

**Mayor Tracey Furman**

**Council Member Darin Bartram  
Council Member Nate Engle**



**Council Member Conor Crimmins  
Council Member Bridget Hill-Zayat**

Released: March 11, 2022

**Monday, March 14, 2022  
Town Council Meeting, 7:00 pm**

The Town 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://www.zoom.us)

The Council Meeting will begin at 7:00 pm. Access to the meetings will be through the following Zoom Video Conferencing link:

<https://us02web.zoom.us/j/88229400535?pwd=RFhQRkNZRHRSFY2YVNLC1kwZENuQT09>

**Meeting ID: 882 2940 0535**

**Password: 280808**

Or you may join the meeting by calling: +1 301 715 8592 US (Washington D.C) and entering the Meeting ID and Password above.

**CALL TO ORDER**

**MOMENT OF SILENCE**

**APPROVAL OF MINUTES**

Town Council Meeting Minutes of February 14, 2022

**THE MAYOR AND TOWN COUNCIL**

- 1. Kensington Parkway Bicycling and Pedestrian Improvements:**
  - a. Update on the proposed bicycling and pedestrian improvements along Kensington Parkway.
- 2. Town Election:**
  - a. Discuss format and voting options for the June 6, 2022, Town Election.
- 3. Town Council Meetings:**
  - a. Discuss returning to in-person Council Meetings with a Zoom option.
- 4. Development Review Board (DRB):**

**Town of Kensington 3710 Mitchell Street Kensington, MD 20895  
Phone 301.949.2424 Fax 301.949.4925  
[www.tok.md.gov](http://www.tok.md.gov)**

- a. Update on the proposed Crossroads at Kensington project (10619 Connecticut Avenue).

### **THE TOWN MANAGER AND STAFF**

1. Kensington Historical Society (KHS) – Computer and equipment purchase request from the remaining KHS funds for FY22.

### **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. **Charter Resolution No. CR-01-2022 (Public Hearing)** – A CHARTER RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON AMENDING ARTICLE IV, "COUNCIL", SECTION 403. QUALIFICATIONS OF COUNCIL MEMBERS, ARTICLE V, "THE MAYOR", SECTION 503. QUALIFICATIONS OF THE MAYOR, AND ARTICLE VII, "REGISTRATION, NOMINATIONS, AND ELECTIONS", SECTION 701, "QUALIFICATIONS OF VOTERS", OF THE TOWN CHARTER TO ENABLE A NON-CITIZEN WHO IS A LAWFUL PERMANENT RESIDENT OR IS AUTHORIZED TO WORK IN THE UNITED STATES TO BE ELIGIBLE TO REGISTER TO VOTE IN TOWN OF KENSINGTON MUNICIPAL ELECTIONS.
  - a. *The Council may vote on Charter Resolution No. CR-01-2022 following the Public Hearing.*
2. **Ordinance No. O-01-2022 (Public Hearing)** – AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON AMENDING CHAPTER II, "GOVERNMENT AND ADMINISTRATION", ARTICLE 2, "ELECTIONS", SECTION 2-201. "GENERAL VOTER REGISTRATION" TO ENABLE A NON-CITIZEN WHO IS A LAWFUL PERMANENT RESIDENT OR IS AUTHORIZED TO WORK IN THE UNITED STATES TO BE ELIGIBLE TO REGISTER TO VOTE IN TOWN OF KENSINGTON MUNICIPAL ELECTIONS.
  - a. *The Council may vote on Ordinance No. O-01-2022 following the Public Hearing.*
3. **Ordinance No. O-02-2022 (Introduction)** - AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON TO APPROPRIATE AND ADOPT THE FISCAL YEAR 2022 – 2023 (FY23) 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.
  - a. *The Public Hearing will be set for Monday, April 11, 2022, 7:00 pm.*
4. **Resolution No. R-04-2022** – A Resolution of the Kensington Town Council Confirming Appointments Made by the Mayor to the Board of Supervisors of Elections.
5. **Resolution No. R-05-2022** - A Resolution of the Kensington Town Council Confirming Appointments Made by the Mayor to the Town Ethics Commission.
6. **Resolution No. R-06-2022** - A Resolution of the Mayor and Town Council of Kensington authorizing the Town Manager to establish 'No Parking Anytime' on the south side of Carroll Place, from the projected west curb line of Hadley Place to a point 50' westward; on the west side of Hadley Place, from the projected south curb line of Carroll Place to 40'

southward; and install a corner clearance prohibition on the west side of Hadley Place, from the projected south curb line of Carroll Place to 40' southward.

7. **Resolution No. R-07-2022** – A Resolution of the Mayor and Town Council of Kensington approving a one-foot, six-inch (1' 6") encroachment into the required twenty (20) foot sum of the side yard setback.
8. **Resolution No. R-08-2022** – A Resolution of the Mayor and Town Council of Kensington to amend the Fiscal Year 2021-2022 (FY22) Capital Improvement Plan (CIP) to move \$200,000 from the Storm Drain Reconstruction & Renovation Program (PW-005) to the Pavement Management Program (PW-003).

### **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, April 11, 2022, 7:00 pm***

**Charter Resolution No. CR-01-2022 – to Allow Lawful Permanent Residents or Individuals  
Authorized to Work in the United States to Vote in  
Town of Kensington Municipal Elections**

Dear Kensington Residents:

The Town was approached by several residents over the last few elections about the possibility of allowing lawful permanent residents, or individuals authorized to work within the United States, to vote within our Town municipal elections. These residents live in our community, and for the most part, own real property, have children who attend school, patronize our businesses, and have requested that we consider allowing them to vote within our Town elections.

In response to the request, the Mayor and Council designed a survey for distribution to all registered voters within the Town to gauge interest on two specific election-related questions. The survey was mailed to each registered voter in September 2021, and included the following questions:

*1) Should the Council and Mayor propose an amendment to the Town Charter and Code to permit 16 and 17-year-old residents to vote in Town elections?*

*2) Should the Council and Mayor propose an amendment to the Town Charter and Code to permit Town residents to vote in Town elections without requiring them to be US citizens?*

The Town received 394 survey responses (1,477 surveys were mailed) and we also made the survey available on our website for individuals who wanted to provide comment but were not currently registered voters. These surveys were differentiated from the mailed surveys, and we received two (2) additional online surveys for a total of 396 survey responses.

Our residents overwhelmingly responded against (70-30) allowing 16- and 17-year-olds to vote in Town elections; however, only a slight majority of residents responded against (51-49) allowing non-citizens to vote in Town elections. However, a number of respondents indicated that they would consider supporting lawful permanent residents, or those authorized to work within the United States, if the survey question was clarified.

In response to the survey results, **the Mayor and Council will introduce Charter Resolution No. CR-01-2022, at the February 14 Town Council meeting and schedule the Public Hearing for Monday, March 14, 2022, 7:00 pm.** The Charter Resolution will allow additional public comment by our residents with respect to possibly allowing lawful permanent residents or individuals authorized to work in the United States to vote in our Town election by amending Article VII, Section 701, of the Town Charter:

A CHARTER RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON AMENDING ARTICLE IV, "COUNCIL", SECTION 403. QUALIFICATIONS OF COUNCIL MEMBERS, ARTICLE V, "THE MAYOR", SECTION 503. QUALIFICATIONS OF THE MAYOR, AND ARTICLE VII, "REGISTRATION, NOMINATIONS, AND ELECTIONS", SECTION 701, "QUALIFICATIONS OF VOTERS", OF THE TOWN CHARTER TO ENABLE A NON-CITIZEN WHO IS A LAWFUL PERMANENT RESIDENT OR IS AUTHORIZED TO WORK IN THE UNITED STATES TO BE ELIGIBLE TO REGISTER TO VOTE IN TOWN OF KENSINGTON MUNICIPAL ELECTIONS.

Once the Charter Resolution has been introduced, we encourage all our residents to provide comment by either attending the **Public Hearing on Monday, March 14, 2022, 7:00 pm**, or by sending an email to [Mayor.Council@tok.md.gov](mailto:Mayor.Council@tok.md.gov).

Currently, there are twelve Maryland municipalities that allow lawful permanent residents to vote within their elections, including the following Montgomery County municipalities: Chevy Chase Section 3; Barnesville; Garrett Park; Glen Echo; Martin's Addition; Somerset; Takoma Park; and the Town of Chevy Chase.

The Charter Resolution would not allow lawful permanent residents or those authorized to work within the United States to vote in Federal, State, or County elections. If adopted by the Mayor and Council, voting rights would be extended to lawful permanent residents and those authorized to work within the United States for Town elections only.

We encourage discussion of Charter Resolution No. CR-01-2022 among our many residents and ask that everyone please keep the comments respectful, as we consider extending voting rights to certain residents who already live within our Town.

Town of Kensington

Charter Resolution No. CR-01-2022

Introduced: February 14, 2022

Public Hearing: March 14, 2022

Adopted: \_\_\_\_\_

A CHARTER RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON AMENDING ARTICLE IV, "COUNCIL", SECTION 403. QUALIFICATIONS OF COUNCIL MEMBERS, ARTICLE V, "THE MAYOR", SECTION 503. QUALIFICATIONS OF THE MAYOR, AND ARTICLE VII, "REGISTRATION, NOMINATIONS, AND ELECTIONS", SECTION 701, "QUALIFICATIONS OF VOTERS", OF THE TOWN CHARTER TO ENABLE A NON-CITIZEN WHO IS A LAWFUL PERMANENT RESIDENT OR IS AUTHORIZED TO WORK IN THE UNITED STATES TO BE ELIGIBLE TO REGISTER TO VOTE IN TOWN OF KENSINGTON MUNICIPAL ELECTIONS.

A Charter Resolution of the Mayor and Council of the Town of Kensington, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and of §4-301 *et seq.*, Local Government Article, Annotated Code of Maryland, as amended; and

**WHEREAS**, §5-202 *et seq.* of the Local Government Article, Annotated Code of Maryland, authorizes the Mayor and Council to adopt those laws as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

**WHEREAS**, various long-term residents of the Town who are not United States citizens but have permanent residence in the United States, or who are authorized to work in the United States, have requested that the Mayor and Council enable their ability to register to vote in Town elections; and

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CAPS : Indicate matter added to existing law.

[Brackets] : Indicate matter deleted from law.

CAPS : Indicate matter added in amendment of proposed Charter Amendment.

CAPS : Indicate matter deleted in amendment of proposed Charter Amendment.

Asterisks \* \* \* : Indicate matter remaining unchanged in existing law but not set forth in Charter Amendment.

**WHEREAS**, the Mayor and Council undertook a review of the Charter with respect to registration of voters; and

**WHEREAS**, the Mayor and Council have determined that it is in the public interest to amend the Charter to enable residents of the Town who are not United States citizens but who are permanent residents or authorized to work in the United States to register to vote in Town elections.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Kensington, Maryland, that:

**Section 1.** Article IV, “The Council”, Section 403, “Qualifications of Council Members” of the Town Charter is repealed, re-enacted and amended to read as follows:

Section 403. Qualifications of Council Members.

Council Members shall have resided in the Town for at least one year immediately preceding their election, **SHALL BE UNITED STATES CITIZENS**, and shall be qualified to be registered voters of the Town. Council Members shall maintain permanent residence in the Town during their term of office.

**Section 2.** Article V, “The Mayor”, Section 503, “Qualifications of the Mayor”, of the Town Charter is repealed, re-enacted and amended to read as follows:

Section 503. Qualifications of the Mayor.

The Mayor shall have resided in the Town for at least one year immediately preceding the election, **SHALL BE A UNITED STATES CITIZEN**, and shall be qualified to be registered voter of the Town. The Mayor shall maintain permanent residence in the Town during the term of office.

**Section 3.**

Article VII, “Registration, Nominations and Elections”, Section 701 “Qualifications of Voters” of the Town Charter is repealed, re-enacted and amended as follows:

Section 701. Qualifications of Voters

Every person who (a) is a citizen of the United States, OR WHO IS NOT A CITIZEN OF THE UNITED STATES BUT IS A PERMANENT RESIDENT OR IS AUTHORIZED TO WORK IN THE UNITED STATES, (b) is at least eighteen years of age, (c) has resided within the corporate limits of the Town for thirty (30) days, and (d) is registered in accordance with the provisions of this Charter, shall be a qualified voter of the Town. Every qualified voter of the Town shall be entitled to vote at any or all Town elections.

**Section 4.** **BE IT FURTHER RESOLVED** that this Charter Resolution was introduced on the 14th day of February, 2022, and was considered for adoption after a public hearing. It is adopted this 14th day of March, 2022, after at least 21 days of prior public notice of the public hearing and shall be and become effective upon the fiftieth (50<sup>th</sup>) day after its passage by the Town unless petitioned to referendum in accordance with §4-304 *et seq.* of the Local Government Article, Annotated Code of Maryland, within forty (40) days following its passage. A complete and exact copy of this Charter Resolution shall be posted in the Town offices located at 3710 Mitchell Street, Kensington, Maryland 20895 for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the Town not less than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the Town.

**Section 5.** **BE IT FURTHER RESOLVED** that after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the Town Manager for the Town of Kensington shall send separately, by certified mail, return receipt requested, to the Department of Legislative Reference, the following information concerning the Charter Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the Town of Kensington or in the referendum; and (iv) the effective date of the Charter Resolution.



**Section 6.** **BE IT FURTHER RESOLVED** that if any provision of this Resolution or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Resolution or of the Charter which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Resolution and of the Charter are hereby declared to be severable.

**INTRODUCED** by the Mayor and Council of the Town of Kensington, Maryland at a regular meeting on the 14th day of February, 2022.

**ADOPTED** by the Mayor and Council of the Town of Kensington, Maryland in public meeting assembled on the 11th day of March, 2022.

**EFFECTIVE** the 31st day of May, 2022.

**ATTEST:**

**TOWN OF KENSINGTON**

\_\_\_\_\_  
Susan Engels, Town Clerk-Treasurer

By \_\_\_\_\_  
Tracey Furman, Mayor

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

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

**ORDINANCE No. O-01-2022**

**OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON AMENDING  
CHAPTER II, "GOVERNMENT AND ADMINISTRATION", ARTICLE II, "ELECTIONS",  
SECTION 2-201. "GENERAL VOTER REGISTRATION" TO ENABLE A NON-CITIZEN  
WHO IS A LAWFUL PERMANENT RESIDENT OR IS AUTHORIZED TO WORK IN THE  
UNITED STATES TO BE ELIGIBLE TO REGISTER TO VOTE IN TOWN OF  
KENSINGTON MUNICIPAL ELECTIONS.**

**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 residents of the municipality and to prevent and remove nuisances; and

**WHEREAS**, the Mayor and Council have the power to determine the eligibility requirements for voting in municipal elections in the Town; and

**WHEREAS**, the Mayor and Council have determined that it is in the public interest to amend the Charter to enable residents of the Town who are not United States citizens but who are permanent residents or authorized to work in the United States to register to vote in Town elections; and

**WHEREAS**, Chapter II, "Government and Administration", Article 2, "Elections", Section 2-201, "General voter registration", was adopted by the Mayor and Council to implement voter registration in the Town; and

**WHEREAS**, the Mayor and Council have determined that it is in the public interest to amend Section 2-201 to conform to the said Charter amendment.

**Section 1.** **NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the Town of Kensington, Maryland that Chapter II, "Government and

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

Administration”, Article 2, “Elections”, Section 2-201, “General Voter Registration,” of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 2-201. General Voter Registration.

(a) All persons residing within the corporate limits of the Town of Kensington who are now registered voters of the Town shall remain registered as long as they shall meet the qualifications for voters described in Section 701 of the Town Charter, unless such registration shall be withdrawn as hereinafter provided. (b) Pursuant to Section 701 of the Town Charter, ~~[qualified citizens]~~ A RESIDENT WHO IS A CITIZEN OF THE UNITED STATES, OR WHO IS NOT A CITIZEN OF THE UNITED STATES BUT IS A PERMANENT RESIDENT OR IS AUTHORIZED TO WORK IN THE UNITED STATES , who ~~[are]~~ IS at least 17 years old and will be 18 years old or older on or before the next Town election may register at the Town office on any day in which the office is open for official business, and at regular meetings of the Mayor and Council, or at such other times and places as may be announced from time to time prior to 9:00 p.m. on the fifth Monday preceding any election.

(c) Pursuant to Section 707 of the Town Charter, any Town resident registered with the Montgomery County Board of Supervisors of Elections shall be deemed registered for Town elections, provided that the application for such registration is received by the Montgomery County Board of Supervisors of Elections no later than 9:00 p.m. on the fifth Monday prior to an election.

(d) The Board of Supervisors of Elections shall appoint as registrar the Clerk-Treasurer. Said registrar shall have all the power and duties, including that of administering oaths, to properly register any qualified ~~[citizen]~~ RESIDENT.

(e) Qualified [~~citizens~~] RESIDENTS may also be registered to vote by the Board of Supervisors of Elections at such other times as may be announced from time to time by the Mayor.

(f) The Board of Supervisors of Elections shall review the books of registration prior to the second Monday in May preceding the next Town election for removal of any person who has died, who has moved out of Town, or who is otherwise legally disqualified. The Board of Supervisors of Elections shall report, in writing to the Town Council the names of all persons whose registrations are withdrawn and the reasons therefor. All questions arising in connection with the registration or withdrawal of registration of any person shall be determined and decided as provided in Section 707 of the Town Charter.

(g) The Board of Supervisors of Elections, appointed pursuant to Section 702 of the Town Charter shall remain in office until their successors are appointed and shall meet from time to time to carry out their duties.

(h) Even though a person may be on the registration rolls of the Town such person may not vote unless he or she is a qualified voter. The Board of Supervisors of Elections may require any person who comes to the polls to vote at any election to furnish proof that such [~~a~~] person is a resident of the Town under the provisions of Section 701 of the Town Charter.

Section 2. **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.

If any part of provision of this ordinance is lawfully declared to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof or of the Code.

**INTRODUCED** by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_ 2022.

**ADOPTED** by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_ 2022.

**EFFECTIVE** the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**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

**Budget Ordinance No. O-02-2022****Introduced: March 14, 2022****Public Hearing: April 11, 2022****Adopted: \_\_\_\_\_**

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF KENSINGTON TO APPROPRIATE AND ADOPT THE FISCAL YEAR 2022 – 2023 (FY23) 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, 2022, and end on June 30, 2023; 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 2022 – 2023 (FY23) 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.

FY23 Budget - Town of Kensington					
<b>ANTICIPATED REVENUE</b>					
	General Property Taxes		\$	1,415,563	
	Other Taxes		\$	680,500	
	Licenses & Permits		\$	46,546	
	Intergovernmental Revenues		\$	373,796	
	Fines & Fees		\$	3,500	
	Miscellaneous Revenue		\$	18,500	
	Grants - County & State		\$	1,147,335	
<b>TOTAL ANTICIPATED REVENUE</b>					<b>\$ 3,685,740</b>
	Re-Appropriation		\$	858,431	
<b>TOTAL ANTICIPATED FUNDS AVAILABLE</b>					<b>\$ 4,544,171</b>
<b>PROPOSED EXPENDITURES</b>					
	General Government		\$	1,221,013	
	Public Works		\$	997,745	
	Public Safety		\$	308,491	
	Parks & Recreation		\$	144,800	
	Non-Departmental		\$	10,000	
					<b>\$ 2,682,049</b>
	Capital Improvement Budget		\$	1,862,122	
<b>TOTAL PROPOSED EXPENDITURES</b>					<b>\$ 4,544,171</b>

**SECTION 1:**

BE IT ORDAINED AND ORDERED this \_\_\_\_\_ day of May, 2022, 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, 2022 through June 30, 2023, 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, 2022, 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, 2022, 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, 2022, 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, 2022, 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, 2022, by the Kensington Town Council that the transfer of funds by Resolution within the Operating and Capital Improvements Budget may occur.

AND BE IT FURTHER ORDAINED AND ORDERED, this \_\_\_\_\_ day of May, 2022, 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 1st day of July, 2022, 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 14th day of March, 2022.

**ADOPTED** by the Mayor and Town Council of Kensington, Maryland at the regular public meeting assembled on the \_\_\_\_\_ day of May, 2022.

**EFFECTIVE** the 1st day of July, 2022.

**Resolution No. R-04-2022**

Adopted:

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

**WHEREAS**, Article VII, “Registration, Nominations and Elections”, Section 702, “Board of Supervisors of Elections”, of the Town Charter, requires that there shall be a Board of Supervisors of Elections, consisting of three (3) members who shall be appointed by the Mayor with the approval of the Council on or before the first Monday in April; and

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

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

**WHEREAS**, the Board shall appoint one of its members as Chairperson.

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

Martha Deale	3941 Washington Street	One Year Term Expires	3-31-2023
Spencer Harrill	3810 Warner Street	One Year Term Expires	3-31-2023
Jennifer Smith	10537 St. Paul Street	One Year Term Expires	3-31-2023

**ADOPTED** by the Town Council of Kensington, Maryland at the regular public meeting assembled on the 14th day of March, 2022.

**EFFECTIVE** the 14th day of March, 2022.

**ATTEST: TOWN OF KENSINGTON, MARYLAND**

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

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

**Resolution No. R-05-2022**

Adopted:

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

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

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

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

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

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

John "Jack" Gaffey, Jr.	10105 Frederick Avenue	Two Year Term Expires	4-01-2024
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**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Kensington Town Council that the following term(s) continue as follows:

David Beaudet	3506 Farragut Avenue	Two Year Term Expires	4-01-2023
Tina Sherman	3515 Perry Avenue	Two Year Term Expires	4-01-2023

**ADOPTED** by the Town Council of Kensington, Maryland at the regular public meeting assembled on the 14th day of March, 2022.

**EFFECTIVE** the 14th day of March, 2022.

**ATTEST: TOWN OF KENSINGTON, MARYLAND**

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

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

**Resolution No. R-06-2022****Adopted:**

A Resolution of the Mayor and Town Council of Kensington authorizing the Town Manager to establish 'No Parking Anytime' on the south side of Carroll Place, from the projected west curb line of Hadley Place to a point 50' westward; on the west side of Hadley Place, from the projected south curb line of Carroll Place to 40' southward; and install a corner clearance prohibition on the west side of Hadley Place, from the projected south curb line of Carroll Place to 40' southward.

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

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

**Whereas**, the Traffic Committee has recommended certain traffic control changes to the Mayor and Town Council, to include:

Establish 'No Parking Anytime' on the south side of Carroll Place, from the projected west curb line of Hadley Place to a point 50' westward; on the west side of Hadley Place, from the projected south curb line of Carroll Place to 40' southward; and install a corner clearance prohibition on the west side of Hadley Place, from the projected south curb line of Carroll Place to 40' southward.

**Now, Therefore, Be It Resolved** that the Town Manager is hereby authorized to implement the aforementioned traffic controls.

**Adopted** by the Town Council this 14th day of March, 2022.

**Effective** this 14<sup>th</sup> day of March, 2022.

**ATTEST: TOWN OF KENSINGTON, MARYLAND**

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

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





**Resolution No. R-07-2022**

Adopted:

A Resolution of the Mayor and Town Council of Kensington Approving a Variance to encroach one foot, six inches (1' 6") into the required twenty-foot (20') sum of the side yard setback for a dwelling on land zoned for single-family use at 3906 Washington Street.

**WHEREAS**, an application for a two-story and basement addition has been filed by Joseph Akman and Jessica Veffer, ("Applicants"), for certain real property located at 3906 Washington Street ("the Property"); and

**WHEREAS**, the Variance would allow for a two-story addition and basement to replace an existing one-story addition on the west side of the property by encroaching one-foot, six-inches (1'-6") into the required twenty-foot (20') sum of the side yard setback, as regulated within Section 5-104, "Building Lines", of the Code; and

**WHEREAS**, the Town Council may grant a petition for a Variance after a hearing when the Council finds that:

1. There are specific situations or conditions that are peculiar to the property that makes it unique from neighboring properties, including, but not limited to: (i) shape (narrowness/shallowness); (ii) topography; (iii) historic significance; (iv) environmental features; or (v) other extraordinary conditions unique to that property. The conditions must result from the application of building or zoning standards and not from the action, inaction or the personal circumstances of the property owner or the owner's predecessor(s); and
2. The requested variance is the minimum necessary to overcome the unique condition of the property; and
3. The requested variance is not detrimental to neighboring properties or the community as a whole.

**WHEREAS**, the Mayor and Council conducted a Public Hearing on the Variance request at the February 14, 2022, Council meeting, after due notice to the public and to the adjacent neighbors, and received testimony on the requested Variance. The Council closed the record following the Public Hearing.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Town of Kensington, based on the testimony presented at the Public Hearing on February 14, 2022, and evidence submitted, adopts the following findings of fact and conclusions of law:

**Findings of Fact:**

1. Joseph Akman and Jessica Veffer ("Applicants"), are the owners of 3906 Washington Street in Kensington, Maryland, which is zoned single family residential ("Property").
2. The original dwelling dates to at least 1908.
3. The Town's requirement for 10-foot side yard setbacks, which exceeds the County's was adopted well after the main dwelling was constructed.
4. The main dwelling has a side yard setback on the west side of the property of 4'-10".
5. The current rear one-story addition has a side yard setback on the west side of the property of 5'-6", in which the Applicants plan to keep the existing building line with the proposed new two-story addition and basement.
6. The Town has an exception when the footprint of the proposed addition is equal to or less than 650 square feet, that one side of the addition is permitted to conform no less than the existing dwelling setback on that side, or seven (7') feet, whichever is greater. However, the sum of the side yards must total at least twenty (20') feet and maintain at least fifteen (15') feet to any other building.
7. The immediate lot to the west of 3906 Washington Street is a vacant lot.
8. The sum of the side yards, with the Variance, would total twenty (21') feet.
9. The existing one-story addition was previously granted a Variance by the Montgomery County Board of Appeals.
10. The proposed two-story and basement addition will require a variance from the Montgomery County Board of Appeals.
11. The Applicants are requesting a Variance of 1'6" Variance into the seven (7') foot setback, per the Town's exception within Section 5-104(b) of the Town Code.

**Conclusions of Law:**

1. Strict application of Town regulations would result in undue hardship due to the historic significance of the property and the Council's determination that the proposed below-grade addition would preserve the existing greenspace and setback requirement at grade.
2. The proposed Variance is the minimum necessary to overcome the unique condition of the Property to allow for the Applicant to maximize the garage.
3. The Variance can be granted without impairment of the intent, purpose, and integrity of this article.

**BE IT FURTHER RESOLVED THAT** the Variance request to encroach one foot, six inches (1' 6") into the required twenty-foot (20') sum of the side yard setback at the Property located at 3906 Washington Street be and it is hereby granted.



**ADOPTED** by the Town Council of Kensington, Maryland at the regular public meeting assembled on the 14th day of March, 2022.

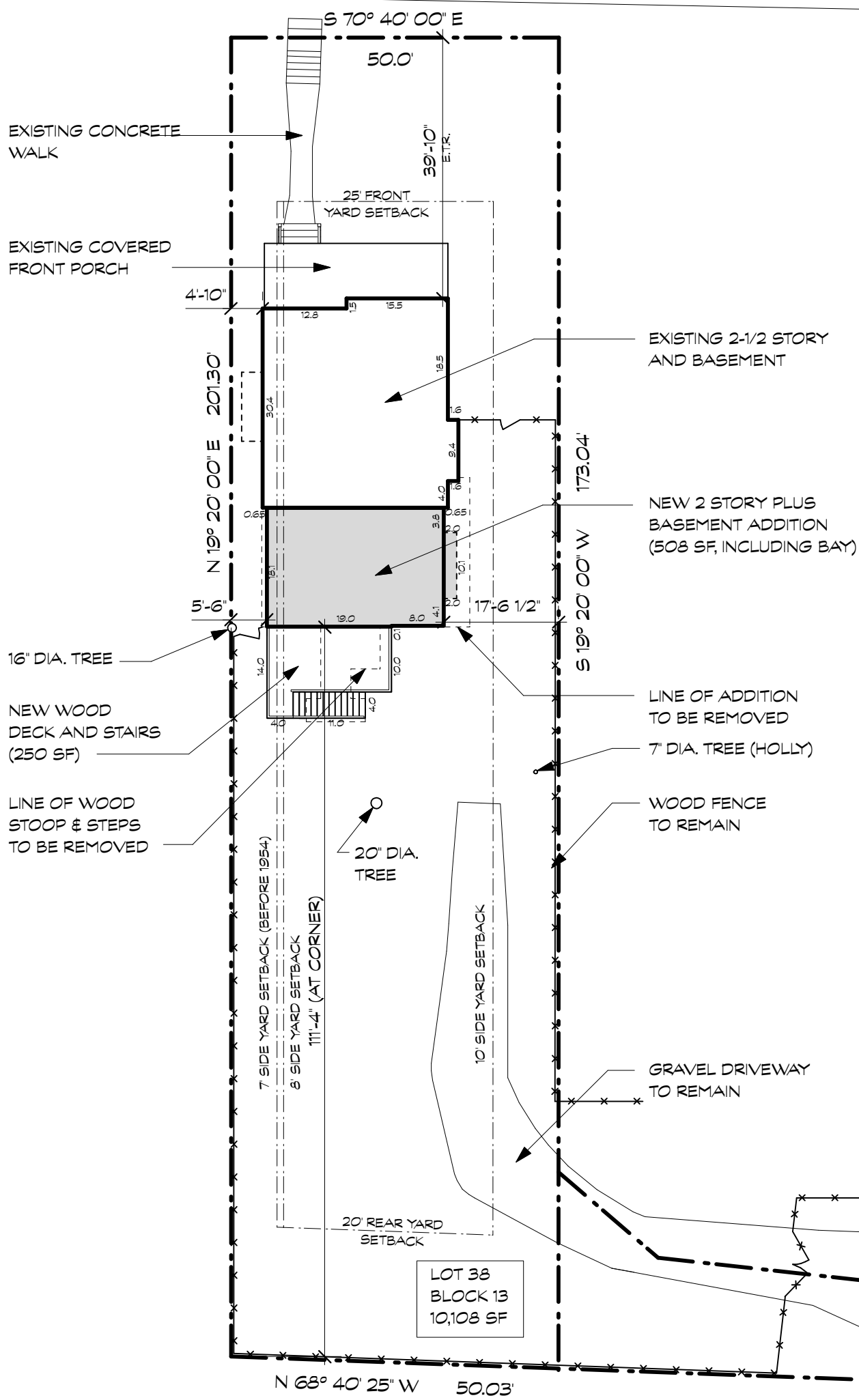
**EFFECTIVE** the 14th day of March, 2022.

**ATTEST:        TOWN OF KENSINGTON, MARYLAND**

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

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

WASHINGTON STREET



LEGEND

- PROPERTY LINE
- - - SETBACK LINE
- BUILDING OUTLINE
- x-x- WOOD FENCE



SK-1

AKMAN VEFFER RENOVATION  
3906 Washington Street, Kensington, MD 20895

PROPOSED SITE PLAN  
Scale: 1" = 20'-0"

#2120

BENNETT FRANK McCARTHY  
architects, inc.

1400 Spring Street, Suite 320, Silver Spring, Maryland 20910-2755  
(301) 585-2222 www.bfmarch.com fax (301) 585-8917

1 Feb. 2022

**Resolution No. R-08-2022****Adopted:**

A Resolution of the Mayor and Town Council of Kensington to amend the Fiscal Year 2021-2022 (FY22) Capital Improvement Plan (CIP) to move \$200,000 from the Storm Drain Reconstruction & Renovation Program (PW-005) to the Pavement Management Program (PW-003).

**Whereas,** the Town Council adopted the Fiscal Year 2021-2022 (FY22) Budget, Ordinance No. O-02-2021, at the May 10, 2021, Town Council meeting; and

**Whereas,** the Council allocated funds to the Capital Improvement Program (CIP) for the funding of certain projects; and

**Whereas,** the Town Council adopted Resolution No. R-09-2021, to contract with Nazario Construction Corporation for asphalt and concrete services; and

**Whereas,** the Town Council allocated \$650,000 from the Pavement Management Program (PW-003) and \$350,000 from the Storm Drain Reconstruction and Renovation Program (PW-005) for certain asphalt and concrete services; and

**Whereas,** Section 5 of the Budget Ordinance allows the Town Council to transfer funds within the Operating and Capital Improvement Budgets by Resolution; and

**Whereas,** the Town staff has requested the Town Council to transfer \$200,000 from the existing allocated funds from the Storm Drain Reconstruction and Renovation Program (PW-005) to the Pavement Management Program (PW-003) for certain asphalt and concrete improvements approved within Resolution No. R-09-2021.

**Now, Therefore, Be It Resolved** that the Kensington Town Council approves transferring \$200,000 from the Storm Drain Reconstruction and Renovation Program (PW-005) to the Pavement Management Program (PW-003) for certain asphalt and concrete improvements.

**Adopted** by the Town Council this 14th day of March, 2022.

**Effective** this 14<sup>th</sup> day of March, 2022.

**ATTEST: TOWN OF KENSINGTON, MARYLAND**

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

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