

**Regular Session #9
May 3, 2010
Mayor and Council
Town of Ocean City**

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

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

IN ATTENDANCE

City Manager Dennis Dare, City Solicitor Guy Ayres, Assistant to City Manager Kathy Mathias, Finance Administrator Martha Lucey, Zoning Administrator Blaine Smith, Private Events Coordinator Lisa Mitchell, 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 6:02 p.m., in the Council Chambers of City Hall, 301 Baltimore Avenue, Ocean City, Maryland 21842.

PRAYER AND PLEDGE

American Legion Chaplain Warren Disbrow led the prayer and Pledge of Allegiance.

REPORT FROM CITY MANAGER ON UPCOMING WORK SESSION

City Manager Dennis Dare advised that the following are scheduled for discussion in the upcoming work session:

1. Request for waiver of fees for a Public Information Request – presented by Kathy Phillips
2. Discussion of undomesticated animal regulations – presented by City Solicitor Guy Ayres

APPROVAL OF MINUTES

Minutes for the Work Session dated April 13, 2010, and, Regular Session #8, dated April 19, 2010 were approved as presented.

ITEMS PRESENTED BY THE MAYOR AND CITY COUNCIL

- A. Mayor Rick Meehan presented a proclamation designating the week of May 3, 2010 as Youth Week.
- B. Mayor Meehan, accompanied by Delegate Jim Mathias and Recreation Superintendent Kate Gaddis, presented Soccer Player Katelynn Knowles and Coach John Petito with Mid Atlantic Sport's Alliance's Good Sports Awards.

SPECIAL EVENT PERMIT REQUESTS

Private Events Coordinator Lisa Mitchell presented the following for approval:

- A. **1st Annual OC Beach 'n March**, on Sunday, May 16, 2010. Present for questions was Police Corps 1st Lieutenant Benjamin Berry. **Council Member Mary Knight moved to approve the event with the following caveats (1) no grilling – prepared food only, (2) Insurance Certificate is required, and, (3) loading and unloading must take place at 94th Street; seconded by Council Member Jim Hall. The vote was 6-0 with Council Member Joe Hall absent.**
- B. **118th Annual Maryland State Firemen's Association Parade** on Wednesday, June 16, 2010. Present for questions was OCVFC/MSFA Parade Coordinator Roger Steger. Mr. Steger requested that the Montgomery Pipe and Drum performance be included in the event approval. **Council Member Doug Cymek moved to approve the event to include the Montgomery Pipe and Drum Performance with the following caveats (1) Insurance Certificate is required and (2) planners must attend the pre-event meeting with Police and Public Works; seconded by Council Member Jim Hall. The vote was 6-0 with Council Member Joe Hall absent.**
- C. **Marines Pull-up Challenge**, June 4-6, 8-13 and 18-20, 2010. Present for questions was US Marine Staff Sergeant Lewis Mendez. **Council Member Jim Hall moved to approve the event with the following caveats (1) the event's music must comply with the noise ordinance (2) if a tent is necessary, the planners must obtain a tent permit from the Fire Marshal's Office; seconded by Council Secretary Lloyd Martin. The vote was 6-0 with Council Member Joe Hall absent.**
- D. **Showell Elementary School First Grade Boardwalk Walk** on Friday, May 14, 2010. Present for questions was Robin Wolinski for Showell Elementary School. **Council Member Jim Hall moved to approve; seconded by Council Member Mary Knight. The vote was 6-0 with Council Member Joe Hall absent.**
- E. Addendum to the previously approved "CROP Walk" (on Sunday, May 23, 2010) to allow free parking for participants. Present for questions was John Falcone. **Council Member Jim Hall moved to arrange for participants to park in the City Hall lot, and, to ask Private Events Coordinator Lisa Mitchell to contact the Atlantic United Methodist Church and request use of their parking lot; seconded by Council Member Mary Knight. The vote was 6-0 with Council Member Joe Hall absent.**

NEW BUSINESS

Keith Iott, representing Sea Rocket Adventures Owner Graham Bostic, requested temporary use of the Holt's Landing Property for the vessel's departures. **Council Member Jim Hall moved to approve for one year as presented; seconded by Council Secretary Lloyd Martin. The vote was 6-0 with Council Member Joe Hall absent.**

REPORTS AND RECOMMENDATIONS FROM THE PLANNING AND COMMUNITY DEVELOPMENT

Zoning Administrator Blaine Smith presented the Planning Commission's favorable recommendation for a rezoning petition requesting a change in zoning classification from P, Planned Overlay District, to SC1, Shopping Center District and LC-1, Local Commercial District, for Land Units 2,3,4 and Common Areas on Amended Plat 45th Street Land Condominiums, 45th Street Village Shopping Center and Bella Vista Condominium and known locally as 4409 - 4501 Coastal Highway Applicant: Council of Unit Owners of 45th Street Land Condominium c/o Avraham Sibony. **Council Member Jim Hall moved to accept the Finding of Fact (see Attachment A) and the First Reading of Ordinance 2010-10; seconded by Council Member Mary Knight. The vote was 6-0 with Council Member Joe Hall absent.**

ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY SOLICITOR

- A. Second Reading of Ordinance 2010-8 authorizing the sale of surplus municipal property. **Council Member Jim Hall moved to ratify Ordinance 2010-8; seconded by Council Member Mary Knight. The vote was 5-0 with Council Member Joe Hall absent and Council Secretary Lloyd Martin out of the room.**
- B. Second Reading of Ordinance 2010-9, amending the Employees of Ocean City, Maryland Pension Plan and Trust and the Ocean City, Maryland Public Safety Employees Pension Plan and Trust (allowing employees to be re-employed without loss or penalty). **Council Member Mary Knight moved to ratify Ordinance 2010-9; seconded by Council Member Margaret Pillas. The vote was 5-0 with Council Member Joe Hall absent and Council Secretary Lloyd Martin out of the room.**
- C. First Reading of Ordinance 2010-11, amending Chapter 10, entitled *Building Regulations*, to specify when plumbing permits are required. **Council Member Jim Hall moved to approve; seconded by Council Member Mary Knight. The vote was 6-0 with Council Member Joe Hall absent.**
- D. First Reading of Ordinance 2010-12, amending Chapter 39, entitled *Franchises*, allowing rental of cabanas by beach stand operators. **Council Member Mary Knight moved to approve; seconded by Council Secretary Lloyd Martin. The vote was 6-0 with Council Member Joe Hall absent.**
- E. First Reading of Ordinance 2010-13, amending Chapter 30, entitled *Environment*, and Chapter 98, entitled *Vegetation*, amending Stormwater Management and Landscaping. **Council Member Jim Hall moved to approve; seconded by Council Member Mary Knight. The vote was 6-0 with Council Member Joe Hall absent.**
- F. First Reading of Ordinance 2010-14, amending Chapter 30, entitled *Environment* (incorporating new State regulations to Stormwater Management). **Council Member Mary Knight moved to approve; seconded by Council Member Margaret Pillas. The vote was 6-0 with Council Member Joe Hall absent.** Ellie Diegelmann commented on the
- G. Resolution #2010-8 appointing Kathleen A.P. Mathias as City Clerk of the Mayor and City Council effective June 1, 2010. **Council Member Jim Hall moved to approve; seconded by Council Member Mary Knight. The vote was 6-0 with Council Member Joe Hall absent.**

- H. Resolution #2010-9 declaring the official intent of the Mayor and City Council to reimburse expenditures with the proceeds of debt to be issued by the Mayor and City Council. **Council Member Jim Hall moved to approve; seconded by Council Secretary Lloyd Martin. The vote was 5-1 with Council Member Joe Hall absent and Council Member Margaret Pillas opposed.** Ellie Diegelmann said the agenda descriptions are too vague.

ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY MANAGER

City Manager Dennis Dare presented a Staff recommendation to award **Access I.T.**, for the amount of \$24,198.00, for police laptops' secondary security authentication system. **Council Secretary Lloyd Martin moved to approve; seconded by Council Member Doug Cymek. The vote was 6-0 with Council Member Joe Hall absent.**

COMMENTS FROM CITIZENS

Bob Melvin commented on donations for the MEDTRN service

Herb Pawlukewicz commented on the budget, conduct during meetings and paid parking.

Mary Beach expressed concern about the condition of the 1111 Edgewater Avenue property. **Council Member Jim Hall moved to order the property owner to clean the area and to install a fence; seconded by Council Member Margaret Pillas. The vote was 6-0 with Council Member Joe Hall absent.**

Delegate Jim Mathias thanked City Clerk Carol Jacobs for her service.

[In the March 30, 2010 Work Session, the Council voted unanimously to: (1) ask City Engineer McGean to relocate the turn-around from South First Street to the ramp heading into the Inlet Parking lot when the Inlet Parking lot is full; and, (2) maintain a "one-in, one-out" policy for the Inlet Parking lot when it becomes full (rather than deeming the lot "Full" until 100 vehicles have exited).]
City Manager Dare advised that Attorney Joe Moore, representing Hale Harrison, issued a letter of objection claiming that the new traffic pattern will restrict access to the Harrison Harborwatch parking lot. Mr. Dare advised that he has met, on several occasions, with City Engineer McGean, the Police Commission, Police Officials, the Public Works Department, Mr. Harrison and his attorney to find a way to meet both the Council's March 30, 2010 request and Mr. Harrison's concern.

He said that during peak season, when the inlet parking lot is full, or during Springfest and Sunfest Weekends, high traffic volumes result in traffic jams in the area. He proposed to employ variable message signs to forewarn visitors that the inlet parking lot is full. City Manager Dare asked for direction on how to proceed if Mr. Harrison rejects this idea. Council Member Hall advised Mr. Dare that if Mr. Harrison rejects the concept, return to the Council for further advisement. Council Member Cymek offered to make himself available for the meeting with Mr. Harrison. Also, Council Member Cymek asked that an experienced traffic officer work the area this weekend.

COMMENTS FROM THE MAYOR AND CITY COUNCIL

Mayor Rick Meehan said (with regard to Ms. Diegelmann's comment about transparency) that the Town's budget, meeting and agenda information are readily available to the public via television and the internet.

He also congratulated the Downtown Association for a successful Crab Soup Cook-off, and the Marina Deck for having the best Cream of Crab Soup and Boog's for having the best red crab soup.

He also reminded the forum that, Thursday, May 6th is the Springfest Kickoff and the National Day of prayer. Lastly, he thanked the Town's citizens and businesses for adjusting well to the new solid waste policy.

ADJOURNMENT

Council Member Doug Cymek moved to adjourn at 7:54 p.m.; seconded by Council Secretary Lloyd Martin. The vote was 6-0 with Council Member Joe Hall absent.

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

FINDING OF FACT

CHANGE IN ZONING DISTRICT CLASSIFICATION

RE: #10-14100002 - REZONING PETITION – COUNCIL OF UNIT OWNERS OF 45TH STREET LAND CONDOMINIUM C/O AVRAHAM SIBONY

Upon a motion made by Lauren Taylor, and seconded by Tom Singman, and carried by a vote of six (6) to zero (0), the Planning and Zoning Commission hereby gives a favorable recommendation to change the 45th Street Village zoning district classification from P, Planned Overlay district, back to the original underlying LC-1, Local Commercial district, and SC-1, Shopping Center district, in the above referenced case, and for reasons therefore state as follows:

Based on the testimony and evidence presented at the public hearing, the Planning and Zoning Commission makes the following findings:

The existing Phase I known as Bella Vista Condominium consisting of 40 multiple family residential units and approximately 16,600 square feet of commercial element, as constructed, is compatible with the existing neighborhood. The Bella Vista retains 73% of the site area in open space and is built to only 48% of its allowed density. It is considered a mixed-use project with 19% commercial use.

Economic and development trends have changed since the original planned overlay approval and it is more appropriate to develop this property in accordance with the new special bayside regulations which limit the overall building height to 8 stories versus the 12 and 17 story development planned for the overlay district that will be eliminated by abandoning the Planned Overlay district.

Specifically, the Commission finds:

1. Population Change –

It is anticipated that the proposed change in zoning classification will not have an adverse effect on the population within the neighborhood.

2. Availability of Public Facilities -

All public facilities to the existing developed property are currently available.

3. Present and Future Transportation Patterns -

The existing transportation patterns will remain the same and it is not anticipated that the transportation patterns will change in the near future as a result of the rezoning.

4. Compatibility with Existing and Proposed Development for the Area –

The Commission found the proposed rezoning to be compatible with the existing and proposed development for the area. The elimination of the Planned Overlay District will bring the property into compliance with new development philosophies and regulations.

5. Relationship to the Comprehensive Plan -

The Commission found that the LC-1, Local Commercial, and SC-1, Shopping Center, districts are the appropriate zones as outlined in the existing and future land use plan included in the Town’s comprehensive master plan.

Therefore, the Planning and Zoning Commission does recommend approval of the request for a change in zoning district classification from P, Planned Overlay District, to LC-1, Local Commercial District and SC-1, Shopping Center District in the above referenced case.

Pam Greer Buckley, Chairperson

John Staley

Joel Brous

Tom Singman

Lauren Taylor

Chris Shanahan