March 17, 2008
REGULAR SESSION #6
MAYOR & CITY COUNCIL

Present:

Mayor Richard W. Meehan
Council President Joe Mitrecic
Council Secretary Nancy Howard
Council Member Jim Hall
Council Member Jay Hancock
Council Member Mary Knight
Council Member Lloyd Martin
Council Member Margaret Pillas

ATTENDANCE

City Manager Dennis Dare, City Solicitor Guy Ayres, Assistant to City Manager Kathy Mathias, Finance Administrator Martha Bennett, Human Resource Director Roger Weseman, Public Works Director Hal Adkins, Public Works Transportation Superintendent George Thornes, Ocean City Police Department Captain Kevin Kirstein, Ocean City Volunteer Fire Chief Chris Larmore, Ocean City Volunteer Fire Company President Jay Jester, Special Events Coordinator Lynda Brittingham, City Clerk Carol Jacobs, Members of the Press and Interested Parties.

CALL TO ORDER

Council President Joe Mitrecic called this Regular Session to order at 6:00 p.m. in the Council Chambers of City Hall, 301 Baltimore Avenue, Ocean City, Maryland 21842.

PRAYER AND PLEDGE

Mayor Meehan gave an Irish Blessing.

Reverend Gary Steger of Son Spot Ministries led the prayer and Council Member Margaret Pillas led the Pledge of Allegiance.

REPORT FROM CITY MANAGER ON UPCOMING WORK SESSION

City Manager Dennis Dare listed the following items scheduled for discussion in the next work session:

1. Presentation of Certificates for the Supervisory Training Program – presented by Human Resource Director Roger Weseman
2. Semi-annual State Highway Administration Update
3. Request for partial occupancy of the Hobbit Restaurant in the Rivendell Building – presented by Tom Heiderman of the Hobbit Restaurant
4. Report on Storm Water Management Retro-fit Cost Sharing Program – presented by Environmental Engineer Gail Blazer

APPROVAL OF MINUTES

Minutes for Regular Session #5, dated March 3, 2008, were approved as presented.

ITEMS PRESENTED BY THE MAYOR AND CITY COUNCIL

Debbie Goeller of the Worcester County Health Department awarded the Town of Ocean City for their Community Wellness Program. Present to accept the award was Human Resource Director Roger Weseman.

SPECIAL EVENT PERMIT REQUESTS

Special Events Coordinator Lynda Brittingham presented the following:

A. Bryan Lilley of Bryan Lilley, LLC gave an update on the 2008 Ocean City Air Show scheduled for June 10-11, 2008. He advised that an Open House is scheduled for Monday, June 9, 2008, at the Airport.

   Secondly, Mr. Lilley reported that his company reached a tentative agreement with Sunsations to sell event-related merchandise. He asked for approval to sell the merchandise at the designated exhibit sites. Mayor Meehan advised Mr. Lilley that the Town Code prohibits the sale of merchandise within 75 feet of the Boardwalk. **Council Member Jim Hall moved to approve the sale of event-related merchandise in the exhibits on 15th, 16th, 17th Streets; seconded by Council Member Jay Hancock. The motion and second were amended to include the airport. The vote was 6-1 with Council Member Margaret Pillas opposed.** Mr. Lilley said the Town will receive 18% of the profit from the sale of merchandise.

   Council Member Margaret Pillas asked Mr. Lilley for this event's budget report, and, she asked City Manager Dare for the Town's in-kind expense report.

B. **19th Annual Play-It-Safe 2008 Schedule**. Present for comment was Donna Greenwood of the Ocean City Drug and Alcohol Abuse Prevention Committee. **Council Secretary Nancy Howard moved to approve the 2008 Play-It-Safe events (with various dates and times); seconded by Council Member Lloyd Martin. The vote was unanimous.**

C. **2008 Surfrider Events Schedule**. Present for comment was Shelly Dawson of the Surfrider Foundation. **Council Member Margaret Pillas moved to approve the Surfrider events; seconded by Council Member Lloyd Martin. The vote was unanimous.**

D. **2008 Jesus at the Beach Festival** on July 28-30, 2008 (Date Hold June 27-29, 2009), from 9:00 a.m. until 7:00 p.m. on the North Division Street Beach. Present for questions was Reverend Gary Steger. **Council Member Jim Hall moved to approve; seconded by Council Member Lloyd Martin. The vote was unanimous.**

NEW BUSINESS

A. Hugh Cropper, IV, Attorney for J.W. Powell, presented a proposal to operate Boog's Barbeque on the lot adjacent to the West Ocean City Park & Ride. In his March 4, 2008 letter to the Mayor and City Council, Mr. Cropper explained: "*Mr. Powell proposes a 'drive-thru' for his barbeque business, with an exit on the southerly end of the property (rear) out through the Park and Ride to the stoplight at Shantytown Road*."

   Public Works Director Hal Adkins advised that this proposal poses no operational problems for the Park and Ride. He encouraged the Council to accept Mr. Powell's offer to erect a fence against neighboring properties (to keep with the 'Good Neighbor' effort); and, to ensure that all storm water management issues are addressed.

   Mr. Cropper advised that an underground storm water management system will be installed. **Council Secretary Nancy Howard moved to approve: the inter-parcel connector for the exit from the drive-thru of Boog's Barbeque into the Town of Ocean City's Park and Ride lot, with the caveat that, if they ever sell the property the new owner would come back before the Mayor and Council to acquire the same approval that is being granted today, and; that the Powells run a fence across the rear of the property and northward, and; to install an underground storm water management system; seconded by Council Member Mary Knight. The vote was 5-2 with Council Member Margaret Pillas and Council Member Lloyd Martin opposed.**

B. Captain Jason Lennox of Island Excursions, Inc. requested approval to continue his OC Thriller Tour Boat operation on First Street and the Bay. He advised that he will meet all requirements set forth by the Mayor and Council [*See Attachment B for an expert from the in the April 4, 2007 Work Session*]. **Council Member Jay Hancock moved to approve the continuation of the OC Thriller Tour Operation for the upcoming season; seconded by Council Member Jim Hall. The vote was unanimous.**

UNFINISHED BUSINESS

Ocean City Volunteer Fire Company (OCVFC) President Jay Jester read a prepared statement (See Attachment A) which included: (1) the Fire Company's answer to the Mayor and Council's recent proposal to appoint Chief Larmore; and, (2) a new proposal to separate the Volunteer Fire Service from Emergency Medical Service responsibilities.

Mayor Meehan asserted the need to unify all parties in a strategic planning meeting. Mr. Jester re-affirmed the OCVFC's commitment to this meeting. Council Member Jim Hall moved to accept the plan as a concept for the Town's fire protection as presented by the Ocean City Volunteer Fire Company on March 14, 2008; seconded by Council Member Margaret Pillas.

Kevin O'Connor, Director of Governmental Public Policy for the International Association of Fire Fighters, stated his opposition for the OCVFC proposal. He said the dual role of the Fire Fighter/Emergency Medical Technician best meets the mission of providing Fire/Rescue services. "*This multi-role concept*," he continued, "*has been universally endorsed by organizations such as the National Volunteer Fire Council, the International Association of Fire Chiefs, the National Fire Protection Association and, yes, my organization, the International Association of Fire Fighters.*"

Chief Larmore said, "I want to re-emphasize, at this point, the volunteers are still committed to providing the same service and work with, and I'm sure Director Theobald and Captain Barton would agree with, beyond the contention that may be out there, we do have to work together to provide that service tonight as we did last night, beyond what these issues are."

Council President Mitrecic said he cannot support the division of services at this time. He accepted responsibility for the breakdown in communications. He added that the Council should have intervened (at that time) instead of deferring it to City Staff. He implored the OCVFC to put this mistake in the past and work towards resolution.

Mayor Meehan asked Council Member Hall to withdraw his motion. Council Member Jim Hall withdrew his motion; Council Member Margaret Pillas withdrew her second. Chief Larmore and Mayor Meehan agreed work together towards a suitable meeting date, time and location.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY MANAGER

A. Public Works Senior Project Manager Dick Malone recommended a bid award to Sheridan Sign Company, Inc., in the amount of $4,110.00, to relocate and reconfigure the existing 100th Street Parking Lot message sign. **Council Member Jim Hall moved to approve; seconded by Council Member Lloyd Martin. The vote was unanimous.**

B. [*In January 2007, Director Adkins presented the concept of an Automatic Vehicle Locator System (AVL): a global positioning system used by the Transportation Department for strategic deployment of the transit fleet in an effort to maximize bus availability while minimizing maintenance and fuel costs.*] Public Works Director Hal Adkins, accompanied by Transportation Superintendent George Thornes, reported that the Maryland Transit Authority has since declined to appropriate grant money for this system. He advised that, if approved, the Town would contract with Sprint Nextel, for the amount of $68,466.28. **Council Member Jim Hall moved to proceed with the AVL System; seconded by Council Secretary Nancy Howard. The vote was 5-2 with Council Members Martin and Pillas opposed.** Council Member Mary Knight asked to publicize this improved System on Transportation's website. Council President Mitrecic asked for a performance/results report after implementation.

C. Director Adkins and Superintendent Thornes made a recommendation to change the Boardwalk Tram fare as follows (effective immediately): $3.00 per person every day of the week; Discount Card: $20.00 for 10 trips. **Council Member Jim Hall moved to approve; seconded by Council Member Lloyd Martin. The vote was unanimous.**

D. Ocean City Police Department Captain Kevin Kirstein requested permission to purchase 2009 Police ammunition, under the current Maryland State Contract, with 2008 Budget Funds. Captain Kirstein explained that the price of ammunition will increase 30% next year. **Council Member Jim Hall moved to approve the purchase of ammunition for 2009 from the The Gun Shop of Vincentown, New Jersey with 2008 Budget funds; seconded by Council Member Lloyd Martin. The vote was unanimous.**

E. City Manager Dare requested permission to solicit bids for: (1) Painting the 41st Street Tank; (2) Engineering Services for subacqueous water mains; and, (3) Engineering Services for the water main at Wight Street. **Council Member Jim Hall moved to approve; seconded by Council Secretary Nancy Howard. The vote was 6-0 with Council Member Lloyd Martin out of the room.**

COMMENTS FROM CITIZENS

None

COMMENTS FROM THE MAYOR AND CITY COUNCIL

Mayor Meehan thanked all participants of the St. Patrick's Day Parade.

Council Member Jay Hancock acknowledged the two Worcester County High Schools (Snow Hill High School and Pocomoke High School) who won the State Basketball Championships over the weekend. Also, he announced that Dee Rigsby will resign from the Noise Board.

CLOSED SESSION

Council Secretary Nancy Howard moved to convene into closed session at 10:27 p.m. to discuss legal and contractual matters; seconded by Council Member Jim Hall. The vote was unanimous.

REPORT ON CLOSED SESSION

Council President Mitrecic reported on the closed session held this evening at 10:27 p.m.. Topics of discussion: (1) consult with counsel to obtain legal advice; (2) to discuss the appointment, employment, assignment, removal or resignation of appointees, employees or officials over whom it has jurisdiction; or any other personnel matter that affects one or more specific individuals; and, (3) comply with a specific constitutional, statutory or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; and (4) to discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal if public discussion or disclosure adversely impacts the public body's ability to competitively bid or make proposals.

ADJOURNMENT

Council Member Jim Hall moved to adjourn at 10:48 p.m.; seconded by Council Member Mary Knight. The vote was 6-0 with Council Secretary Nancy Howard out of the room.

Minutes prepared by Kelly L. Allmond, Deputy City Clerk
Minutes certified by Carol L. Jacobs, City Clerk
Minutes approved on 04-07-08

ATTACHMENT A

Opening Statement * President Jester * City Council
3/17/08

Mr. Mayor and City Council Members,

Once again, the Ocean City Volunteer Fire Company appears before you in an attempt to resolve a long-standing issue - - the delivery of fire service to the Town of Ocean City. After meticulously considering the Mayor's plan of 20 February 2008, including his "terms and conditions," composing several drafts, and requiring multiple counter-proposals, we have concluded that his plan is fatally flawed. In its place, we propose a plan that is much improved from any previously proposed. I am confident that, after hearing and evaluating its merits, the suitability will certainly shine through.

This is a multi-faceted endeavor and, upon your conceptual approval, we will prepare and present you with a complete business plan. In the interim, we hereby propose a plan and offer additional supporting documents. In short, we propose to separate the Fire Service from Emergency Medical Service responsibilities. We feel the advantages this would offer all parties are numerous, and are incorporated in the following list:

- **Fiscally responsible** – In the simplest of terms, it is cheaper to hire a Firefighter than a Paramedic/Firefighter.

- **Management ability** – The OCVFC has the ability to manage the fire service in the Town of Ocean City, as demonstrated by its history, the continued delegation of such responsibility by the Mayor and City Council, and our credentials.

- **Union intimidation** – The IAFF Local 4269 has gone on record and stated that they have no intention of working for a volunteer fire chief. The union is classified as labor by their own contract, and has no right to make such a decision. From the time of the union statement in early December 2007, and continuing through today, tensions between volunteer and career members have increased dramatically. It can be seen and felt both on the fireground and in the firehouse.

- **City involvement** – The City Manager has been less than forthright with his intentions over a two-year period. His lack of communication regarding the future of the fire service, and the OCVFC's involvement fell substantially short of what we were promised. The Director of Emergency Services, while fronting a façade of partnership, was surreptitiously carrying out directives to implement a covert plan to diminish the worth and morale of the volunteers. This is evidenced by his insulting notification to the Fire Chief that a paid fire chief's position and a piece of fire apparatus were going to be placed in the Emergency Services Fiscal Year 2009 budget, regardless of the position of the OCVFC.

- **Full-time management** – The OCVFC is still committed to the hiring of a full-time fire chief to oversee daily operations. We envision this individual's direction to come from a board or commission composed of fire company administrative leaders and outside individuals yet to be determined.

- **Implementation schedule** – The OCVFC recognizes the magnitude of this plan, and is confident that with the assistance from leaders in the field, and the backing of the resources of the Town of Ocean City; a reasonable implementation target date resides in the not too distant future.

- **Budgetary considerations** – The OCVFC plans to present the Mayor and City Council with an amended budget, detailing the necessary funding requirements and related funding mechanisms, at its spring 2008 budget hearing.

The Ocean City Volunteer Fire Company finds itself in challenging times. The leadership is committed to the safe, effective, and efficient delivery of world-class fire service related activities. We feel the above-stated plan is a fresh start and an effective means toward that end.

In Saturday's *Daily Times*, Mayor Meehan asked why the OCVFC did not approve his plan. He further chastised the OCVFC for formulating "proposals with ultimatums, without input from Ocean City's elected officials." We

simply responded to his proposal, because we believed he was entitled to such in a timely manner. Instead of his objectionable words, we would have thought the mayor would be pleased that so much effort has been expended to study his proposal, and then to formulate a response that would save the City considerable funds while enhancing fire service delivery.

Mr. Mayor and City Council Members, this controversy has gone on long enough. While we have dithered, the animosity between the career force and volunteer members has become virtually intolerable. Because of the attitude of certain paid workers, we now have volunteer members who feel uncomfortable entering their own firehouses, or participating on the fireground. Friendships that previously existed have been compromised or destroyed. Additionally, we feel a sense of mistrust from this Council, the City Manager, the union, and the Director of Emergency Services because of their track record of the past few years.

Last spring, we asked if the current political tactic of choice was to delay, delay, and delay in order to shatter the remaining morale and volunteer participation so that the secret plan could be implemented. We now say, "Enough," and respectfully ask for your timely decision.

ATTACHMENT B

April 10, 2008 Work Session of the Mayor and Council

Captain Jason Lennox, President of Island Excursions, Inc. and operator of a season boat tour business, requested permission to install temporary portable toilets, on First Street and the Bay (on the old B.J.'s Restaurant Site), for his employees. In an April 6, 2007 Memorandum to the Mayor and City Council, Zoning Administrator Blaine Smith states,

> "*As you are aware B J's restaurant/bar has been demolished for redevelopment of a 37 multi-family condominium dwelling project. The site has been left in rough shape with the silt fence mostly fallen down around the property. Much trash has accumulated on the property. It appears little attention is given to the care of the property.*
>
> ***The site plan approval granted by the Planning Commission expired on October 4, 2006, due to the fact a building permit was not obtained within 18 months of the site plan approval granted on April 4, 2005.***
>
> *Should the property be utilized for a temporary use, it should be cleaned up and made presentable. The property is zoned DM, Downtown Marine District, which permits a*tour boat operation as an allowed use subject to parking regulations and on-site facilities for the employment personnel/staff. Landscape is required between the parking spaces and the public right-of-ways. All signage has to be in accordance with Downtown Development regulations and approved by Glenn Irwin, Executive Director. Position of the toilets and possible screening should be reviewed by Glenn to protect the Downtown image.
>
> *Photos of the premises follow*."

Council Member Jim Hall said he is leery of exposed portable lavatories in the Downtown area. **Council Secretary Nancy Howard moved to approve this request to install and maintain two portable lavatories on First Street and the Bay for one year if: #1 the portable facility is an upscale trailer; #2 Mr. Lennox' organization cleans and maintains the entire property and, #3 Mr. Lennox agrees to install fencing around the lavatory area.** Council Member Lloyd Martin said that he is reluctant to require the costly expense of an upscale trailer facility. **The motion failed for lack of a second.**

Council Member Jay Hancock moved to approve the request to install and maintain two portable lavatories on First Street and the Bay until October 15, 2007 if: #1 Mr. Lennox' organization installs vinyl fencing around the lavatory; #2 the facility and surrounding property must be monitored and well-maintained; seconded by Council Member Lloyd Martin. The vote was unanimous.