

September 2, 2008
REGULAR SESSION #17
MAYOR & CITY COUNCIL

Present:

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

Absent:

Mayor Richard W. Meehan

ATTENDANCE

City Manager Dennis Dare, City Solicitor Guy Ayres, Assistant to City Manager Kathy Mathias, Emergency Services Director Joe Theobald, Public Works Director Hal Adkins, City Engineer Terry McGean, Assistant Public Works Director James Parsons, Chief Building Official Mike Richardson, Public Works Construction Superintendent Dean Dashiell, 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 6:02 p.m., in the Council Chambers of City Hall, 301 Baltimore Avenue, Ocean City, Maryland 21842.

PRAYER & PLEDGE

Pastor Alex Ayres led the Prayer, and Council Member Jim Hall 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 Opening for a Skid Loader
2. Request to apply for a Shore Erosion Control loan for the Robin Drive Shoreline – presented by City Engineer Terry McGean
3. Update and Discussion on the St. Louis Avenue Street Design – presented by City Engineer Terry McGean
4. Final design presentation and a request to bid for the Caroline Street Comfort Station and Stage – presented by City Engineer Terry McGean

APPROVAL OF MINUTES

The Minutes for Regular Session #16, dated August 18, 2008, were approved as presented.

ITEMS PRESENTED BY THE MAYOR AND CITY COUNCIL

Council Secretary Nancy Howard presented Mayor Meehan's Proclamation designating September as *National Emergency Preparedness Month*. Present to accept the proclamation was Emergency Services Director Joe Theobald.

SPECIAL EVENTS PERMIT REQUESTS

Special Events Director John Sullivan presented the following events for approval:

- A. **Crusin' Ocean City**, May 14-17, 2009, from 7:00 a.m. to 5:00 p.m., at the Inlet Parking Lot. Present for questions were Meredith Hennen and Bob Rothermel. **Council Member Lloyd Martin moved to approve the event with a 2010 Date Hold; seconded by Council Member Jim Hall. The vote was unanimous.**
- B. **Pigs on the Beach Ride**, September 27, 2008, from 10:00 a.m. to 10:15 a.m., starting at 27th Street. **Council Member Jim Hall moved to approve; seconded by Council Member Lloyd Martin. The vote was unanimous.**
- C. **Sunfest Kite Festival**, September 18-21, 2008, from 9:00 a.m. to 10:00 p.m., between Division Street and 6th Street. **Council Member Mary Knight moved to approve; seconded by Council Member Margaret Pillas. The vote was unanimous.**

UNFINISHED BUSINESS

- A. City Engineer Terry McGean reported that he advised Bob Warfield, Property Owner for 1111 Edgewater Avenue, to erect a concrete retaining wall, extending from the bulkhead to Edgewater Avenue, a few inches inside his property line. Bob Warfield said he will have a concrete wall built within weeks.

Council Member Hall made the motion to accept the City Engineer's recommendation to be completed within 30 days. The motion was seconded. Council Member Pillas recommended a twenty-day completion period.

Edgewater Avenue Neighbor Jim Kramer said he wants all grading done as well. City Engineer McGean advised that final grading is not required during construction.

Edgewater Avenue Neighbor Jim Beese said he remains concerned with runoff. City Engineer Terry McGean advised that a properly-installed retaining wall will adequately deter storm water run off.

Council President Mitrecic re-stated the motion: **Council Member Jim Hall amended his motion to approve the installation of an eight-inch above-ground curb, within twenty days, in accordance with City Engineer McGean's recommendation, and, that all of the excavated material be used to supplement grading along that wall to help the water run towards the street; seconded by Council Member Lloyd Martin. The vote was unanimous.**

UNFINISHED BUSINESS continued...

- B. Don Pellicano of Ocean City Sister Cities reviewed the schedule of events and proposed budget to add Pedreira, Brazil as a Sister City. **Council Member Jim Hall moved to accept the concept as presented; and, suggested inviting a small delegation (2 or 3 people) at Sister Cities' expense, and, to return in January or February 2009 to present their plan and budget to the Mayor and Council; seconded by Council Member Mary Knight. The vote was unanimous.**

NEW BUSINESS

- A. [Council President Mitrecic advised that he will abstain from discussing and/or voting on this issue then left the room].

Joe Dashiell of Joseph T. Dashiell Builders, Inc. requested a Building Code exception for the inside steps of 160 Channel Buoy Road. Also present were Property Owner Steve Allen and his attorney, Tony Jenkins.

Mr. Dashiell explained that the stairs were built in accordance with Worcester County's Building Code and not Ocean City's Building Code. Chief Building Official Mike Richardson presented his opinion in an August 28, 2008 Memorandum to Assistant to City Manager Kathy Mathias:

*"This memo is to inform you that I am not aware of anywhere in the city code or building code that would allow the Mayor and City Council to grant an exception as requested by Mr. Dashiell. Mr. Dashiell's route of appeal would be to the International Residential Code (IRC) Board of Appeals. However, I should point out that under Section R.112.2 Title Limitations on Authority it so states: **The board shall have no authority to waive requirements of this code.***

I would also point out that Mr. Dashiell could ask the Mayor and City Council to change the code or to make a local amendment to the Code which would allow for 8 ¼" riser heights. However, to be upfront on this matter, I, as a building official, would be opposed to such an amendment."

Additionally, Inspector Richardson suggested that requesting a variance, to modify the landing at the top of the stairs, may be the solution.

City Solicitor Guy Ayres advised that the elected body has no authority to waive Building Requirements. The Council, he added, has only the authority to ordain a code amendment giving the Board of Zoning and Appeals more authority to grant such relief. Solicitor Ayres asserted that he is not prepared to recommend this option to the Council.

Council Member Jim Hall moved to discuss this issue in a future work session; seconded by Council Member Margaret Pillas. The vote was 6-0 with Council President Mitrecic out of the room. Secondly, Council Member Jim Hall moved to ask Chief Building Official Mike Richardson and Mr. Dashiell's structural engineer to explore feasible options for resolution; seconded by Council Member Margaret Pillas. The vote was 6-0 with Council President Mitrecic out of the room.

NEW BUSINESS continued...

- B. Assistant to City Manager Kathy Mathias (and Chair of the Pink Ribbon Classic of the American Cancer Society) requested that October be celebrated as Breast Cancer Awareness Month. She asked that the Town participate in "Paint the Town Pink" by using pink spotlights and pink signs, and, placing pink dye in all water fountains. **Council Secretary Nancy Howard moved to have the Town take the lead in the American Cancer Society's "Paint the Town Pink" Campaign; seconded by Council Member Mary Knight. The vote was unanimous.**

ITEMS REFERRED TO, AND PRESENTATIONS FROM, THE CITY SOLICITOR

- A. First Reading of Ordinance 2008-15 for FY08 Budget Amendment #2. **Council Member Jim Hall moved to approve the First Reading of Ordinance 2008-15; seconded by Council Secretary Nancy Howard. The vote was 6-0 with Council Member Mary Knight out of the room.**
- B. First Reading of Ordinance 2008-16 amending Chapter 102, entitled *Vehicles for Hire*, changing permitting procedures for taxi drivers and taxi employers. **Council Member Jim Hall moved to approve the First Reading of Ordinance 2008-16; seconded by Council Member Lloyd Martin. The vote was unanimous.**

ITEMS REFERRED TO, AND PRESENTATIONS FROM, THE CITY MANAGER

City Manager Dennis Dare recommended a bid award to **Barr International**, in the amount of \$83,390.00, for two utility trucks. **Council Member Jim Hall moved to approve; seconded by Council Secretary Nancy Howard. The vote was unanimous.**

COMMENTS FROM THE CITIZENS

Citizen John Medlin asked about the cost of background checks to taxi drivers . Captain Kirstein said all the fees are paid by the applicant. He also asked about the GPS on the golf carts. City Manager Dare advised that they are installed and operational.

Citizen Herb Pawlukewicz commented on citizen recognition, the EEOC Complaint, and the Fire Chief.

Citizen Ron Zytkowicz asked for guidance on a problem with his purchase of a West Ocean City boat slip. Solicitor Ayres advised him to seek help from the Consumer Protection Division of the Attorney General's Office.

Citizen Paul Morris shared his concern about traffic problems caused by the Avalon Hotel Project. **Council Member Jim Hall moved to ask City Staff to provide an update on the Avalon Hotel Project in the upcoming work session; seconded by Council Member Mary Knight. The vote was unanimous.**

COMMENTS FROM THE MAYOR AND CITY COUNCIL

Council Member Mary Knight thanked the Boardwalk Development Association for their recognition of boardwalk maintenance employees.

Council President Joe Mitrecic thanked all Emergency Personnel for responding to the multitude of surf-related emergencies over the past weekend.

ADJOURNMENT

Council Member Jim Hall moved to adjourn at 8:25 p.m.; seconded by Council Member Mary Knight. The vote was unanimous.

Minutes prepared by Deputy City Clerk Kelly Allmond

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

Minutes certified by City Clerk Carol Jacobs

Minutes approved by the Mayor and City Council on 09-15-08