

February 2, 2009
Regular Session #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

City Manager Dennis Dare, City Solicitor Guy Ayres, Assistant to City Manager Kathy Mathias, Finance Administrator Martha Lucey, Special Events Director John Sullivan, City Engineer Terry McGean, Public Works Director Hal Adkins, Assistant Public Works Director James Parsons, Planning and Community Development Director Jesse Houston, City Planner Robert Nelson, 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 4:00 p.m., in the Council Chambers of City Hall, 301 Baltimore Avenue, Ocean City, Maryland 21842. Then, **Council Secretary Lloyd Martin moved to convene into closed session: (1) to consult with counsel to obtain legal advice ; (2) to conduct collective bargaining negotiations or consider matters that relate to negotiations; and, (3) 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; seconded by Council Member Mary Knight. The vote was 4-0 with Council Members Jim Hall, Doug Cymek and Joe Hall absent.**

PRAYER & PLEDGE

Reverend George Godfrey of the Atlantic United Methodist Church led the Prayer, and Council Secretary Lloyd Martin led the Pledge of Allegiance.

REPORT ON CLOSED SESSION

Council President Mitrecic reported that legal, collective bargaining and contractual matters were discussed in the Executive Session held at 4:00 p.m.. Persons present were: Mayor Rick Meehan, Council President Joe Mitrecic, Council Secretary Lloyd Martin, Council Members Jim Hall, CLOSED SESSION DISCUSSION...

Margaret Pillas, Mary Knight and Doug Cymek, City Manager Dennis Dare, City Solicitor Guy Ayres, Assistant to City Manager Kathy Mathias and City Engineer Terry McGean.

He advised: (1) a motion was made by Council Member Jim Hall, seconded by Council Member Mary Knight, to vote on a contract in open session. He reported that the vote was 4-0 with one abstention and Council Members Cymek and Joe Hall absent; and, (2) a motion was made by Council Member Mary Knight, seconded by Council Secretary Lloyd Martin, to close the executive session. He reported that the vote was 6-0 Council Member Joe Hall absent.

CITY MANAGER'S REPORT ON UPCOMING WORK SESSION

City Manager Dennis Dare reported that the following items are scheduled for discussion in the upcoming work session:

1. State Highway Administration's follow-up discussion on the Route 50 Bridge Study
2. Proposed Zoning Amendment for New Development initiatives in the Downtown Overlay District – presented by Planning and Community Development Director Jesse Houston
3. Request to amend the Caroline Street Pad Rotation for 2009 – presented by Assistant to City Manager Kathy Mathias
4. Review and approval of amendments to the Policy and Procedure Manual – presented by Assistant to City Manager Kathy Mathias
 - a. Travel Policy
 - b. Identity Theft Policy
 - c. Special Event Permit Request Policy
 - d. Council Agendas

ITEMS PRESENTED BY THE MAYOR AND CITY COUNCIL

Bryan Lilley of , OC Air Show, LLC, introduced Thunderbird Advance Pilot Major Anthony B. Mulhare of Thunderbird 8.

UNFINISHED BUSINESS

City Engineer Terry McGean presented the electrical procurement reverse auction contract with APPI/World Energy. **Council Secretary Lloyd Martin moved to approve the contract with APPI/World Energy for electrical procurement; seconded by Council Member Jim Hall. The vote was 6-0 with Council Member Joe Hall absent.**

NEW BUSINESS

Ken Turner of the U.S. Census Bureau summarized plans for the 2010 Census. He requested the Town's assistance in preparing for the April 1, 2010 Count by forming a Count Committee and establishing temporary Questionnaire Assistance and 'Request to be Counted' Centers.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY SOLICITOR

City Solicitor Ayres presented the following for approval:

- A. Second Reading of **Ordinance 2009-2**, amending the Employees of Ocean City, MD Pension Plan and Trust. **Council Member Jim Hall moved to approve the Second Reading of Ordinance 2009-2; seconded by Council Secretary Lloyd Martin. The vote was 6-0 with Council Member Joe Hall absent.**
- B. First Reading of **Ordinance 2009-3**, amending Chapter 110, entitled *Zoning*, to permit small wind energy systems. **Council Secretary Lloyd Martin moved to approve the First Reading of Ordinance 2009-3 with amendments to remove the variance clause [§ 110-883 (b) (1)] and allow with conditional use; seconded by Council Member Jim Hall. The vote was 6-0 with Council Member Joe Hall absent.**
- C. First Reading of **Ordinance 2009-4**, amending Chapter 14, entitled *Businesses*, eliminating the rental decal requirement. **Council Secretary Lloyd Martin moved to approve the First Reading of Ordinance 2009-4; seconded by Council Member Mary Knight. The vote was 6-0 with Council Member Joe Hall absent.**
- D. **Resolution 2009-1** adopting FY10 Water and Wastewater Rates (rates remain the same as FY09) (see Attachment A). **Council Secretary Lloyd Martin moved to adopt Resolution #2009-1; seconded by Council Member Mary Knight. The vote was 6-0 with Council Member Joe Hall absent.**
- E. **Resolution 2009-2** establishing Boardwalk Vehicle Permit Fees and City Right-of-Way Usage Permit Fees. **Council Member Mary Knight moved to adopt Resolution #2009-2; seconded by Council Secretary Lloyd Martin. The vote was 6-0 with Council Member Joe Hall absent.**

COMMENTS FROM CITIZENS

Herb Pawlukewicz commented on funding for the Convention Center.

COMMENTS FROM THE MAYOR AND CITY COUNCIL

Council Member Margaret Pillas requested that responses to the Request for Proposal from pension firms be publicly read into the record.

City Manager Dare recommended forgoing FY10 Cost of Living and Merit Increases for all General Employees. **Council Secretary Lloyd Martin moved to accept this recommendation; seconded by Council Member Margaret Pillas. The vote was 6-0 with Council Member Joe Hall absent.**

ADJOURNMENT

Council Member Mary Knight moved to adjourn at 7:00 p.m.; seconded by Council Secretary Lloyd Martin. The vote was 6-0 with Council Member Joe Hall absent.

ATTACHMENT A

RESOLUTION NO. 2009-

RESOLUTION ADOPTING WATER AND WASTEWATER RATES
FOR FISCAL YEAR 2010

WHEREAS, Section 94-39 and 94-69 of Chapter 94, entitled Utilities, of the Code of the Town of Ocean City, Maryland authorize and empower the Mayor and City Council of Ocean City to establish and adopt water and wastewater rates by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY MAYOR AND CITY COUNSEL OF OCEAN CITY THAT WATER AND WASTEWATER RATES IN THE AMOUNTS AND FOR THE FISCAL YEAR 2010, SET FORTH AS FOLLOWS, BE, AND THE SAME ARE HEREBY, ESTABLISHED AND ADOPTED:

<u>Water Quarterly Rates</u>	<u>Fiscal Year 2010</u>
Fixture Charge (per equivalent fixture)	\$2.90
Commodity Charge (per 1,000 gallons)	2.70
Service availability fee (per vacant lot)(1)	17.40
<u>Wastewater Quarterly Rates</u>	
Fixture Charge (per equivalent fixture)	7.05
Service availability fee (per vacant lot)(2)	16.50
Pool (3)	35.25
(1) capital costs for six equivalent fixtures	
(2) capital cost portion (39%) of six equivalent fixtures	
(3) pool drainage fixture equivalent to 5 fixtures	

RESOLVED this 2nd day of February, 2009, and effective as of July 1, 2009.

ATTEST:

CAROL JACOBS, Clerk

RICHARD W. MEEHAN, Mayor

Approved as to Form:

JOSEPH M. MITRECIC, President

GUY R. AYRES III City Solicitor

I. LOYD MARTIN, Secretary