



Town of North Beach Mayor and Town Council Town Council Meeting Minutes

Date: Thursday, January 12, 2023	Location: North Beach Town Hall
Begin: 7:00 PM	Adjourn: 7:31PM
<u>Mayor and Council Attendees:</u> Mike Benton, Mayor Gregg Dotson, Councilman Mary Healey, Councilwoman Mickey Hummel, Councilman Paul Troncone, Councilman Ken Wilcox, Councilman Absent - Lauren Kabler, Councilwoman	
<u>Staff:</u> Shannon Buckler, Administrative Assistant Joanne Hunt, Town Treasurer Donnie Bowen, Public Works Director Dawn Richardson, Marketing and PR Rick Crump, Zoning Administrator Lisa Garrett, Community Conservation Phil Ashworth, Waterfront Manager Absent - Stacy Milor, Town Clerk	
<u>Agenda</u> <ul style="list-style-type: none"> • Call to Order and Pledge of Allegiance • Approval of Agenda and Minutes • Scheduled Appointments • Public Safety Report • Staff Reports • Public Comment • Ordinances and Resolutions • Business Items • Mayor and Council Reports • Adjournment 	
<u>Call to Order and Pledge of Allegiance</u> <ul style="list-style-type: none"> • Mayor Benton called the Town of North Beach Mayor and Town Council meeting for January 12, 2023, to order at 7:01 PM. He asked Phil Ashworth, Waterfront Manager, to lead the Pledge of Allegiance. 	

Approval of Agenda and Minutes

- Agenda Approval - **MOTION** made by Mickey Hummel to approve the agenda as presented. Seconded by Ken Wilcox. All in favor. **Motion carries.**
- Minutes from December 8, 2022, Town Council Meeting – **MOTION** made by Mickey Hummel to approve the minutes as submitted. Seconded by Ken Wilcox. All in favor. **MOTION carries.**
- Minutes from January 5, 2023, Town Council Work Session – **MOTION** made by Gregg Dotson to approve the minutes as submitted. Seconded by Mickey Hummel. All in favor. **Motion carries.**

Scheduled Appointments

- Appointment to the North Beach Board of Appeals – **MOTION** made by Mickey Hummel to appoint Turkessa Thompson to the Board of Appeals. Seconded by Ken Wilcox. All in favor. **Motion carries.**

Public Safety Report

- The Public Safety report is located on the Town website under Board Docs. Mayor Benton just asked the Deputies to stay vigilant with the speeding traffic, smoking marijuana in public, and vandalism. Cpl. Hollinger did advise the Sheriff's Department is working on the vandalism at Wetland Overlook Park.

Staff Report

- All staff reports are located on the Town website under Board Docs. If there are any questions regarding any report, please contact the Department Head.

Public Comment

- Elizabeth Lawton – I have three questions: 1) What is a reasonable amount of time that Town Residents can expect to see the posting of videos, minutes, and other documents to the Town's website, YouTube Channel and Board Docs? 2) My understanding is that before a meeting can go into a closed session, there must first be a public meeting. Is this correct? By what authority are regulations approved and amended without public notice and voting by the Town Council? 3) What is the possibility and legality, for the Town to establish a Fraud, Waste, or Abuse Hotline to handle complaints?
- Denise LaGrange, 9210 Dayton Avenue – I see a growing number of motorized vehicles that are unlicensed and possibly driven by people without licenses. Are they exempt from motor vehicle laws?
- Mayor Benton stated, The Town will take the questions and return in a timely manner with a response.

Ordinances and Resolutions

- Introduction of Ordinance 23-01: FY23 Budget Adjustments. The Ordinance will be placed on the February 9, 2023, Town Council Meeting agenda for a vote.

Business Items

- Election of Vice-President to the North Beach Town Council. **MOTION** was made by Mickey Hummel to nominate Ken Wilcox as the Vice-President. Seconded by Gregg Dotson. All in favor. **Motion carries.**

Mayor and Council Reports

- Mickey Hummel – Thanked everyone for coming out and joining us online. I had to miss the Polar Bear Plunge because I had that awful virus. I am happy I paid to get the shirt for my collection.
- Mary Healey – Wished everyone a Happy New Year. We did have a good Polar Bear Plunge. I was able to MC this year. I am excited about next year. I attended my first SMMA Meeting. I was able to meet a lot of people and discussed some future projects. I am excited about the opening of Ella's Whimsy Clothing Boutique. I have already purchased my outfit from there for the ribbon cutting.
- Ken Wilcox – This was the first time I was able to attend the Polar Bear Plunge and get into the water. It was a lot of fun. I also attended the SMMA Meeting and met a lot of new people.
- Paul Troncone – Thanked everyone for coming out. Last year my daughter called me out and said, "Daddy why aren't you doing this?" So, this year I was going to plunge with her, but at the last minute, she changed her mind. So, I got out of it for one more year.
- Gregg Dotson – Thanked everyone for coming out. I am looking forward to having a great year.
- Mayor Benton – It was a great opening Legislative Day in Annapolis. There are still additional improvements coming to Town Hall.

Adjournment

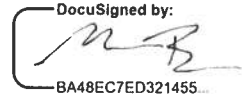
- **MOTION** made by Gregg Dotson to close the meeting at 7:31 pm. Seconded by Mickey Hummel. All in favor. **Meeting closes.**

Respectfully submitted:

DocuSigned by:

 67E2910F5E37418

Shannon Buckler, Administrative Assistant

DocuSigned by:

 BA48EC7ED321455

Mike Benton, Mayor

Approved by Council: February 9, 2023



The Jewel of the Chesapeake Bay
North Beach, Maryland

8916 Chesapeake Avenue | P.O. Box 99
North Beach, MD 20714
Phone: 410.257.9618/301.855.6681 Fax: 301.855.0113
www.northbeachmd.org

January 27, 2023

Ms. Denise LaGrange

9210 Dayton Ave

North Beach, MD 20714

Re: January 12, 2023, Public Comments

Dear Ms. LaGrange:

Per your public comments from January 12, 2023, Town Council Meeting please find my response.

I reached out to our Sheriff's department and asked them to send me information to help answer your question and have included their response below. I believe because of the growing number of these vehicles and concerns this will become an agenda item for the town in the coming months. If you believe someone is acting dangerously or violating the law, please call 410-535-2800 and one of the Beach Deputies will be sent to the location. Thanks again for reaching out and let me know if you have any other questions.

Golf Carts: Golf carts are not allowed on any public roads in Maryland, whether Federal, State, Local or Municipal, except in the city of Crisfield.

Electric scooters and electric bicycles: These must follow the same rules of the road as bicycles. There is no titling or registration process for these.

Mopeds and motor scooters: If these meet the requirements of having an engine less than 1.5hp or less than 50cc, they must properly registered and decalated. The operators must possess a valid driver's license or moped permit and have proof of insurance. No helmet is required.

Mike Benton, Mayor

Council Members: Gregg Dotson Mary Healey Mickey Hummel Lauren Kabler Paul Troncone Ken Wilcox



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Low speed vehicles: These vehicles must be properly registered with the MVA, capable of a speed of 20, but no more than 25mph, have 4 wheels, be electric, weigh less than 2500lbs, and comply with all safety regulations set forth by the Federal Motor Carrier. These vehicles may only be driven on roads with a posted speed limit of 30MPH or less. *Some of these registered low speed vehicles may look similar to golf carts, however they are more robust, have brake lights, headlights, mirrors, etc. and meet the minimum safety standards set forth, however they are not your run of the mill golf carts and must be registered."

Minibikes or pocket bikes: These cannot be operated on public roads in Maryland.

Corporal C. Fox #5077

Calvert County Sheriff's Office

410-535-2800

Patrol Bureau

Regards,

Mike Benton, Mayor

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January 27, 2023

Ms. Elizabeth Lawton
PO Box 157
9232 Erie Avenue
North Beach, MD 20714

Re: January 12, 2023, Public Comment

Dear Ms. Lawton:

Per your public comments from January 12, 2023, Town Council Meeting please find my responses.

Meeting videos are not required by law to be posted; therefore, there is no specific time frame for doing so, and just as with written minutes, it may depend on staff resources. It is not unusual, especially in smaller jurisdictions, due to the press of other work for a jurisdiction's Clerk or due to other circumstances for the posting to be delayed a month or two. Moving forward, the Town of North Beach will endeavor to post meeting videos; including Town Council Work Session, Town Council Meetings, Planning Commission, Ethics Commission, Board of Appeals, and Tree Committee within 30 days of the meetings, and will endeavor to post written minutes to the town website within 30 days from approval of minutes.

All public bodies must convene an open session prior to adjournment into a closed session. There is no requirement that there be public notice that the entity is considering adopting regulations, other than the ordinary notice of the meeting, which can be accomplished by the posting of an agenda. The agenda must be "made available" to the public at least 24 hours in advance; the State statute does not say it must be "posted."

The Ethics Commission has the authority under Section 9-3 (D) of the Town Code to adopt its own regulations without approval from the Town Council.

I will take into consideration the establishment of a hotline to report fraud, waste, or abuse.

Thank you for your comments.

Regards,

Mike Benton, Mayor

January 18, 2023

Subject: January 12, 2023, Public Comments

Mayor and Town Council,

Here are my questions and comments from the Subject meeting. These are sent in keeping with the Mayor's request for questions and comments to be submitted in writing. Thank you, in advance for your prompt responses.

Both questions 1 & 2 regard the Open Meetings Act, and are directed to the Mayor, who, under the current Town chartered form of government, *serves* as the Town Administrator. Both questions 2 & 3 are directed to the Mayor.

Question #1:

What is a reasonable amount of time that Town Residents can expect to see the posting of videos, minutes and other documents to the Town's Website, YouTube Channel and BoardDocs?

Comment: There are two comments:

- 1) Videos on the YouTube Channel were not updated from November 2022 until January 12, 2023.
- 2) As of January 12, meeting minutes for the Ethics Commission for November 21, and December 21 were still not posted.

Question #2:

This question has 2 parts:

a) My understanding is that before a meeting can go into closed session, there must first be a public meeting. Is this correct?

Comment:

Three regulation documents are posted on the Ethics Commission page of the Town's Website. Two of the documents were approved on November 11. The third regulation was approved on November 21, and later amended on December 19. There were no open meetings that went to closed meetings, published or executed, on either November 11 or December 19.

b) By what authority are regulations approved and amended without public notice and voting by the Town Council?

Comment:

Pursuant to the two most recent affecting the Ethics Commission, Ordinances, No. 21-01 (06-29-2021) and No. 22-05 (11-10-2022), the Chapter 9-3 Ethics Commission does not appear to afford the Ethics Commission the authority or privilege to conduct meetings to enact a regulation.

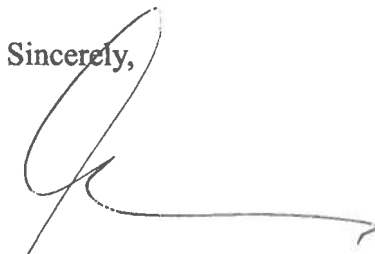
Question #3

What is the possibility, and legality, for the Town to establish a Fraud, Waste or Abuse Hotline to handle complaints.

Comment:

What gets measured enables progress.

Sincerely,



Elizabeth Lawton
Copy to: file

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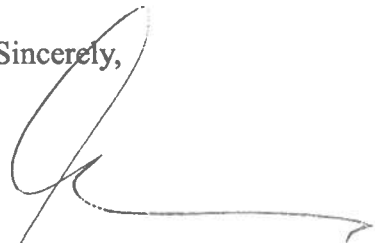
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Elizabeth Lawton
Copy to: file

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Stacy Milor

From: Elissa Levan <Elevan@levanruff.com>
Sent: Monday, January 23, 2023 11:13 AM
To: Mike Benton; Stacy Milor
Subject: FW: [NB] Jan.12.2023 Public Comments
Attachments: Jan.12.2023PublicComments.pdf

Answers to Ms. Lawton's questions:

Response to Question 1:

The videos are not required by law to be posted. There's no actual hard and fast requirement to post minutes or video except "to the extent practicable". (If a jurisdiction doesn't maintain a website, I imagine it would not be "practicable" to post them, for example). I think it is practicable for North Beach, so if the Town is posting the video in lieu of approving written minutes, the video should be posted reasonably promptly under the circumstances. If there are written minutes, the Town can post those instead of the video, although I think there's ordinarily no reason not to post the video.

There is no specific time frame for doing so, and just as with written minutes, it may depend on staff resources. It is not unusual, especially in smaller jurisdictions, due to the press of other work for a jurisdiction's Clerk (or other person responsible for the minutes) or due to other circumstance (vacation, illness, or something else) for the posting of minutes to be delayed a month or two.

Response to Question 2:

2.a. A body must meet in open session before adjourning to closed session.

2.b. There is no requirement that there be public notice that the entity is considering adopting regulations, other than the ordinary notice of the meeting, which can be accomplished by the posting of an agenda. The agenda must be "made available" to the public at least 24 hours in advance; the statute does not say it must be "posted". (Note that there isn't an actual flat requirement for written notice – the notice must be in writing if "reasonable". Ordinarily, it would be reasonable to give written notice.)

The Ethics Commission has the authority under § 9-3(D) to adopt its own regulations without approval from the Town Council.

Response to question 3. This is not a legal question. Whether to establish such a hotline is a question for the Mayor and/or the Council, depending on whether it would be accomplished administratively or legislatively and whether additional appropriations would be necessary.

From: Elizabeth N. Lawton <elizabethlawton@hotmail.com>
Sent: Wednesday, January 18, 2023 4:09 PM
To: Gregg Dotson <gdotson@northbeachmd.org>; Paul Troncone <ptroncone@northbeachmd.org>; Ken Wilcox <kwilcox@northbeachmd.org>; Lauren Kabler <lkabler@northbeachmd.org>; Mickey Hummel <mhummel@northbeachmd.org>; Mary Healey <mhealey@northbeachmd.org>; Mike Benton <mbenton@northbeachmd.org>
Cc: Elissa Levan <Elevan@levanruff.com>; Gary Elson <gelson@levanruff.com>; Elizabeth Lawton <nb.councilwoman@gmail.com>; Stacy Milor <northbeach@northbeachmd.org>
Subject: [NB] Jan.12.2023 Public Comments

Please see the attached.

Thank you, in advance, for your prompt responses.

Sincerely,
Elizabeth