

June 1, 2009
Regular Session #11
Mayor and City Council
Town of Ocean City, Maryland

Present:

Mayor Richard W. Meehan
Council President Joseph M. Mitrecic

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

Council Secretary Lloyd E. Martin

ATTENDANCE

Mayor Rick Meehan, Council President Joe Mitrecic, 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, Special Events Director John Sullivan, 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

Phil Turk, Chaplain of the Ocean City Volunteer Fire Department led the Prayer and Council Member Jim Hall led the Pledge of Allegiance.

Mayor Meehan acknowledged the death of retired Ocean City Police Department Officer Ron Haslam.

CITY MANAGER'S REPORT ON UPCOMING WORK SESSION

City Manager Dare reported that the following items will be discussed in the upcoming Work Session.

1. Bid Opening for re-paving perimeter pathway at Northside Park
2. Recommendation to allow Kayak eco-tours from the Ocean City Airport – presented Public Works Director Hal Adkins
3. Discussion of demolition of 7 Dorchester Street-presented by Chief Building Official Kevin Brown
4. Discussion of possible building code/fire code amendment regarding mobile home parks – presented by Chief Building Official Kevin Brown
5. Recommendation regarding development in commercial zoning districts – presented Planning and Community Development Director Jesse Houston
6. Recommendation for zoning code amendment to permit through lots in mobile home residential districts to provide one front yard setback and to consider the opposite street frontage as a rear yard setback – presented by Zoning Administrator Blaine Smith

APPROVAL OF MINUTES

The Minutes for Regular Session #10, dated May 18, 2009, were approved as presented.

SPECIAL EVENT PERMIT REQUESTS

Bryan Lilley presented the Council with tokens for the OC Air Show. Special Events Director John Sullivan invited the Mayor to fly shotgun in an F-16.

- A. **Maryland State Bar Association Young Lawyers Sun Run** on Friday, June 12, 2009, starting at 7:00 a.m. at 130th Street. Present for questions was Sara Barnwell of the Maryland State Bar Association. **Council Member Mary Knight moved to approve; seconded by Council Member Jim Hall. The vote was 6-0 with Council Secretary Lloyd Martin absent.**

- B. Special Events Director John Sullivan presented an addendum to the **Beach 5 Sand Soccer** event, on June 27-28, 2009. He explained that the number of participating teams exceeded expectations and the promoter requests that the play area include the North Division Street beach. **Council Member Jim Hall moved to approve the addendum; seconded by Council Member Doug Cymek. The vote was 6-0 with Council Secretary Lloyd Martin absent.**

NEW BUSINESS

- A. Request to host the American Wounded Warriors Surfing Experience on Wednesday, June 10, 2009 from 10:00 a.m. to noon. Present for questions was Ray Rickett. **Council Member Mary Knight moved to approve; seconded by Council Member Margaret Pillas. The vote was 6-0 with Council Secretary Lloyd Martin absent.**

- B. Request to allow use of street end for a charity volleyball tournament, on Tuesday, June 16, 2009. Present for questions was Patricia Smith from Castle in the Sand. **Council Member Jim Hall moved to approve; seconded by Council Member Margaret Pillas. The vote was 6-0 with Council Secretary Lloyd Martin absent.**

- C. Request to require amoeba wear to assist lifeguards with visibility of swimmers. [*Note: the presenter was not in attendance for the second time.] **Council Member Jim Hall moved to deny this request; seconded by Council Member Doug Cymek. The vote was 6-0 with Council Secretary Lloyd Martin absent.**

REPORTS AND RECOMMENDATIONS FROM THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

- A. Zoning Administrator Blaine Smith presented a request for a parking space waiver at 1404 Jacqueline Avenue. Present for questions was Tom Caulk of Delmarva Commercial Construction. **Council Member Jim Hall moved to approve issuance of the waiver; seconded by Council Member Mary Knight. The vote was 6-0 with Council Secretary Lloyd Martin absent.**

- B. Zoning Administrator Blaine Smith presented a Conditional Use Request for Laser Tag at 203 South Baltimore Avenue (see Attachment A). Present for questions was Applicant Lisa Conley. **Council Member Joe Hall moved to accept the Finding of Fact and grant the conditional use of 203 S. Baltimore Avenue and require: the installation of soundproofing between the first and second floor; the installation of a fence between the buildings, an employee of at least 20 years of age must be on the premises at all times, and; that the Mayor and Council review the**

conditions on or before March 31, 2010; seconded by Council Member Doug Cymek. The vote was 6-0 with Council Secretary Lloyd Martin absent.

- C. Request to allow scooter rentals at Ocean City Water Sports on 308 First Street. Present for questions was John Sager of Ocean City Water Sports. **Council Member Mary Knight moved to approve; seconded by Council Member Doug Cymek. The vote was 6-0 with Council Secretary Lloyd Martin absent.**

ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY SOLICITOR

City Solicitor Ayres presented the Second Reading of Ordinance 2009-12 establishing the FY2010 Budget. Budget Analyst Jennie Knapp advised that the budget must be amended to acknowledge: 1) a \$116,000 reduction resulting from the Worcester County Commissioners' vote to forego passing State Street Aid (based on highway user fees) to the Town; and, an approximate \$77,000.00 reduction of State Highway Administration Grant funding (due to their reduced estimate in revenue). Budget Analyst Knapp advised that this revenue reduction is balanced by a decreased expense adjustment to the solid waste removal account as the actual price per ton was lower than estimated. **Council Member Jim Hall moved to approve; seconded by Council Member Mary Knight. The vote was 6-0 with Council Secretary Lloyd Martin absent.**

ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY MANAGER

Public Works Project Manager Dick Malone made a recommendation to award the solid waste hauling and disposal contract to **East Coast Resources** for a cost of \$47.61 per ton. **Council Member Jim Hall moved to approve; seconded by Council Member Doug Cymek. The vote was 6-0 with Council Secretary Lloyd Martin absent.**

COMMENTS FROM CITIZENS

Jo Tollenger of Gullway Villas Condominium Association spoke about last year's incident when an intoxicated underage visitor fell from their building's balcony. She expressed concern about the lack of parental supervision. Mayor Rick Meehan suggested that the Condominium Association invite an OCPD representative to their next meeting to discuss police and citizen roles in prevention of underage drinking.

Business Owner Mike Miculinic expressed concern about an additional bike shop on Somerset Street.

Bob Melvin gave the Mayor and Council information to appeal for SSTEP funding.

Business Owner David Dotson said that he shares Mr. Miculinic's concern about the new bike shop on Somerset Street.

Ellie Diegelmann commented on the number of police officers needed to break up a downtown fight. She asked the Mayor and Council to figure out ways to curtail the assembly of this 'caliper' of visitors.

COMMENTS FROM THE MAYOR AND CITY COUNCIL

Council Member Mary Knight reminded the forum about Restaurant Week, starting today (June 1, 2009).

Mayor Rick Meehan commented on the successful powerboat race event. He thanked everyone involved in the budget process.

ADJOURNMENT

Council Member Jim Hall moved to adjourn at 8:17 p.m.; seconded by Council Member Mary Knight. The vote was 6-0 with Council Secretary Lloyd Martin absent.

ATTACHMENT A

FINDING OF FACT

RE: #09-12100001 – CONDITIONAL USE FOR LASER TAG TO BE LOCATED AT
203 SOUTH BALTIMORE AVENUE

Upon a motion made by Lauren Taylor, seconded by Peck Miller,
and carried by a vote of five (5) to zero (0), the Planning and Zoning
Commission hereby recommends approval for the laser tag business in the above
referenced case for the following reasons:

1. Population Change:

Recent residential and commercial development has taken place within the same block as the proposed Laser Tag activity which includes the Belmont Towers Condominium consisting of 75 multi-family units with commercial space fronting on the Boardwalk. The building where the Laser Tag will be located was redeveloped with 4 multi-family residential units above the commercial units. The lower portion is adjacent to the westerly wall of the Belmont Towers which is a multi-level parking garage buffered from the Laser Tag with a solid masonry wall as well as a separation between the two buildings. The residential units in the Belmont Towers face the side streets and the Boardwalk.

2. Availability of Public Facilities:

Adequate public facilities are available to the property. However, the Laser Tag business will have to make arrangements to dispose of solid waste and recyclables as conditioned below.

3. Present and Future Transportation Patterns:

Baltimore Avenue is one-way traffic headed north with no on-street parking. Patrons of the Laser Tag business will be dependent upon public transportation and pedestrian movement.

4. Compatibility with Existing and Proposed Development for the Area:

The proposed Laser Tag business will be located in a building that has recently been redeveloped with 4 multi-family residential units above and commercial stores on the

first floor. Located immediately to the south is the Kabob House restaurant and the Bank of Ocean City. Across the street on the south side of Dorchester Street, there is a parking lot that provides parking for the public. The property to the north located across Talbot Street is a commercial retail business. Across the street on the west side of Baltimore Avenue are commercial businesses on the ground level with residential dwelling units above. Located at the southwest corner of Talbot Street and Baltimore Avenue is St. Mary's Star of the Sea Catholic Church. Recognizing the close proximity of the church to the proposed laser tag business which is an indoor amusement activity and for compatibility, the Commission has set a condition that there be no outside amplification of music or sound. With the proper controls, as set forth in the conditions below, the Commission found that the proposed commercial use will complement existing business activity in the area.

5. Relationship to the Comprehensive Plan:

The property is currently zoned B-1, Boardwalk Commercial, district which permits commercial and amusement activities. The proposed use is located within the boardwalk block and this type of activity is anticipated within the mixed use/residential district.

Therefore, by virtue of the requirements of Section 110-122 of the Code of Ocean City, Maryland, the above findings require that the Planning and Zoning Commission recommend approval for the laser tag business subject to the following conditions:

1. The hours of operation shall be between 10:00 a.m. to 12:30 a.m.
2. At least one (1) supervisory employee, eighteen (18) years of age or older, shall be on duty during all business hours.
3. Applicant shall not use any outdoor music or other amplified sounds or display any flashing or moving lights.
4. Applicant is encouraged to provide seating outside under the porch area.
5. For safety purposes and to shield the area, a fence or gate shall be installed adjacent to the sidewalk between the Laser Tag building and the building to the south.
6. All signage, window illustrations and other exterior changes to the building shall be subject to review and approval by the Ocean City Development Corporation.
7. It shall be the responsibility of the Laser Tag business to properly

dispose of solid waste in the dumpster located at the head of Talbot Street adjacent to the Boardwalk.

John Staley, Acting Chairman

Peck Miller

Lauren Taylor

Joel Brous

Tom Singman
