



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
November 14, 2013
7:00 p.m.

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL
- III. APPROVE AGENDA
- IV. APPROVAL OF MINUTES
 - A. Minutes from the October 10, 2013 Town Council Meeting
 - B. Minutes from the November 7, 2013 Work Session
- V. SCHEDULED APPOINTMENTS
 - A. Autism Project
 - B. Bob Carpenter
- 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. Memorandum of Understanding for the Historic Preservation Commission
 - B. Update on the fishing platform, breakwaters, piling repairs and pier redecking
 - C. Update on the 3rd Street Park
 - D. Award of contract for the Shore Erosion Control Project at Walton Reserve

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 – Voting
- 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 – Voting
- C. 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 Avenue in Block 7 of the North Chesapeake Beach Subdivision located in the Town of North Beach – Voting
- D. Ordinance No: 13-10: North Beach Ethics Ordinance - Introduction
- E. Ordinance No: 13-11: Rezoning of RAR properties in Block 5 - Introduction

XII. MAYOR AND COUNCIL REPORTS

XIII. PUBLIC COMMENT

XIV. CLOSED SESSION MEETING IF NEEDED

XV. ADJOURNMENT

Upcoming Meetings and Events

- 1) Thursday, November 28, 2013 – Thanksgiving Town Government Closed
- 2) Friday, November 29, 2013 – Town Government Closed for the Holiday
- 3) Friday, December 6, 2013 – Light the Town on the Pavilion – 7:00 p.m.
- 4) Saturday, December 7, 2013 – Christmas Parade – 1:00 p.m. – Santa on the Beach following the parade

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



Minutes from the October 10, 2013
Town Council Meeting
7:00 pm

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

APPROVAL OF AGENDA AND MINUTES

- a) MOTION made by Gwen Schiada to approve the agenda as submitted. Seconded by Mike Benton. All in favor.
- b) MOTION made by Gwen Schiada to approve the Town Council Minutes from the September 12, 2013. Seconded by Greg McNeil. Motion carries.
- c) Minutes from the October 3, 2013 Work Session. MOTION made by Gwen Schiada to approve the minutes as submitted. Seconded by Mike Benton. All in favor. Motion carries

SCHEDULED APPOINTMENTS

- a) Calvert Animal Welfare League: TO Galloway the President of the organization was in attendance to give an overview of the organization. They are a 100% volunteer organization.

SHERIFF'S DEPARTMENT REPORT

- a) In September the Sheriff's Department responded to 212 calls for service in North Beach. This is up from 205 calls in August 2013.

Mark R. Frazer, Mayor



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TREASURER'S REPORT

- a) Treasurers Report: Reporting Period: 9/1//13 – 9/30/13: Beginning Balance \$1,08,318.28; Total Debits: \$392,412.80; Total Credits: \$418,809.30; Ending Balance: \$991,921.78. MOTION made by Ken Wilcox to accept this report as presented. Seconded by Mike Benton. Motion carries.

REPORTS

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

BUSINESS ITEMS:

- A. Welcome Center Improvements RFP: John Hofmann gave an overview of the project along with a memo. The staff has been working with Chuck Rutkay on a design that will work for the waterfront staff. The Town would like for Donnie Bowen to be the General Contractor for the job. Council members agreed with the project.

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. Councilman Hummel introduced this Ordinance. It will be placed on the November agenda for action.
- 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. Councilman Ken Wilcox introduced this Ordinance and it will be placed on the November agenda for action.
- c) 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 Avenue in Block 7 of the North Chesapeake Beach Subdivision located in the Town of North Beach – Introduction. Councilman Randy Hummel introduced this ordinance. A public hearing will be held on the 7th of November and then placed on the Council agenda for November for action.

Meeting closed 9:00 pm on a Motion made by Randy Hummel. Seconded by Mike Benton. All in favor. Motion carries.

Mark R. Frazer, Mayor

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



Submitted:

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Mark R. Frazer, Mayor

Stacy L. Wilkerson, Town Clerk

Mark R. Frazer, Mayor

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Town of North Beach Public Hearing

7:00 p.m. – Rezoning for lots owned in Block 5 by RAR Associates: The public hearing was opened with a brief overview given by John Hofmann on the request from RAR to rezone the properties in Block 5. This rezoning matter was first applied for in 2008, but was delayed when the Town was rewriting the Comprehensive Plan. The Planning Commission approved the rezoning request in 2010 and the current Planning Commission submitted a letter also supporting the rezoning request. In attendance was the Council for Ron Russo, Anthony Palaigos. Mr. Palaigos submitted into the record documentation that supports the change in zoning citing an error in the zoning when the Comprehensive Zoning Map and Ordinance was written in 2005. The supporting documents will be incorporated into the Ordinance for the Zoning Change.

Public Comment:

Diane Burr, 4114 3rd Street – Would like to know why the whole block is not rezoned instead of just the properties owned by RAR. John Shay explained that this is an individual application and any other home owner in that block can also apply for the same request. But at this time, the Town is only considering the properties owned by RAR. Ms. Burr stated she is in favor of promoting a walking business community.

MOTION made by Greg Dotson to request John Shay prepare an ordinance to approve the rezoning of RAR properties located in Block 5. Seconded by Gwen Schiada. AYE: Hummel, Benton, Dotson, Wilcox, Schiada; NAY: McNeil. Motion carries.

Hearing closes at 7:43 p.m.

8:44 p.m. – Public Hearing on Ordinance 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 Avenue in Block 7 of the North Chesapeake Subdivision located in the Town of North Beach: Mayor Frazer opened the public hearing and John Hofmann gave an overview of the subject property and the request submitted by the adjacent homeowners who have currently been maintained the property for many years. There were no Council questions in regards to the closing of the property. The Ordinance will be voted on at the November 14, 2013 Town Council Meeting.

Public Hearing closed at 7:47 p.m.

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 November 7, 2013 Work session

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

- 1) Town of North Beach Ethics Ordinance: John Shay advised the Council last month the Town would have to adopt a new Ethics Ordinance. For many years the Town has been exempt from the Ordinance, but the State Ethics Commission has revisited all Town Ethics Ordinances and North Beach was granted a partial exemption. John Shay will have an ordinance prepared to be introduced at the November Council Meeting.
- 2) Bid proposal for the fishing platform and breakwaters: John Hofmann advised the Mayor and Council that him and Donnie Bowen were still reviewing the proposals and was hopeful he could bring a recommendation to the Council at the November Town Council Meeting.
- 3) Discussion on Solid Waste Removal: Joanne provided the Council with numbers for the recycling and household trash collection disposal. She is still reviewing the numbers for accuracy. The Environmental Committee recently held their meeting and discussed Solid Waste Removal and they would like to conduct a survey to the Town residents in regards to the trash collection. More information will be forth coming.
- 4) Update on the proposals submitted for the Shore Erosion Control Project at Walton Reserve: The Town received three proposals. The proposals have been submitted to the Environmental Committee to review. John Hofmann will also review and submit a recommendation for awarding the contract at the November Council Meeting.
- 5) Discussion on the North Beach Business Consultant: Two proposals were received by the Town. The proposals have been send to the EDC for their review and recommendation. This item will be placed on the December Town Council agenda.

Meeting closed at 8:45 p.m. on a Motion made by Randy Hummel to enter into closed session to discuss real estate matter. Seconded by Mike Benton. All in favor.

Mark R. Frazer, Mayor

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



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

Mark R. Frazer, Mayor

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

Memo



CALVERT COUNTY SHERIFF'S OFFICE TWIN BEACHES PATROL

Date: November 4, 2013

To: Stacy Wilkerson

From: First Sergeant Roscoe Jones

Re: Sheriff's Office Report-North Beach

In October, the Sheriff's Office handled 199 calls for service in North Beach. This is down from 212 calls in September.

Call Breakdown for October:

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

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

Of the 199 calls, we handled:

- 1 Assault (Closed by arrest)
- 1 CDS Violations (Closed by arrest)
- 3 Thefts (All under investigation)
 - *Theft of laptop*
 - *Theft of Nintendo*
 - *Theft of tools*
- 1 Destruction's of Property
 - Broken house window (Under investigation)
- 0 Burglary
- 1 DUI

**TOWN OF NORTH BEACH
TREASURER'S REPORT**

Reporting Period 10/01/2013- 10/31/2013

PNC Bank:

Beginning Balance 10/01/2013	\$ 991,921.78	
Total Debits (+)	\$1,136,013.32	
Total Credits (-)	\$1,849,867.37	
Ending Balance 10/31/2013	\$278,067.73	Last Year: \$ 832,305.11
Investments (MLGIP/General Fund)	\$2,833,706.91	Last Year: \$802,410.00
(MLGIP/Sewer Capital)	\$ 33,969.77	Last Year: \$383,898.00
(MLGIP/Water Capital)	<u>\$ 7,420.97</u>	<u>Last Year: \$137,399.00</u>
Total Cash As Of 10/31/2013	\$3,153,165.38	Last Year: \$2,156,012.11

Cash Receipts over \$7,500.00

\$ 1,099,219.92 - Calvert County Tax Payment- September, 2013

Cash Disbursements over \$7,500.00

\$ 25,057.60- Payroll W/E 09/28/2013
\$ 25,103.40- Payroll W/E 10/12/2013
\$ 23,592.61- Payroll W/E 10/26/2013
\$ 12,287.85- Costal Wood Industries (Trail Project)
\$ 36,168.75- Suntrust Bank #26/59/75
\$ 10,808.00- Dunkirk Supply (Trail Project)
\$ 15,100.00- Funk & Bolton (Bond Council WWTP/ENR/MDE Bond)
\$ 74,800.00- Heinsohn Contracting, Inc. (Trail Project)
\$ 11,078.65- Southern MD Recycling (Sept)
\$ 14,559.50- Town of Chesapeake Beach (WWTP)
\$ 1,500,000.00- Transfer to MLGIP (Gen)
\$ 10,633.59- Southern MD Recycling (August)
\$ 9,830.57- PNC Credit Cards (thru 9/25/2013)

Stacy Wilkerson

From: Donnie Bowen
Sent: Wednesday, November 13, 2013 10:04 AM
To: Stacy Wilkerson
Subject: Fwd:

Sent from my iPhone

Begin forwarded message:

From: "Donnie Bowen" <dbowen@northbeachmd.org>
Date: November 13, 2013 at 10:03:30 AM EST
To: "markrfrazer" <markrfrazer@yahoo.com>

Mayor,

I didn't bring laptop with me in order to do monthly report. Highlights are as follows. Completed decking on pier, working on handrail installation of pickets needed to complete handrail. Working with john on fishing platform bid. Working on welcome center remodeling project plan to start work after holidays in order to keep bathrooms in operation

During holiday events. Expect to complete work in 60 days. Have started leave clean up in public areas, will continue throughout season. Working with pump rep to correct problems at San Francisco sewer pump station. May have to upgrade to larger pumps.

Thanks Donnie

Sent from my iPhone

November 14, 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 Oct. 10, 2013 through Nov 13, 2013 , the Town is in process of no longer using Civicall and switching over to ShoreScan. Anything written by Code enforcement will be tallied and provided in the report closest to completed switch over from Oct.10,2013. Things have slowed somewhat but there are issues being worked on not included in this report.

Pending issues;

Property clean up on Bay Ave.: The Town's legal dept. has notified me that they have received a signed order from the Judge to have both dilapidated sheds removed and anything not part of the natural landscape cleaned up and disposed of. Waiting now to have signed order in hand to see if there's a deadline and will proceed accordingly.

Abandoned/Foreclosed properties :

Abated abandoned property for 4th time on Greenwood Ave.. Found out that property is going up for auction soon. Also , a property on Dayton Ave. that we abated once in the summer is now officially abandoned.

There are 2 properties (1 on Dayton , 1 on Erie) of one owner that pending violations are on hold due to death of their son and won't be pursued until a reasonable mourning period has passed unless instructed otherwise.

Citizen complaints this past month were about various trash , yard maintenance and fire burning issues. 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. A letter is in drafting process regarding fences adjacent alleyways , will be authorized to be sent , and sent out when complete . Occasional writer's block and the search for proper wording is the only reason it's not yet completed. Will keep you posted.

Hot button issues: someone on sex offender registry allegedly living in a camper in the backyard of a property (again) and fire/smoke issues.

Rental inspections for rental licenses are ongoing as well as business license inspections. All licenses issued are posted on Civicall but will be switched to ShoreScan soon. There are a couple of rental properties that failed inspection and re-inspection is pending per work needed being completed.

MEMORANDUM

TO: Mayor & Town Council

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

RE: Monthly Report

DATE: November 2013

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

Corps of Engineers Wetland Revitalization 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..

9th Street Flood Mitigation Project

Four properties have not approved their easement agreements We are working on the details of the agreement with all 4 and expect their approval in the near future. . We are working with the federal and state permitting agencies on the tidal wetland permits.

New Fishing Platform for Town Pier.

We are recommending a rebid as the pricing from the low bid Contractor for possible cost savings is not acceptable. The rebid will include work on the main pier so the Town can get the benefit on one contractor working on both projects which will result in cost savings by not having a separate contract.

THIS MEMORANDUM OF AGREEMENT ("Agreement") is made this ____ day of _____, 2013 by and between the County Commissioners of Calvert County, Maryland, a body corporate and politic, and _____

Comment [JBN1]: John, I presume this would be the Mayor and Town Council?

WHEREAS, the Calvert County Historic District Commission ("HDC") serves as a citizen review board on matters concerning historic preservation within Calvert County;

WHEREAS, the members of the HDC, appointed by the Board of County Commissioners, have knowledge, training and special interest in historic preservation;

WHEREAS, the HDC makes recommendations to the Board of County Commissioners concerning the designation of sites as historic districts and applications for Calvert County tax credits for restoration work on structures in historic districts;

WHEREAS, the HDC reviews and approves petitions and building permits for alteration, repair, moving or demolition of structures and for ground-disturbing activities within designated historic districts;

WHEREAS, the HDC also reviews subdivision and site plan applications, which may impact historic districts and makes recommendations on National Register nominations to the Maryland Historical Trust;

WHEREAS, the Town of North Beach has appointed the North Beach Historic Preservation Commission to serve as a citizen review board on matters concerning historic preservation within the municipal limits of the Town of North Beach; and

WHEREAS, the Mayor and Town Council of the Town of North Beach has requested, and the County Commissioners of Calvert County wish to accommodate, the transfer of the duties, responsibilities and obligations of the North Beach Historic Preservation Commission to the HDC such that: (1) the HDC may provide the Mayor and Town Council of the Town of North Beach recommendations concerning the designation of sites as historic districts; (2) the HDC may review and approve petitions and building permits for alteration, repair, moving or demolition of structures and for ground-disturbing activities within designated historic districts within the Town of North Beach; and (3) the HDC may review subdivision and site plan applications within the Town of North Beach, which may impact historic districts and makes recommendations on National Register nominations to the Maryland Historical Trust.

NOW, THEREFORE, in consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Board of County Commissioners of Calvert County and Mayor and Town Council of the Town of North Beach agree as follows:

1. The Mayor and Town Council of the Town of North Beach shall take all necessary steps to assign the duties, responsibilities and obligations of the North Beach Historic Preservation Commission to the HDC;

- 1.2. Mayor and Town Council of the Town of North Beach shall take all steps necessary to adopt the same historic preservation provisions as set forth in the Calvert County Zoning Ordinance, as amended from time to time;
- 2.3. The Board of County Commissioners of Calvert County shall adopt any necessary revisions to the charter of the HDC to provide that: (a) the HDC may provide the Mayor and Town Council of the Town of North Beach recommendations concerning the designation of sites as historic districts; (b) the HDC may review and approve petitions and building permits for alteration, repair, moving or demolition of structures and for ground-disturbing activities within designated historic districts within the Town of North Beach; and (c) the HDC may review subdivision and site plan applications within the Town of North Beach, which may impact historic districts and makes recommendations on National Register nominations to the Maryland Historical Trust;
- 3.4. By entering into this Agreement, the County, the Town and their "employees," as defined in the Local Government Tort Claims Act, §§5-30 1, *et seq.* of the *Courts and Judicial Proceedings Article*, do not waive sovereign immunity, do not waive: any defenses; any limitations of liability as may be provided for by law; or any provision of the Local Government Tort Claims Act;
- 4.5. It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of this Agreement to create in the public or any member thereof, third party beneficiary status in connection with the performance of the obligations herein without the written consent of the County and notwithstanding its concurrence in or approval of the award of any contract or subcontract or the solicitation thereof in fulfilling the obligations of the Agreement;
- 5.6. No elected official, appointed official, employee, servant, agent or law enforcement officer shall be held personally liable under this Agreement and any extension or renewals thereof because of its enforcement or attempted enforcement provided they are acting within the course and scope of their employment or governmental duties and responsibilities;
- 6.7. The County's financial obligations, if any, under this Agreement are contingent upon sufficient appropriations and authorization being made by the County for the performance of this Agreement. The County's decision as to whether sufficient appropriations are available shall be accepted by the other party or parties to this Agreement, and shall be final;
- 7.8. Either party to this Agreement may terminate the Agreement without cause by given _____ sixty (60) days written notice to the other party. The effective date of termination pursuant to this clause shall be the _____ sixty-first (61st) day following the date of the written termination notice. In the event of such termination, all contract fees and charges incurred through the effective date of the termination shall be payable in accordance with the terms of this Agreement. In the event of such termination, neither party shall be liable for any damages or penalties of any nature.

In the event of a conflict between this clause and any other clause of this Agreement, this clause shall control;

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

9.10. The parties hereto agree that the above writing constitutes the entire agreement between them concerning this matter and that there are no understanding, promises or arrangements binding either part hereto that have not been written herein. The parties further agree that this Agreement can be amended only by written agreement signed by the parties hereto; and

10.11. This Agreement shall be governed by the internal laws of Maryland, without giving effect to its choice of law provisions, and any action brought by or between the parties shall vest jurisdiction and venue exclusively in the Courts located in Calvert County, Maryland.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by a duly authorized representative by their hands and seals, intending to be so bound, as of the day and year first above written.

ATTEST:

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

By: _____(SEAL)
Pat Nutter, President

Signature line for the Town:

Memo

To: Mayor & Town Council
From: John Hofmann, Town Engineer *JH*
CC: S. Wilkerson, D. Bowen, J Hunt, R. Ball, Buck Emory
Date: November 12, 2013
Re: Fish Platform & Breakwater Contract.

The Town received 5 bids on August 6, 2013 for the Contract to construct the new fishing platform and a stone break water at the end of the Town pier. The Contract includes the following work:

- 6' walkway from the lower pier at the north side transient boat slips to the new fishing platform
- 10.5 wide fishing platform off the east end of the tee section of the pier 2.5ft lower than the deck on the tee section.
- Stone breakwater below the tee section
- Repair of 23 piles supporting the tee section. The piles to be repaired are in very poor condition and would be repaired by encasing them in reinforce concrete.

The bid results are attached. The low bidder was SE Davis of La Plata at \$423,377.00.

As Buck Emory, Don Bowen and myself were not familiar with work similar to the Town's project completed by SE Davis, we asked them to submit their qualifications and to meet with us to discuss their capabilities. We had two interview meetings with SE Davis and their intended marine subcontractors. After these reviews we became convinced that SE Davis has assemble a team capable of performing the work on the Town' contract.

Upon reviewing the pricing from all the bidders, we found that the cost to repair the 23 piles in poor condition was very high which led to us exploring an alternative to piling repairs. Buck Emory developed a plan that utilizes 16 new piles and new framing to take the place of the deteriorated pilings. Our cost estimate for the alternative is that it would reduce all the bidders cost for the project by a significant amount.

We submitted the alternative plan to SE Davis and asked that they price the alternative plan and propose a cost savings to the town. Since the work on the alternative plan will involve the removal of portions of the existing decking, we asked SE Davis to price replacing all the decking on the tee section with new wood decking which is part of the plan for the Pier Rehabilitation Project.

SE Davis responded with a no cost change order for the alternative piling repair plan and a cost in the order of \$15.00 per sq. ft. for the decking work. We had estimated that the cost savings should be in the \$50,000 range for the alternative pile repair plan and between \$5.00 and \$7.00 per sq ft for the decking work.

Because the pricing proposed by SE Davis for changes to their low bid are not in line with what the Town should get, we recommend that all the bids received on August 6, 2013 be rejected and that the project be rebid with the alternative repair plan and new decking for the tee added to the contract.

Additionally we recommend that the work for pile repair and decking on the pier landward of the tee section be bid as an add alternative so the Town can get the advantage of the work being done under one contract with two parts (work under and next to the tee section and work on the pier landward of the tee).

I will be available at your November 14, 2013 meeting to answer any question or concerns you have about the recommendations above.

BID RESULTS
 FISHING PLATFORM & BREAKWATER PROJECT
 TOWN OF NORTH BEACH

Bids Received August 6, 2013

BIDDER	BIDDER	BIDDER	BIDDER	BIDDER
AJ Haines	Dessen & Jaffe	SE Davis Construction	Edwin A. John C. Crandall	Marine Technology

BASE BID \$580,000 \$482,150 \$423,377.00 \$436,000.00 \$658,695.00

SCHEDULE OF UNIT PRICES

1. Excavation & Disposal - per CY	\$125.00	\$50.00	\$50.00	\$100.00	\$3,500.00
2. Timber Piles - Per VF	\$25.00	\$18.00	\$42.00	\$30.00	\$35.00
3. Struts - Per BF	\$8.00	\$4.00	\$5.50	\$4.55	\$14.00
4. Caps - Per BF	\$7.00	\$6.00	\$5.50	\$4.55	\$16.00
5. 2" Wood Decking - Per BF	\$3.50	\$3.50	\$10.00	\$4.55	\$7.50
6. Bracing Sockets - each	\$500.00	\$175.00	\$350.00	\$7.35	\$1,250.00
7. Hand Railings - Per BF	\$10.00	\$9.00	\$28.50	\$8.45	\$50.00
8. Hardware - Per LB	\$4.00	\$5.00	\$2.50	\$5.00	\$6.00
9. Pile Cap - Per SY	\$5.00	\$12.00	\$9.00	\$4.00	\$15.00
10. Bedding Stone - Per CY	\$180.00	\$109.00	\$50.00	\$150.00	\$70.00
11. Armour Stone - Per Ton	\$125.00	\$150.00	\$135.00	\$95.00	\$91.00
12. Pile Encasement - each	\$3,600.00	\$4,500.00	\$1,500.00	\$4,240.00	\$5,000.00

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 4th day of December, 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 14th day of November 2013, and that the amendment to the Charter of the Town as herein adopted, shall be and become effective on the 24th day of December, 2013, unless on or before 4th day of December 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.

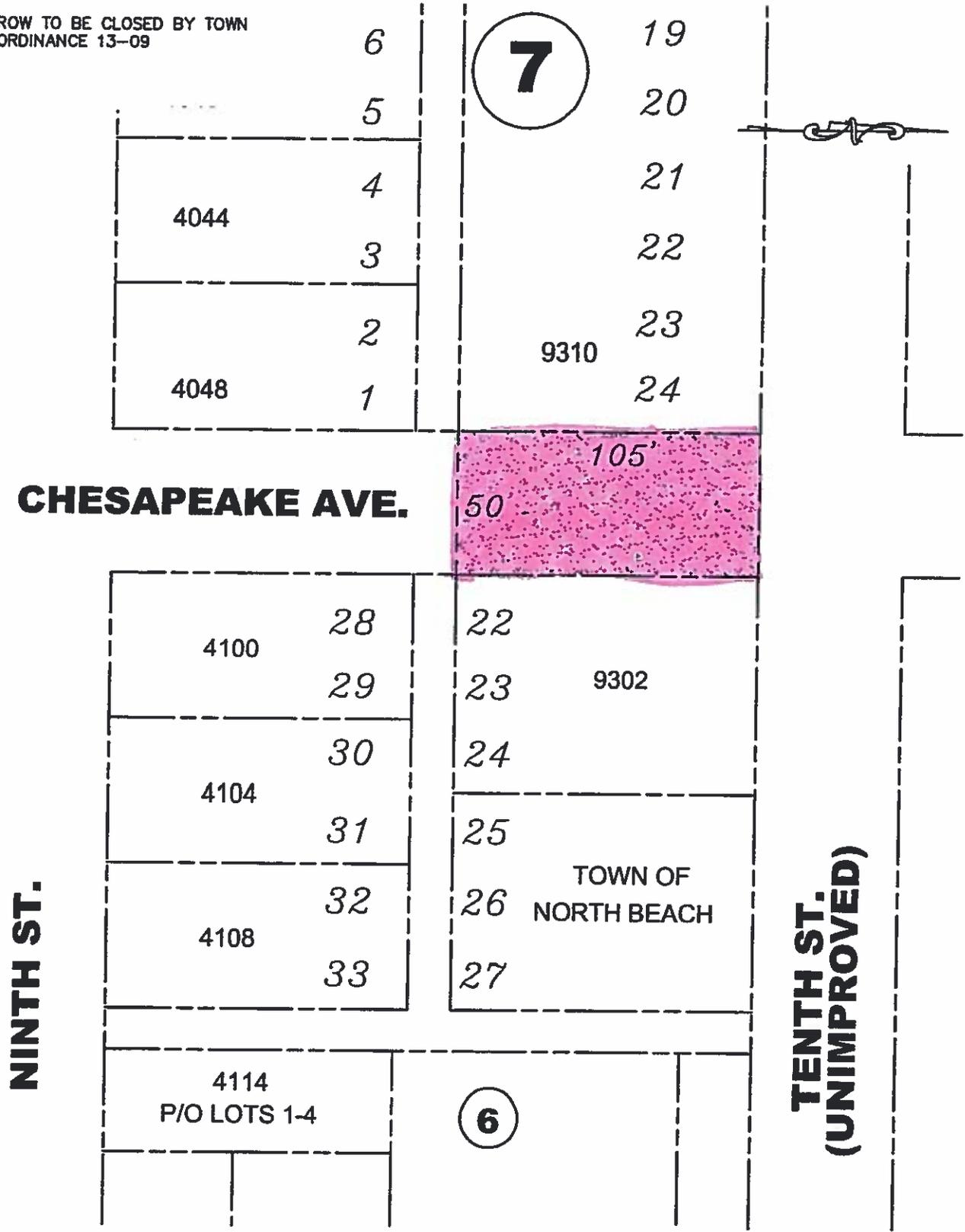
ATTEST:

Stacy Wilkerson, Town Clerk

Mark R. Frazer, Mayor



ROW TO BE CLOSED BY TOWN
ORDINANCE 13-09



EVICTIONS

TOWN OF NORTH BEACH

PLAT OF R-O-W TO BE CLOSED
 PART OF CHESAPEAKE AVE.
 BLOCK 6 & 7

SCALE:
 1"=50'
 DATE:
 OCTOBER 2013
 EVL/BJT

ORDINANCE NO. 13-10

AN ORDINANCE TO REPEAL THE EXISTING ETHICS ORDINANCE FOR THE TOWN OF NORTH BEACH AND TO ADOPT A NEW TOWN OF NORTH BEACH ETHICS ORDINANCE IN ACCORDANCE WITH A STATE LAW MANDATE.

WHEREAS, the current Ethics Ordinance for the Town of North Beach is contained in Chapter 9 of the Town of North Beach Code; and

WHEREAS, the Legislature of the State of Maryland and the State Ethics Commission made revisions to State Ethics Law in 2011 that applied to all unexempted municipal corporations in the State of Maryland; and

WHEREAS, as of the effective date of the new law, October 1, 2011, the Town of North Beach had an exemption and did not have to comply with the new standards at that time; and

WHEREAS, on January 25, 2013, the Town of North Beach was notified by the State Ethics Commission that the Commission had reconsidered the Town's exemption and had decided to change the Town's status to having a partial exemption; and

WHEREAS, a partial exemption means that the Town of North Beach must pass an Ethics Ordinance in compliance with the new state law standards but may exclude the lobbying provisions in those standards; and

WHEREAS, in order to comply with the mandate from the State Ethics Commission, the Mayor and Town Council of the Town of North Beach are now adopting this Ordinance to repeal the existing Ethics Ordinance and to adopt a new Ordinance which fully complies with the new State standards.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Town Council of the Town of North Beach, that Chapter 9 of the Town of North Beach Code entitled "Ethics" is hereby repealed in its entirety.

BE IT FURTHER ENACTED AND ORDAINED, by the Mayor and Town Council of the Town of North Beach that a new Town Ethics Ordinance be, and is hereby adopted, as follows:

Section 1. Short title.

This Ordinance may be cited as the Town Public Ethics Ordinance.

Section 2. Applicability.

The provisions of this Ordinance apply to all Town elected officials, employees, and appointees to boards and commissions of Town.

Section 3. Ethics Commission.

- a) There is a North Beach Ethics Commission that consists of 3 members appointed by the Mayor.

- b) The Commission shall:
 - 1) Devise, receive, and maintain all forms required by this Ordinance;
 - 2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this Ordinance regarding the applicability of the provisions of this Ordinance to them;

 - 3) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this Ordinance; and

 - 4) Conduct a public information program regarding the purposes and application of this Ordinance.

- c) The Town Attorney shall advise the Commission.

- d) The Commission shall certify to the State Ethics Commission on or before October 1 of each year that the Town is in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, for elected local officials.

- e) The Commission shall determine if changes to this Ordinance are required to be in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, and shall forward any recommended changes and amendments to Town Council for enactment.

- f) The Commission may adopt other policies and procedures to assist in the implementation of the Commission's programs established in this Ordinance.

Section 4. Conflicts of Interest.

- a) In this Ordinance, the following is defined as:
 - 1) "Qualified Relative" means a spouse, parent, child, or sibling.

 - 2) "Gift" means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration. "Gift" does not include a political campaign contribution regulated under Election Law Article, Annotated Code of Maryland, or any other provision of State or local law resulting in the conduct of elections or the receipt of political campaign contributions.

- b) All Town elected officials, officials appointed to Town boards and commissions subject to this Ordinance, and employees are subject to this section.

c) Participation prohibitions. Except as permitted by Commission regulation or opinion, an official or employee may not participate in:

1) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee has an interest.

2) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:

(i) A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;

(ii) A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;

(iii) A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment.

(iv) If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;

(v) An entity, doing business with the Town, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or

(vi) A business entity that:

(A) The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and

(B) As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.

3) A person who is disqualified from participating under paragraphs (1) or (2) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:

- of acting;
- (i) The disqualification leaves a body with less than a quorum capable
 - (ii) The disqualified official or employee is required by law to act; or
 - (iii) The disqualified official or employee is the only person authorized
- to act.

4) The prohibitions of paragraph 1 and 2 of this subsection do not apply if participation is allowed by regulation or opinion of the Commission.

d) Employment and financial interest restrictions.

1) Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

(i) Be employed by or have a financial interest in any entity:

(A) Subject to the authority of the official or employee or the Town agency, board, commission with which the official or employee is affiliated; or

(B) That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or

(ii) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

(2) This prohibition does not apply to:

(i) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;

(ii) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Commission;

(iii) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the Commission; or

(iv) Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

e) Post-employment limitations and restrictions.

1) A former official or employee may not assist or represent any party other than the Town for compensation in a case, contract, or other specific matter involving the Town if that matter is one in which the former official or employee significantly participated as an official or employee.

2) Until the conclusion of the next regular session that begins after the elected official leaves office, a former member of the Town Council may not assist or represent another party for compensation in a matter that is the subject of legislative action.

f) Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the Town.

g) Use of prestige of office.

1) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.

2) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.

h) Solicitation and acceptance of gifts.

1) An official or employee may not solicit any gift.

2) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:

(i) Is doing business with or seeking to do business with the Town office, agency, board, or commission with which the official or employee is affiliated;

(ii) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;

(iii) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or

3) Paragraph (5) of this subsection does not apply to a gift:

(i) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;

(ii) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or

(iii) Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.

4) Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:

(i) Meals and beverages consumed in the presence of the donor or sponsoring entity;

(ii) Ceremonial gifts or awards that have insignificant monetary value;

(iii) Unsolicited gifts of nominal value that do not exceed \$20.00 in cost or trivial items of informational value;

(iv) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;

(v) Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;

(vi) A specific gift or class of gifts that the Commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the Town and that the gift is purely personal and private in nature;

(vii) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or

(viii) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is in not related in any way to the official's or employee's official position.

i) Disclosure of confidential information. Other than in the discharge of official duties, an official or employee may not disclose or use confidential information that the official or employee acquired by reason of the official's or employee's public position and that is not

available to the public, for the economic benefit of the official or employee or that of another person.

j) Participation in procurement.

1) An individual or a person that employs an individual who assists a Town agency in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

2) The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.

Section 5. Financial Disclosure — Local Elected Officials and Candidates to be Local Elected Officials.

a)

1) This section applies to all local elected officials and candidates to be local elected officials.

2) Except as provided in subsection (b) of this section, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:

(i) On a form provided by the Commission;

(ii) Under oath or affirmation; and

(iii) With the Commission.

3) Deadlines for filing statements.

(i) An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.

(ii) An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.

(iii)

(A) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office.

(B) The statement shall cover:

1. The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and

2. The portion of the current calendar year during which the individual held the office.

b) Candidates to be local elected officials.

1) Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file under a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.

2) A candidate to be an elected local official shall file a statement required under this section:

(i) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;

(ii) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and

(iii) In all other years for which a statement is required, on or before April 30.

3) A candidate to be an elected official:

(i) May file the statement required under §5(b)(2)(i) of this Ordinance with the Town Clerk or North Beach Board of Elections with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and

(ii) Shall file the statements required under §5(b)(2)(ii) and (iii) with the Commission.

4) If a candidate fails to file a statement required by this section after written notice is provided by the Town Clerk or North Beach Board of Elections at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.

5) The Town Clerk or North Beach Board of Elections may not accept any certificate of candidacy unless a statement has been filed in proper form.

6) Within 30 days of the receipt of a statement required under this section, the Town Clerk or North Beach Board of Elections shall forward the statement to the Commission or the office designated by the Commission.

c) Public record.

1) The Commission or office designated by the Commission shall maintain all financial disclosure statements filed under this section.

2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Commission.

3) If an individual examines or copies a financial disclosure statement, the Commission or the office designated by the Commission shall record:

(i) The name and home address of the individual reviewing or copying the statement; and

(ii) The name of the person whose financial disclosure statement was examined or copied.

4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.

d) Retention requirements. The Commission or the office designated by the Commission shall retain financial disclosure statements for four years from the date of receipt.

e) Contents of statement.

1) Interests in real property.

(i) A statement filed under this section shall include a schedule of all interests in real property wherever located.

(ii) For each interest in real property, the schedule shall include:

(A) The nature of the property and the location by street address, mailing address, or legal description of the property;

(B) The nature and extent of the interest held, including any conditions and encumbrances on the interest;

(C) The date when, the manner in which, and the identity of the person from whom the interest was acquired;

(D) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;

(E) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and

(F) The identity of any other person with an interest in the property.

2) Interests in corporations and partnerships.

(i) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the Town.

(ii) For each interest reported under this paragraph, the schedule shall include:

(A) The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;

(B) The nature and amount of the interest held, including any conditions and encumbrances on the interest;

(C) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and

(D) With respect to any interest acquired during the reporting period:

1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(iii) An individual may satisfy the requirement to report the amount of the interest held under item (ii)(B) of this paragraph by reporting, instead of a dollar amount:

(A) For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or

(B) For an equity interest in a partnership, the percentage of equity interest held.

3) Interests in business entities doing business with Town.

(i) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the Town, other than interests reported under paragraph (2) of this subsection.

(ii) For each interest reported under this paragraph, the schedule shall include:

(A) The name and address of the principal office of the business entity;

(B) The nature and amount of the interest held, including any conditions to and encumbrances in the interest;

(C) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and

(D) With respect to any interest acquired during the reporting period:

1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

4) Gifts.

(i) A statement filed under this section shall include a schedule of each gift in excess of \$20.00 in value or a series of gifts totaling \$100.00 or more received during

the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by Town.

(ii) For each gift reported, the schedule shall include:

(A) A description of the nature and value of the gift; and

(B) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

5) Employment with or interests in entities doing business with the Town.

(i) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the Town.

(ii) For each position reported under this paragraph, the schedule shall include:

(A) The name and address of the principal office of the business entity;

(B) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and

(C) The name of each Town agency with which the entity is involved.

6) Indebtedness to entities doing business with Town.

(i) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the Town owed at any time during the reporting period:

(A) By the individual; or

(B) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.

(ii) For each liability reported under this paragraph, the schedule shall include:

(A) The identity of the person to whom the liability was owed and the date the liability was incurred;

(B) The amount of the liability owed as of the end of the reporting period;

(C) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and

(D) The security given, if any, for the liability.

7) A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the Town in any capacity at any time during the reporting period.

8) Sources of earned income.

(i) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.

(ii) A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

9) A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

f) For the purposes of §5(g)(1), (2), and (3) of this Ordinance, the following interests are considered to be the interests of the individual making the statement:

1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.

2) An interest held by a business entity in which the individual held a 30% or greater interest at any time during the reporting period.

3) An interest held by a trust or an estate in which, at any time during the reporting period:

(i) The individual held a reversionary interest or was a beneficiary; or

(ii) If a revocable trust, the individual was a settlor.

g)

1) The Commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.

2) The Town Ethics Commission may take appropriate enforcement action to ensure compliance with this section.

Section 6. Financial Disclosure — Employees and Appointed Officials.

a) This section only applies to the following appointed officials and employees: Town Clerk, Town Treasurer and the Town Public Works Director.

b) A statement filed under this section shall be filed with the Commission under oath or affirmation.

c) On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by Town, including the name of the donor of the gift and the approximate retail value at the time of receipt.

d) An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.

e) The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in §5(e) and (f) of this Ordinance.

Section 7. Exemptions and Modifications.

The Commission may grant exemptions and modifications to the provisions of §4 and 6 of this Ordinance to employees and to appointed members of the Town of North Beach Boards and Commissions, when the Commission finds that an exemption or modification would not be contrary to the purposes of this Ordinance, and the application of this Ordinance would:

a) Constitute an unreasonable invasion of privacy; and

b) Significantly reduce the availability of qualified persons for public service.

Section 8. Enforcement.

a) The Commission may:

1) Assess a late fee of \$2.00 per day up to a maximum of \$250.00 for a failure to timely file a financial disclosure statement required under §6 ~~or~~7 of this Ordinance;

2) Issue a cease and desist order against any person found to be in violation of this Ordinance.

b)

1) Upon a finding of a violation of any provision of this Ordinance, the Commission may:

(i) Issue an order of compliance directing the respondent to cease and desist from the violation;

(ii) Issue a reprimand; or

(iii) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal, if that discipline is authorized by law.

b)

1) Upon request by the Commission, the Town Attorney may file a petition for injunctive or other relief in the circuit court of Prince George's County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this Ordinance.

(2)

(i) The court may:

(A) Issue an order to cease and desist from the violation;

(B) Except as provided in subparagraph (ii) of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by this Ordinance when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or

(C) Impose a fine of up to \$5,000.00 for any violation of the provisions of this Ordinance, with each day upon which the violation occurs constituting a separate offense.

(ii) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

d) In addition to any other enforcement provisions in this Ordinance, a person who the Commission or a court finds has violated this Ordinance:

1) Is subject to termination or other disciplinary action; and

2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.

e) A Town official or employee found to have violated this Ordinance is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.

f) A finding of a violation of this Ordinance by the Commission is public information.

BE IT FURTHER ORDAINED that if any section or provision or parts thereof in this Ordinance shall be adjudicated to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of this Ordinance as a whole or any other section or provision or part thereof.

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

AN ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF NORTH BEACH, MARYLAND BY REZONING THREE PROPERTIES IN BLOCK 5 OF THE TOWN OF NORTH BEACH OWNED BY RAR ASSOCIATES DEVELOPMENT CORPORATION FROM THEIR EXISTING ZONING DESIGNATION TO THE C-2 ZONING DESIGNATION.

WHEREAS, on November 7, 2008 RAR Associates Development Corporation, hereinafter referred to as "RAR", filed an application with the Town Zoning Administrator pursuant to Section 117-29(a)(3) of the Town Zoning Ordinance to change the designation of three properties located on block 5 of the Town of North Beach; and

WHEREAS, specifically, those properties are shown, and described, on a plat attached to this Ordinance as Exhibit 1. They are Lot E, Block 5 which is currently zoned C-1. P-301, Block 5, currently zoned R-1 and S-1/2 4, Block 5 currently zoned R-1; and

WHEREAS, the Mayor and Council of the Town of North Beach, Maryland, passed a new comprehensive plan on August 9, 2012, which designated the area in and around Lot 5 as an area where commercial development should take place; and

WHEREAS, C-1 zoning within the Town of North Beach is a light commercial zone and R-1 Zoning is a purely residential zone. C-2 is the most dense commercial zone allowed by the Town of North Beach Zoning Ordinance; and

WHEREAS, the Planning Commission of the Town of North Beach first met on this proposal on September 26, 2010 and recommended approval to the Town Council. Subsequently, on August 19, 2010, the Mayor and Council of the Town of North Beach held a public hearing and heard a presentation from RAR Associates on why the property should be re-zoned to the C-2 zone; and

WHEREAS, the Town Council never acted on the application after the 2010 hearing because at that time, a new required comprehensive plan had not yet been adopted and therefore, no individual re-zonings could take place; and

WHEREAS, as a result of the August 9, 2012 adoption of the new comprehensive plan, the Planning Commission re-convened on this case on September 26, 2013 and once again, recommended approval to the Town Council; and

WHEREAS, on November 7, 2013, at a duly advertised and scheduled public hearing, the Mayor and Town Council once again heard from RAR Associates in support of the re-zoning. Subsequent to the presentation, the Mayor and Council by majority vote approved the re-zoning application and directed that this Ordinance be drafted to effectuate the zoning change; and

WHEREAS, pursuant to the Town of North Beach Zoning Code, the Town Council and the

AND BE IT FURTHER ORDAINED, by the Mayor and Town Council of the Town of North Beach that this Ordinance is hereby adopted this 12th day of December, 2013, and will become effective on the 22nd day of December, 2013, which is ten (1) days after the joint public hearing of the Mayor and Town Council and the Planning Commission in the regards to this zoning.

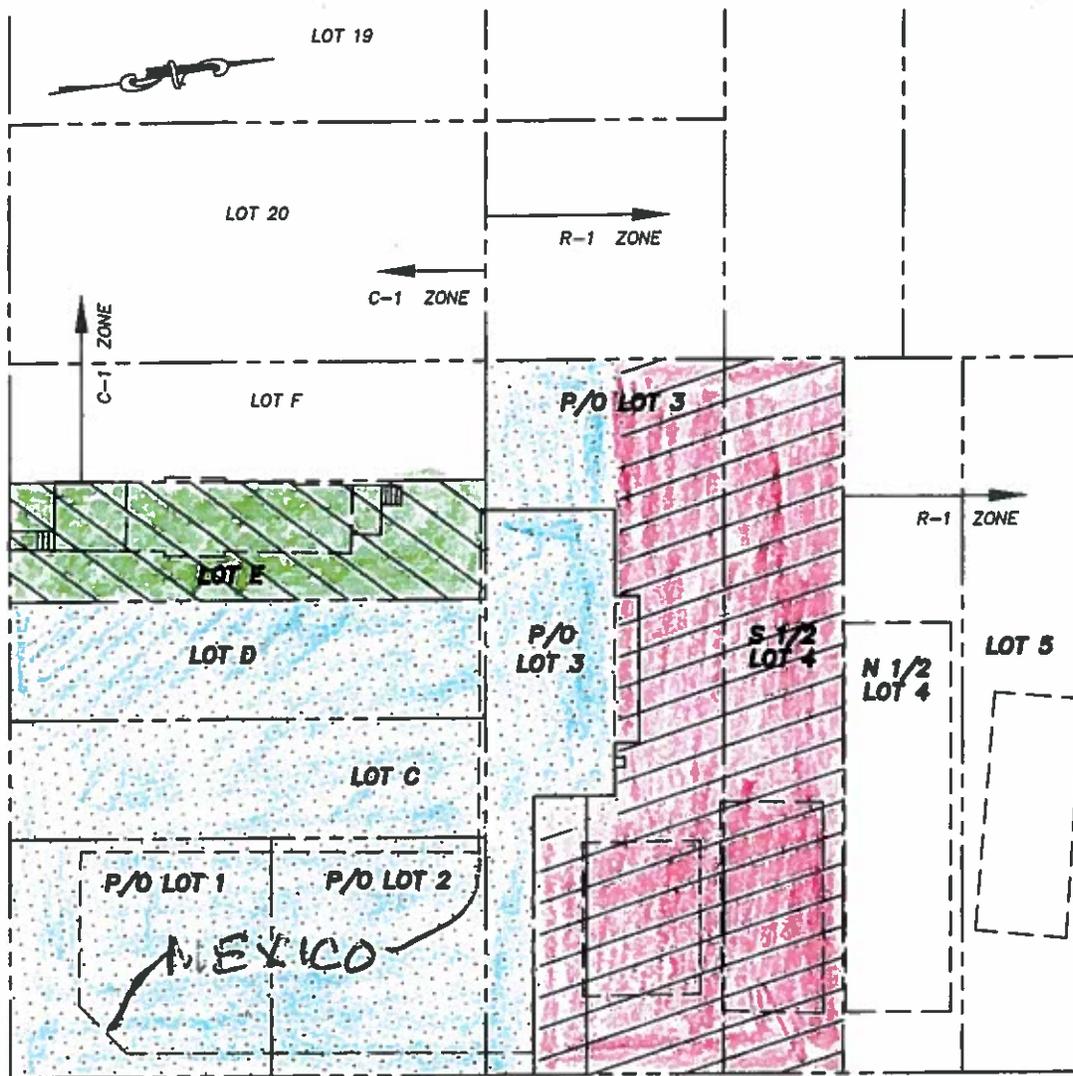
By order of the Mayor and Council

Mark R. Frazer, Mayor

ATTEST:

Stacy Wilkerson, Town Clerk
Town of North Beach

7th STREET
50' RIGHT-OF-WAY



8th STREET
50' RIGHT-OF-WAY

BAY AVENUE
40' RIGHT-OF-WAY

ANNAPOLIS AVENUE
40' RIGHT-OF-WAY

LEGEND

- PROPERTY - R/W LINE
- [] EXISTING BUILDING

CURRENT ZONING PROPOSED ZONING

	C-1	C-2
	R-1	C-2
	C-2	NO CHANGE

EXHIBIT "A"
 ORDINANCE No.
 ZONING CHANGE BLOCK 5
 TOWN OF NORTH BEACH, MARYLAND
 SCALE 1" = 40' 10/28/13