

**March 3, 2008**  
**REGULAR SESSION #5**  
**MAYOR & CITY COUNCIL**

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**Present:**

<b>Mayor Richard W. Meehan</b>	<b>Council Member Jim Hall</b>
<b>Council President Joe Mitrecic</b>	<b>Council Member Jay Hancock</b>
<b>Council Secretary Nancy Howard</b>	<b>Council Member Lloyd Martin</b>
	<b>Council Member Margaret Pillas</b>

**Absent:**

**Council Member Mary Knight**

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**ATTENDANCE**

City Manager Dennis Dare, City Solicitor Guy Ayres, Assistant to City Manager Kathy Mathias, City Engineer Terry McGean, 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 6:03 p.m. in the Council Chambers of City Hall, 301 Baltimore Avenue, Ocean City, Maryland 21842.

**PRAYER AND PLEDGE**

Reverend Terry Davis of the Ocean City Baptist Church led the Prayer and Council Secretary Nancy Howard led the Pledge of Allegiance.

**REPORT FROM CITY MANAGER ON UPCOMING WORK SESSION**

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

1. Bid openings for Request for Proposal for the Northside Park ATM (Automatic Teller Machine)
2. Presentation on a Change of Voter Roles to Express Poll System – presented by City Clerk Carol Jacobs and Mary Adeline Bradford, Chair of the Board of Elections.
3. Proposal to conduct movies on the Beach – presented by Parks and Recreation Director Tom Shuster

**APPROVAL OF MINUTES**

Minutes for Regular Session #4, dated February 19, 2008, were approved as presented.

## **SPECIAL EVENT PERMIT REQUESTS**

Special Events Coordinator Lynda Brittingham advised that the Police Department requested the establishment of a buffer zone between the Saint Patrick's Day Parade route and the south bound lanes on Coastal Highway. **Council Member Jim Hall moved to approve; seconded by Council Member Lloyd Martin. The vote was 6-0 with Council Member Mary Knight absent.**

- A. **Good Friday Crosswalk**, on Friday, March 21, 2008, from 12:00 p.m. – 2:00 p.m., starting at Son Spot Ministries on Worcester Street. Present for questions was Reverend Terry Davis. **Council Member Jim Hall moved to approve; seconded by Council Secretary Nancy Howard. The vote was 6-0 with Council Member Mary Knight absent.**
- B. **Easter Sunrise Service**, on Sunday, March 23, 2008, from 6:00 a.m. – 7:30 a.m. at North Division Street Pad on the Boardwalk. Present for questions was Reverend Terry Davis. **Council Member Lloyd Martin moved to approve; seconded by Council Secretary Nancy Howard. The vote was 6-0 with Council Member Mary Knight absent.**
- C. **Sand Duels Beach Soccer Challenge**, on Saturday, June 7-8, 2008, from 9:00 a.m. – 6:00 p.m., on the beach at Dorchester Street. Ms. Brittingham advised that the Police Department requested that organizers contact the Chief's Office for Off-Duty security; and, that post-event clean up must be finished by 5:00 p.m. **Council Member Jim Hall moved to approve the event with the stated caveats; seconded by Council Member Lloyd Martin. The vote was 6-0 with Council Member Mary Knight absent.**

## **PUBLIC HEARING: SOUTH OCEAN DRIVE SHORELINE RESTORATION**

City Engineer Terry McGean advised that the bulkhead is structurally failing. Mr. McGean proceeded with repairs in March 2005 in cooperation with the Maryland Department of Natural Resources Shore Erosion Control Loan Program (an interest-free 20 year loan). In August 2006, Soule & Associates completed the design consisting of a stone revetment placed in front of the existing aluminum bulkhead. On February 20, 2008, Mr. McGean advised that he received the federal permit to construct the revetment, walkway and pier. The State Permit is still pending. Mr. McGean issued the following statement at the public hearing:

*"In August 2006, the preliminary design was completed by Soule' Associates. The design calls for a stone revetment placed in front of the existing bulkhead. The design was based on sound engineering practice. Some of the reasons for the choice of a revetment were:*

- 1. The location of the project on open water with a long fetch, this subjects the shoreline to higher than normal wave energy as compared to a typical canal bulkhead.*
- 2. The proximity of the existing bulkhead to the roadway. This imparts much higher than typical pressure on the bulkhead due to vehicle traffic. I am convinced that failure to account for these much higher overburden loads during the design of the original bulkhead is the reason it had been failing almost since the day it was installed.*
- 3. Based on 1 & 2, the cost of a bulkhead properly designed for these conditions would approach or exceed the cost of the revetment alternative. The revetment will last 2-3 times longer than a bulkhead, therefore although the first cost of the bulkhead might be slightly less than the revetment, the cost of the revetment over the life of the project will be significantly less. Note that in my almost 18 years with the city I have replaced over 25 bulkheads, I have not had to replace a single stone revetment including the inlet jetties built in 1933.*
- 4. Construction impacts: Because of the proximity of the street, manta ray type tiebacks would likely not be sufficient to handle the overburden pressure. Therefore, a conventional tieback system would be needed requiring excavation at least 20' behind the bulkhead for the length of the project.*
- 5. From an environmental standpoint, the preferred order of shore protection is as follows:*

- a. *No protection at all – obviously not practical here*
- b. *Soft protection such as marsh or beach. – Again because of the proximity and elevation of the road to the shoreline these solutions are not practical for this project.*
- c. *A stone revetment. The stone itself provides habitat.*
- d. *Bulkhead – Has the most negative environmental impacts, provides no habitat, wood preservative at piles and wales is a cause of concern. MDE will not permit NEW bulkheads, DNR will not fund new or replacement bulkheads.*

*Based on these factors the revetment is the preferred engineering alternative. Between myself and Mr. Soule we have almost 50 years of experience designing shoreline projects in Ocean City. We both agree that the revetment is the best alternative for this location. For strength, lifecycle cost, and environmental benefits.*

*In October 2006, when I presented the revetment to the MBCA Board and the invited residents to begin the discussion of the walkway and pier, I do not recall any significant opposition to the revetment. There were some questions. The direction given to me at that time by the board, was to proceed to obtain the permit for the revetment, pier and walkway, with the understanding that the ultimate decision on the pier and walkway would be up to the Mayor and Council. In November of 2006, state and federal permits for the revetment, walkway and pier were applied for. In November 2007, the Mayor and Council approved the loan agreement with DNR for funds to construct the revetment. On February 20, 2008 I received the Federal Permit to construct the revetment, walkway and pier. The State permit for this work is still pending to this very day.*

*If the Mayor and Council wish to change the design from a revetment to a replacement bulkhead they, and all those in the audience should be aware of the impacts:*

1. *The project will no longer be eligible for any DNR funding. The estimated cost savings for a 20 year interest free loan of \$500,000 is over \$200,000 in interest payments over the life of a 4% loan. The city would either have to borrow this money at bond rates or fund the project as pay as you go from the General Fund.*
2. *The existing design will have to be scrapped. A new design and permit drawings will take 2-3 months and cost \$15 –\$20,000. (not to mention the over \$20,000 we have already spent on design and permitting which would be for nothing).*
3. *The existing permits, both those in hand from the Corps and those pending with the state will be null and void. The permit process will have to start all over again. Given that the permit for the environmentally preferred alternative has taken over a year, we should expect the permits for the bulkhead, if they would be issued at all, to take at least another year.*
4. *Given the delays to re-design and re-permit a bulkhead plus the time to contract the work, the replacement would likely not occur until Fall 2009. I have strong reservations that the existing bulkhead will make it until then.*

*Regardless of the decision on the walkway and pier, I would strongly recommend against changing the revetment design.*

*Regarding the walkway and pier, some have suggested that the walkway and pier are necessitated by the revetment. This is not the case! The timing of a walkway and pier is what is affected by the revetment. If a new bulkhead was installed instead of a revetment, there would still be no safe water access, unless you consider crabbing from the street safe. The reason why the walkway and pier were brought up with the revetment is that once the revetment is installed, it is almost impossible to install a pier or walkway AFTER the revetment simply because you can't drive piling thru granite rocks.*

*If a bulkhead is constructed instead of a revetment, you still won't have safe public access to the water. The walkway could be a landward sidewalk instead of a wood walkway, estimated cost \$50,000, the same could be done for the revetment. A combination of landward sidewalk and small pier. It is disingenuous to compare the revetment cost with the walkway and pier to the cost of a bulkhead with neither. The walkway/sidewalk gives you water access under the bulkhead scenario, the pier under the revetment. The real difference is therefore the cost of the pier, or about \$15,000.*

City Engineer McGean continues...

*I hope I have helped to clear up the issue of the revetment. As far as the walkway and pier I am going to simply and quickly present a concept that I hope clears up some of the questions regarding how the walkway and the road might tie together and provide a little better idea of the design and various alternatives. We can then open the hearing to public comment."*

Jim Walker, President of the Montego Bay Civic Association advised that their Board of Directors ruled in favor of the revetment and walkway project as presented as Mr. McGean.

Montego Bay Residents Eric Waterman, Ray Reed and Dick and Bernie Mostrom stated their opposition to the stone revetment project.

Citizen Ray Reed expressed concern about people drowning if they stray too far from shore.

Citizen Dominic Paglione stated his opposition to the walkway.

Montego Bay Residents Lucretia Borkowicz, Phyliss Mossmiller, John and Ann McDermott, Vera McCullough, Herb Pawlukewicz, Linda Herzberg, Larry Holdren, and Louis Welsch stated their approval of the revetment project.

Citizen Bob McCluskey expressed concern about his ability to fish and crab after the revetment.

Citizen Ellie Diegelmann questioned the Town's capital improvement process.

Council Member Pillas asked who will maintain the landscaped area of this property. She was advised that Parks and Recreation will routinely maintain the area. She added that, upon request, the City will keep the area clean of trash.

Also, Council Member Pillas asked if "No Parking" signs could be installed in this area. City Engineer Terry McGean suggested painting the entire curb red and posting "No Parking" signs.

Amendment:  
Approved by  
Council on  
4-21-08

Addition

**Council Member Jim Hall moved to proceed with the stone revetment, walkway, and the small bump-outs, with an amendment of this motion to add a landscaping strip along the road, and, to work out an amiable solution with the owner of 311 S. Ocean Drive; seconded (as amended) by Council Secretary Nancy Howard. The vote was 4-2 with Council Members Pillas and Martin opposed and Council Member Mary Knight absent.**

## NEW BUSINESS

Terry Steimer gave an update on the Ocean City Surfrider's Club "Please Leave Only Your Footprints" Campaign, which is an effort to reduce littering on the beaches and waterways (See Attachment A).

## ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY SOLICITOR

Second Reading of Ordinance 2008-5 amending Chapter 30, entitled *Environment* pertaining to Noise Regulations. **Council Member Jay Hancock moved to approve the Second Reading of Ordinance 2008-5; seconded by Council Member Jim Hall. The vote was 6-0 with Council Member Mary Knight absent.** Assistant to City Manager Kathy Mathias said that a written statement of this Ordinance change will be attached to all business licenses once it is approved by the Mayor and Council.

## ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY MANAGER

- A. City Manager Dare made a recommendation to award **Hertrich Dodge of Denton, Maryland**, for \$23,609.00, for the Dodge Grand Caravan for the Convention Center; **Council Member Jim Hall moved to approve; seconded by Council Secretary Nancy Howard. The vote was 6-0 with Council Member Mary Knight absent;** and, **Green Gifford Chrysler Jeep Dodge of Norfolk, Virginia**, for \$32,891.00 for the Dodge Sprinter 2500 Cargo Van for the Wastewater Department. **Council Member Jim Hall moved to approve; seconded by Council Secretary Nancy Howard. The vote was 6-0 with Council Member Mary Knight absent.**
- B. City Manager Dare requested permission to solicit bids for six (6) Stryker Power-Pro Ambulance Cots. **Council Secretary Nancy Howard moved to approve; seconded by Council Member Jim Hall. The vote was 6-0 with Council Member Mary Knight absent.**

## COMMENTS FROM CITIZENS

Citizen Herb Pawlukewicz said the use of French drains, used to address storm water management, was an idea he presented several years ago. He complained that the Town's Employee Salaries are too high; and, that a 1% tax should be assessed on employees who reside outside city limits.

Citizen Ellie Diegelmann asked for an update on the Tax Differential. The Mayor advised that Worcester County Staff has met with the Town's Staff to discuss the numbers. He said that this issue is scheduled for discussion in the March 18, 2008 Worcester County Board meeting.

## COMMENTS FROM THE MAYOR AND CITY COUNCIL

Council Secretary Nancy Howard advised that the Downtown Association, who is celebrating their 35<sup>th</sup> Anniversary, is starting a campaign called "Downtown After Dark," from 5:00 p.m. – 7:00 p.m., at the Coral Reef Restaurant in the Holiday Inn on 17<sup>th</sup> Street.

Council Member Margaret Pillas asked City Manager Dare about the dates of the Budget Hearings. City Manager Dare said no specific date is scheduled, but should start in mid-April.

Mayor Meehan offered the following:

1. He congratulated Susan Jones and the Hotel/Motel Restaurant Association (HMRA) for their successful show at the Convention Center.
2. He advised that the St. Patrick's Day Soccer Tournament at Northside Park was a success.
3. He attended the Baltimore Aquarium's release of Seaca the seal that washed ashore in January. He said that just after this release, another washed ashore on 59<sup>th</sup> Street, so the Aquarium rescued a second seal.
4. He encouraged attendance to the Mardis Gras, on Friday, March 6, 2008, at the Carousel Hotel (sponsored by the Ocean City Parrotheads).
5. He mentioned that he and City Engineer Terry McGean will attend a Bond Authority Bill Hearing (Convention Center Funding), in Annapolis, on Thursday, March 6, 2008 at 1:00 p.m.
6. He announced that Dennis and Liz Dare are the Grand Marshals for the St. Patrick's Day Parade on March 15, 2008.

## ADJOURNMENT

Council Member Jim Hall moved to adjourn at 8:34 p.m.; seconded by Council Secretary Nancy Howard. The vote was 6-0 with Council Member Mary Knight absent.

Minutes prepared by Kelly L. Allmond, Deputy City Clerk

Minutes certified by Carol L. Jacobs, City Clerk

Minutes approved on 3-17-08

Amendment approved on 4-21-08

A handwritten signature in black ink that reads "Kelly L. Allmond". The signature is written in a cursive style with a large, looping initial "K".

5 YEAR PLAN

ADVERTISING MOTTO: "LEAVE ONLY YOUR FOOTPRINTS, PLEASE"

YEAR 1: A. TOWN OF OCEAN CITY STENCIL BEACH TRASH CANS WITH MOTTO.

B. OCEAN CITY SURFRIDER TO DISPENSE CIGARETTE BUTT DISPENSERS AND "HOLD ON TO YOUR BUTT" BUMPER STICKERS TO BEACH STANDS.

YEAR 2: YEAR 1 PLUS,

A. OCEAN CITY SURFRIDER TO SECURE AERIAL ADVERTISING TO PROMOTE SAME.

B. TOWN OF OCEAN CITY STENCIL TRASH COLLECTING VEHICLES.

YEAR 3: YEAR 1, 2 PLUS,

A. OCEAN CITY SURFRIDER TO SECURE BILLBOARD SPACE AT ROUTE 50 AND 404 TO PROMOTE SAME.

B. TOWN OF OCEAN CITY TO PROVIDE SIGNS WITH MOTTO AT ALL BEACH ACCESS AND BAY ACCESS AREAS.

YEAR 4: YEAR 1,2, 3 PLUS,

A. OCEAN CITY SURFRIDER TO SECURE RADIO AND TV ADS TO PROMOTE SAME.

B. TOWN OF OCEAN CITY TO PROVIDE MESSAGES ON GOVERNMENT ACCESS CHANNEL.

YEAR 5: YEAR 1,2,3 4 PLUS,

A. OCEAN CITY SURFRIDER TO SECURE SIGN BOAT ADVERTISING ALONG THE OCEAN

B. OCEAN CITY SURFRIDER TO SECURE SIGN BOAT ADVERTISING IN BAY.

NOTE: CIGARETTE BUTT CONTAINERS AS WELL AS "HOLD ON TO YOUR BUTT" BUMPER STICKERS ARE AVAILABLE TO DISPENSE AT BEACH STANDS.