



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
February 20, 2014
7:00 p.m.

Public Hearing on the Real Estate Transfer to the Murphy Family at 9328 Atlantic Avenue

**TOWN COUNCIL MEETING
NORTH BEACH TOWN HALL
February 20, 2014**

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL
- III. APPROVE AGENDA
- IV. APPROVAL OF MINUTES
 - A. Minutes from the January 9, 2014 Town Council Meeting
 - B. Minutes from the January 22, 2014 Special Town Council Meeting
- V. SCHEDULED APPOINTMENTS
 - A. Grace Mary Brady from the Bayside History Museum
- VI. PUBLIC SAFETY REPORT
- VII. TREASURER'S REPORT
- VIII. REPORTS
 - A. Public Works Supervisor
 - B. Code Enforcement Officer
 - C. Town Engineer

Mark R. Frazer, Mayor

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



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IX. BOARDS AND COMMISSIONS

X. BUSINESS ITEMS

- A. Pier, Fishing and Breakwaters bid results; Award of Contract
- B. Real Estate Transfer to the Murphy Family – 9328 Atlantic Avenue

XI. ORDINANCES AND RESOLUTIONS

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

- a) Thursday, February 27, 2014 – Planning Commission Meeting – 7:00 p.m.
- b) Wednesday, March 5, 2014 – Southern Maryland Municipal Association Meeting – 6:00 p.m. Indian Head – 6:00 p.m.
- c) Thursday, March 6, 2014 – Work Session – 7:00 p.m.
- d) Thursday, March 13, 2014 – Town Council Meeting – 7:00 p.m.
- e) Saturday, March 15, 2014 – North Beach Performing Arts Center Meeting – Town Hall – 10:00 a.m.
- f) Maryland Municipal League Summer Convention – June 8, 2014 – June 11, 2014

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Minutes from the Work Session on January 9, 2014

- 1) CPH Presentation on the 3rd Street Park
 - a) Dan from CPH was present to discuss the plan that was made based on meetings with the Parks Committee, Community comments and Staff members. The park will have to be constructed in phases to accommodate the estimated cost. The Mayor is requested a meeting with the Parks Committee to review the plan and discuss with the staff the phase process.
 - b) Environmental Concerns presentation on the Walton Preserve: Individuals from Environmental Concerns was present and gave a power point presentation on what they are proposing to control the erosion of Walton Preserve. There is a grant opportunity the Town qualifies for and Environmental Concerns would assist with the paperwork for this grant.
 - c) Discussion on the pier, fishing platform and breakwaters bid results. Bids were received on the project on December 10, 2013 from four companies. John Hofmann is recommending the award of the contract to S.E. Davis with a base bid and alternate #1 and #2. Copy of the staff memo is attached with the minutes.

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



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**Minutes from the January 9, 2014
Town Council Meeting
8:30 pm**

X___ Mayor Frazer	X___ Joanne Hunt	___ Buddy Jenkins
X___ Mr. Benton	X___ Stacy Wilkerson	X___ John Shay
X___ Mr. Dotson	X___ Donnie Bowen	X___ Dawn Richardson
___ 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 Gwen Schiada to the Town Council Minutes from the December 12, 2013. Seconded by Mike Benton. Motion carries.

SCHEDULED APPOINTMENTS

- a) Holiday Highlights Winners were announced.

SHERIFF'S DEPARTMENT REPORT

- a) In December the Sheriff's Department responded to 160 calls for service in North Beach. This is down from 172 calls in November.

TREASURER'S REPORT

- a) Treasurers Report: Reporting Period: 12/1/13 – 12/31/13: Beginning Balance; \$247,305.58; Total Debits: \$535,075.21; Total Credits: \$593,387.97; Ending Balance: \$188,992.82 MOTION made by Randy Hummel to accept this report as presented. Seconded by Mike Benton. Motion carries.

Mark R. Frazer, Mayor

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



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REPORTS

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

BUSINESS ITEMS:

- A. Pier, Fishing and Breakwater bid results: Bids were received from four companies. John Hofmann provided a report with a recommendation to award the contract to S.E. Davis in the amount of \$567,627.00. MOTION made by Gwen Schiada to approve the bid to S.E. Davis. Seconded by Randy Hummel. All in favor. Motion carries.
- B. Real Estate Transfer to the Murphy Family at 9328 Atlantic Avenue: John Shay advised this is a two month process. A public hearing will be conducted at the February Town Council Meeting.

ORDINANCES AND RESOLUTIONS

a) Ordinance 13-11. Rezoning of RAR properties in Block 5 – Voting: MOTION made by Greg Dotson to approve Ordinance 13-11. Seconded by Gwen Schiada. Discussion: Since all the Council members are not present the Mayor is requesting the Ordinance is pulled from voting until all members are present. MOTION made by Greg Dotson to withdraw his original MOTION. Seconded by Gwen Schiada. Motion carries. This item will be placed on the February Town Council Meeting.

Meeting closed 9:20 pm on a Motion made by Randy Hummel. Seconded by Greg Dotson. 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



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Minutes from the January 22, 2014
Special Town Council Meeting
8:30 pm

X___ Mayor Frazer
___ Mr. Benton
X___ Mr. Dotson
X___ Mr. McNeill
X___ Mr. Hummel
X___ Ms. Schiada

X___ Joanne Hunt
X___ Stacy Wilkerson
X___ Donnie Bowen
X___ John Hofmann
___ Richard Ball
X___ Mr. Wilcox

___ Buddy Jenkins
X___ John Shay
___ Dawn Richardson
___ Corporal Phelps

APPROVAL OF AGENDA

- a) MOTION made by Randy Hummel to approve the agenda as submitted.
Seconded by Greg McNeil All in favor.

BUSINESS ITEMS:

- A. Pier, Fishing and Breakwater bid results: The contract for the project was awarded to S.E. Davis at the January Town Council Meeting. There was an oversight on a Maryland Law for prevailing wage rates because the project was over the \$500,000.00 threshold allowed. John Shay contacted the Maryland State Attorney General's Office to get a clarification on the prevailing wage requirements. It was the recommendation of the AG's office that the contract award be cancelled and the project placed back out to bid with the prevailing wage requirements. **MOTION made by Randy Hummel to cancel the award of the contract to S.E. Davis from the January 2014 Town Council meeting and rebid the project with the prevailing wage requirements and no bid alternatives. Seconded by Gwen Schiada. All in favor. Motion carries.**

PUBLIC COMMENT:

Annettee DeCaris, Attorney at Law for S. E. Davis was in attendance and spoke about the unfair, discriminating process who clients has been through for this project. The other contractor has seen her numbers from this bid. Her bid did include Davis Bacon Wage rates. This is unfair to her client.

Mark R. Frazer, Mayor

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



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Meeting closed 7:21 pm on a Motion made by Greg McNeil. Seconded by Gwen Schiada. 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: February 3, 2014

To: Stacy Wilkerson

From: Corporal Thomas S. Phelps

Re: Sheriff's Office Report-North Beach

In January of 2014, the Sheriff's Office handled 168 calls for service in North Beach. This is up from 160 calls in December 2013.

(In January of 2013, the Sheriff's Office handled 172 calls for service in North Beach.)

Call Breakdown for January:

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

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

Of the 168 calls, we handled:

- 1 CDS Violation (Closed by Arrest)
- 1 Stolen Vehicle (recovered in PG County)
- 3 Assaults (All Closed by Arrest)
- 2 DUI Arrests

Breakdown of Dispatched/Self Initiated Calls

911 Hang up – 1	Firearms Complaint – 1	Protective Order Violation – 2
Abandoned Vehicle – 2	Follow Up – 16	Warrant Service – 4
Accident – 4	Found Property – 1	
Alarm – 1	Loud Party/ Music – 4	
Assault – 3	Patrol Check – 78	
Assist Motorist- 2	Police Information – 3	
Assist Sick/Injured – 1	Search Warrant – 1 (Handled by CIB)	
Attempt to Locate – 18	Stolen Vehicle – 1 (Recovered)	
Burglary – 1	Suicide Attempt – 2	
CDS Violation – 3	Summons Service – 1	
Destruction of Property – 1 (Unfounded)	Suspicious Person - 2	
Disorderly – 2	Suspicious Vehicle - 2	
Domestic –3	Theft – 1 (Unfounded)	
Escort – 2	Traffic Enforcement – 3	
Fight – 1 (Unfounded)	Unknown Problem - 1	

****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 01/01/2014- 01/31/14

PNC Bank:

Beginning Balance 01/01/2014	\$ 188,992.82	
Total Debits (+)	\$ 788,603.25	
Total Credits (-)	\$ 582,330.54	
Ending Balance 01/31/14	\$ 395,265.53	Last Year: \$ 273,262.35
Investments (MLGIP/General Fund)	\$2,684,097.62	Last Year: \$1,282,781.77
(MLGIP/Sewer Capital)	\$ 33,974.54	Last Year: \$ 33,949.30
(MLGIP/Water Capital)	\$ 7,422.01	Last Year: \$ 7,416.50
Total Cash	\$3,120,759.70	Last Year: \$1,597,409.92

CASH RECEIPTS OVER \$7,500.00

\$418,896.88- Calvert County Tax Payment/Dec. 2013
\$37,140.96- Comptroller of Maryland/ACH Deposit

CASH DISBURSEMENTS OVER \$7,500.00

\$ 21,049.21- Payroll W/E 1/8/2014
\$ 21,894.87- Payroll W/E 1/18/2014
\$ 16,087.55- Comptroller of Maryland/Flush Tax
\$ 80,878.28- Maryland Water Quality financing
\$ 52,917.89- Town of Chesapeake Beach- WWTP
\$ 7,520.00- Ferguson Masonry- 7th St. Walkway
\$ 100,000- Transfer/ACH Maryland Water Quality Bond Payment \$80,878.28

To: Mayor Frazer and Town Council Members

From: Don Bowen DPW

Date: 2-13-14

Subject: Monthly Report

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

- 1) Majority of time this month was spent on dealing with weather related issues. We had three snow events which required salting and plowing of town streets. Do to the cold temperatures we also had several days that required salting of the streets due to icy roads. DPW had numerous calls for frozen water lines. Preformed maintenance on snow equipment.
- 2) DPW did take advantage of a few days with normal temperatures and started work on the welcome center bathroom addition project. Foundation for the addition is in and demo work on existing bathrooms is completed. Rough in for plumbing is 80% complete.
- 3) Completed quarterly water reads for billing, water bills to follow.
- 4) Continuing to work on several project with town staff, which include Bay front park, fishing pier project, living shoreline and related items for north end of town.

Any questions or concerns please contact me,

Thanks Don Bowen DPW

February 9 , 2014

Town Council Meeting

To: Mayor Frazer and Town Council members

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

January 9 ,2014 – February 13 ,2014

Closed and Pending issues;

Donnie Bowen's Public Works crew, in conjunction with new property owner at 4001 10th performed the Hazardous Abatement on the Town's property in the wooded area adjacent to wetlands at the west end of 10th St.. Thanks to them for a job well done. See before and after photos provided. Case closed.

Abandoned/Foreclosed properties: Discovered 2 that I hadn't known about. One on Frederick Ave. and one on Annapolis Ave.

The Town Hall staff is still negotiating with Chip's Towing to try to work out an agreement for towing as a last resort for unregistered vehicles and such. Chip's Towing keeps talking about legal concerns on their end but apparently Town Center Apts. across from the Town Hall has an agreement with them and I see no reason why we can't get the same one. I'll be meeting with the manager there soon to find out what the details are. Currently ongoing.

Illegal dumping: Town Hall staff is also still in the process of investigating portable covert surveillance camera/s to catch perpetrators of illegal dumping on Town Right Of Ways. It's taken some time because searching for surveillance equipment that fits our needs. Last I heard, the issue will be discussed when the company the Town deals with regarding surveillance meets with Richard Ball sometime this month I believe when other surveillance/camera issues are discussed. Will find out this week or next. Currently ongoing. Again, its better to take the time to make sure we get what we need the first time.

Dead trees – Property management company for above mentioned foreclosure property on Annapolis Ave. is taking bids for removal of large dead tree on property and I issued a permit for an emergency removal on 2/11/14 on Atlantic Ave.. Contractor wanted to get it down before forecasted snow and ice accumulation due to a large hanging branch.

Had a citizen complaint regarding the raising and housing of chickens on 8th St.. Thought case was closed but its not and still ongoing. Property owner promised me that the chickens would be removed from Town limits as soon as they found a place to relocate. I informed her that I'd work with her but that it had to be done in an immediate timeframe because of multiple complaints. Will follow up.

Citizen complaints this past month were about various trash incidents (illegal dumping), yard maintenance, illegal burning and chickens in Town limits .

Hot button issues: yard maintenance (at certain properties), 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 ShoreScan now. There are a couple of rental properties that failed inspection and re-inspection is pending per work needed being completed.

The state of the Town in Code Enforcement's opinion is very good overall. The property owners or rental tenants that are a problem are always the same ones it seems. I realize that sometimes it may appear that nothing is being done at certain properties. But like I tell citizens with complaints as well as blatant code violators, the swiftness of compliance depends on the cooperation of the violator. Sometimes compliance happens quickly and sometimes it takes a year. But ultimately compliance will be met. Perfect examples would be the Bay Ave. Hazardous Abatement completed at the end of 2013 (process took almost a year), Hazardous Abatement done on 6th St last summer (process took 8 months) and the retaining wall on 2nd and Dayton (process took years). As long as we don't get too soft, get too fearful of wielding any authority when necessary, use our Hazardous Abatement option when needed, any problem property can eventually be brought into compliance. Some need a nudge but some need a shove. In other words, we may not be made happy quickly but we will be made happy. Please feel free to request photos from Code Enforcement that catalogs progress made here in Town since I joined the team in August of 2012 that better magnifies the combined effort made by the entire staff to make North Beach clean, safe and aesthetically pleasing.

Respectfully Submitted,

Buddy Jenkins - Code Official /Enforcement

Memo

To: Mayor Frazer & Town Council
From: John Hofmann, Town Engineer, JAH
CC: Don Bowen, Stacy, Wilkerson, Joanne Hunt, Buck Emory, John Shay
Date: February 12, 2014
Re: Bids for the Fishing Platform, Breakwater & Pier Renovations Contract

On February 10, 2014 the Town received the following two bids for the Contract for the subject project:

SE Davis Corporation	\$573,186.00
Dissen & Juhn, LLC	\$637,426.00

The work that is included in the bids is as follows:

- The lower fishing platform and the 6' timber walkway that connects to it from the lower pier.
- Construction of the stone breakwater under the pier tee section.
- Piling repairs in the pier tee section
- Piling repairs for the pier between the tee section and land.
- Re-decking the pier from the Welcome Center to and including the tee section with wood.

Please note that all decking from the boardwalk to the location of the pier gate will be replaced with composite boards. This work will be done by Public Works and is not part of the work included in the bids received on February 10th.

I have reviewed the bids with Don Bowen and Buck Emory and it is our recommendation that the contract be awarded to SE Davis at their bid amount of \$573,186.00.

If the Council awards the Contract for the Pier work at their February 13, 2014 meeting, we plan to have the Notice Proceed issued by February 24th. The contract time specified is 130 calendar days and that would require e SE Davis to complete all work by July 4th.

If you have any question or need additional information, please contact me.

Memo

To: Mayor Frazer & Town Council
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If you have any question or need additional information, please contact me.

FISHING PLATFORM, BREAKWATER & PIER RENOVATIONS

TOWN OF NORTH BEACH BID RESULTS

BIDS RECEIVED FEBRUARY 10, 2014

BIDDER

Disсен & Juhn, LLC	SE Davis
\$637,426.00	\$573,186.00

LUMP SUM BID

SCHEDULE OF UNIT PRICES

Excavation & Disposal per c.y.	\$50.00	\$50.00
Timber Piles per v.f.	\$16.00	\$30.00
Stringers per b.f.	\$4.00	\$5.50
Caps & Bracing per b.f.	\$6.00	\$6.50
Remove & Dispose of existing Decking per s.f.	\$7.00	\$1.95
Wood decking per b.f.	\$3.50	\$3.50
Hardware per lb.	\$5.00	\$5.00
Filter Cloth per s.y.	\$12.00	\$9.00
Bedding Stone per c.y.	\$100.00	\$150.00
Amor Stone per ton	\$150.00	\$135.00

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 ____ day of _____, 2014 and will become effective on the _____ day of _____, which is ten (10) days after the joint public hearing of the Mayor and Town Council and the Planning Commission in the regards to this re-zoning.

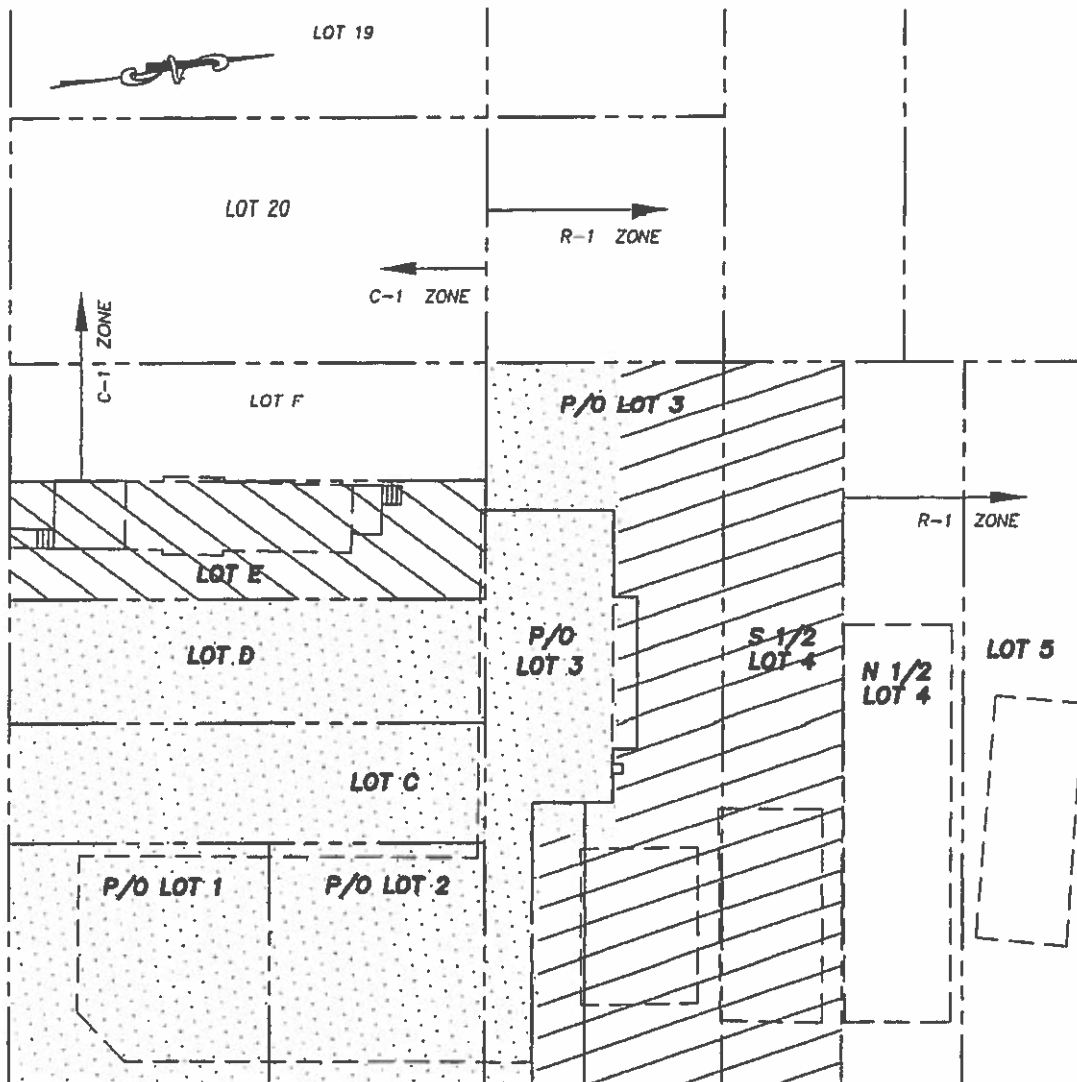
By order of the Mayor and Council

Mark R. Frazer, Mayor

ATTEST:

Stacy Wilkerson, Town Clerk
Town of North Beach

7th STREET
50' RIGHT-OF-WAY



8th STREET
50' RIGHT-OF-WAY

BAY AVENUE
40' RIGHT-OF-WAY

