



**July 1, 2008  
WORK SESSION  
MAYOR AND CITY COUNCIL  
TOWN OF OCEAN CITY**

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In attendance: Council President Joe Mitrecic, Council Secretary Nancy Howard, Council Members Jim Hall, Jay Hancock, Mary Knight, Lloyd Martin and Margaret Pillas, City Manager Dennis Dare, City Solicitor Guy Ayres, Assistant to City Manager Kathy Mathias, Finance Administrator Martha Lucey, Human Resource Director Roger Weseman, Risk Management Director Eric Lagstrom, Public Works Director Hal Adkins, Airport Manager George Goodrow, Ocean City Police Department Lieutenant Greg Guiton, City Clerk Carol Jacobs, Deputy City Clerk Kelly Allmond, Members of the Press and Interested Parties. Present for a portion of the Meeting was Mayor Rick Meehan.

Council President Joe Mitrecic called this work session to order at 12:00 p.m.; then, **Council Secretary Nancy Howard moved to convene into closed session to discuss legal, personnel and contractual matters; seconded by Council Member Jim Hall. The vote was 6-0 with Council Member Jay Hancock absent.**

The Open Session reconvened at 1:23 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: 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; and, to consult with counsel to obtain legal advice; and, to consult with Staff, consultants or other individuals about pending or potential litigations; and, to comply with a specific constitutional, statutory or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; and, 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 Manager Dennis Dare, City Solicitor Guy Ayres, Assistant to City Manager Kathy Mathias, Finance Administrator Martha Lucey and Internal Auditor Susan Childs.
2. In accordance with the Town's Employee Recognition Program, Parks and Recreation Superintendent Calvin Ginnavan introduced Parks and Recreation Employees Gary Collier, Jeff Simpson and Adrienne Pie.
3. Bid openings:
  - A. **Citywide Canal Dredging Program Design and Permitting Services**

<b>Vendor</b>
MAD Engineering, Ocean City, MD
Soule Associates, PC, Salisbury, MD
Andrews Miller & Associates, Cambridge, MD
Barry Isett & Associates, Berlin, MD
J. Stacey Hart & Associates, Snow Hill, MD

**Council Member Jim Hall moved to acknowledge the bids with remand to Staff for review; seconded by Council Member Mary Knight. The vote was unanimous.**

4. Citizen Charles Kratz offered, for public display, a preserved white marlin (caught in 1980 by George Pierson) and trophy case. Glenn Irwin and Vicki Barrett of the Ocean City Development Corporation (OCDC) recommended that the display be set up on the southern end of the Boardwalk (near the shark display). **Council Member Jim Hall moved to accept Mr. Kratz' donation and ask the Town's Staff to work with the OCDC to find a suitable location for the display; seconded by Council Member Margaret Pillas. The vote was unanimous.**
5. Public Works Director Hal Adkins requested approval to update the Airport Fuel Sales Policy. Director Adkins explained that self fueling customers and customers meeting the following criteria are eligible for a per-gallon reduced rate:
  - (1) To all other governmental agencies such as, but not limited to:
    - Maryland State Police
    - All Branches of the United States Armed Services such as:
      - Coast Guard
      - Air Force
      - Army
      - Navy
  - (2) The Civil Air Patrol while on “official” status.
  - (3) For our “Resident Businesses” who hold leases such as:
    - Flight Training School
    - Sight-Seeing
    - Skydiving
  - (4) At times when Self Fueler is out of service for maintenance or repair.
  - (5) At times when maintenance is being performed on the ram that eliminate access to the Self Fueler location (Ramp Safety).
  - (6) At times when a Town sponsored Special Event precludes access to the Self Fueler location, again ramp safety being the issue.
  - (7) Finally, there are isolated incidents, similar to a restaurant or hotel situation , wherein a staff member may be able to defuse a complaint, or create some customer “good will” by reducing the price of fuel to the self fueler rate. We feel that giving staff this “authority” is crucial in the development of the Airport, and is in keeping with what all other GA [General Aviation] Airports do in the region.

Council Member Jim Hall asked about the accountability of “staff...reducing the price of fuel to the self fueler rate.” Director Adkins assured Council Member Hall that Internal Auditor Childs is aware, and approves of this method.

Finance Administrator Martha Lucey stated opposition to Item #7 citing the Finance Department's difficulty with tracking and reconciling discretionary pricing. Council Member Jim Hall asked to re-visit this policy after the Finance Department's concerns are addressed. **Council Member Jay Hancock moved to proceed with the Policy change [with modification to Item 7]; seconded by Council Member Mary Knight. The vote was unanimous.**

6. Human Resource Director Roger Weseman, accompanied by Risk Management Director Eric Lagstrom, proposed an amendment to the Town's Substance Abuse Policy. The change would allow the re-employment of former full-time employees (See Attachment A).

*[Responding to the Council Member's comments]* Council President Mitrecic advised that the Council is not in favor of changing the policy.

7. Public Works Director Hal Adkins advised that the demolition of the old 14<sup>th</sup> Street Library is complete. He advised that the site is identified in the Water Master Plan as a future desalination facility. In the short term, he recommended that the lot be maintained and used by City Staff and visitors to the Ocean City Volunteer Fire Service. **Council Member Jim Hall moved to accept the recommendation; seconded by Council Member Mary Knight. The vote was unanimous.**
8. Lieutenant Greg Guiton presented the following for approval *[Council President Mitrecic advised that the Police Commission Chairman asked that General Order 500 S-1 regarding Secondary Employment be pulled from today's agenda]:*
  - **General Order 200 B-2** (Subject: *Brady Material and Consequent Matters*). **Council Member Jim Hall moved to approve General Order 200 B-2 subject to the Mayor's concurrence; seconded by Council Member Lloyd Martin. The vote was unanimous.** The Mayor was absent.
  - **General Order 400 D-1** (Subject: *Diplomatic and Consular Immunity*). **Council Member Jim Hall moved to approve General Order 400 D-1 subject to the Mayor's concurrence; seconded by Council Member Lloyd Martin. The vote was unanimous.** The Mayor was absent.
9. Council Member Jim Hall reported on the Beach Mediation Board recommendations resulting from a November 2007 meeting with Beach Equipment Franchisees. He said the Board saw merit in Jonathan Layton's suggestion to promote the availability of beach equipment rentals into the City's advertising campaign. **Council Member Lloyd Martin moved to accept this recommendation; seconded by Council Member Mary Knight. The vote was unanimous.**

Franchise Operator Jonathan Layton asked the Council to consider allowing advertisements on the beach equipment. Council President Mitrecic advised Mr. Layton that advertising is not permitted on beach equipment.

Franchise Operator Patrick McLaughlin requested consideration to allow LLC's (Limited Liability Corporations) with a personal guarantee. City Solicitor Ayres said he thought the code was recently amended to allow LLC's. City Clerk Carol Jacobs advised that, currently, the Code only allows LLC formation for the Beach Photography and Vehicle Vending Franchises. Council President Mitrecic deferred this matter to the Beach Mediation Board for further consideration.

Secondly, Mr. McLaughlin asked the Council to consider changing the auction process to reduce the number of unsubstantiated bids. Council Member Jim Hall said the Beach Mediation is considering changes to the auction process.

Franchise Operator Trudy Stock asked about the prohibition of off-premise advertising. City Clerk Jacobs advised that the Code does not prohibit off-premise advertising.

10. Jim Rapp of the Delmarva Low Impact Tourism Experience (and Dave Wilson, Director of the Coastal Bays Program, presented an update on the Ayres Creek Water Trail Project. **Council Secretary Nancy Howard moved to proceed with this concept, and, ask City Solicitor to review the letter of support that was drafted by the Department of Natural Resources, then, ask Mayor Meehan to sign the letter; seconded by Council Member Jim Hall. The vote was unanimous.**
11. City Solicitor Ayres presented Traffic Regulation 2008-006, allowing thirty feet of parking along Jacqueline Avenue for the White Marlin Open from Friday August 1, 2008 through August 8, 2008. **Council Member Jim Hall moved to approve Traffic Regulation 2008-006 pending Mayor Meehan's concurrence; seconded by Council Member Lloyd Martin. The vote was unanimous.**
12. Council Member Jay Hancock reported on the Coastal Resources Legislative Committee Meeting of June 5, 2008 (See Attachment B).
13. Council Member Lloyd Martin reported on the Police Commission Meeting of May 29, 2008 (See Attachment C).

Citizen Rick Lutz voiced opposition the City's proposed change to the parking layout on 43<sup>rd</sup> Street. City Engineer Terry McGean advised that the City Engineer, Public Works and Solid Waste Departments will explore all options before making a decision in the Fall of 2008.

**Council Member Jim Hall moved to adjourn at 3:55 p.m.; seconded by Council Member Lloyd Martin. The vote was unanimous.**

**TOWN OF OCEAN CITY**

# Memo

**To:** DENNIS W. DARE CITY MANAGER  
**From:** ROGER WESEMAN, HUMAN RESOURCES DIRECTOR  
**Date:** 6/27/2008  
**Re:** Substance Abuse Policy - Revision

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Departments most affected by this policy have discussed and are asking that the proposed language be inserted in the current "Substance Abuse Policy" Statement as well as the current Procedures.

It is respectfully requested that this be presented to the Mayor and Council during the Work Session scheduled for Tuesday, July 1, 2008. It is also requested that Messrs. Eric Lagstrom, and Hal Adkins be permitted to participate in the discussion.

The text below is offered as a change to the current Substance Abuse Policy adopted and first issued on 10.30.1989; re-stated on 8.14.1998; which includes The Town's Alcohol and Drug Testing Procedures dated February 1999.

Proposed Text to be added:

Full-time employees failing any level of drug-test and who are terminated from employment with the Town of Ocean City may apply for re-employment consideration when appropriate openings exist in accordance with the following conditions:

1. At least 3 years have elapsed since employment termination.
2. The applicant can provide evidence of successful Employee Assistance Program completion.
3. The individual applying will be treated completely as a new employee.
4. The re-employed person will be subject to reasonable suspicion - based drug testing for 2 years per Management's discretion.

**Coastal Resources Legislative Committee  
Minutes June 5, 2008**

**Attendees:** Jay Hancock – City Council  
Gail Blazer, Engineering  
Terry McGean, Engineering  
Shelly Dawson – Surfriders  
Jesse Houston – P & Z  
Dave Blazer – Talbot Energy  
Christine Collins – O.C. Today  
Cheryl King – Maryland Coastal Bays

**Call To Order**

Meeting called to order at 3:05

**Offshore Wind Farm Concept Briefing – Dave Blazer**

Dave Blazer gave handouts to committee about the concept of the Offshore Wind Farm. Maryland, Delaware, New Jersey, New York and Rhode Island are looking into the Wind Farm Concept. Bluewater is looking at these five states for the Wind Farm's. The Proposal is for 600 MW for about 200 Turbines to be 12 to 17 miles off shore, this would supply electric for about 136,000 households. The contract for the Wind Farm's would be for 20 to 25 years the pricing would be stable from the first day to the end of the contract. Maryland Public Service Committee gave a briefing to the Legislator to say by the summer of 2011 or 2012 there will be brown outs if something is not done to clear out Transition Lines that are at capacity now. The time line for the permit and construction process is about 4 years.

Terry McGean suggested this briefing be presented to the Council at a Work Session.

**Critical Area Legislation and MML's input – Jesse Houston**

Critical Area contacted the Town of Ocean City we had 3 or 4 meetings in Annapolis voicing comments and concerns. MML did a good job representing municipalities for our interest. If a contractor, builder, landscaping firm, etc. violates the Critical Area Law they could lose their license. Laws for new projects, if plans are not correct they must be fixed no variances. The Ocean City Buffer Management area is our responsibility to enforce the law. We have not had any enforcement issues at this time.

**New Stormwater Management Legislation – Gail Blazer**

Gail Blazer gave handouts for Maryland's Stormwater Management Act of 2007. Would like to have an Environmental Site Design included in the Building Process Revision Chapter 5. Include concept review stage in beginning before the building permit is issued. New law is for Council approval, should come to the CRLC committee first.

**POLICE COMMISSION MEETING MINUTES**  
**OPEN SESSION**  
**May 29, 2008 1:30 P.M.**

Present: Chief Bernadette DiPino, Chairman Lloyd Martin, Mayor Richard Meehan, Councilman Jim Hall, City Manager Dennis Dare, Councilman Jay Hancock, Capt. Bokinsky, Capt. Bunting, Capt. Colbert, Capt. Kirstein, Lt. Guiton, City Engineer Terry McGean.

1. **Approved** the minutes of January 24, 2008, March 25, 2008 and April 4, 2008 Police Commission Open Session
  2. Traffic and Parking Commission Matters – Terry McGean
    - A. Miramar Hotel & Condominiums request was **approved** from May 14, 2008 through February 30, 2009:  
  
Close sidewalk on north side of 15<sup>th</sup> Street for pedestrian safety during construction  
  
Use one lane for deliveries, Monday – Friday 9:00 a.m. to 11:00 p.m. for stocking of building
    - B. **Approved** request to change parking on 43<sup>rd</sup> St Oceanside from the north to the south side to increase number of parking spaces
    - C. **Approved** changing parking on re-paved streets in general
    - D. **Approved** Royal Plus request to the use of South Division Street parking spaces for fire damage repairs to Dough Roller and Playland
    - E. Discussion of use of POD type storage containers in street – Terry McGean will bring back recommendations to a future Police Commission Meeting. Commission members suggest a thirty day limit on storage units tied to building permits. Also, storage units should not be allowed in the street.
  3. New Business
    - A. George Thomes- Discussion of security on the buses. The OCPD and Transportation Department meets every year to discuss security issues and ways to improve. Chief DiPino stated that the strobe lights, to alert the police officers, was of great benefit in responding to incidents. PSAs will be posted at S. Division Street to help buses get out on Fridays and Saturdays from 3-9 p.m.
    - B. Zoning Enforcement and OCPD combined effort on sign enforcement. Jesse Houston and Blaine Smith met with OCPD to discuss enforcement. Councilman Hall suggested placing a red line to indicate the boundary for displaying signs, etc. Chief DiPino has asked officers to issue referral
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### **Montego Bay**

Vera McCullough a resident of Montego Bay attended the meeting to discuss some issues with drainage. Silt Fence for new construction is not being maintained through out the project to completion. Terry McGean commented Silt Fence is to be used however, we cannot write up a contractor for this. We have in the past called the State inspector for the Eastern Shore for help with this issue but properties under 5,000 sf are exempt from Sediment control plan requirements. The runoff would be a clean water act violation and Harry Hungsiner of MDE said it was not an issue they wanted to take to the Attorney General's Office. The Town has required silt fence anyway as a standard operating procedure. The maintenance of this fence is the issue and Jesse Houston will be discussing this with the Building Department to see if the Building Inspectors could remind people to maintain the silt fence.

She also had an issue with a Swale and Rain Garden between neighbor's houses. She wanted one swale between the two properties. This would be possible if a legal binding document would be agreed upon between both neighbors. With property being sold and transferred one neighbor could fill the swale and push the water on the neighbor causing more flooding. Terry suggested resident to get a legal document from neighbor and have it filed with land records in Worcester County that this will be done. The Swale and Rain Garden are required with Redevelopment or New Construction as a standard design. Other options may be considered if submitted for review.

### **Report on Previous Topics**

Per Tom Shuster – at Springfest they added bottle & can recycling containers at the main entrance to the festival grounds. They plan to expand their recycling efforts for Sunfest.

#### **New Business**

Mimi Grant received – Rain Garden Manual

### **Next Meeting**

August 5, 2008 - 3:00 pm

cc: Kathy Mathias  
Mary Knight

forms for zoning enforcement. Chairman Martin stressed the importance of officers making contact with the business owners and sending out pre-season letters to business owners. Councilman Hancock indicated a need to address violations of outdoor display permits, lights, noise, etc. Jesse Houston will be invited to attend the next Police Commission Meeting. Councilman Hancock raised concern over housing units renting without a license and not paying the Noise fee.

8. Old Business

A. Discussion of Secondary Employment General Order 500 S-1

Robbie Rosenblitt and George Basle from H2O/H2O2 and Casey Peters of Surfside 8 appeared before the Commission to express concern over the revised General Order for Secondary Employment. They would like the ability to hire officers of their choosing and not on a first come first serve basis as directed in the order. Lt. Guiton stated that we should comply with the Labor Laws. Chief DiPino said the order reflected a sense of fairness in the process. Mayor Meehan and Chairman Martin believe the secondary employer should have the discretion to hire who they want. Captain Kirstein stated the department could provide a pool of officers from which to choose. Also, concerns were raised about the hourly compensation rate proposed by the Town of Ocean City. The Commission was asked to consider reducing the hourly rate to \$25 with an additional 20% administrative fee. Mr. Peters questioned whether the officers had to wear a uniform. Lt. Guiton responded "yes" if they were performing a police function.

Chief DiPino asked to meet with Mr. Rosenblitt to discuss her concerns regarding statements he made about the secondary job performance of some officers. She stated that the officers would be accountable through the guidelines already in place for officers' conduct. Lt. Guiton indicated the General Order offered liability protection to the secondary employer because the Town of Ocean City would be the actual employer.

The Commission requested revisions to the General Order to address the concerns such as compensation and pool of employees where feasible. The hourly compensation rate will be determined with a possibility of \$25 per hour and a 20% administrative fee. The cost of utilizing the patrol car during secondary employment would be handled by Finance. Councilman Jim Hall suggested a review of the hourly compensation in October. The Commission requested a July 1, 2008 implementation of an approved revised General Order. Chief DiPino stated that officers may be allowed to work at liquor establishments when Public Safety was an issue such as directing traffic. Officers would follow OCPD guidelines.

B. Request from Police Commission to pre-set Court Dates – Guy Ayres, Mayor Meehan and Chief DiPino will meet to discuss the direction to accomplish this through the courts system.

C. Open Container policy discussion-OCPD strategy will continue to allow officer discretion in issuing citations. It is still illegal to consume alcohol in public. Chief DiPino indicated that OCPD will carefully track and show statistics for citations and arrests. If officers intentionally

circumvent the law by issuing consumption violations, it will be addressed. The statistics do not reflect that this has been happening. The Commission suggests that officers issue warnings for each encounter so that it can be tracked in the database.

- D. Discussion of Legislative Problem – 2<sup>nd</sup> Degree Assault issue – Captain Bokinsky requested the Commission assistance in changing the current legislation. The Commission requests that police agencies send letters of support for the change; Chief DiPino will bring these back to the Commission. Support for the legislative change will be requested from Delegates Mathias and Conway.