



**January 13, 2009
WORK SESSION
MAYOR AND CITY COUNCIL
TOWN OF OCEAN CITY**

In 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, Risk Management Director Eric Lagstrom, Public Works Maintenance Assistant Superintendent John Van Fossen, Public Works Operations Supervisor Thomas Dye, Ocean City Fire Chief Chris Larmore, Special Events Director John Sullivan, Parks and Recreation Director Tom Shuster, Deputy City Clerk Kelly Allmond, Members of the Press and Interested Parties.

Council President Joe Mitrecic called this work session to order at 12:06 p.m.; then, **Council Member Mary Knight moved to convene into closed session to discuss (1) to consult with counsel to obtain legal advice; (2) to discuss the appointment, employment, assignment, removal or resignation of appointees, employees or officials over whom it has jurisdiction; or, any other personnel matter that affects one or more specific individuals, and; (3) to consult with Staff, Consultants or other individuals about pending or potential litigations; seconded by Council Secretary Lloyd Martin. The vote was unanimous.**

The Open Session reconvened at 1:12 p.m..

1. Council President Joe Mitrecic reported on the closed session held prior to this open session at 12:00 p.m.. Topics of discussion were legal and personnel matters. Persons present were: 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 and Sean Rox. **Council Member Margaret Pillas moved to appoint Sean Rox to the Noise Board; seconded by Council Member Mary Knight. The vote was unanimous.**
2. In accordance with the Town's Employee Recognition Program, Tourism/Convention Center Director Mike Noah introduced Convention Center Employees Amanda Evans and Reatta Tate.
3. Bid openings:

**Risk Management Actuarial Analysis
(FY09 Budget Allocation = \$25,000.00)**

Vendor	Bid
Price Waterhouse	No Bid
Faw Casson & Co.	No Bid
Madison Consulting Group, Inc.	\$12,000.00
Towers Perrin	\$28,500.00

Council Member Doug Cymek moved to acknowledge the apparent low bid from Madison Consulting Group, Inc. with remand to Staff for review; seconded by Council Member Mary Knight. The vote was unanimous.

Mayor Meehan issued the oath of service to the newly-appointed Noise Board Member, Sean Rox.

4. Jamaica Kennon of the Maryland State Highway Administration, and Scott Holcomb of Gannett Fleming, presented an analysis and recommendation for future work to the Route 50 Bridge (see Attachment A). They agreed to further discuss this matter in a February Work Session (before submitting the SHA's recommendation to the Worcester County Commissioners).
5. Public Works Maintenance Assistant Superintendent John Van Fossen requested permission to contract with **Century Industries** for repairs to the portable Special Events Stage, in the amount of \$22,794.00. **Council Member Jim Hall moved to approve; seconded by Council Secretary Lloyd Martin. The vote was unanimous.**
6. City Solicitor Guy Ayres presented a draft ordinance amending Chapter 106, Article III, Division 3, of the Town Code, entitled *Beach Access Prohibitions*, to prohibit swimming in the ocean from 9:00 p.m. to 5:00 a.m.. **Council Member Jim Hall moved to proceed with the First Reading of this ordinance in the next Regular Session; seconded by Council Member Doug Cymek. The vote was unanimous.**
7. Ocean City Fire Chief Chris Larmore recommended the establishment of one (1) Assistant Chief and four (4) Captain positions in the career division of the Fire Department. [*In his supporting documentation of this meeting's agenda, Chief Larmore writes,*

"I propose to modify the current structure of ten lieutenants to one assistant chief directly under the deputy chief, four captains, and four lieutenants. Research of other fire departments finds this to be much more in line, and representative, of any public safety structured organization. I must add an important factor--these positions would retain their "operational" versus "administrative" duties, i.e., they would continue to be field positions, not "office personnel. This is emphasized to not add additional personnel during these very challenging times

The simple structure of this promotes responsibility and accountability, where a more defined and select group are responsible for others under their direction.

Many advantages:

1. *The ability to advance outstanding personnel. Every organization needs a "ladder" to work and earn toward*
2. *Financial benefits of a management group out of the labor union.*
3. *Current command staff meetings are funded at overtime wages, because the lieutenants are brought in off their shift (only two work at a time). With a management team exempt of overtime, they may be scheduled without compensation. This results in an annual savings of \$25,000+.*
4. *Management is expected and evaluated based on providing the best service at the most cost effective means. This conflicts with current officers who are also obligated to union fidelities regarding overtime and compensation*
5. *The career division has long argued that they deserve a "rank structure" fair and in comparison to the volunteer division. This was argued at length during the various strategic plans, consultations, and negotiations shared by the Mayor and City Council.*
6. *The productivity of the entire Fire Department will increase dramatically when specific important goals and workload can be delegated through a chain of responsibility and command."]*

Finance Administrator Martha Lucey confirmed that, with proper shift scheduling, Chief Larmore's proposal will result in both immediate and long term cost reductions.

Council Member Doug Cymek moved to accept Chief Larmore's recommendation; seconded by Council Secretary Lloyd Martin. The vote was 6-0 with Council Member Margaret Pillas in abstention.

8. City Manager Dare introduced the following **Cost Reduction Measures and Revenue Enhancements:**
 - a. **Inlet Parking and Cale Pay Stations:** Public Works Maintenance Assistant Superintendent John Van Fossen, accompanied by Operations Supervisor Thomas Dye, proposed a rate increase for Inlet parking and Cale Pay Stations (located on the streets and municipal parking lots) (see Attachment B). **Council Member Mary Knight moved to accept this recommendation; seconded by Council Member Doug Cymek. The vote was 6-1 with Council Member Jim Hall opposed.**
 - b. **West Ocean City EDU's:** Public Works Director Hal Adkins presented a proposal to sell a surplus of West Ocean City Equivalent Dwelling Units (EDUs). **Council Member Jim Hall moved to retain the EDU's until the market conditions improve; seconded by Council Member Mary Knight. The vote was unanimous.**
 - c. **Winterfest Express Service:** Parks and Recreation Director Tom Shuster made a recommendation to offer free rides to children age 10 and younger (instead of age 12 years and younger). **Council Secretary Lloyd Martin moved to approve; seconded by Council Member Doug Cymek. The vote was unanimous.**
 - d. **Camp Horizon Bus Service:** Parks and Recreation Director Tom Shuster, accompanied by Recreation Superintendent Kate Gaddis, made a recommendation to charge \$15.00 per week per bus-riding camper. **Council Member Jim Hall moved to approve; seconded by Council Member Mary Knight. The vote was unanimous.**

Council President Joe Mitrecic asked Superintendent Gaddis to consider adding a southbound pick up and northbound drop off to this bus route.
 - e. **Private Events Permit Process:** Special Events Director John Sullivan proposed changes to the private events permit process and fee structure (see Attachment B). **Council Member Jim Hall moved to ask City Staff to review and make a recommendation on recouping equipment costs incurred during special events; seconded by Council Secretary Lloyd Martin.**
9. Mayor Meehan advised that the Worcester County Commissioners sent the Maryland Legislature a letter requesting changes in the structure of the local impact grant distribution **from:** "Worcester County – 70%, Ocean City – 20%, and Berlin – 10%"; **to** "Worcester County – 100%" (see Attachment C). **Council Member Jim Hall moved to support the Mayor's letter to Governor O'Malley, Delegate Mathias and Senators Stoltzfus and Conway opposing Worcester County's requested changes, as well as other changes to the legislation (see Attachment D); seconded by Council Member Mary Knight. The vote was unanimous.**

Council Member Margaret Pillas reported on the Tourism Commission's Meeting Minutes. Also, she asked City Manager Dare for an update on, and possible additions to, her request for a salary report.

Council Secretary Lloyd Martin moved to adjourn at 4:45 p.m.; seconded by Council Member Mary Knight. The vote was unanimous.

US 50 Crossing Study

From MD 611 to MD 378 and 3rd Street to Somerset Street

Purpose: The purpose of this study is to develop a transportation solution that addresses operational inadequacies and structural deficiencies as well as to improve safety for all users on the US 50 crossing of the Sinepuxent Bay in Worcester County, Maryland.

Need:

- Bridge is 66 years old with a limited life expectancy of 15-20 yrs with routine maintenance repairs;
- Bridge considered functionally obsolete due to narrow roadway width, which is inadequate for traffic volumes it carries.
- US 50 serves as one of only three evacuation routes for emergencies
- Town of OC wants an aesthetic "gateway" to resort area

Limits: East-West: MD 611 to MD 378 (Baltimore Avenue)
North-South: 3rd Street to Somerset Street

Existing Conditions:

- Bridge built in 1942; in fair condition, periodic repairs have been done since 1980's; eligible for the National Register of Historic Places.
- Typical Section: 4-lanes, 46-foot wide roadway with 5 foot sidewalks
- Bridge approximately 1/2 mile long, 140' draw span.
- Drawbridge opens twice an hour during the peak summer season (May 25th through September 15th). All other times, it opens within 3 hours notice from mariners.
- Clearance above water to bottom of bridge at draw span is 15 feet.

Project History:

- The MD SHA performed repairs to the US 50 Bridge to maintain the bridge's operational integrity in January and February 2008. These repairs included, replacing the existing bascule span grid decking, decking the sidewalk grid and purflins (small beams that support the grid decking) with galvanized decking, which prevents corrosion of the bridges steel.
- MD SHA has begun overlaying the westbound bridge deck. The project will be suspended by Memorial Day 2008 and restarted in March 2009 when the eastbound bridge deck will be improved.

Alternatives Currently Under Consideration:

- ***Alternative 1 – No-Build:*** No major improvements are proposed. Minor short-term improvements would occur as part of routine maintenance and safety operations. Does not address the purpose and need for the project. Serves as a baseline comparison with the other alternatives.
- ***Alternative 2 – Rehabilitation:*** Rehabs the existing bridge, constructs a separate fishing pier for fishermen, wider sidewalks for pedestrians and bicyclists on the existing bridge, and aesthetic improvements such as lighting and archways. The rehabilitation could include major repairs to the sub- and super-structure of the bridge.

- **Alternative 4 Modified – Fixed-Span Bridge:** Includes a new parallel bridge that begins slightly west of the existing bridge, curves slightly to the north, and connects via a series of ramps directly to Philadelphia Avenue (MD 528) and Baltimore Avenue (MD 378) in Ocean City. The proposed bridge is a high-level fixed span with four lanes to carry inbound and outbound traffic. The existing bridge would be retained and possibly used for pedestrians, bicyclists, and fishermen. The inbound traffic would continue one-way northbound onto MD 378, and a new connection would be added to continue the inbound right-turn movement for individuals heading south on MD 528. Local traffic patterns in the area would be altered, and some east-west traffic would be diverted to 3rd Street, 4th Street, and 5th Street. This change might necessitate signaling the intersections of these streets with MD 378 and MD 528, and would eliminate some on-street parking on 5th Street to provide room for an additional left-turn lane onto MD 528.
- **Alternative 5 – South Parallel Bridge:** Includes a new parallel bridge just south of US 50 that would tie back into Division Street. The bridge would have a higher draw span and carry inbound and outbound traffic on four lanes. The existing bridge would be retained and possibly used for pedestrians, bicyclists, and fishermen. The higher draw span would reduce the number of bridge openings. Alternative 5 impacts boat clearance access to the Sinepuxent Bay at a development in West Ocean City, leaving only 17 feet of vertical clearance over the entrance to the lagoon. In addition, construction could temporarily impact the service road.
- **Alternative 5A – North Parallel Bridge:** Includes a new parallel bridge just north of US 50 that would tie back into Division Street, a mirror concept of Alternative 5. The bridge would have a higher draw span, carry inbound and outbound traffic on four lanes, and reduce the number of bridge openings. The existing bridge would be retained and possibly used for pedestrians, bicyclists, and fishermen.

Schedule:

SHA Preferred Alternative	Spring 2009
Prepare Final Environmental Document:	Summer 2009
Location/ Design Approval:	Winter 2010/2011

Cost:

Alternative	Description	Project Planning	PE	Right of Way	Construction	Total Cost
1	No-Build	2.5M	0.0M	0.0M	19.5M	22.0M
2	Rehabilitation	2.5M	21.0M	0.0M	104.8M	128.3M
4 Mod	Fixed Span Bridge	2.5M	44.7M	129.9M	223.6M	400.7M
5	South Parallel Bridge	2.5M	46.7M	42.1M	233.5M	324.8M
5A	South Parallel Bridge	2.5M	49.3M	30.5M	246.8M	329.1M

Key Issues

Skimmer Island: Skimmer Island is the singular most significant piece of barren land and habitat for colonial nesting waterbirds in Maryland. State listed threatened and endangered species the Royal Tern and the Black Skimmers have used the island for breeding in past years. Skimmer Island is also the northern most location for breeding by Royal Terns along the Atlantic Coast.

Work Session of January 13, 2009

SPRING: April 15 to the Friday of Memorial Weekend		
	CURRENT	PROPOSED
Monday - Thursday	\$1.00 / HR	\$1.50 / HR
Friday - Sunday	\$1.50 / HR	\$1.50 / HR

SUMMER: Friday of Memorial Day Weekend through Labor Day		
	CURRENT	PROPOSED
Monday - Thursday	\$1.50 / HR	\$2.25 / HR
Friday - Sunday	\$2.00 / HR	\$2.25 / HR

FALL: Tuesday after Labor Day through October 15		
	CURRENT	PROPOSED
Monday - Thursday	\$1.00 / HR	\$1.50 / HR
Friday - Sunday	\$1.50 / HR	\$1.50 / HR

TEL: 410-652-1194
FAX: 410-652-3131
E-MAIL: 50771@co.worcester.md.us



OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County
GOVERNMENT CENTER

ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

December 22, 2008

GERALD T. MASON
CHIEF ADMINISTRATIVE OFFICER
JOHN E. "SCANNY" BLOOM
COUNTY ATTORNEY

COMMISSIONERS
LOUISE L. GUYAS, PRESIDENT
JAMES G. CHURCH, VICE PRESIDENT
JUDITH O. BOGGS
LINDA C. BUSICK
ROBERT L. DWIGER, JR.
JAMES L. FURNELL, JR.
MIGEL L. SHOOKLEY

Honorable Martin J. O'Malley
State House
100 State Circle
Annapolis, Maryland 21401

Honorable J. Lowell Stoltzfus
323 James Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401-1991

Honorable James N. Mathias, Jr.
307 Lowe House Office Building
6 Bladen Street
Annapolis, Maryland 21401-1991

Honorable Norman H. Conway
121 Lowe House Office Building
6 Bladen Street
Annapolis, Maryland 21401-1991

RE: Slots Legislation Issues

Dear Gentlemen:

Now that the Slots legislation has become law and the State is taking steps to implement it, the County feels there should be some changes to the law to make it more beneficial to the needs of our citizens.

We understand that the State is considering some other changes to the law and therefore ask that our concerns be addressed also.

Attached is a list of five (5) Slots Legislation Issues that we have identified as impacting our County. Please review same and then contact our County Administrator, Gerald T. Mason, to discuss how we can effect the requested changes.

Thank you for your attention to this matter and we look forward to hearing from you.

Sincerely,

Louise L. Guyas
President

JEB/LLG/fac
cc: Mayor of Ocean City
Mayor of Berlin
President of Ocean Pines Association

H:\CDATTY\slots concerns legislature.wpd

SLOTS LEGISLATION ISSUES

1. Section 9-1A-10(a)(5)(ii): hiring preference should be from entire County not just within 10 miles of the facility. There is high unemployment in all of the County.
2. Section 9-1A-14(c)(2): applicants lack of expertise or training should not disqualify them from becoming a video lottery terminal employee; no one in the area has the training/expertise now, therefore, should be judged on their "ability to become trained" as an employee. We want to encourage lower-skilled people to advance.
3. Section 9-1A-31(c)(3)(ii): only the County Commissioners should be appointing the members of the local development council. The facility is out in the County, not within the Ocean City limits and in fact is closer to Berlin town limits. If the Mayor of Ocean City has a say, then why doesn't the Mayor of Berlin?
4. Section 9-1A-32(d)(1) & (2): Change "may pay" and "may take" to "shall pay" and "shall take" respectively.
5. Section 0-1A-27 "Editor's Note":

even though not codified in the Maryland Annotated Code, the law still provides for the local impact grant to be shared between the County and Ocean City and Berlin. This should be changed to have all the funds distributed to the County to be spent in accordance with the multi-year plan.

Work Session of January 13, 2009

Page 11 of 12

January 14, 2009

Delegate James N. Mathias, Jr.
House Office Building, Rm. 307
Annapolis, MD 21401

RE- House Bill 4, Senate Bill 3, Acts of Special Session, 2007

Dear Delegate Mathias:

Reference the above legislation, the Mayor and City Council of Ocean City is aware that the County Commissioners of Worcester County has written seeking amendments to same, the Town of Berlin has written asking that the legislation not be amended, and that the community of Ocean Pines has written asking for an amendment which would include it as a designated recipient of local impact funds. At the Mayor and City Council meeting held on January 13, 2009 the subject of the above referenced legislation was discussed.

After consideration of the discussion, the council has asked that I write to express the position of Ocean City relative to the legislation and the correspondence from the aforementioned bodies. Ocean City is cognizant of the fact that the referendum legally only addressed the constitutional amendment permitting video lottery facilities, and that the legislation actually establishing the video lottery facilities was not the subject of the referendum. Notwithstanding same, it is believed that the two items of legislation are so inextricably intertwined that the electorate voted on the entire legislation package, not just House Bill 4. To amend Senate Bill 3, in any substantive nature, may not be reflective of the voters' determination on such a controversial subject matter. Ocean City believes that any substantive change, particularly relative to the percentage distribution of the local impact grants and the appointment of members to the local development council should be avoided.

Upon review of House Bill 4, our city solicitor has identified two topics where he believes inconsistencies exist. Both House Bill 4 and Senate Bill 3 designate the location of the video lottery facility in Worcester County to be within one mile of the intersection of Route 50 and Route 589. The geographical area encompassed by

House Bill 4, Senate Bill 3, Acts of Special Session, 2007

January 14, 2009

Page Two

the one-mile radius from the intersection includes several potential locations, not just the Ocean Downs racetrack property. As presently worded, the distribution percentage of the local impact grant to Worcester County, Ocean City and Berlin only applies if the video lottery operation license is awarded to Ocean Downs racetrack. If awarded to any other location within the radius, the entire local impact grant would go to Worcester County to be distributed solely as determined by it. Likewise, the joint appointment to the local development council by the County Commissioners of Worcester County and the Mayor of Ocean City only applies if the video lottery facility is at a racetrack location at Ocean Downs racecourse. If at any other location within the radius, the sole appointing authority would be the local jurisdiction, which is Worcester County. It is believed that the legislative intent was not to limit Ocean City's percentage distribution and the Mayor's participation in the appointment process to be only in the event that Ocean Downs is the video lottery terminals location. The legislative amendment to address the legislative intent would be merely textual, and not substantive.

Sincerely,

Richard W. Meehan
Mayor

cc: Governor O'Malley
Senator Stoltzfus
Delegate Conway
Worcester County Commissioners