



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

Public Hearing
Joint Public Hearing with the Town Council and Planning Commission on the
Re-Zoning of Lots owned by RAR Association in Block 5
7:00 p.m.

TOWN COUNCIL MEETING
NORTH BEACH TOWN HALL
December 12, 2013
7:15 p.m.

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL
- III. APPROVE AGENDA
- IV. APPROVAL OF MINUTES
 - A. Minutes from the November 14, 2013 Town Council Meeting
- V. SCHEDULED APPOINTMENTS
 - A. Mr. Stu Cumbo – presentation of SMMA award
- VI. PUBLIC SAFETY REPORT
- VII. TREASURER'S REPORT
- VIII. REPORTS
 - A. Public Works Supervisor
 - B. Code Enforcement Officer
 - C. Town Engineer
- IX. BOARDS AND COMMISSIONS

Mark R. Frazer, Mayor

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



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X. BUSINESS ITEMS

- A. Economic Development Committee recommendation for the award of contract for the Business Promotion Consultant
- B. Pier, Fishing and Breakwaters bid results

XI. ORDINANCES AND RESOLUTIONS

- A. Ordinance No: 13-10: North Beach Ethics Ordinance - Voting
- B. Ordinance No: 13-11: Rezoning of RAR properties in Block 5 - Voting

XII. MAYOR AND COUNCIL REPORTS

XIII. PUBLIC COMMENT

XIV. CLOSED SESSION MEETING IF NEEDED

XV. ADJOURNMENT

Upcoming Meetings and Events

- 1) Tuesday, December 24, 2013 – Town Government closes at noon
- 2) Wednesday, December 25, 2013 – Town Government Closed for Christmas
- 3) Tuesday, December 31, 2013 – Town Government closes at noon
- 4) Wednesday, January 1, 2014 – Town Government Closed
- 5) Wednesday, January 1, 2014 – Polar Bear Plunge – 1:00 p.m.
- 6) Thursday, January 9, 2014 – 7:00 p.m. Work Session and 8:00 p.m. Town Council Meeting

All agendas are subject to change up until the time of the meeting.

Mark R. Frazer, Mayor

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



**Minutes from the November 14, 2013
Town Council Meeting
7:00 pm**

X___ Mayor Frazer	X___ Joanne Hunt	___ Buddy Jenkins
X___ Mr. Benton	X___ Stacy Wilkerson	X___ John Shay
X___ Mr. Dotson	___ Donnie Bowen	X___ Dawn Richardson
X___ Mr. McNeill	X___ John Hofmann	X___ Corporal Phelps
X___ Mr. Hummel	___ Richard Ball	
X___ Ms. Schiada	X___ Mr. Wilcox	

APPROVAL OF AGENDA AND MINUTES

- a) MOTION made by Randy Hummel to approve the agenda as submitted. Seconded by Ken Wilcox. All in favor.
- b) MOTION made by Greg McNeil to approve the Town Council Minutes from the October 10, 2013. Seconded by Greg Dotson. Motion carries.
- c) Minutes from the November 7, 2013 Work Session. MOTION made by Mike Benton to approve the minutes as submitted. Seconded by Ken Wilcox. All in favor. Motion carries

SCHEDULED APPOINTMENTS

- a) The Autism Project: Chip Gaither and his staff gave an overview of what the Autism Project does to assist young individuals in the community. The residents who will live in the home were in attendance and introduced to the audience. They anticipate the home to be fully constructed by March 2014.
- b) Bob Carpenter – Holiday Parade: Bob was in attendance to thank the Town for allowing the parade to be held in Town again. This is always a parade everyone looks forward to.

SHERIFF'S DEPARTMENT REPORT

- a) In October the Sheriff's Department responded to 199 calls for service in North Beach. This is down from 212 calls in September

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TREASURER'S REPORT

- a) Treasurers Report: Reporting Period: 10/1//13 – 10/31/13: Beginning Balance \$991,921.78; Total Debits: \$1,136,013.32; Total Credits: \$1,849,867.37; Ending Balance: \$278,067.37. MOTION made by Greg Dotson to accept this report as presented. Seconded by Ken Wilcox. Motion carries.

REPORTS

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

BUSINESS ITEMS:

- A. Memorandum of Understanding for the Historic Preservation Commission: John Shay has reviewed this with the County Attorney Mr. Norris. There are a few clerical errors that need to be corrected before signatures are done. MOTION made by Greg McNeil to authorize the Mayor to sign the MOU with the clerical changes. Seconded by Ken Wilcox. All in favor. Motion carries.
- B. Update on the fishing platform, breakwaters, piling repairs and pier re-decking: John Hofmann prepared a staff memo outlining the bids that were received on the project. John Hofmann recommends the project be re-bid because of the cost to repair the pier pilings. There are some alternative methods that should be considered to significant cost savings. MOTION made by Randy Hummel to reject the bids and rebid the job also obtaining cost to re-deck the pier in composite material. Seconded by Ken Wilcox. All in favor. Motion carries.
- C. Award contract for the Shore Erosion Control Project at the Walton Preserve: Three bids were received for the project. The RFP's were reviewed and John Hofmann and The Environmental Committee recommend the project be awarded to Environmental Concerns in the amount of \$5,600.00 . MOTION made by Greg Dotson to award the contract to Environmental Concerns in the amount of \$5,600.00. Seconded by Greg McNeil. All in favor.

Mark R. Frazer, Mayor

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



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ORDINANCES AND RESOLUTIONS

- a) Ordinance No: 13-07: An Ordinance to amend the purchasing ordinance of the Town of North Beach by raising the minimum amount for competitive bidding from \$7,500 to \$15,000. MOTION made by Randy Hummel to approve the Ordinance as submitted. Seconded by Gwen Schiada. Vote: AYE: Benton, Hummel, Schiada, Wilcox. NAY: McNeil, Dotson. Motion carries.
- b) Charter Amendment Resolution No: 13-08: A Charter Resolution to amend Section 19-722, "Purchasing and Contracts" of the Town of North Beach Charter to clarify the requirements for written contracts and bidding procedures. MOTION made by Ken Wilcox to approve Ordinance 13-08. Seconded by Randy Hummel. All in favor. Motion carries.
- c) Ordinance No: 13-09: An Ordinance of the Mayor and Town Council of North Beach, Maryland to close and abandon a portion of the unopened right of way for Chesapeake Avenue in Block 7 of the North Chesapeake Beach Subdivision located in the Town of North Beach: MOTION made by Greg McNeil to approve Ordinance 13-09. Seconded by Greg Dotson. All in favor.
- d) Ordinance 13-10: North Beach Ethics Ordinance – Introduction: This will be placed on the December Council agenda for approval.
- e) Ordinance 13-11: Rezoning of RAR Properties in Block 5 – Introduction – A public hearing will be held on December 12, 2013 jointly between the Town Council and the Planning Commission. The ordinance will be voted on at the December Council Meeting.

Meeting closed 9:00 pm on a Motion made by Randy Hummel. Seconded by Mike Benton. All in favor. Motion carries.

Submitted:

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

Memo



CALVERT COUNTY SHERIFF'S OFFICE TWIN BEACHES PATROL

Date: December 5, 2013
To: Stacy Wilkerson
From: Corporal Thomas S. Phelps
Re: Sheriff's Office Report-North Beach

In November, the Sheriff's Office handled 172 calls for service in North Beach. This is down from 199 calls in October.

Call Breakdown for November:

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

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

Of the 172 calls, we handled:

- 1 CDS Violations (Closed by Arrest)
- 2 Thefts (1 closed by arrest, 1 under investigation)
 - *Theft of Cell Phone (Closed)*
 - *Theft Purse (Under Investigation)*
- 2 Destruction's of Property
 - Damage to signs at San Francisco by the Bay (Under investigation)
 - Damage to Town Christmas Decorations at Boardwalk (Under investigation)
- 1 Burglary
 - Game System Stolen from House (Under investigation)

Breakdown of Dispatched/Self Initiated Calls

911 Hang up – 1	Found Property - 1	Traffic complaint - 3
Accident – 1	Fraud – 1	Trespassing – 2
Alarm – 4	Intoxicated Person – 1	
Assist sick/injured – 2	Loud party/music - 1	
Attempt to locate – 9	Neighborhood Dispute - 2	
Burglary – 1	Parking complaint – 2	
CDS Violation – 3	Patrol check – 72	
Conservator of peace – 1	Police information – 7	
Destruction of Property – 5	Search warrant – 1 (Handled by CIT)	
Disorderly – 5	Suicide attempt – 1	
Domestic – 4	Summons service – 1	
Eviction - 1	Suspicious person - 7	
Fight – 1 (Unfounded)	Suspicious vehicle - 3	
Fireworks Complaint – 1	Tampering with M/V - 1 (Unfounded)	
Follow up – 17	Theft - 3	

****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 11/01/13- 11/30/13

PNC Bank:

Beginning Balance 11/01/13	\$ 278,067.73	
Total Debits (+)	\$ 231,780.10	
Total Credits (-)	\$ 262,542.25	
 Ending Balance 11/30/13	 \$ 247,305.58	 Last Year: \$ 223,237.23
 Investments (MLGIP/General Fund)	 \$2,833,838.18	 Last Year: \$1,282,506.00
(MLGIP/Sewer Capital)	\$ 33,971.34	Last Year: \$ 33,942.00
(MLGIP/Water Capital)	<u>\$ 7,421.31</u>	<u>Last Year: \$ 7,415.00</u>
Total Cash	\$ 3,122,536.41	Last Year: \$1,547,100.23

CASH RECEIPTS OVER \$7,500.00

\$ 9,248.94- Comcast Contract
\$114,793.45- Calvert county Tax Payment/October, 2013
\$49,,233.42- Local Income Tax & Other (Nov 2013)
\$ 9,546.35- Water Bills Deposit/Audit #4853

CASH DISBURSEMENTS OVER \$7,500.00

\$ 19,351.66- Payroll W/E 11/9/13
\$ 22,600.38- Payroll W/E 11/23/13
\$ 78,052.00- Calvert County Treasurer/Sheriff's Patrol
\$ 38,288.67- Town of Chesapeake Beach/WWTP
\$ 10,000.00- LGIT/Liability Insurance
\$ 11,068.34- John Hofmann- Engineering Services

To: Mayor Frazer and Town Council Members

From: Don Bowen DPW

Date: 12-9-13

Subject: Monthly Report

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

- 1) Continuing to work on railing and items related to completing the wetlands trial pier extension. Railing material arrived and about 60% complete with railing.
- 2) Continuing to work with staff on lower fishing platform rebid. Bids will be received 12-10-13. Mr. Hoffman will have update in his report.
- 3) Have contracts in place and will be starting work on remodeling of welcome center bathrooms this week (weather dependant). DPW will start with demo of existing showers and removal of decking.
- 4) DPW crew have been running leave vac at minimum twice per week sense the middle of November throughout town cleaning curbs, road shoulders and storm water structures.
- 5) Had a kick off meeting with consultant hired to design living shoreline in the Walton's Nature Preserve area. Mr. Hoffman will have further update.
- 6) Had a minor snow, ice, freezing rain event on 12-8-13. DPW came in at 9:00 am on Sunday and installed salt spreaders on trucks and spread a layer of salt on all streets. Monitored conditions overnight. Salt equipment worked well. Lost power for about an hour Sunday night. Generators came on and ran all stations during this period.

Any questions or concerns please feel free to contact me.

Thanks Don Bowen

December 12, 2013

Town Council Meeting

To: Mayor Frazer and Town Council members

Happy Holidays to all and all the best to you and yours.

Due to my full time position at WSSC/Louis Berger Group I will be unable to attend Town meeting this month. Thank you.

From Nov. 13, 2013 through Dec. 12, 2013, the Town is no longer using Civicall and has switched over to ShoreScan. Sometime between now and next report I need to get a block of instruction on ShoreScan. Things have slowed somewhat but there are issues being worked on not included in this report.

Pending issues;

Property clean up on Bay Ave.: Hazardous Abatement will be performed this Saturday 12/14/2013.(rain or shine) . Only a severe weather event will cause any delay .
(blizzard,hurricane,earthquake,monsoon,etc.) A Deputy will be present by request.

Hazardous abatement was performed on a 1st St. property. (Furniture, mattresses ,trash ,etc) in the front yard and on Town right of way because of a supposed eviction . See photos provided. Property owner was contacted prior to decision to abate by phone and email in which there was no response.

Donnie Bowen's crew in Public Works will be performing the Hazardous Abatement on the Town's property in the wooded area adjacent to wetlands on 10th St. I'm guessing sometime before things get green again. Thanks to them ahead of time. The prior occupants of adjacent property on 10th responsible for accumulation of trash and debris there are gone now. New owners have it now and are fixing the place up. I also want to thank Public Works for cleanup of any illegal dumping on Right of Ways when needed.

Abandoned/Foreclosed properties: A couple of properties went up for auction on November 21 . Status still unknown at this time . For the most part all others appear to be being maintained as far as yard maintenance is concerned by entities in responsible charge. However I'll continue to be vigilant with following up.

A large Airstream mobile recreational vehicle was parked on Annapolis Ave.. Tag was checked and owner established. Contacted owner's landlord who in turn relayed message that it had to be moved. Owner of above mentioned vehicle contacted me immediately and moved trailer ASAP. Very cooperative.

While riding the Town in golf cart on Sat. 11/23 I noticed a brown minivan with no tags parked in the alley behind a 7th St. property between Greenwood Ave. and Frederick Ave.. I took photos and wrote down VIN. A short time afterwards I crossed paths with and flagged down the patrolling County Deputy

on duty that day. I asked him if he would investigate the minivan. He told me he'd check it out. After finishing my rounds I rode back by location of the minivan and it was being hoisted on to a flatbed tow truck with the Deputy present. I stopped to talk with him and he said he was able to locate the address of owner's girlfriend with VIN, who requested the tow truck. I didn't get the Deputy's name but wanted to thank him for his immediate help as well as the Sheriff's Dept. as a whole for all the help they provide whenever needed.

As of 12/9/13 I have an unregistered vehicle on 8th St. being checked out to see who owns it. Further actions pending on findings.

Citizen complaints this past month were about various trash incidents and unregistered vehicles in Town right of ways.

Hot button issues: unregistered vehicles , basketball hoops , utility trailers in right of ways (registered and unregistered) , fences in alleys and that divide properties, backyard maintenance, illegal dumping, bulk pickup items put out days/weeks too early

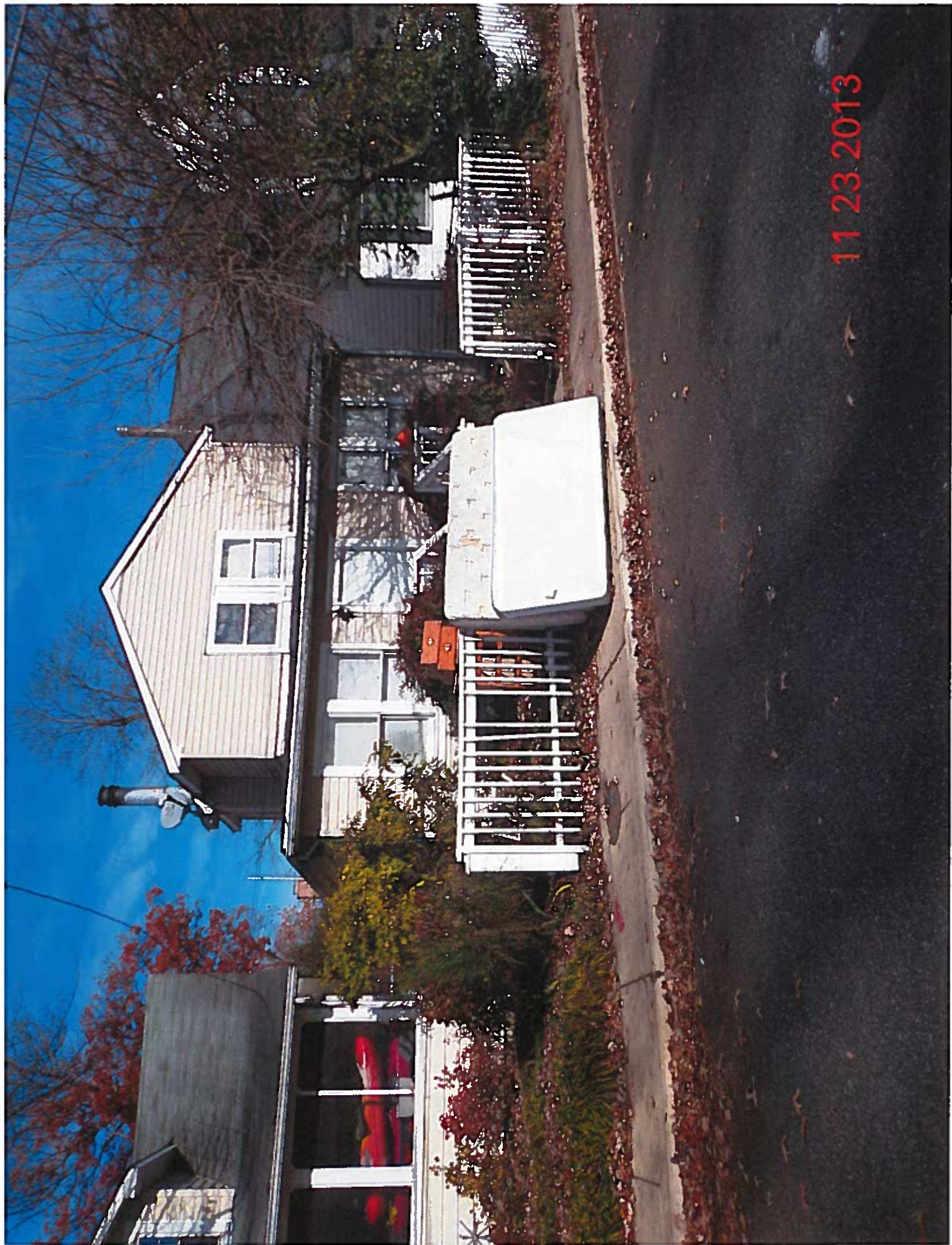
Rental inspections for rental licenses are ongoing as well as business license inspections. All licenses issued are posted on Civicall but will be switched to ShoreScan soon. There are a couple of rental properties that failed inspection and re-inspection is pending per work needed being completed.

A special thanks to all Town staff for all your help when needed doing the year.

Respectfully Submitted,

Buddy Jenkins - Code Official /Enforcement





11 23 2013

MEMORANDUM

TO: Mayor & Town Council
FROM: John A. Hofmann, P.E. Town Engineer & Zoning Administrator
RE: Monthly Report
DATE: December 2013

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

Corps of Engineers Wetland Revitalization Project

Because SHA has not completed their feasibility study to define what will be included in their project, the Corps does not have enough information to know how to coordinate their project with the SHA improvement work and the SHA permit for the portion of the Corps project that will be included in the State R-O-W. The Corps now projects that their project management plan and draft of the local sponsor agreement will be ready for Town review in February or March of 2014. We will continue to monitor and report on the progress of both SHA and the Corps to get their respective projects into design or construction phase.

Boat Slip Dredge

The Town submitted a request for waterway Improvement funding from DNR the first week in August. The next step is to work on the agreement with Chesapeake Beach on the use of their disposal site and continue to pursue federal & State permits. We will be meeting this month with Chesapeake Beach to determine where the North Beach dredge material will be placed in their disposal site.

9th Street Flood Mitigation Project

Three n properties have not approved their easement agreements We are working on the details of the agreement with all 3 and expect their approval in the near future. We are working with the federal and state permitting agencies on the tidal wetland permits.

New Fishing Platform and Renovations for Town Pier.

Bids for the Fishing Platform, Breakwater and Pier Renovations were received on December 10, 2013. A summary of the bids is attached. We will discuss the award of a contract at your December Council meeting.

Block 4 Parking Lot

A new plan for the walkway to 7th St. has been developed and we are working with Mr. Russo on the easement for the revised location. Mr. Russo is obtaining the concurrence of the USPS which leases the parcel over which the walkway easement is located.

Pier upgrade project

The County permit has been issued for the Welcome Center. The Town has entered into trade contracts and Public Works is starting their work on the project. We are preparing bid documents for new pier lighting.

3rd Street Park

CPH is now proceeding with final design as directed by the Council at the September 5, 2013 meeting. Draft of the final design and bid documents are to be furnished to the Town by December 20th.

Zoning Ordinance & Map

The Planning commission is working on drafting changes to the Zoning ordinance and Map to be recommended to Town council. The Commission is working on a draft a work plan to recommend to Town Council to develop a master plan for the Central Business District area of the Town.

Drainage Projects

A design is being developed for a storm drain from 9th & Bay to Chesapeake Ave. between 8th & 9th Streets to eliminate a drainage problem on Chesapeake Ave. and also for a project to improve the drainage on the east side of Eric Ave. between First & Second Streets.

FISHING PLATFORM, BREAKWATER & PIER RENOVATIONS

TOWN OF NORTH BEACH

BIDS RECEIVED DECEMBER 10, 2013

BIDDER	E.A. & J. O. Crandell	Dissen & Juhn	S.E. Davis Constr.	Comman Marine Constr.
<i>Base Bid</i>	\$411,315.00	\$413,667.00	\$422,705.00	\$488,500.00
<i>Add Alternate No. 1 Pier Pile Repair</i>	\$85,724.00	\$59,616.00	\$72,090.00	\$59,000.00
<i>Add Alternate No. 2 Wood decking</i>	\$356,550.00	\$70,732.00	\$72,832.00	\$168,400.00
<i>Add Alternate No. 3 Composite Decking</i>	\$423,200.00	\$91,700.00	\$212,748.00	\$267,908.00

<i>Base Bid + Addl Alt No. 1</i>	\$497,039.00	\$473,283.00	\$494,795.00	\$547,500.00
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<i>Base Bid + Addl Alt No. 1 + Addl Alt 2</i> wood decking	\$853,589.00	\$544,015.00	\$567,627.00	\$715,900.00
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<i>Base Bid + Addl Alt No. 1 + Addl Alt 3</i> composite decking	\$920,239.00	\$564,983.00	\$707,543.00	\$815,408.00
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FISHING PLATFORM, BREAKWATER & PIER RENOVATIONS

TOWN OF NORTH BEACH

BIDS RECEIVED DECEMBER 10, 2013

BIDDER	E. A. & J. O. Crandell	Dissen & Juhn	S. E. Davis Constr.	Cornman Marine Constr.
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**AWARD OF BID FOR
ECONOMIC DEVELOPMENT/BUSINESS PROMOTION STUDY**

The Town of North Beach (NB), seeking to improve the local economy by creating, promoting, and supporting a positive economic environment through the implementation of policies and programs, including, but not limited to, attracting new businesses and retaining, expanding, and assisting current businesses and business owners, issued a Request for Proposal (RFP) on October 15, 2013. The RFP was out for two (2) weeks and closed on October 28, 2013.

Two (2) responses were received.

The responses were from: **Management Analysis, Incorporated (MAI)** of Vienna, Virginia and **SAGE Policy Group, Incorporated** of Baltimore, Maryland.

An EDC selection committee was formed to review the proposals based on project approach, experience/references, quality of presentation, project team, and fee requirements. The selection committee was comprised of: Karen Ankerbrandt, Paulette Thompson, Jonathan Iorio, and Norma Robertson.

The two finalists were interviewed by the EDC on December 5, 2013.

Considering all the information gathered, it is recommended that the Town Council authorize NB to enter into a contract with **SAGE Policy Group** for an amount of \$15,000.00, not to exceed \$17,500 pending approval by the NB Attorney.

The selection of Sage Policy Group was based on an analysis of three areas:

- 1) The companies' scope of understanding of North Beach's request
- 2) The companies' past experience and projects
- 3) Cost of the work to be performed

Each company had a solid understanding of what North Beach is looking for. Both have excellent past project experience, although SAGE has experiences with projects that were with towns closer to the size of North Beach, and therefore more relevant. Also SAGE has more experience in the State of Maryland and seems to have an understanding of what the State may be able to offer North Beach. MAI's cost of performing the work was \$20,000.00 with the possibility of additional costs depending on how certain research is done. Sage's cost was at \$15,000.00, \$2,500.00 below the town's target of \$17,500. Therefore the decision was made to go forward with the Sage proposal.

ORDINANCE NO. 13-10

AN ORDINANCE TO REPEAL THE EXISTING ETHICS ORDINANCE FOR THE TOWN OF NORTH BEACH AND TO ADOPT A NEW TOWN OF NORTH BEACH ETHICS ORDINANCE IN ACCORDANCE WITH A STATE LAW MANDATE.

WHEREAS, the current Ethics Ordinance for the Town of North Beach is contained in Chapter 9 of the Town of North Beach Code; and

WHEREAS, the Legislature of the State of Maryland and the State Ethics Commission made revisions to State Ethics Law in 2011 that applied to all unexempted municipal corporations in the State of Maryland; and

WHEREAS, as of the effective date of the new law, October 1, 2011, the Town of North Beach had an exemption and did not have to comply with the new standards at that time; and

WHEREAS, on January 25, 2013, the Town of North Beach was notified by the State Ethics Commission that the Commission had reconsidered the Town's exemption and had decided to change the Town's status to having a partial exemption; and

WHEREAS, a partial exemption means that the Town of North Beach must pass an Ethics Ordinance in compliance with the new state law standards but may exclude the lobbying provisions in those standards; and

WHEREAS, in order to comply with the mandate from the State Ethics Commission, the Mayor and Town Council of the Town of North Beach are now adopting this Ordinance to repeal the existing Ethics Ordinance and to adopt a new Ordinance which fully complies with the new State standards.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Town Council of the Town of North Beach, that Chapter 9 of the Town of North Beach Code entitled "Ethics" is hereby repealed in its entirety.

BE IT FURTHER ENACTED AND ORDAINED, by the Mayor and Town Council of the Town of North Beach that a new Town Ethics Ordinance be, and is hereby adopted, as follows:

Section 1. Short title.

This Ordinance may be cited as the Town Public Ethics Ordinance.

Section 2. Applicability.

The provisions of this Ordinance apply to all Town elected officials, employees, and appointees to boards and commissions of Town.

Section 3. Ethics Commission.

- a) There is a North Beach Ethics Commission that consists of 3 members appointed by the Mayor.
- b) The Commission shall:
 - 1) Devise, receive, and maintain all forms required by this Ordinance;
 - 2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this Ordinance regarding the applicability of the provisions of this Ordinance to them;
 - 3) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this Ordinance; and
 - 4) Conduct a public information program regarding the purposes and application of this Ordinance.
- c) The Town Attorney shall advise the Commission.
- d) The Commission shall certify to the State Ethics Commission on or before October 1 of each year that the Town is in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, for elected local officials.
- e) The Commission shall determine if changes to this Ordinance are required to be in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, and shall forward any recommended changes and amendments to Town Council for enactment.
- f) The Commission may adopt other policies and procedures to assist in the implementation of the Commission's programs established in this Ordinance.

Section 4. Conflicts of Interest.

- a) In this Ordinance, the following is defined as:
 - 1) "Qualified Relative" means a spouse, parent, child, or sibling.
 - 2) "Gift" means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration. "Gift" does not include a political campaign contribution regulated under Election Law Article, Annotated Code of Maryland, or any other provision of State or local law resulting in the conduct of elections or the receipt of political campaign contributions.
- b) All Town elected officials, officials appointed to Town boards and commissions subject to this Ordinance, and employees are subject to this section.

c) Participation prohibitions. Except as permitted by Commission regulation or opinion, an official or employee may not participate in:

1) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee has an interest.

2) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:

(i) A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;

(ii) A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;

(iii) A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment.

(iv) If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;

(v) An entity, doing business with the Town, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or

(vi) A business entity that:

(A) The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and

(B) As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

3) A person who is disqualified from participating under paragraphs (1) or (2) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:

(i) The disqualification leaves a body with less than a quorum capable of acting;

(ii) The disqualified official or employee is required by law to act; or

(iii) The disqualified official or employee is the only person authorized to act.

4) The prohibitions of paragraph 1 and 2 of this subsection do not apply if participation is allowed by regulation or opinion of the Commission.

d) Employment and financial interest restrictions.

1) Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

(i) Be employed by or have a financial interest in any entity:

(A) Subject to the authority of the official or employee or the Town agency, board, commission with which the official or employee is affiliated; or

(B) That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or

(ii) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

(2) This prohibition does not apply to:

(i) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;

(ii) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Commission;

(iii) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the Commission; or

(iv) Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

e) Post-employment limitations and restrictions.

1) A former official or employee may not assist or represent any party other than the Town for compensation in a case, contract, or other specific matter involving the Town if that matter is one in which the former official or employee significantly participated as an official or employee.

2) Until the conclusion of the next regular session that begins after the elected official leaves office, a former member of the Town Council may not assist or represent another party for compensation in a matter that is the subject of legislative action.

f) Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the Town.

g) Use of prestige of office.

1) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.

2) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.

h) Solicitation and acceptance of gifts.

1) An official or employee may not solicit any gift.

2) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:

(i) Is doing business with or seeking to do business with the Town office, agency, board, or commission with which the official or employee is affiliated;

(ii) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;

(iii) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or

3) Paragraph (5) of this subsection does not apply to a gift:

(i) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;

(ii) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or

(iii) Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.

4) Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:

(i) Meals and beverages consumed in the presence of the donor or sponsoring entity;

(ii) Ceremonial gifts or awards that have insignificant monetary value;

(iii) Unsolicited gifts of nominal value that do not exceed \$20.00 in cost or trivial items of informational value;

(iv) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;

(v) Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;

(vi) A specific gift or class of gifts that the Commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the Town and that the gift is purely personal and private in nature;

(vii) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or

(viii) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is in not related in any way to the official's or employee's official position.

i) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee may not disclose or use confidential information that the official or employee acquired by reason of the official's or employee's public position and that is not

available to the public, for the economic benefit of the official or employee or that of another person.

j) Participation in procurement.

1) An individual or a person that employs an individual who assists a Town agency in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

2) The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.

Section 5. Financial Disclosure — Local Elected Officials and Candidates to be Local Elected Officials.

a)

1) This section applies to all local elected officials and candidates to be local elected officials.

2) Except as provided in subsection (b) of this section, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:

(i) On a form provided by the Commission;

(ii) Under oath or affirmation; and

(iii) With the Commission.

3) Deadlines for filing statements.

(i) An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.

(ii) An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.

(iii)

(A) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office.

(B) The statement shall cover:

1. The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and

2. The portion of the current calendar year during which the individual held the office.

b) Candidates to be local elected officials.

1) Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file under a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.

2) A candidate to be an elected local official shall file a statement required under this section:

(i) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;

(ii) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and

(iii) In all other years for which a statement is required, on or before April 30.

3) A candidate to be an elected official:

(i) May file the statement required under §5(b)(2)(i) of this Ordinance with the Town Clerk or North Beach Board of Elections with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and

(ii) Shall file the statements required under §5(b)(2)(ii) and (iii) with the Commission.

4) If a candidate fails to file a statement required by this section after written notice is provided by the Town Clerk or North Beach Board of Elections at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.

5) The Town Clerk or North Beach Board of Elections may not accept any certificate of candidacy unless a statement has been filed in proper form.

6) Within 30 days of the receipt of a statement required under this section, the Town Clerk or North Beach Board of Elections shall forward the statement to the Commission or the office designated by the Commission.

c) Public record.

1) The Commission or office designated by the Commission shall maintain all financial disclosure statements filed under this section.

2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Commission.

3) If an individual examines or copies a financial disclosure statement, the Commission or the office designated by the Commission shall record:

(i) The name and home address of the individual reviewing or copying the statement; and

(ii) The name of the person whose financial disclosure statement was examined or copied.

4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.

d) Retention requirements. The Commission or the office designated by the Commission shall retain financial disclosure statements for four years from the date of receipt.

e) Contents of statement.

1) Interests in real property.

(i) A statement filed under this section shall include a schedule of all interests in real property wherever located.

(ii) For each interest in real property, the schedule shall include:

(A) The nature of the property and the location by street address, mailing address, or legal description of the property;

(B) The nature and extent of the interest held, including any conditions and encumbrances on the interest;

(C) The date when, the manner in which, and the identity of the person from whom the interest was acquired;

(D) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;

(E) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and

(F) The identity of any other person with an interest in the property.

2) Interests in corporations and partnerships.

(i) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the Town.

(ii) For each interest reported under this paragraph, the schedule shall include:

(A) The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;

(B) The nature and amount of the interest held, including any conditions and encumbrances on the interest;

(C) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and

(D) With respect to any interest acquired during the reporting period:

1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(iii) An individual may satisfy the requirement to report the amount of the interest held under item (ii)(B) of this paragraph by reporting, instead of a dollar amount:

(A) For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or

(B) For an equity interest in a partnership, the percentage of equity interest held.

3) Interests in business entities doing business with Town.

(i) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the Town, other than interests reported under paragraph (2) of this subsection.

(ii) For each interest reported under this paragraph, the schedule shall include:

(A) The name and address of the principal office of the business entity;

(B) The nature and amount of the interest held, including any conditions to and encumbrances in the interest;

(C) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and

(D) With respect to any interest acquired during the reporting period:

1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

4) Gifts.

(i) A statement filed under this section shall include a schedule of each gift in excess of \$20.00 in value or a series of gifts totaling \$100.00 or more received during

the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by Town.

(ii) For each gift reported, the schedule shall include:

(A) A description of the nature and value of the gift; and

(B) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

5) Employment with or interests in entities doing business with the Town.

(i) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the Town.

(ii) For each position reported under this paragraph, the schedule shall include:

(A) The name and address of the principal office of the business entity;

(B) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and

(C) The name of each Town agency with which the entity is involved.

6) Indebtedness to entities doing business with Town.

(i) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the Town owed at any time during the reporting period:

(A) By the individual; or

(B) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

(ii) For each liability reported under this paragraph, the schedule shall include:

(A) The identity of the person to whom the liability was owed and the date the liability was incurred;

(B) The amount of the liability owed as of the end of the reporting period;

(C) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and

(D) The security given, if any, for the liability.

7) A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the Town in any capacity at any time during the reporting period.

8) Sources of earned income.

(i) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.

(ii) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

9) A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

f) For the purposes of §5(g)(1), (2), and (3) of this Ordinance, the following interests are considered to be the interests of the individual making the statement:

1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.

2) An interest held by a business entity in which the individual held a 30% or greater interest at any time during the reporting period.

3) An interest held by a trust or an estate in which, at any time during the reporting period:

(i) The individual held a reversionary interest or was a beneficiary; or

(ii) If a revocable trust, the individual was a settlor.

g)

1) The Commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.

2) The Town Ethics Commission may take appropriate enforcement action to ensure compliance with this section.

Section 6. Financial Disclosure — Employees and Appointed Officials.

a) This section only applies to the following appointed officials and employees: Town Clerk, Town Treasurer and the Town Public Works Director.

b) A statement filed under this section shall be filed with the Commission under oath or affirmation.

c) On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by Town, including the name of the donor of the gift and the approximate retail value at the time of receipt.

d) An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.

e) The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in §5(e) and (f) of this Ordinance.

Section 7. Exemptions and Modifications.

The Commission may grant exemptions and modifications to the provisions of §4 and 6 of this Ordinance to employees and to appointed members of the Town of North Beach Boards and Commissions, when the Commission finds that an exemption or modification would not be contrary to the purposes of this Ordinance, and the application of this Ordinance would:

a) Constitute an unreasonable invasion of privacy; and

b) Significantly reduce the availability of qualified persons for public service.

Section 8. Enforcement.

a) The Commission may:

1) Assess a late fee of \$2.00 per day up to a maximum of \$250.00 for a failure to timely file a financial disclosure statement required under §6 ~~or~~ 7 of this Ordinance;

2) Issue a cease and desist order against any person found to be in violation of this Ordinance.

b)

1) Upon a finding of a violation of any provision of this Ordinance, the Commission may:

(i) Issue an order of compliance directing the respondent to cease and desist from the violation;

(ii) Issue a reprimand; or

(iii) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal, if that discipline is authorized by law.

b)

1) Upon request by the Commission, the Town Attorney may file a petition for injunctive or other relief in the circuit court of Prince George's County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this Ordinance.

(2)

(i) The court may:

(A) Issue an order to cease and desist from the violation;

(B) Except as provided in subparagraph (ii) of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by this Ordinance when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or

(C) Impose a fine of up to \$5,000.00 for any violation of the provisions of this Ordinance, with each day upon which the violation occurs constituting a separate offense.

(ii) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

d) In addition to any other enforcement provisions in this Ordinance, a person who the Commission or a court finds has violated this Ordinance:

1) Is subject to termination or other disciplinary action; and

2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.

e) A Town official or employee found to have violated this Ordinance is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.

f) A finding of a violation of this Ordinance by the Commission is public information.

BE IT FURTHER ORDAINED that if any section or provision or parts thereof in this Ordinance shall be adjudicated to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of this Ordinance as a whole or any other section or provision or part thereof.

AND, BE IT FURTHER ORDAINED that this Ordinance shall become effective on the ____ day of _____, 2013 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

ORDINANCE NO. 13-11

AN ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF NORTH BEACH, MARYLAND BY REZONING THREE PROPERTIES IN BLOCK 5 OF THE TOWN OF NORTH BEACH OWNED BY RAR ASSOCIATES DEVELOPMENT CORPORATION FROM THEIR EXISTING ZONING DESIGNATION TO THE C-2 ZONING DESIGNATION.

WHEREAS, on November 7, 2008 RAR Associates Development Corporation, hereinafter referred to as "RAR", filed an application with the Town Zoning Administrator pursuant to Section 117-29(a)(3) of the Town Zoning Ordinance to change the designation of three properties located on block 5 of the Town of North Beach; and

WHEREAS, specifically, those properties are shown, and described, on a plat attached to this Ordinance as Exhibit 1. They are Lot E, Block 5 which is currently zoned C-1. P-301, Block 5, currently zoned R-1 and S-1/2 4, Block 5 currently zoned R-1; and

WHEREAS, the Mayor and Council of the Town of North Beach, Maryland, passed a new comprehensive plan on August 9, 2012, which designated the area in and around Lot 5 as an area where commercial development should take place; and

WHEREAS, C-1 zoning within the Town of North Beach is a light commercial zone and R-1 Zoning is a purely residential zone. C-2 is the most dense commercial zone allowed by the Town of North Beach Zoning Ordinance; and

WHEREAS, the Planning Commission of the Town of North Beach first met on this proposal on September 26, 2010 and recommended approval to the Town Council. Subsequently, on August 19, 2010, the Mayor and Council of the Town of North Beach held a public hearing and heard a presentation from RAR Associates on why the property should be re-zoned to the C-2 zone; and

WHEREAS, the Town Council never acted on the application after the 2010 hearing because at that time, a new required comprehensive plan had not yet been adopted and therefore, no individual re-zonings could take place; and

WHEREAS, as a result of the August 9, 2012 adoption of the new comprehensive plan, the Planning Commission re-convened on this case on September 26, 2013 and once again, recommended approval to the Town Council; and

WHEREAS, on November 7, 2013, at a duly advertised and scheduled public hearing, the Mayor and Town Council once again heard from RAR Associates in support of the re-zoning. Subsequent to the presentation, the Mayor and Council by majority vote approved the re-zoning application and directed that this Ordinance be drafted to effectuate the zoning change; and

WHEREAS, pursuant to the Town of North Beach Zoning Code, the Town Council and the

Town Planning Commission held a joint public hearing on December 12, 2013 to consider this Ordinance. At that time, the Planning Commission and the Town Council held separate votes, both of which approved the application.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Town Council of the Town of North Beach, Maryland that the property described on Exhibit 1 to this Ordinance, specifically Lot E, Block 5; P-03, Block 5 and S ½ 4, Block 5, each be re-designated from their current zoning designations to the C-2 zoning designation on the Town of North Beach zoning map. In making this zoning change, the Mayor and Town Council specifically find the following based on evidence adduced at the November 7, 2013 hearing:

1. That there has not been significant population change in the area of the re-zoning or in the Town that would materially affect the decision to re-zone these properties.

2. That the Mayor and Town Council find as a fact that there are adequate public facilities available in the Town to accommodate the re-designation of these properties to the C-2 zone. These public facilities include but are not limited to fire and rescue services, police services, adequate roadways and adequate water and sewer systems to serve the area.

3. The Mayor and Town Council specifically find that re-zoning to the C-2 designation would be compatible with current and future transportation patterns. There are adequate roadways serving the area. In addition, the Town has recently purchased property in order to improve the overall parking situation within the Town of North Beach.

4. That the Mayor and Town Council find as a fact that the Planning Commission, through their letter of September 26, 2013, recommends that the Town Council re-designate these properties to the C-2 designation.

5. That the Mayor and Town Council of the Town of North Beach find as a fact that re-zoning these properties to the C-2 designation is entirely consistent with the current comprehensive plan of the Town of North Beach which calls for commercial development in the area of Block 5.

6. That the Mayor and Town Council of the Town of North Beach, based on evidence adduced at the November 7, 2013 public hearing find that this property should be re-designated to the C-2 zone because there was a mistake in the existing zoning classification and the property should have previously been designated to the C-2 zoning. This is based upon a review of the 1998 North Beach Comprehensive Plan and a review of the Proposed Comprehensive Plan dated April 12, 2010 and the current Comprehensive Plan dated August 9, 2012; all of those planning documents recommended that the area of Block 5 should be an area of commercial development within the Town of North Beach. Therefore, it was a mistake for these properties not to have been re-designated to the C-2 commercial zone in the last comprehensive re-zoning in 2005. As part of this finding, the Mayor and Council of the Town of North Beach hereby incorporate and make a part of this Ordinance the written arguments advanced by RAR which were entered into the record on November 7, 2013 as an Exhibit.

AND BE IT FURTHER ORDAINED, by the Mayor and Town Council of the Town of North Beach that this Ordinance is hereby adopted this 12th day of December, 2013, and will become effective on the 22nd day of December, 2013, which is ten (1) days after the joint public hearing of the Mayor and Town Council and the Planning Commission in the regards to this rezoning.

By order of the Mayor and Council

Mark R. Frazer, Mayor

ATTEST:

Stacy Wilkerson, Town Clerk
Town of North Beach