



The Jewel of the Chesapeake Bay
North Beach, Maryland

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

410.257.9618 | 301.855.6681
www.northbeachmd.org

**TOWN COUNCIL MEETING
NORTH BEACH TOWN HALL
March 13, 2014
7:00 p.m.**

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. APPROVE AGENDA**
- IV. APPROVAL OF MINUTES**
 - A. Minutes from the February 20, 2014 Town Council Meeting
 - B. Minutes from the March 6, 2014 Work Session
- V. SCHEDULED APPOINTMENTS**
 - A. Grace Mary Brady from the Bayside History Museum
 - B. Nancy Valentine – FY 13 Audit
- 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**
 - A. Swearing in of Election Board Members
- X. BUSINESS ITEMS**
 - A. RFP approval for the re-paving of the bike path
 - B. RFP approval for the Bayfront Park and Sculpture Garden Pond
 - C. RFP approval for sidewalk construction for the Bayfront Park and Sculpture Garden

Mark R. Frazer, Mayor

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



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XI. ORDINANCES AND RESOLUTIONS

- A. Ordinance No: 13-11: Rezoning of RAR properties in Block 5 - Voting

XII. MAYOR AND COUNCIL REPORTS

- A. State of the Town

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) Saturday, March 15, 2014 – North Beach Performing Arts Center Meeting – Town Hall – 10:00 a.m.
- b) Monday, March 17, 2014 – St. Patrick's Day
- c) Monday, March 17, 2014 – Public Safety/Neighborhood Watch Meeting – 7:00 p.m.
- d) Thursday, March 20 2014 – First Day of Spring
- e) Sunday, March 23, 2014 – Talent Show at the Town Hall: 1:30 to 3:00 p.m.
- f) Thursday, March 27, 2014 – Planning Commission Meeting – 7:00 p.m.
- g) Maryland Municipal League Summer Convention – June 8, 2014 – June 11, 2014

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

The public hearing opened at 7:08 p.m. John Shay, Town Attorney explained the Town was seeking easements from property owners located on the wetlands located on the north end of Town for the construction of a berm. This berm is being constructed to help alleviate flooding in this part of Town. The Murphy family who owns 9328 Atlantic Avenue would like part of LOT 18 deeded to them for the construction of pier in the future. This exchange would be done for their participation in the easement for the construction of the berm.

a) Mickey Hummel: 3922 6th Street: In the previous Comprehensive Plan there was a section that discussed the extension of the boardwalk around the waterfront to Walton Preserve. If this property exchange is complete would there still be an option to build across LOT 18? ***Once the transfer is done, there cannot be any construction across LOT 18, per John Shay.***

No further comment and the public hearing closed at: 7:13 p.m.

Minutes from the February 20, 2014 Town Council Meeting 8:30 pm

<input type="checkbox"/> Mayor Frazer	X <input type="checkbox"/> Joanne Hunt	<input type="checkbox"/> Buddy Jenkins
<input type="checkbox"/> Mr. Benton	X <input type="checkbox"/> Stacy Wilkerson	X <input type="checkbox"/> John Shay
X <input type="checkbox"/> Mr. Dotson	X <input type="checkbox"/> Donnie Bowen	X <input type="checkbox"/> Dawn Richardson
X <input type="checkbox"/> Mr. McNeill	X <input type="checkbox"/> John Hofmann	<input type="checkbox"/> Corporal Phelps
X <input type="checkbox"/> Mr. Hummel	<input type="checkbox"/> Richard Ball	
X <input type="checkbox"/> Ms. Schiada	X <input type="checkbox"/> Mr. Wilcox	

APPROVAL OF AGENDA AND MINUTES

a) MOTION made by Randy Hummel to approve the agenda with the removal of Ordinance 13-11. Seconded by Ken Wilcox. All in favor.

Mark R. Frazer, Mayor

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- b) MOTION made by Gwen Schiada to approve the minutes from the January 9, 2014 Town Council Meeting as presented. Seconded by Ken Wilcox. All in favor. Motion carries.
- c) MOTION made by Greg McNeil to approve the minutes from the January 22, 2014 Special Town Council Meeting as presented. Seconded by Gwen Schiada. All in favor. Motion carries.

SCHEDULED APPOINTMENTS

- a) Grace Mary Brady was in attendance from the Bayside History Museum and she gave an overview of the Children's Programs held at the museum.

SHERIFF'S DEPARTMENT REPORT

- a) In January 2014 the Sheriff's Department responded to 168 calls for service in North Beach. This is down from 160 calls in December 2013.

TREASURER'S REPORT

- a) Treasurers Report: Reporting Period: 1/1/14 – 1/31/14: Beginning Balance; \$188,992.82; Total Debits: \$788,603.25; Total Credits: \$582,330.54; Ending Balance: \$395,265.53. MOTION made by Randy Hummel 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. Pier, Fishing and Breakwater bid results: Bids were received from two companies. John Hofmann provided a report with a recommendation to award the contract to S.E. Davis in the amount of \$573,186.00. MOTION made by Randy Hummel to approve the bid to S.E. Davis. Seconded by Gwen Schiada. All in favor. Motion carries.
- B. Real Estate Transfer to the Murphy Family at 9328 Atlantic Avenue: MOTION made by Gwen Schiada to approve the Murphy Real Estate Transfer and Settlement agreement and authorize the Mayor to sign the documents. Seconded by Ken Wilcox. All in favor.

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ORDINANCES AND RESOLUTIONS

Meeting closed 8:10 pm on a Motion made by Randy Hummel. Seconded by Ken Wilcox 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 March 6, 2014

Work session

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

- 1) Update on the Bay Front Park and Sculpture Garden: Donnie Bowen updated the Council on his discussion with John Hofmann to complete the park in phases. The first phase could be completed in house, which would consist of site work, and installing utilities. He feels he can cut the cost by 1/3 of the estimated cost given by CPH. In the first phase the installation of the water feature should be completed along with the installation of the sidewalks. Both of these items will need to be completed by outside contractors. Request for Proposals will need to be done and obtained by the Town. If there is money for this phase he anticipates it can be completed by summer. In the fall plantings and fencing can be completed. The two RFP's will be placed on the March Town Council Meeting for further discussion.
- 2) Update on the Welcome Center remodel: Donnie Bowen advised the remodel is coming along. Every time concrete was poured it snow. The framing has been started and once the addition is under cover, the interior work should go along fairly quickly.
- 3) Resurfacing of the bike path: Donnie prepared a memo to the Mayor and Council with potential hazards on the bike path. There are 70 different areas on the bike path that need to be repaired. Donnie has spoken to several asphalt contractors who feel the whole bike path should have a 2 inch overlay instead of 70 different cut and patches. If the bike path is overlayed there are several additional problems that can be corrected with the drainage and elevations onto Bay Avenue. The estimated cost is \$31,700. This project will need to be placed out for bid. It was the will of the council to place this project out for bid and complete with the 2 inch overlay.
- 4) Survey Results from the Environmental Committee Survey: Gwen gave an over view of the survey results. The results will be forwarded to the Council for further consideration.

Meeting closed at 8:12 p.m. on a Motion made by Randy Hummel to enter into closed session to discuss real estate matter. Seconded by Ken Wilcox. All in favor.

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NOTE: Under the Maryland Opens Meeting Law the Mayor and Town Council voted to enter into Closed Session to discuss a real estate matter in regards to easements on November 7, 2013.

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: March 10, 2014

To: Stacy Wilkerson

From: Corporal Thomas S. Phelps

Re: Sheriff's Office Report-North Beach

In February of 2014, the Sheriff's Office handled 144 calls for service in North Beach. This is down from 168 calls in January 2013.

(In February of 2013, the Sheriff's Office handled 180 calls for service in North Beach.)

Call Breakdown for February:

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

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

Of the 144 calls, we handled:

- 2 CDS Violations (Closed by Arrest)
- 4 Thefts
 - Theft of Credit Card (Under Investigation)
 - Theft of Extension Cords (Under Investigation)
 - Theft of Tags (Unfounded)
 - Drive Off from Fastop (Unfounded)

Breakdown of Dispatched/Self Initiated Calls

911 Hang up – 2	Police Information – 1	
Alarm – 2	Protective Order Violation – 1	
Animal Complaint – 2	Search Warrant – 1 (Handled by CIB)	
Assist Motorist- 1	Stolen Vehicle – 1 (Unfounded)	
Attempt to Locate – 8	Suspicious Person - 2	
CDS Violation – 2	Suspicious Vehicle - 2	
Disorderly – 4	Theft – 4	
Domestic –5	Traffic Complaint – 2	
Escort – 2	Trespassing – 3	
Eviction – 1	Warrant Service – 2	
Follow Up – 10		
Found Property – 2		
Neighbor Dispute – 1		
Parking Violation – 1		
Patrol Check – 82		

****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 2/01/2014- 2/28/2014

PNC Bank:

Beginning Balance 02/01/2014	\$ 395,265.53	
Total Debits (+)	\$ 227,796.24	
Total Credits (-)	\$ 381,151.35	
Ending Balance 02/28/2014	\$ 241,910.42	Last Year: \$ 439,271.85
Investments (MLGIP/General Fund)	\$ 2,684,223.80	Last Year: \$1,282,891.41
(MLGIP/Sewer Capital)	\$ 33,976.14	Last Year: \$ 33,952.20
(MLGIP/Water Capital)	<u>\$ 7,422.36</u>	<u>Last Year: \$ 7,417.13</u>
Total Cash	\$ 2,967,532.72	Last Year: \$1,763,532.59

Cash Receipts over \$7,500.00

\$ 21,650.00- Water/Sewer Taps- 3910 3 rd St.
\$ 9,422.30- Comcast Franchise (3 rd Qrt)
\$ 61,256.43- Calvert County Tax Payment (January)
\$ 44,480.53- Local Income Tax and Other (February 2014)

Cash Disbursements over \$7,500.00

\$ 21,069.37- Payroll W/E 02/01/2014
\$ 21,584.57- Payroll W/E 02/15/2014
\$ 104,666.52- Town of Chesapeake Beach/ENR Project
\$ 40,082.78- Town of Chesapeake Beach/WWTP
\$ 7,999.42- PNC Credit Card Charges
\$ 9,200.50- Southern Maryland Recycling/Trash
\$ 10,531.50- Southern Maryland Recycling/Trash

To: Mayor Frazer and Town Council

From: Don Bowen DPW

Date: 3-13-2014

Subject: Monthly Report

The following is a list of items DPW has been working on in addition to routine task.


- 1) Had a preconstruction meeting with S.E. Davis on fishing pier and pier repair project. Went over schedule and looked at how job can be done to minimize disruption to beach visitors. Will take contractor and town staff working closely together to achieve this, but both parties feels this can be done. Notice to proceed date of 3-17-2014 was given to contractor, with 130 day contract time to complete project.
- 2) Replace two 30" storm drain pipes located at the intersection of 4th and Dayton. Pipes were installed in early eighties and had lasted their life expectancy. New pipe that was installed is a high dense plastic material and we encased these pipes in concrete. This repair should last a long time (possibly 50+ years). Paving of this repair is scheduled for 3-14-2014.
- 3) Performed routine flushing of town water system and did a check of all fire hydrants on town water system. Found two that needed repairs. Will address these hydrants asap.
- 4) Continued work on welcome center bathroom remodel. Slab has been poured, framing is completed, and interior framing is 90%

complete. Trades are doing necessary work to complete interior. Aiming for completion date of May 1st.

- 5) Hopefully had the last snow storm of the season on 3-3-2014, the area experienced a late storm which produced about 4" of snow. DPW crew salted and plowed roadways. Performed maintenance on snow equipment and prepared for storage.
- 6) Have started on early spring clean up throughout town to address debris and other items related to winter weather.

MEMORANDUM

TO: Mayor & Town Council

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

RE: Monthly Report

DATE: March 2014

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

USACOE Wetland Revitalization Project

The Corps is continuing to work up their final engineering scope that is needed for the agreement with the Town prior to starting design for the channels and culverts..

9th Street Flood Mitigation Project

two properties have not approved their easement agreements We are continuing to get both agreements signed. 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.

Work is starting. The Contractor was given a Notice Proceed for Monday 3/17.

Block 4 Parking Lot

The easement for the walkway on the RAR property is still unresolved pending USPS approval since part of the easement is on land they lease from RAR.

Pier upgrade project

Work is progressing at the Welcome Center. We are obtaining bids for pier lighting fixtures.

3rd Street Park

CPH has provided pre-final drawings and specification and a updated cost estimate. We are working up a scope of work for the initial phase of construction to be started by April.

Living Shoreline Walton preserve

The Town has applied for a U.S. Fish & Wildlife Foundation grant that is scheduled to be awarded in April. . Environmental Concern is working on the design and permit applications.

Zoning Ordinance & Map

The Planning commission is working 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 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.

Boat Slip Dredge

We are continuing to pursue funding from the State and a final agreement with Chesapeake Beach on the use of their disposal site.

Memo

To: Mayor Frazer & Town Council
From: John Hofmann, Town Engineer, 
CC: Don Bowen, Stacy, Wilkerson, Joanne Hunt ,
Date: March 12, 2014
Re: Bike path Repairs


Don Bowen & I recommend the following repairs to the Town's bike path from 1st. St at Chesapeake Ave all the way to 7th St. total length 2500 ft.

1. Minor patching
2. Leveling asphalt to improve drainage in several areas
3. Mill the existing surface and repave the entire pathway.

The cost of this work is in the order of \$35,000.

If the Council approves, we will prepare bid specifications for all the bike path repairs and obtain bids for Council approval of a contract to do the work.

Memo

To: Mayor Frazer & Town Council
From: John Hofmann, Town Engineer, 
CC: Don Bowen, Stacy, Wilkerson,. Joanne Hunt ,
Date: March 12, 2014
Re: Bayfront Park & Sculpture Garden

In an effort to start construction this spring, the following activities are being planned..

1. Public Works will do site grading to get the site to grade for sidewalks , the ponds and other improvements.
2. Town should obtain construction bids for concrete sidewalk work so it can be done after the site grading is complete.
3. The Town should get bids for the construction of the ponds. The pond contract will include the liner, mechanical equipment, rock features, & pond lighting

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.

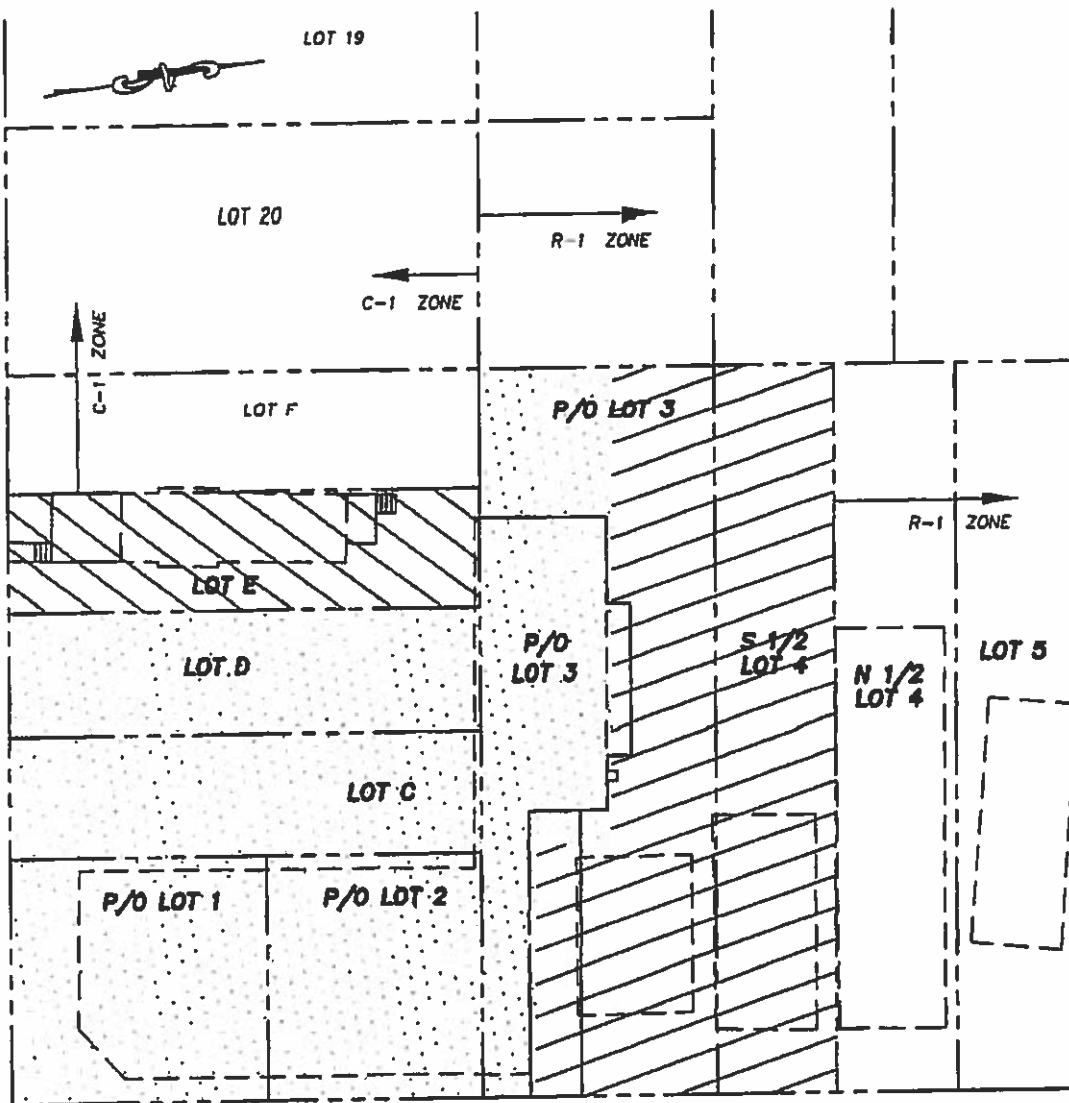
By order of the Mayor and Council

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