



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
September 13, 2012
7:00 PM**

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. APPROVE AGENDA**
- IV. APPROVAL OF MINUTES**
 - 1) Minutes from the August 9, 2012 Town Council Meeting
 - 2) Minutes from the August 9, 2012 Executive Session
 - 3) Minutes from the August 20, 2012 Executive Session
 - 4) Minutes from the September 6, 2012 Work Session
- V. SCHEDULED APPOINTMENTS**
 - A. Ms. Pat Hofmann from the Calvert County Library
 - B. 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

X. BUSINESS ITEMS

- 1) Ratification of Land Acquisition Contracts

XI. ORDINANCES AND RESOLUTIONS

- 1) Emergency Ordinance No: 12-11: Bond for land acquisition

XII. MAYOR AND COUNCIL REPORTS

XIII. PUBLIC COMMENT

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

Upcoming Meetings and Events

All Meeting held at the Town Hall

- 1) Saturday, September 15, 2012 – Drive in Movie at dusk – Sherlock Holmes
- 2) Monday, September 17, 2012 – Historic Preservation Meeting – 7:00 p.m.
- 3) Wednesday, September 19, 2012 – Special Events Meeting – 7:00 p.m.
- 4) Thursday, September 27, 2012 – Planning Commission Meeting – 7:00 p.m.

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Minutes from the August 9, 2012 Town Council Meeting

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

APPROVAL OF AGENDA AND MINUTES

- a) MOTION made by Randy Hummel to approve the agenda as presented. Seconded by Greg Dotson. All in favor. Motion carries.
- b) MOTION made by Ken Wilcox to approve the Town Council Minutes from the July 12, 2012 Meeting. Seconded by Mike Benton. All in favor. Motion carries.
- c) MOTION made by Gwen Schiada to approve the minutes from the July 12 2012 Executive Session. Seconded by Mike Benton. Ken Wilcox abstains. Motion carries.

NOTE: Under the Maryland Opens Meeting Law the Mayor and Town Council voted to enter into Executive Session to discuss a real estate acquisition.

PUBLIC SAFETY REPORT

- a) Calvert County Sheriffs Report for July 2012. In July the Sheriff's Department responded to 281 calls for service in North Beach. This is down from 338 calls in June 2012.

TREASURER'S REPORT

Treasurers Report: Reporting Period: 7/1/12 – 7/31/12: Beginning Balance \$377,513.46; Total Debits: \$219,765.62; Total Credits: \$507,497.59; Ending Balance: \$89,781.49. MOTION made by Randy Hummel to accept the report. Seconded by Ken Wilcox. Motion carries.

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REPORTS

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

BUSINESS ITEMS:

- 1) Award contract for the Timber Breakwaters: John Hofmann submitted a staff memorandum to support the contract award to Dissen & Juhn in the amount of \$482,529.00. MOTION made by Greg Dotson to approve the contract. Seconded by Gwen Schiada. All in favor. Motion carries. Work to start after Labor Day weekend.

ORDINANCES AND RESOLUTIONS

- 1) Ordinance 12-08: FY 12 Budget Adjustments: MOTION made by Randy Hummel to approve FY12 Budget. Seconded by Ken Wilcox. All in favor. Motion carries.
- 2) Ordinance 12-09: North Beach Comprehensive Plan: MOTION made by Ken Wilcox to adopt Ordinance 12-09. Seconded by Gwen Schiada. AYE: Mike Benton, Greg Dotson, Ken Wilcox, Gwen Schiada. NAY: Randy Hummel
- 3) Ordinance 12-10: North Beach Design Standards: Motion made by Ken Wilcox to adopt Ordinance 12-10. Seconded by Greg Dotson. AYE: Mike Benton, Greg Dotson, Ken Wilcox, Gwen Schiada. NAY: Randy Hummel.
- 4) Resolution 12-04: Community Legacy Application – Parking Lot Development. MOTION made by Mike Benton to approve Resolution 12-04. Seconded by Greg Dotson. All in favor. Motion carries.
- 5) Resolution 12-05: Calvert County Hazardous Mitigation Plan – MOTION made by Randy Hummel to approve Resolution 12-05. Seconded by Mike Benton. All in favor. Motion carries.

Meeting closed at 9: 00 p.m. on a motion made by Randy Hummel to enter into Executive Session to discuss a real estate matter. Seconded by Mike Benton. All in favor.

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 September 6, 2012, Work session

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

- 1) Bond Financing for land acquisition and Stone Breakwater Construction. Mayor Frazer gave an overview of the property the Town is actively working towards purchasing for parking and a waterfront park. Land Acquisition would consist of land owned by RAR Associates on Chesapeake Avenue; 2nd piece of property is located on the northside of 5th and Bay Avenue, owned by Van Metere Corporation. The 3rd piece of property is located at 3rd and Bay also owned by Van Metere; and the final of property is owned by the Walton Family on the north end of Town. The proposed Ordinance incorporates financing for the construction of the stone breakwater outside of Walton Beach. The estimated cost of this project is, \$911, 000.00. The estimate was provided by Town Engineer, John Hofmann. One condition of the bond is the monies must be expended within a three year time period. The timeframe for construction is unknown. Based on the cost of the project and the uncertainty of the construction of the breakwaters, Mayor Frazer is recommending that the breakwater construction be deleted from the bond financing. Bond would be 2.5 million dollars without the breakwater construction. Introduction tonight and vote on next week at the Council meeting. Introduction made by Randy for voting next week at the Council meeting as an Emergency Ordinance.
- 2) Employee Savings Incentives (Councilman Greg McNeill) - A prepared powerpoint was reviewed by Councilman Greg McNeil. Councilman McNeil's proposes incentive bonuses for employee's who suggest a cost saving idea to the Town and monies are saved. There are several difference ways to implement Employee Savings Incentives. John Shay suggest Councilman McNeil do some research and find out if there are other Town in Maryland who have these types of Incentives in Place. Councilman McNeil will do some further research and come back to the Council at the November work session for an update.
- 3) Street Light installation west of Chesapeake Avenue – The west part of Town does not have sufficient lighting on the streets. Councilman McNeil provided some photos with minimal lighting. Mayor Frazer suggested this item go to the Public Safety Committee for further

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research. Joanne Hunt stated she would contact BGE and have a representative come down and do a lighting assessment on the Town.

- 4) Police Presence west of Chesapeake Avenue: This topic was discussed during the campaigning of the last election. Councilman McNeil has spoken to Sgt. Bowen in regards to this item and Sgt. Bowen has given him some suggestions and ideas.
- 5) Stop Sign Enforcement and Speed Cameras: Councilman Greg Dotson stated speed cameras can only be installed in a school district. North Beach does not have a school district so we are not able to install. Stop Sign enforcement: There has been no legislation passed to allow the installation of stop sign cameras in Maryland. The Town of Glen Echo did install a stop sign camera in their Town. Councilman Dotson suggests staying on top of Legislation and if laws are passed the following location would be good places for these cameras; 7th and Bay, 7th and Chesapeake and 5th and Greenwood. There are chronic stop sign runners at these locations. Police presence and ticket writing is helpful. John Shay reminded the Council that the Sheriff Department has a traffic enforcement task force. This task force can be requested for things such as the stop sign issue. Mayor Frazer will speak to the Sheriff and request this task force.
- 6) Electricity Contract (competitive or state piggy back) – Councilman Wilcox has been researching this possibility. There is still additional research to be done. Stacy has already contacted MML to get any information they may have. Once this information is received it will be forwarded to Councilman Wilcox. Hopefully this can save the Town some monies.
- 7) Rainy Day Fund: Mayor Frazer suggests the Town keep approximately 20% of the Towns assessed property value in the fund. Town throughout the State each keeps a difference percentage. At 20% our fund should be approximately \$625,000.00

Meeting closed at 8:20 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: September 5, 2012
To: Stacy Wilkerson
From: First Sergeant Craig Bowen
Re: Sheriff's Office Report-North Beach

In August, the Sheriff's Office handled 235 calls for service in North Beach. This is down from 281 calls in July.

Call Breakdown for August:

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

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

Of the 235 calls, we handled:

- 5 Assaults (all closed)
- 0 Robbery
- 1 CDS Violation
- 6 Thefts (1 closed and 5 under investigation)
 - *Theft of checks/cash*
 - *3 theft from vehicle (don't appear to be related)*
 - *Theft of a bike*
 - *Theft of a table*
- 1 Burglary (under investigation)
- 2 Destruction of Property (under investigation)
- 1 DWI

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

Breakdown of Dispatched/Self Initiated Calls

911 hang up - 1	DWI - 1	Suspicious Person - 4
Accidents - 6	Eviction - 1	Suspicious Vehicle - 3
Alarms - 4	Fight - 1	Theft - 10
Animal complaint - 1	Follow Up - 18	Traffic Complaint - 3
Assault - 6	Indecent Exposure - 1	Traffic assignment - 1
Assist motorist - 2	Loud Party/Music - 5	Warrant Service - 2
Assist sick/injured - 1	Neighborhood dispute - 1	
Attempt to locate - 26	Noise complaint - 1	
Burglary - 2	Patrol checks - 91	
CDS Violation - 2	Police Information - 3	
Check welfare - 3	Protective Order - 2	
Conservator of the Peace - 3	Prowler - 1	
Destruction of Property - 2	Search warrant - 1	
Disorderly - 15	Suicide attempt - 1	
Domestic - 6	Summons service - 4	

****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 08/01/12- 08/31/12

PNC Bank:

Beginning Balance 08/01/12	\$ 89,781.49	
Total Debits (+)	\$ 347,566.54	
Total Credits (-)	\$ 226,972.08	
 Ending Balance 07/31/12	 \$ 210,375.95	 Last Year: \$ 96,003.31
 Investments (MLGIP/General Fund)	 \$ 902,216.92	 Last Year: \$1,116,805.16
(MLGIP/Sewer Capital)	\$ 383,806.73	Last Year: \$ 383,377.42
(MLGIP/Water Capital)	\$ <u>137,366.51</u>	Last Year: \$ <u>137,212.86</u>
Total Cash	\$ 1,633,766.11	Last Year: \$ 1,733,398.75

CASH RECEIPTS OVER \$7,500.00

\$ 100,000.00- MLGIP Transfer
\$ 100,000.00- MLGIP Transfer
\$9,774.50 – Calvert County Tax Payment
\$17,827.77 – Local Income Tax & Other
\$8,071.29 – Audit # 4019

CASH DISBURSEMENTS OVER \$7,500.00

\$ 36,915.91- Payroll W/E 8/4/2012
\$ 32,745.29- Payroll W/E 8/18/2012
\$ 21,495.00- Mosca Design- Christmas decorations
\$ 20,858.01- Southern Maryland Recycling- Trash
\$ 11,166.00- K & H Electric- Boardwalk and 7th St. repairs

To: Mayor Frazer and Town Council Members

From: Don Bowen DPW

Date: 9-11-2012

Subject: Monthly Report

The following is a list of task that the Public Works department has been addressing in addition to routine items.

- 1) Continuing work on the new home of the Bayside History Museum. Completed most of the demo work that was needed. Completed some minor structural work on interior and exterior that was needed. Worked on RFP for interior items that need to be addressed and advertised for bids.
- 2) Installed new top rail on hand rail of the boardwalk from 3rd street to 1st street. This completes this section of hand rail from the east and west section to First Street.
- 3) Started clearing alleys throughout town. Some alleys have become over grown and are hard to drive through. This will aid utility companies in being able to get to poles located in these areas.
- 4) Installed new water fountain in tot lot area located behind BBGC.
- 5) Installed a new storm water pipe at the entrance to the Walton's Beach nature area. Cleaned out the channel from the wet lands located in this area and removed trash barrels that were in the marsh area.
- 6) On 8-24-12 the area experienced a severe thunder storm event, with the area receiving 5 inches of rain. This causes flooding in the 5th and Bay area for a short time on Sunday morning (8-25-12). The large pump on the beach ran for 8 hours during the storm pumping approximately 1.4 million gallons of rain water. No flooding was experienced at 9th street. Overall the Town made out well.
- 7) Attended a pre construction meeting on the break water project with Mr. Hoffman, work is scheduled to begin on 9-17-12. Mr. Hoffman will provide details.

September 13, 2012

Town Council Meeting

To: Mayor Frazer and Town Council members

From August 1, 2012 through September 13, 2011 82 new Civicall tickets have been written by Code enforcement.

There were 31 business inspections and 31 business licenses issued.

One commercial establishment was sent a warning letter for exterior maintenance and one was sent a warning letter for fence maintenance. Both were very cooperative and are in the process of compliance.

34 yard maintenance including grass tickets have been written and warning letters sent. The vast majority of the citizens that were sent letters complied immediately. If and when the work is not completed in a timely manner by the small handful of worst offenders, civil citations as well as a fine will be issued. Abatement is also an option.

There was one property that required hazardous abatement.

Two dead trees have been taken down and three are in the administrative process to be taken down as soon as possible.

One abandoned structure has been demolished (Annapolis Ave.), two are on an approaching timeline to be demolished (Annapolis Ave.) and a couple are being investigated to eventually have demolished hopefully.

There have been 10 various permits applied for and/or issued.

There were 10 citizen complaints addressed immediately. 4 are closed , 2 out of the Town's jurisdiction , and 4 still pending. (dead trees and parking issues).

The biggest issues of concern that I have been directed to address at this time are dead trees ,exterior maintenance of the building envelope ,and building/property abandonment.

Typically warning letters will be written to the Citizens. But if they have blatantly ignored warning letters, Civil citations will be written with fines and given to the most egregious offenders , depending on the severity of the violation.

Respectfully Submitted,

Buddy Jenkins

Code Enforcement Officer

MEMORANDUM

TO: Mayor & Town Council

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

RE: Monthly Report

DATE: September, 2012

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

Timber Wave Barrier Project

The pre-construction meeting with Dissen & Juhn was held on September 10th. The Notice –to proceed will be issued for September 17, 2012

Corps of Engineers Wetland Revitalization Project

The next step is for the project to transition from Section 206 (Evaluation and Preliminary Engineering) to Section 510 – Chesapeake Bay Environmental Restoration and Protection Program. The Town has been asked to submit a letter of intent and certification of financial capability that will be made part of the Project Scoping Report that is used by the Corps to transition to the Section 510 program. After the transition is completed, Town staff will be meeting with the Corps to discuss timing and financial aspects of the project.

Boat Slip Dredge

We are pursuing permits and working with DNR on funding.

9th Street Flood Mitigation Project

We are proceeding with the engineering efforts to address the recommendations received from the Environmental Committee last month. Work includes monitoring ground water testing sites and developing engineering documents for permit application and efforts to determine limits of private property impacts.

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

The Town has applied for Federal & State permits for Phase 1 which includes a connection from the Overlook pier to the parcel at the north end of Frederick Ave.

DNR Parcels

The legal staff at the Department of General Services has made a recommendation to the Board of Public Works that the DNR sites are excess state property and can be disposed of by the State. The State BPW is now scheduled to take action on this determination on September 19, 2012.

Sidewalk Projects

The drawings and specifications for the Frederick Ave. sidewalk in Burnt Oaks have been completed and are being submitted to the Contractor so construction can be scheduled.

**NORTH BEACH WELCOME CENTER
WATERFRONT REPORT
SEPTEMBER 13, 2012**

<u>REVENUE</u>	4/28/11 to 9/9/2011	275,636.00	
	4/28/12 to 9/9/ <u>2012</u>	294,212.00	+ 18,576.00 over last year

<u>Guest Counts</u>	<u>Visitors</u>	<u>Residents</u>	<u>Total</u>
	County & Out of County	Town of North (free passes)	
	<u>2011</u> <u>2012</u>	<u>2011</u> <u>2012</u>	<u>2011</u> <u>2012</u>
	33,649 32,634	7,381 8,242	41,030 40,876

Out of County Comparison – Guests – Thru August 31

	<u>2011</u>	<u>2012</u>
	25,553	27,829

Out of County "Zip Code" Poll (7 weeks)

Prince Georges County	646
Virginia	566
Washington DC	335
Montgomery	237
Anne Arundel County	124
Maryland (Other)	122
Charles County	76
Baltimore	70
St. Mary's County	28

Paddle and Pedal Rentals – Thru September 5 – Comparison

	<u>2011</u>	<u>2012</u>
Kayak	71	50
Double Kayak	0	41
Standup Paddleboard	12	12
Bike	22	46

Richard Ball
Waterfront Manager
Welcome Center: 410.286.3799
Home: 410.286.3988
Cell: 410.474.4516
rball@northbeachmd.org
humphrey72357@comcast.net



Standard Contract of Sale

Published by
The Greater Baltimore Board of Realtors, Inc.

H.E.B. No. 1
2/1/79

This is a Legally Binding Contract; If Not Understood, Seek Competent Advice.

This Agreement of Sale, made this TWO THOUSAND & TWELVE day of AUGUST,
RONALD AND BARBARA J. RUSSO, between THE TOWN OF NORTH BEACH, CALVERT COUNTY, MD, Seller, and
THE TOWN OF NORTH BEACH, CALVERT COUNTY, MD, Buyer.

Witness that the said Seller does hereby bargain and sell unto the said Buyer, and the latter does hereby purchase from the former the following described property, situate and lying in

9123 & 9125 CHESAPEAKE AVENUE
NORTH BEACH, MARYLAND 20714
CONTAINING 15,750 SQUARE FEET OF
LAND, MORE OR LESS
(SEE APPRAISAL SUMMARY DATED JULY 9, 2012
ATTACHED)

at and for the price of THREE HUNDRED NINETY FOUR THOUSAND
\$ 394,000 Dollars (\$ 394,000)
of which ONE \$ 100 Dollars (\$ 100)
have been paid prior to the signing hereof, and the balance to be paid as follows:

- 1 SETTLEMENT TO OCCUR WITHIN 60 DAYS
OF THE EXECUTION OF THIS CONTRACT
- 2 SELLERS WILL EXECUTE A "RIGHT OF ENTRY"
AGREEMENT SHOULD BUYER DESIRE TO INITIATE
WORK FOR PARKING LOT PRIOR TO SETTLEMENT

Warranty Deed

Upon payment as above provided of the unpaid purchase money, a deed for the property containing covenants of special warranty and further assurance shall be executed at the Buyer's expense by the Seller, which shall convey the property to the Buyer.

Title

Title to the property shall be good and merchantable, free of liens and encumbrances except as specified herein and except: Use and occupancy restrictions of public record which are generally applicable to properties in the immediate neighborhood or the sub-division in which the property is located, and publicly recorded easements for public utilities and any other easements which may be observed by an inspection of the property.

Adjustments

Ground rent, rent and water rent shall be adjusted and apportioned as of date of settlement, and all taxes, general or special, and all other public or governmental charges or assessments against the premises which are or may be payable on an annual basis (including Metropolitan District, Sanitary Commission or other benefit charges, assessments, liens or encumbrances for sewer, water, drainage or other public improvements completed or commenced on or prior to the date hereof, or subsequent thereto), are to be adjusted and apportioned as of the date of settlement and are to be assumed and paid thereafter by Buyer, whether assessments have been levied or not as of date of settlement.

(over)

LAND PURCHASE CONTRACT
(North Beach Property, North Beach, Maryland)

THIS LAND PURCHASE CONTRACT (this "**Contract**") is made as of the "Ratification Date" defined in Section 1 below.

1. Defined Terms. When used in this Contract, the following capitalized terms shall have the indicated meanings:

Seller: North Beach Resort Condominiums, L.L.C., a Virginia limited liability company

Purchaser: The Town of North Beach, Maryland

Purchase Price: Parcel 1: \$1,200,000, calculated based upon \$34.00 per gross square foot plus \$180,000 for Water and Sewer Fees prepaid by Seller.

Parcel 2: \$1,000,000, calculated based upon \$18.10 per gross square foot plus \$300,000 for Water and Sewer Fees prepaid by Seller.

The total of Two Million Two Hundred Thousand and No/100 Dollars (\$2,200,000.00) includes the land and the 32 Water and Sewer Fees previously paid by Seller for Parcel 1 (the "**Water and Sewer Fees**") that were subsequently allocated by the Mayor and Council of the Town of North Beach between parcels 1 and Parcel 2, plus an additional existing Water and Sewer Fee applicable to Parcel 2.

Deposit: Fifty Thousand Dollars (\$50,000.00).

Feasibility Period: The period commencing on the Ratification Date and expiring at 5:00 p.m. Eastern Time on the date thirty (30) days after the Ratification Date.

Closing: Settlement hereunder.

Closing Date: On or before the date thirty (30) days after the expiration of the Feasibility Period.

Town of North Beach
8916 Chesapeake Avenue
PO Box 99
North Beach, MD 20714

EMERGENCY ORDINANCE NO: 12-11

AN ORDINANCE OF THE COUNCIL OF THE TOWN OF NORTH BEACH TO authorize and empower The Town of North Beach (the "Town") to issue and sell from time to time, upon its full faith and credit, general obligation bonds in one or more series in an aggregate principal amount not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00) pursuant to the authority of Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland and Sections 19-719(A) and 19-720 of the Charter of the Town of North Beach, the proceeds of the sale thereof to be used and applied for the public purpose of financing, reimbursing or refinancing all or any portion of the costs of acquiring certain property identified herein and developing the same, as applicable, for use as a public park, as municipal parking lots, and as a public park/trail area, together with related costs and costs of issuance as further identified herein; determining that the bonds of each series be sold by private (negotiated) sale without advertisement or solicitation of competitive bids, unless by resolution the Council provides for the public sale after publication or dissemination of the notice of sale of any series of the bonds; authorizing the adoption of a resolution or resolutions of the Council to determine, approve or provide for various matters relating to the authorization, sale, security, issuance, delivery, payment and prepayment of and for each series of the bonds; authorizing and empowering the issuance and sale from time to time of one or more series of general obligation bond anticipation notes in an aggregate principal amount not to exceed Two Million Five Hundred Thousand Dollars

Underlining = material added to the Ordinance as introduced
~~Strikethrough~~ = material deleted from the Ordinance as introduced

(\$2,500,000.00), prior to and in anticipation of any series of bonds, in order to finance or reimburse all or any portion of the costs of the projects on an interim basis; authorizing and empowering the issuance and sale from time to time of one or more series of general obligation bonds to refund any of the bonds issued pursuant to the authority of this Ordinance (including paying related costs of issuance and interest on such refunding bonds), provided that, the aggregate principal amount of any such series of refunding bonds does not exceed one hundred thirty percent (130%) of the aggregate principal amount of the bonds refunded there from; providing that any such series of bond anticipation notes or refunding bonds shall be sold by private (negotiated) sale, unless otherwise determined by the Council by resolution, and authorizing the Council to determine certain matters relating to any such series of bond anticipation notes or refunding bonds by resolution; providing for the levy and collection of ad valorem taxes sufficient for, and pledging the full faith and credit and unlimited taxing power of the Town to, the prompt payment of the principal of and interest on each series of the bonds, the bond anticipation notes and the refunding bonds issued pursuant to the authority of this Ordinance (the "Obligations"); providing that the principal of and interest on each series of the Obligations also may be paid from any other sources of revenue lawfully available to the Town for such purpose; authorizing and directing officials and employees of the Town to take any and all action necessary to complete and close the sale, issuance and delivery of the Obligations authorized hereby; providing that certain officials may take certain actions on behalf of the Town in the event of a reissuance of any of the Obligations authorized hereby; providing that any of the Obligations authorized hereby may be consolidated with any bonds, bond anticipation notes and/or refunding bonds

Underlining = material added to the Ordinance as introduced

~~Strikethrough~~ = material deleted from the Ordinance as introduced

authorized by the Council and issued as a single series of bonds, bond anticipation notes and/or refunding bonds; providing that this title shall be deemed a fair summary of this Ordinance for all purposes; and otherwise generally relating to the issuance, sale, delivery and payment of and for the Obligations authorized hereby.

RECITALS

1. The Town of North Beach, a municipal corporation of the State of Maryland (the “Town”), is authorized and empowered by Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland (West 2002, as replaced, supplemented or amended) (the “Enabling Act”), and Sections 19-719(A) and 19-720 of the Charter of the Town of North Beach, as published in Municipal Charters of Maryland, Volume 6, 2008 Replacement Edition, as replaced, supplemented or amended (the “Charter”), to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds.

2. The Town has determined (i) to acquire certain property in the general vicinity of Bay Avenue and 3rd Street and to undertake acquisition, construction, improvement, installation, furnishing and equipping activities to develop a public park thereon, including, without limitation, landscaping, lighting, signage, hardscaping activities and the acquisition and installation of park furniture and public art, (ii) to acquire certain property in the general vicinity of Bay Avenue and 5th Street and to undertake acquisition, construction, improvement, installation and equipping activities to develop a municipal parking lot thereon (with the potential for a future parking structure to be located thereon), including, without limitation, landscaping, lighting, paving, and pathway activities, (iii) to acquire certain property referred to as the Russo Parcel Block 4 and to undertake acquisition, construction, improvement, installation

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and equipping activities to develop a municipal parking lot thereon, including, without limitation, landscaping, lighting, paving, and pathway activities, and (iv) to acquire certain property referred to as the Walton Parcel 2 & 3 and to undertake acquisition, construction, improvement, installation and equipping activities thereon to develop a public trail and park area and to permit future development of a nature center, including, without limitation landscaping, lighting and trail construction activities, and, in connection with any such activities identified in clauses (i)-(iv), to acquire or pay for, as applicable, the acquisition of improved or unimproved land, necessary property rights and equipment, related site and utility improvements, related architectural, financial, legal, planning, design, engineering, permitting, construction management, acquisition, construction, improvement, installation, furnishing and equipping expenses, functionally related activities at or near the locations or facilities at which such undertakings occur (including, without limitation, grading, drainage, sidewalk, walkway, curb, gutter, water, sewer and storm water work), costs of issuance of any related borrowing and, to the extent determined by the Council of the Town (the “Council”) by resolution, interest during construction and for a reasonable period thereafter (collectively, the “Projects”).

3. Prior to issuing any such series of bonds, the Town may need to obtain interim financing in order to finance project costs on a timely basis through the issuance of one or more series of its general obligation bond anticipation notes pursuant to the authority of Section 12 of Article 31 of the Annotated Code of Maryland (West 2002, as replaced, supplemented or amended) (the “Bond Anticipation Note Enabling Act”).

4. Subsequent to the issuance of any series of bonds authorized by this Ordinance, the Town may desire to refund or advance refund all or a portion of such series of bonds through the

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issuance from time to time of one or more series of its general obligation refunding bonds pursuant to the authority of Section 24 of Article 31 of the Annotated Code of Maryland (West 2002, as replaced, supplemented or amended) (the "Refunding Act").

5. The Town has determined to pledge its full faith and credit and unlimited taxing power to the prompt payment of debt service on the bonds, bond anticipation notes and refunding bonds authorized hereby.

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE TOWN OF NORTH BEACH:

SECTION 1. (a) The Recitals to this Ordinance are deemed a substantive part of this Ordinance and incorporated by reference herein. Capitalized terms used in the Sections of this Ordinance that are not otherwise defined herein shall have the meanings given to such terms in the Recitals to this Ordinance.

(b) References in this Ordinance to any official by title shall be deemed to refer (i) to any official authorized under the Charter or other applicable law to act in such titled official's stead during the absence or disability of such titled official, (ii) to any person who has been elected, appointed or designated to fill such position in an acting capacity under the Charter or other applicable law, and/or (iii) to the extent an identified official commonly uses another title not provided for in the Charter or the City Code, the official, however known, who is charged under the Charter, the City Code or other applicable law or authority with the applicable responsibilities, rights or duties referred to herein.

SECTION 2. The Town, acting pursuant to the authority of the Enabling Act and the Charter, is hereby authorized and empowered to issue and sell from time to time, in one or more

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series, upon its full faith and credit, its general obligation bonds in an aggregate principal amount not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00) (collectively, the “Bonds”) in order to finance, reimburse or refinance all or any portion of the costs of the Projects. Any series of the Bonds may be issued as one or more general obligation installment bonds.

(b) In the event the Town issues any series of the BANs identified in Section 6 of this Ordinance, proceeds of the Bonds of any series in anticipation of which such BANs were issued may also be applied to prepay or pay principal, premium and/or interest on such series of the BANs in accordance with the provisions of the Bond Anticipation Note Enabling Act, and such application shall be deemed the payment of costs of the Projects for purposes of this Ordinance.

(c) By resolution (which, with respect to any series of the Bonds, may include the Resolution (as defined in Section 5 hereof)), the Council may determine or provide for the determination of how any unexpended proceeds of any series of the Bonds (or any series of the BANs, as applicable), premium realized upon sale and/or any investment earnings on proceeds of any such series of the Bonds or of the BANs shall be expended, which may include, without limitation, on costs of the Projects or on debt service payable on such series of the Bonds or of the BANs, as applicable, and any such application shall be deemed the payment of costs of the Projects for purposes of this Ordinance.

SECTION 3. Pursuant to the authority of the Enabling Act and the Charter, the Town hereby determines that it is in the public interest of the Town to sell each series of the Bonds by private (negotiated) sale without advertisement or solicitation of competitive bids due to the ability to time the market, negotiate terms and thereby obtain a beneficial interest rate or rates and other beneficial terms, and the lower costs of issuance typically associated with a private (negotiated)

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sale, unless based on the recommendation of the financial advisor to the Town, the Council determines pursuant to the Resolution that it would be more advantageous to the Town to sell a series of the Bonds at public sale after publication or dissemination of the notice of sale.

SECTION 4. The proceeds of the Bonds shall be used and applied by the Town exclusively and solely for the public purposes described in Section 2 of this Ordinance, unless a supplemental ordinance is enacted by the Council to provide for the use and application of such proceeds for some other proper public purpose authorized by the Enabling Act, the Charter or other applicable law.

SECTION 5. Pursuant to the authority of the Charter and this Ordinance, the Council, prior to the issuance, sale and delivery of each series of the Bonds, shall adopt a resolution or resolutions (in each such case and, collectively, the “Resolution”) specifying, prescribing, determining, providing for or approving such matters, details, forms (including, without limitation, the complete forms of the Bonds of such series and the form of bond purchase agreement or any similar agreement with the purchaser or purchasers of such series of the Bonds, if deemed necessary or desirable or, if such series of Bonds are to be sold by public sale at competitive bid, the form of any notice of sale for such series of the Bonds), documents or procedures as may be required by the Enabling Act, the Charter or this Ordinance or as the Council may deem appropriate for the authorization, sale, security, issuance, delivery, payment or prepayment of or for such series of the Bonds. The Resolution shall set forth, determine or provide for the determination of, or approve or provide for the approval of, among other matters, as applicable, the designation of such series of the Bonds; the date of issue of such series of the Bonds; the aggregate principal amount such series of the Bonds or the manner of determining the same; the denominations of such series of the Bonds; the maturity or maturities of such series of the Bonds or the method of determining the maturities of

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such series of the Bonds; the principal installment or installments, or the method of determining the principal installment or installments, payable on such series of the Bonds; the rate or rates of interest, or the method of determining the rate or rates of interest, payable on such series of the Bonds, which may be fixed or variable; provisions for the payment of late fees and/or additional interest or penalties payable on the Bonds of such series or adjustments to interest rates in appropriate circumstances; the purchase price for such series of the Bonds or the method of determining the purchase price; provisions relating to the prepayment or redemption of such series of the Bonds at the Town's option or by mandatory sinking fund payments; provisions allowing the registered owners of such series of the Bonds to put or cause the prepayment or redemption of the same at their option; the procedures for the sale of the Bonds of such series by private (negotiated) sale without advertisement or solicitation of competitive bids, unless the Resolution shall provide for the sale of the Bonds of such series by public sale at competitive bid after publication or dissemination of the notice of sale, in which case the Resolution shall set forth the procedures for the sale of the Bonds of such series at public sale (including any advertising or bidding requirements) and the award of such series of the Bonds to the successful bidder, if appropriate; the specific Projects the costs of which are to be financed, reimbursed or refinanced from proceeds of such series of the Bonds; provisions for the appropriation, disposal and investment of proceeds of such series of the Bonds; provisions for the application of investment earnings on proceeds of the Bonds of such series; certifications, representations, determinations, designations or elections relating to the tax-exempt or taxable status of interest payable on such series of the Bonds; and all other terms and conditions pursuant to which such series of the Bonds will be issued, sold and delivered, including, without limitation, any determinations to be made or provided for by

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resolution as contemplated by Section 19-719(A)(c) of the Charter to the extent not determined or provided for in this Ordinance. Among other matters, the Council, pursuant to the Resolution, may authorize, approve or otherwise provide for (i) any commitment fee or similar fee and other costs payable in connection with any series of the Bonds and any compensation payable to the purchaser or purchasers of such series of the Bonds in the event the Town fails to deliver such series of the Bonds, (ii) the obtaining of credit or liquidity enhancement for any series of the Bonds (and the execution and delivery of any agreements or documents relating thereto), and (iii) any other agreements or documents necessary to enhance the marketability of or as security for any series of the Bonds, including (without limitation) any ratings, any official statement or similar disclosure document or any continuing disclosure undertaking required to satisfy the requirements of Securities and Exchange Commission Rule 15c2-12. Any Resolution may determine the matters identified in this Section 5 for more than one series of the Bonds.

SECTION 6. (a) Pursuant to the authority of the Bond Anticipation Note Enabling Act and the Charter, the Town is hereby authorized and empowered to issue and sell from time to time, upon its full faith and credit, one or more series of its general obligation bond anticipation notes in an aggregate principal amount not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00) (collectively, the “BANs”) prior to and in anticipation of the sale of any series of the Bonds in order to finance or reimburse all or any portion of the costs of the Projects on an interim basis. Any such series of the BANs may consist of one or more notes and any such note may be issued in installment form and/or draw-down form. Prior to the issuance, sale and delivery of each series of the BANs, the Council shall adopt a resolution or resolutions pursuant to the authority of the Bond Anticipation Note Enabling Act, the Charter and this Ordinance authorizing

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such series of the BANs and specifying, prescribing, determining or providing for the determination of, providing for, or approving or providing for the approval of, with respect to such series of the BANs, the types of matters, details, forms, documents or procedures and determinations specified to be made in Section 5 hereof with respect to each series of the Bonds, to the extent applicable with respect to such series of the BANs, and as otherwise may be authorized or required by applicable law. Unless the Council determines otherwise in a resolution providing for any series of the BANs, pursuant to the authority of the Bond Anticipation Note Enabling Act, each series of the BANs shall be sold by private negotiation, without advertisement or publication of notice of sale or solicitation of competitive bids, due to the ability to time the market, negotiate terms and thereby achieve a beneficial interest rate or rates and other beneficial terms by undertaking a private (negotiated) sale, and the lower costs of issuance typically incurred with a negotiated sale.

(b) As authorized by the Bond Anticipation Note Enabling Act, by resolution the Council may provide for the renewal of any series of the BANs at maturity with or without resale, together with any amendments or modifications to such series of the BANs and any related documentation.

SECTION 7. Pursuant to the authority of the Enabling Act, the Refunding Act and the Charter, the Town is hereby authorized and empowered to issue and sell from time to time one or more series of its general obligation bonds (collectively, the “Refunding Bonds”) for the purpose of refunding or advance refunding any of the Bonds authorized hereby then outstanding, including paying any prepayment premium and any interest accrued or to accrue to the date of prepayment, purchase or maturity of the Bonds to be refunded, paying costs and expenses in connection with the issuance, sale and delivery of such Refunding Bonds, and, to the extent

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determined by the Council by resolution, paying interest on such Refunding Bonds, for the public purpose of realizing savings to the Town in the aggregate cost of debt service on either a direct comparison or present value basis or in order to accomplish any debt restructuring that is permitted by applicable law; provided that, the aggregate principal amount of any such series of the Refunding Bonds shall not exceed one hundred thirty percent (130%) of the outstanding aggregate principal amount of the Bonds refunded therefrom. Any such series of the Refunding Bonds may consist of one or more bonds and any such bond may be issued in installment form. Prior to the issuance, sale and delivery of each series of the Refunding Bonds, the Council shall adopt a resolution or resolutions authorizing such series of the Refunding Bonds and specifying, describing, determining or providing for the determination of, providing for, or approving or providing for the approval of, with respect to such series of the Refunding Bonds, the types of matters, details, forms, documents, procedures and determinations specified to be made in Section 5 hereof with respect to each series of the Bonds, to the extent applicable to such series of the Refunding Bonds, and as otherwise may be authorized or required by applicable law, including the purposes of the Refunding Act to be achieved by the issuance of such series of the Refunding Bonds. Unless the Council determines otherwise in a resolution providing for any series of the Refunding Bonds, pursuant to the authority of the Refunding Act, each series of the Refunding Bonds shall be sold on a negotiated basis without solicitation of bids, due to the ability to time the market, negotiate terms and thereby serve the public interest by achieving a beneficial rate or rates and other beneficial terms by undertaking a private (negotiated) sale, and the lower costs of issuance typically incurred with a negotiated sale.

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SECTION 8. (a) The Town shall levy or cause to be levied, for each and every fiscal year during which each such series of the Bonds, the BANs or the Refunding Bonds (individually or collectively, the “Obligations”) may be outstanding, ad valorem taxes upon all real and tangible personal property within its corporate limits subject to assessment for unlimited municipal taxation in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on such series of the Obligations payable in each such fiscal year. In the event the proceeds from the collection of the taxes so levied may prove inadequate for such purposes in any fiscal year, additional taxes shall be levied in the subsequent fiscal year to make up any deficiency.

(b) The full faith and credit and unlimited taxing power of the Town are hereby irrevocably pledged to the prompt payment of the principal of and interest on each series of the Obligations as and when the same are payable and to the levy and collection of the taxes hereinabove described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of such series of the Obligations. The Town hereby covenants with the registered owner of each Obligation to take any action that may be lawfully appropriate from time to time during the period that such Obligation remains outstanding and unpaid to provide the funds necessary to pay promptly the principal and interest due thereon.

(c) The foregoing provisions shall not be construed so as to prohibit the Town from paying the principal of and interest on any series of the Obligations from the proceeds of the sale of any other obligations of the Town (including, without limitation, (i) with respect to any BANs, from proceeds of any Bonds authorized hereby and (ii) with respect to any Bonds, from proceeds of any Refunding Bonds authorized hereby) or from any other funds legally available for that purpose. Subject to any applicable limitations of the Internal Revenue Code of 1986, as amended, the Town

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may apply to the payment of the principal of or interest on each series of the Obligations any funds received by it from the State of Maryland or the United States of America, or any governmental agency or instrumentality, or from any other source, if the funds are granted or paid to the Town for the purpose of assisting the Town in accomplishing the type of project or projects which such series of the Obligations are issued to finance or refinance or are otherwise available for such purpose, and to the extent of any such funds received or receivable in any fiscal year, the taxes hereby required to be levied may be reduced proportionately.

SECTION 9. By resolution, the Council may make any appropriate arrangements (including, without limitation, by authorizing one or more appropriate officials to make any elections, designations, determinations or filings on the Town's behalf) in the event the right of any registered owner of any Obligation to put or cause the prepayment or redemption of such Obligation at its option, or any change in the interest rate of an Obligation, or any other modification of an Obligation could lead to a reissuance of such Obligation for purposes of the Internal Revenue Code of 1986, as amended, and the U.S. Treasury Regulations promulgated thereunder.

SECTION 10. By resolution, the Council may determine that any of the Bonds, the BANs or the Refunding Bonds authorized hereby may be consolidated with any bonds, bond anticipation notes and/or refunding bonds authorized by the Council and issued as a single series of bonds, bond anticipation notes and/or refunding bonds.

SECTION 11. The Mayor, the Town Treasurer, the Clerk and all other appropriate officials and employees of the Town are hereby authorized and directed to take any and all action necessary to complete and close the issuance, sale and delivery of any series of the Bonds, the

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BANs or the Refunding Bonds authorized hereby and to approve, execute and deliver all documents, certificates and instruments necessary or appropriate in connection therewith.

SECTION 12. The title of this Ordinance shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

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SECTION 13. This Ordinance shall become effective upon approval by the Mayor or passage by the Council over the Mayor's veto, subject to the provisions of Section 19-313 of the Charter.

THE TOWN OF NORTH BEACH

Gregg Dotson, Vice President and Council member

Michael Benton, Councilmember

Randy Hummel, Councilmember

Gregory McNeill, Councilmember

Absent

Gwen Schiada, Councilmember

Kenneth Wilcox, Councilmember

Attest:

Stacy L. Wilkerson, Clerk

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Introduced: September 6, 2012

Passed on an emergency basis: X as introduced _____ as amended

[CHECK APPLICABLE LINES] September 13, 2012

Approved by the Mayor this 13th day of September, 2012:

Mark R. Frazer, Mayor

Effective: September 13, 2012

#149811;50014.013

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