



*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  
October 10, 2013  
7:00 p.m.**

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL
- III. APPROVE AGENDA
- IV. APPROVAL OF MINUTES
  - A. Minutes from the September 12, 2013 Town Council Meeting
  - B. Minutes from the October 3, 2013 Work Session
- V. SCHEDULED APPOINTMENTS
  - A. Calvert Animal Welfare League
- 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
- X. BUSINESS ITEMS
  - A. Welcome Center Improvements RFP

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: 13-07 An Ordinance to amend the purchasing ordinance of the Town of North Beach by raising the minimum amount for Competitive bidding from \$7,500 to \$15,000 – Introduction
- B. Charter Amendment Resolution No: 13-08 A Charter Resolution to amend Section 19-722, "Purchasing and Contracts" of the Town of North Beach Charter to clarify the requirements for written contracts and bidding procedures – Introduction
- C. Ordinance No: 13-09: An Ordinance of the Mayor and Town Council of North Beach, Maryland to close and abandon an unopened right of way in Block 7 between Chesapeake and Dayton Avenue of the North Chesapeake Beach Subdivision located in the Town of North Beach - Introduction

## XII. MAYOR AND COUNCIL REPORTS

## XIII. PUBLIC COMMENT

## XIV. CLOSED SESSION MEETING

## XV. ADJOURNMENT

### **Upcoming Meetings and Events**

- 1) Saturday, October 26, 2013 – Hound of the Town Dog Parade; 12pm to 2pm
- 2) Saturday, October 26, 2013 – BOO BASH 3pm to 5 pm
- 3) Saturday, October 26, 2013 – Drive In Movie following Boo Bash – "MONSTERS, INC."
- 4) Thursday, October 31, 2013 – Trick or Treat: 6pm to 8pm
- 5) Thursday, November 7, 2013 – Work Session – 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



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**Minutes from the September 12, 2013  
Town Council Meeting  
7:00 pm**

X___ Mayor Frazer	X___ Joanne Hunt	___ Buddy Jenkins
X___ Mr. Benton	___ Stacy Wilkerson	X___ John Shay
X___ Mr. Dotson	X___ Donnie Bowen	___ Dawn Richardson
X___ Mr. McNeill	X___ John Hofmann	X___ Corporal Phelps
X___ Mr. Hummel	___ Richard Ball	
X___ Ms. Schiada	X___ Mr. Wilcox	

**APPROVAL OF AGENDA AND MINUTES**

- a) MOTION made by Randy Hummel to approve the agenda as submitted. Seconded by Mike Benton. All in favor.
- b) MOTION made by Randy Hummel to approve the Town Council Minutes from the August 8, 2013 Meeting with one correction that Councilman Benton was not present at the meeting. Seconded by Greg McNeil. Motion carries.
- c) Minutes from the September 5, 2013 Work Session. MOTION made by Ken Wilcox to approve the minutes as submitted. Seconded by Randy Hummel. All in favor. Motion carries

**SCHEDULED APPOINTMENTS**

- A) Grace Mary Brady from the Bayside History Museum was in attendance and gave a presentation on volunteer acknowledgement throughout the years.
- B) Ms. Joannie Kilmon and Ms. Carrie Plymer. Ms. Plymer is the new head librarian for the County.
- C) Jenny Plummer Welker was in attendance and presented a slide show on the Calvert County Parks and Recreation Draft Plan for the County.

**SHERIFF'S DEPARTMENT REPORT**

- a) In August the Sheriff's Department responded to 205 calls for service in North Beach. This is down from 234 calls in July 2013.

Mark R. Frazer, Mayor

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



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## TREASURER'S REPORT

- a) Treasurers Report: Reporting Period: 8/1//13 – 8/31/13: Beginning Balance \$559,798.05; Total Debits: \$744,335.65; Total Credits: \$285,815.41; Ending Balance: \$1,018,318.28. 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, Waterfront Supervisor and Town Engineer are attached to this report.

## BUSINESS ITEMS:

- A. Wetlands Trail Material bid: MOTION made by Gwen Schiada to award the contract to Coastal Wood Industries in the amount \$11,428.00. Seconded by Greg Dotson. All in favor. Motion carries.

## ORDINANCES AND RESOLUTIONS

Meeting closed 9:00 pm on a Motion made by Randy Hummel. Seconded by Mike Benton. 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 October 3, 2013 Work session

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

Absent was Greg McNeil

- 1) Economic Development Commission Request for Proposals: The EDC submitted to the Mayor and Town Council their document to request proposals to hire a Business Promotion Consultant. MOTION made by Greg Dotson to place this Proposal out for bid. Seconded by Gwen Schiada. All in favor. Motion carries. NOTE: Stacy noted the date to receive them will be changed to the 28<sup>th</sup> of October.
- 2) Discussion on the Competitive Bidding Threshold: John Shay prepared an Ordinance to raise the bidding threshold from \$7,500 to 10,000 this is based on a request by the staff at the September meeting. John Shay also prepared a Charter Amendment to clean up the current purchasing ordinance. Both Ordinances will be placed on the October Town Council agenda for introduction.
- 3) Town of North Beach Ethics Ordinance: John Shay advised the Council on the new laws regarding the State Ethics Ordinance. The Town was granted a partial exemption to the ordinance that will take out the lobbying provision. The new Ordinance will have more requirements mandated by the State John Shay will work on the Towns Ordinance and this item will be placed November Work Session agenda for further discussion.
- 4) Trash Receptacles: Joanne Hunt gave an in depth presentation on a few scenarios to discuss the trash problems in Town and a few ways to improve the service, via buying larger containers for residents, a Pay as You Throw Program, etc. There are new innovative ways to collect trash and encourage recycling. Mayor Frazer has suggested MML hold a seminar at their summer convention on trash collection. Mayor Frazer will call Scott Hancock to discuss this possibility. Lastly, the Environmental Committee will also assist with this project and work with Joanne.

Mark R. Frazer, Mayor

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



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- 5) Enhanced Waterfront General Enforcement: Mayor Frazer opened the conversation with an overview of what the Town currently maintains. Gwen presented to the Mayor and Council some information on litter and dog waste. The presentation is attached to the minutes. Mayor Frazer suggests focusing on one issue at a time. He thinks the town should start an effective education program on animal waste. Greg Dotson suggests a campaign maybe called "scoop the poop." He suggest the Town Attendants pass out some informational sheet in the start of the summer season to individuals walking their pets what the Town expects from individuals with their pets.

Meeting closed at 8:45 p.m. on a motion made by Randy Hummel to enter into Executive Session to discuss a contractual and land matter. Seconded by Ken Wilcox. All in favor.

NOTE: Under the Maryland Opens Meeting Law the Mayor and Town Council voted to enter into Executive Session to discuss a legal matter in regards to a bid on October 3, 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: October 2, 2013

To: Stacy Wilkerson

From: First Sergeant Roscoe Jones

Re: Sheriff's Office Report-North Beach

In September, the Sheriff's Office handled 212 calls for service in North Beach. This is up from 205 calls in August.

Call Breakdown for September:

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

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

Of the 212 calls, we handled:

- 1 Assault (Closed by arrest)
- 0 CDS Violations
- 4 Thefts (3 closed by arrest, 1 under investigation)
  - *Theft of medicine from Fastop (Closed)*
  - *Theft of money (Closed by arrest)*
  - *Theft of Soda (Closed by arrest)*
  - *Theft of license plate bolts (Under investigation)*
- 2 Destruction's of Property
  - Graffiti to sidewalk, light post and Dairy Freeze (Under investigation)
  - Vehicle window broken (Under investigation)
- 2 Burglary
  - Boxes of tools stolen from shed (Under investigation)
  - Coins stolen from house (Under investigation, arrest pending)
- 1 DUI

**Breakdown of Dispatched/Self Initiated Calls**

911 Hang up – 1	Firearms complaint – 1	Suspicious person - 6
Accident – 4	Follow up – 10	Suspicious vehicle - 2
Alarm – 6	Fraud – 2	Tampering with M/V -1 (Unfounded)
Assault – 2	Intoxicated – 2	Theft - 4
Assist other Department- 1	Loud party/music - 4	Traffic complaint - 5
Assist sick/injured – 3	Noise Complaint – 4	Trespassing – 4
Attempt to locate – 7	Parking complaint – 2	Unknown problem – 2
Burglary – 2	Patrol check – 85	Warrant service - 1
CDS Violation – 2	Person w/weapon (Unfounded)	
Check Welfare- 4	Police information – 5	
Conservator of peace – 1	Search warrant – 1 (Handled by CIT)	
Destruction of Property – 6	Special Assignment – 4	
Disorderly – 8	Stolen vehicle – 1 (Arrest made)	
Domestic –13	Suicide attempt – 1 (Unfounded)	
Fight – 1 (Unfounded)	Summons service – 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 09/01/2013- 09/30/2013

## **PNC Bank:**

Beginning Balance 09/01/2013	\$ 1,018,318.28	
Total Debits (+)	\$ 392,412.80	
Total Credits (-)	\$ 418,809.30	
Ending Balance 09/30/2013	\$ 991,921.78	Last Year: \$ 408,151.52
Investments (MLGIP/General Fund)	\$ 1,333,623.89	Last Year: \$ 802,314.84
(MLGIP/Sewer Capital)	\$ 33,968.11	Last Year: \$ 383,852.64
(MLGIP/Water Capital)	<u>\$ 7,420.61</u>	<u>Last Year: \$ 137,382.94</u>
Total Cash As Of 09/30/2013	\$ 2,366,934.39	Last Year: \$ 1,731,701.94

## **Cash Receipts over \$7,500.00**

\$ 9,186.90- Water Bills- Audit #4742  
 \$ 159,471.49- Calvert County Tax Payment- August, 2013  
 \$ 82,148.00- Maryland Water Quality- ENR

## **Cash Disbursements over \$7,500.00**

\$ 34,072.22- Payroll W/E 08/31/2013  
 \$ 30,308.48- Payroll W/E 09/14/2013  
 \$ 26,487.91- Suntrust Bank- Loan #83  
 \$ 10,000.00- BBD, LLP- Auditors  
 \$ 17,602.89- Comptroller of Maryland- Flush Tax  
 \$ 16,215.00- LGIT- Installment #1  
 \$ 15,000.00- LGIT- Installment #2  
 \$ 51,949.05- Town of Chesapeake Beach- WWTP/ENR  
 \$ 56,782.00- Town of Chesapeake Beach- WWTP/ENR/Operation & Maint

To: Mayor Frazer and Town Council Members

From: Don Bowen DPW

Date: 10-7-2013

Subject: Monthly Report

The following is a list of items the Public's Work's Department has been working on in addition to routine tasks.

- 1) Painted crosswalks and repainted curbs throughout Town.
- 2) Started work on the wetlands trail extension project. Pilings have been installed; caps and stringers for the walkway have also been installed. Contractor is 90% complete and DPW is expected to start on decking and handrail this week.
- 3) Assisted in preparation for Bay Harvest Fest. Provided all temporary power and water supply for vendors. Helped with clean up after event was over.
- 4) Have been working with staff and Mr. Ruttkay on a design to enlarge current welcome center bathrooms. After much thought and redesign we have come up with a plan that we think will satisfy the needs for guest of the waterfront area for years to come. DPW will be doing some of the work in house to reduce cost.
- 5) Have been working with Mr. Mark Smith from the department of agriculture and completed the spraying of the phargmities for the season.
- 6) Installed a new flow meter at the Greenwood Ave water station that is compatible with our web base monitoring system to enable staff to monitor flows remotely. This also allows staff to generate reports for MDE through our web based system.
- 7) Removed jelly fish nets with help from beach patrol.

Please feel free to contact me with any questions or concerns.

Thanks Don Bowen DPW

October 10, 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 Sept 12, 2013 through Oct 10, 2013 , 18 new Civicall tickets have been written by Code enforcement ,not including added remarks to existing tickets and a handful that have yet to be filed.

Pending issues;

Property clean up on Bay Ave.: ( Believe it or not, still awaiting Judge's decision) And if there has been a decision made , the Town's legal dept. has not notified me of what that decision is. Multiple inquiries have been made.

Abandoned/Foreclosed properties :

All that have been listed previously except for property on Greenwood Ave. ( Abated by Town 3 times) - will be conducting a fourth soon) and the 10<sup>th</sup> St property are finally being maintained by persons in responsible charge on a regular basis. Abatement as a last resort is the best weapon the Town has, especially when it comes to exterior property maintenance. It sends a message that unmaintained property exteriors won't be tolerated and that the Town says what it means and means what it says. A process of 1. ask verbally ,2. tag door ,3. post door, 4.citation with or without fine and intent to abate, and last but not least 5. Actual abatement w/ administrative costs added. My point is that the majority of properties that were abated once or twice ended up being maintained by persons in responsible charge on a regular basis. They got the message. Also, a " hazardous abatement" was performed on a property on 5<sup>th</sup> St. within the past couple of weeks due to unsanitary conditions because of a mountain of trash that had been thrown out the back door and left there. See photos provided.

Citizen complaints this past month were about various trash and yard maintenance issues. However, after having properties abated that were mentioned in paragraph above, the grass complaints were next to nothing . All in all people did a good job this past summer with grass cutting. As mentioned last month I'm finding some properties are well maintained in the front but backyards are atrocious. Still working on the blast letter that I discussed with the Mayor awhile back about implementing a grace period/amnesty if you will for a 6 month period to have wooden fences in alleys repaired/removed/replaced depending upon the condition of the fence. However, I changed my mind about including backyard maintenance in any type of grace period/amnesty because everyone will think they won't have to clean/maintain their backyards for six months. My strategy for backyard maintenance, especially alley adjacent backyards will have to be on a random block/street at a time

format due to the size of the problem. A letter is in drafting process regarding fences adjacent alleyways , will be authorized to be sent , and sent out when complete . Will keep you posted.

Hot button issues: Homemade reserved parking signs at Town right of way adjacent to businesses by business owners, illegal dumping in alleys/Town right of ways and Bulk Pickup items being put curbside way too soon , someone on sex offender registry allegedly living in a camper in the backyard of a property (pending) and not replacing the roll when its empty here at the Town Hall. ( Sorry, couldn't resist)

Rental inspections for rental licenses are ongoing as well as business license inspections. All licenses issued are posted on Civicall. There are a handful of rental properties that failed inspection and re-inspection is pending per work needed being completed.

Basketball hoops – I have been lenient regarding them because I know that there's not a lot for kids to do here in town and will continue to do so unless there is a legitimate complaint about a particular one or if the actual basketball hoop assembly is in need of repair, such as having a broken backboard , no backboard at all , no net , etc.. In addition, the use of logs, etc. to weigh it down to keep it standing can get ridiculous. A suggestion would be to use sandbags instead. I keep mentioning this because it needs reiteration. I've got one in my sights but just haven't gotten to it yet.

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: October 2013**

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

### Corps of Engineers Wetland Revitalization Project

The Corps is has obtained final headquarters approval l of the Project Scoping Report They are now 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 this fall and take one year to complete.

### Boat Slip Dredge

The Town submitted a request for waterway Improvement funding from DNR the first week in August. The next step is to work on the agreement with Chesapeake Beach on the use of their disposal site and continue to pursue federal & State permits..

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

Four properties have not approved their easement agreements We are working on the details of the agreement with 3 of the four and expect their approval in the near future. . The fourth property owner has been sent a letter with a dead line to approve the agreement. If the dead line is missed, the Town intends to pursue legal means to obtain the easement. We are working with the federal and state permitting agencies on the tidal wetland permits.

### New Fishing Platform for Town Pier.

We are continuing to review the bids received in August and the qualification of the low bidder. and will be providing a recommendation on the award prior to Council action on the award.

### Wetland Trail

The work under the Heinsohn contract for the elevated walkway is completed. DPW is now installing decking and handrails.

### DNR Parcels

The deed has been recorded in Calvert County and will be likewise in Anne Arundel County. This is the last time that you will see this item in my report as it is now completed.

### 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. Mr. Russo is obtaining the concurrence of the USPS which leases the parcel over which the walkway easement is located.

### Pier upgrade project

The design is continuing for the Pier Renovation Project which includes new decking, lighting, railing upgrade and expansion of the Welcome Center bathrooms and piling repairs.

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

CPH is now proceeding with final design as directed by the Council at the September 5, 2013 meeting. Preliminary filling and grading work has been completed by DPW.

### 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 9<sup>th</sup> & Bay to Chesapeake Ave. between 8<sup>th</sup> & 9<sup>th</sup> 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.



TOWN OF NORTH BEACH  
MAYOR AND TOWN COUNCIL

ORDINANCE NO: 13-07

**AN ORDINANCE TO AMEND THE PURCHASING ORDINANCE OF THE  
TOWN OF NORTH BEACH BY RAISING THE MINIMUM AMOUNT FOR  
COMPETITIVE BIDDING FROM \$7,500.00 TO \$15,000.00.**

**WHEREAS**, the Town Purchasing Ordinance is contained in Chapter 18 of the Town of North Code; and

**WHEREAS**, at present, Section 18-3 provides that contracts for the purchase of supplies or services by the Town involving \$7,500.00 or more, shall be awarded by competitive bidding to the lowest responsible bidder; and

**WHEREAS**, it has been over ten (10) years since the \$7,500.00 limit has been in place and the purchasing and contracting climate has changed to the extent that the Mayor and Town Council of the Town of North Beach now feel that it would be more efficient to raise the bidding minimum to \$15,000.00 so that the Town of North Beach could handle relatively smaller contracting and purchasing in a more efficient manner; and

**WHEREAS**, Section 19-722 of the Town of North Beach Charter currently provides that all contracts for goods or services over the amount of \$5,000.00 must be in writing. That the Mayor and Town Council of the Town of North Beach have determined that it would be more efficient to have that threshold contained in the purchasing Ordinance and are therefore, including in this Ordinance a provision that states that all contracts, for goods or services, amounting to \$5,000.00 or more, must be in writing.

**NOW THEREFORE, IT IS HEREBY ORDAINED** by the Mayor and Town Council of the Town of North Beach, Maryland:

1. That Section 18-3A "Competitive Bidding" of the Town of North Beach Code shall now read as follows:

**18-3. Competitive Bidding.**

A) Except as otherwise provided in this Chapter, contracts for the purchase by the Town of supplies or services involving \$15,000.00 or more shall be awarded at a regularly scheduled meeting of the Town Council to the lowest responsible bidder meeting specifications. A contract may not be subdivided to avoid the requirements of this section.

2. That Section 18-4(A)(1) of the Town of North Beach Code shall be amended to read as follows:

**18-4. Exceptions to complete bidding.**

- A) The following types of contracts may be awarded without complying with the bidding procedures otherwise required under this subtitle:
  - 1) Purchases or contracts involving less than \$15,000.00, however purchases or contracts involving more than \$5,000.00 must be in writing.

**AND, BE IT FURTHER ORDAINED** that this Ordinance shall become effective on the \_\_\_\_ day of \_\_\_\_\_, 2013 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

## **Charter Amendment Resolution No: 13-08**

### **A CHARTER RESOLUTION TO AMEND SECTION 19-722, “PURCHASING AND CONTRACTS” OF THE TOWN OF NORTH BEACH CHARTER TO CLARIFY THE REQUIRMENTS FOR WRITTEN CONTRACTS AND BIDDING PROCEDURES.**

**WHEREAS**, the current Section 19-722 of the Charter of the Town of North Beach calls for bidding procedures to be governed by separate Ordinance but states that all contracts over \$5,000.00 shall be made on written contract; and

**WHEREAS**, in the past, this Section and the way that it is drafted, has caused some confusion about what the minimum amount of a contract must be before it must be competitively bid. The Town of North Beach has a separate purchasing Ordinance that sets the bidding threshold at an amount higher than \$5,000.00; and

**WHEREAS**, the Mayor and Town Council of the Town of North Beach has now determined that Section 19-722 of the Town Charter should be re-written for clarification purposes and to make it more compatible with the Towns purchasing Ordinance; and

**NOW, THEREFORE, it is hereby ordained** by the Mayor and Town Council of the Town of North Beach that Section 19-722 of the Town Charter entitled “Purchasing and Contracts” shall be amended to read as follows:

\* \* \* \*

#### Sec. 19-722. – Purchasing and contracts.

All purchasing and contracts for the Town government shall be made by the Mayor. The Council may provide by Ordinance the minimum amount for contracts that must be in writing and the minimum amounts for contracts that are subject to competitive bidding in regards to all Town purchases and contracts. The Mayor shall be required to advertise for sealed bids, in such a manner as may be prescribed by Ordinance, for all written contracts at, or above, the bidding threshold set by the Council. Such contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such contracts shall be approved by the Council before becoming effective. The Mayor shall have the right to reject all bids and readvertise. The Town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for) or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the Town may require.

\* \* \* \*

**AND, BE IT FURTHER RESOLVED**, that the date for adoption for this Resolution is the \_\_\_\_\_ day of \_\_\_\_\_, 2013, and that the amendment to the Charter of the Town as herein adopted, shall be and become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, unless on or before \_\_\_\_\_ day of \_\_\_\_\_, 2013, a Petition for Referendum on this Resolution is filed in writing, containing the appropriate signatures, with the Mayor or Town Clerk pursuant to the provisions and requirements of Article 23A, Section 19, of the Annotated Code of Maryland.

**AND BE IT FURTHER RESOLVED**, that a complete and exact copy of this Resolution shall be posted at the Town of North Beach, Maryland for a period of at least forty (40) days following its adoption.

**AND BE IT FURTHER RESOLVED**, that a fair summary of the proposed Charter Amendment contained in this Resolution shall be published in a newspaper of general circulation in the Town of North Beach not less than four (4) times, at weekly intervals, within a period of at least forty (40) days after adoption of this Resolution.

**AND BE IT FURTHER RESOLVED**, that as soon as the Charter Amendment hereby enacted shall become effective, either as herein provided or following a Referendum, the Town Clerk shall promptly deposit with the Maryland Department of Legislative Reference, a complete copy of this Resolution including:

1. The date of the Referendum election, if any;
2. The number of votes cast for or against this Resolution whether by the Town Council or in referendum; and
3. The effective date of the Charter Amendment contained herein.

This transmittal of the above shall be in accordance with the provisions of Article 23A, Sections 9A and 17, of the Annotated Code of Maryland, and any other applicable law.

**ADOPTED AND ENACTED BY THE CITY COUNCIL OF THE TOWN OF NORTH BEACH, MARYLAND**, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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

**ORDINANCE NO. 13-09**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF NORTH BEACH, MARYLAND TO CLOSE AND ABANDON A PORTION OF THE UNOPENED RIGHT-OF-WAY FOR CHESAPEAKE AVE. IN BLOCK 7 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 portion of the Chesapeake Ave Right-of-Way in Block 7. This portion of the Chesapeake Ave. Right-of-Way is further shown 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 portion of the Chesapeake Ave. right-of-way in Block 7 shown 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