

December 23 21, 2009
Regular Session #24
Corrected (see Page 3)
Mayor and City Council
Town of Ocean City, Maryland

Present:

Mayor Richard W. Meehan
Council President Joseph M. Mitrecic
Council Secretary Lloyd E. Martin

Council Members

James S. Hall
Margaret L. Pillas
Mary P. Knight
Douglas S. Cymek
Joseph T. Hall, II

ATTENDANCE

Mayor Rick Meehan, Council President Joe Mitrecic, Council Secretary Lloyd Martin, Council Members Jim Hall, Margaret Pillas, Mary Knight, Doug Cymek and Joe Hall, City Manager Dennis Dare, City Solicitor Guy Ayres, Assistant to City Manager Kathy Mathias, Finance Administrator Martha Lucey, City Engineer Terry McGean, Public Works Director Hal Adkins, Ocean City Police Department Captain Kevin Kirstein, Planning and Community Development Director Jesse Houston, Private Events Coordinator Lisa Mitchell, City Clerk Carol Jacobs, Members of the Press and Interested Parties.

CALL TO ORDER

Council President Joe Mitrecic called this Regular Session to order at 6:00 p.m., in the Council Chambers of City Hall, 301 Baltimore Avenue, Ocean City, Maryland 21842.

PRAYER & PLEDGE

Deacon Gardner from St. Mary's Holy Savior Church led the prayer and Council Member Margaret Pillas led the Pledge of Allegiance.

CITY MANAGER'S REPORT ON UPCOMING WORK SESSION

City Manager Dare reported that there will be no work session next week.

APPROVAL OF MINUTES

Minutes for Regular Session #23, dated December 7, 2009, and, Work Session, dated December 1, 2009 were approved as presented.

BID OPENINGS

A. Boardwalk Decking

(Budget Allocation = \$139,000.00; *Bid Bond Required)

Public Works Director Hal Adkins was present for questions. Council President Mitrecic excused himself from this discussion then left the room.

Council Member Jim Hall moved to reject the bid from SVF Enterprises, Inc. because a bid bond was not enclosed; seconded by Council Member Mary Knight. The vote was 6-0 with Council President Mitrecic out of the room.

Council Member Jim Hall moved to reject the bid from Patterson & Sons because a bid bond was not enclosed; seconded by Council Member Mary Knight. The vote was 6-0 with Council President Mitrecic out of the room.

BID OPENINGS – BOARDWALK DECKING CONTINUED...

Bidders	Lump Sum
Ocean Services	\$117,480.00
Joseph T. Dashiell Builders	\$ 84,456.13
F.M. Harvey Construction	\$131,247.00
Grubb Contractors, Inc.	\$141,874.00
Miken Builders	\$137,130.00
Kade Kade Construction	\$ 69,493.20
Southern Builders	\$152,678.00

Council Member Doug Cymek moved to accept the apparent lowest bid from Kade Construction with remand to Staff for review; seconded by Council Member Jim Hall. The vote was 6-0 with Council President Mitrecic out of the room.

B. **48” Influent Sewer Rehabilitation**

(Budget Allocation = \$600,000.00; *Bid Bond Required)

Bidders	Lump Sum
Am-Liners East, Inc.	\$ 561,455.00
Insituform Technologies, Inc.	\$1,021,125.00

Council Member Doug Cymek moved to accept the apparent lowest bid from Am-Liners East, Inc. with remand to Staff for review; seconded by Council Member Jim Hall. The vote was unanimous.

ITEMS PRESENTED BY THE MAYOR AND CITY COUNCIL

- A. Council Secretary Lloyd Martin reported on the Police Commission Meeting Minutes of September 9, 2009 and October 14, 2009 (see Attachment A).
- B. Ocean City Police Department Captain Kevin Kirstein recognized OCPD Human Resources Coordinator Rosemary Sample as Employee of the Month.

SPECIAL EVENT PERMIT REQUESTS

Private Events Coordinator Lisa Mitchell presented the following items for approval:

- A. **Board Walkin’ for Pets**, Saturday, April 24, 2010, starting at 9:00 a.m. at the Inlet Parking Lot. Present for questions was Kristy Haley of the Worcester County Human Society. **Council Member Mary Knight moved to approve; seconded by Council Member Margaret Pillas. The vote was unanimous.**
- B. **Seaside 10**, Saturday, October 30, 2010, starting at 9:00 a.m. at the Inlet Parking Lot. Present for questions was Chris Klebe of OC Tri-Running. Council Member Jim Hall asked Mr. Klebe to reduce the Towns expenditure for next year’s event. **Council Member Jim Hall moved to approve; seconded by Council Member Mary Knight. The vote was unanimous.**
- C. **Ocean City Half Marathon**, on Saturday, April 24, 2010, from 7:00 a.m. – 9:00 p.m. Present for questions was Chris Klebe of OC Tri-Running. **Council Member Mary Knight moved to approve; seconded by Council Member Jim Hall. The vote was unanimous.**
- D. **Council of Baltimore Raven’s Roosts Annual Convention and Parade**, on June 3-16, 2010 (with 2011 Date Hold). – Withdrawn (representatives were unable to attend due to weather conditions.)

APPOINTMENTS TO BOARDS, COMMISSIONS AND OTHER CITY ORGANIZATIONS
Council Secretary Lloyd Martin moved to recommend the reappointment of Public Works Solid Waste Superintendent Woodrow Shockley to the Worcester County Solid Waste Advisory Committee; seconded by Council Member Doug Cymek. The vote was unanimous.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY SOLICITOR

City Solicitor Guy Ayres presented the following for approval:

- A. Ocean City Police Department General Orders:
- (1) 200 A-1, entitled *Ethics in Law Enforcement*
 - (2) 200 A-2, entitled *Brady Material and Consequent Matters*
 - (3) 200 B-1, entitled *General Conduct and Compliance with Rules and Regulations*
 - (4) ~~200 B-2, entitled *Off-duty Action* [withdrawn]~~
 - (5) 200 C-1, entitled *Employee Counseling*
 - (6) 200 D-1, entitled *Disciplinary Process*
 - (7) 500 B-1, entitled *Promotional Process – non-exempt sworn ranks*

Council Member Jim Hall moved to approve General Orders 200 A-1, 200 A-2, 200 B-1, 200 C-1, 200 D-1 and 500 B-1; seconded by Council Secretary Lloyd Martin. The vote was unanimous. The Mayor concurred with the vote.

- B. First Reading of Ordinance 2009-24 adopting Budget Amendment #1 for Fiscal Year 2010. **Council Member Jim Hall moved to approve the First Reading of Ordinance 2009-24; seconded by Council Member Mary Knight. The vote was unanimous.**

- C. First Reading of Ordinance 2009-25 amending Chapter 10, entitled *Buildings and Building Regulations*, Section 151, adopting the *International Residential Code*. **Council Member Jim Hall moved to approve the First Reading of Ordinance 2009-25; seconded by Council Member Mary Knight. The vote was unanimous.**

- D. First Reading of Ordinance 2009-26 amending Chapter 110-904, entitled *Zoning*, modifying lot area requirements to allow the acquisition of up to 200 square feet of private property by government agencies without affecting density. **Council Member Doug Cymek moved to approve the First Reading of Ordinance 2009-26; seconded by Council Secretary Lloyd Martin. The vote was unanimous.**

- E. First Reading of Ordinance 2009-27 amending Chapter 10, entitled *Buildings and Building Regulations*, adopting the *Mechanical Code*. **~~Council Member Doug Cymek~~ Council Secretary Lloyd Martin moved to approve the First Reading of Ordinance 2009-27; seconded by Council Member Doug Cymek. The vote was 6-1 with Council Member Joe Hall opposed.**

- F. First Reading of Ordinance 2009-28 amending Chapter 110-884, entitled *Zoning*, amending the standards for outdoor displays of merchandise on Atlantic Avenue. **~~Council Member Margaret Pillas~~ Council Member Jim Hall moved to approve the First Reading of Ordinance 2009-28; seconded by ~~Council Member Jim Hall~~ Council Member Mary Knight. The vote was unanimous.**

- G. First Reading of Ordinance 2009-29 amending various sections of Chapter 110, entitled *Zoning*, to allow for outdoor displays as accessory use. **Council Member Margaret Pillas moved to approve the First Reading of Ordinance 2009-29; seconded by Council Member Jim Hall. The vote was unanimous.**

- H. First Reading of Ordinance 2009-30 amending Chapter 110-885, entitled *Zoning* implementing standards for outdoor display of merchandise for the Downtown Overlay and Upper Downtown Overlay Districts (excluding Atlantic Avenue). **Council Member Margaret Pillas moved to approve the First Reading of Ordinance 2009-30; seconded by Council Member Doug Cymek. The vote was unanimous.**

ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY MANAGER

City Manager Dare requested approval to:

- A. Upcoming bid openings:
- (1) Boardwalk variable message signs. **Council Secretary Lloyd Martin moved to approve; seconded by Council Member Mary Knight. The vote was unanimous.**
 - (2) Three (3) Beach Patrol ATV's. **Council Member Jim Hall moved to approve; seconded by Council Secretary Lloyd Martin. The vote was unanimous.**
- B. City Engineer Terry McGean requested permission to accept the DNR's Shoreline Loan for Robin Drive (see Attachment B). He advised that, if approved, he will seek the community's feedback about including the crabbing pier in the project. **Council Member Joe Hall moved to proceed with obtaining the DNR loan for the Robin Drive Shoreline Project including the crabbing pier; seconded by Council Member Margaret Pillas. The vote was unanimous.**

COMMENTS FROM CITIZENS

Ellie Diegelmann commented on the Robin Drive Shoreline Project.

Bob Melvin commented on the ADA Medical Transport Program.

COMMENTS FROM THE MAYOR AND CITY COUNCIL

Council Member Margaret Pillas asked City Manager Dare to look into the traffic light on 1st Street and Philadelphia Avenue.

(In response Ms. Diegelmann's comment about the Council's decision making process) Council President Mitrecic pointed out that each Council Member is supplied with the full agenda packet, days before each meeting, in order to make informed decisions.

Mayor Meehan advised that a representative of the American Legion requests that the Town issue a second letter to the Maryland Legislature in support of slot machines in fraternal organizations. **Council Member Jim Hall moved to ask the Mayor to issue a second letter supporting slots in fraternal organizations; seconded by Council Secretary Lloyd Martin. The vote was unanimous.** Secondly, he thanked City Engineer McGean for keeping a close eye on the beaches during the weekend storm. Thirdly, he reminded the forum that bus rides are free on New Year's Eve. Lastly, he invited everyone to attend the Mayor and Council's Open House, from 1:00 – 3:00 p.m. at City Hall on New Years Day.

ADJOURNMENT

Council Member Jim Hall moved to adjourn at 6:58 p.m.; seconded by Council Secretary Lloyd Martin. The vote was unanimous.

ATTACHMENT A

**POLICE COMMISSION MEETING
OPEN SESSION
October 14, 2009 3:00 P.M.**

Present: Chairman Lloyd Martin, Council Member Doug Cymek, Dennis Dare, Chief DiPino, Captains Colbert, Bunting, Kirstein, Lt. Pacini, PFC Hugh Bean

1. The minutes were approved for September 9, 2009 Police Commission Open Session. Motion made to approve the minutes was made by Councilman Cymek. Vote was unanimous.
2. Taxi Issues
 - A. Appeal of Taxi License Denial – Fiodar Kachanau and Attorney David Gaskill

Councilman Cymek made a motion to restore Mr. Kachanau's taxi driver's license conditionally. Mr. Kachanau must incur no further violations; this does not mean convictions, through the end of 2009 to retain his license. Vote was unanimous.
3. New Business
 - B. General Order 500 R-1 Law Enforcement Officer's Safety Act of 2004 was approved. Councilman Cymek made a motion to approve the order. Vote was unanimous.

POLICE COMMISSION MEETING MINUTES
OPEN SESSION
September 9, 2009 3:00 P.M.

Present: Mayor Meehan, Chairman Lloyd Martin, Council Members Jim Hall and Doug Cymek, Dennis Dare, Chief DiPino, Captains Colbert, Bunting, Bokinsky, and Kirstein, PFC Hugh Bean

1. Members approved minutes of August 12, 2009 Police Commission Open Session Minutes
2. Taxi Issues
 - A. Taxi Driver's License Appeal – Wilhelm Von Otto

Mayor Meehan made the motion to suspend Mr. Von Otto's taxi license for sixty (60) days. He must pay the \$100 fine for the broken meter seal. Once all of the requirements have been met for a taxi license and Mr. Von Otto has not received any citations during his sixty days suspension, he will be granted his taxi license. The motion was seconded by Councilman Cymek.
 - B. Mr. Joshua Brown did not appear to appeal his taxi license denial.
3. Traffic and Parking Commission Matters
4. False Alarm Hearings
 - A. Discussion of 71st St. Post Office - \$1300 outstanding fines

Councilman Cymek made a motion that the \$1300 in outstanding fees must be paid in full. After the system has been repaired and is operational without any false alarms in the following ninety day period, \$650 will be refunded. The postmaster must also submit the protocol for responding to false alarms at the post office. Councilman Jim Hall seconded the motion.

ATTACHMENT B

MEMORANDUM

DATE: 11/13/2009
 TO: DENNIS DARE
 FROM: TERENCE MCGEAN
 RE: ROBIN DRIVE SHORELINE RESTORATION

I have been working for some time with the Department of Natural Resources and the Maryland Coastal Bays on a design for a soft shoreline protection project to replace the failing bulkhead on Robin Dr. Coastal Bays has agreed to fund \$8,000 towards design of the soft shoreline project and DNR has agreed to a no interest loan for the soft shoreline work.

The total length of the project is approximately 608 linear feet. The soft shoreline extends 40' into the water. Therefore, in order to preserve the boat slips along the west end of the project, we can only use the soft shoreline protection method for 465 linear feet. The remaining 143 feet would be done as a vinyl replacement bulkhead. In previous discussions with the Council regarding this project, we have also discussed the addition of a crabbing pier in this area. Per the table shown below, the initial cost to the City for this project would be \$42,940 and the annual loan payment to the State would be \$20,580 per year for 15 years.

Cost Breakdown

Item	Qty	Unit	Unit Price	Total Price
Soft shoreline	465	lf	\$ 596	\$ 277,140
Bulkhead	143	lf	\$ 300	\$ 42,900
Crabbing Pier	400	sf	\$ 20	\$ 8,000
Design	1	ls	\$ 20,000	\$ 20,000
DNR Fees	1	ls	\$ 11,600	\$ 11,600
Total Project Cost				\$ 359,640
DNR Loan				\$ 308,700
Coastal Bays Grant				\$ 8,000
City Share PAYG				\$ 42,940
Total lifetime cost to City (DNR no interest plus city PAYG)				\$351,640.00

Soft shoreline projects are the only projects that DNR will currently fund and are being strongly encouraged by the State permitting agencies. Soft shoreline protection will soon be required to be used in many locations (although not for replacement bulkheads).

MEMORANDUM: ROBIN DRIVE SHORELINE RESTORATION

At the Robin Drive shoreline it would be possible to get a replacement bulkhead permitted and a bulkhead would be less expensive than a soft shoreline. However, the City would not be able to get a no interest loan for this work, nor would we be able to use the Coastal Bays grant. The bottom line is that even with the loan and the grant, the soft shoreline will cost approximately \$60,000 more than a conventional vinyl bulkhead.

Cost Breakdown - Bulkhead Option

Item	Qty	Unit	Unit Price	Total Price
Soft shoreline	0	lf	\$ 596	\$ -
Bulkhead	608	lf	\$ 300	\$ 182,400
Crabbing Pier	400	sf	\$ 20	\$ 8,000
Design	1	ls	\$ 10,000	\$ 10,000
DNR Fees	0	ls	\$ 11,600	\$ -
Total Project Cost				\$ 200,400
City PAYG Design				\$ 10,000
Coastal Bays Grant				\$ -
City amount to bond				\$ 190,400
Total annual costs P&I 20 yr @ 4%	20	4%		(\$14,009.97)
Total lifetime cost to city	20			(\$290,199.31)

Although the soft shoreline option is more expensive, it would be expected to last longer than a conventional bulkhead and therefore the total life cycle cost will probably be the same as a bulkhead. In addition it is by far the preferred environmental alternative.

Soft shorelines, also known as Living Shorelines consist of a created wetland protected by a low stone sill. They provide water quality benefits of filtering and nutrient removal, habitat creation in the marsh, erosion control benefits to the land immediately behind the marsh and surrounding properties through wave dissipation. Because the soft shoreline creates habitat, Critical Area Mitigation funds could also be used to help pay for the construction of this alternative.

Because of the additional environmental benefits gained from the soft shoreline, I would recommend that the City accept the DNR no interest loan and the Coastal bays grant and proceed with construction of this living shoreline alternative at Robin Drive. Today's storm significantly weakened the existing bulkhead so no matter which option is chosen, time is of the essence.