

**Mayor Tracey Furman**

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



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

Released: April 17, 2020

**Monday, April 20, 2020  
Town Council Meeting, 7:00 pm**

The Council Meeting will be held through the Zoom Video Conferencing application. We recommend downloading the Zoom app prior to the meeting at the following link: [www.zoom.us](https://zoom.us)

The Council Meeting will begin promptly at 7:00 pm and access to the Zoom Video Conferencing is as follows:

<https://zoom.us/j/93054577001?pwd=S1RGNW9sMHh4TIJZWdQ4UW9qWEExZUT09>

**Meeting ID: 930 5457 7001**

**Password: 699111**

Or you may join the meeting by calling: US: +1 929 436 2866 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 301 715 8592 or +1 346 248 7799 and entering the Meeting ID and Password above.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**APPROVAL OF MINUTES**

Town Meeting Minutes of March 9, 2020

**FROM THE MAYOR AND TOWN COUNCIL**

1. Zoom Video Conference Test Meeting: Acknowledge that the Mayor and Council held a test meeting for the Zoom Video Conferencing system on April 14, 2020, 3:00 pm.
2. Town Municipal Election: Discussion of the Town's options for the June 1, 2020 Town Election.
3. Development Review Board (DRB):
  - a. Update from the DRB on the proposed Residences at Knowles Station (Phase I) townhome project at 4000 Knowles Avenue.
4. Local Advisory Panel (LAP):

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

- a. Update on reviving the Historic Preservation Committee to formally serve as the Town's Local Advisory Panel (LAP) to the Historic Preservation Commission with Montgomery County.
5. Traffic Committee:
  - a. **Farragut Avenue (3700 block) Speed Hump Petition** – Discuss and review a Petition in support of adding a second Speed Hump along the 3700 block of Farragut Avenue.
    - i. A Traffic Order (Resolution No. R-05-2020) in support will be presented for Adoption.
  - b. **Decatur Avenue (3500 and 3600 block) Two-Way Traffic Petition** – Discuss and review a Petition in support of changing the One-Way Traffic regulation along the 3500 and 3600 block of Decatur Avenue to Two-Way Traffic.
    - i. A Traffic Order (Resolution No. R-06-2020) in support will be presented for Adoption.
  - c. **Evolis Radar Speed Sign** – Discuss and Review purchasing an Evolis Radar Speed Sign to inform motorists of the designated speed limit.

#### **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-01-2020** – An Ordinance of the Mayor and Town Council Amending Chapter VI, Article I, "Signs and Solicitors", Sections 6-101, "Signs"; 6-102, "Town Sign Permit Required"; 6-103, "Signs in the Public Right-of-Way"; 6-104, "Signs on Private Property – CRT, CRN, and Industrial Zones"; and 6-106, "Enforcement and Penalties", to identify the types of signs that are authorized and are required to be permitted, expand the prohibition on pole signs, to regulate limited duration signs on private property, to clarify that all illuminated signs are regulated in the same manner, and to make conforming changes.
  - a. *The Public Hearing was held March 9, 2020.*
  - b. *Ordinance No. O-01-2020 is a re-introduction of Ordinance No. O-03-2019 following revisions by the Town Council.*
2. **Ordinance No. O-02-2020 (Public Hearing)** – A Public Hearing for an Ordinance of the Mayor and Town Council for the Fiscal Year 2020-21 (FY21) Budget.
3. **Ordinance No. O-03-2020 (Introduction)** – Introduction of an Ordinance of the Mayor and Town Council Amending Chapter II, "Government and Administration", Article 2, "Elections", Section 2-202, "Distribution of Absentee Ballots", Section 2-203, "Procedures of Absentee Ballots", and Section 2-204, "Canvassing of Absentee Ballots" of the Town Code to delete any requirement that a voter provide a reason for voting by absentee ballot.
  - a. *The Public Hearing will be set for Monday, May 11, 2020, 7:00 pm.*

4. **Resolution No. R-04-2020** – A Resolution of the Kensington Town Council Confirming Appointments made by the Mayor to the Development Review Board (DRB).
5. **Resolution No. R-05-2020** – A Resolution of the Mayor and Town Council Authorizing the Town Manager to contract for the installation of an additional speed hump along the 3700 block of Farragut Avenue.
6. **Resolution No. R-06-2020** – A Resolution of the Mayor and Town Council Authorizing the Town Manager to change the existing One-Way Traffic (east to west) restriction along the 3500 and 3600 block of Decatur Avenue to Two-Way Traffic.

### **ADJOURNMENT**

*(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, May 11, 2020, 7:00 pm***

The **EVOLIS Radar Speed Sign** is a highly powerful yet budget-friendly, traffic-calming tool, ideal for all traffic scenarios and environments. Designed for effortless mobility at only 19lbs, fully adapted for permanent placement or portable use. The **EVOLIS** offers three power-source choices, suitable for every type of project.

This extremely efficient, pole-mounted radar detects vehicles from over 1,000ft away! The **EVOLIS Radar Speed Sign**'s exclusive and high-quality features, which include ultra-bright, tri-color, LED speed digits and the simultaneous display of programmable messages, help correct driver behavior with an average of 25% in speed reduction! Each **EVOLIS Radar Speed Sign** is proposed as a full-option package including many valuable features. One of the most remarkable being the bi-directional traffic data collection, equipped with intuitive traffic analysis software, which elevates the **EVOLIS Radar Speed Sign** from an effective traffic calming device to an indispensable ally in speed infraction prevention and enforcement. And unlike other companies, this sophisticated service has NO subscription fees and the updates are entirely FREE for life!

From Sydney to Seattle, Denver to Dubai, the **EVOLIS Radar Speed Sign** thrives in any environment and can withstand even the most extreme weather conditions! Thanks to the expert engineering, award winning design and highly-durable, UV-resistant, ABS Injection Molded Resin construction, the robust yet aesthetic **EVOLIS Radar Speed Sign** can be trusted to operate perfectly in any environment.



Ordinance No. O-01-2020  
Introduced: 02-10-2020  
Adopted:

**SUBJECT:** AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON AMENDING CHAPTER VI, ARTICLE I, “SIGNS AND SOLICITORS”, SECTIONS 6-101, “SIGNS”; 6-102 “TOWN SIGN PERMIT REQUIRED”; 6-103, “SIGNS IN THE PUBLIC RIGHT OF WAY”; 6-104 “SIGNS ON PRIVATE PROPERTY – CRT, CRN AND INDUSTRIAL ZONES” AND 6-106, “ENFORCEMENT AND PENALTIES” TO IDENTIFY THE TYPES OF SIGNS THAT ARE AUTHORIZED AND ARE REQUIRED TO BE PERMITTED, EXPAND THE PROHIBITION ON POLE SIGNS, TO REGULATE LIMITED DURATION SIGN ON PRIVATE PROPERTY, TO CLARIFY THAT ALL ILLUMINATED SIGNS ARE REGULATED IN THE SAME MANNER AND TO MAKE CONFORMING CHANGES.

**WHEREAS**, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the Town of Kensington (hereinafter, the “Town”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

**WHEREAS**, pursuant to the Land Use Article, Annotated Code of Maryland the Town is authorized to adopt additional or stricter commercial sign regulations than are otherwise imposed by the State, the Maryland National Capital Park and Planning Commission, or Montgomery County; and

**WHEREAS**, the Mayor and Council have determined that it is in the public interest and will promote the preservation, improvement and redevelopment of the Town’s commercial areas to adopt certain sign regulations; and

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CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance.
CAPS	: Indicate matter added in amendment
[Brackets]	: Indicate matter deleted in amendment

**WHEREAS**, the Mayor and Council have determined that clarification with respect to A-frame and sandwich signs requirements, permitting requirements, and signs in the right of way, a reduction in the landscape requirement and a revision of the length of time that a limited duration sign may be posted in the right of way are appropriate and in the public interest.

**Section 1.** **NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the Town of Kensington, Maryland that Chapter 6, “Signs” Article 1 “Signs and Solicitors”, Section 6-101 “Signs” of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 6-101. Signs

(a) The Town shall have the power to enforce, and incorporates by reference herein as if fully set forth, the provisions of Chapter 59, Article 59-6, Division 6.7 of the Montgomery County Code, as amended, entitled "Signs", except as otherwise provided herein. This Article is an exception to the general exemption from County law contained in Section 1-202 of this Code.

(b) The purpose of Sections 6-101 through 6-106 of this Article is to regulate the location, size, placement and certain features of signs placed in the public right of way, and in commercial and industrial zoned properties. These regulations do not apply to signs in a residential zone, unless specifically stated. These regulations are intended to protect the public health, safety, comfort and welfare, to enable the public to locate goods, services and facilities without difficulty, danger or confusion, to prevent hazards to life and property, and to preserve and strengthen the character of the town and to protect property values.

(c) The following sections contain additional requirements that supplement portions of Chapter 59, Article 59-6, Division 6.7, of the Montgomery County Code and, in cases of conflict, shall supersede and take precedence over Chapter 59, Article 59-6, Division 6.7, of the Montgomery County Code.

(D) ONLY SIGNS DEFINED AS PERMANENT OR LIMITED DURATION SIGNS ARE AUTHORIZED. TEMPORARY SIGNS ARE PROHIBITED. PERMANENT SIGNS ARE DEFINED AS A SIGN, REQUIRING A PERMIT FROM MONTGOMERY COUNTY, THAT IS CONSTRUCTED IN A MANNER AND OF MATERIALS THAT WILL WITHSTAND LONG-TERM DISPLAY AND IS INTENDED TO BE DISPLAYED FOR AN INDEFINITE PERIOD OF TIME. A LIMITED DURATION SIGN IS DEFINED AS A NON-PERMANENT SIGN THAT IS:

(1) DISPLAYED ON PRIVATE PROPERTY, AND IS CONSTRUCTED IN A MANNER AND OF MATERIALS THAT WILL NOT WITHSTAND LONG-TERM DISPLAY, AND/OR IS NOT INTENDED TO BE DISPLAYED FOR AN INDEFINITE PERIOD; OR

(2) WITHIN THE PUBLIC RIGHT-OF-WAY.

**Section 2. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the Town of Kensington that, Chapter 6, “Signs and Commercial Regulations” Article 1 “Signs and Solicitors”, Section 6-102 “Town Sign Permit Required” of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 6-102. Town Sign Permit Required – CRT, CRN and Industrial Zones

(a) THE PERMITTING REQUIREMENTS OF THIS CHAPTER DO NOT EXEMPT ANY APPLICANT FROM OBTAINING PROPER PERMITS FROM MONTGOMERY COUNTY AS REQUIRED BY COUNTY LAW.

(b) It shall be unlawful to erect, construct, POST, MOUNT, locate, place or alter any permanent sign or part thereof, AND ANY LIMITED DURATION SIGN OR PART THEREOF ~~[or any A-frame type sign or sandwich type sign]~~, without first obtaining a sign permit from the Town. A permit application, together with a copy of plans and specifications for the work and any required fee, shall be filed with the Town Manager or designee, who shall issue a permit in accordance with the provisions of the Town code. THE PERMIT SHALL INCLUDE DATE OF ISSUANCE. By application for a sign permit, the applicant and owner give consent to the Town Manager or designee to enter onto the property to inspect any activity encompassed in the permit as often and at such times as deemed necessary during the course of the activity to ensure compliance with this chapter and other applicable law. Applicants must provide the Town with any information deemed necessary to process the permit.

~~[(b) The permitting requirements of this Chapter do not exempt any applicant from obtaining proper permits from Montgomery County as required by County law.]~~

(c) Permit fees shall be set by resolution of the Council.

(d) The date of erection of any limited duration sign must be written in indelible ink on the lower right corner of the sign.

**Section 3. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the Town of Kensington that, Chapter 6, “Signs and Commercial Regulations” Article 1 “Signs and Solicitors”, Section 6-103 “Signs in the Public Right-of-Way” of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 6-103. Signs in the Public Right-of-Way.

- (a) Except as otherwise provided herein, it shall be unlawful to display or post any sign in a public right of way under the Town's jurisdiction.
- (b) It ~~[shall be]~~ IS unlawful to attach any otherwise lawful sign to utility poles, trees, fences or other signs in the public right of way.
- (c) It shall be lawful to post or mount limited duration signs in the public right of way from 10:00 a.m. on Friday through 5:00 p.m. the following Sunday. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IT IS PROHIBITED AT ALL TIMES TO POST OR MOUNT ANY SIGN IN THE MEDIAN OF A PUBLIC RIGHT-OF-WAY. Signs authorized by this Section may not be installed or removed in a manner that will cause damage to the right of way. Authorized signs may not block or obstruct any permanent signage, ~~[nor may they obstruct]~~ OR pedestrian or vehicular traffic or sightlines.
- (d) Any otherwise lawful sign required by law or regulation, and signs used by a government agency or utility company erected by, or on the order of, a public officer or utility official in the performance of official duties, such as controlling traffic, identifying streets, warning of danger, or providing information, is exempt from this section.
- (e) All signs posted in violation of this section shall be considered a nuisance and are removable without notice by a public or governmental official at any time thereafter, unless said signs have been authorized to remain by the town government.

**Section 4.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that, Chapter 6, "Signs and Commercial Regulations" Article 1 "Signs and Solicitors", Section 6-104 "Signs on Private Property" of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 6-104. Signs on Private Property – CRT, CRN and Industrial Zones

- (a) Comprehensive Signage Plan Required – Before a permit may be issued under this Article for properties within the CRT, CRN and Industrial Zones, for properties occupied by more than one (1) business/tenant, a signage plan must be filed demonstrating that each sign for which a permit is requested is consistent and harmonious in terms of location, design, color, shape, size, style, material, and mounting with all other such signs on the property. Signs for individual businesses/tenants in a multi-tenanted building shall be placed only on the BUILDING LEVELS ACCESSIBLE ON THE EXTERIOR BY pedestrianS ~~[levels of the building]~~. A signage plan for the entire property shall be submitted by the owner prior to the issuance of the first sign permit for the property and shall be updated to include all existing and proposed signs when any sign is installed, altered or replaced.
- (b) Prohibited Signs - The following sign types are prohibited:



(1) Internally illuminated box signs with flat graphics and/or translucent face material are prohibited.

(2) Pole (freestanding) signs, except when ~~[(a)] located at retail shopping centers and grocery stores with greater than one hundred (100) parking places. Retail shopping centers [ and grocery stores ] will be allowed only one pole sign each; or~~ [(b)] located in the Kensington Historic District, when the Historic Preservation Commission has made a determination that the sign is an integral part of the environmental setting or is important to the historic character of the neighborhood. ONE POLE SIGN LOCATED AT A GROCERY STORE THAT WAS LAWFULLY EXISTING IMMEDIATELY PRIOR TO FEBRUARY 1, 2020, BUT WHICH DOES NOT CONFORM TO THE REQUIREMENTS AS NOW CONSTITUTED OR AS THEY MAY HEREAFTER BE AMENDED FROM TIME TO TIME, MAY REMAIN BUT SHALL BE REMOVED OR MODIFIED TO COME INTO COMPLIANCE WITH THIS ARTICLE WITHIN FIVE (5) YEARS FROM FEBRUARY 1, 2020. ONE POLE SIGN LOCATED AT A SHOPPING CENTER WITH GREATER THAN ONE HUNDRED (100) PARKING PLACES THAT WAS LAWFULLY EXISTING IMMEDIATELY PRIOR TO FEBRUARY 1, 2020, BUT WHICH DOES NOT CONFORM TO THE REQUIREMENTS AS NOW CONSTITUTED OR AS THEY MAY HEREAFTER BE AMENDED FROM TIME TO TIME MAY REMAIN, BUT SHALL BE REMOVED OR MODIFIED TO COME INTO COMPLIANCE WITH THIS ARTICLE WITHIN TWENTY (20) YEARS FROM FEBRUARY 1, 2020 OR SUCH TIME AS THE PROPERTY IS REDEVELOPED, WHICHEVER FIRST OCCURS.

(3) Internally illuminated signs (except as provided herein);

(4) Portable signs or flashing or scrolling signs.

(5) Illuminated signs in the R-60 Zone.

(6) ~~[A-frame type signs or sandwich signs unless they meet the following conditions:~~

~~(a) Can only be utilized during the hours of operation, on the site where the business is located, and must be removed at the close of business each day;~~

~~(b) Cannot exceed six (6) square feet per side, regardless of how connected or viewed;~~

~~(c) Cannot be placed in the public right of way and must provide a clear unobstructed path for use by pedestrians to and from the establishment and must meet the Americans with Disabilities Act Requirements; and~~

~~(d) Must be constructed and anchored in a manner to achieve wind grade certification. Examples of acceptable A-frame signs are attached as Figure 1.~~

~~(e) Must be permitted by the Town as a limited duration sign.]~~

VEHICLES THAT ARE PRIMARILY USED AS AN APPARATUS OR SUPPORT FOR ADVERTISING, THAT ARE PARKED OR LOCATED ON PRIVATE PROPERTY IN SUCH A WAY AS TO BE VISIBLE FROM BEYOND THE PROPERTY LIMITS AND SERVE AS AN ADVERTISEMENT OF A BUSINESS LOCATED AT THE PROPERTY.

(c) Ground freestanding signs – Ground freestanding signs measuring less than six (6) feet in height and fifty (50) square feet in area, and including a landscaped area at the base of the sign measuring a minimum of one square foot for each square foot of sign area, are permitted. Only one ground freestanding sign shall be permitted per recorded lot. Once installed, landscaping must be properly maintained IN ACCORDANCE WITH APPROVED PLANS.

(d) Illumination (External) - Exterior sign illumination shall be discrete, uniform, and compatible with the architecture of the structure. The light source shall only illuminate the sign and shall not glare, reflect, or shine onto public ways, streets, park areas, or residential properties. Sign illumination must use an enclosed lamp design or indirect lighting from a shielded source in a manner that prevents glare from beyond the property line. The light source shall be shielded or controlled in a manner so that it does not generally shine above or beyond the sign. EXCEPT IN THE CRT AND CRN ZONE, On properties abutting, contiguous or confronting, or within 150 feet of, a residential property or use, all signage illumination light sources (including neon) must be turned off when the business is not open for public access or before 10:00 p.m. daily, whichever occurs first.

(e) Illumination (Internal) – Only internal, HALO, or backlit illumination signs composed of individually mounted channel letters, or in box signs with opaque face panels that utilize routed push-through or LED text or overlay translucent text material ARE PERMITTED. Individual letters shall be mounted directly to the building or on raceways or tracks attached to the building are permitted. INTERNAL SIGN ILLUMINATION SHALL BE DISCRETE, UNIFORM, AND COMPATIBLE WITH THE ARCHITECTURE OF THE STRUCTURE. THE LIGHT SOURCE SHALL ONLY ILLUMINATE THE SIGN AND SHALL NOT GLARE, REFLECT, OR SHINE ONTO PUBLIC WAYS, STREETS, PARK AREAS, OR RESIDENTIAL PROPERTIES. SIGN ILLUMINATION MUST USE AN ENCLOSED LAMP DESIGN OR INDIRECT LIGHTING FROM A SHIELDED SOURCE IN A MANNER THAT PREVENTS GLARE FROM BEYOND THE PROPERTY LINE. THE LIGHT SOURCE SHALL BE SHIELDED OR CONTROLLED IN A MANNER SO THAT IT DOES NOT GENERALLY SHINE ABOVE OR BEYOND THE SIGN. EXCEPT IN THE CRT AND CRN ZONE, FOR PROPERTIES ABUTTING, CONTIGUOUS OR CONFRONTING, OR WITHIN 150 FEET OF, A RESIDENTIAL PROPERTY OR USE, ALL SIGNAGE ILLUMINATION LIGHT SOURCES (INCLUDING NEON) MUST BE TURNED OFF WHEN THE BUSINESS IS NOT OPEN FOR PUBLIC ACCESS OR BEFORE 10:00 P.M. DAILY, WHICHEVER OCCURS FIRST.

(F) COUNTY REGULATIONS WITH RESPECT TO INDIVIDUAL AND TOTAL SIGN AREA APPLY TO PERMANENT AND LIMITED DURATION SIGNS, EXCEPT AS OTHERWISE SET OUT HEREIN. A LIMITED DURATION SIGN OR SIGNS THAT MEASURE OR EXCEED A TOTAL OF TEN (10) SQUARE FEET IN SIZE, OR ARE

PLACED MORE THAN FIVE (5) FEET FROM THE FACE OF THE MAIN BUILDING, MAY BE PLACED ON PRIVATE PROPERTY FOR NOT MORE THAN SIXTY (60) DAYS IN ANY CALENDAR YEAR. NO TIME LIMIT APPLIES TO LIMITED DURATION SIGNS THAT MEASURE LESS THAN A TOTAL OF TEN (10) SQUARE FEET AND ARE LESS THAN FIVE (5) FEET FROM THE FACE OF THE MAIN BUILDING. ONE SIGN IS ALLOWED PER PERMIT, WITH A MAXIMUM OF FOUR PERMITS AT ANY ONE TIME. MULTIPLE LIMITED DURATION SIGNS THAT ARE SIMILAR MAY NOT BE USED TO ENLARGE THIS TIME LIMITATION. MULTIPLE SIGNS THAT ARE SIMILAR MAY NOT RECEIVE A PERMIT FOR THE SAME LOCATION. THE MAXIMUM SIGN AREA OF EACH SIGN IS FIFTY (50) SQUARE FEET WITH A MAXIMUM TOTAL SIGN AREA OF ONE HUNDRED (100) SQUARE FEET.

~~(F)~~ (G) Allowable Signage Calculations – Signage calculations shall include exterior signage of all types including permitted neon signs. Symbols, letters and logos count towards total signage. Properties abutting or confronting residential property shall be limited to one (1) square foot of signage for each lineal foot of building frontage.

~~(G)~~ (H) Applicability – This section applies only to signs in the CRT, CRN and Industrial zones, except where specifically noted. All new commercial signage, repairs to existing signage, changes to sign text, tenancy changes, property ownership changes, business name changes, or use changes must comply with this Article. Whenever an existing sign is altered, it shall be modified to bring it into conformance with this chapter. Whenever any existing business/tenant/owner erects a new or additional sign, all signs on the premises pertaining to that business/tenant/owner shall be modified to bring them into conformance with this chapter. Any pole sign lawfully existing immediately prior to September 1, 2009 that did not conform to the requirements of this section on that date shall be removed or modified to come into compliance with this article. Signs installed by the Town of Kensington or signs at fire stations and public libraries and schools, any sign required by law or regulation by a governmental agency or utility company erected by, or on the order of, a public officer or utility official in the performance of official duties, such as signs controlling traffic, identifying streets, warning of danger, or providing information, are exempt from This section, but not from the application of Chapter 59, Article 59-6, Division 6.7 of the Montgomery County Code.

~~(H)~~ (I) Additional Restrictions for Signs within the Historic Commercial District (Howard Avenue, Armory Avenue, Fawcett Street, St. Paul Street, and Montgomery Avenue) - The following types of signs are not permitted in the historic commercial district unless a variance is granted by the Council:

(1) Internally illuminated signs.

(2) Neon signs or neon decorations.

~~(I)~~ (J) Interior Window Coverage - The maximum total area of interior window signs

shall not exceed twenty percent (20%) of the glass area for THAT PART OF each side of the building OCCUPIED BY THE PREMISES OR UNIT, MINUS THE AREA OF ANY PERMANENT WINDOW SIGNS.

~~(j)~~ (K) Permitted pole signs – Permitted pole signs shall include a landscaped area at the base of the sign measuring a minimum of one square foot for each square foot of sign area. Once installed, landscaping must be properly maintained IN ACCORDANCE WITH APPROVED PLANS.

~~(k)~~ (L) Variance Procedure - If a signage permit application is denied by the Town, an applicant may seek a Variance from this section within 15 days of the date of denial. A variance may not be granted for the erection, installation or maintenance of a sign prohibited by Section 6-104(b) OR MONTGOMERY COUNTY CHAPTER 59- 6, DIVISION 6.7. THE TOWN MAY ESTABLISH A DETAILED VARIANCE APPLICATION, CHECKLIST AND CHARGE FEES FOR THE CONSIDERATION OF VARIANCES REQUESTS. A variance may be granted when the Council finds that:

(1) strict application of the Town regulations would result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property or owner of such sign;

(2) the variance is the minimum reasonably necessary to overcome any exceptional conditions; and

(3) the variance can be granted without substantial impairment of the intent, purpose, and integrity of this Article. A variance decision must be based on consideration of:

(a) one or more of the following elements: size, shape, color, design elements, location or cost of the sign;

(b) the compatibility of the proposed sign with the surrounding property, the proximity of other signs, and the characteristics of the area; ~~and~~

(c) confirmation that the property and all other signs on the property are in conformance with the Article.

(d) recommendation of the HPC if located in the Historic District and if requested by the Council or offered by the HPC.

(4) Contiguous, confronting and abutting owners must receive notice of the variance application prior to consideration by the Council.

~~(H)~~ (M) Conditions and Revocation - The Council may impose conditions and terms on a sign variance, and may revoke any previously granted sign variance when it determines:

- (1) the applicant supplied inaccurate information to the Council, or
- (2) the terms of the variance set by the Council have not been met or have been violated. ~~[The Council may establish a detailed variance application, checklist and charge fees for the consideration of variances requests. This provision shall not permit the Council to grant a variance allowing any sign prohibited under Montgomery County Chapter 59-6, Division 6.7.]~~

**Section 5.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that, Chapter 6, “Signs and Commercial Regulations” Article 1 “Signs and Solicitors”, Section 6-106 “Enforcement and penalties” of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 6-106. Enforcement and Penalties.

- (a) A violation of Section 6-103 shall be a Class F municipal infraction punishable pursuant to Section 10-303 of this Code. Written notice of violation shall be mailed by certified mail to the property owner and tenant occupant (if applicable). Any costs incurred in the removal of prohibited signs by the Town or its designee shall be assessed to the owner of the sign and may be collected as an ordinary debt or in the manner of taxes and shall be a lien on any property belonging to the owner within the Town. For violation assessment and cost reimbursement purposes, the owner shall be considered the individual(s) benefiting from the sign to be determined by phone number, name or address indicated on the sign. In the event the tenant occupant has vacated, the property owner shall be the responsible party.
- (b) A violation of Section 6-102 and 6-104 shall be a Class E municipal infraction punishable pursuant to Section 10-303 of this Code.

**Section 6.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that upon formal introduction of this proposed Ordinance, the Town Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the Town Clerk. The proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council, shall be:

- a. Posted at the town hall by the next business day;
- b. Posted on the official town website;
- c. Sent to those persons listed on the official town email list /mail subscription service; and

- d. Published once prior to the public hearing in the town newsletter or sent by substitute regular mail to newsletter circulation addresses.

The public hearing shall be held at least fifteen (15) days after introduction and may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. This Ordinance shall become effective on \_\_\_\_\_ provided that the ordinance or a fair summary thereof is:

- a. Posted at the town hall by the next business day for at least two (2) weeks;
- b. Posted on the official town website;
- c. Sent to those persons listed on the official town email list /mail subscription service; and
- d. Published once in the town newsletter.

**INTRODUCED** by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

**ADOPTED** by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

**EFFECTIVE** the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**ATTEST:**

**TOWN OF KENSINGTON**

By: \_\_\_\_\_

Susan Engels, Clerk-Treasurer

By: \_\_\_\_\_

Tracey Furman, Mayor

**APPROVED AS TO FORM:**

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Suellen M. Ferguson, Town Attorney

**TOWN OF KENSINGTON**  
**BUDGET DETAILS FY21**

Proposed Budget 2020- 21	Adopted Budget 2019-20	Projected 6/30/2020
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**REVENUE FUND**

GENERAL PROPERTY TAXES

	Rates			
Real Property Tax	0.1312	<b>792,594</b>	\$763,592	\$763,592
Personal Property Tax - Utilities	5.0000	<b>432,983</b>	\$432,983	\$432,983
Personal Property Tax - Business	0.8000	<b>120,084</b>	\$93,580	\$120,307
SUBTOTAL		<b>\$1,345,661</b>	\$1,290,155	\$1,316,882

OTHER TAXES

Income Taxes		<b>668,825</b>	618,345	784,428
Admissions and Amusements Tax		<b>250</b>	250	250
SUBTOTAL		<b>\$669,075</b>	\$618,595	\$784,678

LICENSES & PERMITS

Town Building and Sign Permits		<b>12,000</b>	5,000	12,000
Parking Permits		<b>6,000</b>	5,270	8,000
Cable Franchise Fees		<b>27,558</b>	29,008	29,474
Traders' Licenses		<b>9,000</b>	9,000	9,000
SUBTOTAL		<b>\$54,558</b>	\$48,278	\$58,474

INTERGOVERNMENTAL REVENUE

County Tax Duplication		<b>176,213</b>	156,806	156,809
Highway User Funds		<b>105,069</b>	102,453	103,029
Bank Shares		<b>4,226</b>	4,226	4,226
SUBTOTAL		<b>\$285,508</b>	\$263,485	\$264,064

FINES AND FEES

SafeSpeed Camera Program		<b>3,000</b>	18,327	3,554
Parking & Municipal Infractions		<b>1,000</b>	1,000	1,328
SUBTOTAL		<b>\$4,000</b>	\$19,327	\$4,882

OTHER

Town Hall Rentals		<b>30,000</b>	30,000	30,000
Park Rentals		<b>2,500</b>	500	2,180
Municipal Events		<b>13,500</b>	13,500	14,525



Interest	<b>30,000</b>	30,000	40,000
Miscellaneous	<b>5,400</b>	7,900	8,431
SUBTOTAL	<b>\$81,400</b>	\$81,900	\$95,136

#### GRANTS

	<b>\$0</b>	\$0	\$0
TOTAL REVENUE	<b>\$2,440,202</b>	\$2,321,740	\$2,524,115
UNAPPROPRIATED SURPLUS	<b>662,726</b>	\$765,666	
TOTAL REVENUE INCLUDING UNAPPROPRIATED SURPLU	<b>\$3,102,928</b>	\$3,087,406	\$2,524,115

#### EXPENDITURES

##### GENERAL GOVERNMENT

##### PERSONNEL SERVICES

Salaries & Wages	<b>501,132</b>	481,734	463,392
Social Security, Medicare, Unemployment Taxes	<b>37,498</b>	36,980	35,856
Workers Compensation Insurance	<b>4,934</b>	9,292	9,292
Health, Life, and Employee Benefits	<b>61,201</b>	43,991	42,554
Retirement - 401 (A) Money Purchase Plan	<b>40,911</b>	40,273	42,457
SUBTOTAL	<b>\$645,675</b>	\$612,270	\$593,551

##### OPERATING EXPENSES

##### ELECTED OFFICIALS

Mayor and Council Compensation	<b>24,000</b>	24,000	24,000
Mayor and Council Legislative, Education, Travel	<b>15,200</b>	13,680	13,680
SUBTOTAL	<b>\$39,200</b>	\$37,680	\$37,680

##### PROFESSIONAL SERVICES

Town Attorney	<b>50,000</b>	40,000	50,000
Audit	<b>10,700</b>	10,700	10,700
Other Professional Services	<b>53,800</b>	40,865	30,865
SUBTOTAL	<b>\$114,500</b>	\$91,565	\$91,565

##### TOWN GOVERNMENT OPERATIONS

Town Hall Maintenance	<b>45,700</b>	42,615	42,615
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Town Hall Utilities	<b>41,000</b>	49,387	32,265
Town Hall Equipment	<b>6,000</b>	8,000	8,000
Economic Development & Commercial Revitalization	<b>120,000</b>	95,075	95,075
Office Expenses	<b>28,350</b>	27,874	31,660
Office Equipment/Furniture	<b>2,000</b>	500	0
Insurance	<b>21,000</b>	21,000	15,409
Municipal Dues, Memberships and Fees	<b>10,485</b>	9,797	9,722
Conferences, Training, & Travel	<b>6,500</b>	7,850	500
Miscellaneous	<b>3,000</b>	3,000	1,000
SUBTOTAL	<b>\$284,035</b>	\$265,098	\$236,246

TOTAL GENERAL GOVERNMENT EXPENSES	<b>\$1,083,410</b>	\$1,006,613	\$959,042
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#### EXPENDITURES

#### PUBLIC WORKS

##### PERSONNEL SERVICES

Salaries & Wages	<b>341,878</b>	320,770	251,931
Social Security, Medicare, Unemployment Taxes	<b>25,290</b>	24,406	19,373
Workers Compensation Insurance	<b>16,972</b>	23,256	23,526
Health, Life, and Employee Benefits	<b>68,989</b>	70,292	65,424
Retirement - 401 (A) Money Purchase Plan	<b>27,743</b>	24,490	24,629
SUBTOTAL	<b>\$480,871</b>	\$463,214	\$384,883

##### OPERATING EXPENSES

##### OPERATING SUPPLIES

Conferences, Training, and Travel	<b>500</b>	500	0
Drug Testing	<b>1,000</b>	1,000	250
Uniforms, Gloves, Vests, Boots, and Shirts	<b>3,000</b>	2,000	2,000
Small Equipment Purchases	<b>12,000</b>	7,500	7,500
Vehicle Fuel Expenses	<b>8,000</b>	9,000	7,265
Small Equipment Maintenance and Repairs	<b>3,500</b>	5,000	5,000
Vehicle Repairs	<b>20,000</b>	20,000	20,000
Shop Supplies and Tools	<b>3,000</b>	3,000	3,000
Miscellaneous	<b>1,000</b>	500	509
SUBTOTAL	<b>\$52,000</b>	\$48,500	\$45,524

#### TRASH, BRUSH, RECYCLING, AND LEAF COLLECTION

Trash, Brush, and Recycling Collection	<b>164,720</b>	167,401	154,708
Leaf Collection and Other Disposal Fees	<b>18,000</b>	15,500	15,500
SUBTOTAL	<b>\$182,720</b>	\$182,901	\$170,208
INFRASTRUCTURE			
Street Sweeping	<b>8,000</b>	8,000	4,000
Street Maintenance	<b>24,000</b>	24,000	24,000
Snow Removal	<b>8,500</b>	8,500	8,500
Sidewalk Repair	<b>12,000</b>	20,000	20,000
Storm Drain Maintenance	<b>6,000</b>	20,000	20,000
Landscaping Vegetation Management	<b>25,000</b>	40,000	50,000
Landscaping Street Trees Maintenance and Planting	<b>75,000</b>	40,000	50,000
Garage Maintenance, Miscellaneous & Utilities	<b>13,700</b>	8,422	8,422
SUBTOTAL	<b>\$172,200</b>	\$168,922	\$184,922
TOTAL PUBLIC WORKS EXPENSES	<b>\$887,791</b>	\$863,537	\$785,537

#### PUBLIC SAFETY

##### PERSONNEL SERVICES

Salaries & Wages	<b>152,307</b>	143,290	101,819
Social Security, Medicare, Unemployment Taxes	<b>11,429</b>	11,013	7,912
Workers Compensation Insurance	<b>9,347</b>	10,389	10,389
Health, Life, and Employee Benefits	<b>10,053</b>	11,216	9,134
Retirement - 401 (A) Money Purchase Plan	<b>5,298</b>	5,263	4,978
SUBTOTAL	<b>\$188,434</b>	\$181,171	\$134,232

##### OPERATING SUPPLIES & SERVICES

##### PUBLIC UTILITIES AND PROFESSIONAL SERVICES

Building Inspector (Moved to Prof Serv)		\$4,200	\$4,000
Parking Lot Lighting (Metropolitan)	<b>2,000</b>	\$2,000	\$2,000
Public Street Lighting	<b>56,000</b>	\$56,142	\$50,929
Traffic Enforcement MCP Contract (Deleted)		\$0	\$8,538
Traffic Control & Engineering	<b>12,000</b>	\$12,000	\$12,000
Miscellaneous	<b>2,000</b>	\$500	\$500
SUBTOTAL	<b>\$72,000</b>	\$74,842	\$77,967
TOTAL PUBLIC SAFETY EXPENSES	<b>\$260,434</b>	\$256,013	\$212,199

PARKS & RECREATION

FACILITIES AND PUBLIC UTILITIES

Park Utilities	<b>1,750</b>	1,803	1,803
SUBTOTAL	<b>\$1,750</b>	\$1,803	\$1,803

OPERATING SUPPLIES AND PROFESSIONAL SERVICES

Small Equipment Maintenance and Repairs	<b>5,000</b>	15,000	15,000
Equipment Purchases	<b>10,000</b>	4,000	4,000
Landscape Architecture Services	<b>3,000</b>	0	750
Miscellaneous	<b>1,000</b>	750	0
SUBTOTAL	<b>\$19,000</b>	\$19,750	\$19,750

LANDSCAPING

Landscaping and Vegetation Management	<b>5,000</b>	0	0
Parks and Town Hall Landscaping	<b>25,000</b>	30,000	30,000
SUBTOTAL	<b>\$30,000</b>	\$30,000	\$30,000

TOWN MUNICIPAL EVENTS

Municipal Events - Labor Day Parade and Festival	<b>29,500</b>	\$22,740	\$20,870
Municipal Events - Other Municipal Events	<b>21,000</b>	16,290	16,290
SUBTOTAL	<b>\$50,500</b>	\$39,030	\$37,160

<b>TOTAL PARKS RECREATION EXPENSES</b>	<b>\$101,250</b>	\$90,583	\$88,713
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NON DEPARTMENTAL

Contingency	<b>10,000</b>	10,000	0
<b>TOTAL NON DEPARTMENTAL EXPENSES</b>	<b>\$10,000</b>	\$10,000	\$0

<b>TOTAL OPERATING BUDGET</b>	<b>\$2,342,885</b>	\$2,226,746	\$2,045,491
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CAPITAL IMPROVEMENTS PROGRAM	<b>\$760,043</b>	\$860,659	\$860,659
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<b>TOTAL CIP BUDGET APPROPRIATIONS</b>	<b>\$760,043</b>	\$860,659	\$860,659
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<b>TOTAL OPERATING &amp; CIP EXPENDITURES</b>	<b>\$3,102,928</b>	\$3,087,405	\$2,906,150
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Total Fund Balance 6/30/19	3,062,693
Reserved for Prepaid Expenses 6/30/19	(26,823)
Non Lapsing Assigned & Committed Fund Balance for CIP 6/30/19	(1,607,478)
Use of Fund Balance for FY2020 Budget including addition to CIP	<u>(765,666)</u>
Projected Unassigned Fund Balance 6/30/20	662,726

**DRAFT Budget Ordinance No. O-02-2020****Introduced: March 9, 2020****Adopted:**

**SUBJECT:** AN ORDINANCE TO APPROPRIATE AND ADOPT THE FISCAL YEAR 2020 – 2021 (FY21) BUDGET AND TO LEVY A TAX ON CERTAIN REAL AND PERSONAL PROPERTY UNDER THE PROVISIONS OF §6-203 OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED.

WHEREAS, §5-205 *et seq.* of the Local Government Article, Annotated Code of Maryland, authorizes the Mayor and Town Council to provide for the control and management of its finances and expend money for any public purpose and for the safety, health, and general welfare of the Town and its occupants; and

WHEREAS, §6-203 of the Tax-Property Article, of the Annotated Code of Maryland (as amended), grants authority to municipal corporations to levy a tax on personal property, land, and improvements thereon, within the municipal corporation; and

WHEREAS, Article VIII, “Finance”, Section 801, “Fiscal Year”, of the Town Charter states that the Fiscal Year of the Town shall begin on July 1, 2020 and end on June 30, 2021; and

WHEREAS, Section 802, “Proposed Budget”, of the Town Charter states that the Town Manager shall submit to the Council prior to the third Monday in April, a Budget of anticipated revenues, proposed operating expenditures, and proposed capital project expenditures, along with a written financial plan for the succeeding fiscal year; and

WHEREAS, Section 803, “Adoption”, of the Town Charter states that prior to adopting the Budget, the Council shall hold a public hearing following due notice and a favorable vote of at least a majority of the total elected membership of the Council shall be necessary for adoption.

NOW THEREFORE, the Mayor and Town Council of Kensington does hereby adopt the following Budget Ordinance:

AN ORDINANCE TO APPROPRIATE AND ADOPT THE FISCAL YEAR 2020 – 2021 (FY21) BUDGET AND TO LEVY A TAX ON CERTAIN REAL AND PERSONAL PROPERTY UNDER THE PROVISIONS OF §6-203 OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED.

<b>ANTICIPATED REVENUE</b>						
	General Property Taxes			\$	1,345,661	
	Other Taxes			\$	669,075	
	Licenses & Permits			\$	54,558	
	Intergovernmental Revenues			\$	285,508	
	Fines & Fees			\$	4,000	
	Miscellaneous Revenue			\$	81,400	
	Grants - County & State			\$	-	
<b>TOTAL ANTICIPATED REVENUE</b>						<b>\$ 2,440,202</b>
	Re-Appropriation			\$	662,726	
<b>TOTAL ANTICIPATED FUNDS AVAILABLE</b>						<b>\$ 3,102,928</b>
<b>PROPOSED EXPENDITURES</b>						
	General Government			\$	1,083,410	
	Public Works			\$	887,791	
	Public Safety			\$	260,434	
	Parks & Recreation			\$	101,250	
	Non-Departmental			\$	10,000	
						<b>\$ 2,342,885</b>
	Capital Improvement Budget			\$	760,043	
<b>TOTAL PROPOSED EXPENDITURES</b>						<b>\$ 3,102,928</b>

**SECTION 1:**

BE IT ORDAINED AND ORDERED this \_ day of May, 2020, by the Kensington Town Council, acting under and by virtue of the authority granted to it by §5-205 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Article VIII of the Kensington Town Charter, that the budget for Fiscal Year July 1, 2020 through June 30, 2021, attached hereto and incorporated herein by reference, be and the same hereby is appropriated and adopted.

**SECTION 2:**

AND BE IT FURTHER ORDAINED AND ORDERED, this \_\_\_\_\_ day of May, 2020, by the Kensington Town Council, acting under the virtue of the authority granted to it by §6-203 of the Tax-Property Article, of the Annotated Code of Maryland (as amended), and Article VIII of the Kensington Town Charter, hereby levies a tax at the rate of One thousand, three hundred

twelve ten-thousandths cents (**\$0.1312**) per One Hundred Dollars of full value assessment on all taxable real property located within the corporate limits of the Town of Kensington.

### **SECTION 3:**

AND BE IT FURTHER ORDAINED AND ORDERED, this \_\_\_\_\_ day of May, 2020, by the Kensington Town Council, acting under the virtue of the authority granted to it by §6-203 of the Tax-Property Article, of the Annotated Code of Maryland (as amended), and Article VIII of the Kensington Town Charter, hereby levies a tax at the rate of eighty cents (**\$0.80**) per One Hundred Dollars of full value assessment on all taxable personal property located within the corporate limits of the Town of Kensington.

### **SECTION 4:**

AND BE IT FURTHER ORDAINED AND ORDERED, this \_\_\_\_\_ day of May, 2020, by the Kensington Town Council, acting under the virtue of the authority granted to it by §8-101 of the Tax-Property Article of the Annotated Code of Maryland (as amended), and Article VIII of the Kensington Town Charter, hereby levies a tax at the rate of five dollars (**\$5.00**) per One Hundred Dollars of full value assessment on all taxable personal property set forth by §8-101 of the Tax-Property Article, of the Annotated Code of Maryland (as amended):

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.

### **SECTION 5:**

AND BE IT FURTHER ORDAINED AND ORDERED, this \_\_\_\_\_ day of May, 2020, by the Kensington Town 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 of the Tax-Property Article of the 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 AND ORDERED, this \_\_\_\_\_ day of May, 2020, by the Kensington Town Council, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the



Local Government Article, Annotated Code of Maryland, and Article VI, "Powers of the Council", Section 601, "General Powers" of the Town Charter that:

(1) If any part of provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part of provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the \_\_\_\_ day of May, 2020, provided the following:

(a) Posted at Town Hall by the next business day following introduction; and

(b) Posted on the official Town website; and

(c) Sent to those persons listed on the official Town email list/mail subscription service; and

(d) Published once prior to the public hearing in the Town newsletter or sent by substitute regular mail to newsletter circulation addresses.

**INTRODUCED** by the Mayor and Town Council of Kensington, Maryland at the regular public meeting assembled on the \_\_\_\_ day of March, 2020.

**ADOPTED** by the Mayor and Town Council of Kensington, Maryland at the regular public meeting assembled on the \_\_\_\_ day of May, 2020.

**EFFECTIVE** the \_\_\_\_ day of July, 2020.

**ATTEST:**

**TOWN OF KENSINGTON, MARYLAND**

By: \_\_\_\_\_  
Susan C. Engels, Clerk – Treasurer

\_\_\_\_\_  
Tracey C. Furman, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Suellen M. Ferguson, Town Attorney

DRAFT Ordinance No. O-03-2020

Introduced: 04-17-2020

Adopted:

**SUBJECT:** AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON AMENDING CHAPTER 2, “GOVERNMENT AND ADMINISTRATION”, ARTICLE 2, “ELECTIONS”, SECTION 2-202, “DISTRIBUTION OF ABSENTEE BALLOTS”, SECTION 2-203, “PROCEDURES OF ABSENTEE VOTING ”, AND SECTION 2-204, “CANVASSING OF ABSENTEE BALLOTS” OF THE TOWN OF KENSINGTON CODE TO DELETE ANY REQUIREMENT THAT A VOTER PROVIDE A REASON FOR VOTING BY ABSENTEE BALLOT.

**WHEREAS**, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the Town of Kensington (hereinafter, the “Town”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

WHEREAS, Chapter 2, “Government and Administration”, Article 2, “Elections”, Section 2-202, “Distribution of Absentee Ballots”, Section 2-203, “ Procedures of Absentee Voting ”, and Section 2-204, “Canvassing of Absentee Ballots” were adopted by the Mayor and Council to provide for voting by absentee ballot in Town elections; and

**WHEREAS**, pursuant to §4-108 of the Local Government Article, Annotated Code of Maryland, the Town is prohibited from requiring an individual to provide a reason that the individual will be unable to vote in person on election day in order to vote by absentee ballot; and

CAPS

[Brackets]

Asterisks \* \* \*

CAPS

[Brackets]

: Indicate matter added to existing law.

: Indicate matter deleted from law.

: Indicate matter remaining unchanged in existing law but not set forth in Ordinance.

: Indicate matter added in amendment

: Indicate matter deleted in amendment

**WHEREAS**, the Mayor and Council have determined that it is in the public interest and required by State law to delete the provisions in Sections 2-202, 2-203 and 2-204 that reference any requirement that a voter provide a reason for voting by absentee ballot.

**Section 1.** **NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the Town of Kensington, Maryland that Chapter 2, “Government and Administration”, Article 2, “Elections”, Section 2-202, “Distribution of Absentee Ballots,” of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 2-202 Distribution of Absentee Ballots

(a) Any qualified and registered voter may apply in writing or in person to the Clerk-Treasurer or Board of Supervisors of Elections for an absentee ballot [~~if he or she can not be present at any upcoming Town election~~].

(b) If an applicant appears to be eligible to vote as an absentee voter, the Clerk- Treasurer shall, as soon as practicable, deliver to him or her at the place so designated by the applicant, an absentee ballot and envelopes therefor, as hereinafter described in Subsection (f) below. If it appears that the applicant is not eligible to vote as an absentee voter, the Clerk-Treasurer shall, as soon as practicable, so notify the applicant.

(c) The Clerk-Treasurer shall deliver with each ballot and envelope instructions clearly explaining the manner in which the recipient may vote as an absentee voter under the provisions of this Article.

(d) The Clerk-Treasurer shall keep a record of applications for absentee ballots as they are received, showing the date received, the names and residences of the applicants, and places where such ballots were delivered, and, if any such applicants were rejected, the reasons for such rejections. Such applications and records shall be available for public examination for a period of six months after the election. The individual record of each voter to whom an absentee ballot was delivered shall be marked to indicate the fact that an absentee ballot was delivered to the applicant and the date of such delivery. Only those voters to whom absentee ballots have been delivered shall be permitted to use such ballots. No voter to whom an absentee ballot has been delivered shall be allowed to vote in person at the polls at the election, except as provided in Section 2-203 (c) of this Article.

(e) No more than one absentee ballot shall be delivered to any one applicant unless the Clerk-Treasurer has reasonable grounds to believe that the absentee ballot previously delivered has been lost, destroyed or spoiled.

(f) The form of ballots and envelopes for absentee voters shall be as follows:

(1) The ballots shall contain the words “absentee ballot” in large letters in a clear space at the top of each ballot and the signature of the Clerk-Treasurer.

(2) The following shall be delivered to the absentee voter:

(i) An envelope marked “Ballot Envelope” of sufficient size to contain the absentee ballot

(ii) Another envelope, hereinafter referred to as the “Outer Envelope”, of sufficient size to contain the Ballot Envelope. [; and (iii) Oath of absentee voter as follows:

“I, \_\_\_\_\_, do hereby swear (or affirm) under penalty of perjury that I am legally qualified to vote in the Town of Kensington’s election to be held on \_\_\_\_\_; that I will be unable to vote in person on the day of such election because \_\_\_\_\_ as stated in my application for the enclosed ballot; that the enclosed ballot was marked secretly, folded and enclosed and sealed in the enclosed Ballot Envelope and in this envelope; and that I am now disqualified from voting in person in the Town election.”

\_\_\_\_\_  
(Signature of absentee voter)]

**Section 2. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the Town of Kensington that Chapter 2, “Government and Administration”, Article 2, “Elections”, Section 2-203, “ Procedures of Absentee Voting ” of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 2-203. Procedures of Absentee Voting

(a) The procedure for absentee voting is as follows: The absentee voter shall mark the absentee ballot, insert it in the Ballot Envelope and then seal this envelope. The voter shall then insert this envelope [; together with a completed and signed oath] into the outer envelope, and then seal this envelope. The voter shall then deliver the foregoing to the Clerk-Treasurer or the Board of Supervisors of Elections on or before the close of the polls on Election Day.

(b) No absentee ballots actually received by the Clerk-Treasurer or the Board of Supervisors of Elections after the close of the polls shall be valid.

(c) Any person to whom an absentee ballot has been delivered who has not returned said ballot as provided in Subsection (a) above and who ~~[finds that he or she is able]~~ DECIDES to vote in person at the polls on Election Day, may vote in such election if ~~[he or she delivers their]~~ THEIR unmarked absentee ballot, together with both the Ballot Envelope and the Outer Envelope, IS RETURNED to the Board of Supervisors of Elections prior to the close of the polls. The Board of Supervisors of Elections shall clearly mark each of such materials “void” and shall enter in the appropriate register the fact that such materials have been returned but not used.

**Section 3.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that, Chapter 6, “Signs and Commercial Regulations” Article 1 “Signs and Solicitors”, Section 2-204 Canvassing of Absentee Ballots of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 2-204 Canvassing of Absentee Ballots

The procedure for the canvassing of ballots shall be as follows:

(a) The Clerk-Treasurer shall deliver all sealed Outer Envelopes received to the Board of Supervisors of Elections. No sealed Outer Envelopes shall be opened at any time prior to the canvassing of the absentee ballots.

(b) When an Outer Envelope is opened, the Board of Supervisors of Elections shall conclusively determine whether or not the person who has submitted the absentee ballot is a qualified, registered voter in the Town to whom an absentee ballot was delivered under this Article~~[-has properly completed the oath specified in Section 2-202 (f) (2) (iii) above,]~~ and has not voted in person at the election. The Board of Supervisors of Elections shall then enter in the appropriate register the fact that the voter ~~[whose name appears on the oath]~~ has voted by absentee ballot. They shall thereafter separately open the Ballot Envelopes in such a manner that they are unable to match the name of the absentee voters with the particular absentee ballots that have been submitted. The Board of Supervisors of Elections shall then proceed to count and certify the absentee ballots.

(c) The Ballot Envelopes found to be invalid by the Board of Supervisors of Elections shall not be opened. The Board of Supervisors of Elections shall keep a record of all absentee ballots

which have been rejected and the reason for each such rejection. Such record, and envelopes ~~[and oaths]~~ described in Section 2-202 of this Article, shall be available for public inspection at the Town office for a period of six months after the election.

(d) Whenever the Board of Supervisors of Elections shall determine from proof or investigation that any person who has marked and delivered to the Clerk-Treasurer or Board of Supervisors of Elections an absentee ballot has died before Election Day, said Board of Supervisors of Elections shall not count the ballot of the deceased voter. If at or prior to the time of such counting and canvassing the Board of Supervisors of Elections shall not have determined that the absentee resident who marked a ballot had died before Election Day, said ballot shall be counted. The fact that said absentee resident may later be shown to have been actually dead on Election Day shall not invalidate said ballot or said election.

(e) For the purpose hereof the term “deliver” shall mean delivery by mail or by any other means.

**Section 4.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that upon formal introduction of this proposed Ordinance, the Town Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the Town Clerk. The proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council, shall be:

- a. Posted at the town hall by the next business day;
- b. Posted on the official town website;
- c. Sent to those persons listed on the official town email list /mail subscription service; and
- d. Published once prior to the public hearing in the town newsletter or sent by substitute regular mail to newsletter circulation addresses.

The public hearing shall be held at least fifteen (15) days after introduction and may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. This Ordinance

shall become effective on \_\_\_\_\_ provided that the ordinance or a fair summary thereof is:

- a. Posted at the town hall by the next business day for at least two (2) weeks;
- b. Posted on the official town website;
- c. Sent to those persons listed on the official town email list /mail subscription service; and
- d. Published once in the town newsletter.

**INTRODUCED** by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

**ADOPTED** by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

**EFFECTIVE** the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**ATTEST:**

**TOWN OF KENSINGTON**

By: \_\_\_\_\_

Susan Engels, Clerk-Treasurer

By: \_\_\_\_\_

Tracey Furman, Mayor

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:**

\_\_\_\_\_

Suellen M. Ferguson, Town Attorney

**Resolution No. R-04-2020**

Adopted:

**SUBJECT:** A Resolution of the Kensington Town Council Confirming  
Appointments Made by the Mayor to the Development Review Board

**WHEREAS**, Chapter II, "Government and Administration", Article 1, "Town Offices and Procedures", Section 2-102, "Standing Committees", of the Town Code states that the Mayor and Council shall agree upon and specify the duties of each member of the Council, and such duties shall not be changed without the consent of the Mayor and Council; and

**WHEREAS**, the Mayor and Town Council created the Development Review Board ("DRB") by Resolution, No. R-05-2013, consisting of seven (7) members to be appointed from time-to-time by the Mayor, with approval of the Council; and

**WHEREAS**, the Mayor has proposed re-appointing Martha Deale (Resident); Mike Henahan (Professional); and TJ Monahan (Professional) for two-year terms on the Development Review Board; and

**NOW, THEREFORE, BE IT RESOLVED** by the Kensington Town Council that the following appointments by the Mayor are confirmed as follows:

Martha Deale	Resident	3941 Washington Street	Two Year Term Expires	4-30-2022
Mike Henahan	Professional	3951 Baltimore Street	Two Year Term Expires	4-30-2022
TJ Monahan	Professional	10200 Frederick Avenue	Two Year Term Expires	4-30-2022

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Kensington Town Council that the following terms continue as follows:

Mark Hudson	Business	3804 Howard Avenue	Two Year Term Expires	4-30-2021
Leslie Maxam	Resident	3913 Warner Street	Two Year Term Expires	4-30-2021
Darin Bartram	Council	3515 Farragut Avenue	Council Assignment	6-30-2020
Conor Crimmins	Council	10547 St. Paul Street	Council Assignment	6-30-2020

**ADOPTED** by the Town Council of Kensington, Maryland at the regular public meeting assembled on the \_\_\_\_ day of April, 2020.

**EFFECTIVE** the \_\_\_\_ day of April, 2020.

**ATTEST: TOWN OF KENSINGTON, MARYLAND**

By: \_\_\_\_\_  
Susan C. Engels, Clerk – Treasurer

\_\_\_\_\_  
Tracey C. Furman, Mayor



**Resolution No. R-05-2020**

Adopted:

**SUBJECT:** A Resolution of the Mayor and Town Council Authorizing the Town Manager to contract for the installation of an additional speed hump along the 3700 block of Farragut Avenue.

**WHEREAS**, Article VI, "Powers of the Council", Section 602, "Specific Powers", Subsection (40), "Streets", of the Town Charter states that the Council shall have the power to construct, maintain and improve the streets and to control the public ways of the Town; and

**WHEREAS**, Chapter IV, "Traffic and Vehicles", Article 3, "Traffic Control", Section 4-304, "Speed Bumps", of the Town Code states that the Town is empowered to install speed bumps at various locations throughout the Town; and

**WHEREAS**, The Council Adopted Guidelines and Procedures for installing speed humps December 10, 2018 to require a petition from affected residents of a certain block; and

**WHEREAS**, The Town has received a petition in support from at least sixty (60) percent of the affected residential properties for an additional speed hump along the 3700 block of Farragut Avenue; and

**WHEREAS**, the Traffic Committee reviewed and discussed the proposed addition of an additional speed hump along the 3700 block of Farragut Avenue and recommend the Traffic Order; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town Manager is hereby authorized to contract for the installation of an additional speed hump along the 3700 block of Farragut Avenue.

**ADOPTED** by the Town Council of Kensington, Maryland at the regular public meeting assembled on the \_\_\_\_ day of April, 2020.

**EFFECTIVE** the \_\_\_\_ day of April, 2020.

**ATTEST: TOWN OF KENSINGTON, MARYLAND**

By: \_\_\_\_\_  
Susan C. Engels, Clerk – Treasurer

\_\_\_\_\_  
Tracey C. Furman, Mayor

**Resolution No. R-06-2020**

Adopted:

**SUBJECT:** A Resolution of the Mayor and Town Council Authorizing the Town Manager to change the existing One-Way Traffic (east to west) restriction along the 3500 and 3600 block of Decatur Avenue to Two-Way Traffic.

**WHEREAS**, Article VI, "Powers of the Council", Section 602, "Specific Powers", Subsection (40), "Streets", of the Town Charter states that the Council shall have the power to construct, maintain and improve the streets and to control the public ways of the Town; and

**WHEREAS**, Chapter IV, "Traffic and Vehicles", Article 1, "General Provisions", Section 4-103, "Traffic and Parking Control Devices", of the Town Code states that the Town may, by resolution, erect signs and other traffic control devices to control, regulate, warn, or guide traffic on Town streets; and

**WHEREAS**, The Traffic Committee requested that a formal petition be submitted following the Guidelines and Procedures for installing speed humps to allow input from each affected residential property on a certain block; and

**WHEREAS**, The Town has received a petition in support from at least sixty (60) percent of the affected residential properties to change the existing One-Way Traffic regulation (east to west) along the 3500 and 3600 block of Decatur Avenue to allow Two-Way Traffic; and

**WHEREAS**, the Traffic Committee reviewed and discussed the proposed change to allow Two-Way Traffic along the 3500 and 3600 blocks of Decatur Avenue and recommend the Traffic Order; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town Manager is hereby authorized to install Two-Way Traffic signs along the 3500 and 3600 blocks of Decatur Avenue.

**ADOPTED** by the Town Council of Kensington, Maryland at the regular public meeting assembled on the \_\_\_\_ day of April, 2020.

**EFFECTIVE** the \_\_\_\_ day of April, 2020.

**ATTEST: TOWN OF KENSINGTON, MARYLAND**

By: \_\_\_\_\_  
Susan C. Engels, Clerk – Treasurer

\_\_\_\_\_  
Tracey C. Furman, Mayor