



**PUBLIC HEARING MINUTES  
NOVEMBER 20, 2014**

- I. Patrick J. Mahoney, Council Vice-President, called the public hearing to order at 6:45 p.m. In attendance were: Dr. Valerie L. Beaudin, Robert E. Carpenter, Stewart B. Cumbo, Jeffrey J. Krahling, and Eric M. Reinhardt, Council Members, Richard Rose, Town Administrator, Elissa Levan, Town Attorney, Sharon L. Humm, Town Clerk, Laurie Smith, Town Treasurer, James Berry, Superintendent of Public Works, Paul Woodburn, Town Engineer, Marilyn Van Wagner, Water Park General Manager, Jon Castro, WWTP Superintendent, Chris Jakubiak, Planning and Zoning Administrator, Connie O'Dell, Community Development/Special Events Coordinator and First Sergeant McDonough. Absent were Bruce A. Wahl, Mayor and William Watson, Code Enforcement Officer.

Council Vice-President Mahoney opened the hearing stating he would be chairing the evening's meeting as Mayor Wahl was out of town at a conference.

**Emergency Ordinance O-14-18, an emergency ordinance of the Town Council of Chesapeake Beach, Maryland amending Chapter 290, "Zoning," of the Code of Chesapeake Beach to amend Section 290-32, "Board of Appeals" to alter the composition and meetings dates for the Chesapeake Board of Appeals and declaring that an emergency exists warranting an effective date as of the date of adoption of this ordinance.**

Mr. Mahoney asked Mr. Jakubiak to give a brief explanation on Emergency Ordinance O-14-18. Mr. Jakubiak stated more flexibility was needed in establishing meeting times for hearings for the Board of Appeals versus being tied to a specific day. Mr. Jakubiak explained to the Council why this was presented as an emergency. Although, since introduction, Mr. Jakubiak added the need for the emergency has ceased due to conflict of interest with the applicant.

There was no public comment received.

There being no further comments the hearing was adjourned at 6:55 p.m. on a motion by Mr. Carpenter. Seconded by Mr. Krahling, all in favor.

**Ordinance O-14-19, an ordinance of the Town Council of Chesapeake Beach, Maryland, amending the adopted General Fund Budget for the Town of Chesapeake Beach for the fiscal year from July 1, 2014 to June 30, 2015, to appropriate \$355,000 from the unallocated General Fund reserves for the purpose of performing repairs, renovations and improvements to Veterans' Park.**

Council Vice-President Mahoney called for public comment.

Public comment was received by:

1. Joseph Johnson of 8089 Windward Key Drive stated, in his opinion, \$355,000 was too high for the renovations and improvements to Veterans Park.

2. Susan Webster-Page of 3907 27<sup>th</sup> Street also agreed.

There being no further comments the hearing was adjourned at 6:56 p.m. on a motion by Mr. Carpenter. Seconded by Dr. Beaudin, all in favor.

Submitted by,



Sharon L. Humm

Town Clerk



**MINUTES OF THE  
TOWN COUNCIL MEETING  
NOVEMBER 20, 2014**

**I.** Patrick J. Mahoney, Council Vice-President, called the meeting to order at 7:00 p.m. In attendance were: Dr. Valerie L. Beaudin, Robert E. Carpenter, Stewart B. Cumbo, Jeffrey J. Krahling, and Eric M. Reinhardt, Council Members, Richard Rose, Town Administrator, Elissa Levan, Town Attorney, Sharon L. Humm, Town Clerk, Laurie Smith, Town Treasurer, James Berry, Superintendent of Public Works, Paul Woodburn, Town Engineer, Marilyn Van Wagner, Water Park General Manager, Jon Castro, WWTP Superintendent, Chris Jakubiak, Planning and Zoning Administrator, Connie O'Dell, Community Development/Special Events Coordinator and First Sergeant McDonough. Absent were Bruce A. Wahl, Mayor and William Watson, Code Enforcement Officer.

**II Pledge of Allegiance.** Mr. Rose led the Pledge of Allegiance.

**III. Approve the Agenda.**

**MOTION:** Dr. Beaudin moved to approve the agenda. Seconded by Mr. Carpenter.

**MOTION:** Mr. Krahling moved to amend the agenda to add under "Unfinished Business" a work session to discuss whether to allow video/teleconference by a Council member at Town meetings. Seconded by Dr. Beaudin. Ayes, Dr. Beaudin, Mr. Cumbo, Mr. Krahling, Mr. Mahoney and Mr. Reinhardt. Opposed, Mr. Carpenter. **Motion Passes.**

**MOTION:** Mr. Krahling moved to amend the agenda to add under "New Business" to discuss using Robert's Rules as a procedural guideline for meetings. Seconded by Dr. Beaudin. Ayes, Dr. Beaudin, Mr. Krahling and Mr. Reinhardt. Opposed, Mr. Carpenter, Mr. Cumbo and Mr. Mahoney. **Motion Fails.**

**MOTION:** Mr. Krahling moved to amend the agenda to add under "New Business", a discussion regarding having a scheduled work session every month. Seconded by Dr. Beaudin. Ayes, Dr. Beaudin, Mr. Krahling and Mr. Reinhardt. Opposed, Mr. Carpenter, Mr. Cumbo and Mr. Mahoney. **Motion Fails.**

**The Council voted on the agenda as amended, all in favor.**

**IV. Public comment on any item on the agenda.**

1. Susan Webster-Page of 3907 27<sup>th</sup> Street commented on Ordinance O-14-21.
2. Theresa York of 7150 Old Bayside Road commented on Ordinance O-14-20.

**Approval of the minutes of the October 16, 2014 Public Hearing.**

**MOTION:** Dr. Beaudin moved to approve the minutes of the

October 16, 2014 Public Hearing. Seconded by Mr. Carpenter, all in favor.

**Approval of the minutes of the October 16, 2014 Town Council Meeting.**

**MOTION:** Dr. Beaudin moved to approve the minutes of the October 16, 2014 Town Council Meeting. Seconded by Mr. Krahlung.

**MOTION:** Mr. Carpenter moved to amend the minutes of the October 16, 2014 Town Council Meeting to have the record reflect that during adjournment there were four members in favor with the absence of Mr. Carpenter and Mr. Mahoney. Seconded by Mr. Cumbo, all in favor.

The Council voted on the approval of the minutes of the October 16, 2014 Town Council Minutes as amended, all in favor.

**Approval of the minutes of the October 16, 2014 Executive Session.**

**MOTION:** Dr. Beaudin moved to approve the minutes of the October 16, 2014 Executive Session. Seconded by Mr. Krahlung, all in favor.

**V. Petitions and Communications**

- A. North Beach Volunteer Fire Department-** No report was submitted. Mr. Gordy was available to address the Council.
- B. Deputy's Report** –Corporal Phelps submitted the attached written report and First Sergeant McDonough was present to address the Council's concerns. Mr. Mahoney recognized First Sergeant Mr. Donough's fine work here in Town as he will be leaving soon with a round of applause. First Sergeant introduced his replacement, new Detachment Commander, Dave Payne.
- C. Public Works Report** – Mr. Berry submitted the attached written report and was present to address the Council. Mr. Mahoney asked the status of the water run off issue at 4023 15<sup>th</sup> Street. Mr. Mahoney reported several street lamps out, one on 14<sup>th</sup> Street between Beaudet Lane and B Street and one at Old Bayside and Beaudet Lane. Mr. Cumbo requested a road analysis for next month's meeting. Dr. Beaudin commented and thanked Mrs. Feuerle for the great job on the trail signs at Bayfront Park. Mr. Berry reported that at 260 and G Street, the State Highway erected a tower to monitor several different items for their information but not for issuing tickets! Mr. Reinhardt inquired concerning an email sent in regards to a sign issue.
- D. Code Enforcement Officer's Report-** Mr. Watson submitted the attached written report and was not present to address the Council.
- E. Town Engineer's Report** – Mr. Woodburn submitted the attached written report and was present to address the Council. Mr. Carpenter inquired as to whether the speed camera revenues could possibly be applied towards the Route 261 sidewalk and or the relocation of the BGE poles at the entrance to Richfield Station. Mr.

Krahling asked that the Town continue to pursue the relocation of the BGE poles. Mr. Cumbo asked the Town be kept informed when work is to be done or lanes to be closed in regards to the Fishing Creek Bridge project. Also, inquired as to any update on the Hiker Biker Trail. As an FYI, Dr. Beaudin stated a state website on the bridge construction can be pulled off of the Town's website.

- F. Water Park Report** – Ms. VanWagner submitted the attached written report and was present to address the Council.
- G. Wastewater Treatment Plant Report** – Mr. Castro submitted the attached written report and was present to address the Council. Mr. Krahling, in regards to the claim submitted to the Town's insurance company on damage to the Blower during an electric power surge at the plant, inquired as to whether the partners were paying towards insurance for the Plant. Town Treasurer reported "yes". Mr. Castro gave a brief progress report on the ENR.
- H. Treasurer's Report** – Mrs. Smith stated the auditors are almost finished and by next meeting final figures for last year should be complete.
- I. Community Development Report** – Mrs. O'Dell submitted the attached written report and was present to address the Council. Mrs. O'Dell invited everyone to come out for the Christmas Light Up of The Town on Sunday evening, the Pat Carpenter Holiday Parade on December 6<sup>th</sup> at noon in North Beach and briefly reported on the progress on the South Side Walking Tour project.
- J. Mayor's Report** –
  - 1. Council Vice-President Mahoney wished Mr. Carpenter a Happy Birthday! Also, just an FYI to the Council, Sheriff Evans is recommending to the towns that an additional deputy be added soon. More information on that will be forthcoming.
  - 2. Mr. Mahoney commented, that while the council voted that it wasn't prudent to incorporate 700 pages of "Roberts Rules" into the town's law, he has taken the time to read this and other parliamentary books and has extracted some high level rules of debate and has presented to the Mayor, feeling the Mayor will present something to the Council in the near future.
  - 3. Mr. Mahoney presented a Proclamation declaring November as Municipal Government Works month.

## **VI. Resolutions & Ordinances:**

- A. Vote on Emergency Ordinance O-14-18, an emergency ordinance of the Town Council of Chesapeake Beach, Maryland amending Chapter 290, "Zoning," of the Code of Chesapeake Beach to amend Section 290-32, "Board of Appeals" to alter the composition and meetings dates for the Chesapeake Board of Appeals and declaring that an emergency exists warranting an effective date as of the date of adoption of this ordinance.**

**MOTION:** Dr. Beaudin moved to approve Emergency Ordinance O-14-18. Seconded by Mr. Reinhardt, all in favor.

- B. Vote on Ordinance O-14-19, an ordinance of the Town Council of Chesapeake Beach, Maryland, amending the adopted General Fund Budget for the Town of Chesapeake Beach for the fiscal year from July 1, 2014 to June 30, 2015, to appropriate \$355,000 from the unallocated General Fund reserves for the purpose of performing repairs, renovations and improvements to Veterans' Park.**

**MOTION:** Mr. Carpenter moved to approve Ordinance O-14-19. Seconded by Mr. Cumbo.

**MOTION:** Mr. Krahlung moved to amend Ordinance O-14-19 to change the dollar amount from \$355,000 to \$20,000 and to eliminate the verbiage "for the purpose of performing repairs, renovations and improvements to Veterans' Park" and replace with "for the purpose of performing maintenance to Veterans' Park". Seconded by Dr. Beaudin. Each Council member commented on the amendment purposed and voted as follows: Ayes, Dr. Beaudin, Mr. Krahlung and Mr. Reinhardt. Opposed, Mr. Carpenter, Mr. Cumbo and Mr. Mahoney. **Motion Fails.**

The Council voted on Ordinance O-14-19 as was originally presented. Ayes, Mr. Carpenter, Mr. Cumbo and Mr. Mahoney. Opposed, Dr. Beaudin and Mr. Krahlung. Abstained, Mr. Reinhardt. **Motion Fails.**

- C. Resolution R-14-3, a Resolution of the Town Council of Chesapeake Beach approving the substantially final form of, and authorizing the execution of, written post-issuance tax compliance procedures pertaining to non-conduit tax-exempt obligations; and generally relating to such written procedures.** The Town Attorney explained this Resolution is needed to assure that the Town is going to comply with requirements that are already imposed by the Internal Revenue Code.

**MOTION:** Mr. Carpenter moved to approve Resolution R-14-3. Seconded by Mr. Cumbo, all in favor.

Dr. Beaudin asked that once tax reports are generated for this issue that Council be given a copy.

- D. Introduce Ordinance O-14-20, an Ordinance of the Town Council of Chesapeake Beach, Maryland vacating, abandoning, and closing a portion of the right-of-way known as Freedly Avenue and authorizing the Mayor to execute a Quitclaim Deed reflecting the same in favor of K&H Electric, Inc.** A public hearing will be held prior to the next regularly scheduled meeting at 6:50 p.m.
- E. Introduce Ordinance O-14-21, an Ordinance of the Town Council of Chesapeake Beach, Maryland, amending Chapter 290, "Zoning," of the Code of Chesapeake Beach to amend Section 290-19, "Tables; Requirements; Exceptions," of the Zoning Ordinance to clarify the circumstances under which a single-family detached residence replaced with another is not subject to the setback restrictions otherwise**

imposed by Section 290-19; to amend Section 290-28, "Non-Conforming Uses", to include a cross-reference to Section 290-19 in order to further clarify the aforementioned circumstances; and to amend Section 290-32, "Board of Appeals" to clarify the procedures for processing an application for variance or special exception or an appeal from a decision of the Zoning Administrator or Planning Commission. Mr. Jakubiak briefly explained this Ordinance and asked this be postponed requesting the Mayor and Council attend the Planning Commission meeting in order to receive better clarification on what the Commission is recommending. Due to time restrictions, the Town Attorney recommended tabling the introduction of this ordinance until the December meeting.

**MOTION:** Mr. Reinhardt moved to table the introduction of this Ordinance until the December Town Council meeting. Seconded by Mr. Carpenter, all in favor.

## **VII. Report of Officers, Boards and Committees:**

- A. Planning & Zoning Commission** – There was a meeting held November 12, 2014. Mr. Jakubiak was present to address the Council.
- B. Board of Appeals** – There was no hearing held in November.
- C. Water Park Advisory Board** – No report.
- D. Chesapeake Beach Oyster Cultivation Society Committee** – Mr. Bacon was present to give the CBOCS report.
- E. Bayfront Park Committee** – Mr. Mahoney had no report but thanked Nancy Feuerle for her great work on the tree marking project at Bayfront Park.

## **VIII. Unfinished Business:**

**1. Presentation of the Water Sub-Meter Administrative Procedure for review and approval.** Mr. Woodburn briefly went through the procedure and addressed the Council's concerns.

**MOTION:** Dr. Beaudin moved to approve the Water Sub-Meter Administrative Procedure. Seconded by Mr. Cumbo.

**MOTION:** Mr. Cumbo moved to amend the Water Sub-Meter Procedure to delete from page 2, "**Note:** #1. The fixed rate charge per quarter and the State of Maryland Bay Restoration Fee will be added to the usage fees." Seconded by Mr. Krahling. Ayes, Dr. Beaudin, Mr. Cumbo, Mr. Krahling

and Mr. Reinhardt. Opposed, Mr. Carpenter and Mr. Mahoney. **Motion Passes.**

**MOTION:** Dr. Beaudin moved to amend the Water Sub-Meter Procedure to remove from the first page, under Sub-Meter Information the following words,“SOLELY for outside purposes-i.e. lawn, garden, pool (no hose bibs unless off of a sprinkler system).” Seconded by Mr. Krahling. Ayes, Dr. Beaudin, Mr. Cumbo, Mr. Krahling, Mr. Mahoney and Mr. Reinhardt. Opposed, Mr. Carpenter. **Motion Passes.**

**MOTION:** Mr. Reinhardt moved to amend the Water Sub-Meter Procedure to remove from the first page, under minimum costs for installation the word “residential” Seconded by Mr. Krahling, all in favor.

**The Council voted on the amended Water Sub-Meter Administrative Procedure, all in favor.**

2. Dr. Beaudin commented, with the Water Sub-Meter Procedure now approved, she would like to see progress on the Water/Sewer Manual.

## **IX. New Business:**

**1. Introduction of Jeffrey Foltz who will be considered for an appointment to the Planning and Zoning Commission at the December 18, 2014 Town Council Meeting.** Vice-President Mahoney introduced Mr. Foltz to the Council and encouraged each one to take the time before next month’s meeting to talk with Mr. Foltz.

**2. Mr. Krahling is requesting to schedule a work session to discuss whether to allow video/teleconference by a Council member at the Town’s meetings.** After little success, Vice-President Mahoney has instructed Mr. Krahling and the Town Attorney to select a date off the record and present to the Council for confirmation.

**X. Public Comment:**

1. Larry Robey of 7811 DeForest Drive
2. Clara Mae Buckmaster of 3814 26<sup>th</sup> Street
3. Joe Johnson of 8089 Windward Key Drive
4. Theresa York of 7150 Old Bayside Road
5. Tim Reiser of 7951 Stream Walk Way

Vice-President Mahoney gave the Council the opportunity to comment.

**XI. Council Lightning Round:**

1. Mr. Carpenter wished everyone a Happy Thanksgiving and invited everyone out to the December 6<sup>th</sup>, eighth annual Pat Carpenter Holiday Parade with Clara Mae Buckmaster as Grand Marshal.
2. Mr. Reinhardt wished everyone a Happy Thanksgiving.
3. Mr. Mahoney recognized Wes Donovan in the audience and asked him to let his father Gerald know that he received 3 compliments at tonight's meeting.
4. Mr. Krahling wished everyone a Happy Thanksgiving, best wishes for a speedy recovery for Mrs. Bacon and condolences to Ms. Humm in the loss of her mother.
5. Mr. Cumbo wished everyone a safe and Happy Thanksgiving.
6. Dr. Beaudin wished everyone a Happy Thanksgiving and thanks for coming.

**XII. Adjournment**

There being no further business, the meeting adjourned at 9:23 p.m. on a motion by Mr. Carpenter. Seconded by Mr. Cumbo, all in favor.

Submitted by,



Sharon L. Humm  
Town Clerk