

June 16, 2008
REGULAR SESSION # 12
MAYOR & CITY COUNCIL

Present:

Mayor Richard W. Meehan

Council President Joe Mitrecic

Council Member Jim Hall

Council Member Jay Hancock

Council Member Mary Knight

Council Member Lloyd Martin

Council Member Margaret Pillas

Absent:

Council Secretary Nancy Howard

ATTENDANCE

City Solicitor Guy Ayres, City Manager Dennis Dare, City Engineer Terry McGean, Emergency Services Director Joe Theobald, 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 & PLEDGE

Pastor James Davis of St. Peter's Lutheran Church 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 advised that the following items are scheduled in the work session scheduled for July 1, 2008:

1. Donation of a record White Marlin and Trophy case – presented by Charles Kratz
2. Discussion on the proposed Fuel Sales Policy at the Ocean City Airport – presented by Public Works Director Hal Adkins
3. Report on the Coastal Resources Legislative Meeting of June 5, 2008
4. Discussion of parking at the old library site

APPROVAL OF MINUTES

The Minutes for Regular Session # 11, dated June 2, 2008 were approved with one correction (see Page 7 under Attachment A).

ITEMS PRESENTED BY THE MAYOR AND CITY COUNCIL

- A. Attorney Joe Moore addressed the occupancy requirement for the Gateway Grand Hotel. He referred to the Planning Commission's December 16, 2005 Recommendation which states, "*Restaurant must be ready for a Certificate of Occupancy at the same time as the main building structure.*" He advised that, although the restaurant will be ready for occupancy, an active tenant has not been selected. He sought the Council's assurance that this will not prevent the entire building from gaining occupancy. **Council Member Jim Hall moved to grant Mr. Moore's occupancy request; seconded by Council Member Mary Knight. The vote was 6-0 with Council Secretary Nancy Howard absent.**
- B. Emergency Services Director Joe Theobald presented a Hurricane Awareness update. First, he advised that, in 2008, the National Oceanic and Atmospheric Administration (NOAA) reported elevated activity in the Atlantic basin (indicating an increased risk for severe weather events).

Next, he pointed out that the evacuation of the foreign student and special needs population require cooperative planning efforts between the Town, Quality of Life Task Force, and County Agencies.

He reported that the Emergency Operations Center (EOC) and OC1 equipment were tested and operational. Further, he said the Emergency Operations Plan is undergoing a comprehensive review and revision to incorporate: (1) FEMA's National Incident Management System (NIMS); (2) the recent restructuring of the Town's Fire Service; (3) the Town's Continuation of Operations Plan, and; (4) evacuation timetable studies from the Army Corps of Engineers and State Highway Administration.

Director Theobald said he is optimistic about the State of Maryland's federal grant application to fund a tsunami alerting device. Also, he said that his staff is exploring the feasibility of establishing an AM radio alert system. Director Theobald concluded by emphasizing the need for public awareness, support and preparedness.

Mayor Meehan suggested that Director Theobald attend a future work session to review and discuss the revised Emergency Operations Plan.

SPECIAL EVENTS PERMIT REQUESTS

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

- A. **2009 Half Marathon and 5K Run**, on Saturday, April 18, 2009, from 7:00 – 9:00 a.m., beginning at the Inlet Parking Lot. Present for questions was Chris Klebe. **Council Member Jim Hall moved to approve; seconded by Council Member Mary Knight. The vote was 6-0 with Council Secretary Nancy Howard absent.**
- B. **2009 Beachfest**, June 19-21, 2009, held in various locations in Town. Present for questions was Bob Rothermel, Meredith Hennen and Brad Hoffman. **Council Member Mary Knight moved to approve; seconded by Council Member Margaret Pillas. The vote was 6-0 with Council Secretary Nancy Howard absent.**
- C. **Ocean City Paint Out**, on Sunday, July 13, 2008 at Somerset Plaza. Present for questions was Rina Thaler of the Ocean City Art League. **Council Member Mary Knight moved to approve; seconded by Council Member Jim Hall. The vote was 6-0 with Council Secretary Nancy Howard absent.**

UNFINISHED BUSINESS

Assistant to City Manager Kathy Mathias proposed a choice of legislative initiatives for submission to the Maryland Municipal League (MML). She presented issues pertaining to: (1) helmet requirements for mopeds and scooters, and; (2) modifications to the 2nd degree assault law.

NEW BUSINESS

Rina Thaler of the Ocean City Art League asked the Council to support their expansion efforts. Mayor Meehan said he will ask the Town's Grants Coordinator to work with the Art League.

REPORTS AND RECOMMENDATIONS FROM THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Zoning Administrator Blaine Smith presented the Planning Commission's favorable Finding of Fact to re-zone the 3303 Coastal Highway and 202 33rd Street Properties from an R-1 [*Residential District*] to LC-1 [*Local Commercial District*]. **Council Member Jim Hall moved to adopt the Planning Commission's Finding of Fact and approve the First Reading of Ordinance 2008-14 changing the Zoning Classification of the property; seconded by Council Member Mary Knight. The vote was 6-0 with Council Secretary Nancy Howard absent.**

APPOINTMENTS TO BOARDS, COMMISSIONS AND OTHER CITY ORGANIZATIONS

Council Member Jim Hall moved to appoint Debbie Cook and Vicki Barrett to the Board of Elections Supervisors; seconded by Council Member Mary Knight. The vote was 6-0 with Council Secretary Nancy Howard absent.

ITEMS REFERRED TO, AND PRESENTATIONS FROM, THE CITY SOLICITOR

City Solicitor Guy Ayres presented the following for approval:

- A. Second Reading of Ordinance 2008-10, amending Chapter 30, entitled *Environment*, to change Lot Maintenance responsibilities from the Clerk's Office to the Building Inspector's Office. **Council Member Mary Knight moved to approve the Second Reading of Ordinance 2008-10; seconded by Council Member Jim Hall. The vote was 6-0 with Council Secretary Nancy Howard absent.**
- B. Second Reading of Ordinance 2008-12, amending the General Employees Pension Plan and the Town of Ocean City Public Safety Employees Pension Plan (amending Health Coverage Selection Options) as amended. **Council Member Jay Hancock moved to approve the Second Reading of Ordinance 2008-12 as amended; seconded by Council Member Jim Hall. The vote was 6-0 with Council Secretary Nancy Howard absent.**
- C. Second Reading of Ordinance 2008-13, amending the Ocean City Public Safety Employees Pension Plan to incorporate DROP as amended. **Council Member Jim Hall moved to approve the Second Reading of Ordinance 2008-13 as amended; seconded by Council Member Jay Hancock. The vote was 5-0 with Council Member Margaret Pillas out of the room and Council Secretary Nancy Howard absent.**

ITEMS REFERRED TO, AND PRESENTATIONS FROM, THE CITY MANAGER

City Manager Dennis Dare presented the following for approval:

- A. Upcoming bid opening for three (3) Stryker Power-Pro Ambulance Cots. **Council Member Jim Hall moved to approve; seconded by Council Member Lloyd Martin. The vote was 6-0 with Council Secretary Nancy Howard absent.**
- B. City Engineer Terry McGean recommended a bid award to **Miken Builders**, in the amount of \$347,393, for the general construction of the Northside Park Press Box. **Council Member Jim Hall moved to approve; seconded by Council Member Mary Knight. The vote was 6-0 with Council Secretary Nancy Howard absent.**
- C. Mr. McGean recommended a bid award to **Chessie Sales**, in the amount of \$78,541.77, for the Northside Park Press Box Kitchen Equipment. **Council Member Lloyd Martin moved to approve; seconded by Council Member Jim Hall. The vote was 6-0 with Council Secretary Nancy Howard absent.**
- D. City Manager Dare recommended a bid award to **J&W of North Carolina, Inc.**, in the amount of \$487,000, for the painting and repairs of the 41st Street Water Tank. **Council Member Jim Hall moved to approve; seconded by Council Member Mary Knight. The vote was 6-0 with Council Secretary Nancy Howard absent.**
- E. City Manager Dare recommended awarding the Eagles Landing Golf Cart Lease to **EZ-Go**, at the rate of \$5,392 per month for 48 months. **Council Member Mary Knight moved to approve; seconded by Council Member Lloyd Martin. The vote was 6-0 with Council Secretary Nancy Howard absent.**

City Manager Dare announced that the Public Works Maintenance Crew will be working to correct small pools of water located on the mid to northern beaches.

COMMENTS FROM THE CITIZENS

Citizen Ellie Diegelmann voiced concern about the agenda packet, the budget, and crime enforcement.

Shawn Rox commended the Parks and Recreation Department for their "commitment to excellence."

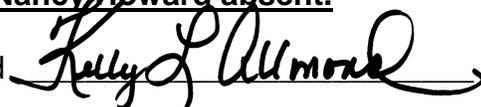
COMMENTS FROM THE MAYOR AND CITY COUNCIL

Mayor Meehan praised the organizers and Town staff for the success of the Air Show. Also, he commended Special Events Director John Sullivan and his staff for a great job celebrating Flag Day at Northside Park. He welcomed the Maryland State Firemen's Association and offered tickets to their Monday Night Bash. Also, he asked City Manager Dare to have Public Works Construction re-stripe the bend in the road on St. Louis Avenue at 17th Street.

ADJOURNMENT

Council Member Jim Hall moved to adjourn at 7:47 p.m.; seconded by Council Member Mary Knight. The vote was 6-0 with Council Secretary Nancy Howard absent.

Minutes prepared by Deputy City Clerk Kelly Allmond



Minutes certified by City Clerk Carol Jacobs

Minutes approved by the Mayor and City Council on 7-7-08

June 2, 2008
REGULAR SESSION # 11
Corrected (see Page 3)
MAYOR & CITY COUNCIL

Present:

Mayor Richard W. Meehan
Council President Joe Mitrecic

Council Member Jim Hall
Council Member Jay Hancock
Council Member Mary Knight
Council Member Lloyd Martin
Council Member Margaret Pillas

Absent:

Council Secretary Nancy Howard

ATTENDANCE

City Manager Dennis Dare, City Solicitor Guy Ayres, Assistant to City Manager Kathy Mathias, Special Events Director John Sullivan, 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 6:04 p.m., in the Council Chambers of City Hall, 301 Baltimore Avenue, Ocean City, Maryland 21842.

PRAYER & PLEDGE

Reverend Terry Davis of the Ocean City Baptist Church led the Prayer, and Council Member Mary Knight led the Pledge of Allegiance.

REPORT FROM CITY MANAGER ON UPCOMING WORK SESSION

City Manager Dennis Dare advised that the following items are scheduled in the upcoming work session:

1. Bid openings for the 41st Street Water Tower Painting and Repairs
2. Request for a fee waiver to OCDC – presented by Mike Miculinic of Surf and Cycle
3. Approval of Engineering Services Proposal for the St. Louis Avenue Utility Design – presented by Public Works Director Hal Adkins
4. Update on the FAA's position pertaining to a land exchange at Eagles Nest Road – presented by Public Works Director Hal Adkins

Regular Session # 11, held on June 2, 2008 continued...

5. Discussion of proposed fuel sales policy – presented by Public Works Director Hal Adkins
6. Discussion of the Maryland Municipal League 2009 Legislative Initiatives – presented by Assistant to City Manager Kathy Mathias
7. Report on the Police Commission Meetings held on January 24th, March 25th, and April 4, 2008 – presented by Council Member Lloyd Martin

APPROVAL OF MINUTES

The Minutes for Regular Session # 10, dated May 19, 2008, were approved as presented.

SPECIAL EVENTS PERMIT REQUESTS

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

[Inserted item] Ms. Brittingham presented an addendum to the Beach 5 Sand Soccer Series Tournament on Saturday, June 21, 2008, starting at 8:00 a.m., on the beach at Dorchester Street. The Organizer requested that the event area be expanded to include the North Division Beach. **Council Member Jim Hall moved to approve; seconded by Council Member Margaret Pillas. The vote was 6-0 with Council Secretary Nancy Howard absent.**

- A. **Sun Run 5K and 10K**, on Friday, June 13, 2008, from 7:30 a.m. – 9:30 a.m.. Present for questions was Christopher Palmer of the Maryland State Bar Association. **Council Member Jim Hall moved to approve; seconded by Council Member Margaret Pillas. The vote was 6-0 with Council Secretary Nancy Howard absent.**
- B. **Delmarva Eastern Surfing Association Summer Surf Series**, for various dates throughout the 2008 Summer. Ms. Brittingham advised that the venue for the June 28th and 29th must be held on 30th Street; and the August 9th and 10th event must be held on 47th Street. Present for questions was Organizer Chris Vaxmonsky. **Council Member Mary Knight moved to approve; seconded by Council Member Jim Hall. The vote was 6-0 with Council Secretary Nancy Howard absent.**
- C. **Maryland Army National Guard - PT Challenge**, on June 18-14th and 15th-21st, 2008. Ms. Brittingham advised that this event must be moved to the Dorchester Street Pad. Present for questions was SFC Stratton and Specialist Jones of the Maryland Army National Guard. **Council Member Jim Hall moved to approve; seconded by Council Member Lloyd Martin. The vote was 5-0 with Council Member Margaret Pillas out of the room and Council Secretary Nancy Howard absent.**

Regular Session # 11, held on June 2, 2008 continued...

- D. Bryan Lilley and Special Events Director John Sullivan gave an update on the OC Air Show, and, reported on the preliminary plans for 2009 (See Attachment A). Mr. Lilley proposed to schedule next year's show on a weekend in June. **Council Member Jay Hancock moved to allow preliminary discussions to schedule the 2009 Show on the weekend; seconded by Council Member Mary Knight. The vote was 5-0 with Council Member Margaret Pillas out of the room and Council Secretary Nancy Howard absent.**

ITEMS REFERRED TO, AND PRESENTATIONS FROM, THE CITY SOLICITOR

- A. **Council Member Jim Hall moved to postpone the Second Reading of Ordinance 2008-10 until the June 16, 2008 Regular Session; seconded by Council Member Lloyd Martin. The vote was 6-0 with Council Secretary Nancy Howard absent.**
- B. Second Reading of Ordinance 2008-11, establishing the FY 2009 Budget and tax rate. Mayor Meehan announced that Worcester County has agreed to issue an additional two million dollars in grant money to the Town (in lieu of a tax differential). Mayor Meehan said that this money will be applied to the Town's General Fund, which will reduce the Town's tax rate to 38 cents (formerly proposed as 39.5 cents). **Council Member Jim Hall moved to approve the FY 2009 Budget as amended; seconded by Council Member Mary Knight. The vote was 5-1 with Council Secretary Nancy Howard absent and Council Member Margaret Pillas opposed.**

Citizen Herb Pawlukewicz complained about the Town's recent donations to Atlantic General Hospital and the ~~Downtown Association~~ Ocean City Development Corporation.

Citizen Jim McGinniss said increased taxes are passed down to the taxpayers.

Citizen Ellie Diegelmann commented on various aspects of the budget.

- C. First Reading of Ordinance 2008-12, amending the General and Public Safety Employees Pension Plan, allowing eligible retirees to defer their health coverage from the Town under certain conditions. **Council Member Jim Hall moved to approve the First Reading of Ordinance 2008-12; seconded by seconded by Council Member Mary Knight. The vote was 5-0 with Council Secretary Nancy Howard and Council Member Margaret Pillas absent.**
- D. First Reading of Ordinance 2008-13, amending the Public Safety Employees Pension Plan, to incorporate DROP. **Council Member Jay Hancock moved to approve the First Reading of Ordinance 2008-13; seconded by Council Member Jim Hall. The vote was 5-0 with Council Secretary Nancy Howard and Council Member Margaret Pillas absent.**
- E. Resolution 2008-4 establishing new ambulance rates, effective July 1, 2008. **Council Member Jim Hall moved to approve Resolution 2008-4; seconded by Council Member Lloyd Martin. The vote was 5-0 with Council Secretary Nancy Howard and Council Member Margaret Pillas absent.**

Regular Session # 11, held on June 2, 2008 continued...

- F. Traffic Commission Regulation 2008-3, granting permission to the Mira Mare Hotel and Condominiums to: until February 2009, close the sidewalk on the north side of 15th Street for pedestrian safety during construction, and; to use one lane for street deliveries from 9:30 a.m. to 5:00 p.m., Monday through Friday. **Council Member Lloyd Martin moved to approve Traffic Commission Regulation 2008-3; seconded by Council Member Jim Hall. The vote was 5-0 with Council Secretary Nancy Howard and Council Member Margaret Pillas absent.** Mayor Meehan concurred with the vote.
- G. Traffic Commission Regulation 2008-4, to change the parking at 43rd Street – Oceanside from the north side to the south side to increase the number of parking spaces, and, to move transfer recycling containers off the Street and onto private property. **Council Member Jim Hall moved to approve Traffic Commission Regulation 2008-4; seconded by Council Member Lloyd Martin. The vote was 5-0 with Council Secretary Nancy Howard and Council Member Margaret Pillas absent.** Mayor Meehan concurred with the vote.
- H. Traffic Commission Regulation 2008-5, granting permission to Royal Plus, Inc, to use the South Division Street parking spaces for fire damage repairs to the Dough Roller and Play Land, through June 15, 2008. **Council Member Lloyd Martin moved to approve Traffic Commission Regulation 2008-5; seconded by Council Member Jim Hall. The vote was 5-0 with Council Secretary Nancy Howard and Council Member Margaret Pillas absent.** Mayor Meehan concurred with the vote.

COMMENTS FROM THE CITIZENS

Herb Pawlukewicz asked if anyone will be held accountable for the EEOC (Equal Employment Opportunity Commission) complaint filed against the Town. City Solicitor Guy Ayres said that, although the Town denies any wrongdoing, the EEOC offered to settle this case for up to \$40,000. He said that, by accepting the settlement, the Town will save over \$100,000 in litigation expenses.

Ellie Diegelmann thanked the Mayor and Council for their work on the budget. Also, she asked why taxpayers are charged ambulance fees. City Manager Dennis Dare estimated that free ambulance services will result in a .5 cent tax increase. Mayor Meehan pointed out that residents are charged half that of non-residents.

COMMENTS FROM THE MAYOR AND CITY COUNCIL

Council President Joe Mitrecic recognized Budget Analyst Jennie Knapp for her work on the budget.

Mayor Rick Meehan said he enjoyed last weekend's boat races.

Regular Session # 11, held on June 2, 2008 continued...

ADJOURNMENT

Council Member Jim Hall moved to adjourn at 7:40 p.m.; seconded by Council Member Mary Knight. The vote was 5-0 with Council Secretary Nancy Howard and Council Member Margaret Pillas absent.

Minutes prepared by Deputy City Clerk Kelly Allmond _____
Minutes certified by City Clerk Carol Jacobs
Minutes approved by the Mayor and City Council on