

**PUBLIC HEARING MINUTES**  
**January 21, 2010**

- I. Bruce A. Wahl, Mayor, called the meeting to order at 7:48 p.m. In attendance were: Dr. Valerie Beaudin, Robert E. Carpenter, Stewart B. Cumbo, Ingrid K. Lamb and Patrick Mahoney, Council Members, James Parent, Town Administrator, Elissa Levan, Town Attorney, Sharon L. Humm, Acting Town Clerk, Leslie Porter, Town Treasurer, Wilson Cochran, Superintendent of Public Works, Jay Berry, Assistant Superintendent of Public Works, William Watson, Zoning Administrator and Code Enforcement Officer and Paul Woodburn, Town Engineer. Absent were Julie Spano, Council Member, and First Sergeant Bowen.

- Ordinance 0-09-11, an Ordinance of the Town Council of Chesapeake Beach, Maryland, amending Chapter 50, "Zoning Code" to adopt Article 5, "Development Requirements", Part 5, "Fences", regulating the placement and maintenance of fences on residential and commercial properties and to repeal Section 5-106, "Restrictions of Fence Construction" of Chapter 5, "Building Regulations" of the Code of Public General Ordinances and all other Ordinances or provisions that regulate fences or otherwise conflict with the provisions of this Ordinance.

The Mayor stated that this Ordinance was re-introduced last month and asked the Town Attorney to go over the changes that were recommended by the Planning and Zoning Commission.

Public comment was taken.

The hearing adjourned at 8:23 p.m. on a motion by Mr. Cumbo. Seconded by Mr. Mahoney, all in favor.

- Ordinance O-09-12, an Ordinance of the Town Council of Chesapeake Beach, Maryland amending the adopted budget for the Town of Chesapeake Beach for the fiscal year July 1, 2009 to June 30, 2010, to reflect the town's mid-year assessment of funding needs for the balance of the fiscal year.

The Mayor asked the Town Treasurer, Leslie Porter, to explain this Ordinance to the Council.

Public comment was taken.

The hearing adjourned at 8:53 p.m. on a motion by Mr. Mahoney. Seconded by Dr. Beaudin, all in favor.

Submitted by,



Sharon L. Humm  
Acting Town Clerk



**MINUTES OF THE  
TOWN COUNCIL MEETING  
January 21, 2010**

**I.** Bruce A. Wahl, Mayor, called the meeting to order at 8:54 p.m. In attendance were: Dr. Valerie Beaudin, Robert E. Carpenter, Stewart Cumbo, Ingrid K. Lamb and Patrick Mahoney, Council Members, James Parent, Town Administrator, Elissa Levan, Town Attorney, Sharon L. Humm, Acting Town Clerk, Leslie Porter, Town Treasurer, Wilson Cochran, Superintendent of Public Works, Jay Berry, Assistant Superintendent of Public Works, William Watson, Zoning Administrator and Code Enforcement Officer and Paul Woodburn, Town Engineer. Absent were Julie Spano, Council Member and First Sergeant Bowen.

**II. Pledge of Allegiance.** Dr. Beaudin led the pledge of allegiance.

**III. Approve the Agenda.**

**MOTION:** Mr. Cumbo moved to approve the agenda. Seconded by Mr. Mahoney, all in favor.

**IV. Public comment on any item on the agenda.** None

**V. Approval of the minutes of the December 17, 2009 Public Hearing.**

**MOTION:** Mr. Carpenter moved to approve the minutes of the December 17, 2009 Public Hearing. Seconded by Mr. Cumbo. Ayes, Mr. Carpenter, Mr. Cumbo, Ms. Lamb and Mr. Mahoney. Abstained, Dr. Beaudin.

**Approval of the minutes of the December 17, 2009 Town Council Meeting.**

**MOTION:** Mr. Mahoney moved to approve the minutes of the December 17, 2009 Town Council meeting. Seconded by Mr. Carpenter. Ayes, Mr. Carpenter, Mr. Cumbo, Ms. Lamb and Mr. Mahoney. Abstained, Dr. Beaudin.

**VI. Petitions and Communications:**

**A. Beach Elementary School** – Students of Beach Elementary were present to read letters of appreciation to the Mayor, Town Council and other local businesses for gift certificates and water park passes.

- B. Chesapeake Pharmacy** – Mr. Leo Mallard and Beverly Dillon presented a power point presentation on a Medication Take Back Program, which is offered as a free service to the community. Dr. Beaudin suggested a Resolution be written, in support of a change to existing state law, to permit pharmacies approved to receive returned medications by consumers under the prescription drug repository program, to accept the return of medication designated as CDS.
- C. Deputy's Report** – First Sergeant Bowen submitted the attached written report. Corporal Wahlgren was present to address any questions or concerns.
- D. Public Works Report** – Mr. Cochran submitted the attached written report. Dr. Beaudin took the opportunity to thank the public works for an excellent job on the snow removal.
- E. Code Enforcement Officer's Report-** Mr. Watson submitted the attached written report. Mr. Watson reported on the court status concerning the 8722 D Street property.
- F. Town Engineer's Report** – Mr. Woodburn submitted the attached written report.
- G. Mayor's Report** –
1. The Mayor thanked the Public Works Department for an excellent job of clearing and removing snow from the streets during and after the big snowstorm.
  2. The Mayor stated that the Gold Plated Service is in need of revision and will be structured more towards a “needs” basis versus an “age” basis situation.
  3. The Mayor announced that the entering and leaving town limits signs have been put in place.
  4. The Mayor stated that the issue of a possible relocation of the Deputies Office has been resolved and will remain at the Courtyards of Fishing Creek.
  5. The Mayor gave a brief FYI on the Homestead Credit law and its effect on property tax assessments.
  6. The Mayor reported that the bid opening for the Railway Trail Project will be February 1, 2010.

7. The Mayor reported that water turn off notices have been sent out and delinquent accounts not being paid by January 29, 2010 will be subject to turn off.
8. The Mayor announced that the Town has employed Marilyn VanWagner as General Manager for the Water Park.

## **VII. Resolutions & Ordinances**

- A. **Vote on Ordinance O-09-11, an Ordinance of the Town Council of Chesapeake Beach, Maryland, amending Chapter 50, "Zoning Code" to adopt Article 5, "Development Requirements", Part 5, "Fences", regulating the placement and maintenance of fences on residential and commercial properties and to repeal Section 5-106, "Restrictions of Fence Construction" of Chapter 5, "Building Regulations" of the Code of Public General Ordinances and all other Ordinances or provisions that regulate fences or otherwise conflict with the provisions of this Ordinance.**

**MOTION:** Mr. Carpenter moved to approve Ordinance O-09-11, an Ordinance of the Town Council of Chesapeake Beach, Maryland, amending Chapter 50, "Zoning Code". Seconded by Dr. Beaudin.

**MOTION:** Mr. Mahoney moved to amend Ordinance O-09-11, 5-502 (D) to insert the word "except;" after (8) feet high and delete the wording from the word "if" through to the first #4 and change the 2<sup>nd</sup> #4 to a #1 and change #5 to a #2. Ayes, Dr. Beaudin, Ms. Lamb and Mr. Mahoney. Opposed, Mr. Carpenter and Mr. Cumbo. Motion failed due to lack of favorable votes of a majority of the whole number of members elected to the Council.

**MOTION:** Mr. Carpenter moved to amend Ordinance O-09-11, 5-502 (D) to change the 2<sup>nd</sup> #4 to a #5 and change the #5 to a #6. Seconded by Mr. Cumbo. Ayes, Dr. Beaudin, Mr. Carpenter, Mr. Cumbo and Ms. Lamb. Opposed, Mr. Mahoney. Motion carried.

The Council voted on Ordinance O-09-11 as amended. Ayes, Mr. Carpenter and Mr. Cumbo. Opposed, Dr. Beaudin, Ms. Lamb and Mr. Mahoney. Motion failed.

- B. **Vote on Ordinance O-09-12, an Ordinance of the Town Council of Chesapeake Beach, Maryland amending the adopted budget for the Town of Chesapeake Beach for the fiscal year July 1, 2009 to June 30, 2010, to reflect the town's mid-year assessment of funding needs for the balance of the fiscal year.**

**MOTION:** Dr. Beaudin moved to approve Ordinance O-09-12, an Ordinance of the Town Council of Chesapeake Beach, Maryland amending the adopted budget for the Town of Chesapeake Beach for the fiscal year July 1, 2009 to June 30, 2010, to reflect the town's mid-year assessment of funding needs for the balance of the fiscal year. Seconded by Mr. Carpenter, all in favor.

- C. Introduce Ordinance O-10-1, an Ordinance of the Town Council of Chesapeake Beach, Maryland, amending Chapter 50 "Zoning Code", to adopt Article 1, "General Provisions", Part 7, "Fees", providing that applicants for zoning permits are required to pay the fees set forth in Appendix A of the Zoning Ordinance and imposing an additional fee upon an application for a zoning permit or development approval where the applicant has embarked upon the use or work prior to obtaining approval. A public hearing will be held at 7:45 p.m. prior to the next regularly scheduled meeting.**
- D. Introduce and Vote on Resolution R-09-8, a Resolution of the Town Council of Chesapeake Beach, Maryland, adopting debt and financial management policies. The Mayor asked Mrs. Porter to explain this to the Council.**

**MOTION:** Ms. Lamb moved to approve R-09-8, a Resolution of the Town Council of Chesapeake Beach, Maryland, adopting debt and financial management policies. Seconded by Mr. Carpenter.

**MOTION:** Ms. Lamb moved to amend Resolution R-09-8, to insert, on the last page, after the 2<sup>nd</sup> paragraph, the following: (¶) "Bond issue proposals are to be accompanied by an analysis defining how the new issue, combined with current debt, impacts the Town's debt capacity and conformance with Town debt policies. Such analysis shall include identification of the funding source; an assessment of the ability to repay the obligation; the impact on the current budget, commitments to future budgets, maintenance and operational impact of the facility or asset; and the impact on the Town's credit rating, if any". (¶) "The Mayor and Town Council must review such analysis, including existing debt level, ability to pay debt service, impact on Town services and make a finding that use of debt is appropriate". Also, delete from the Resolution the paragraph beginning with "Factors to consider...down thru the end of the page and insert after the paragraph in its place the following; "The Town Council shall consider the following goals when determining whether to issue new debt. (¶) "Annual Debt service costs not to exceed 20% of the Town's operating expenditures at the time the obligation is incurred. (¶) "Total remaining balances of long term debt obligations not to exceed 3% of

the Town's net assessable base at the time the obligation is incurred. Seconded by Mr. Mahoney. Ayes, Dr. Beaudin, Mr. Carpenter, Ms. Lamb and Mr. Mahoney. Abstained, Mr. Cumbo.

The Council voted on Resolution R-09-8 as amended. Ayes, Dr. Beaudin, Mr. Carpenter, Ms. Lamb and Mr. Mahoney. Abstained, Mr. Cumbo. Motion carries.

- E. Introduce Ordinance O-10-2 of the Town Council of Chesapeake Beach, Maryland, amending the adopted budget for the Town for the fiscal year July 1, 2009 to June 30, 2010, to appropriate additional funds for urgent repairs to the Town's Wastewater Treatment Plant. A public hearing will be held at 7:30 p.m. prior to the next regularly scheduled meeting.

**VIII. Report of Officers, Boards and Committees:**

- A. **Planning & Zoning Commission** – There was a meeting held on January 13, 2009. The Planning and Zoning Commission held a work session on January 6, 2010 on the Comprehensive Plan and will hold another work session on February 4, 2010 beginning at 4 pm at Town Hall.
- B. **Board of Appeals** – There were no hearings held.
- C. **Bayfront Park Committee** – Mr. Mahoney gave a report on the committee's recommendations for the 2010 season.
- D. **Cable Advisory Committee** – Mayor Wahl gave a brief report.

**IX. Unfinished Business:**

- 1. Mr. Carpenter asked the Mayor the status on the Election Code Revisions, particularly in reference to sign requirements. The Mayor asked the Town Attorney to address this at the next Town Council meeting.

**X. New Business:**

- 1. Consider proposal for a 2010 Chevrolet Colorado Compact Pickup Truck from Criswell Chevrolet Fleet Sales in the amount of \$15,000. Mr. Cochran addressed the Council on this.

**MOTION:** Mr. Mahoney moved to approve the purchase of a 2010 Chevrolet Colorado Compact Pickup Truck in the amount of and not to exceed \$15,000 from Criswell Chevrolet Fleet Sales. Seconded by Mr. Cumbo. Ayes, Dr. Beaudin, Mr. Carpenter, Mr. Cumbo and Mr. Mahoney. Opposed, Ms. Lamb.

2. Calvert Trash Contract-Consider exercising the option to continue with Calvert Trash Service for an additional year. Dr. Parent stated that the contract with Calvert Trash would expire May 15, 2010 and the Town had the option of extending for an additional year.

**MOTION:** Mr. Mahoney moved to approve extending the Town's contract with Calvert Trash Service for an additional year. Seconded by Mr. Cumbo, all in favor.

3. Vote on Resolution R-10-1, a Resolution of the Town Council of Chesapeake Beach, Maryland, supporting a change to existing state law to permit pharmacies approved to receive medications returned by consumers under the prescription drug repository program to accept return of medications designated as controlled dangerous substances.

**MOTION:** Mr. Mahoney moved to approve Resolution R-10-1. Seconded by Dr. Beaudin, all in favor.

**XI. Council Lightning Round:**

1. Mr. Mahoney said good night to all.
2. Mr. Carpenter had no comment.
3. Ms. Lamb thanked everyone for coming.
4. Dr. Beaudin thanked everyone for coming.
5. Mr. Cumbo had no comment.

**XII. Adjournment:**

There being no further business, the meeting adjourned at 11:02 p.m. on a motion by Mr. Mahoney. Seconded by Dr. Beaudin, all in favor.

Submitted by,

  
Sharon L. Humm  
Acting Town Clerk