



February 10, 2009
Work Session
Mayor and Council
Town of Ocean City, Maryland

In attendance: Mayor Rick Meehan, Council President Joe Mitrecic, Council Secretary Lloyd Martin, Council Members Jim Hall, Margaret Pillas, Mary Knight and Doug Cymek, City Manager Dennis Dare, City Solicitor Guy Ayres, Assistant to City Manager Kathy Mathias, City Engineer Terry McGean, Public Works Director Hal Adkins, Assistant Public Works Director James Parsons, Planning and Community Development Director Jesse Houston, Zoning Administrator Blaine Smith, Ocean City Police Chief Bernadette DiPino, Ocean City Police Department Captain Kevin Kirstein, Deputy City Clerk Kelly Allmond, Members of the Press and Interested Parties. Council Member Joe Hall was absent.

Council President Mitrecic called this Work Session to order at 12:07 p.m.; then, **Council Member Jim Hall moved to convene into Executive Session to consult with counsel to obtain legal advice; and, to consult with Staff, Consultants or other individuals about pending or potential litigations; seconded by Council Member Doug Cymek. The vote was 6-0 with Council Member Joe Hall absent.**

Council President Mitrecic called this meeting to order at 1:00 p.m.

1. Council President Mitrecic reported that legal and contractual matters were discussed in the Executive Session with the following in attendance: Mayor Rick Meehan, Council President Joe Mitrecic, Council Secretary Lloyd Martin, Council Members Jim Hall, Margaret Pillas, Mary Knight and Doug Cymek, City Manager Dennis Dare, City Solicitor Guy Ayres, Assistant to City Manager Kathy Mathias.

He advised that: **Council Member Jim Hall moved to re-appoint Susan Davis to the Board of Zoning and Appeals for a one-year term; seconded by Council Member Doug Cymek. The vote was 5-1 with Council President Mitrecic opposed and Council Member Joe Hall absent.**

Council Member Mary Knight moved to close the Executive Session; seconded by Council Secretary Lloyd Martin. The vote was 6-0 with Council Member Joe Hall absent.

Added
Agenda
Item

City Solicitor Guy Ayres advised that the Convention Center's Liquor License is due for renewal and requires that a Council Member be named on the license. **Council Secretary Lloyd Martin moved to add Council Member Mary Knight's name to the liquor license; seconded by Council Member Doug Cymek. The vote was 6-0 with Council Member Joe Hall absent.**

1. In accordance with the Town's Employee Recognition Program, Public Works Solid Waste Superintendent Woodrow Shockley introduced Solid Waste/Recycling Employees John Driscoll and John Tingle.
2. Acknowledgement of bids

Citywide Security Access Control System (Funded by the Department of Homeland Security; Staff Estimate = \$195,000.00)

Kratos Mid Atlantic, Newport, DE
Ducket
Atlantic Technology, Salisbury, MD
Johnson Controls, Salisbury, MD
Advantech, Dover DE
Inter American Business, Ocean City, MD
ARK Systems, Ocean City, MD
Diebold
Caughtevaugh

Council Member Mary Knight moved to acknowledge the bids with remand to Staff for review; seconded by Council Member Jim Hall. The vote was 6-0 with Council Member Joe Hall absent.

3. Assistant Public Works Director James Parsons requested permission to appropriate \$160,000.00 from the Wastewater Fund, to complete the aeration basin improvements to the Treatment Plant. **Council Member Jim Hall moved to approve the appropriation; seconded by Council Member Doug Cymek. The vote was 6-0 with Council Member Joe Hall absent.**
4. Zoning Administrator Blaine Smith and Ocean City Development Corporation Director Glenn Irwin presented a draft code amendment for new development incentives for the Downtown Overlay Project (see Attachment A). **Council Member Jim Hall moved to schedule the First Reading of this code amendment with the following changes: Items #1, #4 and #8 add "subject to the Mayor and Council's approval;" and, Item #4, strike "are also not required" and replace it with "may be required"; seconded by Council Member Mary Knight. The vote was 6-0 with Council Member Joe Hall absent.**
5. Assistant to City Manager Kathy Mathias advised that the Ladies Ancient Order of Hibernians have requested to take a "pass" on the Caroline Street Pad rotation for this year and remain on the list for the 2013 rotation. She presented a revised schedule for approval. **Council Member Jim Hall moved to approve; seconded by Council Member Mary Knight. The vote was 6-0 with Council Member Joe Hall absent.**

6. Assistant to City Manager Kathy Mathias requested approval for the following amendments to the Town's Policy and Procedure Manual ("PPM"):
 - a. Modification to the Travel Policy [PPM 800-4]: **Council Member Jim Hall moved to approve; seconded by Council Secretary Lloyd Martin. The vote was 6-0 with Council Member Joe Hall absent.**
 - b. Addition of the Identity Theft Policy [PPM 800-9]: **Council Member Doug Cymek moved to adopt; seconded by Council Member Jim Hall. The vote was 6-0 with Council Member Joe Hall absent.**
 - c. Modification to the Council Agenda Policy regarding distribution of the agenda documents [PPM 900-4]: **Council Member Mary Knight moved to approve; seconded by Council Secretary Lloyd Martin. The vote was 6-0 with Council Member Joe Hall absent.**
 - d. Modification to the Council Meetings regarding meeting times [PPM 900-3]: **Council Secretary Lloyd Martin moved to approve; seconded by Council Member Jim Hall. The vote was 6-0 with Council Member Joe Hall absent.**
 - e. Modification of Board Members' Pay [PPM 900-7]: **Council Member Jim Hall moved to approve; seconded by Council Member Mary Knight. The vote was 5-0 with Council Member Joe Hall absent and Council Secretary Martin out of the room.**
 - f. Modification to the Sunset Park Policy [PPM 600-24]: **Council Member Jim Hall moved to approve; seconded by Council Member Mary Knight. The vote was 5-0 with Council Member Joe Hall absent and Council Secretary Martin out of the room.**
 - g. Modification to the Policy of Use of City Right of Way's During Construction [PPM 600-21]: **Council Member Mary Knight moved to approve; seconded by Council Secretary Lloyd Martin. The vote was 5-0 with Council Member Joe Hall absent and Council Member Jim Hall out of the room.**
 - h. Modification to the Surveillance Camera Policy [PPM 700-3]: **Council Member Jim Hall moved to approve; seconded by Council Secretary Lloyd Martin.** The motion and second were withdrawn. [The discussion was postponed because more research is required.]
7. Council Secretary Lloyd Martin reported on the Police Commission Meeting of January 9, 2009 (see Attachment B).
8. Mayor Meehan presented a draft letter addressed to Delegate Jim Mathias requesting sponsorship of an amendment to Public Safety Article § 3-216 (b) (2) (ii)

to reduce the number of required seasonal police officers from 100 to 70 (see Attachment C).

Ocean City Police Chief Bernadette DiPino cautioned that the request may prompt opposition from the Maryland Police Training Commission.

Council Member Jim Hall moved to support the Mayor's letter to Delegate Mathias as presented; seconded by Council Member Doug Cymek. The vote was 5-1 with Council Member Margaret Pillas abstained and Council Member Joe Hall absent.

Council Secretary Lloyd Martin moved to adjourn at 3:05 p.m.; seconded by Council Member Doug Cymek. The vote was unanimous.

Development Incentives (Inlet to 3rd Street)

These incentives are intended to encourage new development to respect and compliment the "sense of place" that residents and visitors currently enjoy within the downtown area. To preserve this character, common architectural elements, and traditional rhythm of the street setbacks must be encouraged. Buildings with pitched roofs and dormers, generous front porches with columns and compatible colors are critical to this goal. As large development projects become part of the downtown landscape it is equally important to address parking location and the design of buildings over three stories high. The incentive program is voluntary and its benefits are available to any project that meets the intent of these guidelines. Recognizing the impossibility of creating one program to fit all projects, it should be noted that some aspects of this program are subject to review. The following pages describe the requirements and benefits for participation in this incentive program.

Requirements for Incentive Program

1) Front porches with columns and a minimum depth of seven feet deep. Porches above the third floor may be less than seven feet deep. The arrangement of additional porches and openings on the project facade will be subject to review. Buildings on street corners are expected to wrap porches around the corner on the lower three levels.

(2) Buildings with their front facades along the avenues (excluding Atlantic Avenue) shall follow the rhythm of the street including a porch zone of a minimum of seven (7) feet. The 4th and 5th floors of these buildings shall contain an additional porch zone setback of at least seven (7) feet. However the front building wall must not be less than the front setback requirement of the appropriate zoning district.

(3) Buildings with their front facades along side streets shall follow the rhythm of the street, but the porch may intrude within this front setback area up to seven (7) feet. The 4th and 5th floors of this building shall contain an additional porch zone setback. However the front building wall must not be less than the front setback requirement of the appropriate zoning district.

(4) Buildings higher than five stories shall have additional upper floor setbacks, subject to review.

(5) Buildings that are ~~less than~~ five stories or less are required to have a pitched roof, but taller buildings may have other roof designs, as approved.

(6) Sidewalks shall be a minimum of eight (8) feet wide, where possible, with a portion of which

may be pervious pavers. There shall be special consideration for widening side street sidewalks for Boardwalk fronting properties.

(7) Parking shall be screened from the public right of way by landscaping, fencing and/or architectural detailing. A project that faces the Avenues shall have its parking located in the rear of buildings or within the building footprint, so as to appear to be part of the main building.

(8) Pitched roofs may not exceed a slope of 9:12.

Benefits of the Incentive Program

1) Parking

a. A portion of a project's on-site residential (not including hotel and motel uses) parking requirement may be satisfied by using tandem (stacked) parking. These tandem parking spaces must be used for the same living unit and no more than one (1) space may be stacked behind another.

b. A reduction of parking to 2 parking spaces for 3 bedroom units ~~subject to approval by the Mayor and City Council.~~

c. To promote first floor commercial uses in appropriately zoned districts, a project will be permitted to satisfy 50% of its commercial parking requirements with reduced parking space sizes. Minimum parking space size shall be 18' x 8'. Such commercial uses must be permitted in the district, exclusive of residential uses including single family, multiple family, two family, hotel and motel units, cover a minimum of 75% of the frontage of a property, and be accessible to the general public.

d. First floor commercial uses providing a covered walkway can provide one less parking space for commercial parking requirements for each 300 sq. ft. of covered walkway area abutting a public street.

e. Projects may participate in a fee in lieu of parking program when approved by the Mayor and City Council.

2) Five foot reduced rear setback subject to the Town of Ocean City's building and fire codes.

3) A project that provides pitched roofs (no greater than nine feet by 12 feet pitch) and dormers will be allowed to use 50% of its upper floor footprint for residential and commercial uses, notwithstanding the definition of building height in section 110-2 of the zoning code, unless otherwise prohibited by the building code. Dormers must be of traditional style and must appear to be part of a functioning interior.

4) Projects containing only residential uses are not required to provide a loading zone. Mixed-use projects that contain 20 residential units or less are also not required to provide a loading zone.

5) A building's porch or covered walkway may intrude into its side yard setback. When the side yard abuts a public street it may intrude up to seven (7) feet into this setback, but may not be placed over the public right of way. When the side yard setback abuts an interior lot line it may intrude up to five (5) feet from this side lot line, subject to fire and building codes. In no case shall a porch impede pedestrian access to a required eight (8) foot wide sidewalk.

6) Building height to be measured from FEMA base flood elevation as shown on the Flood Insurance Rate Maps.

7) Front stairways may intrude into the front setback area.

8) Innovative projects, which satisfy the goals of these standards, may be allowed more latitude regarding roofs and the use of Drivit and treated wood.

AGENDA
POLICE COMMISSION MEETING
OPEN SESSION
January 9, 2009 3:00 P.M.

Present: Police Commission Chairman Lloyd Martin, Mayor Richard Meehan, Council Member Doug Cymek, City Manager Dennis Dare, Chief Bernadette DiPino, Captain Robert Bokinsky, Captain Victor Bunting, Captain Michael Colbert, Captain Kevin Kirstein

1. Review of the minutes of October 16, 2008 Police Commission Open Session Minutes. Approved, motion made by Mayor Richard Meehan and seconded by Council Member Doug Cymek.
2. Taxi Issues
 - a. Discussion of Taxi Fuel Surcharge has been sunsetted and therefore there will no longer be a surcharge. The Mayor requested that a notice be sent out by Capt. Kirstein regarding the expired surcharge, which expired on 1/2/09.
 - b. Discussion of one appeal per year for the denial of Taxi Driver's License – A motion was made by Mayor Richard Meehan to have one appeal per year for Taxi Driver's Licenses', seconded by Council Member Doug Cymek.
3. Traffic and Parking Commission Matters – none to discuss at this meeting.
4. False Alarm Hearings
 - a. Fagers – Appeal of Alarm Charges – A request was made by Mr. Fager to appeal the charges of 9 false alarms for the 2008 season. Mr. Fager reported that the establishment has 27 doors and various windows and that several times the correct code was provided to the alarm company who refused to cancel the call to police. The Police Commission members decided to have Mr. Fager pay the first \$200 fine and then forgive the remaining fines with the understanding that Mr. Fager would work with his alarm company to cut back on calls for the 2009 season. The Police Commission requested that the Chief write a letter to Mr. Fager outlining this decision.
5. Budget Reports
 - a. The Chief reported that there is bad news for Public Safety coming out of Annapolis. There will be budget cuts to both Public Safety and Education. The Ocean City Police Department could lose up to \$410,000. The Chief also reported that the MD Chiefs would strongly object to this budget cut.
 - b. The Chief also reported that with the budget cut to the State Police Aid, the City could create municipal citations which would allow the City to keep the funds for citations written anywhere other than Coastal Highway. Currently all citations written are state citations, which the fines go to the state. This is something to consider if the cuts come through.

6. Review of General Orders – none to discuss at this meeting.
7. New Business
 - a. Discussion of background checks for tow truck drivers – Capt. Kirstein reported that it is not mandated to do background checks on tow trucks drivers and that it is very expensive. It may be wise to consider sending a package out for tow truck companies and their drivers to fill out and request driving records. Capt. Kirstein reported that we can no longer do background checks the way we used to, we must go through a different process which takes more time. Dennis Dare suggested that franchising a tow truck service may be something the City considers in the future. The Mayor requested that the Chief and Mr. Dare present something to the Police Commission with more information at the next meeting, if possible.
 - b. Dennis Dare opened a discussion about Red Light Cameras to enhance revenues. The Chief added that many jurisdictions are seeing benefits to these cameras. The Chief offered that the Traffic Safety Unit could identify problem intersections and investigate Red Light Cameras. The Police Commission was not in favor of this option at this time and requested that this topic be reviewed after the 2009 season.

Open Session adjourned at 4:05 P. M.

The next meeting will be held on Thursday, January 29, 2009.

February 5, 2009

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

Dear Delegate Mathias:

At the January 29, 2009 Ocean City Police Commission meeting the number of seasonal police officers hired annually was discussed. A study is being conducted to determine the optimum number of seasonal officers needed to effectively and efficiently supplement the fulltime Ocean City Police Department (OCPD) staff. In recent years we have strived to hire 110 seasonal officers, but through attrition have generally fielded between 90 and 100 seasonal officers.

The attached legislation was enacted approximately 20 years ago to facilitate the OCPD seasonal officer program. The law requires OCPD to "employ" at least 100 non-fulltime (seasonal) officers in order to be exempt from those seasonal officers having to be certified by the Maryland Police Training Commission, a process that takes six months of fulltime training. Although the above referenced study has not been completed, it appears that the optimum number of seasonal officers needed may be less than 100. Accordingly, the Town of Ocean City is requesting that you initiate legislation to change the minimum number of seasonal officers employed from 100 to 70 and that, if enacted, that change be **effective May 1, 2009**. To facilitate this, the Public Safety Article § 3-216 (b) (2) (ii) should be changed as follows:

employs at least ~~100~~ 70 non-fulltime police officers.

The Ocean City Solicitor has been consulted regarding this change and concurs that a minor change to the legislation should be proposed. It is important that the minimum number of non-fulltime officers not be reduced too much, or opposition from the Training Commission may occur. Presently, the OCPD is the only agency in the state that qualifies for this exemption and it is believed that they would still be the only agency affected if the change is enacted.

Delegate James N. Mathias, Jr.
February 5, 2009
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Please feel free to direct any questions regarding this request directly to Chief Bernadette DiPino at 410-723-6633. Thank you for your assistance in this matter of mutual concern.

Sincerely,

Richard W. Meehan
Mayor

Attachment
Cc: City Council
City Manager
Chief of Police