



*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](http://www.northbeachmd.org)

**TOWN COUNCIL MEETING  
NORTH BEACH TOWN HALL  
July 11, 2013**

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. APPROVE AGENDA**
- IV. APPROVAL OF MINUTES**
  - A. Minutes from the June 6, 2013 Town Council Meeting
- V. SCHEDULED APPOINTMENTS**
  - A. Karyn Molines – Presentation on living shoreline
- VI. PUBLIC SAFETY REPORT**
  - A. Sheriff's Department
- VII. TREASURER'S REPORT**
- VIII. REPORTS**
  - A. Public Works Supervisor
  - B. Code Enforcement Officer
  - C. Town Engineer
  - D. Waterfront Manager
- IX. BOARDS AND COMMISSIONS**
- X. BUSINESS ITEMS**
  - A. Memorandum of Understanding with Calvert County Government on the Historic Preservation Commission
  - B. Wetlands Trail Bid

**Mark R. Frazer, Mayor**

---

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





*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](http://www.northbeachmd.org)

## XI. ORDINANCES AND RESOLUTIONS

- A. Ordinance 13-06: An Ordinance of the Mayor and Town Council of North Beach, Maryland to close and abandon an unopened right-of-way in Block 15 between Dayton and Erie Avenue of the North Chesapeake Beach Subdivision in the Town of North Beach, Maryland. - Introduction

## XII. MAYOR AND COUNCIL REPORTS

## XIII. PUBLIC COMMENT

## XIV. CLOSED SESSION MEETING

## XV. ADJOURNMENT

### **Upcoming Meetings and Events**

- 1) Saturday, July 13, 2013 – 6:00 p.m. – Concert on the Beach – Sam Grow
- 2) Monday, July 15, 2013 – Public Safety Meeting – 7:00 p.m.
- 3) Saturday, July 20, 2013 – Movie on the Beach at dark – “Puss in Boots”
- 4) Thursday, July 25, 2013 – Planning Commission Meeting – 7:00 p.m.

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





*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 on the Disposition of 9006 Dayton Avenue

Mayor Frazer opened the public hearing at 7:03 p.m. There was not public comment on the property. Public hearing closed at 7:05 p.m.

### Minutes from the June 6, 2013 Town Council Meeting 7:06 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	X___ Richard Ball	
X___ Ms. Schiada	X___ Mr. Wilcox	

### APPROVAL OF AGENDA AND MINUTES

- a) MOTION made by Greg McNeil to approve the agenda as amended to move Business Item B, sale of property of 9006 Dayton Avenue to the top of the agenda. Seconded by Greg Dotson. All in favor.
- b) MOTION made by Gwen Schiada to approve the Town Council Minutes from the May 9, 2013 Meeting as amended by Greg Dotson. Seconded by Mike Benton. Motion carries.

### SCHEDULED APPOINTMENTS

- a) Mr. Charlie Bowman from Maryland Rural Water Association was in attendance to recognize Donnie Bowen as the 2012 Water Specialist for the State of Maryland.
- b) Update from CPH on the 3<sup>rd</sup> Street Park: Dan gave an update from the discussions from the Parks Committee. The Council was requesting budget numbers. Dan will get with Donnie and John Hofmann to discuss what Public works is able to complete. Several items that should be considered for incorporation are: dog mitts, water fountain and cutting back the scale of the water features.

Mark R. Frazer, Mayor

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





*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](http://www.northbeachmd.org)

## SHERIFF'S DEPARTMENT REPORT

- a) In May the Sheriff's Department responded to 189 calls for service in North Beach. This is down from 197 calls in April 2013.

## TREASURER'S REPORT

- a) Treasurers Report: Reporting Period: 5/1//13 – 5/31/13: Beginning Balance \$502,155.89; Total Debits: \$344,443.31; Total Credits: \$411,396.09; Ending Balance: \$425,203.11. MOTION made by Randy Hummel to accept this report as presented. Seconded by Greg McNeil. Motion carries.

## REPORTS

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

## BOARDS AND COMMISSION

- a) North Beach Board of Appeals: Recommendation made by Mayor Frazer to appoint Elizabeth Lawton to the Board of Appeals. MOTION made by Ken Wilcox to appoint Elizabeth Lawton to the Board of Appeals. Seconded by Greg Dotson. All in favor. Motion carries. This position is a 3 year term.

## BUSINESS ITEMS:

- a) Disposition and Contract for sale of property at 9006 Dayton Avenue: MOTION made by Greg Dotson to declare the property is no longer needed for public use. Seconded by Greg McNeil. All in favor. Motion carries. MOTION made by Greg Dotson to authorize the Mayor to sign the contract for the property at 9006 Dayton Avenue in the amount of \$235,000.00. Seconded by Gwen Schiada. All in favor.
- b) Update on the Historic Preservation Commission: John Shay provided a memorandum of understand between the County and the Town Government. This document was just delivered to the Town today. This agreement will be placed on the July Town Council agenda under Business items. The Council has been advised to please take a look at the agreement prior to that night.

Mark R. Frazer, Mayor

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





*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](http://www.northbeachmd.org)

## ORDINANCES AND RESOLUTIONS

- A) Ordinance 13-04: FY 2013 Budget Adjustments – MOTION made by Randy Hummel to approve the Ordinance as presented. Seconded by Ken Wilcox. All in favor.
- B) Ordinance 13-05: FY 2014 Budget – MOTION made by Randy Hummel to approve the Ordinance as presented. Seconded by Greg Dotson. MOTION made by Greg McNeil with an amendment to the proposed FY14 Budget. This amendment would reduce the amount of money paid for parking. Seconded by Randy Hummel. Amendment vote: Hummel, McNeil, to remove from the budget. The amendment failed. Budget vote: All members vote in favor.
- C) Resolution 13-03: A resolution for the Application for Community Legacy Program Funds for the Development of the 3<sup>rd</sup> Street Park within the Town of North Beach. Motion made by Randy Hummel to pass Resolution 13-03. Seconded by Greg Dotson. All in favor.

Meeting closed 8:40 pm on a Motion made by Randy Hummel to enter into Executive Session to discuss a personnel matter and to obtain legal council. Seconded by Greg McNeil. 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: July 2, 2013

To: Stacy Wilkerson

From: First Sergeant Roscoe Jones

Re: Sheriff's Office Report-North Beach

---

In June, the Sheriff's Office handled 220 calls for service in North Beach. This is up from 189 calls in May.

Call Breakdown for June:

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

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

Of the 220 calls, we handled:

- 2 Assaults (Closed by arrests)
- 0 CDS Violations
- 5 Thefts (1 closed, 4 closed by arrests)
  - 4 Thefts of misc items from UNLOCKED vehicles in San Francisco by the Bay (Closed by arrests)
  - 1 Stolen Auto (Closed, not stolen, misunderstanding between friends)
- 0 Destruction's of Property
- 2 DWI



**Breakdown of Dispatched/Self Initiated Calls**

911 Hang up - 1	Disorderly – 10	Relay - 1
Abandoned vehicle - 1	Domestic –6	Special Assignment - 2
Accident – 1	Escort - 2	Stolen vehicle – 1 (Closed)
Alarm – 4	Fight – 2 (Unfounded)	Summons service – 2
Alcohol violation - 1	Follow up - 10	Suspicious person - 6
Assault - 2	Found property - 1	Suspicious vehicle - 2
Assist motorist - 2	Indecent exposure – (Unfounded)	Telephone misuse - 2
Assist other Department - 2	Intoxicated person - 1	Theft - 6
Assist sick/injured - 4	Loitering - 1	Traffic complaint - 1
Attempt to locate - 4	Loud party/music - 3	Traffic assignment - 5
Burglary – 1	Missing person - 1	Trespassing - 1
CDS Violation – 1 (Unfounded)	Noise complaint - 2	Unknown problem – 1 (Delivery truck bumped phone pole)
Check Welfare- 3	Parking complaint -3	Warrant service - 3
Conservator of peace - 1	Patrol check – 112	Weapons violation – 1 (Passerby thought they saw a subject carrying a gun. Unfounded)
Destruction of Property – 1	Person w/weapon – 1 (Unfounded)	

**\*\*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 06/01/13- 06/30/13  
(Unaudited Report)

**PNC Bank:**

Beginning Balance 06/01/2013	\$ 425,203.11	
Total Debits (+)	\$ 536,422.66	
Total Credits (-)	\$ 226,707.73	
Ending Balance 06/30/2013	\$ 734,918.04	Last Year: \$ 376,988.47
Investments (MLGIP/General Fund)	\$1,333,421.38	Last Year: \$1,001,990.31
(MLGIP/Sewer Capital)	\$ 33,963.00	Last Year: \$ 383,716.72
(MLGIP/Water Capital)	\$ 7,419.53	Last Year: \$ 137,334.29
Total Cash	\$2,109,721.95	Last Year: \$1,900,029.79

\*Numbers may change due to audit adjustments.

**CASH RECEIPTS OVER \$7,500.00**

\$ 9,141.60- Water and Sewer Audit# 4582  
 \$ 9,132.42- Water and Sewer Audit # 4612  
 \$ 54,269.92- Local Income Tax & Other (June 2013)  
 \$ 16,408.15- Calvert County Shared Pump Station FY 2013/May Tax Pymt  
 \$ 7,550.00- Rental and Business Licenses  
 \$ 20,550.00- Burnt Oaks Apartments (Rental Licenses /3yr)  
 \$ 63,000.00- Trans from CC Processing Account to General  
 \$ 200,000.00 -Transfer from MLGIP to General

**CASH DISBURSEMENTS OVER \$7,500.00**

\$ 34,718.52- Payroll W/E 6/08/2013  
 \$ 33,221.02- Payroll W/E 6/22/2013  
 \$ 31,138.88- Payroll  
 \$ 21,164.37- Southern Maryland Recycling- Trash Contract/May  
 \$ 9,124.10- Holiday Inn Ocean City – MML  
 \$ 29,200.00- Chad Accipiter LLC. (Parking Lot)



To: Mayor Frazer and Town Council Members

From: Don Bowen DPW

Date: 7-11-2013

Subject: Monthly Report

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

- 1) In the month of June and including the first 10 days in July we have had 5 days with an average of 1.8 inches of rain for daily total. In most cases rainfall fell in a short time period. June's rainfall total was 9.4 inches for the month and we have had 2.3 inches in July already. Rain has caused flooding in the 5th and Bay area each time we have had these rain events. Public work and beach patrol staff has had to clean up area after each event. Storm water pumps have operated each time and have pumped over an average of 900,000 gallons per each event. We have lowered the cut on point for the large pump on the beach to help with possible flooding. Pump was serviced and flow tested recently.
- 2) Public works installed 60 feet of new storm drain pipe and cleaned ditch line on 6<sup>th</sup> street between Frederick and Erie to help with drainage problem in that area. Public Work is also addressing drainage problems throughout Town.
- 3) Public works installed cap boards on new breakwater wall as required by DNR after a field inspection was done by DNR inspector. Pictures have been sent to their department for final inspection.
- 4) Re graded sections of the beach and repaired hand rail on the boardwalk. DPW is also addressing repair work needed on flower beds in the water front area.
- 5) Working with John Hoffman on wetlands trail project. Current bids came in over budget and we are looking at possible alternatives to reduce cost.



- 6) Working with staff and CPH on the 3th street park design. We are looking at areas of the park construction that can be done by DPW for cost savings to the Town.
- 7) We have been working on cleaning up and maintaining alleys located throughout town.



## NORTH BEACH WELCOME CENTER

### WATERFRONT REPORT

July, 11 2013

**Revenue**      4/28/12 to 7/7/2012    \$ 175,291.00  
4/28/13 to 7/7/2013    \$ 138,027.00    - \$ 37,264.00 under last year/same period  
(Decrease due to 10 rained out days and poor weather Memorial Day weekend.)  
• Fourth of July Holiday Comparison Attached

**Guest Counts**    4/28 to 7/7/13

<u>Visitors</u>		<u>Residents</u>		<u>Total</u>	
<u>2012</u>	<u>2013</u>	<u>2012</u>	<u>2013</u>	<u>2012</u>	<u>2013</u>
18,491	12,981	5,433	4,837	23,924	17,818

(Count is down due to rain and cloudy conditions and poor holiday weekend turnout.)

**Zip Code Report**      (for other United States and abroad see separate sheet)

Prince Georges Co.	658
Virginia	498
Washington DC	361
Calvert County	312
Montgomery Co.	304
Anne Arundel Co.	185
Maryland (other)	126
Charles Co.	64
Baltimore	57
St. Mary's Co.	23

(Zip Code Count is per family, not per person.)

### **Rentals**

	2012 Season to Date	2013 Season to Date
Single Kayak	27	7
Paddleboard	6	6
Bicycle	17	42
Double Kayak	23	13

Richard Ball, Waterfront Manager

Welcome Center: 410.286.3799

Home: 410.286.3988

Cell: 410.474.4516

[rball@northbeachmd.org](mailto:rball@northbeachmd.org) , [humphrey72357@comcast.net](mailto:humphrey72357@comcast.net)



**Zip Code Report****(Zip Code Count is per family, not per person.)**

Alabama	4	Ukraine	1
Arkansas	1	England	2
California	4	Germany	3
Colorado	4	Holland	1
Connecticut	4	Norway	1
Delaware	2	Chile	1
Florida	6	Caribbean	1
Georgia	5	Canada	2
Illinois	6	Czechoslovakia	1
Indiana	5	Australia	1
Kansas	1	Argentina	1
Kentucky	1	Austria	1
Louisiana	1		
Maine	1		
Massachusetts	5		
Michigan	6		
Minnesota	7		
Missouri	2		
Nebraska	2		
New Jersey	10		
New Mexico	3		
New York	24		
North Carolina	8		
North Dakota	1		
Ohio	16		
Oklahoma	2		
Pennsylvania	31		
Rhode Island	2		
South Dakota	1		
Tennessee	4		
Texas	14		
Washington	3		
West Virginia	5		
Wisconsin	4		



# Guest and Revenue Count – 6 day Period – Fourth of July Holiday Weekend

	<u>People</u>		<u>Revenue</u>	
	<u>2012</u>	<u>2013</u>	<u>2012</u>	<u>2013</u>
Tuesday	7/3 204	7/2 143	1,768.00 Fireworks	660.00
Wednesday	7/4 1397	7/3 104	11,586.00 Holiday	360.00 Fireworks
Thursday	7/5 309	7/4 1588	2,466.00	15,575.00 Holiday
Friday	7/6 256	7/5 609	2,560.00	8,415.00
Saturday	7/7 730	7/6 2,653	6,952.00	17,603.00
Sunday	7/8 448	7/7 916	3,609.00	9,670.00
<b>Totals:</b>	<b>3,344</b>	<b>6,013</b>	<b>28,941.00</b>	<b>52,283.00</b>

<u>Family Count</u>		<u>(Wednesday 7/3 thru Sunday 7/7)</u>	
Prince Georges	162		
Virginia	137		
Mont. Co.	88		
District Colum.	82		
MD Other	39		
Anne Arundel	38		
Calvert Co.	27		
Baltimore	14		
Charles	14		
St. Marys	4		



July 11, 2013

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.

From June 6, 2013 through July 11, 2013, 18 new Civicall tickets have been written by Code enforcement ,not including added remarks to existing tickets.

In addition to continuing to address pending issues;

Property clean up on Bay Ave.: Judge ordered cleanup of property but it's still pending whether or not both sheds will come down. The Judge asked for something in Town law/Code in writing that accessory buildings could not remain without primary building despite the condition of them. If we could provide that the Judge will make property owner remove both deteriorating sheds. We feel that the Definitions provided in Town Code 117-37 and Town Zoning Ordinance: Article 9 Pg.9-1 for Accessory Building or Use and Accessory Building is sufficient to satisfy the Judge's request. So what's pending is whether one or both sheds will have to be removed.

New Abandoned/Foreclosed properties currently under investigation: one on 2<sup>nd</sup> St.( Posted and abated by Town once), one on Greenwood Ave. .( Posted and abated by Town once), 1 on 6<sup>th</sup> St. (property posted and bids for abatement being taken), 3 on Dayton and 1 on 10<sup>th</sup> St. (property posted and bids for abatement will be taken) However, it may be more feasible to wait until fall to abate there for easier visibility and access. A handful more being investigated but are in limbo and am waiting on instructions , if any, for any further actions to take. Wording on Violation Notices will be reworded so that posting can be done once but reflect that abatements will be done whenever necessary if no one steps up to the plate.

Legitimate citizen concerns are addressed ASAP. Most citizen complaints this past month were still about various neighbor's trash and yard maintenance issues. Mainly grass. New process of posting properties with Violation Notices when necessary is working well.

Hot button issues: Homemade reserved parking signs at Town right of way adjacent to businesses by business owners and illegal dumping in alleys/Town right of ways.

Rental inspections for rental licenses are ongoing. Year to date 43 rental licenses issued , 1 re-inspection needed and 2 pending. And Business license inspections will start this week sometime.

Respectfully Submitted,

Buddy Jenkins - Code Official /Enforcement



## **MEMORANDUM**

**TO: Mayor & Town Council**

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

**RE: Monthly Report**

**DATE: July 2013**

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

### Corps of Engineers Wetland Revitalization Project

The Corps is continuing to obtain approval of the Project Scoping Report from their Division and headquarters offices. Concurrently they are developing the Project Managements Plan which will contain the budgets and, schedule for the design and permitting phase of the project. The Corps also has begun working with SHA on the coordination of the Wetlands Restoration Project and the work to raise Rt.261. The best estimate on schedule is that the design work will start in October 2013 and take one year to complete.

### Boat Slip Dredge

We are pursuing permits and working with DNR on funding. The next step is to apply for Waterway improvement funds from the state this month and work on the agreement with Chesapeake Beach on the use of their disposal site.

### 9<sup>th</sup> Street Flood Mitigation Project

The response from property owners to sign their easement agreements has been slow. We are exploring ways to get more owners to sign their easement agreements. We are working with the federal and state permitting agencies on the tidal wetland permits. .



#### New Fishing Platform for Town Pier.

The bid documents have been modified to incorporate the work for structural timber repairs to the tee section and the recommendations from the geotechnical engineer. The bids will now be received on August 6<sup>th</sup>.

#### Wetland Trail

The rebid did not provide the desired results. The bid documents are being modified for another round of bids.

#### DNR Parcels

The Board of Public Works approval is now scheduled for this month.

#### Block 4 Parking Lot

A new plan for the walkway to 7<sup>th</sup> St. has been developed and we are working with Mr. Russo on the easement for the revised location.

#### Pier upgrade project

We are continuing with the design for the upgrades including new decking and lighting for the Town pier. Mr. Emory has recommended work to repair damage or deteriorated pilings. We will be adding this work to the drawings and specifications for the Project.

#### 3<sup>rd</sup> Street Park

CPH is now proceeding with final design and construction documents. Don Bowen and I are working with the CPH team on updating the cost estimate. .

#### Zoning Ordinance & Map

I am working with the Planning commission on drafting changes to the Zoning ordinance and Map to be recommended to Town council.

#### Drainage Projects

A design is being developed for a storm drain from 9<sup>th</sup> & Bay to 8<sup>th</sup> St. to eliminate a drainage problem on 8<sup>th</sup> St.



**THIS MEMORANDUM OF AGREEMENT** ("Agreement") is made this \_\_\_\_ day of \_\_\_\_\_, 2013 by and between the County Commissioners of Calvert County, Maryland, a body corporate and politic, and \_\_\_\_\_.

**WHEREAS**, the Calvert County Historic District Commission ("HDC") serves as a citizen review board on matters concerning historic preservation within Calvert County;

**WHEREAS**, the members of the HDC, appointed by the Board of County Commissioners, have knowledge, training and special interest in historic preservation;

**WHEREAS**, the HDC makes recommendations to the Board of County Commissioners concerning the designation of sites as historic districts and applications for Calvert County tax credits for restoration work on structures in historic districts;

**WHEREAS**, the HDC reviews and approves petitions and building permits for alteration, repair, moving or demolition of structures and for ground-disturbing activities within designated historic districts;

**WHEREAS**, the HDC also reviews subdivision and site plan applications, which may impact historic districts and makes recommendations on National Register nominations to the Maryland Historical Trust;

**WHEREAS**, the Town of North Beach has appointed the North Beach Historic Preservation Commission to serve as a citizen review board on matters concerning historic preservation within the municipal limits of the Town of North Beach; and

**WHEREAS**, the Mayor and Town Council of the Town of North Beach has requested, and the County Commissioners of Calvert County wish to accommodate, the transfer of the duties, responsibilities and obligations of the North Beach Historic Preservation Commission to the HDC such that: (1) the HDC may provide the Mayor and Town Council of the Town of North Beach recommendations concerning the designation of sites as historic districts; (2) the HDC may review and approve petitions and building permits for alteration, repair, moving or demolition of structures and for ground-disturbing activities within designated historic districts within the Town of North Beach; and (3) the HDC may review subdivision and site plan applications within the Town of North Beach, which may impact historic districts and makes recommendations on National Register nominations to the Maryland Historical Trust.

**NOW, THEREFORE**, in consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Board of County Commissioners of Calvert County and Mayor and Town Council of the Town of North Beach agree as follows:

1. The Mayor and Town Council of the Town of North Beach shall take all necessary steps to assign the duties, responsibilities and obligations of the North Beach Historic Preservation Commission to the HDC;
2. The Board of County Commissioners of Calvert County shall adopt any necessary revisions to the charter of the HDC to provide that: (a) the HDC may provide the



Mayor and Town Council of the Town of North Beach recommendations concerning the designation of sites as historic districts; (b) the HDC may review and approve petitions and building permits for alteration, repair, moving or demolition of structures and for ground-disturbing activities within designated historic districts within the Town of North Beach; and (c) the HDC may review subdivision and site plan applications within the Town of North Beach, which may impact historic districts and makes recommendations on National Register nominations to the Maryland Historical Trust;

3. By entering into this Agreement, the County, the Town and their “employees,” as defined in the Local Government Tort Claims Act, §§5-30 1 *et seq.* of the *Courts and Judicial Proceedings Article*, do not waive sovereign immunity, do not waive: any defenses; any limitations of liability as may be provided for by law; or any provision of the Local Government Tort Claims Act;
4. It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of this Agreement to create in the public or any member thereof, third party beneficiary status in connection with the performance of the obligations herein without the written consent of the County and notwithstanding its concurrence in or approval of the award of any contract or subcontract or the solicitation thereof in fulfilling the obligations of the Agreement;
5. No elected official, appointed official, employee, servant, agent or law enforcement officer shall be held personally liable under this Agreement and any extension or renewals thereof because of its enforcement or attempted enforcement provided they are acting within the course and scope of their employment or governmental duties and responsibilities;
6. The County's financial obligations, if any, under this Agreement are contingent upon sufficient appropriations and authorization being made by the County for the performance of this Agreement. The County's decision as to whether sufficient appropriations are available shall be accepted by the other party or parties to this Agreement, and shall be final;
7. Either party to this Agreement may terminate the Agreement without cause by given \_\_\_\_\_ days written notice to the other party. The effective date of termination pursuant to this clause shall be the \_\_\_\_\_ day following the date of the written termination notice. In the event of such termination, all contract fees and charges incurred through the effective date of the termination shall be payable in accordance with the terms of this Agreement. In the event of such termination, neither party shall be liable for any damages or penalties of any nature. In the event of a conflict between this clause and any other clause of this Agreement, this clause shall control;
8. In the event any portion of this agreement is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the parties to sever only the invalid portion or provision, and that the remainder of the agreement shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the agreement, or unless deletion of the valid portion would produce a



result inconsistent with the purpose and intent of the parties in entering into this agreement;

9. The parties hereto agree that the above writing constitutes the entire agreement between them concerning this matter and that there are no understanding, promises or arrangements binding either part hereto that have not been written herein. The parties further agree that this Agreement can be amended only by written agreement signed by the parties hereto; and
10. This Agreement shall be governed by the internal laws of Maryland, without giving effect to its choice of law provisions, and any action brought by or between the parties shall vest jurisdiction and venue exclusively in the Courts located in Calvert County, Maryland.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed by a duly authorized representative by their hands and seals, intending to be so bound, as of the day and year first above written.



**Town of North Beach, Maryland  
8916 Chesapeake Avenue  
North Beach, Maryland**

**ORDINANCE NO. 13-06**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF NORTH BEACH, MARYLAND TO CLOSE AND ABANDON AN UNOPENED RIGHT-OF-WAY IN BLOCK 15 BETWEEN DAYTON AND ERIE AVENUE OF THE NORTH CHESAPEAKE BEACH SUBDIVISION LOCATED IN THE TOWN OF NORTH BEACH, MARYLAND.**

**WHEREAS**, North Beach, Maryland is a municipal corporation in the State of Maryland organized and operating under a Charter adopted in accordance with Article XI-E of the Constitution of Maryland (1990 Repl. Vol. and 2000 Supp.) and Article 23A of the Annotated Code of Maryland (1998 Repl. Vol. and 2000 Supp.); and,

**WHEREAS**, North Beach is empowered by virtue of Article 23A Section 2(24) and Section 19-501(47) of the Charter of the Town of North Beach to convey real property, when such real property is no longer necessary for the public use after having given at least twenty (20) days public notice of the proposed conveyance; and,

**WHEREAS**, there is an unused and unopened Right-of-Way in Block 15, Lots 1 to 19. This Right-of-Way is further described on a Plat attached hereto as Exhibit A and incorporated herein by reference; and,

**WHEREAS**, the Mayor and Town Council of North Beach has determined that the Right-of-Way referenced above is not necessary for public purposes and is not expected to be necessary for public purposes in the near future and that a substantial public benefit would be obtained if the Right-of-Way referenced above is vacated and closed so that the Town might be relieved from any possible obligation to open and maintain the same; and



**WHEREAS**, that the Town has received a request from citizens living along the referenced alleyway requesting closure and the right to purchase same from Town; and

**WHEREAS**, twenty (20) days public notice has been given of the proposed closing of the above referenced Right-of-Way and of the Town's intention to abandon and vacate this Right-of-Way and to convey all the Town's right, title and interest, claims and causes which the Town may have in the Right-of-Way referenced above. Council finds that there is sufficient cause to close the Right-of-Way referenced above and that the closing of the Right-of-Way would be in the best interest of the public.

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

1. That the right-of-way in Block 15 between Dayton and Erie Avenue on Exhibit A is hereby closed and abandoned allowing the Town's interest in the land to be deeded to the adjoining landowners by a Quit Claim Deed pursuant to Maryland law reserving unto the Town an Easement for ingress-egress, over-under and through the Right-of-Way for public utility facilities. A separate contract to convey the property will be executed by the Town and landowners and approved by the Mayor and Town Council.
2. That the Mayor is hereby authorized and empowered and directed to execute documents which would recognize the conveyance, revocation, termination, vacation, abandonment and closing affected by this Ordinance and which further grants, conveys and releases unto the owner of the lots adjacent to the Right-of-Way any further right, title, claims or interest of the Town in and to the Right-of-Way referenced above reserving unto the Town an Easement of ingress-egress, over-under and through the Right-of-Way referenced above for public utility facilities.

**AND BE IT FURTHER ORDAINED** that upon passage of this Ordinance, the same shall be authenticated by the signature of the Mayor and Town Clerk to be recorded among the Town books kept for that purpose, and that a certified copy of this Ordinance shall be posted and advertised pursuant to Section 19-311 of the Town Charter.



**AND BE IT FURTHER ORDAINED** that this Ordinance shall become effective on the \_\_\_\_ day of \_\_\_\_\_, 2013 after being read at two successive Town Council meetings as required by Section 19-311 of the Charter.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**ATTEST:**

\_\_\_\_\_  
Stacy Wilkerson, Town Clerk

\_\_\_\_\_  
Mark R. Frazer, Mayor

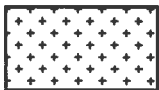
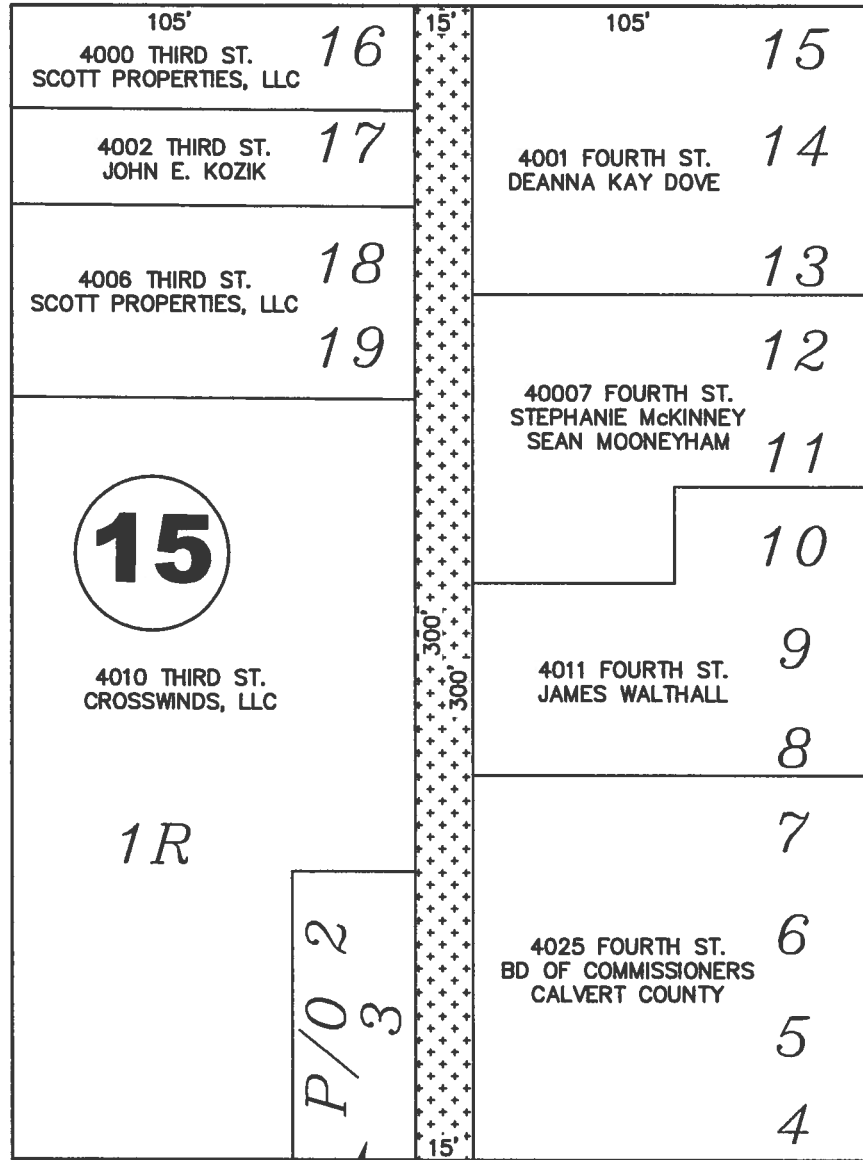


**ERIE AVE.  
(50' R/W)**



**THIRD ST.  
(50' R/W)**

**FOURTH ST.  
(50' R/W)**



TOWN R-O-W  
TO BR CLOSED

9006 DAYTON AVE  
TOWN OF NORTH BEACH

**DAYTON AVE.  
(50' R/W)**

REVISIONS

APPROVED BY TOWN OF NORTH BEACH

PLAT OF R-O-W TO BE CLOSED

SCALE:  
1"=50'

DATE:  
MAY 2013  
EXHIBIT

JOHN A. HOFMANN, TOWN ENGINEER

BLOCK 15  
TOWN OF NORTH BEACH  
NORTH BEACH, THIRD DISTRICT  
CALVERT COUNTY, MARYLAND

A