

May 4, 2009
Regular Session #9 Revised
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, Special Events Director John Sullivan, City Engineer Terry McGean, 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

Dick Sands of Son Spot Ministries led the Prayer, and Council Secretary Lloyd Martin led the Pledge of Allegiance.

CITY MANAGER'S REPORT ON UPCOMING WORK SESSION

City Manager Dare said the following will be discussed in the upcoming Work Session:

- (1) Bid Opening for Bus Shelter Parts
- (2) Review and approval of a Memorandum of Understanding between the Maryland Department of Human Resources and the Ocean City Convention Center for emergency shelter and/or reception site – presented by Emergency Services Director Joe Theobald
- (3) Discussion of benefits for full-time employees – presented by Human Resource Director Roger Weseman and Finance Administrator Martha Lucey

ITEMS PRESENTED BY THE MAYOR AND CITY COUNCIL

- A. Mayor Meehan presented a proclamation honoring retiring Finance Employee Sandy Bowden for her 28 years of Service with the Town. Ms. Bowden was present to accept the proclamation.
- B. Mayor Meehan presented a proclamation designating May 17, 2009 as Ocean City **CROP (Community Responding to Overcome Poverty) Walk for Hunger Day**. Present to accept the proclamation was John Falcone and Patricia Mulcahy.

APPROVAL OF MINUTES

The Minutes for Regular Session #7, dated April 6, 2009, and Regular Session #8, dated April 20, 2009 were approved as presented.

SPECIAL EVENT PERMIT REQUESTS

Special Events Director John Sullivan presented the following for approval:

- A. **Delmarva ESA Surf Series '09**, for various dates. Present for questions was Carmel Makibbin of the Eastern Surfing Association. **Council Member Mary Knight moved to approve; seconded by Council Member Jim Hall. The vote was unanimous.**
- B. **OCVFC/Maryland State Firemen's Association 117th Annual Convention Parade** on Wednesday, June 17, 2009 (with a June 16, 2010 Date Hold). Present for questions was Parade Coordinator Roger Steger. **Council Secretary Lloyd Martin moved to approve; seconded by Council Member Jim Hall. The vote was unanimous.**
- C. **Ocean City Cruzers on Somerset Street** for various dates in 2009. Present for comment was Ray Schmidt. **Council Member Jim Hall moved to approve the Cruzers on Somerset Street and the 2009 Car Show; seconded by Council Secretary Lloyd Martin. The vote was unanimous.**
- D. **Marine Pull Up Challenge**, June 5th-7th, 9th-14th, and 19th-21st, 2009. Present for questions was U.S. Marine Corps Sergeant Jimmy Benton. **Council Member Mary Knight moved to approve; seconded by Council Member Jim Hall. The vote was unanimous.**
- E. A request for an amendment to the Special Event Permit for Cruisin' 2009 to include the Car Show on Somerset Street. [See Item C].

NEW BUSINESS

- A. John Maphis of the Ward Museum suggested adding a Ward Museum Annex in the expanded Convention Center. Former Council Member Nancy Howard, for the Ocean City Art League, supported the suggestion and encouraged the display of local art as well.
- B. Susan Todd requested permission for a "Lone Ranger" act at the Ocean City Library's 50th Anniversary from noon to 3:00 p.m., on Saturday, May 8, 2009. She said the act would include shooting blanks in the air while on his horse. **Council Member Joe Hall moved to approve; seconded by Council Member Doug Cymek. The vote was 6-1 with Council Member Mary Knight opposed.**

ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY SOLICITOR

City Solicitor Guy Ayres presented the following for approval:

- A. Second Reading of Ordinance 2009-7 to amend Chapter 110, entitled *Zoning*, establishing Boardwalk outdoor display guidelines. **Council Member Margaret Pillas moved to approve the Second Reading of Ordinance 2009-7; seconded by Council Secretary Lloyd Martin. The vote was unanimous.**

Mayor Rick Meehan recommended the following individuals for the Outdoor Display Advisory Committee pursuant to this ordinance: Vicki Barrett, Bruce Krasner, Stephanie Meehan, Laura Simmons and Jay Knerr. **Council Member Jim Hall moved to approve; seconded by Council Member Joe Hall. The vote was unanimous.**

- B. Second Reading of Ordinance 2009-8 to amend Chapter 110, entitled *Zoning*, establishing the Downtown development initiatives. **Council Member Mary Knight moved to approve the Second Reading of Ordinance 2009-8; seconded by Council Secretary Lloyd Martin. The vote was unanimous.**
- C. Second Reading of Ordinance 2009-9, authorizing the sale of surplus property at the May 16, 2009 Auction. **Council Member Mary Knight moved to approve the Second Reading of Ordinance 2009-9 as amended; seconded by Council Member Jim Hall. The vote was 6-0 with Council Member Joe Hall out of the room.**
- D. Second Reading of Ordinance 2009-10 to amend Chapter 90, entitled *Traffic and Vehicles*, changing the permitted hours for bicycles on the Boardwalk. **Council Secretary Lloyd Martin moved to approve the Second Reading of Ordinance 2009-10; seconded by Council Member Mary Knight. The vote was unanimous.**
- E. First Reading of Ordinance 2009-11 to amend Chapter 62, entitled Peddlers and Solicitors, setting guidelines and limiting the location of street performers. **Council Member Mary Knight moved to approve the First Reading of Ordinance 2009-11; seconded by Council Secretary Lloyd Martin. The vote was 5-0 with Council Members Martin and Cymek out of the room. Council Member Margaret Pillas moved to approve the First Reading of Ordinance 2009-11; seconded by Council Secretary Lloyd Martin. The vote was unanimous.**
- F.
- G. Resolution 2009-4 establishing the annual outdoor display permit fee. **Council Member Jim Hall moved to approve Resolution 2009-4; seconded by Council Member Mary Knight. The vote was unanimous.**

ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY MANAGER

- A. City Manager Dare presented the following for approval:
 - City Engineer Terry McGean and Ocean City Police Department Captain Kevin Kirstein recommended a bid award to **Advantech Incorporated**, in the amount of \$133,092.77 (100% funded by Homeland Security Grants), for Phase I and II of the security access control system. **Council Member Jim Hall moved to accept the recommendation; seconded by Council Secretary Lloyd Martin. The vote was 6-0 with Council Member Doug Cymek out of the room.**
 - City Engineer McGean recommended a bid award to **Surefire Protection**, in the amount of \$36,000.00, for a three-year maintenance agreement for the Town's fire and sprinkler systems (Staff Estimate = \$40,000.00). **Council Member Jim Hall moved to accept the recommendation; seconded by Council Secretary Lloyd Martin. The vote was 6-0 with Council Member Doug Cymek out of the room.**
 - City Engineer McGean recommended bid awards to the following for the Old Landing Bulkhead Project (Staff Estimate \$50,000.00):
 - Material: **Coastal Wood Industries** for \$21,337.80
 - Installation: **Ocean Services** for \$25,120.00**Council Member Jim Hall moved to accept the recommendation; seconded by Council Secretary Lloyd Martin. The vote was unanimous.**

- City Manager Dare recommended a bid award to **JNS Services**, in the amount of \$20,725.00 annually, for the airport's three-year lawn maintenance contract. **Council Secretary Lloyd Martin moved to accept the recommendation; seconded by Council Member Mary Knight. The vote was unanimous.**

- B. City Manager Dare gave his recommendation on the Town's Take-Home Vehicle Policy (see Attachment A). **Council Member Doug Cymek moved to limit the take-home vehicles for employees who live within 15 miles of an entrance to Ocean City with the exception of undercover narcotics vehicles, K-9, and bomb squad vehicles, effective June 30, 2009; seconded by Council Secretary Lloyd Martin. The vote was 5-2 with Council Members Joe Hall and Margaret Pillas opposed.**

COMMENTS FROM CITIZENS

Al Wendling commented on the Crab-soup Cook-off held on Somerset Street over the weekend.

COMMENTS FROM THE MAYOR AND CITY COUNCIL

Council Member Mary Knight said the OC Air Show sponsorship is going well.

Council Member Margaret Pillas relayed a concern by the Isle of Wight Mobile Park about parking on 25th Street.

Council President Joe Mitrecic announced the Worcester County Relay for Life Walk, on Friday, May 8, 2009 at Frontier Town.

Mayor Rick Meehan expressed condolences for the family of Wastewater Superintendent Kevin Lynch and Transit Bus Driver Rick Singer.

Also, Mayor Meehan announced that the International Association of Firefighter Local 429 Chapter will amend their labor agreements to forgo merit/step increases, and agreed to re-negotiate shift differentials.

ADJOURNMENT

Council Member Jim Hall moved to adjourn at 8:39 p.m.; seconded by Council Secretary Lloyd Martin. The vote was unanimous.

MEMORANDUM



DATE: APRIL 1, 2009
TO: MAYOR AND CITY COUNCIL
FROM: DENNIS W. DARE, CITY MANAGER
RE: TAKE HOME VEHICLES

I have completed a comprehensive review of vehicles taken home by employees of the town. Since the beginning of the review five (5) vehicles have been eliminated. There are now 65 vehicles being taken home with 44 in Public Safety and 21 in General Departments.

Many are "Critical Responders", meaning they are employees needed for response 24 hours a day and 7 days a week for public safety or wellbeing. In addition to the typical public safety responses for accidents, fires and storm events, we must also consider the many times projects and operations need to be monitored, when there are personnel issues needing immediate attention and the many special events produced that often present unplanned issues.

During this process we reviewed several aspects of the program in an effort to drive down the costs. We explored the use of flex fuel and natural gas. Both options proved to be more costly. We did rearrange some vehicles and assigned more fuel efficient vehicles to personnel authorized take home vehicles. We also changed some vehicles purchased this year to be more fuel efficient.

The attached table titled "Take Home Vehicles" outlines employees currently authorized. It denotes the confirmed number of call in days and reports miles

MEMORANDUM

driven, fuel used, and repairs made. From that it gives the vehicle gas mileage and assigns the cost of the vehicles operation using actual numbers from 2008. It details the distance from home to work and uses the actual costs to assign a cost for each person. We then used the data to determine the percentage the vehicle is used for commuting.

The question is who really needs a take home vehicles. After many hours of pondering the numbers it became apparent to me they are only critical responders if they respond within a "critical time". In other words having someone respond from so far away it takes an hour to arrive means they respond too late.

My recommendation is we establish a fifteen (15) mile radius around Ocean City and consider all take home vehicles must be within this distance so it ensures a timely response for whatever the need. As you can see, many take home vehicles are outside the 15-mile radius and I recommend we eliminate them over time through attrition.

There may be some concern of finding affordable housing within 15 miles, but a review of city employees zip codes finds 56% live within 10 miles and 65% within 15 miles. About 27% live more than 20 miles away.

TOWN OF OCEAN CITY

OCEAN CITY, MARYLAND POLICY AND PROCEDURES MANUAL

SECTION: Personnel
PPM 300-2 SUBJECT: Vehicle Policy Guidelines

The purpose of this policy statement is to define the responsibilities and obligations of City employees who drive City vehicles. In departments such as police, fire and transportation where driver and vehicle safety standards already exist that are more stringent or governed by state or federal mandates, the more stringent policy will apply.

The Town of Ocean City expects each department head to:

1. Provide the proper vehicle for each job.
2. Provide proper training for the vehicle operator.
3. Maintain vehicles in proper working order and safe mechanical condition.
4. Enforce vehicle policy guidelines within each department.

Employees who operate City vehicles are responsible for:

1. Operation of the vehicle in a courteous and safe manner.
2. Obey all traffic laws, including wearing seat belts at all times.
3. Drive defensively for the prevention of accidents caused by the improper action of other drivers, pedestrians and/or adverse road conditions.
4. Only authorized city employees are permitted to operate city vehicles.
5. **[Maximize fuel conservation by avoiding rapid acceleration, sudden stops removing excessive weight, and eliminating idling.]**
6. Inform the department head if driver's license is lost for any reason.
7. Check with your doctor if you are taking prescription or over the counter medications that may affect your ability to drive.
Notify your supervisor immediately regarding any concerns.
8. Maintain an acceptable driving record [as described below]
9. In the event of an accident follow the guidelines as listed in the Health and Safety Manual and notify your supervisor.
10. Notify supervisor of any problem with the vehicle as soon as detected.
11. Use daytime running lights on all marked city vehicles.
12. **[Employees are responsible for the care, cleanliness, conservation, and correct safe usage of City vehicles.]**
13. **Consumption of alcohol, drugs, illegal firearms, smoking or other tobacco products of all types are prohibited in all City vehicles.]**

Date: 4/27/93; 5/8/96; 6/10/97; 6/20/05
[Revised: 3/30/09]

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TAKE HOME VEHICLES

City employees who are **[required]** to take home vehicles do so under the following guidelines:

1. City vehicles cannot be used for personal use, except for commuting purposes. **[For purposes of this policy, the daily commute to and from home and the employee's duty station are considered official use.]**
2. The **[City Manager]** will determine the necessity of take home vehicles based upon the following criteria:
 - a. Employees who are routinely called out.
 - b. Employees who are required to monitor a situation in Town
 - c. Employees who perform a one-of-a-kind function or have specialized equipment on their vehicles.
3. In all departments where call out **[duty]** is rotated to various individuals, the take home vehicle shall rotate.
4. **[The Town shall report taxable income to the employee on their W-2 form according to IRS regulations for use of governmental vehicles.]**
5. **City vehicles shall not be used to conduct personal business, to transport members of the family, e.g., transporting children to and from school, or for pleasure. Passengers in City vehicles must be authorized persons on City business.]**
6. The city vehicle shall be parked **[and locked]** either in the employee's driveway or legally parked in front of employee's residence and not in an area subject to vandalism potential.
7. Any violation of this policy will be enforced under Section 5.1.1 entitled *Employee Conduct and Disciplinary Procedures* of the Personnel Policies Governing Classified Employees Manual.
8. **[City Vehicles may be authorized by the City Manager for take home on a seasonal or event basis.]**
9. **Employees qualifying for a city take home vehicle must live within fifteen (15) miles of work.]**
10. The City Manager will conduct an annual review of each department's approved take home vehicles and provide a final copy to the Mayor and City Council.

MARKED AND UNMARKED VEHICLES

All City vehicles shall be marked in such a manner as to designate them as official vehicles for the appropriate agency to which they are assigned. The only exceptions to this policy are vehicles assigned to the following individuals:

1. Mayor
2. City Manager
3. Chief of Police
4. Fire Marshal
5. Detectives and undercover investigators' vehicles used in law enforcement functions
6. Police Captain
- [7. Risk Manager]**

ACCEPTABLE AND UNACCEPTABLE DRIVING RECORD

An acceptable driving record is one of the primary criteria used for determining if a City employee is eligible to continue driving a City vehicle. The criteria listed below describes an unacceptable driving record:

1. Driver has 4 or more current points on driving record.
3. Out of state points will be converted to Maryland point system (Delaware or Virginia).
3. Has a suspended or revoked license.
4. Has any violations involving the use of illegal drugs.
5. Is found guilty of charge(s) for any violation involving driving under the influence of alcohol. We reserve the right to conduct future "reasonable suspicion" based tests for alcohol while at work.

Date: 4/27/93; 5/8/96; 6/10/97; 6/20/05
[Revised: 3/30/09]

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