



April 29, 2008
WORK SESSION
MAYOR AND CITY COUNCIL
TOWN OF OCEAN CITY

In attendance: Mayor Rick Meehan, Council President Joe Mitrecic, Council Secretary Nancy Howard, Council Members Jim Hall, Jay Hancock, Mary Knight, Lloyd Martin and Margaret Pillas, City Solicitor Guy Ayres, City Manager Dennis Dare, Assistant to City Manager Kathy Mathias, Public Works Wastewater Superintendent Charlie Felin, City Engineer Terry McGean, Emergency Medical Services Captain Chuck Barton, Assistant Public Works Director James Parsons, Electronic Services Manager Bob DiMaio, Deputy City Clerk Kelly Allmond, Members of the Press and Interested Parties.

Council President Joe Mitrecic called this work session to order at 12:03 p.m.; then, **Council Secretary Nancy Howard moved to convene into closed session to discuss legal, personnel and real estate matters; seconded by Council Member Mary Knight. The vote was unanimous.**

The Open Session reconvened at 1:06 p.m..

1. Council President Joe Mitrecic reported on the closed session held prior to this open session at 12:00 p.m.. Topics of discussion were: (1) 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; (2) to consider the acquisition of real property for a public purpose and matters directly related thereto; (3) to consult with counsel to obtain legal advice; (4) to comply with a specific constitutional, statutory or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; and, (5) 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. Persons present were Mayor Rick Meehan, Council President Joe Mitrecic, Council Secretary Nancy Howard, Council Members Jim Hall, Jay Hancock, Mary Knight, Lloyd Martin and Margaret Pillas, City Solicitor Guy Ayres, City Manager Dennis Dare, Assistant to City Manager Kathy Mathias and Jackie Friedman.

Council Member Jim Hall moved to appoint Jackie Friedman to the Noise Board; seconded by Council Member Lloyd Martin. The vote was unanimous.

2. In accordance with the Town's Employee Recognition Program, Convention Center Maintenance Superintendent Bob Harbaugh introduced Convention Center Maintenance Employees Kisha Johnson and Bobby Harmon.
3. Public Works Wastewater Superintendent Charlie Felin requested approval to purchase TV Inspection Equipment, from **Atlantic Machinery, Inc.**, under the Maryland State Contract, for the amount of \$81,951.00 (Budget Allocation = \$85,000.00). **Council Member Jim Hall moved to approve; seconded by Council Secretary Nancy Howard. The vote was unanimous.**

4. Emergency Medical Services Captain Chuck Barton requested permission to sole source purchase internet-based training for Fire/EMS Personnel from **Targetsafety.com**, in the amount of \$10,670.00. Captain Barton advised that the Ocean City Paramedic Foundation pledged to incur the entire expense. **Council Member Mary Knight moved to approve; seconded by Council Member Jim Hall. The vote was unanimous.**
5. Ocean City Police Lieutenant Bob Noll and Electronic Services Manager Bob DiMaio requested permission to sole source purchase twelve mobile radios from “M/A-COM,” to be installed in the new Ford police patrol vehicles, in the amount of \$39,740.40. **Council Member Lloyd Martin moved to approve; seconded by Council Member Jim Hall. The vote was unanimous.**
6. E Cruzers Owner, Russell Rankin requested permission to advertise on his electric shuttle vehicles. **Council Member Jay Hancock moved to approve; seconded by Council Member Lloyd Martin. The vote was 3-4 with Council Members Mitrecic, Hall, Howard and Pillas in opposition. The motion failed.**
7. [On October 30, 2007, the Council unanimously approved the City Engineer’s Canal Dredging Program (See Attachment A)]. City Engineer Terry McGean led a discussion on a proposed change to Chapter 106, entitled, *Waterways*, for the purpose of the Town assuming the responsibility of canal dredging. He explained that property owners will no longer be responsible for maintaining the canal; however, they will be accountable for any adverse impact on their waterway. Council Member Margaret Pillas asked Mr. McGean if the phrase “adverse impact” will be clarified for public purpose. Mr. McGean said that he, and the hired consultant, will develop a set of regulations that further clarify “adverse impact.” **Council Member Lloyd Martin moved to proceed with drafting an Ordinance; seconded by Council Member Jim Hall. The vote was unanimous.**
8. Council Member Lloyd Martin led a discussion on changing Chapter 58, entitled *Offenses and Miscellaneous Provisions*, to change “Open Container” violations from a criminal offense (offenders are arrested), to a municipal infraction (offenders are fined \$200) (See Attachment B). Ocean City Police Captain Michael Colbert was present for questions. **Council Member Jay Hancock moved to proceed with the First Reading of the Ordinance; seconded by Council Member Lloyd Martin. The vote was 6-1 with Council Member Margaret Pillas in opposition.**
9. Council Member Margaret Pillas reported on the Tourism Commission Meeting held on April 3, 2008 (See Attachment C).
10. Council Member Jay Hancock reported on the Coastal Resources Legislative Committee Meeting of April 8, 2008 (See Attachment D).

Council Member Mary Knight moved to adjourn at 2:36 p.m.; seconded by Council Member Lloyd Martin. The vote was unanimous.

Excerpt from the October 30, 2007 Work Session

City Engineer Terry McGean presented his proposal for a Canal Dredge Program . In an October 24, 2007 Memorandum to City Manager Dare, Mr. McGean wrote:

“There are 64 canals/basins in Ocean City of various lengths. Most are man made and were created in the 60’s and early 70’s prior to current wetland protection laws. The canals, in general, serve as water access for properties located on the canal itself. There is very little use of these canals by the general public except as stormwater outfall locations.

Over the years some of these canals have filled and have become either difficult or impossible to navigate by any but the smallest vessels. The causes of the in-fill are varied and include sediment washed out in the City storm drain system, sediment entering from the bay, and sediment entering the canals from failing bulkheads along the canal front.

Currently, the policy for maintaining these canals is stated in City Code Section 106-44 and places most of the responsibility with the adjacent property owners. The code also spells out a somewhat difficult and cumbersome process that the property owner must initiate and pay for in order to have a canal dredged. As a result, only one canal in Ocean City has been dredged under the current code provisions.

Many of the Stormwater Management practices and projects that the City has implemented in recent years will reduce the amount of sediment entering canals in the future. However, these measures do not address the canals that have already filled in. In 2005, I met with the Maryland Department of Natural Resources in an effort to solicit State assistance in dredging the canals. The State considers the canals private waterways and therefore provides no direct funding for dredging them. They will only assist property owners in setting up special tax districts so that the property owners can pay for the dredging themselves. The State did agree to perform depth surveys for each canal in Ocean City and turn the results over to the Engineering Department. The survey work took place in 2006.

Based on the DNR Survey results, 17 canals were identified as requiring dredging. With a total estimated dredge volume of approximately 27,000 cubic yards. Based on discussions with marine contractors, this work is best accomplished by dredging between 5,000 and 6,000 cubic yards per year over a period of 5 years. A 5 year plan was therefore established based on priority and geographical grouping as follows:

Year 1: Hitchens/Trimper, 52nd, 25th, and 24th street canals.

Year 2: Old Landing South Channel, Old Landing/Winter Harbor, Winter Harbor/Old Wharf, and Old Wharf/Channel Bout canals.

Year 3: Tern/Plover, 53rd/54th, Tern East Channel Canals

Year 4: Loop Rd, Seaward/Windward, Peach Tree Canals

Year 5: Salt Spray/Dory Finger, Sea Captain/Laurel, Jamestown Rd. Canals

The cost for this work will be between \$200,000 and \$300,000 per year depending on disposal site and off load locations.

April 29, 2008 Work Session continues...

There are numerous funding alternatives. Given that the canals primarily benefit the adjacent property owners but that a portion of the sediment fill comes from City Streets and that canal front properties are assessed at a higher value partly based on deep water access, I am recommending that the cost to dredge the canals be split 50/50 between the City General Fund and a fee charged to the adjacent property owners of the canals to be dredged over a period of 5 years. The cost per slip or 50 feet of bulkheaded canal front would be between \$125 and \$150 per year."

Mayor Rick Meehan suggested that Mr. McGean implement a bulkhead inspection program (at the expense of the land owner) before dredging the canals.

Council Member Jim Hall moved to proceed with the development of the Canal Dredging Program while identifying problem areas and sending repair notices to the affected property owners; seconded by Council Secretary Nancy Howard. The vote was unanimous.

-----Attachment A

Town of Ocean City

City Code

DIVISION 3.

ALCOHOLIC BEVERAGES

Sec. 58-71. Public consumption generally.

It shall be unlawful for any person to consume any alcoholic beverage or beverages upon any of the public streets, avenues, alleys, sidewalks and beaches or in vehicles upon any of the public streets, avenues or alleys within the corporate limits of Ocean City.

Sec. 58-72. Public possession generally.

It shall be unlawful for any person to possess in an open container any alcoholic beverage on any public street, highway, alley, sidewalk, parking lot, boardwalk or public beach or in vehicles upon any of the public streets, avenues, alleys and parking lots, within the corporate limits of Ocean City.

The above offenses are subject to an arrest. Upon conviction the person is guilty of a misdemeanor punishable by a fine of not more than \$500.00 and /or imprisonment for a period not to exceed 90 days or both.

An offender can be issued a Criminal Citation in lieu of a physical arrest. All officers are instructed to use proper discretion in their decision.

State of Maryland

State Law

- CR 10-113 Misrepresentation of age to obtain alcohol
- CR 10-114 Possession of alcoholic beverage under 21
- CR 10-115 Possess document that falsely identifies age
- CR 10-116 Obtaining alcohol for person under 21
- CR 10-117 Furnishing alcohol to a person under 21

The above offenses are part of Maryland State law and are not subject to an arrest. They are "must appear" citations punishable by a fine up to \$500.00.

OCEAN CITY TOURISM COMMISSION MEETING
APRIL 3, 2008 – 3:00 PM
ROLAND E POWELL CONVENTION CENTER
ROOM 214

CALL TO ORDER

Margaret Pillas called the meeting to order. Members present included: Margaret Pillas, Mary Knight, Dr. Berger, Joe Mitrecic, Susan Jones and Melanie Pursel. Members absent included: Mayor Meehan. Staff present included: Deb Travers, Mike Noah, Tom Shuster and Dennis Dare. Guests present included: Andy Malis, John Patterson and Dave Wasser representing MGH Advertising Agency, Bob Rothermel, Jack Hennen and Brad Hoffman representing Beachfest '09.

APPROVAL OF MINUTES

Motion by Mary Knight, Seconded by Joe Mitrecic to approve the minutes dated March 13, 2008. The vote was unanimous.

PRESENTATION ON BEACHFEST '09

Bob Rothermel presented an update on Beachfest '09. Bob stated research was accomplished (meetings with Police, Public Works, Rec & Parks and Transportation Departments). The run aspect of the event would be revised from one run to several runs and would have less impact on City services and the roadways. Jack Hennen stated some in kind services would be needed such as EMS/EMT services at each of the pro-events (pro-skating, pro-surfing, body boarding and running events), perhaps one police officer, and some road cones from Public Works. Brad Hoffman stated the Castle in the Sand Hotel may be the host hotel and home of the pro-surf event. Jack Hennen stated cooperation from the Town for advertising the event such as inclusion on the Town's website, e-mail blasts/newsletters, distribution of rack cards and posters at Town sponsored events and tag lines on radio or TV commercials would be helpful.

PRESENTATION BY MGH ADVERTISING ON CREATIVE PLANS

Motion by Joe Mitrecic, Seconded by Mary Knight to close the meeting to listen to the presentation by MGH Advertising on creative plans. The vote was unanimous.

The meeting was adjourned. The next meeting is scheduled for Thursday, May 1, 2008 at 3:00 PM.

**Coastal Resources Legislative Committee
Minutes April 8, 2008**

Attendees: Jay Hancock – City Council
Gail Blazer, Engineering
Terry McGean, Engineering
Mary Knight – City Council
Shelly Dawson – Surfriders
Jesse Houston – P & Z

Call To Order

Meeting called to order at 3:05

Review of proposed code change for canal dredging – Terry McGean

Terry McGean gave the committee a handout with the proposed code changes for canal dredging. He will present this to the Council at the April 29th meeting. This program will be set up to use General Funds. Terry requested \$75,000 to be budgeted this year for the design and permitting; also it takes two years to get a permit. We will be dredging the canal only, if a resident wants their boat slip dredge they will have to pay the cost to have this done. All bulkheads will be inspected prior to dredging and must be fixed to prevent re-silting of the canal.

Town of Ocean City Critical Area Program – Jesse Houston

Jesse put a letter together to send to the Executive Director of the Critical Area Commission. Jesse gave committee members a copy for review. It is still unclear how our issues are to be handled. Upon our last meeting with the Project Subcommittee we understood that we were to work together on our program issues. Since that time we have received a telephone call telling us that we are to work on our issues separately. We will be doing our mandatory program review this year and will include some changes that may be needed for clarification of the intent of the Critical Area Law. During this process we will have it reviewed and approved by the Mayor and City Council at which time we will submit to Critical Area Commission for comments. The Critical Area Commission Staff is invited to be a part of the process in making these changes.

We discussed the recent approval of the Critical Area Legislation. It does not have a direct impact on the Buffer Exempt area of Ocean City but the regulatory authority will impact us and we need to keep abreast of possible regulation from that office and their impact to our program. Enforcement was a key component and may need to be determined how after the fact permits are handled. Home improvement contractors may need to lose their license if work is done in the Critical Area without a permit.