time for the concept of the

two zones to be proposed and that the current Resolution is consistent with that Resolution.

Jack Gaffey stated there is a great deal of exaggeration is what people have said and suggested instead of resorting to extremes people try to work together; he stated he felt 75 feet is too high, there should be greater setbacks from the street, and suggested vacant stores could be used for businesses such as a computer store, game store or ice cream store.

Council Member Sullivan stated that her group was approached by Hardware City because they were concerned and she spoke to them and did not tell them anything was going to be developed right away but informed them about the master plan/zoning and directed them to County information; many small businesses in Town are unaware their land may go up in value; everyone wants a walk able Town with lots of green space; she has concerns that properties because of their size could be developed without a site plan or Town review and properties could be developed without public amenities; suggested negative language and accusations should be scaled back; and with tweaking to density and the CR zone everyone can get what they want.

### **FY 2012 Budget Hearing**

A Public Hearing was held on the Budget Ordinance for Fiscal Year 2011-2012. Town Manager Daily explained he is recommending the personal property rate on utilities be increased and all other tax rates kept the same.

Jayne Plank questioned the exemption for the constant yield tax rate; why salaries were the same when there was no longer a code enforcement position; whether speed camera revenue has been received; the amount of surplus remaining; whether savings have been realized from outsourcing trash; and stressed the importance of basic services of trash and snow removal. Town Manager Daily explained this is the second year we have received an exemption for the constant yield because the assessments have not changed significantly; the code enforcement duties have been reassigned and hours increased for Assistant to the Town Manager and the Clerk Treasurer; speed camera revenue has been received which is based on both cameras which is split between the Town, County and Chevy Chase View; \$179,151 would be taken out of surplus to balance the budget which would leave the \$467,314 as the projected unreserved fund balance at the end of fiscal year 2012; and savings has been in that the Crew has more time to attend to landscaping and other duties. The Mayor stated this is the first season the crew has taken on new responsibilities and there is a learning curve; and savings from outsourcing have been moved to a vehicle equipment capital expenditure fund.

Duane Rollins questioned snow removal equipment and preparedness for the upcoming fall and winter season. Town Manager Daily explained due to equipment and personnel problems he is still reviewing this and may use outside assistance.

Council Member Barch stated a discussion and decision needs to be made on whether certain things need to be outsourced or be continued to be done in house. He stated it doesn't seem like it is working the way we are doing it since areas in Town are in need of attention and equipment is poorly maintained.

Council Member Sullivan expressed the advantage of having our own crew and equipment for removal of snow instead of an outside contractor where we might not be a priority.

Duane Rollins questioned whether speed camera money could be designated towards snow removal. He also stated the residential lot the Town owns at Oberon and Plyers Mill sits idle and revenue from selling it could be used for safer streets and better equipment. Town Manager Daily explained speed camera money has to be used for public safety and he is allocating it towards street lighting, sidewalks, and intersection and crosswalk improvements.

Jack Gaffey questioned whether he would pay the same amount of tax if his assessment has decreased and stated the crosswalk at Connecticut and Knowles need to be repainted. Town Manager Daily explained the assessment will lower his homestead exemption and the Mayor stated SHA has been notified of the crosswalks.

Council Member Sullivan questioned the reason for the increase in projected expenditures for the Town Attorney and suggested in these economic times discretionary expenditures such as public relations should be cut back. Town Manager Daily explained the increase in Town Attorney fees is due to legal consultation for the many questions being raised and legal fees associated with charter amendments, ordinances, and the Sector Plan. The Mayor stated public relations has been cut back and if anything it should be increased in these economic times. Council Member Sullivan will be provided a detailed report on what Maier Warner has done as requested.

The Mayor suggested moving forward with the budget and further discussions could be held at an upcoming meeting on personnel and equipment.

### **Mayor and Council Reports**

The Mayor thanked the Delegation of District 18 for appropriations of \$100,000 for the Warner Circle Mansion and \$50,000 for the Noyes Children's Library; he also stated the Town and Coalition of Kensington Communities are sponsoring another update with the Delegation on Wednesday May 18th at 7 p.m. in the Drill Hall.

Council Member Barch reported the following was discussed at the Traffic Committee Meeting he held: request for a three way stop sign at Hadley place, residents that came to the meeting did not think it was needed, a bush protruding into the right of way will be cut back to increase the line of sight; a request for sidewalk improvement along Montgomery Avenue connecting to Hadley Place, residents along the corner do not want it and think it will destroy root system for trees and it will take up their small front yard; concern over parking too close to stop signs, no one was interested in marking it by paint but suggested enforcement or ticketing; concern over increased traffic if there was construction at Hardware City, if there was any development traffic would be addressed; SHA will be sent a letter regarding the crosswalks on Connecticut Avenue in need of repainting, too short of pedestrian flasher at University and Connecticut, the length of time it takes for the crosswalk signal at Washington Street, and a request for a crosswalk from Detrick to Hardware City; concern that parking on Lexington street has inconsistent signage, agreed on no parking from 9 to 5 and signage will be corrected; request for removal of the barricade on Dupont Avenue, several residents wanted the barrier to stay; concern over cut thru traffic on Armory Avenue, a do not enter sign was proposed for Baltimore Avenue; concern over events taking up residential parking around the Armory, permit parking only signs will be put up and enforced when there are large events along with advertising where to park for events.

Council Member Sullivan will email Council Member Barch regarding other neighborhood cut thru traffic that should be addressed and stated the Washington Street crossing light is timed with the Connecticut/Knowles light.

**Council Actions:**

Council Member Sullivan moved to approve the minutes from March 28, 2011. The motion passed unanimously.

Council Member McMullen moved to approve Resolution R-06-2011 supporting the Revised 2011 Sector Plan and incorporation of CRT and CRN Zones and urging the Montgomery County Council to proceed with the necessary adoptions to implement the Plan. The motion was seconded. Council Member Sullivan amended the motion to have the first whereas in reference to public meetings stricken because she felt it was a highly political statement and to have the proposed density lowered from 2.5 to 2.0 FAR and 75 feet to 65 feet height. The amended motion failed for lack of a second. The original motion passed 2 to 1. Council Member Sullivan opposed the motion. Council Member Donatelli abstained.

Council Member McMullen moved to hold the record open for the Public Hearing on the FY 2012 Budget until Monday May 9th at 5 p.m. The motion passed unanimously.

Council Member Barch moved to adjourn the meeting at 8:30 p.m. The motion passed unanimously.



## FY12 Budget Ordinance—Adopted May 9, 2011

### ORDINANCE ADOPTING THE TOWN OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2012 AND LEVYING A TAX ON ALL ASSESSABLE PROPERTY WITHIN THE TOWN OF KENSINGTON, MARYLAND

**WHEREAS**, the proposed budget for the 2012 Fiscal Year, beginning July 1, 2011 and ending June 30, 2012 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 28, 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 25, 2011; and

**WHEREAS**, the Fiscal Year 2012 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 2012, beginning July 1, 2011 and ending June 30, 2012, be and it is hereby adopted as follows:

**ANTICIPATED REVENUE**

Local Taxes	\$806,560
Shared Revenues	400,500
Licenses & Permits	35,000
Intergovernmental Revenue	287,537
Miscellaneous Revenue	58,000
<b>ANTICIPATED OPERATING REVENUE</b>	<b>\$1,587,597</b>
Grants - County & State	0
<b>TOTAL ANTICIPATED REVENUE</b>	<b>1,587,597</b>
Re-appropriation	179,151
<b>TOTAL ANTICIPATED FUNDS AVAILABLE</b>	<b>\$1,766,748</b>

**PROPOSED EXPENDITURES**

General Government	\$677,140
Public Works	655,608
Public Safety	39,000
Parks	45,000
Non-Departmental	5,000
<b>OPERATING TOTAL</b>	<b>\$1,421,748</b>
Capital Improvements Budget	345,000
<b>TOTAL PROPOSED EXPENDITURES</b>	<b>\$1,766,748</b>

**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 sixty-five cents (\$1.65) 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:*

- operating personal property of a public utility that is machinery or equipment used to generate electricity or steam for sale; and*
- all other operating personal property of a public utility; and*
- 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.

**ADOPTED** by the Town Council this 9th day of May, 2011.

**BRIT-AM**  
**SOCCER ACADEMY**  
[WWW.BRIT-AM.COM](http://WWW.BRIT-AM.COM)

**SUMMER SOCCER CAMP**

**July 18 - 22**

**9am to 12noon**

**St. Paul Park, Kensington**

**AGES 3-8 \$150**

**Contact us for more information**

**[WWW.BRIT-AM.COM](http://WWW.BRIT-AM.COM)**

**Tel: 301-916-9053**



Inspired. Innovative. In-home Care.

Whether you need home care for one afternoon, a few days, a week, or round-the-clock care...

HouseWorks is here to help.

Personal Care    Companionship    Incidental Travel  
Medication Assistance    24-hour Care



(240) 821-9800 | [www.house-works.com](http://www.house-works.com)

4350 East-West Highway • Ste. 401 • Bethesda, MD 20814

**Mark  
Hudson**

301.641.6266



**SATURDAY  
MORNINGS**

**8AM TO NOON**

**22 VENDORS!**



# **KENSINGTON AROUND TOWN**

Date of Publication: **May 2011**

3710 Mitchell Street Kensington, MD 20895 Office: 301.949.2424 [www.tok.md.gov](http://www.tok.md.gov)

**To Kensington Residents**