



The Jewel of the Chesapeake Bay
North Beach, Maryland

8916 Chesapeake Avenue | Post Office Box 99
North Beach, MD 20714

410.257.9618 | 301.855.6681
www.northbeachmd.org

**TOWN COUNCIL MEETING
NORTH BEACH TOWN HALL
APRIL 12, 2012
AGENDA**

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. APPROVE AGENDA**
- IV. APPROVAL OF MINUTES**
 - 1) Minutes from the March 8, 2012 Town Council Meeting
 - 2) Minutes from the April 5, 2012 Work Session
 - 3) Minutes from the April 5, 2012 Executive Session
- V. SCHEDULED APPOINTMENTS**
 - A. Ms. Grace Mary Brady from the Bayside History Museum
- VI. PUBLIC SAFETY REPORT**
 - A. Sheriff's Department
 - B. North Beach Volunteer Fire Department
- VII. TREASURER'S REPORT**
- VIII. REPORTS**
 - A. Public Works Supervisor
 - B. Code Enforcement Officer
 - C. Town Engineer
- IX. BOARDS AND COMMISSIONS**
 - A. Re Appointments to the Board of Appeals
- X. BUSINESS ITEMS**
 - A. Comcast Cares Day Proclamation
 - B. Tans Open House Application
 - C. Liaison to the Sustainable Communities Application

Mark R. Frazer, Mayor

Council Members: Mike Benton Gregory Dotson Gregory McNeill Randy Hummel Gwen Schiada Kenneth Wilcox



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XI. ORDINANCES AND RESOLUTIONS

- 1) Ordinance No: 12-04: An Ordinance to amend Chapter 26 of the Code of The Town of North Beach to prohibit Dangerous Animals – Introduction
- 2) Ordinance No: 12-05: An Ordinance to adopt the Comcast Franchise Agreement with the Town of North Beach - Introduction

XII. MAYOR AND COUNCIL REPORTS

XIII. PUBLIC COMMENT

XIV. ADJOURNMENT

XIV. EXECUTIVE SESSION IF NEEDED

Upcoming Meetings and Events **All Meeting held at the Town Hall**

- 1) Monday, April 16, 2012 at 7:00 p.m. – Historic Preservation Commission Meeting and Public Safety Meeting
- 2) Tuesday, April 17, 2012 at 2:00 p.m. – Public Works Building/Wetlands Overlook Park Dedication
- 3) Saturday, April 21, 2012 at 8:00 a.m. – Comcast Cares Day
- 4) Wednesday, April 25, 2012 at 7:00 p.m. – Economic Development Committee
- 5) Thursday, April 26, 2012 at 7:00 p.m. – Planning Commission
- 6) Thursday, May 2, 2012 – at 7:00 p.m. – Public Hearing on the Trash Collection Service
- 7) Thursday, May 2, 2012 – immediately following the Trash Collection Service will be the Public Hearing on the FY 13 Budget
- 8) Thursday, May 2, 2012 – Work Session – following both Public Hearings.

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Minutes from the March 8, 2012 Town Council Meeting

Mayor Frazer opened the meeting at 7:05 p.m.

X___ Mayor Frazer	X___ Joanne Hunt	___ Paul Goins
X___ Mr. Benton	X___ Stacy Wilkerson	X___ John Shay
X___ Mr. Dotson	X___ Donnie Bowen	X___ Dawn Richardson
X___ Mr. McNeill	X___ John Hofmann	X___ Sgt. Bowen
X___ Mr. Hummel	___ Richard Ball	
___ Ms. Schiada	X___ Mr. Wilcox	

APPROVAL OF AGENDA AND MINUTES

- a) MOTION made by Randy Hummel to approve the agenda as presented. Seconded by Greg McNeil. All in favor. Motion carries.
- b) MOTION made by Greg McNeil to approve the Minutes from February 9, 2012, Town Council agenda as presented. Seconded by Mike Benton. All in favor. Motion carries.
- c) MOTION made by Mike Benton to approve the Work Session minutes from March 1, 2012 meeting. Seconded by Greg McNeil. Motion carries.
- d) MOTION made by Randy Hummel to approve the Executive Session minutes from the March 1, 2012 work session. Seconded by Ken Wilcox. Motion carries.

SCHEDULED APPOINTMENTS

- a) Ms. Grace Mary Brady from the Bayside History Museum was in attendance with a power point presentation showing the history of the public beaches in Calvert County.
- b) Mrs. Connie O'Dell was in the attendance to discuss the upcoming event being planned in Chesapeake Beach called Stars and Stripes during Memorial Day weekend.
- c) Ms. Susanna Ek gave a presentation on designing and maintaining a community garden in North Beach.
- d) Ms. Nancy Valentine gave an overview of the financial for FY 12.

PUBLIC SAFETY REPORT

Mark R. Frazer, Mayor

Council Members: Mike Benton Gregory Dotson Gregory McNeill Randy Hummel Gwen Schiada Kenneth Wilcox



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- a) Calvert County Sheriffs Report for February 2012. In February the Sheriff's Department responded to 273 calls for service in North Beach. This is down from 289 calls in January 2012.

TREASURER'S REPORT

Treasurers Report: Reporting Period: 2/1//12 – 2/29/12: Beginning Balance \$231,688.09; Total Debits: \$188,736.80; Total Credits: \$209,484.53 Ending Balance: \$ 210,940.36. MOTION made by Randy Hummel to accept the report. Seconded by Greg McNeil. Motion carries.

REPORTS

Staff Reports: Public Works Department, Code Enforcement, Waterfront Supervisor and Town Engineer are attached to this report.

BOARDS AND COMMISSION: A Motion was made by Greg McNeil to appoint the following individuals to the Economic Development Committee: Judy Hager, Sharon Hall, Toni Healey, and Bob Hellyer. Seconded by Ken Wilcox. All in favor. Motion carries.

BUSINESS ITEMS:

- 1) Recycling: The Town is looking at several options to increase our recycling efforts. More information will be forthcoming.

ORDINANCES AND RESOLUTIONS

- 1) Introduction of Ordinance No: 12-02: An Ordinance to change the North Beach Zoning Ordinance to eliminate commercial parking restrictions.
- 2) Introduction of Ordinance No: 12-03: An Ordinance to amend the North Beach Rental Housing License Procedures
- 3) Resolution No: 12-01: A Local Government Resolution for the application of a Sustainable Community in Maryland. MOTION made by Greg Dotson to adopt Resolution No: 12-01. Seconded by Randy Hummel. All in favor. Motion carries.

Meeting closed at 8:45 p.m. on a motion made by Randy Hummel. Seconded by Greg McNeil. All in favor.

Mark R. Frazer, Mayor

Stacy L. Wilkerson, Town Clerk

Mark R. Frazer, Mayor

Council Members: Mike Benton Gregory Dotson Gregory McNeill Randy Hummel Gwen Schiada Kenneth Wilcox



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Minutes from the April 5, Work session

Attendance: Mayor Frazer, Mike Benton, Greg Dotson, Greg McNeil, Randy Hummel, Ken Wilcox, John Shay, Donnie Bowen, Joanne Hunt, John Hofmann, Dawn Richardson, and Stacy Wilkerson.
Absent Gwen Schiada.

- 1) Recycling Update: An update was given by Joanne Hunt on the proposed trash collection schedule and increase in fees. This proposed trash collection schedule change will be based on the collection of recycling to a weekly basis, cut back on bulk trash collection to once a month with an appointment made through Town Hall. The public hearing is scheduled for May 3, 2012 at 7:00 p.m.
- 2) Update on lease for the NBCC: Mayor Frazer and Ken Wilcox attended the public hearing the Commissioners conducted on April 3rd. There was no opposition to the lease transfer to North Beach. Commissioners directed the Parks and Recreation Department to meet with the staff at the Bayside Boys and Girls Club to determine a program schedule to move to the BBGC. The Commissioners have to wait 10 days from the hearing to make any decision. Mayor Frazer hopes a vote can be taken at the Commissioners meeting on the 17th of April.
- 3) Update on the Performing Arts Center: There have been several meetings with performing arts experience individuals. Phil McCormick has been very instrumental in assisting with this project. The proposed building will be constructed on the site of the Nice and Fleasy Antique Shop. Next meeting is April 21, 2012 at 10:00 p.m. Meetings are open to the public.
- 4) Comcast Franchise Agreement: Chris Comer was in attendance to review the agreement as submitted. The agreement mirrors Chesapeake Beach. The revenue will increase from 3.0% to 5.0%. A 15 year lease with an option for an additional 5 years. An Ordinance introduction will be at the April Town Council Meeting.
- 5) North Beach Community Garden: Ms. Eck was in attendance again to discuss the garden. One of the concerns is location. Mayor Frazer and Randy will approach the owners of the property at Bay and Chestnut to use the land as a community garden.
- 6) North Beach Wedding: The Mayor and Council were given a brochure detailing the wedding services the Town would like to offer before the construction of the lower lever pier and permanent structure on the t-section or the pier. John Shay would like to discuss the vendor liability a little more. There will be a fee schedule change to

Mark R. Frazer, Mayor

Council Members: Mike Benton Gregory Dotson Gregory McNeill Randy Hummel Gwen Schiada Kenneth Wilcox



incorporate the wedding imitative. The fee schedule will be re-examined at the May Town Council meeting.

- 7) Rental Housing Proposal: Paul Goins prepared a memo with some suggested changes to the rental housing license. The suggested changes would be to have a two year license for rental housing versus a one year license and to do rental inspections only if a tenant request one. There was also discussion on taking deposits for the change of the water/sewer account to the tenant's names, deposit for recycling containers and a deposit for the beach passes. The item will be placed on the May work session for further discussion.
- 8) North Beach Fee Schedule: This item will be discussed at the May meeting after the Trash public hearing.
- 9) Dangerous Dog Ordinance: Ken Wilcox has proposed a change to the Town's current ordinance that bans Pit Bull dogs from Town. Ken is proposing to change the ordinance to banning "Dangerous Dogs".deemed dangerous by Calvert County Government. This ordinance will be introduced at the April Town Council Meeting.
- 10) Comprehensive Plan: The Mayor and Council discussed the Comprehensive Plan. There are several items that still need to be addressed.such as incorporating the 2010 census data, several pages with wording and or typos. John Hofmann and Stacy Wilkerson instructed to complete changes and bring back to the Council at the May meeting for discussion and ordinance.
- 11)FY 13 Budget: Joanne Hunt introduced the proposed FY 13 Budget to the Mayor and Town Council highlighted items and changes to the budget. There will be a public hearing conducted on the 3rd of May 2012 at 7:00 p.m. to take public comment on the budget. The proposed budget will be available on line.

Meeting closed on a motion made by Randy Hummel to enter into Executive Session to discuss a real estate matter. Seconded by Greg Dotson. Meeting closed at 9:00 p.m.

Mark R. Frazer, Mayor

Council Members: Mike Benton Gregory Dotson Gregory McNeill Randy Hummel Gwen Schiada Kenneth Wilcox

Memo



CALVERT COUNTY SHERIFF'S OFFICE TWIN BEACHES PATROL

Date: April 03, 2012
To: Stacy Wilkerson
From: First Sergeant Craig Bowen
Re: Sheriff's Office Report-North Beach

In March, the Sheriff's Office handled 339 calls for service in North Beach. This is up from 273 calls in February.

Call Breakdown for March:

272 calls were self initiated (patrol checks, follow-up investigations, etc)

67 calls were received by other means (citizens, alarm companies, etc)

Of the 339 calls, we handled:

- 2 Assaults (both closed by arrest)
- 0 Robbery
- 2 CDS Violations
- 0 Theft
- 1 Burglary
- 2 Destruction of Property (both under investigation)
- 5 DWI

****See Page 2 for Breakdown of Dispatched/Self Initiated Calls****

Breakdown of Dispatched/Self Initiated Calls

911 Hangup - 4	Disorderly - 5	Police Information - 4
Accidents - 4	Domestic - 5	Protective order - 2
Alarms - 5	DWI - 5	Special Assignment - 1
Assaults - 2	Escort - 1	Attempt Suicide - 1
Assist motorist - 1	Eviction - 2	Summons Service - 5
Assist other Department - 2	Fight - 1	Suspicious person - 1
Assist sick/injured - 2	Firearms Complaint - 1	Suspicious vehicle - 5
Attempt to Locate - 8	Follow up - 16	Theft - 2
Burglary - 1	Found/recovered Property - 4	Traffic complaint - 6
Check Welfare - 2	Neighborhood dispute - 2	Traffic Assignment - 5
CDS Violation - 2	Noise complaint - 1	
Conservator - 2	Parking complaint - 1	
Destruction of Property - 2	Patrol checks - 226	

****Note – The reportable incident totals on page 1 may differ from the dispatched totals on page 2. The breakdown on page 2 represents all calls dispatched/self initiated by the sheriff's office. The totals listed on page 1 may be less due to factors the deputy learns upon arrival to the scene****

**TOWN OF NORTH BEACH
TREASURER'S REPORT**

Reporting Period 03/01/2012- 03/31/2012

PNC Bank:

Beginning Balance 03/01/12	\$210,901.97
Total Debits (+)	\$218,566.74
Total Credits (-)	\$295,434.86

Ending Balance 03/31/12	\$134,033.85	Last Year: \$104,615.40
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Investments (MLGIP/General Fund)	\$ 1,592,607.60	Last Year: \$1,633,112.00
(MLGIP/Sewer Capital)	\$ 383,589.40	Last Year: \$383,153.00
(MLGIP/Water Capital)	<u>\$ 137,288.72</u>	<u>Last Year: \$137,132.00</u>
Total Cash	\$ 2,247,519.57	Last Year: \$2,258,013.00

Cash Receipts over \$7,500.00

\$73,925.27	-	Utility Services – Lease Agreement
\$8,590.00	-	Water Bill Deposit Audit# 3698
\$11,603.73	-	Calvert County Tax Payment (February 2012)

Cash Disbursements over \$7,500.00

\$19,536.44	-	Payroll W/E 03/03/12
\$19,616.96	-	Payroll W/E 03/17/12
\$17,155.00	-	Southern MD Recycling
\$34,016.29	-	Suntrust – Water System Bond
\$80,048.25	-	Calvert County Treasurer (Sheriff's Dept. Contract)

To: Mayor Frazer and Town Council Members

From: Don Bowen DPW

Date: 4-12-2012

Subject: Monthly Report

The following is a list of items the Public Works Department has been working on in addition to routine task.

- 1) Completing all work on the wetlands overlook park site, new bathrooms and refurbishing of the old DPW shop. Finishing minor details that remain on the new DPW building and related site work.
- 2) Installed a much needed section of storm drain pipe from Dayton Ave. to Chesapeake Ave. on 2nd street, all that remains is paving of asphalt area that had to be removed for installation of storm drain pipe.
- 3) Working on sidewalks from Dayton to Greenwood, main work has been completed. Continuing work on backfilling and tie ins with existing sidewalks. Reseeding of yards and related work. Section of sidewalk from midblock on Chesapeake Ave between 8th and 9th has also been completed. Paving of all areas should begin in the near future.
- 4) Performed routine flushing of the water system to help remove iron deposits in the system.
- 5) Filling flower beds along boardwalk with top soil in preparation for upcoming plant the town day on 4-21-12.

Thanks Don Bowen DPW

April 12, 2012

Code Enforcement Report

To: Mayor Frazer; Town Council

Continue to monitor status of chain link fences. 40% of the fences that were identified for repairs have been addressed. The process of writing violation is under way and should be completed within the week. An additional two weeks was added for repairs with the violation notices. Civil citations will be issued at the end of the time period to those who fail to comply.

Worked with staff on recommendations for possible changes to Rental Inspection procedures.

Worked with Mr. Hoffman on minor zoning issues.

Received three summons form District Court to appear for resolution of civil citations that were issued to citizens for non compliance.

10 property owners have complied with request to bring properties up to code during the last month.
(Exterior maintenance, yard maintenance and dangerous trees)

Respectfully submitted:

Paul Goins, Code Enforcement officer

MEMORANDUM

TO: Mayor & Town Council
FROM: John A. Hofmann, P.E. Town Engineer & Zoning Administrator
RE: Monthly Report
DATE: April, 2012

The following is the status of activities that are being worked on:

Timber Breakwater

The project is being advertised for bids so the contract can be awarded in early summer for a fall construction start after the beach season ends. The State permit has been approved and issued.

Concrete Work

The Contractor has completed side walk, curb and storm drain work and work is proceeding on pavement and approach walk restoration.

Corps of Engineers Wetland Revitalization

I have reviewed the latest project information from the Corps for the Section 206 report. This information is not complete in that it does not define the final scope of the project and estimated costs. We are scheduled to get this additional information this month so we can plan budgeting and coordination with the 9th Street flood mitigation project.

DPW shop building

I am working on the final acceptance of the improvements by the County inspection staff.

Watershed Implementation Plan (WIP)

I am continuing to work with the County and other agencies to develop the plan needed to meet the nutrient reduction goals set for the County by the State and EPA. We have provided a list of projects in the Town which have or will have storm water management treatment to the County. These projects will give the town credit for its part of the WIP requirements.

Boat Slip Dredge

Chesapeake Beach has provided a letter to the Mayor indicating we can use their disposal site for dredge spoils. We are following up with an application for Federal & State permits.

9th Street Flood Mitigation Project

EA Engineering is continuing their work for the Town to evaluate flood mitigation activities.

New Fishing Platform for Town Pier.

The application for State and Federal permits has been submitted

Tot Lot

The contractor is ordering the equipment before installation will start by the end of April and be completed by mid May.



**PROCLAMATION
COMCAST CARES DAY
APRIL 21, 2012**

WHEREAS, Comcast remains an active, committed and engaged member of the North Beach community as demonstrated by 10 years of Comcast Cares service in local communities;

WHEREAS, Comcast supports the core American value of volunteerism through partnerships, grants and volunteer activities that empowers individuals and organized communities; and

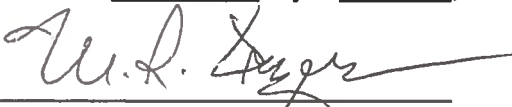
WHEREAS, Comcast Cares Day is a celebration of service, and is one of the largest national days of service that brings employees, families, friends, and community partners together for a common purpose and mission, and;

WHEREAS, Comcast is celebrating its 11th Comcast Cares Day, and has reached important milestones, including 2.5 million hours of service and over \$11 million in grants to organizations nationwide.

WHEREAS, Comcast Cares Day promotes a spirit of corporate responsibility thanks to the hard work, dedication and service of 200 Comcast volunteers in the North Beach community

NOW, THEREFORE, I, Mark R. Frazer, serving as Mayor for the Town of North Beach do hereby proclaim April 21, 2012 as "Comcast Cares Day."

Dated this 12th day of April, 2012.



Mark R. Frazer, Mayor



Stacy L. Wilkerson, Town Clerk

Revised: 11/2006

APR - 2 2012

TOWN OF NORTH BEACH
POST OFFICE BOX 99
NORTH BEACH, MARYLAND 20714

APR - 2 2012

2587

MS

200. -

APPLICATION FOR USE OF PUBLIC FACILITIES
(Complete both sides of this application)

DATE SUBMITTED: 3-23-2012 DATE FACILITY REQUIRED: May 6TH & Sept 9TH 2012
TIME THE FACILITY IS NEEDED: 9:00 Am - 6:00 pm

The undersigned hereby applies for a license to use public facilities of the Town of North Beach, Maryland

Type of Organization (Described): May 6TH Blessing of the Bikes, September 9TH Open House

Facility to be used: (Complete Reverse Side): Closure of street

Applicant Organization: Tans Cycles Parts

Organization Address: 9032 A Chesapeake Ave North Beach MD

Organization Telephone Number: 410-257-6619

Insurance Company and Policy Number (If required): _____

It is understood that all costs, including electricity and clean up, shall be our responsibility. The Town Staff shall compute costs, on reverse side of this form.

REPRESENTATIVE: (Printed): Thomas Crockett

REPRESENTATIVE: (Signature): [Signature]

Telephone Number of Representative: 410-257-6619

*****FOR TOWN OF NORTH BEACH*****

Fees Paid: \$ _____

Permit No: _____

Stacy L. Wilkerson, Town Clerk

Mark R. Frazer, Mayor

Facility to be used:

If Finger Pier, indicate location:_____

If Boardwalk, indicate location: _____

FEES SCHEDULE FOR USE OF PUBLIC FACILITIES

May 6th
100.00

Sept 9th
100.00

NOTICE

Free movement on other parts of the pier or boardwalk will not be impeded.

No food and/or drink are permitted in the Council Chambers without specific permission.

No Smoking in any part of the Town Hall, including the Council Chambers.



THOMAS F. CROCKETT
P.O. BOX 550
9032A CHESAPEAKE AVE.
NORTH BEACH, MARYLAND 20714
PHONE (301) 855-8337
(410) 257-6619



2587

PNC Bank, N.A. 040
Maryland

15-3-540

3-26-2012

PAY
TO THE
ORDER OF

John of North Beach \$200.00
Two Hundred dollars and 00/100 DOLLARS

MEMO Bike Shows
May 6th & Sept 9th

AUTHORIZED SIGNATURE

⑈002587⑈ ⑆054000030⑆ 5570358867⑈

TOWN OF NORTH BEACH
8916 Chesapeake Avenue
North Beach, Maryland

Sponsored by Councilmember Wilcox

April __, 2012

ORDINANCE NO: 12-04

AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF THE TOWN OF NORTH BEACH TO PROHIBIT DANGEROUS ANIMALS

WHEREAS, the Mayor and Town Council have determined that prohibiting from the Town any animal that, without provocation, wounds, bites, injures or kills a human being, another animal or livestock, or is being trained or has been trained to attack is to protect the health, safety and welfare of the citizens of the Town, and;

WHEREAS, in 2000 the Mayor and the Town Council passed ordinances to amend the Town Code that prohibited the keeping of “pit bulls” in the Town because it was determined that “pit bull” breeds, including the Staffordshire Bull Terrier, the American Staffordshire Bull Terrier, the American Pit Bull Terrier, and any genetic combination thereof, were inherently dangerous animals, and;

WHEREAS, the Mayor and the Town Council have determined that the major factors that cause the dangerousness of animals is not a specific breed of the animal but instead the disposition of specific animals and how the owner of the animal raises the animal, and;

WHEREAS, the Mayor and the Town Council have determined that confirming the exact breed of dog by genetic testing is prohibitively expensive and highly unreliable but determining the dangerousness of an animal by its actions are cost-effective and highly accurate, and;

NOW, THEREFORE, be it resolved by the Mayor and the Town Council of the Town of North Beach, Maryland that Section 26-3 of the Code of the Town of North Beach will be amended as follows:

Dogs running at large and dogs on the sand beach; Dangerous Animals

- A. No person shall own or harbor within the Town of North Beach any dog unless such dog is licensed as provided by the ordinances and regulations of Calvert County. All ordinances and regulations of Calvert County concerning dogs shall apply within the corporate limits of the Town of North Beach. In addition, this includes the provisions of the Calvert County Code which call for all dogs to be on a leash when in the company of their owner outside the confines of the owner's property. In addition, it is expressly prohibited for any dog to be on the town beach, whether said dog be at large or on a leash. It is the intention of the Council that dogs are prohibited on the sand beach under all circumstances.
- B. Dangerous Animals. Based on numerous instances in the Town of North Beach and Calvert County, the Mayor and Council have determined that dangerous animals are of particular nuisance and danger to the health, safety and welfare of the public. Therefore, except as otherwise permitted by this article, the ownership of a dangerous animal is hereby prohibited within the Town of North Beach. In addition, it is prohibited for dangerous animal to be on any town right-of-way, including streets, the boardwalk and/or the beach, at any time, whether with its owner or not. It is the intention of this article that dangerous animals not have any contact with the public within the Town of North Beach.
- C. Dangerous animals presently owned within town limits. Any resident of the Town of North Beach who owns a dangerous animal at the time of the passing of this article may continue to own that animal within the Town of North Beach under the conditions stated in the Code of Calvert County, Chapter 7, Part 9, Article I, section 7-9-103.
- D. Any person not owning a dangerous animal pursuant to this article seen with a dangerous animal within the Town of North Beach will be asked to remove said animal from the town

immediately. If the animal is not removed, it shall be subject to confiscation by the town and will be turned over to the Calvert County Animal Control Officer where it can be claimed by the owner within the rules and regulations of county law. In addition, the owner shall be subject to the provisions of § 26-8 of this chapter which states that violations will be deemed to be a municipal infraction.

E. Any town resident owning a dangerous animal pursuant to the provisions of this article found to be in violation of this article shall be guilty of a municipal infraction as stated in § 26-8 of this article. In addition, any town resident who owns a dangerous animal pursuant to this article who receives a second municipal infraction for a violation of this article will be subject to having the animal confiscated by the town and turned over to the Calvert County Animal Control Officer for disposal pursuant to county law. All code enforcement officials of the Town of North Beach, including Deputy Sheriffs and Waterfront Attendants, will have the authority to issue citations under this section.

F. Appeals.

(1) For the purposes of this article only, there is hereby created the Town of North Beach Animal Control Committee. This Committee will be separate and apart from any other committee within the town, but will consist of the members of the Town of North Beach Board of Appeals. It is the intention of this article that any person appointed to the North Beach Board of Appeals under the authority and rules contained in Article 8 of the Town of North Beach Zoning Ordinance shall automatically be members of the Town of North Beach Animal Control Committee for as long as they are members of the Town of North Beach Board of Appeals. The members will sit as the Town of North Beach Animal Control Committee only when dealing with appeals filed pursuant to this article. When holding a hearing on any appeal, the Board may not take any action unless there are at least three members present, and no action will be valid unless at least three of the sitting members of

the Committee vote in the affirmative.

- (2) Within 10 days of a dangerous animal being confiscated under the provisions of this article, the owner may file an appeal with the Town of North Beach Animal Control Committee. The North Beach Animal Control Committee will review the actions of the town official in each appeal filed and decide if the sanctions mandated in this article are being properly applied. In this regard, the Town of North Beach Animal Control Committee may either uphold the decision of the town official to confiscate the dangerous animal or reverse that decision. During the pendency of an appeal, the dangerous animal will be held under the control of the Calvert County Animal Control Officer, but will not be disposed of until the appeal is final. If the North Beach Control Committee votes to reverse the decision of the town officials, then the animal will be returned to the owner. All decisions of the Animal Control Committee in this regard are final. The North Beach Animal Control Committee will issue decisions only after a public and open hearing and after public and open deliberations.

G. Definition of Dangerous Animal.

- (1) For purposes of this article, “dangerous animal” means:
- i. any animal that without provocation, wounds, bites, injures or kills a human being, another animal or livestock, or is being trained or has been trained to attack or
 - ii. any animal designated by another jurisdiction, County, or State as dangerous.
- (2) Exceptions
- i. Animals shall not be declared a “dangerous animal” if the threat, injury, or damage was sustained by a person who, at the time:
 - (a) Was committing a willful trespass or other tort upon the premises occupied by the owner, keeper or custodian of the animal;
 - (b) Was teasing, tormenting, abusing, or assaulting the animal;

(c) Has been observed or reported to have teased, tormented, abused, or assaulted the animal; or

(d) Was committing or attempting to commit a crime.

ii. Animals shall not be declared dangerous if the animal was protecting or defending its young, another animal, or responding to pain or injury.

iii. Animals owned by a governmental or law enforcement unit are exempt from being declared dangerous.

AND, BE IT FURTHER ORDAINED that this Ordinance shall become effective on the ____ day of _____, 2012 after having been read at two successive Town Council meetings Pursuant to 19-311 of the Town Charter.

By order of the Mayor and Council

Mark R. Frazer, Mayor

Stacy Wilkerson, Town Clerk
Town of North Beach

TOWN OF NORTH BEACH
MAYOR AND TOWN COUNCIL

ORDINANCE NO: 12-05

AN ORDINANCE TO ADOPT A NEW FRANCHISE AGREEMENT BETWEEN THE TOWN OF NORTH BEACH AND COMCAST OF MARYLAND INCORPORATED.

WHEREAS, the Town of North Beach has a franchise agreement with Comcast of Maryland to provide cable television and related services to the citizens of North Beach, Maryland; and

WHEREAS, that agreement has come up for renewal and as a result, the Town and Comcast have negotiated a new franchise agreement which will last for a term of fifteen (15) years with one (1) five (5) year possible renewal; and

WHEREAS, the Town has determined that the financial, legal and technical ability of Comcast is sufficient to provide the services, facilities and equipment necessary to meet the future cable related needs of the community and therefore, desires to enter into a new non-exclusive franchise agreement with Comcast of Maryland.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of North Beach the following:

1. The new franchise agreement between the Town of North Beach and Comcast of Maryland Incorporated is attached to this Ordinance as Exhibit 1 and is hereby made a part of this Ordinance.
2. The Mayor and Town Council of the Town of North Beach hereby adopts Exhibit 1 as the new non-exclusive franchise agreement for cable television and related services in the Town of North Beach.
3. With the adoption of this Ordinance the Mayor will have the authority to sign the new franchise agreement with Comcast of Maryland Incorporated.

AND, BE IT FURTHER ORDAINED that this Ordinance shall become effective on the ____ day of _____, 2012 after having been read at two successive Town Council meetings Pursuant to 19-311 of the Town Charter.

By order of the Mayor and Council

Mark R. Frazer, Mayor

ATTEST:

Stacy Wilkerson, Town Clerk
Town of North Beach