



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

WORK SESSION/TOWN COUNCIL MEETING
NORTH BEACH TOWN HALL
January 9, 2014
7:00 p.m.

Holiday Highlight Winners Announced

Work Session

- 1) CPH presentation on the 3rd Street Park
- 2) Environmental Concerns presentation and discussion
- 3) Discussion on the pier, fishing platform and breakwaters bid results

Town Council Meeting – immediately following the work session

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL
- III. APPROVE AGENDA
- IV. APPROVAL OF MINUTES
 - A. Minutes from the December 12, 2013 Town Council Meeting
- V. SCHEDULED APPOINTMENTS
- 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) Monday, January 20, 2014 – Town Government Closed
 - b) Monday, January 20, 2014 – Public Safety Meeting – 7:00 p.m.
 - c) Wednesday, January 22, 2014 – Economic Development Committee – 7:00 p.m.
 - d) Thursday, January 23, 2014 – Planning Commission – 7:00 p.m.

Mark R. Frazer, Mayor

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

Memo

To: Mayor Frazer & Town Council
From: John Hofmann, Town Engineer,
CC: Don Bowen, Stacy, Wilkerson,, Joanne Hunt & John Shay
Date: December 12, 2013
Re: Bid & Award Contract for Fishing Platform , Breakwater & Pier Renovations

On August 10, 2013 the Town received 4 bids for the Contract for the subject project. Attachment No. 1 is a summary of the bids received.

To assist in your review the following items are included in the different bid items:

Base Bid - All work for the 6' approach walkway, fishing platform, pile repairs in the tee section and the stone breakwater. (This item does not include any new decking on the pier or tee section of the pier).

Add Alternate No. 1 This item includes the piling repairs needed for the pier landward of the Tee Section.

Add Alternate No. 2 This item includes the removal of all decking on the pier and tee and replacing with wood.

Add Alternate No. 3 This item includes the removal of all decking on the pier and tee and replacing with composite decking..

At minimum the project should include the Base Bid work plus Add Alternate No. 1 (piling repair for the pier).

Attachment No. 2 also shows what the bid results would be for three different scenarios using the add alternate bids received from each bidder.

Subsequent to the bid opening the Town was notified of the following:

1. There is an error in the Crandell bid for Add Alternates No. 2& 3
2. There is an error in the Dissen & Juhn bid for Add Alternate No. 3.

Upon examining the bids, staff determined that with the amount of State funding and the cost of the potential contracts exceeding \$500,000, that the Contractors would need to comply with the prevailing wage requirements in State laws governing the grant funding to be received by the Town.

Each Bidder was contacted on the prevailing wage requirements and responded as follows:

E.A. & J. O. Crandell - The wage rates they pay have complied with the minimum rates on other projects.

Dissen & Juhn - Their bid would increase by the following amounts; Base Bid \$41,000; Alt. #1 \$5,000; Alt. No. 2 \$6,000 & Alt. No. 3 \$6,000.

SE Davis - Their Bid prices are based on using prevailing wage rates.

Cornan Marine - Cornan pays prevailing wages but they are not sure about their subcontractor

Attachment No. 2 shows the impact to the Dissen & Juhn Bid if their pricing were to be adjusted for the inclusion of the minimum prevailing wage requirement.

The above results in the following bid results for Dissen & Juhn and SE Davis. I have excluded the bids from Corman and Crandell as they are higher than the Davis and Dissen & Juhn bids.

Base bid + Add Alternate 1 (minimum project)

Dissen & Juhn \$519,283

SE Davis \$ 494,795

Base Bid +Add Alternates 1&2 (minimum project plus wood decking.)

Dissen & Juhn \$596,015

SE Davis \$567,627

Base Bid +Add Alternates 1&3 (minimum project plus composite decking.)

Dissen & Juhn N.A error in bid for composite decking

SE Davis \$707,543.00

The best price for the minimum project and wood decking was provided by SE Davis at \$567,627.

If the Town chooses to use the composite decking, the cost of the SE Davis bid increases to \$707,543 an increase of \$139,916. In all probability the difference could be even greater as we may have to install additional framing to the pier in order to achieve the required deck load capability using composite decking needed for the planned use of the pier.

FISHING PLATFORM, BREAKWATER & PIER RENOVATIONS
TOWN OF NORTH BEACH
BIDS RECEIVED DECEMBER 10, 2013

	Edwin A. & John O. Cunniff	Dyson & Jahn, LLC	SE Davis Construction	Corman Marine Construction, Inc	
HIDDEN					
<i>Base Bid</i>	\$411,215.00	\$413,667.00	\$422,705.00	\$444,500.00	
<i>Added 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>	\$423,290.00	\$91,740.00	\$212,748.00	\$267,908.00	

Att No. 1

FISHING PLATFORM, BREAKWATER & PIER RENOVATIONS

TOWN OF NORTH BEACH

BIDS RECEIVED DECEMBER 10, 2013

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

Base Bid + Add Alt No. 1

\$497,039.00	\$473,283.00	\$494,795.00	\$547,500.00
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**Base Bid + Add Alt No. 1 + Add Alt 2
wood decking**

\$853,289.00	\$544,015.00	\$567,627.00	\$715,900.00
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**Base Bid + Add Alt No. 1 + Add Alt 3
composite decking**

\$970,239.00	\$564,983.00	\$707,543.00	\$815,408.00
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Dissen & John impact prevailing wage scale	add	new total
Base Bid	\$41,000.00	\$454,667.00
Base Bid + Alt. 1	\$46,000.00	\$519,283.00
Base Bid + Alt. 1&2	\$52,000.00	\$596,015.00

ATT No 2



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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.

The following members from the North Beach Planning Commission were in attendance: Mickey Hummel, Lee Travers and Pat Haddon. John Hofmann, Town Engineer gave a briefing on the Re-Zoning request. The floor was opened for public comment:

- a) John Flynn: 3725 Bedford Drive; Mr. Flynn would like to know the types of structured envisioned on the property. Mr. Hofmann stated this was a zoning change request and not a request to review any type of building plans.

Pat Haddon, Planning Commission co-chair moved to recommend this rezoning be approved, as the Planning Commission has reviewed it and has found it to be consistent, as required by the Land Use Article of the Maryland Annotate Code, with the North Beach Comprehensive Plan, and per the letter sent by the Planning Commission to the Mayor and Town Council in September 2013. Seconded by Lee Travers. All Planning Commission members vote in favor.

The Ordinance will be voted on at the January 9, 2014 Town Council Meeting. The record on this public hearing will be left open until January 6, 2014. The public hearing closed at 7:10 p.m.

Minutes from the December 12, 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	X___ Donnie Bowen	X___ Dawn Richardson
X___ Mr. McNeill	X___ John Hofmann	X___ Corporal Phelps
X___ Mr. Hummel	___ Richard Ball	
X___ Ms. Schiada	___ Mr. Wilcox	

APPROVAL OF AGENDA AND MINUTES

Mark R. Frazer, Mayor

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



- a) MOTION made by Gwen Schiada to approve the agenda with the deletion of Scheduled Appointment of Stu Cumbo (who will come in January) and moving the vote for Ordinance 13-11 to the January 2014 Council Agenda. Seconded by Mike Benton. All in favor.
- b) MOTION made by Gwen Schiada to approve the Town Council Minutes from the December 12, 2013. Seconded by Greg McNeil. Motion carries.

SCHEDULED APPOINTMENTS

- a) 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 November the Sheriff's Department responded to 172 calls for service in North Beach. This is down from 199 calls in October.

TREASURER'S REPORT

- a) Treasurers Report: Reporting Period: 11/1/13 – 11/30/13: Beginning Balance \$278,067.73; Total Debits: \$231,7809.10; Total Credits: \$262,542.25; Ending Balance: \$247,305.58. MOTION made by Randy Hummel to accept this report as presented. Seconded by Mike Benton. Motion carries.

REPORTS

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

BUSINESS ITEMS:

- A. Economic Development Committee recommendation for the award of the contract for the Business Promotion Consultant: MOTION made by Greg McNeil to award the contract to SAGE Group in the amount of \$15,000.00 not to exceed \$17,500.00. Seconded by Greg Dotson. Motion carries. The study will be conducted between January and September 2014. Stacy Wilkerson will contact SAGE Group and let them know the contract has been awarded to them and schedule a meeting with the EDC and SAGE Group.

Mark R. Frazer, Mayor

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



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- B. Pier, Fishing and Breakwater bid results: The Town received bids from four companies for the referenced project. There was a base bid and three alternates. Bid sheet tabulations are attached to these minutes. MOTION made by Randy Hummel to accept Base Bid (\$422,705.00) and Alternate #1 – Pier Pile Repair (\$72,090.00) and Alternate #2 – Wood Decking for Pier (\$72,832.00) in the amount of \$567,627.00. There was no second to the Motion. The Motion dies. NOTE: Alternate #3 is would be to re-deck the pier in composite material. After a discussion on the use of wood or composite it was determined to move the approval of the contract to the January 2014 Town Council meeting after further discussion on the material to be used.

ORDINANCES AND RESOLUTIONS

- a) Ordinance 13-10: North Beach Ethics Ordinance – MOTION made by Greg McNeil to approve Ordinance 13-10. Seconded by Greg Dotson. Ordinance No: 13-10 passes. John Shay Town Attorney will meet with the Ethics Commission to discuss the new Ordinance.

Meeting closed 8:30 pm on a Motion made by Randy Hummel to enter into Executive Session to discuss a legal matter.. 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

Memo



CALVERT COUNTY SHERIFF'S OFFICE TWIN BEACHES PATROL

Date: January 7, 2014

To: Stacy Wilkerson

From: Corporal Thomas S. Phelps

Re: Sheriff's Office Report-North Beach

In December of 2013, the Sheriff's Office handled 160 calls for service in North Beach. This is down from 172 calls in November.

(In December of 2012, the Sheriff's Office handled 169 calls for service in North Beach.)

Call Breakdown for December:

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

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

Of the 160 calls, we handled:

- 1 CDS Violation (Closed by Arrest)
- 1 Theft
 - *Theft of 20# Propane Tank (Under Investigation)*
- 4 Destruction's of Property
 - *Damage to Window (Closed by Arrest)*
 - *Damage to Vehicle (Under investigation)*
 - *Damage to Vehicle (Under investigation)*
 - *Damage to Window (Closed by Arrest)*

Breakdown of Dispatched/Self Initiated Calls

911 Hang up – 1	Fireworks Complaint – 1	Warrant Service – 3
Accident – 1	Follow Up – 10	
Alarm – 3	Harassment – 1	
Assist Motorist- 1	Neighborhood Dispute - 1	
Assist Sick/Injured – 4	Parking Complaint – 1	
Attempt to Locate – 16	Patrol Check – 69	
Burglary – 1	Search Warrant – 1 (Handled by CIB)	
CDS Violation – 3	Suicide Attempt – 3	
Check Welfare – 4	Summons Service – 1	
Destruction of Property – 4	Suspicious Person - 6	
Disorderly – 1	Suspicious Vehicle - 3	
Domestic –7	Theft - 3	
Escort – 1	Traffic Complaint - 3	
Eviction - 1	Traffic Enforcement – 2	
Fight – 2 (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 12/01/2013- 12/31/2013

PNC Bank:

Beginning Balance 12/01/2013	\$247,305.58	
Total Debits (+)	\$535,075.21	
Total Credits (-)	\$593,387.97	
Ending Balance 12/31/2013	\$188,992.82	Last Year: \$ 260,500.69
Investments (MLGIP/General Fund)	\$2,683,966.01	Last Year: \$1,282,649.95
(MLGIP/Sewer Capital)	\$ 33,972.87	Last Year: \$33,945.81
(MLGIP/Water Capital)	<u>\$ 7,421.65</u>	<u>Last Year: \$7,415.74</u>
Total Cash As Of 12/31/2013	\$2,914,353.35	Last Year: \$1,584,512.19

Cash Receipts over \$7,500.00

\$ 150,000.00- Trans from Credit Card Acct to Gen
\$ 9,031.20- Audit # 4,900 (Water and Sewer)
\$ 40,853.96- Calvert County Tax Payment (Nov 2013)
\$ 150,000.00-Trans from MLGIP to Gen

Cash Disbursements over \$7,500.00

\$ 22,484.39- Payroll W/E 12/07/2013
\$ 21,214.48- Payroll W/E 12/21/2013
\$ 20,163.69- Suntrust (Obligation #18)
\$ 24,730.00- Apple Ford (Public Works/2014 F250)
\$ 12,290.89- Town of Chesapeake Beach
\$ 10,518.75- Southern MD Recycling (Oct)
\$ 78,052.00- Calvert County Treasurer (Deputy Sheriff Agreement)
\$ 10,000.00- BBD, LLP (Auditors)
\$ 10,518.75- Southern MD Recycling (Nov)
\$ 104,006.46 PNC (Obligation 605825224)
\$ 19,268.00 PNC (Obligation 605894526)
\$ 45,752.00 PNC (Obligation 605825343)

To: Mayor Frazer and Town Council Members

From: Don Bowen DPW

Date: 1-9-14

Subject: Monthly Report

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

- 1) Started and completed retaining wall, steps and walkway that provides access to 7th street from town parking lot. Work that remains is cleanup and landscaping along walkway and two sections of fencing.
- 2) Have been working with Shore Scan, a firm that specializes in scanning blueprints and drawings. We are going thru all as built plans and scanning so we will have electronic copies saved on file.
- 3) Continuing to work with John Hoffman and town staff on several projects, which will be updated tonight.
- 4) Had a snow and ice event on 1-2-14 ,DPW staff came in at 9:00 pm and started spreading salt. Staff continued plowing throughout the night and had roads clear by 4:30 am. Spread another layer of salt for morning rush hour.
- 5) Represented the town in a legal case where a person brought a case against the town for negligence causing a personal injury. The jury ruled in the towns favor.
- 6) Addressed several called this week with the cold temperature dealing with frozen and broken water pipes and other related issues due to the weather.

Any questions please contact me,

Thanks Don Bowen DPW

January 9 , 2014

Town Council Meeting

To: Mayor Frazer and Town Council members

Happy New Year to everyone

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

Dec. 12 , 2013 –January 9 ,2014

Pending issues;

Property clean up on Bay Ave.: Hazardous Abatement was performed on Saturday 12/14/2013. Deputy cancelled at last minute but there were no problems during abatement. Looks good over there now.

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. when time permits and before things get green again. Thanks again to them ahead of time.

Abandoned/Foreclosed properties: Haven't yet had a chance to follow up on any of them this year. But when time permits I'll check the statuses of them all to see if there are any changes from last year. Several that had been an issue for many years are now with new owners and are looking good. Let's hope that that trend will continue.

Unregistered vehicle on 8th St. mentioned in last month's report was tagged by County Deputy with threat of impound and was moved from Right Of Way by owner. An unregistered utility trailer that was on corner of 8th St. and Erie Ave. was posted by me with threat of tow and was removed from Right Of Way by owner. An unregistered vehicle on 6th St. and Erie Ave. was removed by owner after a verbal warning from me. Another unregistered vehicle on 6th St. and Erie Ave. was posted by me and will be moved off of Right Of Way by owner after a verbal warning from me along with posting. Will be moved this coming weekend per owner or it will be towed. The Town Hall staff has been talking to Chip's Towing to try to work out an agreement for towing as a last resort. Chip's Towing is currently checking out any legal concerns on their end before getting back to us. Currently ongoing.

Illegal dumping: Town Hall staff is also investigating portable covert surveillance 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. So we reached out to the professionals and I believe our issue has been resolved. Will find out this week or next. Currently ongoing. Better to take the time to make sure we get what we need the first time.

Citizen complaints this past month were about various trash incidents, unregistered vehicles in Town right of ways and chickens . Currently working on a property on 8th St. where chickens are being kept. Will keep you posted.

Hot button issues: unregistered vehicles , basketball hoops still , 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 ShoreScan now. There are a couple of rental properties that failed inspection and re-inspection is pending per work needed being completed.

Respectfully Submitted,

Buddy Jenkins - Code Official /Enforcement



12 12 2013



12-14-2013

MEMORANDUM

TO: Mayor & Town Council

FROM: John A. Hofmann, P.E. Town Engineer & Zoning Administrator

RE: Monthly Report

DATE: January 2014

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

Wetland Revitalization Project & SHA MD Rt. 261 improvements

The mayor and Town staff are meeting with both SHA and the Corps of Engineers on Friday January 10th to discuss schedules and design coordination for both projects,

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

Two properties have not approved their easement agreements We are working on the details of the agreement with both and expect their approval in the near future. We are continuing to work 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 including new decking were received on December 10, 2013. The award of a contract is on your January Town council agenda. .

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 has provided pre-final drawings and specification and a updated cost estimate. These items are to be discussed at your January Council meeting.

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 Erie Ave. between First & Second Streets.

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 (10) 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

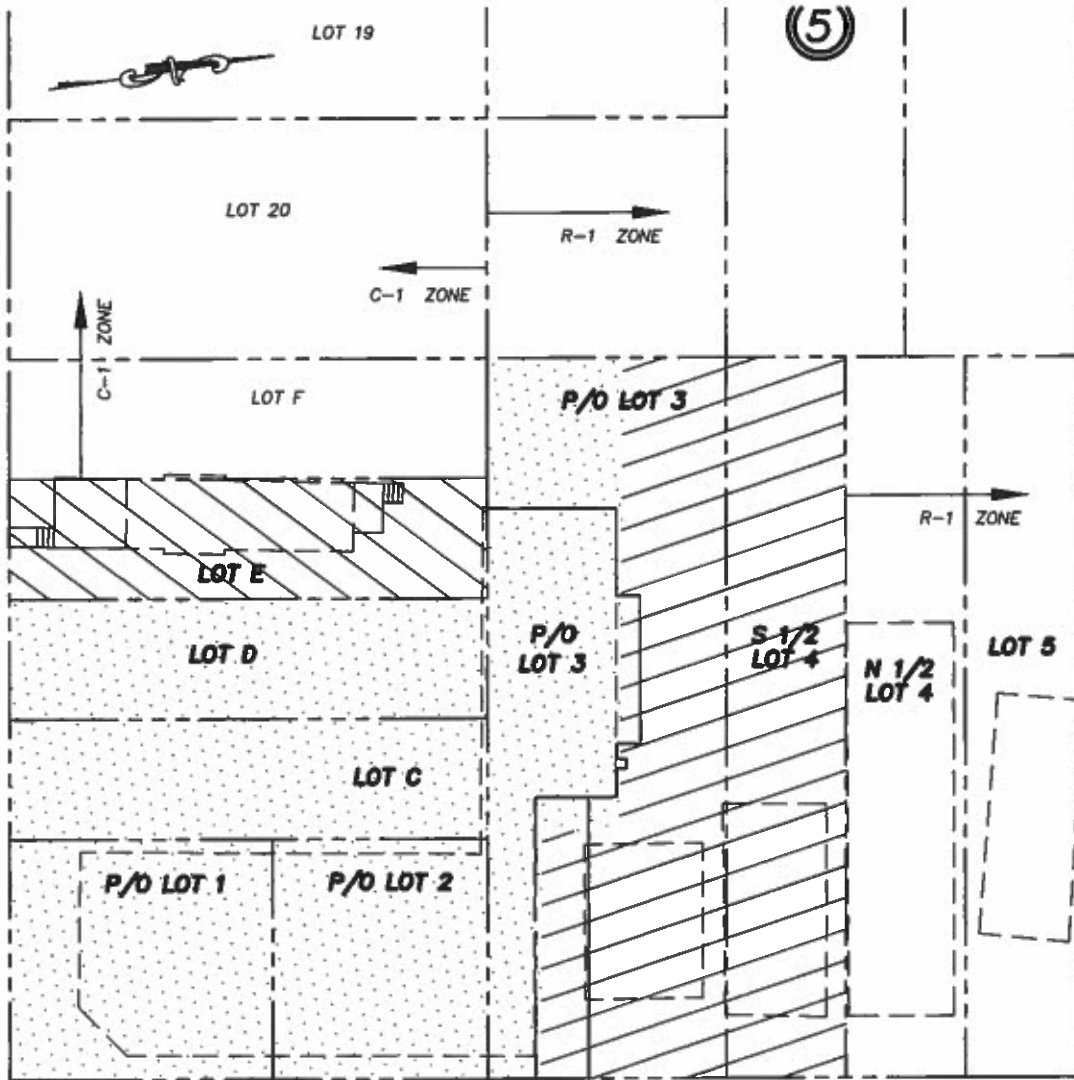
Mark R. Frazer, Mayor

ATTEST:

Stacy Wilkerson, Town Clerk
Town of North Beach

7th STREET
50' RIGHT-OF-WAY

8th STREET
50' RIGHT-OF-WAY



BAY AVENUE
40' RIGHT-OF-WAY

ANNAPOLIS AVENUE
40' RIGHT-OF-WAY

LEGEND

----- PROPERTY - R/W LINE
[---] EXISTING BUILDING

CURRENT ZONING PROPOSED ZONING



C-1

C-2



R-1

C-2



C-2

NO CHANGE

EXHIBIT "A"

ORDINANCE No. 13-11

ZONING CHANGE BLOCK 5

TOWN OF NORTH BEACH, MARYLAND

SCALE 1" = 40' 10/28/13