

**Regular Session #4
February 16, 2010
Mayor and Council
Town of Ocean City**

**Mayor Richard W. Meehan
Council President Joe Mitrecic
Council Secretary Lloyd Martin**

**Council Member Jim Hall (absent)
Council Member Margaret Pillas
Council Member Mary Knight
Council Member Doug Cymek
Council Member Joe Hall**

ATTENDANCE

Mayor Rick Meehan, Council President Joe Mitrecic, Council Secretary Lloyd Martin, Council Members Margaret Pillas, Mary Knight, Doug Cymek and Joe Hall, City Manager Dennis Dare, City Solicitor Guy Ayres, Assistant to City Manager Kathy Mathias, 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 5:05 p.m., in the Council Chambers of City Hall, 301 Baltimore Avenue, Ocean City, Maryland 21842; then, **Council Member Doug Cymek moved to convene into closed session to: (1) consider the acquisition of real property for a public purpose and matters directly related thereto; (2) consult with counsel to obtain legal advice; seconded by Council Secretary Lloyd Martin. The vote was 5-0 with Council Member Jim Hall absent.**

PRAYER AND PLEDGE

City Arborist Greg Purnell led the prayer, and Council Secretary Lloyd Martin led the Pledge of Allegiance.

CLOSED SESSION

Council President Mitrecic reconvened the meeting at 6:05 p.m. and reported that real estate and personnel matters were discussed in the closed meeting. Persons present were Mayor Rick Meehan, Council President Joe Mitrecic, Council Secretary Lloyd Martin, Council Members Margaret Pillas, Mary Knight, Doug Cymek and Joe Hall, City Manager Dennis Dare, City Solicitor Guy Ayres and Assistant to City Manager Kathy Mathias, Todd Ferrante, Member of the Board of Directors for the Ocean City Development Corporation and Glenn Irwin, Director of the Ocean City Development Corporation. **Council Member Doug Cymek moved to appoint Kathy Mathias as City Clerk; seconded by Council Member Joe Hall. The vote was 5-0 with Council Members Jim Hall and Pillas absent.**

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

REPORT FROM CITY MANAGER ON UPCOMING WORK SESSION

City Manager Dennis Dare reported that the following items will be discussed in the February 23, 2010 Work Session:

1. Request to purchase ballistic vests with grant funds for the Ocean City Police Department – presented by Lieutenant Richard Moreck
2. Request to purchase licensed microwave equipment with Homeland Security Grant Funds – presented by Emergency Services Director Joe Theobald
3. Recommendation from the Planning Commission regarding residential development in commercial zones – Planning and Community Development Director Jesse Houston
4. Discussion on forming a Parking Committee – presented by Council Member Joe Hall

APPROVAL OF MINUTES

Regular Session #2, dated January 19, 2010, and, Work Session, dated January 12, 2010 were approved as presented.

PUBLIC HEARINGS

The FY2011 Annual Transportation Grant (see Attachment A).

ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY SOLICITOR

City Solicitor Ayres presented the following items for approval:

- A. Second Reading of Ordinance 2010-1, amending Chapter 102, entitled *Vehicles for Hire*, implementing the new taxi medallion system with amendments to Section 102-32 to add §(h) regarding minimum insurance requirements, (i) regarding cab owners maintenance of the insurance policy (j) regarding the clean and sanitary condition of all cabs, and, Section 102-57 to add random drug testing language. Assistant to City Manager Kathy Mathias advised that she, City Clerk Carol Jacobs and Ocean City Police Officer Hugh Bean are working on procedures for the medallion sale on March 1st.

Cab Owner Ruth Carpenter asked, and City Solicitor Ayres clarified that Certificates of Insurance must name the Mayor and Council as Certificate Holders. Cab Owner Christy Freeman asked, and City Solicitor Ayres clarified that stockholders are required to submit background checks. He explained that offenses in matters of moral fortitude (i.e. felonies for larceny or tax evasion) is a matter of public interest.

Cab Owners Cedric Lucas, Julio Ondria, Natalie Hemphill, Jim Yambor, Mike Mullinex, Cheryl Thrift, Karl Kupchak and Citizen Ellie Diegelmann presented comments and questions. Lastly, Officer Bean advised that Ocean City Police Department Employee Joanne Fisher will handle all questions about taxi inspections.

Council Member Mary Knight moved to approve the Second Reading of Ordinance 2010-1 as amended, and, to allow a 10 day extension if the 30-day requirement cannot be met for just cause; seconded by Council Member Doug Cymek. The vote was 6-0 with Council Member Jim Hall absent.

- B. *First Reading of an Ordinance regarding Public Safety and General Employee Pension Plans allowing retirees to be re-employed without loss of pension benefits was postponed.*
- C. First Reading of Ordinance 2010-2, amending Chapter 90, entitled *Bicycles, Skateboards and Similar Conveyances*, increasing the hours of operation for bicycles on the boardwalk. **Council Member Margaret Pillas moved to approve the First Reading of Ordinance 2010-2; seconded by Council Member Mary Knight. The vote was 5-0 with Council Member Jim Hall absent and Joe Hall out of the room.**
- D. Resolution 2010-2 to endorse the MTA Grant Application. **Council Member Mary Knight moved to approve Resolution 2010-2; seconded by Council Member Margaret Pillas. The vote was 6-0 with Council Member Jim Hall absent.**
- E. Resolution 2010-3 limiting the number of taxi cab medallions held by one fleet holder, and, to set forth a procedure for obtaining the right to hold a medallion pursuant to Chapter 102 entitled *Vehicles for Hire*. **Council Member Doug Cymek moved to approve Resolution 2010-3 with an amendment to convene at 10:00 a.m. on Monday, March 1, 2010, all must be registered by 11:00 a.m., and proceed with the lottery immediately thereafter.** [Note: prior to the vote, Council Member Joe Hall made an ancillary motion - see below.] **The vote was 6-0 with Council Member Jim Hall absent.**

Council Member Joe Hall made an ancillary motion to allow one fleet holder to hold a maximum of 35% of all fleet medallions (a total of 51 medallions); seconded by Council Member Margaret Pillas. The vote was 6-0 with Council Member Jim Hall absent.

- F. Resolution 2010-4 establishing fares for taxicab services. **Council Member Mary Knight moved to approve Resolution 2010-4 with removal of the per cab fee; seconded by Council Secretary Lloyd Martin. The vote was 6-0 with Council Member Jim Hall absent.** Assistant to City Manager Kathy Mathias advised that a public notice pertaining to the medallion sale will be posted in the local newspapers. She also reminded those in attendance that initial payments must be made in cash, money order or certified check.
- G. City Solicitor Ayres advised that the Police Commission made a recommendation to rescind General Order 200 B-1, entitled *Roll Call Procedures*, because this order is duplicated in another general order. **Council Member Margaret Pillas moved to rescind General Order 200 B-1; seconded by Council Member Mary Knight. The vote was 6-0 with Council Member Jim Hall absent.** The Mayor concurred with the vote.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY MANAGER

City Manager Dare presented a staff recommendation to hire **Tymatt, Inc.**, in the amount of \$16,000.00 (Staff Estimate = \$40,000.00), for the West Ocean City Park N Ride Covered Bridge Cleaning and Preserving project. **Council Secretary Lloyd Martin moved to approve; seconded by Council Member Mary Knight. The vote was 5-0 with Council Members Cymek and Jim Hall absent.**

COMMENTS FROM CITIZENS

None

COMMENTS FROM THE MAYOR AND CITY COUNCIL

Council Member Mary Knight announced that the Town has 30,000 fans on Facebook.

Mayor Meehan commented on the productive discussions among staff, Council and Taxicab Owners.

ADJOURNMENT

Council Member Mary Knight moved to adjourn at 8:32 p.m.; seconded by Council Member Doug Cymek. The vote was 5-0 with Council Members Cymek and Jim Hall absent.

Prepared by: Kelly L. Allmond, Deputy City Clerk
Approved by: Carol L. Jacobs, City Clerk
Approved by the Mayor and Council on:

ATTACHMENT A

**February 16, 2010
Mayor and City Council
Town of Ocean City, Maryland**

**Mayor Richard W. Meehan
Council President Joe Mitrecic
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**Council Member Jim Hall (absent)
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**FY2011 Annual Transportation Plan and
Complementary Paratransit Application
Public Hearing**

Council President Joe Mitrecic

The next item on the agenda falls under "Public Hearing" it's for the FY2011 Annual Transportation Grant. Mr. Adkins?

Public Works Director Hal Adkins

Good evening, Mayor and Council and for those in attendance, joining me this evening to assist those that have hearing impairments, to my right is Mrs. Joy Carney, she will be with us for the duration of the public hearing. I will remind the Mayor and Council, and those in attendance, should anyone wish to comment or raise questions upon the conclusion of the presentation, there is, in fact a sign-in sheet behind me and to my right with the City Clerk. Please sign in before approaching the podium.

As Council President Mitrecic has indicated, it is once again that time of year when we are required to hold a public hearing for the proposed FY11 Annual Transportation Budget inclusive of our complementary para-transit plan. I will remind the Council and the citizens: you have yet to see any of the budget. The City Manager has yet to discuss the budget in detail. If I recall, our meeting with the City Manager is this Friday, and I assume, thereafter, our budget meeting with the Mayor and Council will be sometime within thirty to sixty days thereafter.

Similar to what I have done in past years, I simply am required to read into the record, both the operating budget and the capital budget, inclusive of any anticipated revenues or supporting grants. So, if you'll bear with me for a moment, the proposed Operating budget for FY11 is five million four hundred and sixty nine thousand five hundred and sixty nine dollars (\$5,469,569.00). That Operating budget is proposed to be supported by the following revenues: fare box revenues, in the amount of two million, one hundred and thirty nine thousand, eight hundred and sixty eight dollars (\$2,139,868.00); a proposed federal operating grant, in the amount of four hundred and eleven, three hundred and sixty two thousand (\$411,362.00); a state operating grant in the amount of three hundred and four thousand four hundred and twenty dollars (\$304,420.00). Once again as I try to do each year, remind the Council, and those viewing, those two numbers have been static for a number of years.

In addition to that, we have requested an ADA grant for our para-transit service, in the amount of a hundred and ten thousand dollars (\$110,000.00), and therefore the total revenue is two million, nine hundred and sixty five thousand, six hundred and fifty dollars (\$2,965,650.00). When subtracting the proposed revenue stream from the overall operating budget results, is an anticipated General Fund contribution of two million, five hundred and three thousand, nine hundred and nineteen dollars (\$2,503,919.00).

In addition to the operating budget, each year we put together a proposed capital grant request. This year's grant request that is being submitted is in the aggregate amount of seven million, one hundred and seventeen thousand, six hundred dollars (\$7,117,600.00). Of that, it is a ninety-ten split (90%-10% split). The ninety percent (90%) is a combination of federal at eighty (80%) and state at ten (10%), with a local match of ten percent (10%). Therefore we anticipate getting a federal grant should all those items be approved, in the amount of five million six hundred and ninety four thousand and eighty dollars (\$5,694,080.00); a state grant in the amount of seven hundred and eleven thousand, seven hundred and sixty dollars (\$711,760.00), and the Mayor and Council's local match on that would also be seven hundred and eleven thousand seven hundred and sixty dollars (\$711,760.00).

To drill down slightly further on a capital request, in your agenda I hope you found a summary sheet of the items that are being requested. I will briefly read through that list, the first item is a replacement of thirteen (13) forty-foot transit buses, in the aggregate amount of five million four hundred and sixty thousand dollars (\$5,460,000.00); bus spare parts in the amount of three hundred thousand dollars (\$300,000.00); two (2) ADA replacement vans for one hundred and eleven thousand dollars (\$111,000.00); purchase of passenger shelter and shelter parts in the amount of fifty thousand dollars (\$50,000.00); a replacement HVAC System for our us dispatch center in the amount of fifteen thousand dollars (\$15,000.00), overhead door repairs and maintenance for that same building, in the amount of ten thousand dollars (\$10,000.00); repair and modifications to a fire suppression system within, what is known as the "Bus Barn" - it's a storage facility, in amount of forty thousand dollars (\$40,000.00); a replacement lift gate for a service truck in the amount of three thousand dollars (\$3,000.00); personnel lockers in the amount of three thousand six hundred dollars (\$3,600.00); re-skinning of the Bus Barn – it is a pre-engineered metal building that has been there since nineteen eighty two (1982) or eighty three ('83), in the amount of one hundred and twenty five thousand (\$125,000.00); and then finally, an environmental assessment and associated design and engineering fees in the amount of one million dollars (\$1,000,000.00).

That concludes my portion of the presentation both on the operating and capital budgets, I know turn to the Council should they have any questions of me on the data I have explained.

Council President Joe Mitrecic

Questions? Mr. Mayor.

Mayor Rick Meehan

Yes, Hal, maybe you could go in a little detail about the environmental assessment, design and engineering cost there of one million dollars - what that pertains to.

Public Works Director Hal Adkins

That is associated with a parcel of land that the Council has been pursuing in mid-town section of town and the MTA requires, should they participate at all, that environmental assessment be done on any portion that they may be associated with.

Mayor Rick Meehan

Thank you.

Council President Joe Mitrecic

Anyone else have any questions for Hal? Seeing none, we'll open it to the public. Anybody from the public have questions about the annual transportation grant request. Seeing none, I'll take a motion to close the... Council Member Martin?

Council Secretary Lloyd Martin

I'd like to make a motion to close the public hearing.

Council President Joe Mitrecic

Council Member Knight?

Council Member Mary Knight

Second.

Council President Joe Mitrecic

I have a motion by Council Member Martin and a second by Council Member Knight to close the public hearing. All those in favor? Those opposed? Let the record show the vote was unanimous with Council Member Jim Hall absent.