



*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)

**JOINT PUBLIC HEARING  
NORTH BEACH TOWN COUNCIL AND PLANNING COMMISSION  
7:00 PM**

**ORDINANCE NO: 12-02: A Zoning Ordinance to repeal most of the onsite parking requirements for commercial establishments within the Town of North Beach.**

**TOWN COUNCIL MEETING  
NORTH BEACH TOWN HALL  
MAY 10, 2012  
AGENDA**

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. APPROVE AGENDA**
- IV. APPROVAL OF MINUTES**
  - 1) Minutes from the April 12, 2012 Town Council Meeting
  - 2) Minutes from the May 3, 2012 Work Session
  - 3) Minutes from the May 3, 2012 Executive Session
- V. SCHEDULED APPOINTMENTS**
  - A. Ms. Grace Mary Brady from the Bayside History Museum
- 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 Supervisor

**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**

- A. Re Appointments to the Board of Appeals

**X. BUSINESS ITEMS**

- A. Trash Collection  
B. Rental Housing  
C. Memorandum of Understanding with Calvert County Parks and Recreation and the Bayside Boys and Girls Club

**XI. ORDINANCES AND RESOLUTIONS**

- 1) Ordinance No: 12-04: An Ordinance to amend Chapter 26 of the Code of The Town of North Beach to prohibit Dangerous Animals – (POSTPONED UNTIL JUNE MEETING)
- 2) Ordinance No: 12-05: An Ordinance to adopt the Comcast Franchise Agreement with the Town of North Beach – Voting
- 3) Ordinance 12-06: An Ordinance to adopt the FY 13 Town of North Beach Budget – Introduction
- 4) Ordinance 12-07: An Ordinance to amend Chapter 69 of the Code of The Town of North Beach to amend the Rental Housing process - Introduction

**XII. MAYOR AND COUNCIL REPORTS**

**XIII. PUBLIC COMMENT**

**XIV. ADJOURNMENT**

**XIV. EXECUTIVE SESSION IF NEEDED**

**Upcoming Meetings and Events**  
**All Meeting held at the Town Hall**

- 1) Monday, May 21, 2012 at 7:00 p.m. – Historic Preservation Meeting and Public Safety Meeting – Town Hall
- 2) Thursday, May 24, 2012 at 7:00 p.m. – Planning Commission Meeting
- 3) Sunday, May 27, 2012 at dusk – Movie on the Beach – Operation Pettycoat
- 4) Monday, May 28, 2012 – Town Government Closed
- 5) Thursday, June 7, 2012 – Special Town Council Meeting – 7:00 p.m. at Town Hall

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## Minutes from the April 12, 2012 Town Council Meeting

Greg Dotson, Council Vice President opened the meeting at 7:05 p.m.

<input type="checkbox"/> Mayor Frazer	X <input type="checkbox"/> Joanne Hunt	<input type="checkbox"/> Paul Goins
X <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	X <input type="checkbox"/> Sgt. Bowen
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 two additions. Seconded by Gwen Schiada. All in favor. Motion carries.
- b) MOTION made by Ken Wilcox to approve the Minutes from March 8, 2012, Town Council agenda as presented. Seconded by Mike Benton. Gwen Schiada abstains. Motion carries.
- c) MOTION made by Greg McNeil to approve the Work Session minutes from April 5, 2012 meeting. Seconded by Ken Wilcox. Gwen Schiada abstains. Motion carries.
- d) MOTION made by Ken Wilcox to approve the Executive Session minutes from the April 5, 2012 work session. Seconded by Mike Benton. Gwen Schiada abstains. Motion carries.

### SCHEDULED APPOINTMENTS

- a) Ms. Grace Mary Brady from the Bayside History Museum was in attendance with a power point presentation showing the history of John Smith.
- b) Ms. Jenny Plummer Welker was in attendance to discuss the Program Open Space Projects in North Beach
- c) Ms. Jane Hagen presented the Town with two Neighborhood Watch Signs. One for San Francisco Development and one for the Town.

### PUBLIC SAFETY REPORT

- a) Calvert County Sheriffs Report for March 2012. In March the Sheriff's Department responded to 339 calls for service in North Beach. This is up from 273 calls in February 2012.

Mark R. Frazer, Mayor

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## TREASURER'S REPORT

Treasurers Report: Reporting Period: 3/1//12 – 3/31/12: Beginning Balance \$210,901.97; Total Debits: \$218,566.74; Total Credits: \$295,434.86 Ending Balance: \$ 134,033.85. MOTION made by Randy Hummel to accept the report. 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: The Mayor will be requesting the support of the re-appointment of Bill Heiner, James Bradshaw and Teresa Whitten to the Board of Appeals. These individuals will be re-appointed at the April meeting.

## BUSINESS ITEMS:

- a) Comcast Cares Day Proclamation: The Town prepared a Proclamation for the Comcast Cares Day on April 21, 2012.
- b) Tans Open House Application: The application was approved to have two open house dates on May 6, 2012 and September 9, 2012.
- c) Liaison to the Sustainable Communities Application: Joanne Hunt was appointed to this position to work with the County.
- d) Request for street closure for the Stars and Stripes Festival: The Nam Knights will be riding through Town on May 26, 2012. The committee is requesting street closure for approximately an hour on 5<sup>th</sup> Street and Chesapeake Avenue. Motion made by Randy Hummel to approve the closure. Seconded by Gwen Schiada. Motion carries.

## ORDINANCES AND RESOLUTIONS

- 1) Ordinance No: 12-04: An Ordinance to amend Chapter 26 of the Code of the Town of North Beach to prohibit Dangerous Animals – Introduction. This item will be placed on the May work session for further discussion and voting at the May Town Council Meeting.
- 2) Ordinance No: 12-05: An Ordinance to adopt the Comcast Franchise Agreement with The Town of North Beach – Introduction. The Ordinance will be placed on the May Town Council Meeting for action.
- 3)

Meeting closed at 8:45 p.m. on a motion made by Randy Hummel. Seconded by Greg McNeil. All in favor.

Mark R. Frazer, Mayor

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### Minutes from the May 3, 2012, Work session

Public Hearing on the Trash Collection Services in North Beach. The public hearing was opened at 7:00 p.m. by Mayor Frazer. Ms. Hunt gave an overview of the current trash collection and what the proposed collection schedule and fees will be. There were three residents who commented.

- a) Steve Smith – 8<sup>th</sup> and Erie Avenue. He has done an analyze of what it would cost him to take his trash to the dump himself and it would cost approximately \$146.00 per year. He does not use the bulk trash collection service often but would like to keep the lawn and yard debris collection the same.
- b) John Reidsel – 5<sup>th</sup> Street: The Town does not take into consideration individuals who live alone and do not generate as much trash as families. He does not need a bigger bin for recycling or a pick up every week. Please take into consideration single home owners.
- c) Karyn Molines – 8832 Dayton Avenue: Is frustrated with every other week pick up for recycling. Would like to have the every week recycling pick up. Twice a week household collection is not needed.

Public hearing closed at 7:16 p.m. on a motion made by Greg McNeil. Seconded by Ken Wilcox. All in favor.

Public Hearing on FY 12 Budget opened at 7:17 p.m. Ms. Hunt gave an overview on the proposed budget. The Town will be maintaining the current constant yield rate of 62.75 of \$100.00 per assessed value. There is a new line item to include ground maintenance in North Beach. The State is imposing an addition \$7.50 per quarter for flush tax which will be reflected on the water and sewer bills. A new line item for the polar bear plunge has been added since the event is so popular now. There were two residents who spoke in regards to the budget.

- a) Norma Jean Smith: Has the town considered charging a entry fee for the polar bear swim?
- b) Bob Carpenter – 3939 5<sup>th</sup> Street: He requesting support for the Beach Trolley in the amount of \$5000.00.

Public Hearing closed at 7:35 p.m. on a motion made by Gwen Schiada. Seconded by Mike Benton. All in favor.

Mark R. Frazer, Mayor

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

- a) Trash Collection and FY 13 Budget: The Mayor has requested all council members take a look at the trash proposal and budget and get any questions you have to Joanne.
- b) North Beach Design Standards: Phil McCormick was in attendance to discuss the Standards as written and passed along from the Planning Commission. A public hearing will be scheduled for the June 7, 2012 meeting to take public comment. The Council is to review the document.
- c) Wedding Initiative in North Beach: John Shay had some concerns in regards to liability with vendors. The Town will await his input.
- d) Rental Housing Proposal: The Town of North Beach should adopt the Calvert County livability code. The staff is recommending the applications be done in two year increments and rental inspections are only conducted if the tenant initiatives one. An ordinance change will be needed for this along with a change to the North Beach Fee Schedule.
- e) North Beach Fee Schedule: The fee schedule change will be determined on the trash collection rates, budget, rental housing etc.
- f) Comprehensive Plan: The Comprehensive Plan has been updated per the direction of the Council at the last meeting. The Council needs to conduct a public hearing on the Plan. This public hearing will take place in July 2012.
- g) Dangerous Dog Ordinance: Mayor Frazer would like to John Shay to speak with the County Attorney in regards to the Town Ordinance. He would like to ensure the County will support this Ordinance. Also, Gwen Schiada is requesting the ordinance be sent to the Calvert County Humane Society to get their opinion on the ordinance.
- h) Community Garden: Mayor Frazer advised the Town is in negotiations with the Ritchie family and the Rupp family for the possibility of having a garden on their properties at 9<sup>th</sup> and Bay Avenue.

Meeting closed on a motion made at 9:05 pm by Gwen Schiada to enter into Executive Session to discuss a real estate matter. Seconded by Randy Hummel. Meeting closed at 9:00 p.m.

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: May 02, 2012  
To: Stacy Wilkerson  
From: First Sergeant Craig Bowen  
Re: Sheriff's Office Report-North Beach

In April, the Sheriff's Office handled 312 calls for service in North Beach. This is down from 339 calls in March.

### Call Breakdown for April:

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

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

Of the 312 calls, we handled:

- 3 Assaults (all closed by arrest)
- 0 Robbery
- 2 CDS Violations
- 7 Thefts (4 closed and 3 under investigation)
  - 3 theft of jewelry (unrelated)
  - Theft of an iPod
  - Theft of medication
  - Theft of a Nintendo
  - Theft of television
- 1 Burglary (case open)
- 0 Destruction of Property
- 2 DWI

**\*\*See Page 2 for Breakdown of Dispatched/Self Initiated Calls\*\***

**Breakdown of Dispatched/Self Initiated Calls**

911 hang up - 1	Domestic - 7	Police Information - 3
Accidents - 4	DWI - 2	Protective order - 1
Alarms - 7	Fight - 3	Special Assignment - 1
Animal complaint - 1	Follow up - 18	Suicide/Attempt - 1
Assault - 1	Found/Recovered property - 1	Summons service - 2
Assist other Department - 1	House/Building check - 1	Suspicious vehicle - 2
Assist sick/injured - 3	Illegal dumping - 1	Theft - 7
Attempt to locate - 8	Intoxicated person - 2	Traffic complaint - 3
Burglary - 2	Loud party/music - 1	Traffic assignment - 4
CDS - 2	Noise complaint - 1	Trespassing - 1
Check welfare - 1	Parking complaint - 1	Unknown problem - 1
Conservator - 1	Patrol checks - 205	Warrant service - 4
Disorderly - 5	Person with weapon - 2	

**\*\*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 04/01/12- 04/30/12

**PNC Bank:**

Beginning Balance 04/01/12	\$134,033.85	
Total Debits (+)	\$ 504,817.66	
Total Credits (-)	\$586,739.94	
Ending Balance 04/30/12	\$52,111.57	Last Year: \$147,193.78
Investments (MLGIP/General Fund)	\$ 1,176,757.41	Last Year: \$1,483,336.05
(MLGIP/Sewer Capital)	\$ 383,628.25	Last Year: \$383,205.67
(MLGIP/Water Capital)	\$ 137,302.63	Last Year: \$137,151.40
Total Cash	\$ 1,749,799.86	Last Year: \$2,150,886.90

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

**\$150,000.00- Transfer to MLGIP**  
**\$ 42,679.18- Calvert Co. Tax Payment/March**  
**\$266,000.00- Transfer to MLGIP**

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

**\$ 20,091.04- Payroll W/E 3/31/12**  
**\$ 20,603.02- Payroll W/E 4/14/12**  
**\$ 21,754.50- Payroll W/E 4/28/12**  
**\$ 8,840.32- PNC Credit Cards**  
**\$ 8,039.05- John Hofmann- Town Engineer**  
**\$ 8,989.20- EA Engineering, Science and Technology- Breakwater**  
**\$ 11,976.00- K & H Electric**  
**\$ 17,155.00- Southern Maryland Recycling- Trash Contract**  
**\$ 47,180.50- Howlin Concrete & Atlas Construction Services- 7<sup>th</sup> St. Sidewalk**  
**\$ 227,966.31- Suntrust Bank**  
**\$ 9,798.82- Comptroller of Maryland- 1<sup>st</sup> qtr. Jan.- Mar.**  
**\$ 13,927.10- Southern Maryland Paving and Sealant - DPW**  
**\$ 9,403.00- Kelly's Tree and Lawn Service**

To: Mayor Frazer and Town Council Members

From: Don Bowen

Date: 5-9-2012

Subject: Monthly Report

The following are items the DPW staff has been working on in addition to normal routine task.

- 1) Completion of sidewalks on 7<sup>th</sup>, Frederick Ave and Chesapeake Ave. Sidewalks have been completed, areas from new sidewalks to existing sidewalks have been completed. Restoration to areas behind new sidewalks has also been completed. Paving in these areas was started on Monday and is 80 % complete. Expect to finish paving this week.
- 2) Removed a section of the flower bed on 1<sup>st</sup> street that was impeding traffic flow entering C Street and rebuilt bed. Scheduled to be paved soon.
- 3) Assisted contractors that were working on the Tot lot with restoring area once work was completed on installing new equipment and surfacing at the tot lot location.
- 4) Installed new flow meter in main water station that monitors daily flow. New meter will allow for data to be monitored and recorded on web based system that we are currently using for our sewer pumping stations. Existing meter stopped working.
- 5) Started painting on sea wall on Atlantic Ave, expect to finish this month.
- 6) Installed fence around vending area and dumpster area in beach parking lot.

May 10, 2012

Code Enforcement Report

To: Mayor Frazer and Town Council

Over the course of the last 60 days the citizens of North beach have been working diligently repairing, painting and replacing their fences. I have received letters, e-mails and phone calls from the citizens about fences and each has been responded to. Most understand what we are trying to do and have made repairs after our goals were communicated. I would like to thank the Citizens who have complied with helping us improve the appearance of our Town. To continue with our efforts of improving the appearance of the Town it will take the support of the Town staff, citizens, and the Town Council.

Of the 150 fence letters written 115 have been addressed, 6 extensions have been given and several more are in progress. Those who have not responded will be written a civil citation.

10 additional civicall issues were addressed in regards to exterior property issues.

Now that spring has arrived grass cutting letters will be written as necessary. Citizens will receive one warring letter for their properties; if the grass become an issues after the letter is mailed the Town will have the grass cut and the Owners billed accordingly.

Continue to work with the Zoning administrator handling minor zoning and permits issues.

Worked with staff on changes to the Rental property procedures.

Three civil cases were scheduled for court over the last reporting period but were postponed and new court dates should be issued soon.

Respectfully submitted:

Paul Goins, Code Enforcement officer

## MEMORANDUM

**TO: Mayor & Town Council**

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

**RE: Monthly Report**

**DATE: May, 2012**

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

### Timber Breakwater

The project is being advertised for bids so the contract can be awarded in early summer for a fall construction start after the beach season ends. The State permit has been approved and issued.

### Corps of Engineers Wetland Revitalization

We are still waiting for the Corps to finish their report. As of May 8, 2012 the final report has not been received from the A/E consultant to the Corps. And our Contact at the Corps could not tell me when it would be available for Town review.

### DPW shop building

I am working on on the final acceptance of the site improvements by the County inspection staff.

### Watershed Implementation Plan (WIP)

I am continuing to work with the County and other agencies to develop the plan needed to meet the nutrient reduction goals set for the County by the State and EPA. We have provided a list of projects in the Town which have or will have storm water management treatment to the County. These projects will give the town credit for its part of the WIP requirements. I will be sending a copy of the draft County Plan to Council members.

### Boat Slip Dredge

We are pursuing permits and working with DNR on funding.

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

EA Engineering has provided a draft of their report. In it they recommend an earthen berm concept which is similar to the dike system in the preliminary plans I prepared for the Town to provide protection from tidal surges. . Consideration needs to be given to what height to build the berm to and changes in the location from the preliminary plans. The report does not recommend any changes to the storm drain system in 9<sup>th</sup> Street. I am working with Town staff and the environmental committee to develop a path forward recommendation for the project.

### New Fishing Platform for Town Pier.

The application for State and Federal permits has been submitted. We are developing detailed structural engineering drawings for the project.

### Wetland Trail

Design and permit applications are being prepared for Phase 1 which includes a connection from the Overlook pier to the parcel at the north end of Frederick Ave.

### Community Garden

Plans and draft leases have been developed for the 2 lots on the west side of Bay Ave between 8<sup>th</sup> St. & 9<sup>th</sup> St.

## NORTH BEACH WELCOME CENTER

### WATERFRONT REPORT

**MAY 10, 2012**

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Revenue	4/28/11 to 5/6/2011	3,401.00	
	4/28/12 to 5/6/2012	3,958.00	+ 557.00 over last year

Increase in  
Calvert County

Family Passes	4/28/11 to 5/6/2011	sold 2
	4/28/12 to 5/6/2012	<b>sold 11</b>

Guest Counts	<u>Visitors</u>		<u>Residents</u>		<u>Total</u>	
	<u>2011</u>	<u>2012</u>	<u>2011</u>	<u>2012</u>	<u>2011</u>	<u>2012</u>
	483	428	360	361	843	789

#### Other Revenue Sources:

Kayak, Stand up Paddleboard, Bike Rentals set up on May 8<sup>th</sup> (2 weeks earlier than last year).  
Now offering Coke and Pepsi products at Welcome Center to increase vending revenue.

#### "Optical Viewer"

Revenue Comparison	4/1/10 – 5/10/2010 = 57.00
	4/1/11 – 5/10/2011 = 122.00
	4/1/12 – 5/10/2012 = 150.00

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)

## **MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding ("MOU") made this \_\_\_\_ day of May, 2012, by and between the Boys and Girls Club of Southern Maryland (hereinafter, the Boys and Girls Club), the Town of North Beach, Maryland (hereinafter, the "Town") and the County Commissioners of Calvert County, Maryland (hereinafter, the "County Commissioners").

WITNESSETH:

WHEREAS, the Boys and Girls Club, the Town and the County Commissioners desire to cooperate in a shared use (hereinafter, the "Agreement") of the building at 9021 Dayton Ave, North Beach, Maryland 20714, and

WHEREAS, the Boys and Girls Club, the Town and the County Commissioners view the shared use as beneficial to the citizens of Calvert County, Boys and Girls Club members and users of the programs and services provided by the Division of Parks and Recreation.

NOW, THEREFORE, in consideration of the mutual entry of this MOU and the performance of the terms and conditions contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Boys and Girls Club, the Town and the County Commissioners agree as follows:

1. The Town agrees and confirms that, as the owner of 9021 Dayton Ave, North Beach, Maryland it:

- (a) will provide property and liability insurance for the building, excluding the property of the County Commissioners;
- (b) will maintain the exterior of the building, parking area and its grounds (Including landscaping, mowing and snow removal) in good condition at all times of the year;
- (c) will replace HVAC major components should catastrophic failure occur;

- (d) will make repairs to elevator as required through inspection;
- (e) will provide water, sewer and trash service at no cost to the tenants;
- (f) will issue and maintain keys to the occupants; and
- (g) will allow and participate in the renaming of the building, contributing 33% of the cost for new signage.

The Town furthermore agrees to allow modifications to be made by the County Commissioners that will facilitate programs and services provided by the Division of Parks and Recreation. These modifications are to: (a) provide and install window coverings, (b) change out first floor carpet to tile (c) install an interior service window and counter (d) provide interior painting, and (e) add alarm codes for each user group.

2. The Boys and Girls Club agrees and confirms that, as the holder of a lease for the building at 9021 Dayton Ave, North Beach, Maryland, they have reached an agreement with the Division of Parks and Recreation on the scheduling of programs and services that Parks and Recreation will provide from this building (Attachment "A"); and

- (a) will provide complete custodial services for areas of the building they have sole custody of, and will share in the custodial needs, maintenance and up-keep of the gymnasium area contributing 50% of the cost or in-kind services;
- (b) will provide for 50% of the total utilities;
- (c) will provide connectivity to the computer lab;
- (d) will allow and participate in the renaming of the building, contributing 33% of the cost for new signage.

3. The County Commissioners agree and confirm the Division of Parks and Recreation have reached an agreement with the Boys and Girls Club on the scheduling of programs and services to be provided at 9021 Dayton Avenue, North Beach, MD 20714 (Attachment "A"). The County Commissioners will keep in force and effect public liability and property damage insurance with respect to the premises and tenant insurance coverage for the County's property within the facility. The County Commissioners agree to provide:



- (a) custodial services to 7,260 square feet of the building and share in the custodial needs, maintenance and up-keep of the gymnasium area contributing 50% of the cost or in-kind services;
- (b) window cleaning as they determine to be needed;
- (c) carpet cleaning as they determine to be needed;
- (d) game tables for use by both parties;
- (e) and will participate in the renaming of the building, contributing 33% of the cost for new signage;
- (f) will provide for 50% of the total utilities;
- (g) and maintain connectivity including phone service for Parks and Recreation phone and data systems assuming all cost for installation and maintenance;
- (h) elevator maintenance;
- (i) fire system maintenance;
- (j) HVAC maintenance; and
- (k) facility maintenance.

4. The County Commissioners, the Town and Boys and Girls Club agree that this MOU shall terminate on January 16, 2021, or on the date the Agreement terminates, whichever date is later.

5. Any notice to be given to Boys and Girls Club under this Memorandum of Understanding shall be sent to:

With copies to:

And

And any notice to the County Commissioners shall be sent to:

Board of County Commissioners of Calvert County  
Attn: County Administrator  
175 Main Street  
Prince Frederick, Maryland 20678

With copies to:

Director, General Services  
175 Main Street  
Prince Frederick, Maryland 20678

And

County Attorney  
175 Main Street  
Prince Frederick, Maryland 20678

6. This MOU contains the entire agreement between the parties regarding the subject matter of this MOU. There are no promises, agreements, conditions, undertakings, warranties or representations, oral or written, expressed or implied, between them, relating to this subject matter, other than as herein set forth. This MOU is intended by the parties to be an integration of all prior or contemporaneous promises, agreements, conditions, negotiations and undertakings between them relating to this subject matter. This MOU may not be modified orally or in any other manner than by an agreement in writing signed by all the parties or their respective successors in interest. This MOU may be executed in several counterparts, each of which shall be an original, but all of which together shall constitute one and the same instrument.

7. In the event any portion of this MOU is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the County Commissioners of Calvert County to sever only the invalid portion or provision, and that the remainder of the MOU shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the MOU, or unless deletion of the invalid portion would produce a result inconsistent with the purpose and intent of the County Commissioners of Calvert County in entering into this MOU.

8. It is specifically agreed between the parties executing this MOU that it is not intended by any of the provisions of this MOU 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 Commissioners 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 MOU.

9. By entering into this contract, the County Commissioners and its "employees," as defined in the Local Government Tort Claims Act §5-301 *et seq.* of the *Courts and Judicial Proceedings Article* of the Maryland Annotated Code, do not waive sovereign immunity, do not waive any defenses and do not waive any limitations of liability as may be provided for by law. No provision of this contract modifies and/or waives any provision of the Local Government Tort Claims Act.

10. No elected official, appointed official, employee, servant, agent or law enforcement officer shall be held personally liable under this Amended MOU 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.

11. This MOU may not be assigned without the prior written consent of all parties.

12. This MOU shall be construed, interpreted and enforced according to the laws of the State of Maryland, without regard to principals of conflict of laws.

13. This MOU shall be effective upon the date first entered above.

The parties hereto agree to, accept and acknowledge the terms and conditions as set forth in this MOU as witnessed by their signatures below:

**ATTEST:**

\_\_\_\_\_

By: \_\_\_\_\_(SEAL)

**ATTEST:**

**BOARD OF COUNTY  
COMMISSIONERS OF CALVERT  
COUNTY, MARYLAND**

\_\_\_\_\_  
Corrine J. Cook, Clerk

By: \_\_\_\_\_(SEAL)  
Gerald W. Clark, President

Approved as to form and legal  
sufficiency, \_\_\_\_\_, 2012:

\_\_\_\_\_  
John B. Norris, III  
County Attorney

TOWN OF NORTH BEACH  
MAYOR AND TOWN COUNCIL

ORDINANCE NO: 12-05

**AN ORDINANCE TO ADOPT A NEW FRANCHISE AGREEMENT BETWEEN THE TOWN OF NORTH BEACH AND COMCAST OF MARYLAND INCORPORATED.**

**WHEREAS**, the Town of North Beach has a franchise agreement with Comcast of Maryland to provide cable television and related services to the citizens of North Beach, Maryland; and

**WHEREAS**, that agreement has come up for renewal and as a result, the Town and Comcast have negotiated a new franchise agreement which will last for a term of fifteen (15) years with one (1) five (5) year possible renewal; and

**WHEREAS**, the Town has determined that the financial, legal and technical ability of Comcast is sufficient to provide the services, facilities and equipment necessary to meet the future cable related needs of the community and therefore, desires to enter into a new non-exclusive franchise agreement with Comcast of Maryland.

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

1. The new franchise agreement between the Town of North Beach and Comcast of Maryland Incorporated is attached to this Ordinance as Exhibit 1 and is hereby made a part of this Ordinance.
2. The Mayor and Town Council of the Town of North Beach hereby adopts Exhibit 1 as the new non-exclusive franchise agreement for cable television and related services in the Town of North Beach.
3. With the adoption of this Ordinance the Mayor will have the authority to sign the new franchise agreement with Comcast of Maryland Incorporated.

**AND, BE IT FURTHER ORDAINED** that this Ordinance shall become effective on the 30<sup>th</sup> day of May , 2012 after having been read at two successive Town Council meetings Pursuant to 19-311 of the Town Charter.

By order of the Mayor and Council

Mark R. Frazer, Mayor

ATTEST:

Stacy Wilkerson, Town Clerk  
Town of North Beach

VOTE:

\_\_\_\_\_ Benton  
\_\_\_\_\_ Dotson  
\_\_\_\_\_ McNeill  
\_\_\_\_\_ Hummel  
\_\_\_\_\_ Schiada  
\_\_\_\_\_ Wilcox

### CERTIFICATION

I, **HEREBY CERTIFY**, that as the duly appointed Clerk, that the foregoing **ORDINANCE 12-05** was adopted on the 10th day of May 2012 with \_\_\_\_\_ Council Members present and voting with \_\_\_\_ Aye and \_\_\_\_\_ Nay votes.

---

Stacy L. Wilkerson, Town Clerk

TOWN OF NORTH BEACH

May 10, 2012

ORDINANCE 12-06

OPERATING BUDGETS FOR THE GENERAL FUND,  
SEWER AND WATER AND CAPITAL PROJECTS  
FUND FY 2013

WHEREAS, State Law and the Charter for the Town of North Beach requires specific action to be taken each year related to submission, publication and public hearings on and adoption of an annual operating budget for the Town, and

WHEREAS, All the requirements relating to submission, publication and public hearings on the annual operating budget have been met, and

NOW, THEREFORE BE IT RESOLVED, that the attached Town of North Beach, Maryland Budget for Fiscal Year 2013 is hereby adopted as the annual operating budget for the General Fund, Sewer and Water Fund and Capital Projects for Fiscal Year 2013 for the Town of North Beach, Maryland.

READ AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_.

EFFECTIVE DATE OF \_\_\_\_\_.  
Budget year starts: July 1, 2012

BY ORDER OF THE TOWN COUNCIL  
TOWN OF NORTH BEACH, MARYLAND

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

**VOTE:**

\_\_\_\_\_ Benton  
\_\_\_\_\_ Dotson  
\_\_\_\_\_ Hummel  
\_\_\_\_\_ McNeil  
\_\_\_\_\_ Schiada  
\_\_\_\_\_ Wilcox

### **CERTIFICATION**

**I, HEREBY CERTIFY**, that as the duly appointed Town Clerk, that the foregoing  
**ORDINANCE NO: 12-06 was adopted on the day of June, 2012, with**  
Council Members present and voting with \_\_\_\_\_ Aye and \_\_\_\_\_ Nay votes.

---

Stacy L. Wilkerson, Town Clerk



**DRAFT**

TOWN OF NORTH BEACH  
8916 Chesapeake Avenue  
North Beach, Maryland 20714

ORDINANCE 12-07

AN ORDINANCE TO REVISE (~~ESTABLISH~~) TOWN OF NORTH BEACH  
RENTAL HOUSING LICENSES PROCEDURES

WHEREAS, The Mayor and Town Council recognizes its responsibility to establish procedures for rental properties, renewal and application in the Town of North Beach.

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

ARTICLE II, Rental Housing Licenses, Sections 69-14, 69-16, be repealed in its entirety and replaced with a new Article II Rental Housing Licenses Section 69-14, 69-16is hereby repealed in its entirety and there shall be a new Article II, which shall read as follows:

§ 69-14. License required.

- A. All rental housing units shall be required to obtain a license as issued by the Town of North Beach for the privilege of renting housing units within the corporate limits of the town.
- B. A rental housing license shall be on a three year renewal (~~obtained on an annual basis,~~) and shall be inspected within each three (3) year cycle (~~annually~~) or as the Code Enforcement Officer deems necessary.
- C. Rental Housing licenses shall be billed annually (~~on July 1 of each fiscal year~~).

§ 69-16. Inspections.

- A. Upon applications for said license and prior to the issuance and/or renewal and/or upon registered complaint received by the town of substandard livability conditions, there shall be an inspection conducted by an authorized agent of the town of said rental housing units for compliance with the Building Code Administrator (BOCA) National Property Maintenance Code, Calvert County Minimum Livability Code as amended from time to time (~~Building Code Administrator (BOCA) National Property Maintenance Code, as amended from time to time~~).

- B. The owner(s) of title or a legally designated agent (designation must be in writing) of said rental units shall, upon application for license or for license renewal and scheduling of inspection with North Beach Code Enforcement Officer, accompany the North Beach Code Enforcement Officer into the premises for the purpose of conducting the required and/or mandated inspections. Inspection for a rental housing license shall be scheduled within each renewal period (~~annually~~). Scheduling for inspections is made by North Beach Town Hall personnel.

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 in the Town Hall in public view for a period of not less than ten days after its passage.

AND BE IT FURTHER ORDAINED that is Ordinance shall become effective on the \_\_\_\_ day of \_\_\_\_\_, 2012 after being read at two successive Town Council meetings as required by law.

By order of the Mayor and Council

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

**VOTE:**

\_\_\_\_ Benton  
\_\_\_\_ Dotson  
\_\_\_\_ Hummel  
\_\_\_\_ McNeil  
\_\_\_\_ Schiada  
\_\_\_\_ Wilcox

**CERTIFICATION**

I, HEREBY CERTIFY, that as the duly appointed Clerk, that the foregoing  
ORDINANCE \_\_\_\_\_ was adopted on the \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ 2012 with \_\_\_\_\_ Council Members present  
and voting with \_\_\_\_ Aye and \_\_\_\_\_ Nay votes.

\_\_\_\_\_  
Stacy L. Wilkerson, Town Clerk