

March 16, 2009
Regular Session #6
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, Acting City Solicitor Mark Cropper, Assistant to City Manager Kathy Mathias, Special Events Director John Sullivan, Zoning Administrator Blaine Smith, City Clerk Carol Jacobs, Members of the Press and Interested Parties.

CALL TO ORDER

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

PRAYER & PLEDGE

Reverend Terry Davis of the Ocean City Baptist Church led the Prayer, and Council Member Doug Cymek led the Pledge of Allegiance.

Mayor Meehan thanked Reverend Davis for attending the Town's Employee Appreciation luncheon.

CITY MANAGER'S REPORT ON UPCOMING WORK SESSION

City Manager Dare reported that the following items are scheduled for discussion in the next work session.

1. Acknowledgement of Request for Proposals for the transfer station;
2. Recommendation on residential development and commercial zoning districts – presented by Planning and Community Development Director Jesse Houston;
3. Boardwalk Outdoor display guidelines – presented by Planning and Community Development Director Jesse Houston;
4. Presentation of 2010 Town-sponsored events – Parks and Recreation Director Tom Shuster;
5. 2009 Picnic Table Agreements – presented by City Clerk Carol Jacobs;
6. Request for pre-approval of parking meters in 2009 – presented by Assistant to City Manager Kathy Mathias;

7. Discussion of proposed boardwalk bike riding hours – presented by Don Enstee of Dandy Don's Bike Shop.

APPROVAL OF MINUTES

Minutes for Regular Session #5, dated March 2, 2009, were approved as presented.

SPECIAL EVENT PERMIT REQUESTS

- A. **AVP Croc Tour – Ocean City Open**, June 18-21, 2009, on the Dorchester Street Beach, from 7:00 a.m. (set-up) to 6:00 p.m. Present for questions was Brett Wolf for Corrigan Sports Enterprises. **Council Member Doug Cymek moved to approve the event with no alcoholic beverage sales, and, setup must be 30 feet east of the boardwalk with a 12-foot access way for beach patrol; seconded by Council Member Mary Knight. The vote was unanimous.**
- B. **Community Easter Sunrise Service**, Sunday, April 12, 2009, on the North Division Street Pad, from 4:45 a.m. to 6:00 a.m.. Present for questions was Reverend Terry Davis of the Ocean City Baptist Church. **Council Member Doug Cymek moved to approve; seconded by Council Member Mary Knight. The vote was unanimous.**
- C. **Good Friday Cross Walk**, Friday, April 10, 2009, from South Division Street to 4th Street, from 11:30 a.m. to 1:00 p.m.. **Council Member Doug Cymek moved to approve; seconded by Council Member Jim Hall. The vote was unanimous.**

NEW BUSINESS

- A. Melvin Friedman invited the Mayor and Council to the AARP Health Fair at the Convention Center on Tuesday, April 14, 2009.
- B. Citizen Bob Melvin asked the Council to consider a city-wide effort to raise funds for door-to-door transportation services into Berlin. **Council Member Jim Hall moved to ask legal counsel to review the legalities of Mr. Melvin's proposal, and, Public Works Director Hal Adkins; and, Public Works Transportation Superintendent George Thornes review the logistics then present the Council with a recommendation; seconded by Council Secretary Lloyd Martin. The vote was unanimous.**

ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY SOLICITOR

Acting City Solicitor Cropper presented the following for approval:

- A. First Reading of an ordinance to amend Chapter 110, entitled *Zoning*, to repeal and re-enact amendments to the Downtown Development incentives. Council Member Jim Hall moved to approve this ordinance and Council Member Mary Knight seconded. Both were withdrawn. **Council Secretary Lloyd Martin moved to schedule this item for discussion in the next work session; seconded by Council Member Doug Cymek. The vote was unanimous.**
- B. First Reading of Ordinance 2009-5, amending Chapter 110, entitled *Zoning*, clarifying the height limits from 3rd to 15th Streets. **Council Member Jim Hall moved to approve Ordinance 2009-5 on First Reading; seconded by Council Member Mary Knight.**

Discussion on Ordinance 2009-5 continues...

William Caulk of Caulk Condominiums said that passage of this ordinance will affect his client's plans for a 4-story building in the area in question. He said that, since his client met all the requirements and already applied for the permit, the Council should offer a compromise. Buck Mann encouraged the Council to offer a compromise.

Zoning Administrator Blaine Smith explained that a 2005 ordinance defined the area of height-restriction, from 3rd to 15th Street, in the area between Philadelphia to Edgewater Avenue; but since Edgewater Avenue ends at 13th Street, that two-block area (where the lot is situated) was left in question. When the Planning Commission raised the issue, Mr. Smith presented it for discussion in last week's work session. *[In the March 9, 2009 Work Session, the Council voted unanimously to proceed with the first reading of the ordinance to clarify the height-restricted area.]*

Mr. Smith advised that today, the builder presented final plans and application for a 4-story/50-foot building (which is allowed by the Code as it is written). Council President Joe Mitrecic pointed out that the structure is, from foundation to rooftop, 54 feet high.

Council Member Jim Hall amended his motion to allow a 40 foot building; Council Member Knight withdrew her second. seconded by Council Secretary Lloyd Martin. The vote was 3-4 with Council Members Doug Cymek, Joe Hall, Mary Knight, and Margaret Pillas opposed.

Council Member Mary Knight moved to approve Ordinance 2009-5 on First Reading; seconded by Council Member Margaret Pillas. The vote was 5-2 with Council Members Joe Hall and Doug Cymek opposed.

- C. First Reading of Ordinance 2009-6, amending Chapter 110, entitled Zoning to allow small wind energy systems. Acting Solicitor Cropper recommended changing the term "neighboring property," in §110-883(b)(2) **Council Secretary Lloyd Martin moved to approve Ordinance 2009-6 on First Reading; seconded by Council Member Joe Hall. The vote was 4-3 with Council Members Pillas, Knight and Jim Hall opposed.** Mayor Meehan suggested that the Council schedule this item for further discussion before second reading.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY MANAGER

City Manager Dare recommended approval for the following:

- A. Bid openings for:
1. Sponsorship Solicitation Representation;
 2. Aviation Consultant Services;
 3. Airport Mowing Contract.

Council Secretary Lloyd Martin moved to approve; seconded by Council Member Mary Knight. The vote was 6-0 with Council Member Jim Hall out of the room.

- B. Bid award to Ameron International for the Dive Team/Surf Rescue equipment (strobe lights and swimmer jump suits), in the amount of \$9,671.75 (FY09 Budget Allocation = \$12,000.00). **Council Member Margaret Pillas moved to approve; seconded by Council Member Joe Hall. The vote was 6-0 with Council Member Jim Hall out of the room.**

- C. Recommendation to extend the trash collection schedule through May 17, 2009 (current schedule ends on March 31, 2009). **Council Member Jim Hall moved to approve; seconded by Council Member Doug Cymek. The vote was unanimous.**
- D. Recommendation to sell advertising on the boardwalk trams via DVD. Mr. Dare advised that Comcast agreed to provide the service for a 50/50 split in the revenue. Council Member Pillas requested that the Town's cost for billing gets covered by gross revenues before 50/50 split. **Council Member Jim Hall moved to partner with Comcast, for one year, with a 50/50 revenue split after the Town's billing cost; seconded by Council Secretary Lloyd Martin. The vote was unanimous.** Citizen Ellie Diegelmann said this service should be sent out for bid.

COMMENTS FROM CITIZENS

Citizen Jim McGinnis spoke against the Town's coverage of employee medical benefits.

Citizen Ellie Diegelmann spoke against Comcast's rate increase.

Citizen Herb Pawlukewicz spoke against Comcast's rate increase and the cost of settling a public information lawsuit.

COMMENTS FROM THE MAYOR AND CITY COUNCIL

Council Member Margaret Pillas asked City Manager Dare for a report on take-home vehicles.

Mayor Meehan commented on the success of the St. Patrick's Day Parade.

ADJOURNMENT

Council Secretary Lloyd Martin moved to adjourn at 8:30 p.m.; seconded by Council Member Doug Cymek. The vote was unanimous.