

January 26, 2010
Work Session
Mayor and Council
Town of Ocean City

In attendance: Mayor Rick Meehan, Council President Joe Mitrecic, Council Secretary Lloyd Martin, Council Members Jim Hall, Council Member 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, General Services Director Joe Sobczak, City Engineer Terry McGean, Parks and Recreation Director Tom Shuster, City Clerk Carol Jacobs, Members of the Press and Interested Parties.

Council President Joe Mitrecic called this Work Session to order at 11:00 a.m.; then, **Council Secretary Lloyd Martin moved to convene into closed session to: (1) 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; (2) consider the acquisition of real property for a public purpose and matters directly related thereto; (3) consult with counsel to obtain legal advice; (4) discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal if public discussion or disclosure adversely impacts the public body's ability to competitively bid or make proposals; seconded by Council Member Jim Hall. The vote was 6-0 with Council Member Margaret Pillas absent.**

1. Council President Mitrecic re-opened the meeting at 1:10 p.m. and reported that legal, contractual, personnel and real estate matters were discussed in the closed session. 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, Finance Administrator Martha Lucey, Public Works Director Hal Adkins, Public Works Director Dick Malone. **Council Member Mary Knight moved to close the closed session; seconded by Council Secretary Lloyd Martin. The vote was unanimous.**
2. In accordance with the Town's Employee Introduction Program, Public Works Director Hal Adkins introduced Carlton Taylor and Ronald Powell.
3. Bid Openings:
 - A. Airport Hangar "J" (Bid Bond Required)
Director's Note: *"This project currently does not have a budget. As discussed with the Council over the last two years, it is our intent to solicit bids and then, based on the lowest responsive bid amount, compare the anticipated Principal and Interest Payment to the anticipated Rent Revenues that would be in line with the current market and surrounding airports for similar sized units. We will then report back to the MCC with our findings."*

Bidder	Base Bid	Alternate B1	Alternate B2
Willow Construction, LLC	\$590,900.00	\$51,300.00	\$17,800.00
Sems Mechanical	\$645,354.00	\$38,577.00	\$27,633.00
Miken Builders	\$633,992.00	\$51,500.00	\$17,770.00
R.D. Meredith	\$677,611.00	\$45,497.00	\$24,568.00
JOB Construction	\$617,973.00	\$21,300.00	\$13,900.00
F.M. Harvey Construction Co.	\$619,911.00	\$43,307.00	\$26,863.00

Hangar "J" bids
continued...

Harkins Contracting Corp.	\$570,000.00	\$37,500.00	\$16,700.00
Gillis Gilkerson	\$599,850.00	\$34,900.00	\$19,950.00
Evans Builders, Inc.	\$737,796.00	\$43,672.00	\$13,393.00
M.L. Blades & Sons, Inc.	\$553,000.00	\$34,300.00	\$36,200.00

Council Member Doug Cymek moved to accept the apparent lowest bid from M.L. Blades with remand to Staff for review; seconded by Council Member Jim Hall. The vote was unanimous.

- B. Boardwalk Variable Message Signs
(Budget Allocation = \$28,000.00; *Bid Bond Required)

Bidder	Bid
Atlantic Sign Maintenance	\$24,600.00
Gable Signs	\$21,245.00
Triangle	\$28,036.00

Council Member Mary Knight moved to accept the apparent lowest bid from Gable Signs with remand to Staff for review; seconded by Council Member Jim Hall. The vote was unanimous.

- General Services Director Joe Sobczak requested permission to purchase three vehicles (as shown below) under the Maryland State Contract (see Attachment A). **Council Member Jim Hall moved to approve the vehicle purchase as outlined in the above-referenced memo; seconded by Council Secretary Lloyd Martin. The vote was unanimous.**
- City Engineer Terry McGean, accompanied by Public Works Director Hal Adkins, requested approval to allocate \$10,000.00 of Critical Area Mitigation funding for a Stormwater Utility Study (see Attachment B). He introduced Megan Hughes, Program Manager of the University of Maryland Office of Environmental Finance. Ms. Hughes explained that the Town's ability to manage stormwater is challenged by several factors: flooding and road access, high population densities, aging conveyance systems, (storm)water quality and the absence of dedicated funding. She suggested that enterprise funding (i.e. a small fee to residences and businesses) is a proven funding method for stormwater utilities.

Council Member Joe Hall moved to proceed with the Stormwater Utility Study; seconded by Council Member Mary Knight. The vote was 6-1 with Council President Joe Mitrecic opposed.

6. Greg Shockley, President and Glenn Irwin, Executive Director of the Ocean City Development Corporation presented their 2010 Annual Report (see Attachment C). In their January 20, 2010 Memorandum to the Mayor and City Council Members they stated their request:

There will be three items which the OCDC will be requesting approval on from the Mayor and City Council. They are:

- 1) Renew and/or extend the leases for the Tarry-A-While Guest House and 110 Somerset Street buildings for five years to the OCDC to continue to provide employee housing services. Presently the 110 Somerset Street building's lease runs through February 7, 2010 and the Tarry-A-While lease ends April 30, 2012. The OCDC is recommending both leases be extended to run to December 31, 2015.
- 2) Provide early repayment of fifty percent of the balance owed to the Burke and Walker families for prior land acquisition purchases. These repayment amounts would be \$375,000 to the Burke family and \$125,000 to the Walker family. Such funds would be repaid from the Inlet Parking Lot Fund.
- 3) Approve the OCDC to partner with the Town's Recreation and Parks Department and community organizations to provide "Sunset Party Nights" at Sunset Park on Tuesday evenings during July and August, 2010. This event will provide music events at this park and also include beer & wine sales with proceeds going to the Ocean City Recreation Boosters.

Council Member Mary Knight moved to approve the request as presented above; seconded by Council Member Margaret Pillas. The vote was unanimous.

7. City Clerk Carol Jacobs advised the Council about a discrepancy of the benefit payment language between the General and Public Safety Pension documents. City Clerk Jacobs explained the current language states that if retired Public Safety Employees are rehired by the Town as General Employees, pension benefits *will* cease until the participant retires for the second time. If general employees retire their pension benefits *may* cease (at the Town's discretion) until their second retirement. **Council Member Jim Hall moved to amend the Public Safety and General Pension Plans to allow retirees to continue collecting their pension benefit even if they are rehired by the Town; seconded by Council Secretary Lloyd Martin. The vote was unanimous.**
8. City Solicitor Guy Ayres presented the following General Orders for approval:
- 100 B-3 Internal Memorandum – Guidelines
 - 200 B-2 Off Duty Action
 - 200 D-2 Departmental Collisions and Reviews
 - 200 E-1 Performance Evaluations
 - 200 F-1 Employee Drug Testing
 - 200 S-1 Secondary Employment
 - 200 U-1 Use of Force
 - 200 V-1 Domestic Violence Involving Police Officers
 - 400 J-1 Extra-jurisdictional Authority

Council Member Jim Hall moved to approve the General Orders as presented; seconded by Council Secretary Lloyd Martin. The vote was 6-1 with Council Member Doug Cymek opposed. Mayor Meehan did not concur with the vote.

The Mayor asked Council Member Cymek to explain his opposition. Council Member Cymek explained that he is only opposed to General Order 200 B-2, entitled "*Off Duty Action;*" specifically, Section V-B which states:

- B. An officer should avoid carrying a firearm off-duty when he/she intends to consume alcoholic beverages. In the event an officer does consume alcoholic beverages, he/she shall not carry a firearm off-duty when his/her alcohol concentration is a 0.04 BrAC or higher. An officer shall not carry a firearm off-duty when over-the-counter or prescribed medicine has impaired the officer's mental or physical condition. Supervisors who suspect any officer of carrying or wearing a firearm in violation of this provision shall order the suspected violator to submit to chemical testing for administrative purposes.

Council Member Jim Hall amended his motion to approve the General Orders with the exception of General Order 200 B-2; the amended motion was seconded by Council Secretary Lloyd Martin. The vote was 5-1 with Council Member Joe Hall opposed and Council Secretary Lloyd Martin out of the room. Mayor Meehan concurred with the amended vote.

9. City Solicitor Guy Ayres presented, upon the Police Commission's request, a draft ordinance establishing a taxicab medallion system to limit the number of taxis doing business within city limits.

Solicitor Ayres pointed out that Chapter 102, Division 1, as proposed, has been changed to include several new definitions. He noted that the definition for "owner" should be amended as follows:

"Owner. The person or business entity in whose name a taxicab is registered with the Motor Vehicle Administration of the State of Maryland **and who acquires use of one or more taxi cab medallions.**"

Solicitor Ayres also noted Section 102-32(2), which states that medallions shall be awarded by the competitive bidding process. He suggested that the Council give consideration to competitive bidding because, he said, "people are going to paying a different amount for the right to do the same thing." He recommended setting a base price for the initial award of the medallion.

The Mayor recommended the incorporation of some restrictions against one fleet holder purchasing a majority of the medallions.

Council Member Knight asked about the current inspection process. Ocean City Police Officer Hugh Bean explained that a Maryland State Vehicle Inspection is required before the taxi is inspected by the OCPD. He also said if the cab is air conditioned, the air conditioner must work upon inspection.

Council Member Doug Cymek asked, and Assistant to City Manager Kathy Mathias advised that there are 43 taxi companies, 219 taxi drivers, and 160 vehicles that were inspected last year.

Council Member Margaret Pillas asked, and Ocean City Police Officer Hugh Bean advised that taxies are exempt from the seatbelt law, and, airbags are not required (even if there's an

empty space where the airbag was factory-installed). The Mayor said the cabs should be air conditioned.

Council President Mitrecic invited taxi cab owners to comment first. Ruth Carpenter of AbouTown Taxi, Christy Freeman of Classic Taxi, Reuben Ortega of Info Taxi, Carl Cufchak of OC Taxi, Jim Yambor of Ocean City Taxi, Michael Pawlowski of Nite Club Taxi, Wayne White of City Cab, Charles Ridgely Stooksbury of American Veteran Taxi, Ken Hovance of Century Taxi, Ray Godman of Classic Taxi expressed their concerns with the medallion system and award process.

Council Member Jim Hall moved to require medallions to be paid in five payments: 20% upon bid and 20% per month until July 15th; seconded by Council Member Joe Hall. No vote was taken.

Council President Mitrecic invited tax cab drivers to comment second. C. Lucks for Free Taxi, David for Island Way Taxi and Kenny Etheridge expressed their concern about the medallion system and award process.

Council Member Doug Cymek moved to proceed with the First Reading of the Taxicab Medallion ordinance with the following amendments: (1) set a limit of one medallion per cab with a maximum allotment of 160 medallions; and, (2) all existing cab owners will have the first right of refusal to purchase a quantity of medallions, not to exceed the quantity of cabs owned as of January 26, 2010; and, (3) the price for each medallion is \$1,500.00 with a \$500.00 annual renewal fee; and, (4) the initial \$1,500.00 fee will be payable in five installments with the first 20% due upon purchase, 20% due on April 15th, 20% due on May 15th, 20% due on June 15th, and 20% due on July 15th in the purchase year; and, (5) no single owner will own more than 50% of the medallions; and, (6) 25% of the medallions will be sold to single cab owners; and, (7) 75% of the total number of medallions will be sold to fleet owners; and, (8) no new taxicabs will be eligible without air-conditioning; (9) the first sale is scheduled for March 1, 2010 at 10:00 a.m. in the Council Chambers of City Hall; and, (10) a 25% fee will be assessed and payable to the Town of Ocean City when a medallion is re-sold; seconded by Council Member Mary Knight. The vote was 5-2 with Council Member Jim Hall and Council Secretary Lloyd Martin opposed.

10. [The discussion of the 2011 Schedule for Town-operated Special Events was postponed.]

11. City Manager Dare proposed a retirement incentive plan 84 employees eligible to collect pension benefits to reduce the Town's workforce voluntarily. He explained that lump sum equivalent to 6 months of salary will offered to two groups: (1) Public Safety employees with 25 or more years of service must inform the City Manager by June 30, 2010 and retire on October 31, 2010; (2) General employees with 30 or more years of service, and, age 55 or older, must inform the City Manager by March 31, 2010 and retire on April 30, 2010. Also, employees age 65 and older, who have a fraction of 25 or 30 years of service, will be offered a prorated lump sum.

He advised that the potential savings for this plan may approach one million dollars in the first year, and an even greater amount in the second year. **Council Member Mary Knight moved to accept City Manager Dare's recommendation; seconded by Council Member Doug Cymek. The vote was unanimous.**

Council Member Mary Knight moved to adjourn at 6:14 p.m.; seconded by Council Member Doug Cymek. The vote was unanimous.