

**June 15, 2009**  
**Regular Session #12**  
**(Revised, See Page 3)**  
**Mayor and City Council**  
**Town of Ocean City, Maryland**

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**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**

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**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, Special Events Director John Sullivan, Public Works Director Hal Adkins, Chief Building Official Kevin Brown, 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**

Reverend George Godfrey of the Atlantic United Methodist Church led the Prayer and Mayor Meehan led the Pledge of Allegiance.

**CITY MANAGER'S REPORT ON UPCOMING WORK SESSION**

**Council Member Jim Hall moved to cancel the meeting scheduled for June 23, 2009; seconded by Council Member Mary Knight. The vote was unanimous.** City Manager Dare advised that since there is no work session scheduled for the following week. [The next open meeting will be Monday, July 6, 2009.]

**SPECIAL EVENT PERMIT REQUESTS**

Bryan Lilley introduced Lieutenant Colonel Greg Thomas, Pilot of Air Force Thunderbird One. He also thanked the Ocean City Chamber of Commerce for their participation in making the OC Air Show a success.

Special Events Director John Sullivan presented the following for approval:

- A. **Art League Show and Sale**, on Sunday, July 12, 2009, from 4:00 p.m. to 8:00 p.m. at the Somerset Street Plaza. Present for questions was Rina Thaler of the Ocean City Art League. **Council Member Mary Knight moved to approve; seconded by Council Member Jim Hall. The vote was unanimous.**
- B. **Free State Corvette Club OC Weekend**, on Saturday, October 17, 2009 from 6:00 a.m. to 6:00 p.m. on the northern half of the Inlet parking lot. Director Sullivan mentioned Risk Management's concern the boardwalk procession contributing to uprooted boardwalk nails. Present for questions was Wyatt Greenwalt. **Council Member Jim Hall moved to approve; seconded by Council Member Joe Hall. The vote was unanimous.**

## **UNFINISHED BUSINESS**

Public Works Director Hal Adkins reported on the progress of discussions regarding curb-to-curb, non-transfer type service for qualified citizens, living within municipal limits, who travel to medical facilities within Worcester County (see Attachment A). Director Adkins listed the members who gathered to discuss this issue: Citizen Bob Melvin, Council Member Pillas, Mike Pennington of the Tri County Council, Regan Johnson of Shore Transit and Rob Hart of the Worcester County Commission for Aging (sitting for Worcester County Commissioner Louise Gulyas).

He advised that in a letter dated March 5, 2009 to Bob Melvin, from the Maryland Transit Administration, Regional Planner Tracey Perez states: *"You are correct that Ocean City can request SSTAP funds to provide transportation to medical appointments in Berlin for eligible residents. The MTA allocates SSTAP funds to each county in Maryland based on a formula. It is then the counties' responsibility to designate and contract with a provider for this service. Worcester County has designated Shore Transit as the recipient of SSTAP funds. If Ocean City wants to apply for these funds, they must make that request to the County. The MTA does not participate in designating and contracting with SSTAP recipients."*

**Council Member Jim Hall moved to send a letter to the Worcester County Commissioners requesting that Shore Transit to include Ocean City in their curb-to-curb non-transfer type service route; seconded by Council Member Mary Knight. The vote was unanimous.**

## **APPOINTMENTS TO BOARDS, COMMISSIONS AND OTHER CITY ORGANIZATIONS**

City Clerk Carol Jacobs reported on the results of an employee election for selection of representatives to serve as trustees to the General and Public Safety plans. Finance Employee Pam Marshall received the majority vote from general employees, and Mike Levy received the majority vote from public safety employees. They will serve as Pension Trustees from July 1, 2009 to June 30, 2013. **Council Member Jim Hall moved to appoint Pam Marshall and Mike Levy as Pension Trustees; seconded by Council Secretary Lloyd Martin. The vote was unanimous.**

## **ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY SOLICITOR**

- A. First Reading of Ordinance 2009-13 empowering the Mayor and Council to refund ~~issue and sell~~ 2001 general obligation bonds not to exceed Fourteen Million Dollars. Council Member Joe Hall requested that Finance Administrator Martha Lucey provide an itemization of bond amounts . **Council Member Jim Hall moved to approve the First Reading of Ordinance 2009-13; seconded by Council Member Joe Hall The vote was unanimous.**
- B. First Reading of Ordinance 2009-14, amending Chapter 58 entitled *Miscellaneous Provisions*, to prohibit the sale or possession of electronic weapons. **Council Member Jim Hall moved to approve the First Reading of Ordinance 2009-14; seconded by Council Member Doug Cymek. The vote was unanimous.**
- C. First Reading of Ordinance 2009-15, amending Chapter 110 entitled *Zoning*, to allow through lots in Mobile Home Residential Districts to have one front yard. **Council Secretary Lloyd Martin moved to approve the First Reading of Ordinance 2009-15; seconded by Council Member Mary Knight. The vote was unanimous.**
- D. First Reading of Ordinance 2009-16, amending Chapter 10 entitled *Buildings and Building Regulations*, to incorporate NFPA (National Fire Protection Association) separation requirements in mobile home parks. City Solicitor Ayres advised that a section was added to address “exits” per the request of Chief Building Official Kevin Brown. **Council Member Doug Cymek moved to approve the First Reading of Ordinance 2009-16 as amended; seconded by Council Member Mary Knight. The vote was unanimous.**
- E. Resolution 2009-5 to establish FY10 fees for plumbing permits, construction re-inspections, additional plan reviews and mobile home removal fees. **Council Member Mary Knight moved to approve Resolution 2009-5; seconded by Council Secretary Lloyd Martin. The vote was unanimous.**

## **ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY MANAGER**

City Manager Dare made a recommendation to award the non-exclusive sponsorship solicitation contract to Katbird Ink Communications. **Council Member Doug Cymek moved to accept this recommendation to contract with Katbird Ink Communications to solicit sponsorships for Northside Park, the Tennis Center and Ocean Bowl; seconded by Council Member Jim Hall. The vote was unanimous.**

Mr. Dare made a recommendation to award the Northside Park Re-paving project to **American Paving** in the amount of \$26,527.00 (FY10 Budget Allocation = \$50,000.00). **Council Member Jim Hall moved to approve; seconded by Council Member Joe Hall. The vote was unanimous.**

City Manager Dare presented a request to allow the Montgomery County Fire Fighters’ Pipe and Drum Corp to march on the boardwalk from the Fireman’s Memorial on Division Street to Wicomico Street, on Sunday, June 16, 2009 at 9:00 p.m.. **Council Member Jim Hall moved to approve; seconded by Council Member Mary Knight. The vote was unanimous.**

City Manager Dare made a recommendation to postpone implementation of the new take home vehicle policy until October 1, 2009. He explained that as he started working on implementation, he encountered potential cost-producing issues. Council Member Jim Hall said that similar issues arose in a Police Commission Meeting. **Council Member Jim Hall moved to approve; seconded by Council Member Doug Cymek. The vote was 5-2 with Council Members Joe Hall and Margaret Pillas opposed.**

## COMMENTS FROM CITIZENS

Al Wendling thanked the City Clerk's Office for permitting his friend to use a CD player for back up music. Mayor Rick Meehan questioned this permitted activity, as the ordinance states that no amplification equipment is permitted in a street performance. Council Member Jim Hall asked City Clerk Carol Jacobs to make sure that her staff is clear about not permitting amplification equipment.

Street Performer Bill Hassey requested a waiver to the amplification restriction as his violin performance can sometimes depend on accompaniment.

Street Performer Robert Peasley requested a waiver to the amplification restriction because he has limited lung capacity and is unable to naturally project his voice. **Council Member Doug Cymek moved to grant the waiver. The motion died for lack of a second.**

Bob Melvin thanked Council Member Pillas for helping him with his curb-to-curb transportation service efforts.

John Medlin commented on the possibility of a performing arts center.

Street Performer Joseph Smith requested a waiver to the amplification restriction because he is a ventriloquist and often gets laryngitis (which prevents him from projecting his voice).

Ellie Diegelmann said that "fear is being manipulated into the media about the advertising agency review process." She said "the Tourism Commission has repeatedly proven, by their words, actions sensationalism and other manipulative tactics that it is too emotionally biased and therefore not sufficiently objective enough to offer sound and sustainable advise."

## COMMENTS FROM THE MAYOR AND CITY COUNCIL

Council Member Knight reminded the forum that the Croc's Volleyball Tournament starts at 8:00 p.m. on Thursday, June 18, 2009, on the Somerset Street beach. She also mentioned that Rodney the Lifeguard will appear on 37<sup>th</sup> Street for BeachFest.

Council Secretary Martin advised that the Caine Keys Neighborhood Picnic will be held at Fiesta Park in the upcoming weekend.

Council Member Cymek advised that the 29<sup>th</sup> Annual Shark Tournament starts on Thursday, June 18, 2009 at the West Ocean City Fishing Center.

Council President Mitrecic advised that the State Highway Administration (SHA) removed the streetlight on 131<sup>st</sup> Street. He made a recommendation to ask the SHA to post a "Do Not Block Intersection" sign on the north side of the street. **Council Member Jim Hall moved to accept Council President Mitrecic's recommendation; seconded by Council Secretary Lloyd Martin. The vote was unanimous.**

Mayor Meehan shared that at the Air Show, the American Flag, that descended with the parachute team, was formally presented to Retired Marine Corp Member Bill Davis. He also shared that a young boy asked for his help in acquiring an autograph from a Veteran who served in the battle on D-Day. Mayor Meehan introduced him to John Sauer who fought in the battle on D-Day.

## ADJOURNMENT

**Council Member Jim Hall moved to adjourn at 7:49 p.m.; seconded by Council Member Mary Knight. The vote was unanimous.**