



September 9, 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 Manager Dennis Dare, City Solicitor Guy Ayres, Assistant to City Manager Kathy Mathias, City Engineer Terry McGean, Public Works Director Hal Adkins, Ocean City Fire Chief Chris Larmore, General Services Director Joe Sobczak, Risk Manager Eric Lagstrom, Zoning Administrator Blaine Smith, Chief Building Official Mike Richardson, City Clerk Carol Jacobs, Deputy City Clerk Kelly Allmond, Members of the Press and Interested Parties.

Council President Joe Mitrecic called this work session to order at 12:00 p.m.; then, **Council Member Mary Knight moved to convene into closed session to discuss legal, real-estate and contractual matters; seconded by Council Secretary Nancy Howard. The vote was unanimous.** [Note: Council President Mitrecic mistakenly reported that real estate matters were discussed. In fact, there was no discussion pertaining to real estate matters in this closed session.]

The Open Session reconvened at 1:08 p.m..

1. Council President Joe Mitrecic reported on the closed session held just prior to this open session. Topics of discussion were: (1) to consult with counsel to obtain legal advice; (2) to consult with Staff, Consultants or other individuals about pending or potential litigations; (3) to comply with a specific constitutional, statutory or judicially imposed requirement that prevents public disclosure about a particular proceeding or matter; and, (4) 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 and Assistant to City Manager Kathy Mathias.
2. In accordance with the Town's Employee Recognition Program, Risk Management Director Eric Lagstrom introduced Risk Manager Associate Christine Parks.
3. Bid openings:

**A. Skid Loader**

*(The Council approved this unbudgeted item in the August 12, 2008 Work Session)*

**Council Member Jim Hall moved to reject one late bid; seconded by Council Member Lloyd Martin. The vote was unanimous.**

<b>Vendor</b>	<b>Bid (with trade)</b>
Folcomer Equipment Corp., Greenwood, Delaware	\$24,500.00
First State Equipment, Inc., Smyrna, Delaware	\$23,900.00
Chesapeake Supply & Equipment Co., Felton, Delaware	"No Bid"
Rathell Farm Equipment Co., Cordova, Maryland	\$24,795.00

Skid Loader Bids continue...

DW Ogg Equipment Co., Frederick, Maryland	\$23,000.00
Burke Equipment, Salisbury, Maryland	\$27,609.00
Volvo Construction Equipment & Services, Ocean City, Maryland	\$32,648..00
Mid Atlantic Machinery, Delmar, Delaware	\$30,403.00
<b>Selbyville Tractor &amp; Equipment, Selbyville, Maryland</b>	<b>\$20,529.00</b>

**Council Member Jim Hall moved to acknowledge the apparent low bid from Selbyville Tractor & Equipment; seconded by Council Member Mary Knight. The vote was unanimous.**

**B. Public Work Shop Building Expansion  
(Budget Estimate = \$637,000.00, \*5% bid bond required)**

Vendor	Bid
Gillis Gilkerson, Salisbury, Maryland	\$607,000.00
Hegarty and Associates, Berlin, Maryland	\$630,615.85
JOB Construction, Bridgeville, Delaware	\$543,400.00
Temco Builders, Salisbury, Maryland	\$618,000.00
Willow Construction, Easton, Maryland	\$685,000.00
Southern Builders, Inc., Salisbury, Maryland	\$569,000.00
<b>Blades, Pocomoke, Maryland</b>	<b>\$539,000.00</b>

**Council Member Mary Knight moved to acknowledge the apparent low bid from Blades; seconded by Council Member Lloyd Martin. The vote was unanimous.**

4. City Engineer Terry McGean requested permission to apply for a Shore Erosion Control loan to fund bulk restorations on Robin Drive. **Council Member Jim Hall moved to approve; seconded by Council Secretary Nancy Howard. The vote was unanimous.**
5. Senior Project Engineer Amanda Pollack presented George, Miles & Buhr's (GMB) preliminary plan for the St. Louis Avenue Reconstruction Project. Correspondingly, Project Manager Betty Tustin of The Traffic Group summarized their peak-volume traffic analysis for St. Louis Avenue (See Attachment A).

Mayor Meehan asked GMB to review the round-a-bout design (for 1<sup>st</sup> Street) with Transportation and Emergency Services. Council Member Hall asked GMB to review the 15<sup>th</sup> Street right-turn lane with the Transportation Department and Fire Headquarters. Council Member Hancock suggested that bump outs may cause left-turning vehicles to impede the flow of traffic.

City Engineer Terry McGean asked the Council to decide upon the concept of a shared bike lane with 8-foot sidewalks, or, the concept of a dedicated bike lane with 5-foot sidewalks. Council Members Knight and Pillas expressed concern about the safety of a shared bike lane. **Council Member Jim Hall moved to proceed with the conceptual design for 8-foot sidewalks with shared bike lanes; seconded by Council Member Lloyd Martin. The vote was 4-3 with Council Members Howard, Knight and Pillas opposed.**

6. City Engineer McGean presented the final design for the Caroline Street Comfort Station; and, requested permission to proceed with bidding and construction. He advised that this structure's "green" features (i.e. vegetated roof and solar chimney system for ventilation) will qualify the building for Leadership in Energy and Environmental Design (L.E.E.D.). He said L.E.E.D. Certification will serve to generate positive publicity; but, he added, the certification process is costly (approximately \$40,000). **Council Secretary Nancy Howard moved to proceed the with bidding and construction without applying for L.E.E.D. Certification; seconded by Council Member Jim Hall. The vote was unanimous.**

7. [In the September 2, 2008 Regular Session, the Council asked City Staff to provide an explanation on the Planning Commission's site plan approval of the Avalon Hotel Project. The Council's request was in response to recent concerns that the load/unload space infringes on the Baltimore Avenue Right of Way.] Zoning Administrator Blaine Smith advised that the Planning Commission's approval was contingent upon: (1) approval from the Engineering Department; (2) approval from the State Highway Administration, and; (3) if the circular access drive becomes a traffic or pedestrian hazard it will be modified or closed. He noted that the SHA approved the site plan with similar conditions.

City Engineer McGean explained his position in a September 3, 2008 Memorandum to City Manager Dare: *"The Load/Unload space is NOT within the right of way. The entrance and exit are in the ROW which is allowed. The parallel stopping area is completely on the Avalon Property. Should the street be widened such that the back of the sidewalk was right at the property line, the load/unload space would still function. The entrance and exit curb cuts would simply be closer together. Driveways across City right of way have always been allowed, otherwise how would you access your property?"*]

The Council took no further action on this matter.

8. [In the August 26, 2008 Work Session, Council Secretary Nancy Howard asked for a future discussion on Council's determination on hiring a permanent Fire Chief.] Council Secretary Howard asserted that, in accordance with Town Policy and the Council's April 21, 2008 vote, the Fire Chief's job description should be formalized and posted for the permanent position. City Solicitor Ayres advised that Department Heads are usually appointed and serve at the pleasure of the Council. He said that, typically, a job description is prepared before hiring a department head, but; he added, this was an unusual situation that required a swift resolution.. Council President Mitrecic affirmed that Chief Larmore will remain in this position until there is a mutual agreement for separation. No action was taken.
9. [In the September 2, 2008 Regular Session, the Council requested a discussion with Chief Building Official Mike Richardson and the structural engineer for Joseph T. Dashiell Builders, Inc., regarding a variance request for stairway of 160 Channel Buoy Road. Accordingly, City Solicitor Ayres advised that a Code amendment will be required to empower the Board of Zoning to grant the variance.] In a Memorandum to Assistant to City Manager Kathy Mathias, dated September 5, 2008, Chief Building Official Mike Richardson, stated:

*"In response to your request concerning riser heights on stairs and in accordance with the International Building Code (IBC), International Residential Code (IRC) and as written and produced by the Code Congress of the U.S.A. and the Life*

*Safety Code, as produced by the National Fire Protection Association and the Fire Chiefs of U.S.A., I would offer the following information: in accordance with the Life Safety Code, maximum riser height is limited to 7" with an exception for interior flights of stairs in a single-family home to allow a riser height of no more than 7 ¾". In accordance with the IBC, riser height is limited to 7" as well, with an exception for a single-family home interior stairs to be 7 ¾ " maximum. In accordance with IRC, riser heights are allowed to be 7 ¾" maximum.*

*These code requirements are set by the building officials and the fire officials of the U.S. after extensive studies, testing and recommendations. Over the years, these findings have been considered and approved by the above stated officials. In accordance with the name codes, a riser height of greater than 7 ¾" is not considered safe or user friendly to the orderly travel by users of a stairway. In fact, the IBC commentary under Section 1003.3.3.3 states that it was found that a minimum of 11" tread depth and a maximum of 7" riser height resulted in the best proportion for stairway construction. Even though an exception is granted for single-family homes up to 7 ¾", this increase is allowed because of the low occupancy load and the high degree of occupant familiarity with the stairway."*

The Council took no further action on this matter.

10. In a Memorandum, dated September 2, 2008, to the Mayor and Council, City Clerk Carol Jacobs conveyed the following recommendations by the Pension Trustees:

*"Based on the review of the April 1, 2008, annual actuarial report by Mercer, the Trustees for the General and Public Safety Pension Plans recommend the following:*

- That the annual contribution to the General Pension Fund be made at the 10 year, level percent of pay, open gain/loss contribution in the amount of \$2,474,479.*

*This amount represents 11.2% of annual covered payroll. Participant contributions for this plan are 5% of pay or \$996,359. There was an actuarial loss from investment income for this plan year. The General Employees Plan is 72.03% funded.*

- That the annual contribution to the Public Safety Pension Fund be made at the 10 year, level percent of pay, open gain/loss contribution in the amount of \$2,721,333.*

*This amount represents 23.9% of annual covered payroll. Participant contributions for police are 8% of pay. For all other public safety employees, the participant contributions are 8% of pay for up to 15 years of service and 8.5% thereafter, or \$970,723. There was an actuarial experience loss from investment income for this plan as well. The Public Safety Plan is 69.42% funded.*

*Jennie Knapp, Budget Analyst, states that both contribution amounts are fully funded in the current FY 09 budget."*

**Council Secretary Nancy Howard moved to accept this recommendation; seconded by Council Member Mary Knight. The vote was unanimous.**

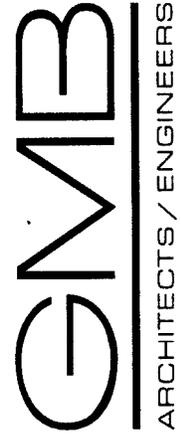
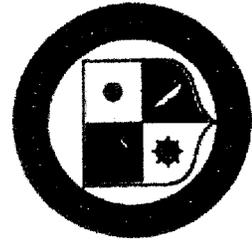
11. City Solicitor Guy Ayres presented for review, an ordinance amending the Public Safety Employees Pension Plan (See Attachment B). **Council Member Jim Hall moved to proceed with the First Reading of this Ordinance in the next Regular Session; seconded by Council Member Lloyd Martin. The vote was 6-0 with Council Member Hancock out of the room.**
12. City Solicitor Guy Ayres presented for review, an ordinance authorizing the purchase of 1.87 acres of permanent forested non-tidal wetland easement as required by the U.S. Army Corps of Engineers and the Maryland Department of the Environment (See Attachment C). **Council Member Jim Hall moved to proceed with First Reading in the next Regular Session; seconded by Council Member Mary Knight. The vote was unanimous.**
13. City Solicitor Ayres presented for review, an ordinance to amend Chapter 106, entitled *Maintenance of Waterways* (See Attachment D). **Council Member Lloyd Martin moved to proceed with First Reading in the next Regular Session; seconded by Council Member Jim Hall. The vote was unanimous.**
14. Council Member Lloyd Martin reported on the Police Commission Meetings of June 19<sup>th</sup>, July 17<sup>th</sup> and August 18, 2008 (see Attachment E). Council Member Lloyd Martin advised of the Police Commissions' recommendation to issue a \$5,000 reward for information leading to the arrest and conviction of the perpetrator of the rape and beating at Seacrets. **Council Member Jim Hall moved to approve; seconded by Council Member Mary Knight. The vote was unanimous.**
15. Council Member Jay Hancock reported on the September 2, 2008 Coastal Resources Legislative Committee Meeting (see Attachment F).

**Council Member Lloyd Martin moved to adjourn at 4:15 p.m.; seconded by Council Member Margaret Pillas. The vote was unanimous.**

**St. Louis Avenue Reconstruction  
Ocean City, Maryland**

**City Council Work Session**

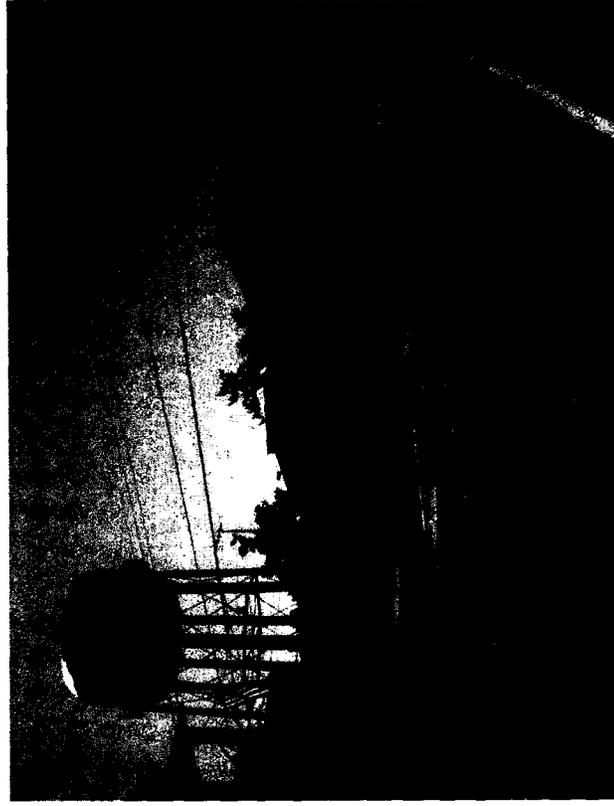
**September 9, 2008**



# St. Louis Avenue Reconstruction

## Council Work Session Agenda

- Goals
- Scope
- Location
- Preliminary Design Process
- Traffic Analysis
- Conceptual Ideas
- Schedule
- Recommendations
- Questions and Comments



George, Miles & Buhr

# St. Louis Avenue Reconstruction

## **Project Goals**

- Improve the pavement, aesthetics, intersections, and pedestrian safety.

## **Project Scope**

- Repairs and replacement of water mains, sanitary sewer mains, and storm drains. New pavement restoration.
- Consideration for new sidewalks, street lighting, landscaping, utility undergrounding, bicycle lane modifications, and traffic calming

## **Project Location**

- St. Louis Avenue from North Division Street to 17th Street with the exception of the block between 3rd and 4th Streets
- Side streets generally go to the west to the Bay, with the exception of 14th and 15th Streets which go to the west side of Jacqueline Avenue
- Side streets generally extend to the east approximately to the length necessary to make a smooth transition, with the exception of 17th Street which extends to Philadelphia Avenue

## St. Louis Avenue Reconstruction

### Preliminary Design Process

- Field investigations of property transitions and sidewalks
- Topographic survey of street
- Geotechnical analysis
- Traffic analysis – counts of vehicles, pedestrians and bicycles
- Develop Conceptual Design ideas and present at Public Workshop on July 17, 2008
- Public feedback from meeting and Opinion Surveys
- Revise Conceptual Design



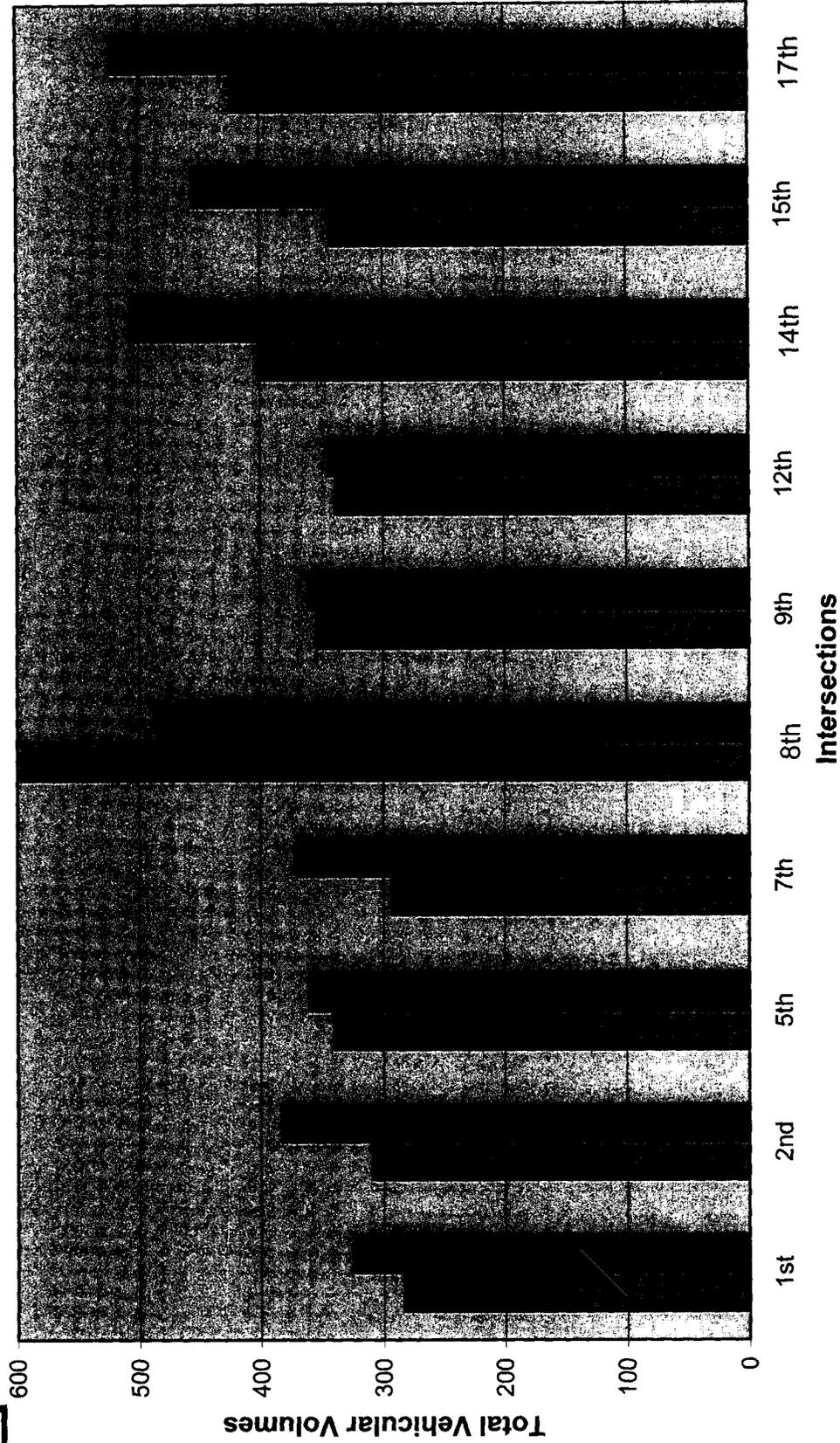
# St. Louis Avenue Reconstruction



## Traffic Analysis

### Total Vehicular Volumes By Intersections

■ Friday PM Peak ■ Saturday Peak



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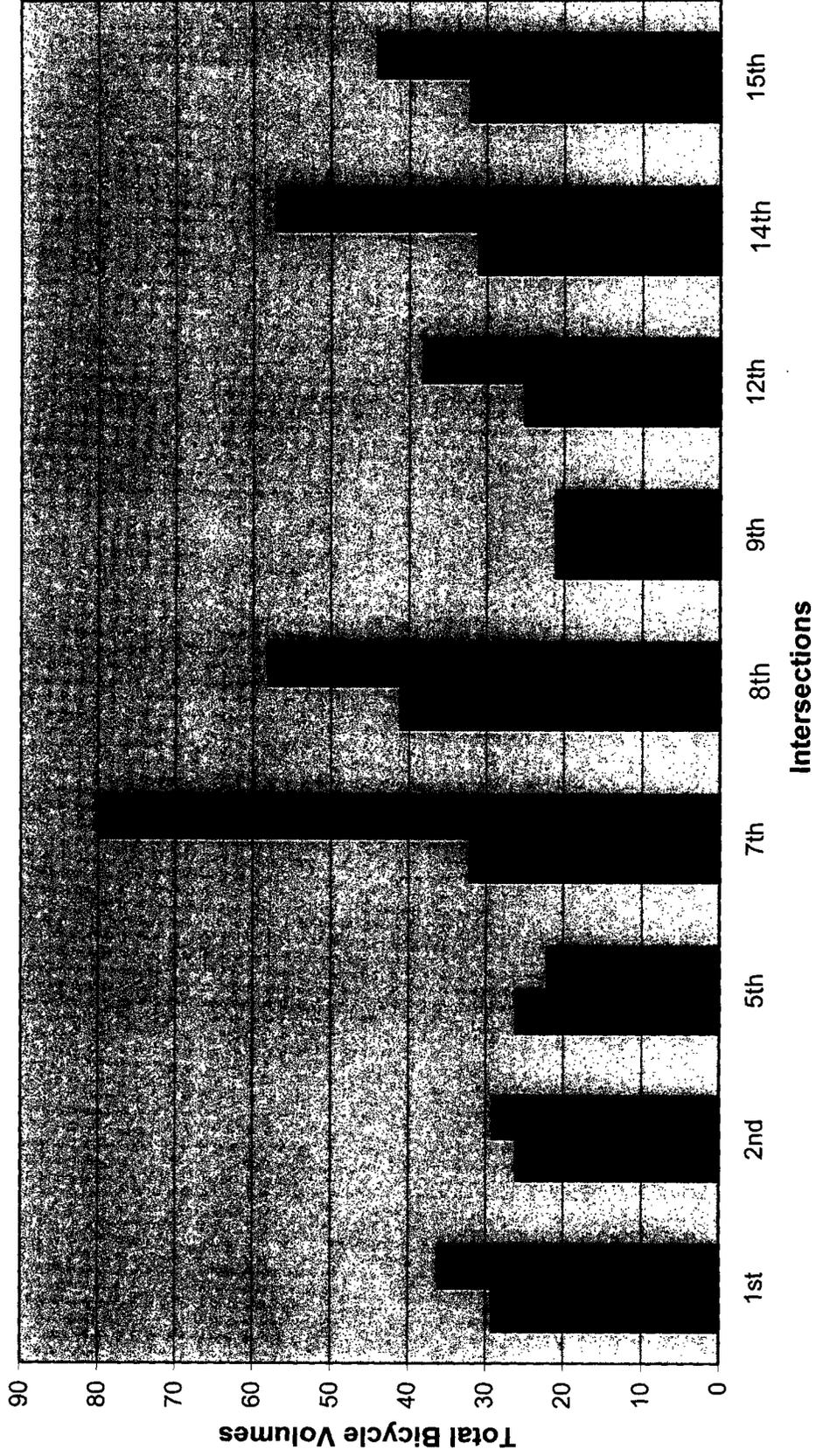
# St. Louis Avenue Reconstruction



## Traffic Analysis

### Total Bicycle Volumes By Intersections

■ Friday PM Peak ■ Saturday Peak



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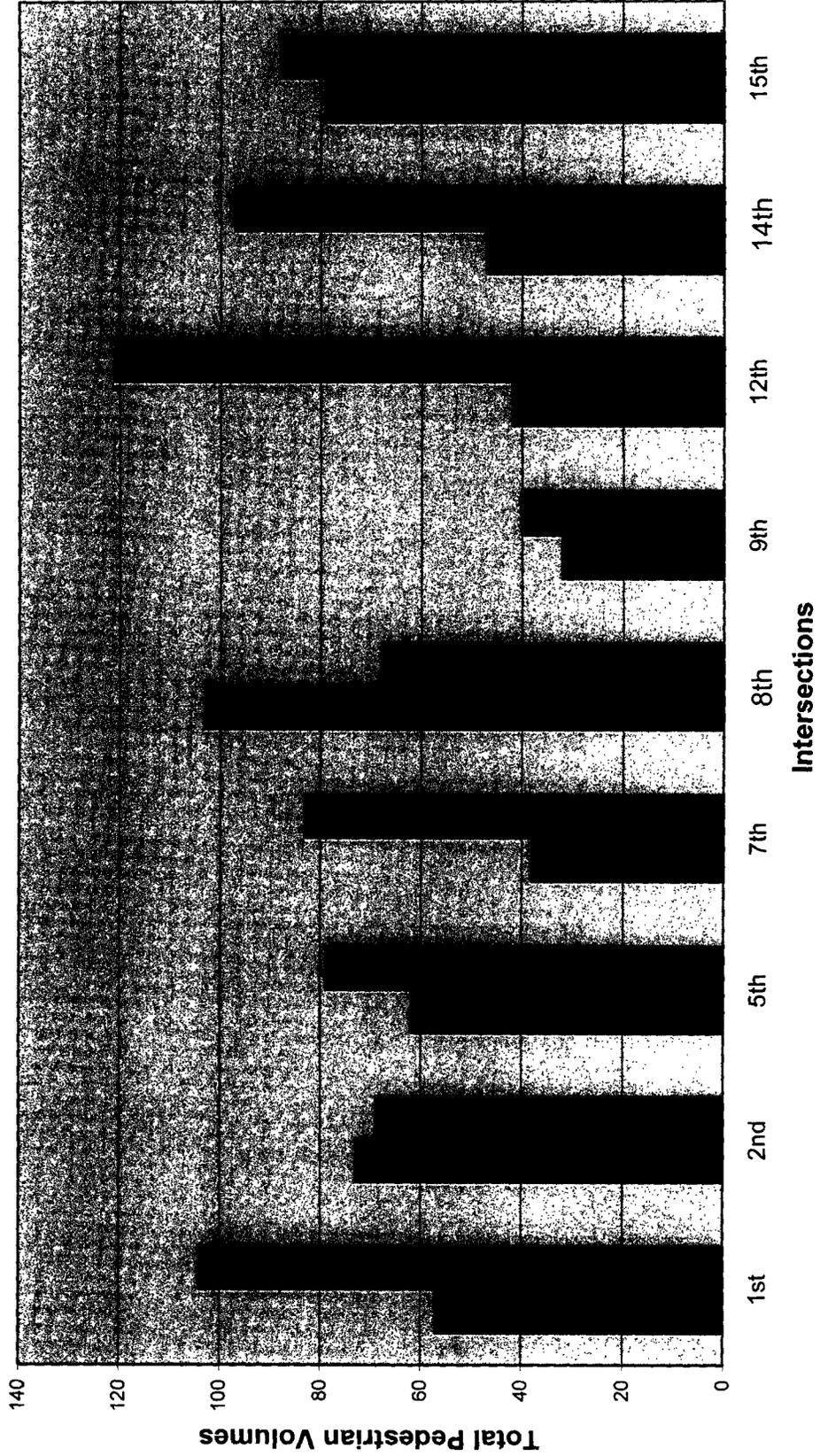
# St. Louis Avenue Reconstruction



## Traffic Analysis

### Total Pedestrian Volumes By Intersections

■ Friday PM Peak ■ Saturday Peak

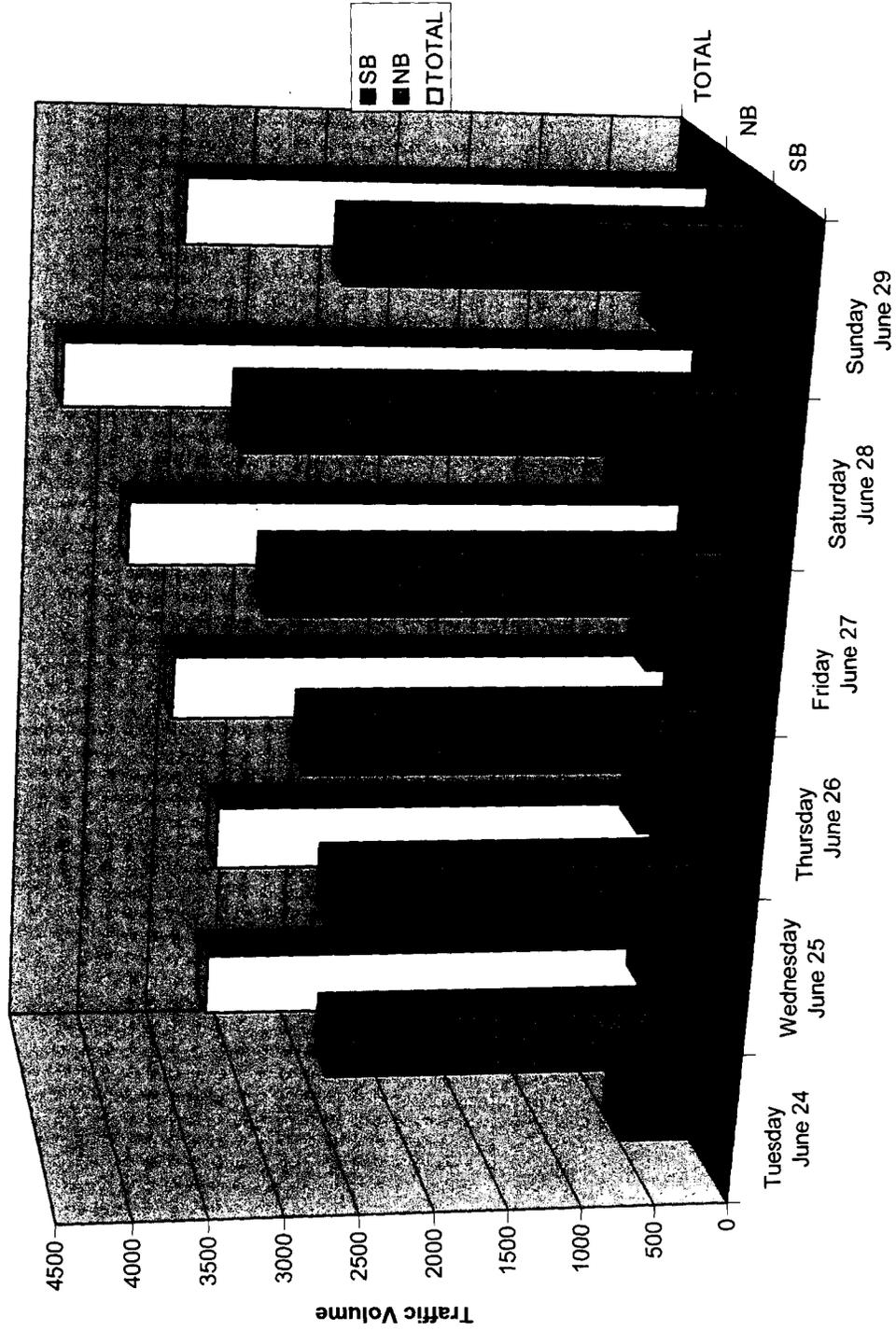


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# St. Louis Avenue Reconstruction

## Traffic Analysis

Directional Counts Between Division St and 1st Street



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# St. Louis Avenue Reconstruction

## Opinion Survey Results

1 is strongly oppose, 5 is strongly in favor:

	Individual Survey Respondents										Average
	4	3	1	5	3	3	5	4	3	3	
Traffic Calming/ Vehicle Speed Reduction General	4	-	3	1	5	3	3	5	4	3	3.4
Intersection "Bump Outs"	4	4	1	5	5	3	3	5	2	3	3.5
Narrower Travel Lanes	1	4	3	1	5	3	3	2	3	3	2.8
Traffic Circles at some intersections	1	3	1	1	5	3	1	2	2	1	2.0
Medians	3	1	1	1	-	5	5	2	3	1	2.4
Other: Crossing traffic sight line to St. Louis traffic	-	-	-	5	-	-	-	-	-	-	5.0
Other: Relocating power/phone lines	-	-	-	-	-	-	-	-	5	-	5.0
Brighter Street Lighting	5	3	4	4	5	5	5	5	2	5	4.3
Pedestrian /Bicycle Safety General	4	-	5	4	5	5	5	5	5	4	4.7
Wider/unobstructed Sidewalks	4	2	4	1	3	4	5	2	3	1	2.9
Marked Crosswalks at every intersection	4	2	5	5	3	5	5	5	5	4	4.3
Separate Marked Bike Lane	5	5	5	5	5	5	5	5	5	5	5.0
Shared Marked Bike Lane	1	1	3	1	1	2	3	1	5	1	1.9
On Street Parking	5	5	5	5	5	2	1	5	5	5	4.3
Landscaping/Street Beautification General	3	-	4	5	3	5	5	5	5	3	4.2
Tree Lined Street	3	2	3	1	3	5	5	3	5	2	3.2
Grass Utility Strips	-	1	1	1	1	4	3	1	5	2	2.1
Paver Utility Strips	2	1	3	5	4	5	5	4	5	4	3.8
"Antique" style light fixtures	4	4	3	4	1	3	4	3	5	3	3.4
Other: Parking / No Parking signage	-	-	-	4	-	-	-	-	-	-	4.0
Other: Bury power lines	-	-	-	-	-	5	5	-	-	-	5.0
Street Drainage Improvements	5	5	5	5	-	5	5	5	5	5	5.0
Environmental Improvements	5	-	3	3	-	5	5	5	5	3	4.3

- In favor of improved lighting, pedestrian/bicycle safety, marked crosswalks, separate bicycle lanes, on street parking, and drainage/environmental improvements.
- Opposed to traffic circles, medians, shared bicycle lanes, and grass utility strips.

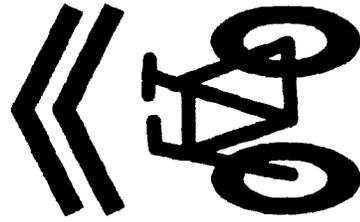
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# St. Louis Avenue Reconstruction

## Conceptual Design

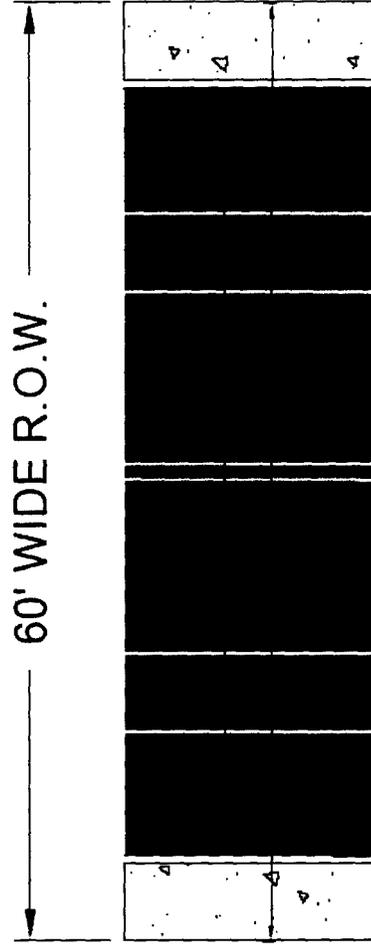
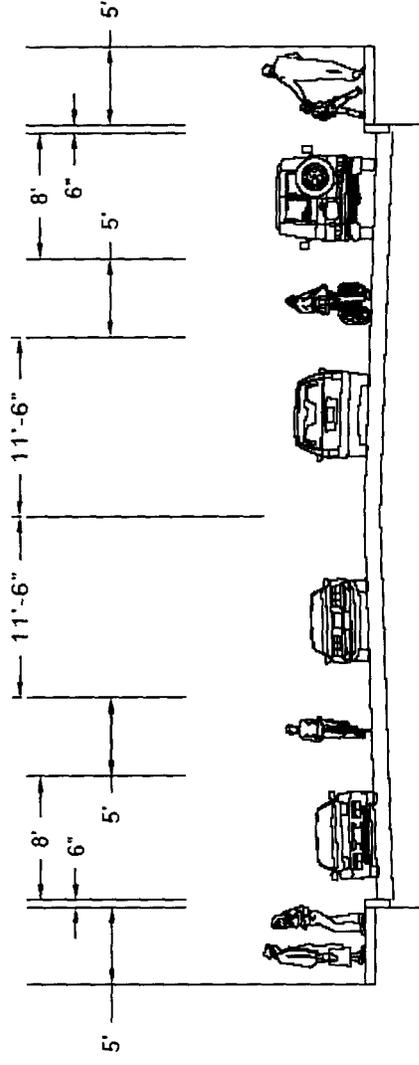


- Traffic Calming using visual features
  - Bump outs (landscaping, benches, lights)
  - Crosswalks (thermoplastic, pavers)
  - Roundabouts
- Bicycle Lanes
  - Separate marked lane with directional arrows
    - 5' wide bike lane with 11'-6" wide travel lane
  - Shared or hybrid lanes
    - 15' wide shared bicycle and vehicle lane



# St. Louis Avenue Reconstruction

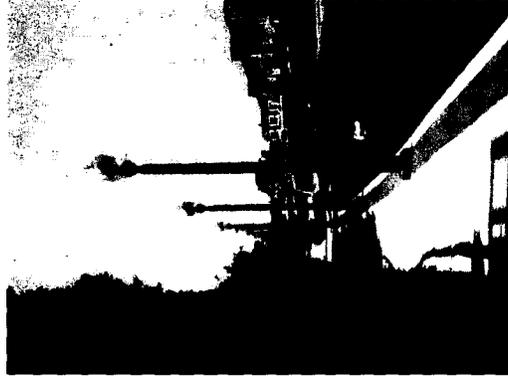
## Conceptual Design – Cross Section



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# St. Louis Avenue Reconstruction

## Conceptual Design



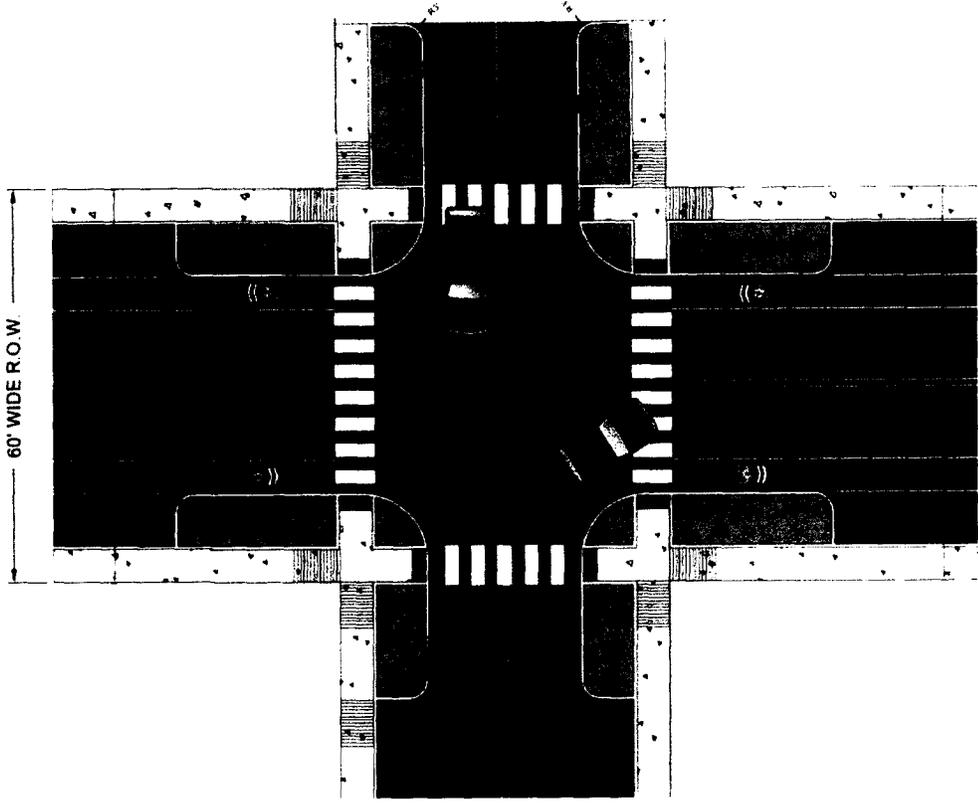
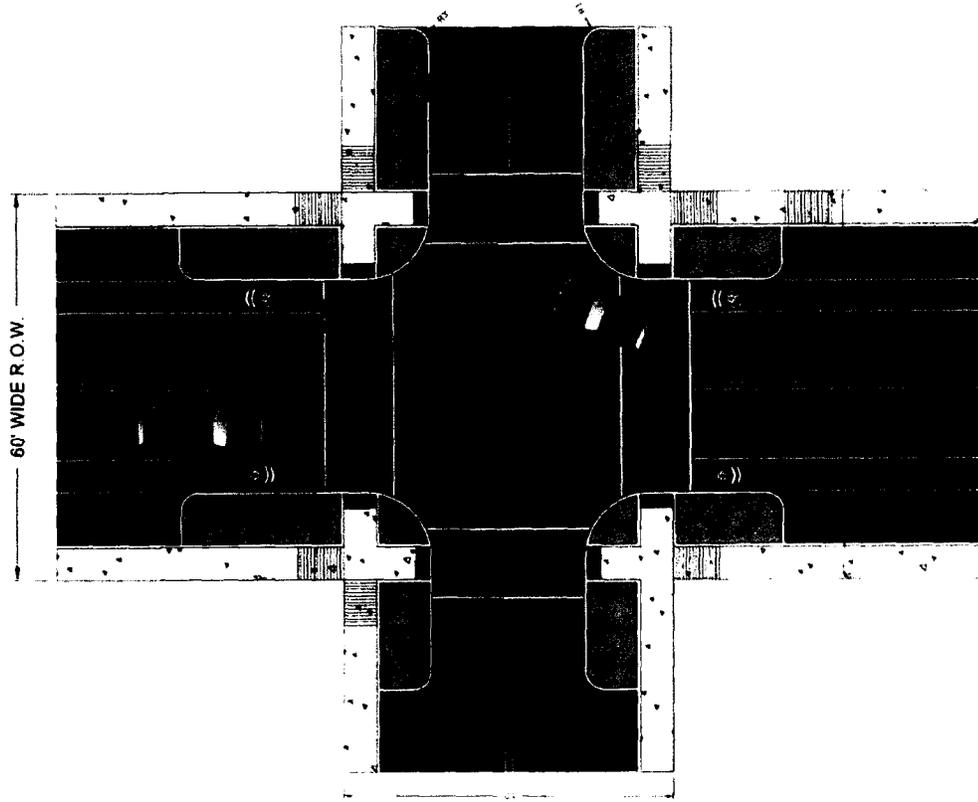
- Direct Pedestrian flow by having different intersection configurations for intersections that connect to traffic signals on Philadelphia Ave versus ones that do not
- Signals on Philadelphia Ave: 1<sup>st</sup>, 2<sup>nd</sup>, 5<sup>th</sup>, 8<sup>th</sup>, 12<sup>th</sup>, 15<sup>th</sup>, and 17<sup>th</sup>

- 12<sup>th</sup> and 15<sup>th</sup> Street – possible right turn lanes or additional signage
- 1<sup>st</sup> Street Intersection – roundabout
- Street lights and lighted bollards
- Drainage Improvements



# St. Louis Avenue Reconstruction

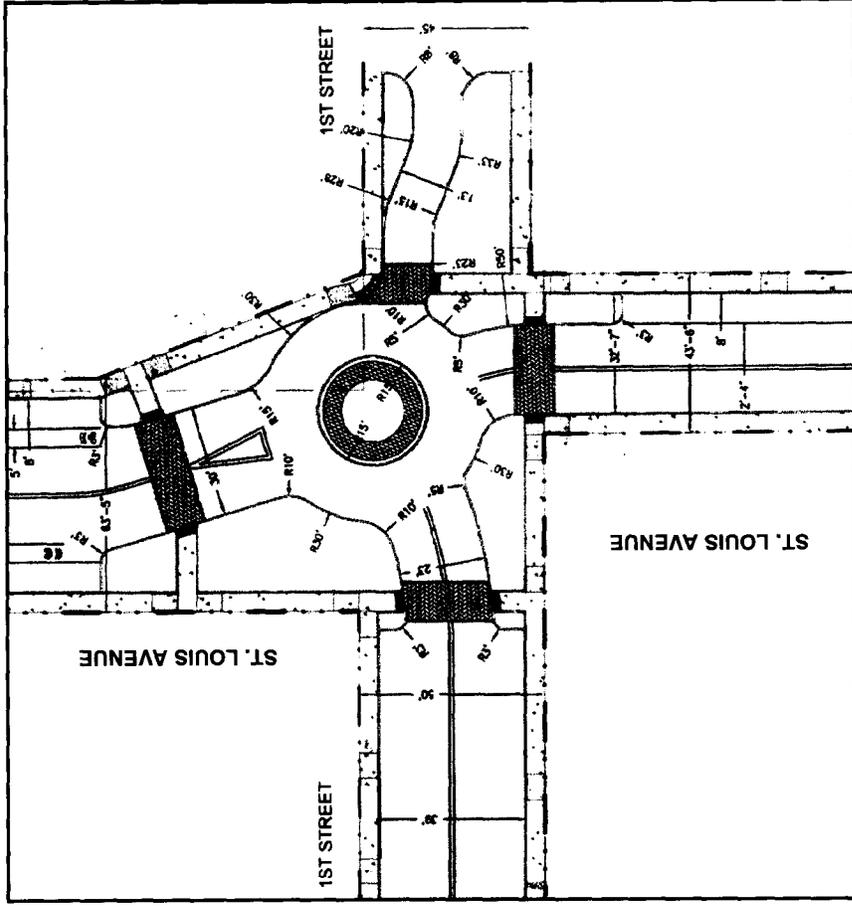
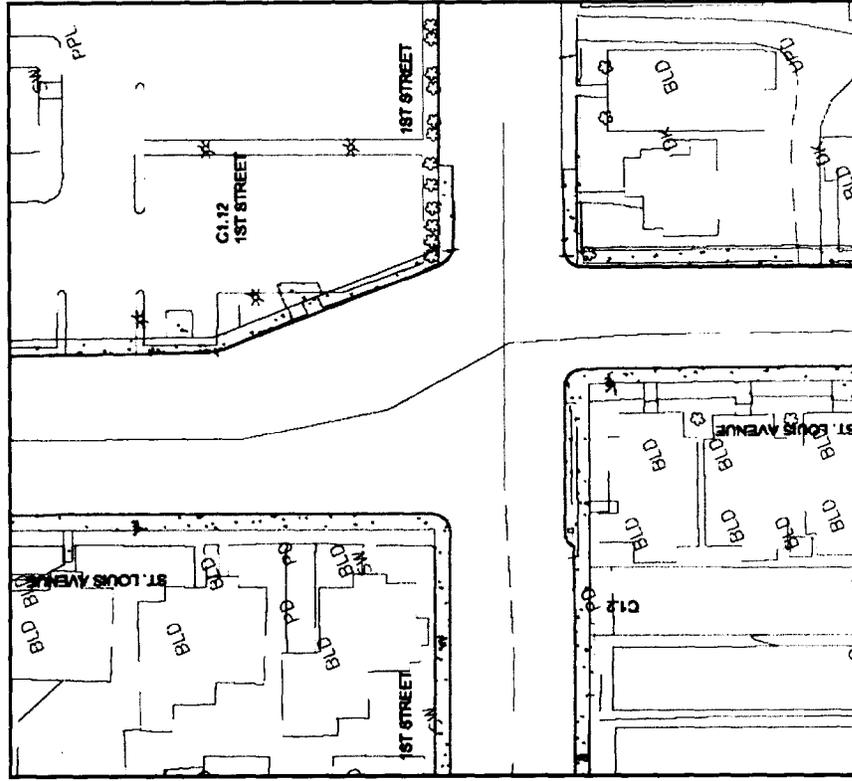
## Conceptual Design - Intersections



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# St. Louis Avenue Reconstruction

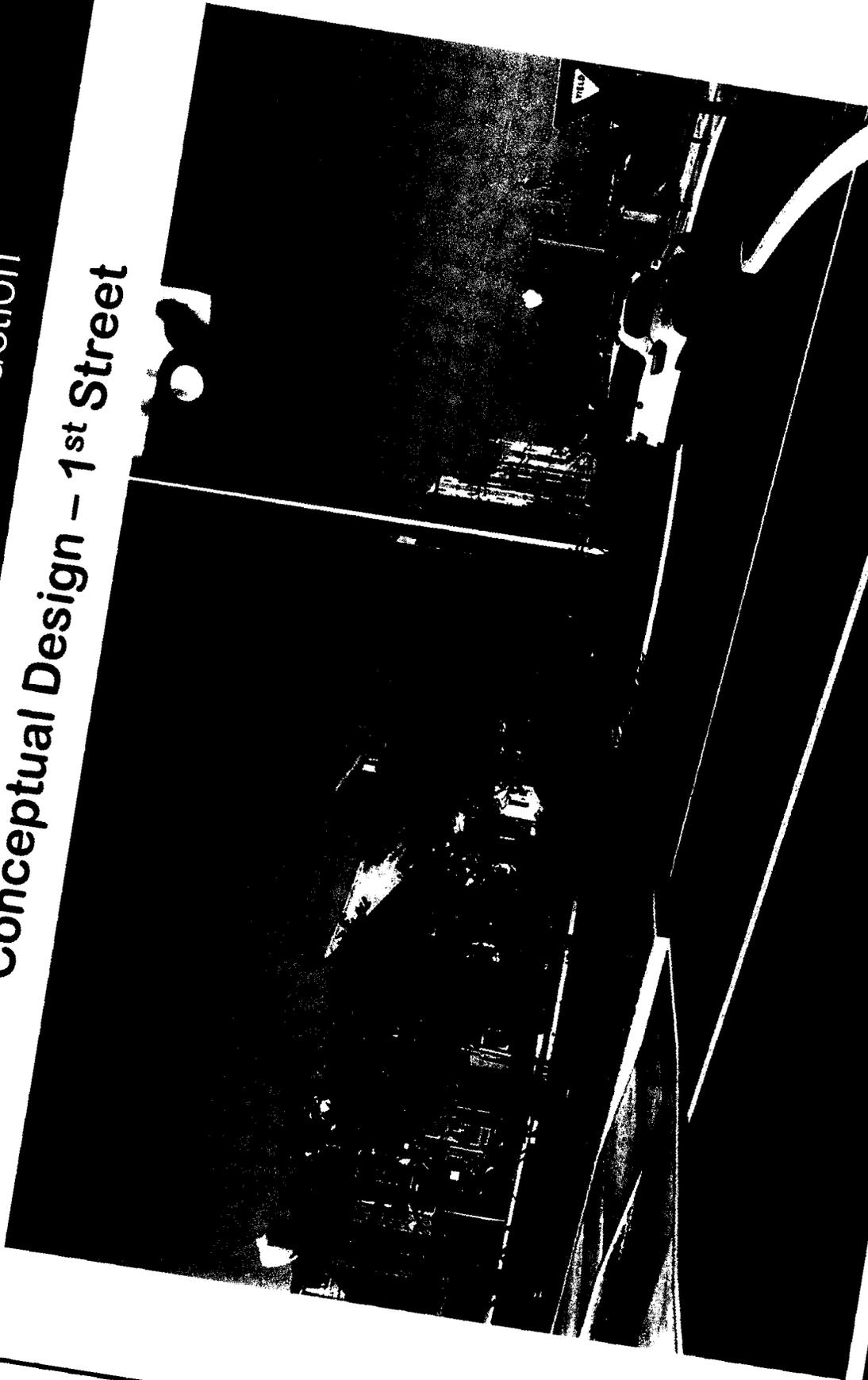
## Conceptual Design – 1st Street



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**St. Louis Avenue Reconstruction**

**Conceptual Design – 1st Street**

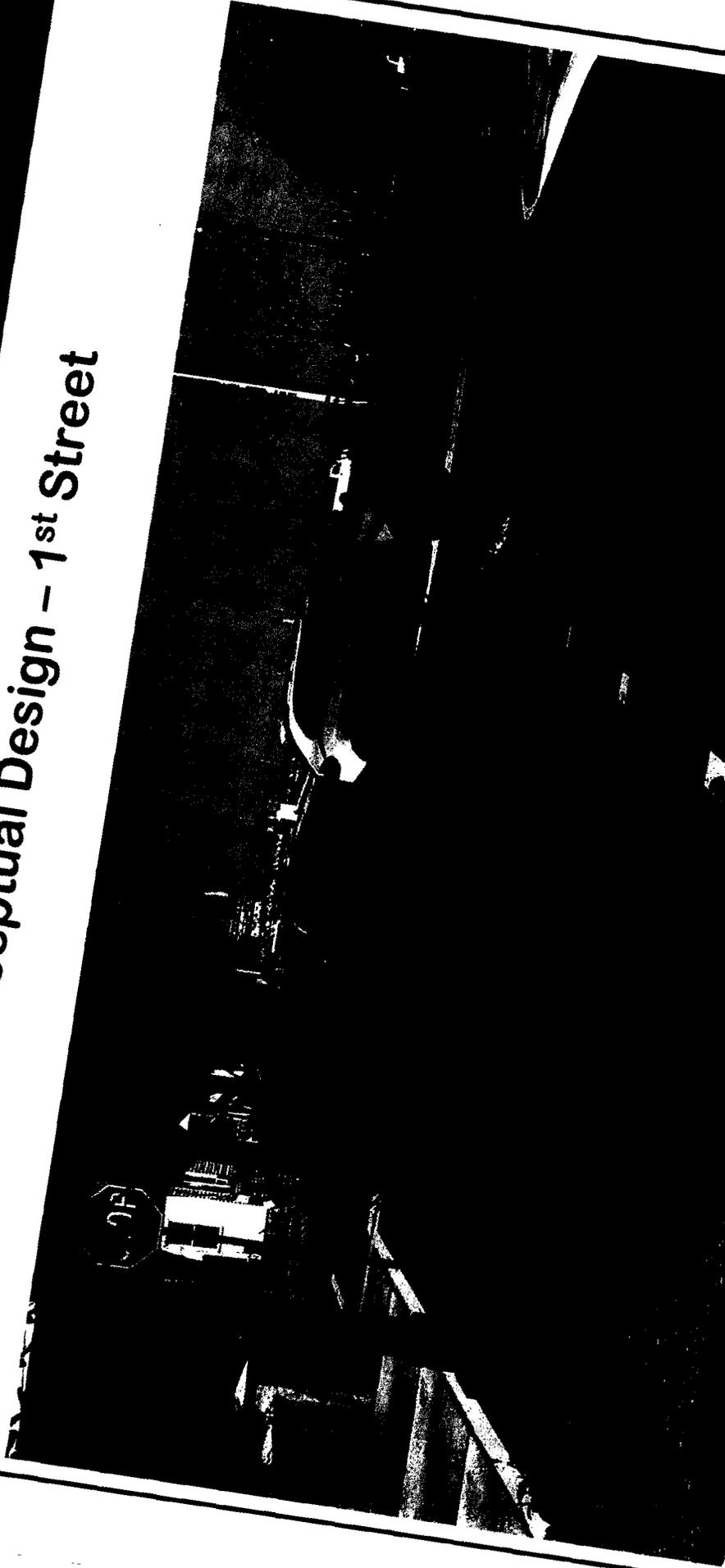


Looking north on St. Louis Ave towards 2<sup>nd</sup> Street

**George, Miles & Buhr**

# St. Louis Avenue Reconstruction

## Conceptual Design – 1<sup>st</sup> Street

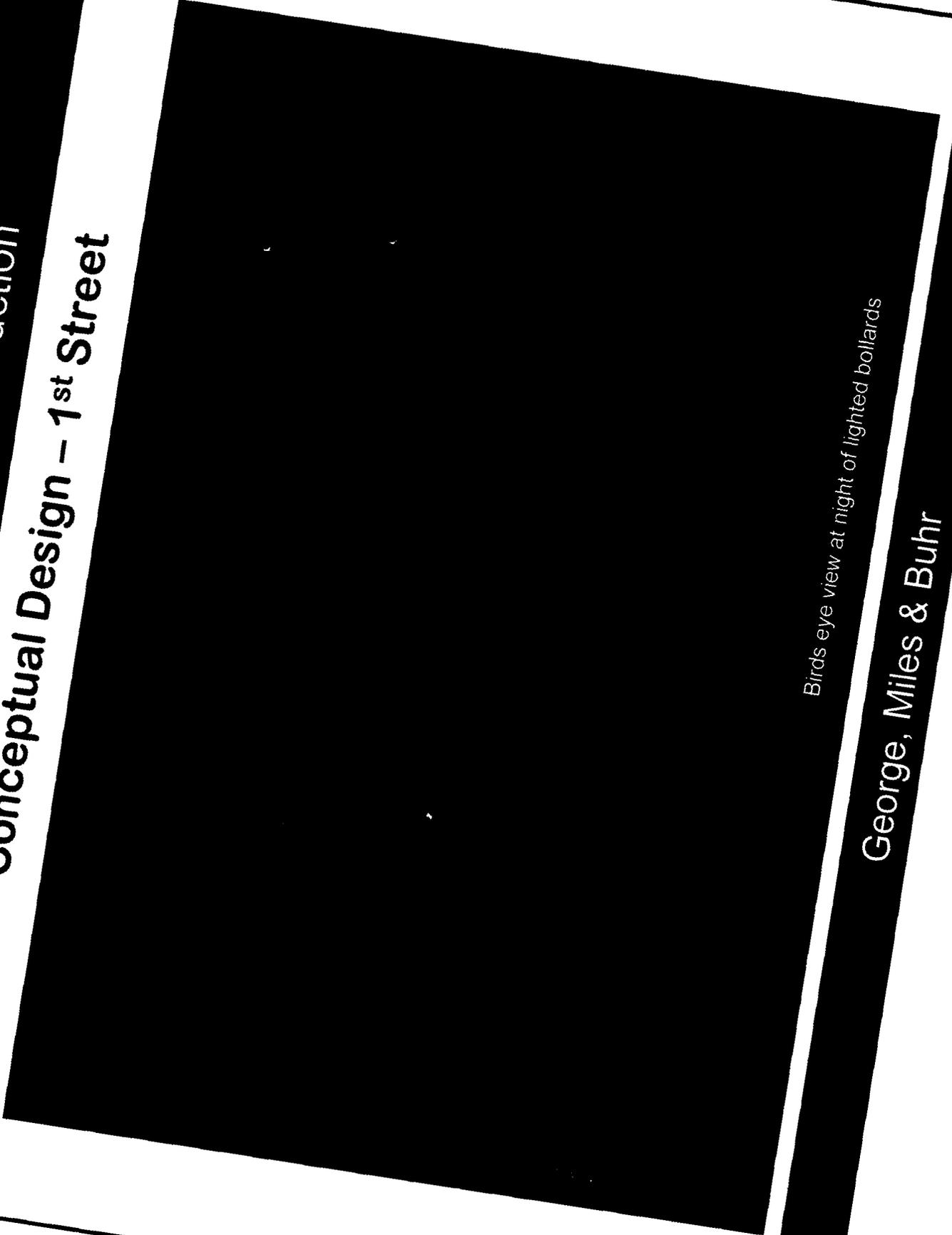


Looking west on 1<sup>st</sup> towards the Bay

George, Miles & Buhr

**St. Louis Avenue Reconstruction**

**Conceptual Design – 1<sup>st</sup> Street**

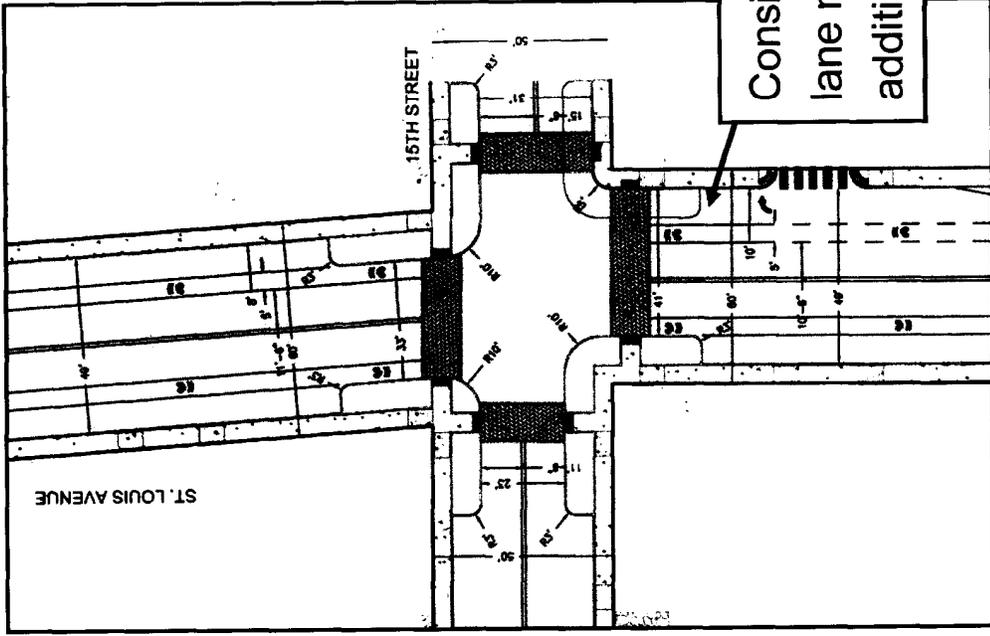
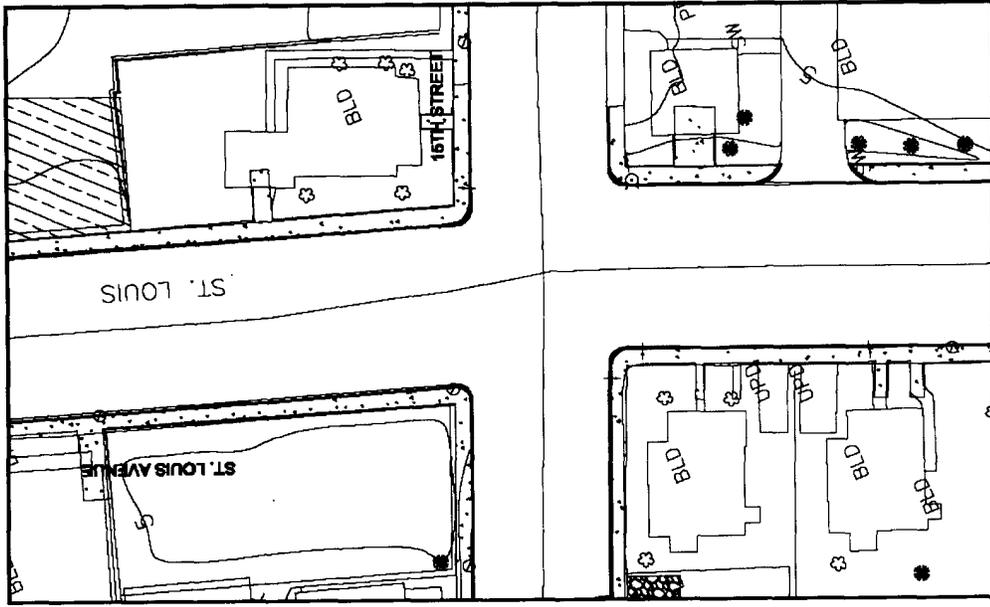


*Birds eye view at night of lighted bollards*

**George, Miles & Buhr**

# St. Louis Avenue Reconstruction

## Conceptual Design - 15th Street



George, Miles & Buhr

## St. Louis Avenue Reconstruction

### Schedule

- Present Conceptual Design at Council Work Session – September 9, 2008
- Pending Approval, Submit full Conceptual Design Drawings to City Engineer for Review – September 2008
- Final Design & Prepare Construction Drawings – October 2008 to May 2009
- Present Final Design at Public Workshop – May 2009
- Construction Bidding – Summer 2009
- Begin Construction – September 2009

## St. Louis Avenue Reconstruction

### Recommendations

- 1<sup>st</sup> Street Intersection improved with roundabout
- Traffic Calming via bump-outs and clearly defined crosswalks (thermoplastic and pavers)
- Provide 5' wide sidewalks for pedestrians with improvements to street lighting
- Provide separate lane with thermoplastic markings for Bicycle Use
- Drainage improvements such as elevating the crown and a few intersections

### Questions & Comments

George, Miles & Buhr

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

ORDINANCE 2008-

AN ORDINANCE TO AMEND THE OCEAN CITY,  
MARYLAND PUBLIC SAFETY EMPLOYEES  
PENSION PLAN AND TRUST

WHEREAS, THE MAYOR AND CITY COUNCIL OF OCEAN CITY HAS ESTABLISHED "THE OCEAN CITY, MARYLAND PUBLIC SAFETY EMPLOYEES PENSION PLAN AND TRUST" TO PROVIDE RETIREMENT BENEFITS FOR THOSE EMPLOYEES COVERED THEREUNDER; AND

WHEREAS, THE MAYOR AND CITY COUNCIL OF OCEAN CITY HAS NEGOTIATED CERTAIN CHANGES TO THE PENSION PLAN AND TRUST WITH THE OCEAN CITY LODGE NO. 10, FRATERNAL ORDER OF POLICE, INC., WHICH HAVE BEEN MEMORIALIZED IN A COLLECTIVE BARGAINING AGREEMENT EFFECTIVE AS OF JULY 1, 2008; AND

WHEREAS, THE MAYOR AND CITY COUNCIL OF OCEAN CITY DESIRES TO AMEND "THE OCEAN CITY, MARYLAND PUBLIC SAFETY EMPLOYEES PENSION PLAN AND TRUST," TO PROPERLY REFLECT THE CHANGES.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY MAYOR AND CITY COUNCIL OF OCEAN CITY THAT "THE OCEAN CITY, MARYLAND PUBLIC SAFETY EMPLOYEES PENSION PLAN AND TRUST" BE, AND THE SAME IS HEREBY AMENDED, AS FOLLOWS:

1. Sec. 1-6. is repealed and reenacted with amendment to say: 1.6 AVERAGE COMPENSATION means the average of the highest three consecutive pay rates on the last ten anniversary dates.

2. Sec. 1.11 is repealed and reenacted with amendment to say: 1.11 COMPENSATION means the monthly rate, determined as of the anniversary date of each Participant, of basic remuneration paid by the City to an Employee with respect to service as an Employee, excluding: (1) bonuses, overtime pay and other extra remuneration; (2) credits or benefits under the Plan or under any other retirement, deferred compensation or employee welfare benefit plan; and (3) direct reimbursement for expenses; but including: (1) "elective contributions" which are not includible in gross income under Code §§ 125, 132(f)(4), 402(e)(3), 402(h)(1)(B) or 403(b); (2) deferrals under an eligible deferred compensation plan within the meaning of Code §457(b); and (3) employer "pick-up" contributions (under governmental plans) within the meaning of Code §414(h)(2). Notwithstanding the preceding, the annual Compensation of each Participant taken into account under the Plan for any Plan

Year beginning after December 31, 2001 shall not exceed \$200,000, as adjusted for cost-of-living increases in accordance with Code §401(a)(17)(B).

3. Sec. 1.14 is repealed and reenacted with amendment to say: 1.14

EFFECTIVE DATE means July 1, 2008, the effective date of this amendment. The initial effective date of the Plan was May 1, 1990 together with all amendments previously adopted by Ordinance, except as herein amended.

4. Sec. 1.19 is repealed and reenacted with amendment to say: 1.19 LEAVE OF ABSENCE means an authorized absence from active service with the City, under conditions described herein, which does not constitute a termination of employment, and during which the Employee completes no Hours of Service.

A Period of Credited Service or Period of Service shall not be deemed to have terminated by a temporary absence by reason of: (i) a Leave of Absence granted by the City on account of vacation, holiday, illness, incapacity (including disability), layoff or jury duty, (ii) a Leave of Absence required by law or granted by the City on account of service in the Armed Forces of the United States, (iii) any other Leave of Absence during which the individual remains in active pay status, or (iv) any other Leave of Absence, extending for not more than two (2) years, for reasons other than resignation, discharge, mutual agreement, total and permanent disability or retirement. The performance of an Hour of Service after a Leave of Absence has commenced shall constitute an expiration of the Leave of Absence.

If, on an anniversary date occurring during a Leave of Absence, a Participant is unpaid or his or her rate of basic pay is reduced, then, for purposes of computing Plan benefits, his or her Compensation and Average Compensation shall be computed as if he or she were being paid at a rate equivalent to that in effect as of the anniversary date immediately preceding the beginning of the Leave of Absence.

If any Participant on Leave of Absence fails to answer an inquiry by the City as to the status of the Leave of Absence, or if the City is not notified of the death or disability of such Participant, and the City has no actual knowledge thereof, the City may determine that the Leave of Absence had or has expired.

Service with respect to a Leave of Absence will be credited pursuant to the following:

(a) Paid Leaves of Absence will constitute continuation of employment; as such service will be credited for the customary period of work during such Leave of Absence, and Section 6.2 contributions will continue to be made. An individual on a Leave of Absence for reasons of illness will be deemed to be on a paid Leave of Absence so long as his or her rate of pay is not reduced and so long as he or she is paid directly by the City or through City-financed wage continuation insurance; but the Participant will not be considered to be on a paid Leave of Absence under circumstances where payments are made solely for the purpose of complying with workers' compensation, unemployment insurance or disability insurance laws.

(b) A Leave of Absence where the Participant's rate of pay is reduced shall constitute

an unpaid Leave of Absence. Service credit shall not be granted for an unpaid Leave of Absence (other than for military service, as described below) unless the Participant continues to make regular contributions to the Plan pursuant to Section 6.3, in accordance with such administrative procedures as are developed by the City.

(c) Notwithstanding the foregoing, the Participant will not receive credit for Service during an unpaid Leave of Absence for military service, except to the extent required by law.

5. Sec. 1.23 is repealed and reenacted with amendment to say: 1.23 PERIOD OF CREDITED SERVICE means the continuous period of service commencing on the Employee's Employment Commencement Date or Reemployment Commencement Date, whichever is applicable, and ending on the Employee's Termination Date, except as otherwise provided under Section 3.2, and excluding any period during which the Employee is not a Covered Employee.

For purposes of determining the amount of a Participant's benefits under the Plan (but not for purposes of determining the Early Retirement Date), a Participant who retires on or after his or her Early Retirement Date or on or after his or her Normal Retirement Date shall be credited with additional Periods of Credited Service expressed in whole months (hereinafter referred to as "Sick Leave Credits"). Such a Participant shall be credited with one (1) month of Sick Leave Credit for each one hundred seventy-six (176) hours of unused sick leave at his or her retirement and, after each whole one hundred seventy-six (176) hour period has been credited, the Participant shall be credited with one (1) additional month of Sick Leave Credit if eighty-eight (88) or more hours of unused sick leave remain. Sworn police personnel may be granted up to 36 months' service credit for previous military or reasonable employment served by the Participant.

6. Sec. 3.1 is repealed and reenacted with amendment to say: 3.1 NORMAL RETIREMENT BENEFITS. Subject to any limitations provided under the Plan, each Participant who is a Employee on his or her Normal Retirement Date shall be entitled to receive a monthly pension under this Plan, which shall commence at the later of the Participant's Normal Retirement Date or the first day of the month coincident with or next following the date of the Participant's actual retirement and continue for the life of the Participant, in an amount computed as follows:

(a) For Participants who became Covered Employees on or after April 1, 1996 and who are Covered Employees on or after July 1, 2006, the amount of the monthly pension will be the sum of (i) plus (ii) where:

(i) = (A) sixty percent (60%) of the Participant's Average Compensation; reduced by (B) one-three hundredth (1/300) of the amount computed in (A) for each month less than three hundred (300) in his or her Periods of Credited Service (excluding Period of Credited Service attributable to Sick Leave Credits) as of his or her termination of employment; and

(ii) = one twelfth of two percent (2.0%) of the Participant's Average Compensation multiplied by months in his or her Periods of Credited Service attributable to Sick Leave Credits.

(b) For Participants who were Covered Employees before April 1, 1996 and are Covered Employees on or after July 1, 2006, the amount of the monthly pension will be the greater of the amount computed in Section 3.1(a) or the sum of (i) plus (ii) where:

(i) = (A) sixty percent (60%) of the Participant's Average Compensation; reduced by (B) one-one hundred eightieth (1/180) of the amount computed in (A) for each month less than one hundred eighty (180) in his or her Periods of Credited Service (excluding Periods of Credited Service attributable to Sick Leave Credits) as of his or her Normal Retirement Date; and

(ii) = one twelfth (1/12) of three and one third percent (3 1/3%) of the Participant's Average Compensation multiplied by months in his or her Periods of Credited Service attributable to Sick Leave Credits.

7. Sec. 3.11 is repealed and reenacted with amendment to say: 3.11 POST-TERMINATION CHANGES. Any change in benefits provided for by amendment to the Plan shall not apply to any Participant whose Termination date occurred prior to the effective date of such amendment, except as otherwise specifically provided for in the Plan or such amendment. Those sworn police personnel who retire during the term of the Collective Bargaining Agreement with the Ocean City Lodge No. 10, Fraternal Order of Police, Inc., effective July 1, 2008 will be entitled to pension increases negotiated in the next contract; if any.

8. Sec. 6.2 is repealed and reenacted with amendment to say: 6.2 PICK-UP CONTRIBUTIONS. Under limited circumstances described below, Participant contributions may be accepted by the Plan.

(a) City Pick-up Contributions. In accordance with rules established by the City, except to the extent a different contribution rate applies pursuant to the next paragraph, each Participant shall make contributions to the Plan equal to 8.0% or 8.5% of his or her Compensation.

In accordance with rules established by the City, effective for all pay dates all Participants who are sworn police personnel shall make contributions to the Plan equal to 8.0% of the Participant's Compensation up to the date of retirement. All other Participants in the Plan shall make contributions, as follows: from 0 to less than 15 years of service as of July 1, 2007, 8.0% to date of retirement; and from 15 or more years of service as of July 1, 2007, 8.5% to date of retirement. In all instances, contributions, if not previously being paid, shall commence with the first pay check received on or after July 1, 2008.

The Participant contributions referred to in this Section 6.2 shall be picked up by the City, as described in Code §414(h)(2), deducted from the pay of the contributing

Participants as salary reduction contributions, and paid by the City to the Trustees within reasonable promptness after the total of such contributions during any month has been determined, and in any event by the end of the succeeding month. The contributions made pursuant to this Section 6.2 shall be made a part of the Participant's Employee Contributions Benefit.

(b) Suspension of Contributions. A Participant's salary reduction contributions shall be automatically suspended for any payroll period during which he or she is not a Covered Employee or during which he or she is on an unpaid Leave of Absence.

(c) Withdrawals of Pick-Up Contributions. A Participant who has reached his or her Termination Date may elect, at any time, to receive a Cash-Out of his or her Employee Contributions Benefits, by filing a written notice of such election with the City. Subject to Section 2.2(d), such Cash-Out shall constitute full payment of all benefits due to such Participant under the Plan.

(d) Forfeiture of Remaining Accrued Benefit. In the event of a Cash-Out to a Participant pursuant to this Section 6.2, then, subject to restoration provided in Section 2.2(d), the entire remaining portion of his or her Accrued Benefit shall be forfeited by the Participant.

(e) Vesting of Pick-Up Contributions. Notwithstanding any provision of this Plan to the contrary, Participant contributions picked up by the City shall be fully vested at all times.

(f) Payment of Benefits. Subject to the right of withdrawal described above, the benefits purchased from the Participant's contributions shall be payable at the same time, in the same manner, and, in the event of his or her death, to the same Beneficiary or Beneficiaries, as is the remainder of his or her Accrued Benefit.

(g) Plan Termination. In the event of a termination of the Plan, distribution to each Participant of the portion of his or her Accrued Benefit attributable to his or her contributions pick up by the City shall, notwithstanding any other provision of Article 7, be treated as a priority distribution ahead of any other distribution to Participants based upon the remainder of the Trust, other than those attributable to contributions made pursuant to Section 6.3.

9. Sec. 6.3 is repealed and reenacted with amendment to say: 6.3 PARTICIPANT CONTRIBUTIONS. Under limited circumstances, as described below, other Participant contributions may be accepted by the Plan.

(a) Characterization. Contributions made pursuant to this Section 6.3 are classified as after-tax contributions made directly by the Participant.

(b) Limitations. A Participant may elect to make contributions pursuant to this Section 6.3 within the following limitations:

(i) A Participant who elects to restore credit for service and benefits, as described in Section 2.2(d), shall pay over to the Plan the amount of any Cash-Out previously made to him or her, with interest thereon.

(ii) A Participant who is on an unpaid Leave of Absence, as described in Section 1.20(c), and who elects to contribute to the Plan during the Leave of Absence, shall make contributions to the Plan equal to the contribution set forth in Section 6.2 hereof.

(c) Procedures. All Participant contributions or transfers made pursuant to this Section 6.3 shall be paid to the Trust.

(d) Separate Accounting. Participant contributions, whether made directly or transferred from another retirement plan, as aforesaid, shall be made a part of the Participant's Employee Contributions Benefit, which shall be a part of the Accrued Benefits of the respective Participants.

(e) Withdrawals of Participant Contributions. A Participant who has reached his or her Termination Date may elect, at any time, to receive a Cash-Out of his or her Employee Contributions Benefit, by filing a written notice of such election with the City. Subject to Section 2.2(d), such Cash-Out shall constitute full payment of all benefits due to such Participant under the Plan.

(f) Forfeiture of Remaining Accrued Benefit. In the event of a Cash-Out to a Participant pursuant to this Section 6.3, then, subject to restoration provided in Section 2.2(d), the entire remaining portion of his or her Accrued Benefit shall be forfeited by him or her.

(g) Vesting of Participant Contributions. Notwithstanding any provision of this Plan to the contrary, Participant contributions made to the Plan shall be fully vested at all times.

(h) Payment of Benefits. Subject to the right of withdrawal described above, the benefits purchased from the Participant's contributions shall be payable at the same time, in the same manner, and, in the event of his or her death, to the same Beneficiary or Beneficiaries, as is the remainder of his or her Accrued Benefit.

(i) Plan Termination. In the event of a termination of the Plan, distribution to each Participant of the portion of his or her Accrued Benefit attributable to his or her Participant contributions shall, notwithstanding any other provision of Article 7, be treated as a priority distribution ahead of any other distribution to Participants based upon the remainder of the Trust.

AND, BE IT FURTHER ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT THE OCEAN CITY, MARYLAND PUBLIC SAFETY EMPLOYEES PENSION PLAN AND TRUST AND ALL AMENDMENTS THERETO, EXCEPT AS MODIFIED BY THIS AMENDMENT BE, AND THEY ARE

HEREBY, RATIFIED AND CONFIRMED; AND THAT THE EFFECTIVE DATE OF THIS AMENDMENT IS, RETROACTIVELY, JULY 1, 2008

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on September 15, 2008.

ADOPTED AND PASSED, by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on October 6, 2008.

ATTEST:

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CAROL JACOBS, Clerk

\_\_\_\_\_  
RICHARD W. MEEHAN, Mayor

Approved as to Form:

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JOSEPH M. MITRECIC, President

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GUY R. AYRES, III, City Solicitor

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NANCY L. HOWARD, Secretary

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

ORDINANCE 2008-

AN ORDINANCE AUTHORIZING THE PURCHASE OF A  
PERMANENT FORESTED NON TIDAL WETLAND EASEMENT

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT THE MAYOR AND CITY COUNCIL OF OCEAN CITY BE, AND IT IS HEREBY, AUTHORIZED AND EMPOWERED TO PURCHASE A PERMANENT EASEMENT FROM THE NEST, INC. FOR THE ESTABLISHMENT OF 1.87 ACRES OF FORESTED NON TIDAL WETLAND AREA, PURSUANT TO U.S. ARMY CORPS OF ENGINEERS PERMIT NO. 200064123 AND MDE WETLANDS AND WATERWAYS AUTHORIZATION NO. OO-NT-2064 AT AND FOR THE PURCHASE PRICE OF ONE HUNDRED FORTY-NINE THOUSAND, SIX HUNDRED DOLLARS (\$149,600.00); PROVIDED HOWEVER, AND INCLUDED IN THE PURCHASE PRICE, THE NEST, INC. SHALL ASSUME FULL RESPONSIBILITY FOR, AND PAY FOR, ALL PLANNING, DELINEATION, WORCESTER COUNTY PERMITS, CONSTRUCTION, PLANTING, MAINTENANCE, MONITORING AND REMEDIATION AND/OR REPLACEMENT AS MAY BE REQUIRED TO MEET ALL FEDERAL AND STATE MITIGATION STANDARDS UNDER THE PERMITS.

INTRODUCED, at a meeting of the City Council of Ocean City, Maryland held on September 15, 2008.

ADOPTED AND PASSED, by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on October 6, 2008.

ATTEST:

\_\_\_\_\_  
CAROL JACOBS, Clerk

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RICHARD W. MEEHAN, Mayor

Approved as to Form:

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JOSEPH M. MITRECIC, President

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GUY R. AYRES, III, City Solicitor

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NANCY L. HOWARD, Secretary

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

ORDINANCE 2008-

AN ORDINANCE TO AMEND CHAPTER 106,  
ENTITLED, WATERWAYS, OF THE CODE OF  
THE TOWN OF OCEAN CITY, MARYLAND

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 106, ENTITLED WATERWAYS, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND BE, AND THE SAME IS HEREBY, AMENDED BY REPEALING AND REENACTING WITH AMENDMENT SECTION 106-44, AS FOLLOWS:

Sec. 106-44. Maintenance of waterways.

(a) The owner of any real property abutting landward or channelward of any canal, lagoon, basin or other waterway within the corporate limits of Ocean City shall maintain said waterway as follows:

(1) In such a manner that the waterway does not fill in to the extent that the water depth is reduced to the detriment of navigation and recreational use.

(2) In such a manner that the waterway depth will not adversely affect or cause damage to the environment, navigation, recreational potential, property values in the surrounding neighborhood or the shorelines, and any improvements thereto, of surrounding properties or public way.

(b) Whenever it shall come to the attention of the Mayor and the City Council, by petition or otherwise, that a certain waterway area is being adversely impacted, the Mayor and City Council may refer the matter to the Board of Port Wardens for investigation and report.

(c) Upon referral to the Board of Port Wardens, the board may engage the services of engineers, surveyors and other professionals and may obtain estimates from contractors, in order to properly conduct an investigation into the suspected violation. The board shall hold a public hearing and take testimony and evidence with regard to the matters set forth in subsection (d) hereof. Notice of the hearing shall be sent to all property owners (or condominium associations) abutting the waterway which is the subject of the hearing by certified mail, return receipt, at the address of record with the state department of assessments and taxation and shall be published in a newspaper of general circulation published in Worcester County for three successive weeks prior to the hearing. The notice shall state the waterway and

area that is the subject of the suspected violation and the purpose of the hearing.

(d) The board, at the earliest practical date, shall return to the Mayor and the City Council a written report with findings of fact and recommendations on each of the following issues:

(1) The nature of the violation and recommended action.

(2) Allocation of costs of the recommended actions based upon consideration of the following factors:

a. Causation of the violation.

b. Responsibility for the violation.

1. Public.

2. Private business.

3. Single-family residential.

4. Multifamily residential.

(3) Time schedule for commencement and completion of the proposed action.

(4) Such other matters that the Mayor and City Council shall direct the board to investigate and report.

(e) Copies of the report from the board shall be sent, by regular mail, to the abutting property owners and to any other interested party who requests same or offers testimony before the board. Upon receipt of the report from the board, the Mayor and City Council shall schedule the matter for consideration and decision as to the work, if any, that is to be done at a regularly scheduled meeting of the Mayor and City Council and shall notify the abutting property owners and other interested parties who either requested notification or offered testimony before the board. The Mayor and City Council may accept, modify or reject the recommendations of the board.

(f) Dredging and maintenance work.

(1) The Mayor and City Council may from time to time establish a program for waterway maintenance and or dredging, including establishing an authorized depth for each waterway and a time schedule and priority for maintenance and/or dredging.

(2) If the Mayor and City Council decide that certain dredging or maintenance work be performed, the Mayor and the City Council shall obtain all necessary local, state and federal permits for the proposed work. The Mayor and City Council may direct the City Engineer to secure design and construction services as needed to perform the work in accordance with all applicable Ocean City, state and federal laws and regulations.

(3) The Mayor and City Council shall fund the dredging or maintenance work, including design, engineering permits, construction, and other related costs as it may consider appropriate.

(4) Prior to performing any dredging or maintenance work on a particular waterway or portion thereof, the Mayor and City Council shall require that the shoreline of each property abutting the waterway is in acceptable condition, as determined by the City Engineer, with right of appeal to the Board of Port Wardens, such that said shoreline will not cause adverse impacts to the waterway. Costs to repair the shoreline shall be borne by the property owner.

(g) In the event that any property owner fails to commence, within 90 days of proper notice, to bring to standard the shoreline by applying for the necessary local, state and federal permits and to complete the repairs to said shoreline within one calendar year, the Mayor and City Council may cause said work to be done and may assess the cost thereof in the manner prescribed below.

(h) In the event that Ocean City, pursuant to the provisions of this article, incurs any costs therefor that, by the terms of this article, should be paid by any respective property owner or owners, and said costs are not reimbursed to Ocean City within 30 days of billing, Ocean City, Maryland, shall cause a lien in the amount of said costs to be filed among the property tax records along with the real property taxes for the respective property, to be collected in the same manner as taxes with interest from the date of said filing. In addition, Ocean City may institute civil suit at any time to collect any such sums. Any such civil suit shall be instituted by the Mayor and City Council. No person shall convey or otherwise transfer the ownership of any property within Ocean City unless all such bills or costs are paid prior thereto.

INTRODUCED, at a meeting of the City Council of Ocean City, Maryland held on September 15, 2008.

ADOPTED AND PASSED, by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on October 6, 2008.

ATTEST:

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CAROL JACOBS, Clerk

\_\_\_\_\_  
RICHARD W. MEEHAN, Mayor

Approved as to Form:

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JOSEPH M. MITRECIC, President

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GUY R. AYRES, III, City Solicitor

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NANCY L. HOWARD, Secretary

POLICE COMMISSION MEETING MINUTES  
OPEN SESSION  
June 19, 2008 3:00 P.M.

Present: Chief Bernadette DiPino, Chairman Lloyd Martin, Mayor Richard Meehan, Councilman Jim Hall, City Manager Dennis Dare, Capt. Bokinsky, Capt. Bunting, Capt. Colbert, Lt. Guiton, Lt. Pacini

1. Review of the minutes of May 29, 2008 Police Commission Open Session Minutes – Mayor Meehan made a motion to approve and seconded by Councilman Jim Hall. Approved vote was unanimous
2. Taxi Issues
  - A. Appeal of Denial of Taxi Driver’s license - Keith Tucker  
Appeal was granted on a probationary status until September 15, 2008, at which time the Police Commission will review his record for violations.
  - B. Discussion of processing Taxi Drivers’ applications – OCPD implemented a new process for reviewing taxi drivers’ applications which will require a longer processing period.
3. Traffic and Parking Commission Matters
  - A. Permission has been granted for the White Marlin Open use of 30 feet of parking along Jacqueline Avenue, between 14<sup>th</sup> and 15 St., from the fire hydrant south to the corner from Friday, August 1, 2008 through Friday, August 8, 2008. Motion made by Councilman Hall and seconded by Mayor Meehan.
4. False Alarm Hearings
5. Budget Reports
6. Review of General Orders
  - A. G.O. 200 B-2 Brady Material and Consequent Matters – approved, motion made by Councilman Hall and seconded by Mayor Meehan.
  - B. G.O. 400 D-1 Diplomatic and Consular Immunity-approved, motion made by Councilman Hall and seconded by Mayor Meehan.
  - C. G.O. 200 C-2 Disciplinary Process-Disciplinary Matrix ( Discussion tabled until Councilman Hancock is present)
7. New Business
  - A. Blaine Smith led the discussion on the combined effort between the Police Department and Zoning Enforcement on sign enforcement. A concrete seam has been determined as the boundary line for sign enforcement. Councilman Hall maintains that a red line would remove any doubt as to

the boundary line. The Boardwalk Development Assn will make formal recommendations in the near future. Chief DiPino said officers will refer violations to Zoning while checking for drug paraphernalia, obscene t-shirts, replica guns, etc.

- B. Kristen Mahoney, Governor's Office of Crime Control and Prevention met with the Chief and the command staff on June 16, 2008 to discuss the registration of sex offenders coming into Ocean City. A new procedure will be put into effect. A press release was sent out this week.

8. Old Business

AGENDA  
POLICE COMMISSION MEETING  
OPEN SESSION  
July 17, 2008 3:00 P.M.

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

1. Taxi Issues

A. Appeal of Denial of Taxi Driver's license – Michael Davis

Mr. Davis' appeal was denied. He was cited for driving a taxi without a permit after his appeal was denied in April 2008. Mr. Davis was advised to come back in September for re-consideration.

B. Discussion of processing Taxi Drivers' applications

Chief DiPino proposed changes to the taxi driver's licensing process. At that time the Police Commission approved the following changes to the ordinance pending a legal review by the City Solicitor and the State's Attorney's Office.

Upon application for a taxi driver's permit; a temporary taxi driver's license will be issued for thirty days while the application is being processed.

A two week extension will be granted if the background information has not been received by the Ocean City Police Department within the thirty day period.

The applicant must submit certified copies of their driving record for all states for which they have held a driver's license for the past ten years and sign a criminal record waiver. The applicant must go to a fingerprinting location of their choice and obtain fingerprints on two applicant cards. The applicant must submit two additional fees, one for the Maryland fingerprint processing fee and one for the Federal fingerprint cards. This fee is in addition to the current taxi permit application fee.

When applying for a permit the applicant will be advised that they may be subject to the penalties of perjury for a false statement if it is discovered the application contains false statements. Applicants will continue to be processed through I.C.E. concerning employment status and ability to work for Foreign Nationals. The State's Attorney will determine the appropriate criminal charge.

An inquiry will be conducted pertaining to the applicant through Maryland Case Search for open or pending cases that would need to be addressed prior to approval of permit.

If a negative background check is discovered, the applicant will be banned from re-applying for a license for a period of three years.

Any taxi driver fired for cause must be reported to the Police Department. Chief DiPino urged drivers to report any drivers driving without valid taxi licenses.

Mayor Meehan supports the proposal. Chief DiPino will send the proposal to the City Solicitor and the State Attorney's office for review. The City Solicitor will draft a revision to the ordinance and present to the Mayor and Council for approval.

- C. Discussion of Taxi Fuel Surcharge – Jurisdictions in the State of Maryland and elsewhere have approved fuel surcharges, in amounts ranging from \$.40 to \$2.50 per trip, due to the dramatic increase in gas prices. The taxi drivers' present have requested emergency enactment of a fuel surcharge. Classic Taxi owner Christy Freeman requested an additional surcharge for fares outside of Ocean City. One taxi driver suggested a "hack inspector" to police the cabs. Another suggestion was to have each taxi company adopt a custom color scheme unique to each company. A comment was made that if the surcharge were enacted it would make patrons mad and they would give an inadequate tip. Some suggested the button for six passengers should be pressed to add an additional charge to cover the fuel cost. Many of those present felt that passengers felt there was the opportunity for fraud if this option were used. One driver commented that a patron stated that the fares from and to the same location differed with the taxi companies. Mayor Meehan said that he had not received any complaints of violations. He felt the drivers should be responsible and report any violations.

A motion was made by Mayor Meehan and seconded by Councilman Hancock with agreement from the members present to authorize a fuel surcharge of \$1.00 per trip effective July 18-November 1, 2008. Licensed taxis will be issued a fuel surcharge sticker to display along with a letter authorizing the additional charge. Drivers and owners will pick up the stickers and letters at the front desk of the PSB. A review of the taxi fees will be conducted in November 2008.

<b>JURISDICTION</b>	<b>FUEL SURCHARGE</b>	
Atlanta, GA	.40 per trip	
Las Vegas, NV	.45 per trip	
Philadelphia, PA	.50 per trip	
Howard Co. MD	.50 per trip	
Cumberland, MD	.50 per trip	3 month temporary
Annapolis, MD	1.00 per trip	
Anne Arundel Co, MD	2.00 outside of Annapolis	
Montgomery Co., MD	1.50 per trip	3 month temporary
Prince Georges Co. MD	1.00 per trip	
Frederick Co. MD	1.00 per trip	
Frederick City, MD	.50 per trip	

2. Review of General Orders

- A. G.O. 200 C-2 Disciplinary Process-Disciplinary Matrix – A motion was made by Mayor Meehan and seconded by Councilman Hancock to approve and send to the full Mayor and Council
- B. G.O. 500 S-1 Secondary Employment-a meeting was held with Robbie Rosenblit from H2O. Mr. Rosenblit has had his employment insurance adjusted. He would like the ability to choose from a list of secondary employment police officer candidates rather than reject a candidate. The wording will be modified to reflect a secondary employer may select an employee from a list of applicants before it is sent to the Mayor and Council for approval. “Without just cause” will be eliminated from the General Order. The revised General Order will be sent to the Mayor and Council for approval.

3. New Business

- A. Discussion of problems with Boardwalk Performers – Carol Jacobs  
Guy Ayres, Chief DiPino, Lt. Kirkpatrick and Carol Jacobs will meet to discuss amendments to the regulations to enable the police to address some of the complaints from businesses and citizens.
- B. Discussion of Salvia – new hallucinogenic drug of choice  
Captain Bokinsky gave a PowerPoint presentation on this drug which is legally for sale on the Boardwalk. He asked for the Commission’s support to propose legislation to ban the sale of this dangerous drug. Thirteen states in the U.S have banned the sale. Guy Ayres will be asked to draft an ordinance for approval by the Mayor and Council.

AGENDA  
POLICE COMMISSION MEETING  
OPEN SESSION  
August 18, 2008 4:30 P.M.

Present: Police Commission Chairman Lloyd Martin, Mayor Richard Meehan, Council Member Jim Hall, Council Member Jay Hancock, City Manager Dennis Dare, Chief Bernadette DiPino, Captain Michael Colbert, Captain Robert Bokinsky, Lt. Robert Noll, City Engineer Terry McGean, Transportation Director George Thomes, Sgt. Todd Wood, DFC Shawn Jones, City Solicitor Guy Ayres.

1. Traffic and Parking Commission Matters

A. Discussion of 26th Street dead end

Since the median was installed from 9th to 26th Streets, the City has been receiving complaints from the residents at the west end of 26th Street regarding the volume of vehicles that turn around at the end of the street. In response to these complaints, the City has installed numerous dead end and directional signs, however the problem persists. During a recent visit to the site, City Engineer Terry McGean observed that one out of every five vehicles that entered 26th Street still continued to the end and turned around. Most of those vehicles after turning around then went north on Judlee Ave. The residents have asked for barricades in the street at 26th and Judlee Ave. which he does not believe is a prudent reaction. Mr. McGean proposes a three phased approach to the problem.

Phase 1 would create a right turn lane at Judlee Ave. and add pavement marking directing westbound traffic to the right for Judlee Ave. and straight for DEAD END. This would assist drivers in making it clear that traffic headed for Bayshore Drive needs to turn at Judlee Ave.

If Phase 1 does not significantly improve the problem, then the recommendation is to install a multi-way stop at the intersection. This would force westbound traffic at 26th street to stop and give them time to make the decision to turn.

Finally, the last option would be to add some center islands on either side of the intersection to really make it stand out. However, this would require significant parking removal from 26th street and would only be recommended as a last resort.

Councilman Jim Hall made the suggestion to add a street sign under the Bayshore Drive street sign labeled "27<sup>th</sup> Street".

Councilman Hancock made the motion to accept the above proposals and the motion was seconded by Councilmember Jim Hall.

B. Ban on use of POD storage containers on City streets

City Engineer Terry McGean recommended that POD storage units be prohibited on the street. Currently they are allowed for six months with a \$50 permit. Councilman Hancock recommends relaxing the terms on private property to make up for prohibiting the units on the street. He believes it is a good alternative to the dumpsters.

Councilman Hall believes 5-7 days time limit is enough for the PODS. They are traditionally used for construction renovation. He suggests a deposit of \$500 to cover any damage done to the street and to promote immediate removal. Seventy-two hours notice should be given for removal. Everyone agreed that Mr. McGean should get additional information on how Miami handles PODS and present it at a future Police Commission Meeting.

2. Review of General Orders

- A. G.O. 500 S-1 Secondary Employment – Section VIII, B2 amended by adding words “**by the employer**” Motion to approve made by Mayor Meehan and seconded by Councilman Hancock and approved. Vote was unanimous.

3. New Business

- A. Hybrid vehicles and fuel economy study – Presented by Lt. Robert Noll  
Lt. Noll informed those present there is a three year wait for hybrid vehicles. FORD is not accepting any vehicle orders. There are concerns about the batteries ability to support the emergency lights and equipment. Current vehicles usually need ninety minutes to backup data at the end of a shift. Chief DiPino raised the concern regarding the additional cost of the hybrid vehicles vs. the fuel savings. Councilman Hancock and Mayor Meehan felt that environmental issues need to be considered. Councilman Hancock believes we should assess hand me down strategies. Mayor Meehan wants to look at working hybrid vehicles into the fleet.

- B. DFC Shawn Jones and D/Sgt. Todd Wood-petition the Police Commission for reward money (per City Code 58-1) for the violent May rape at Seacrets Nite Club. Investigators believe if the suspect is not apprehended he may return and repeat his savage attack on another vulnerable victim. The victim may not have survived her injuries if the suspect had not been interrupted during the attack. Councilman Jim Hall made a motion to offer a \$5,000 reward for information leading to the arrest and conviction of the perpetrator of the rape and vicious beating of the victim. Councilman Hancock seconded the motion. The vote was unanimous.

8. Old Business

- A. Councilman Hancock inquired if there had been undercover officers placed in taxis. Captain Colbert stated the buses were a priority and overtime was an issue. He indicated the Traffic Safety Unit was monitoring the taxis for enforcement but did not do so while the taxis were transporting patrons. Mayor Meehan believed after the summer would be a better time to address his concerns. Councilman Hancock disagreed, stated that summer was the time when the problem taxis were operating.

**Coastal Recourses Legislative Committee  
September 2, 2008**

**Attendees:** Jay Hancock – City Council  
Mary Knight – City Council  
Terry McGean – Engineering  
Jesse Houston – P & Z  
Gail Blazer - Engineering

**Call To Order**

Meeting called to order at 3:00

**1. Sidewalk Widening - The sidewalk widening creating some conflicting requirements. Sidewalk widening should be required wherever possible.**

**Some of the conflicting issues are as followed:**

- a. Widening the Street per Public Works policy
- b. Widening sidewalk and landscaping requirements. Can trees be in sidewalk widening?
- c. Can steps be in the sidewalk widening?
- d. Sidewalk widening and allowable encroachments into setback can restrict actual planting area to 1' wide and which is not enough area for a tree planting.

We need to develop a policy or hierarchy of priority as well as where we should be asking for this. Such as R1 districts? Montego Bay, Caine Woods. Etc. We are going to continue the discussion at the next meeting on October 7<sup>th</sup>.

**2. The Stormwater Management regulations are going to be revised.**

We had the MDE visit us to see how we do redevelopment here and they were very impressed. I explained to them that I didn't want the current code watered down for people to be able to exempt themselves from swm requirements. They are probably going to raise the requirement to a 50% reduction of impervious surface with soft engineering techniques such as Bioretention, raingardens, pervious paving surfaces etc. Environmentally Sensitive Design is the buzzword. The NewLaw will be here within a month for us to look at so it will be on the agenda again next month.

3. The Critical Area commission also came to meet with us and tour the town. They feel that the current law may need to be changed and we should be developing a Model ordinance to address the problems with the current code where it doesn't really make sense with the development patterns we have. We will be working on the code changes with the Critical Area commission Staff.

4. **Mini-Grant program** was very successful but all the money wasn't used therefore will be offering the same programs for the 2009-planting season. Rain garden manual will be available at the next meeting in October.

### **New Topic**

1. Residential windmills will be discussed at the planning commission meeting tomorrow night. Through research we have a sample ordinance where you will fill in the blanks. Manufacturers recommend a minimum of one acre but the model ordinance says ½ acre. We have two people interested in the installation of these turbines and tomorrow we will be opening discussion on the topic.
2. Shadow law status was asked about and Jesse stated that research was being done and this is the week a field review was required.

Meeting Adjourned 4:00

Next Meeting October 7, 2008

cc: Maryland Coastal Bays  
Kathleen Mathias  
Christine Cullen – OC Today  
Surfriders  
Steve Green - Dispatch