

February 23, 2010
Work Session
Mayor and Council
Town of Ocean City

Mayor Rick Meehan, Council President Joe Mitrecic, Council Secretary Lloyd Martin, Council Members Jim Hall, Margaret Pillas and Joe Hall, City Manager Dennis Dare, City Solicitor Guy Ayres, Assistant to City Manager Kathy Mathias, Lieutenant Richard Moreck, Emergency Services Director Joe Theobald, Planning and Community Development Director Jesse Houston, Human Resource Director Roger Weseman, Deputy City Clerk Kelly Allmond, Members of the Press and Interested Parties. Council Member Mary Knight was absent.

Council President Joe Mitrecic called this work session to order at 10:34 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 5-0 with Council Members Knight and Cymek absent.**

1. Council President Joe Mitrecic reconvened the open meeting at 1:18 p.m. and reported that legal, contractual 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, Joe Hall and Doug Cymek, City Manager Dennis Dare, City Solicitor Guy Ayres, Assistant to City Manager Kathy Mathias, Finance Administrator Martha Lucey, Public Works Director Hal Adkins, Chief Deputy Public Works Director James Parsons, Airport Manager George Goodrow, Jeff Breeden AICP, Planner of FAA Washington Airports District; Mindy Lee, FAA WADO OXB Airport Engineer; Ashish Solanki, Director, Office of Regional Aviation Assistance, MAA; Chuck Trice, P.E. and Ken Brazeau, P.E., URS Corporation; Dave Jones, Delta Airport Consultants and J. Wayne Evans, HR Director Candidate. **Council Member Jim Hall moved to proceed with Option 9B for the Ocean City Airport; seconded by Council Secretary Lloyd Martin. The vote was 4-2 with Council Member Mary Knight absent and Council Members Pillas and Joe Hall opposed.**

Council Member Doug Cymek moved to offer the Human Resource Director position to J. Wayne Evans as recommended by City Manager Dennis Dare; seconded by Council Member Margaret Pillas. The vote was 6-0 with Council Member Jim Hall absent.

2. Ocean City Police Chief Bernadette DiPino presented December's Officer of the Month, Kyle Murray, and January's Officers of the Month, Kevin Flower and PFC Jeffrey Johns.
3. Ocean City Police Chief Bernadette DiPino requested permission to use Homeland Security Grant funding to sole source purchase 14 ballistic vests for the OCPD from Atlantic Tactical. **Council Member Doug Cymek moved to approve; seconded by Council Secretary Lloyd Martin. The vote was 6-0 with Council Member Mary Knight absent.**

4. Emergency Services Director Joe Theobald requested permission to sole source purchase licensed microwave equipment from BIG Wireless, LLC, in the amount of \$54,000.00 (Staff Estimate: \$51,531.00) with Homeland Security Grant Funds. **Council Member Jim Hall moved to approve; seconded by Council Member Doug Cymek. The vote was 6-0 with Council Member Mary Knight absent.**
5. Planning and Community Development Director Jesse Houston presented the Planning Commission's recommendation regarding residential development in commercial zones (see Attachment A). **Council Member Jim Hall moved to request that City Solicitor Ayres present this recommendation in ordinance form for First Reading at the next available Regular Session; seconded by Council Secretary Lloyd Martin. The vote was 5-1 with Council Member Mary Knight absent and Council Member Joe Hall opposed.**
6. **Council Member Joe Hall moved to form a Parking Committee for the purpose of: (1) creating an inventory of existing un-metered and metered parking spaces; (2) developing a cost analysis; (3) creating a management plan for public parking; seconded by Council Member Margaret Pillas. The vote was 2-4 with Council Member Mary Knight absent and Council President Joe Mitrecic, Council Secretary Lloyd Martin and Council Members Jim Hall and Doug Cymek opposed.**
7. **Council Secretary Lloyd Martin moved to convene into closed session on Wednesday, February 24, 2010 at 6:00 p.m. to: (1) consult with counsel to obtain legal advice; and, (2) conduct collective bargaining negotiations or consider matters that relate to the negotiations; seconded by Council Secretary Lloyd Martin. The vote was 6-0 with Council Member Mary Knight absent.**

Mayor Rick Meehan advised that he is scheduled to meet with Worcester County Commissioner Bud Church on March 2, 2010 at 10:30 a.m. to discuss the Town's 2011 grant request for \$3,853,431.00. **Council Member Doug Cymek moved to support Mayor Meehan's 2011 request to Worcester County for \$3,853,431.00 in grant funding; seconded by Council Secretary Lloyd Martin. The vote was 6-0 with Council Member Mary Knight absent.**

Council Secretary Lloyd Martin moved to adjourn at 2:23 p.m.; seconded by Council Member Doug Cymek. The vote was 6-0 with Council Member Mary Knight absent.

MEMORANDUM

TO: Mayor and City Council

FROM: Planning Commission
Jesse C. Houston, Director of Planning and Development

SUBJECT: Recommendation for Zoning Code Amendments Regarding
Commercial Districts

DATE: July 18, 2008; April 22, 2009

The Planning Commission held public hearings on May 13, 2008, and April 21, 2009, to consider changes to the zoning regulations regarding development in commercial districts. There was no public comment offered at either hearing, so no transcript has been prepared. The testimony presented by staff in the form of a power point presentation is included in this packet to provide background for the Mayor and City Council.

Following the public hearings the Commission discussed the issue in more detail and considered several alternatives. The Commission's recommendation is presented below.

RECOMMENDATION FROM PLANNING COMMISSION

The goal of these zoning code amendments is to implement the Comprehensive Plan by:

- Encouraging commercial development in commercial districts
- Encouraging mixed-use development
- Guiding higher density residential development to the oceanside
- Moving away from the pyramidal zoning structure
- Ensuring adequate commercial services for future residents and visitors.

In order to achieve these goals, the Commission recommends the following changes to zoning regulations in the LC-1 (Local Commercial), SC-1 (Shopping Center) and BM-1 (Bayside Marine) districts:

1. Development permitted by right
 - a. Commercial (non-residential) development as permitted by the zoning district.
 - b. Mixed-use development (Mixed-use defined as "A development in which a gross floor area equal to a minimum of 20% of the lot area is devoted to commercial uses accessible to the general public that are permitted in the district, exclusive of residential uses including single family, multiple family, two family, hotel and motel units.")
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- i. Residential density (including hotels/motels) in a mixed-use project east of Philadelphia Avenue/Coastal Highway shall be as defined by the R-3 district. *(This is the existing permitted density.)*
- ii. Residential density (including hotels/motels) west of Philadelphia Avenue/Coastal Highway shall be as defined in the R-3A district. *(This is a density reduction.)*
- iii. Incentive: The parking requirement for commercial uses in a mixed-use project is reduced by 20%, and 20% of the remaining required parking spaces may be compact spaces.

2. Development permitted by Conditional Use

- a. Residential development, or mixed-use development that does not contain a sufficient amount of commercial use to qualify as “mixed-use” as defined above.
 - i. Residential density (including hotels/motels) east of Philadelphia Avenue/Coastal Highway shall be as defined in the R-3A district. *(This is a density reduction.)*
 - ii. Residential density (including hotels/motels) west of Philadelphia Avenue/Coastal Highway shall be as defined in the R-2 district. *(This is a density reduction.)*

Note: Appropriately zoned bayside parcels larger than 5 acres will continue to be able to apply for Planned Overlay designation to allow more flexibility in design.

The table below illustrates the effect of the reduced densities recommended by this proposal and the minimum commercial space required to qualify as “mixed-use”.

40,000 square foot parcel	
R-3	38 units
R-3A	27 units
R-2	20 units
20% commercial = 8,000 s.f.	
80,000 square foot parcel	
R-3	78 units
R-3A	55 units
R-2	40 units
20% commercial = 16,000 s.f.	
120,000 square foot parcel	
R-3	118 units
R-3A	82 units
R-2	60 units
20% commercial = 24,000 s.f.	
