

Regular Session #12
June 21, 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

STAFF IN ATTENDANCE

City Manager Dennis Dare, City Solicitor Guy Ayres, City Clerk Kathy Mathias, Finance Administrator Martha Lucey, Chief Deputy Public Works Director James Parsons, City Engineer Terry McGean, Private Events Coordinator Lisa Mitchell, Members of the Press and Interested Parties.

CALL TO ORDER

Council President Joe Mitrecic called this Regular Session to order at 6:00 p.m., in the Council Chambers of City Hall, 301 Baltimore Avenue, Ocean City, Maryland 21842.

PRAYER AND PLEDGE

Dick Sands of Son Spot Ministries led the prayer and Council Secretary Lloyd Martin led the Pledge of Allegiance.

REPORT FROM CITY MANAGER ON UPCOMING WORK SESSION

City Manager Dennis Dare advised that there will be no work session on June 29, 2010 because of the Maryland Municipal League Convention.

APPROVAL OF MINUTES

The following minutes were approved as presented:

- A. Work Session – dated May 11, 2010
- B. Regular Session #10 – dated May 17, 2010
- C. Work Session – dated June 1, 2010
- D. Regular Session #11 – dated June 7, 2010

ITEMS PRESENTED BY THE MAYOR AND CITY COUNCIL

Ron Siarnicki, Chair of the Maryland State Firemen's Association Convention Committee presented Mayor Meehan with a MFSA Gold Trumpet to symbolize the importance of the Town's partnership with the Association.

SPECIAL EVENT PERMIT REQUESTS

Private Events Coordinator Lisa Mitchell presented the following events for approval:

- A. **NHSCA Beach Wrestling Championship** – Friday, July 2, 2010. Present for questions was Kate Roth, Wicomico County Tourism for National High School Coaches Association. Private Events Coordinator Lisa Mitchell recommended approval with the following caveats: (1) the event take place on Somerset Street; (2) spectators must watch from the beach and not the boardwalk; (3) no electric will be provided by the Town; (4) event staff are to use the public showers located behind the Somerset Street restroom; (5) event staff must take all measures to ensure the safety of the participants and spectators. **Council Secretary Lloyd Martin moved to approve the event; seconded by Council Member Mary Knight. The vote was unanimous.**

- B. **MDA Fill the Boot** – September 4 and 5, 2010. Present for questions were Nadine Pottinga and Thomas Kane, IAFF Local 4269. Coordinator Mitchell recommended approval as long as event participants remain on the sidewalks (not the median strips) and wear traffic safety vest approved by the State Highway Administration. **Council Secretary Lloyd Martin moved to approve the event; seconded by Council Member Jim Hall. The vote was unanimous.**

- C. **9/11 Parade of Brothers** – Saturday, September 11, 2010. Present for questions was John Tartufo, Red Knights International Fire Fighters Motorcycle Club. **Council Member Mary Knight moved to the event; seconded by Council Member Joe Hall. The vote was unanimous.**

ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY SOLICITOR

City Solicitor Ayres presented the following items for approval:

- A. Second Reading Ordinance 2010-18 Rezoning petition requesting change in zoning classification from B-1, Boardwalk Commercial District to A, Amusement Overlay District. Site of the rezoning is described as being part of Block 7, Original Plat of Town of Ocean City, Parcels 2615 and 2616, Tax Map 110, further described as located on the east side of South Baltimore Avenue and the south side of Worcester Street and known locally as 9 Worcester Street, 601 South Baltimore Avenue and 605 South Baltimore Avenue. **Council Member Joe Hall moved to ratify Ordinance 2010-18; seconded by Council Member Mary Knight. The vote was unanimous.**

- B. First Reading of Ordinance 2010-19 amending Chapter 58, entitled *Offenses and Miscellaneous Provisions*, to include drinking prohibition in municipal parking lots). **Council Member Doug Cymek moved to approve the First Reading of Ordinance 2010-19; seconded by Council Member Mary Knight. The vote was unanimous.** Then, **Council Member Doug Cymek moved to ratify Ordinance 2010-19 as an Emergency Ordinance; seconded by Council Member Joe Hall. The vote was unanimous.** The Mayor concurred with passing Ordinance 2010-19 as an emergency ordinance..

- C. Resolution 2010-14 establishing Impact Fees for FY2011. **Council Member Jim Hall moved to ratify Resolution 2010-14; seconded by Council Member Mary Knight. The vote was 5-2 with Council Members Cymek and Martin opposed.**

ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY MANAGER

City Manager Dare presented the following items for approval:

- A. City Engineer Terry McGean requested the approval of a \$2,371.30 expenditure for the relocation of unforeseen electrical and plumbing lines discovered in one of the walls of the Fire House Bunk Room. **Council Member Joe Hall moved to approve the expenditure; seconded by Council Member Jim Hall. The vote was unanimous.**
- B. City Manager Dare requested approval to solicit bids for: (1) Wastewater Roofing, (2) Gorman Avenue Exterior Coatings, (3) Solid Waste Trust; and, (4) 100th Street Tank Renovations. **Council Secretary Lloyd Martin moved to approve; seconded by Council Member Jim Hall. The vote was unanimous.**
- C. City Manager Dare made a recommendation to purchase 14 Transit Buses (see Attachment A). **Council Member Jim Hall moved to approve; seconded by Council Secretary Lloyd Martin. The vote was unanimous.**
- D. City Manager Dare reported that the Maryland Department of the Environment cited the Town's Wastewater Treatment Operation for three minor sanitary sewer overflows in the amount of \$2,400.00 (see Attachment B). Chief Deputy Public Works Director James Parsons was present for questions. **Council Member Jim Hall moved to approve payment of the fine; seconded by Council Member Mary Knight. The vote was unanimous.**

Inserted Items

- City Clerk Kathleen Mathias requested permission to solicit Requests for Proposals for the Town's legal advertising. **Council Member Mary Knight moved to approve; seconded by Council Secretary Lloyd Martin. The vote was unanimous.**
- *[During the FY11 Budget Hearings, the Council discussed installing parking meters on North Ocean City Streets.]* City Manager Dare reported the results of his study and the progress of the pilot program. Several area residents spoke against the initiative. Mayor Meehan explained that metered parking will generate new revenue to offset capital expenditures and keep taxes as low as possible.

Council Member Jim Hall moved to forego the metered parking project; seconded by Council Secretary Lloyd Martin. The vote was 5-2 with Council Member Cymek and Joe Hall opposed.

COMMENTS FROM CITIZENS

Bob Melvin reported on donations for the MEDTRAN service.

Taxi Medallion Holder Larry Bode asked for the Council's support in organizing a Taxi Owner Association to aid the police in enforcing the Taxi Medallion rules. Council Member Jim Hall advised that all witnessed violations should be directed to City Clerk Mathias who will forward them to the Police Commission.

Taxi Medallion Holder Chuck Abuadinmo asked that parking is provided for taxi drivers to rest.

Christy Freeman asked for legislation to allow medallion holders, only, to do business on municipally-owned property, including the Ocean City Airport and the West Ocean City Park & Ride. **Council Member Jim Hall moved to proceed with an amendment to the current ordinance; seconded by Council Member Doug Cymek. The vote was unanimous.**

Taxi Medallion Holder Dawit Gebretsadik expressed concern over racial tension among taxi drivers.

COMMENTS FROM THE MAYOR AND CITY COUNCIL

Mayor Meehan acknowledged the passing of Citizen John Tilghman and advised that services will be held on Sunday, June 27th at the Methodist Church next to City Hall.

ADJOURNMENT

Council Secretary Lloyd Martin moved to adjourn at 7:55 p.m.; seconded by Council Member Jim Hall. The vote was unanimous.

Prepared by: Kelly L. Allmond, Deputy City Clerk
Approved by: Kathleen A.P. Mathias, City Clerk
Approved by the Mayor and Council on:



TO: Dennis W. Dare, City Manager

FROM: Hal O. Adkins, Public Works Director

RE: REQUEST FOR AWARD
(14) FOURTEEN TRANSIT BUSES
COOPERATIVE PURCHASING AGREEMENT
MINNESOTA – 40 FOOT ELDORADO NATIONAL

DATE: June 16, 2010

Attached for your review is the concurrence letter we have received from the MTA relative to the above referenced purchase. The purchase is in fact a piggyback off a Cooperative Purchasing Agreement from the State of Minnesota. The body of their letter defines a series of annual Capital Grants (spanning from FY'08 through FY'10) along with a single ARRA Grant (at 100% Federal monies) that will be used to support this purchase of \$5,535,222.00 in transit buses.

Our local matches, as defined in the MTA letter, will be a combination of both FY'10 and FY'11 funds. The local match for MD-04-0016 in the amount of \$50,164.00 will be the FY'11 portion.

Looking forward to approval on the evening of June 21st so the order can be placed soon thereafter.

CC: Jim Parsons, Chief Deputy Director
George Thornes, Transportation Superintendent
Joe Sobczak, General Services Director
Ron Eckman, Fleet Manager
Jennie Knapp, Budget Manager
Jim Deptula
Project File(s)



MARYLAND TRANSIT ADMINISTRATION

MARYLAND DEPARTMENT OF TRANSPORTATION

Martin O'Malley, Governor • Anthony G. Brown, Lt. Governor
Beverley K. Swaim-Staley, Secretary • Ralign T. Wells, Administrator

April 9, 2010

Mr. Brian Conner
Assistant Superintendent of Transportation
Town of Ocean City
208 65th Street
Ocean City, Maryland 21843-0158

Dear Mr. Conner:

Thank you for your letter concerning Town of Ocean City's proposed purchase of fourteen (14) 40' transit buses. The MTA has reviewed the Original RFP, contract, and cooperative purchase (piggy back) materials and I am pleased to inform you that after a review of the documentation, the MTA concurs with your request to purchase these buses through a Cooperative Purchasing Agreement with the state of Minnesota. Funding for these buses is shown in the table below. To cover increased costs, we have increased some of the grants. Also some grant numbers have been changed. Changes are in blue.

Funding Source	Approved Grant	Approved Amount	Revised Grant	Revised Amount	Federal	State	Local
ARRA	MD-86-X001	\$1,264,000	MD-86-X001	\$2,165,982	\$2,165,982	0	0
FY08 5309 Capital	MD-03-0112	\$619,950	MD-03-0112	\$619,950	\$495,960	\$61,995	\$61,995
FY09 5309 Capital	MD-04-0012	\$731,135	MD-04-0012	\$948,000	\$758,400	\$94,800	\$94,800
FY09 5309 Capital	MD-03-0111	216,650	MD-03-0111	216,650	\$173,320	\$21,665	\$21,665
FY10 5309 Capital	3 replacement buses	\$1,083,000	MD-04-0016	\$1,083,000	\$866,400	\$108,300	\$108,300
FY10 5309 Capital	Supplemental funding -14 bus engines	\$490,000	MD-04-0016	\$501,640	\$401,312	\$50,164	\$50,164
TOTAL		\$4,404,735			\$5,535,222		

Brian Conner
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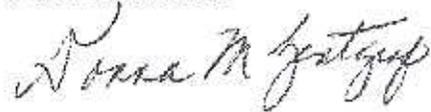
If you have any questions regarding this letter please contact Tracy Perez at 410-767-3142.

Sincerely,



Louise Tinkler,
Chief, Regional Planning

Funds Available:



Donna M. Zentgraf
Grants Administrator

cc:

Leonard Howard, Maryland Transit Administration
Tracy Perez, Maryland Transit Administration
Kevin Quinn, STV



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

ATTACHMENT B

Martin O'Malley
Governor

Shari T. Wilson
Secretary

Anthony G. Brown
Lieutenant Governor

Robert M. Summers, Ph.D.
Deputy Secretary

JUN 16 2010

CERTIFIED MAIL/RESTRICTED DELIVERY

James Baker, Chief Plant Operator
Town of Ocean City Wastewater Department
6405 Seabay Drive
Ocean City, Maryland 21842

Dear Mr. Baker:

The Maryland Department of the Environment (MDE), Water Management Administration has reviewed reports of sanitary sewer overflows submitted by the Town of Ocean City for the months of August and September 2009. The Department has determined that three unlawful discharges occurred from the Town's collection system, in violation of Section 9-322 of the Environment Article, Annotated Code of Maryland and regulations promulgated thereunder. The dates of the unauthorized discharges and volumes of each discharge were August 24 (115 gallons), September 12 (200 gallons) and 840 gallons discharged on September 12 between 15th and 16th Street at Saint Louis Avenue.

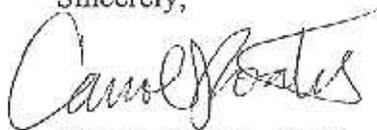
Please be advised that MDE is authorized, in accordance with the provisions of Section 9-342 of the Environment Article to seek administrative penalties of up to \$5,000 per day and civil penalties up to \$10,000 per day for water pollution violations. After careful consideration of the facts regarding these overflows, and statutory factors that we must consider in assessing penalties, MDE has determined that the Town of Ocean City could be liable the maximum civil penalty under the law for each reported overflow. However, prior to filing a formal enforcement action in this case, MDE is offering the Town of Ocean City the opportunity to settle, without admission of liability or concession, the aforementioned violations by payment of \$2,400 to the Maryland Clean Water Fund.

If you decline or fail to respond within the next ten days, MDE shall consider this settlement offer withdrawn and the case will be referred to the Office of the Attorney General for appropriate administrative or civil enforcement action. If payment is made in accordance with the conditions established herein, this matter will be considered resolved and the Town of Ocean City will be released from further civil penalty liability for these violations.

Mr. James Baker
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Your cooperation in this matter is appreciated. If there are any questions, please do not hesitate to contact Ms. Sharon Talley, Manager, Enforcement Division at (410) 537-3510.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol J. Coates".

Carol J. Coates, Chief
Enforcement Division

CJC: rsk