

February 19, 2008
REGULAR SESSION #4
MAYOR & CITY COUNCIL

Present:

Mayor Richard W. Meehan	Council Member Jim Hall
Council President Joe Mitrecic	Council Member Jay Hancock
Council Secretary Nancy Howard	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, Budget Analyst Jennie Knapp, Planning and Community Development Director Jesse Houston, Deputy Fire Marshal-I Joe Sexauer, Deputy Fire Marshal Cliff Christello, Special Events Coordinator Lynda Brittingham, City Clerk Carol Jacobs, Members of the Press and Interested Parties. Present for a portion of the meeting was Ocean City Volunteer Fire Chief Chris Larmore.

CALL TO ORDER

Council President Joe Mitrecic called this Regular Session to order at 6:03 p.m. in the Council Chambers of City Hall, 301 Baltimore Avenue, Ocean City, Maryland 21842.

PRAYER AND PLEDGE

Council President Joe Mitrecic led the Prayer and Council Member Lloyd Martin led the Pledge of Allegiance.

REPORT FROM CITY MANAGER ON UPCOMING WORK SESSION

City Manager Dennis Dare reported that the following items are scheduled for discussion in the next work session:

1. Bid openings for a Dodge Caravan and Dodge Sprinter
2. Request approval for a Change Order for Repair Work at Ocean City Convention Center – presented by City Engineer Terry McGean
3. Request approval for a Storm Water Management Retro-fit Cost Share Program Transfer – presented by Public Works Director Hal Adkins
4. Report on Tourism Commission Meeting of February 8, 2008 – presented by Council Member Margaret Pillas
5. Report on Recreation and Parks Committee Meeting of January 15, 2008 – presented by Council Member Jim Hall
6. Report on Coastal Resources Legislative Committee Meeting of February 4, 2008 – presented by Council Member Mary Knight

APPROVAL OF MINUTES

Minutes for Regular Session #4, dated February 4, 2008, were approved as presented.

SPECIAL EVENT PERMIT REQUESTS

Special Events Coordinator Lynda Brittingham presented the following events for approval:

- A. **Beach 5 Sand Soccer Tournament** on June 21-22, 2008, from 9:00 a.m. to 7:00 p.m., on the Dorchester Street Beach. Present for questions was Bill Harte. **Council Member Lloyd Martin moved to approve; seconded by Council Member Jim Hall. The vote was unanimous.**
- B. **St. Patrick's Day Parade and Festival**, on Saturday, March 15, 2008, starting at 12:00 p.m., from 45th to 61st Street - southbound. **Council Secretary Nancy Howard moved to approve; seconded by Council Member Jim Hall. The vote was unanimous.**
- C. **MS Walk/Run**, on Saturday, April 12, 2008, starting at The Grande Hotel on 21st Street and the Boardwalk at 10:00 a.m. Present for questions was Lauren Rapoza of the National Multiple Sclerosis Society. **Council Member Jim Hall moved to approve; seconded by Council Member Lloyd Martin. The vote was unanimous.**
- D. **Cooterfish Surf Series**, on Saturday, March 22, 2008, starting at 7:00 a.m., on 48th Street. Present for questions was Art Baltrosky of Volcom Boardwear. **Council Member Jim Hall moved to approve; seconded by Council Secretary Nancy Howard. The vote was unanimous.**

NEW BUSINESS

- A. Kyle Swisher, owner of EC Glider Company, asked the Council to allow Segway rentals on Somerset Street Plaza in the morning during normal "bike hours." **Council Member Jim Hall moved to allow Easy Glider Company, Inc. to operate their bike-rental business from a kiosk on Somerset Street Plaza for the 2008 Season, and, to pay the proper fees to the Ocean City Development Corporation; seconded by Council Member Jay Hancock. The vote was unanimous.**
- B. Atlantic General Hospital's President/CEO Michael Franklin, and Medical Director Dr. Stephen Waters, gave a presentation on the upcoming facility improvements (see Attachment A).

ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY SOLICITOR

- A. Second Reading of Ordinance 2008-2, amending Chapter 110, entitled *Zoning*, providing locations and use regulations for sexually oriented businesses. **Council Member Jim Hall moved to approve the Second Reading of Ordinance 2008-2; seconded by Council Secretary Nancy Howard. The vote was unanimous.**
- B. Second Reading of Ordinance 2008-3, amending Chapter 14, entitled *Businesses*, regulating sexually oriented businesses. **Council Secretary Nancy Howard moved to approve the Second Reading of Ordinance 2008-3 as amended; seconded by Council Member Mary Knight. The vote was unanimous.**

- C. Second Reading of Ordinance 2008-4, for Budget Amendment #4. **Council Member Jim Hall moved to approve the Second Reading of Ordinance 2008-4 as amended; seconded by Council Secretary Nancy Howard. The vote was unanimous.** Citizen Ellie Diegelmann commented on the budget changes.
- D. First Reading of Ordinance 2008-5 amending Chapter 30, entitled *Environment*, regarding noise regulations. **Council Member Jay Hancock moved to approve the First Reading of Ordinance 2008-5; seconded by Council Member Jim Hall. The vote was unanimous.** Council Member Jay Hancock recommended that staff inform all property owners with business licenses.
- E. Resolution 2008-1 establishing license fees for sexually oriented businesses. **Council Member Lloyd Martin moved to approve Resolution 2008-1; seconded by Council Member Mary Knight. The vote was unanimous.**

INSERTED ITEM

Council President Joe Mitrecic read the following statement:

"In 2004, Clay Stamp resigned as the director of Emergency Services. There was a thought both by the Mayor and City Council and the OCVFC at the time to bring the two services together under one Director/Fire Chief. There was a committee selected from the ranks of the OCFVC and from the Mayor and City Council. After numerous meetings and a few good ideas that went nowhere, the committee ceased to meet. The Mayor and City Council, at that time, was coming into the season and felt it needed to have a director in place and proceeded with hiring Mr. Theobald. The Mayor and Council and the OCVFC let pass an opportunity that, if acted on at that time, could have had us well past this impasse that we have here today.

The issue that was brought before us at the last work session is the most divisive issue this Mayor and Council, or many of the previous Mayor and Councils, have ever encountered. I can honestly say I am not aware of another issue where a Council was so wrathfully attacked, just for asking for some time to answer all of our questions. We were elected to make the decisions necessary to run the Town, sometimes these decisions are not the "easy decisions", and sometimes they are not the most popular.

I, like many others in the Town have had trouble focusing on anything else since last Tuesday's work session. The ramifications of the vote taken that day will be felt for a long time to come. We as a Council and the OCVFC need to take the measures necessary to begin an honest and sincere dialogue to plan for the future fire protection of the Town of Ocean City. Because of where we are now, and where we need to be, I would like to make the following recommendation:

The Mayor drafts a letter to the OCFVC Chief Larmore requesting that he serve as interim Chief of all fire related services with the following caveats:

- 1. Chief Larmore agrees to step down as OCVFC Chief during his interim period. (As the fire service cannot answer to two bosses neither can the fire chief.)*
- 2. He will answer to the City Council through the City Manager (We have a Council/City Manager form of government that places the City Manager as the day-to-day contact for all departments and this one should not be any different).*

3. *Joe Theobald will delegate all authority to manage the Fire/EMS Division to Captain Barton and Captain Barton will answer to Chief Larmore during the this interim period. (Captain Barton is familiar with the daily needs of that division and is well equipped to handle that.)*
4. *Joe Theobald will continue with all other Emergency Management and Communications responsibilities. (There will be no major organization restructuring during this interim period. Any qualified Fire Chief is going to want to set up his or her own chain of command and put that personnel in place themselves.)*

The OCVFC agrees to work with the Mayor to schedule a strategic planning meeting voted on by the City Council at the 02/12/2008 meeting. This meeting shall include representatives from the OCVFC, Emergency Services, and the Town of Ocean City.”

Council Members Hall and Pillas opposed the caveat that Chief Larmore must agree to step down as Fire Chief for the Volunteer Fire Company.

Chief Larmore said that he will take Council President Mitrecic’s recommendation under advisement with the OCVFC Board of Directors.

Citizens John F. Adkins, Rob Greenebaun, Jim Flagg, Bob Jester, Albert Thomas, Susan Wenzlaff, Bill Savage and Bruce Leiner issued comments in support of the Ocean City Volunteer Fire Department and Chief Larmore.

Council Member Lloyd Martin moved to accept Council President Joe Mitrecic’s recommendation; seconded by Council Member Mary Knight. The vote was 4-3 with Council Members Hall, Howard and Pillas in opposition.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY MANAGER

City Manager Dennis Dare presented the following:

- A. Recommendation to award American Paving, for the amount of \$596,842.48, for the 2008 Milling and Paving Program (FY08 Budget Allocation = \$685,900.00). **Council Member Lloyd Martin moved to approve; seconded by Council Member Jim Hall. The vote was unanimous.**
- B. Recommendation by City Engineer Terry McGean to invite Wallace Montgomery, Daft McCune Walker (DMW) and George Miles & Buhr (GMB) to make presentations for their services for the St. Louis Avenue Design Project. **Council Secretary Nancy Howard moved to accept the City Engineer’s recommendation; seconded by Council Member Mary Knight. The vote was unanimous.**

COMMENTS FROM CITIZENS

Citizens Rob Greenebaun, Ellie Diegelmann, Gabriel Mancini and Ray Sawyer commented on the Council’s discussions with the OCVFC.

Citizen Jim McGinnis thanked everyone who supported him during his illness.

COMMENTS FROM THE MAYOR AND CITY COUNCIL

Council Secretary Nancy Howard encouraged everyone to visit the new Library.

Mayor Meehan said that the County Commissioners are considering the Town's request for a tax differential. Also, he said he attended last week's County Commissioner's meeting with Buddy Jenkins who requested support for special tax considerations for Jolly Rogers (Historical) Amusement Park.

ADJOURNMENT

Council Member Jim Hall moved to adjourn at 9:32 p.m.; seconded by Council Member Lloyd Martin. The vote was unanimous.

Minutes prepared by Kelly L. Allmond, Deputy City Clerk



Minutes certified by Carol L. Jacobs, City Clerk.

Minutes approved on 3/3/08