



**AUGUST 5, 2013**

**REGULAR SESSION #14**

TOWN OF OCEAN CITY, MARYLAND

301 N. BALTIMORE AVENUE, OCEAN CITY, MARYLAND 21842

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**THE HONORABLE MAYOR AND CITY COUNCIL PRESIDING**

**MAYOR RICHARD W. MEEHAN**

**COUNCIL PRESIDENT LLOYD MARTIN**

**MARGARET PILLAS**

**COUNCIL SECRETARY MARY KNIGHT** ABSENT

**DOUGLAS CYMEK**

**BRENT ASHLEY**

**DENNIS DARE**

**JOSEPH MITRECIC**

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**ATTENDANCE**

Mayor Rick Meehan, Council President Lloyd Martin, Council Members Doug Cymek, Brent Ashley, Dennis Dare, Margaret Pillas and Joe Mitrecic, City Solicitor Guy Ayres, Finance Director Martha Bennett, Budget Analyst Jennie Knapp, Public Works Director Hal Adkins, City Engineer Terry McGean, Zoning Administrator Blaine Smith, Construction Superintendent Dean Dashiell, Special Events Director Frank Miller, Special Events Coordinator Lisa Mitchell, City Clerk Kelly Allmond, Members of the Press and Interested Parties.

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**CALL TO ORDER**

Council President Lloyd Martin called the meeting to order at 6:00 p.m. in the Council Chambers of City Hall located at 301 North Baltimore Avenue in Ocean City, Maryland.

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**PRAYER AND PLEDGE**

Reverend Norman Poultney led the prayer and Council Member Doug Cymek led the Pledge of Allegiance.

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**APPROVAL OF MINUTES**

The minutes for Regular Session #13 dated July 15, 2013 and Work Session dated July 30, 2013 were approved as presented.

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**ITEMS PRESENTED BY THE MAYOR AND CITY COUNCIL**

Council Standing Committee Draft Agendas for the Week of August 12, 2013 (see Attachments A through C)

- Council Member Doug Cymek reviewed the Police Commission Meeting Agenda scheduled for August 12, 2013 at 9:00 a.m. in the Public Safety Building, 6501 Coastal Highway;
- Council Member Dennis Dare reviewed the Tourism Commission Meeting Agenda scheduled for August 12, 2013 at 3:00 p.m. at the Convention Center in Room 214.
- Council Member Joe Mitrecic reviewed the Recreation and Parks Committee Meeting Agenda scheduled for 4:00 p.m. at Northside Park in the Community.

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**CONSENT AGENDA**

- A. Request Approval to Serve Beer and Wine at Bay Shore Bash Block Party
- B. Private Event Approval Request for Holy Savior Blessing of the Waters – August 15, 2013
- C. 3-Year Private Event Approval Request for 9/11 Parade of Brothers – September 11, 2015
- D. 3-Year Private Event Approval Request for Mid-Atlantic Surf Fishing Tournament – October 1-3, 2015
- E. 3-Year Private Event Approval Request for Free State Corvettes – October 16-18, 2015
- F. Bid Award Recommendation for the 51st Street Well House

- G. Bid Award Recommendation for the FY2014 Standby Generator Maintenance Contract
- H. Bid Award Recommendation for the 3-Year HVAC Maintenance Contract
- I. Bid Award Recommendation for the 3-Year Fire Alarm Maintenance and Inspection Contract
- J. Request to Approve Repair of Generator Transfer Switch
- K. Request to Approve Repair of Convention Center Cooling Tower Chillers

**Council Member Joe Mitrecic moved to approve Items A through K; seconded by Council Member Cymek. The vote was 6-0 with Council Secretary Knight absent.**

#### **MISCELLENEOUS REPORTS AND PRESENTATIONS**

Private Event Approval Request for Tall Ship Visit and Memorandum of Understanding (see Attachment D)

**Council Member Joe Mitrecic moved to approve the MOU as presented; seconded by Council Member Ashley. The vote was 6-0 with Council Secretary Knight absent.**

#### **ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY MANAGER AND STAFF**

- A. Request Approval to Place Fence on Town Right-of-Way **Council Member Brent Ashley moved to approve Applicant Marcella DiFilippo's request to place a fence approximately 3.1 feet onto 5th Street, at the backside of the city sidewalk. The approval is contingent upon a written agreement stipulating that, if the Council finds it necessary, the fence will be removed at the owner's expense; seconded by Council Member Dare. The vote was 5-1 with Council Member Margaret Pillas opposed and Council Secretary Knight absent.**
- B. Conditional Use Request for a Shopping Center District to permit water-related recreational activity with a maximum total of twenty (20) devices: stand-up paddle boards, kayaks, and pedal boats at the location locally known as 45th Street Village, LLC Applicant: Mike Hricik/44TH Street Watersports **Council Member Margaret Pillas moved to accept the Planning Commission's Finding of Fact (see Attachment E) and approve the Request for non-motorized water sport activities, including stand-up paddle boards, kayaks and pedal boats, at 44th Street Watersports. Other types of non-motorized watercraft such as catamarans, must be approved by the Planning Commission; seconded by Council Member Cymek. The vote was 6-0 with Council Secretary Knight absent.**

#### **ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY SOLICITOR**

Resolution 2013-15 Approving the Application and Receipt of Financing for Community Legacy Projects

**Council Member Joe Mitrecic moved to ratify Resolution 2013-15; seconded by Council Member Cymek. The vote was 6-0 with Council Secretary Knight absent.**

#### **COMMENTS FROM THE PUBLIC**

- Charlie Barrett congratulated the Council on their accomplishments since the 2012 Elections.
- Herb Pawlukewicz said the traffic lights are out of sync on Coastal Highway. The Mayor said the State Highway Administration recently increased the pedestrian crossing period for certain lights. Next, Mr. Pawlukewicz asked the Council to add one westbound lane to Route 90. Mayor Meehan advised that he recently requested Governor O'Malley's consideration to add lanes to Rt. 90. Mr. Pawlukewicz asked about making the corner sidewalks in Caine Woods wheelchair accessible. Mayor Meehan advised that this item is part of the upcoming capital improvement plan discussion.
- Chris Norris said that he, as president of the AARP, has received nothing but positive comments about how the Town is being run.
- Rachel Fiorello asked Mayor Meehan to respond to her concern about criminal activity in the Town. Mayor Meehan said Public Safety is the Town's number one priority. He noted that crime was, in fact, down in June despite several incidences occurring on the boardwalk. He said that he and Chief Buzzuro have already discussed augmenting the methods used to gather intelligence, establishing an Intel

Committee within the Department, and, increasing the presence of allied agencies when and wherever necessary.

- Tony Christ spoke about going to the movies on 27<sup>th</sup> Street, and, vowed to initiate change by referendum.

#### **COMMENTS FROM THE CITY MANAGER**

City Manager David Recor reported that the following items are scheduled for discussion in the upcoming work session scheduled for August 13, 2013:

1. Closed Session discussion at 12:00 p.m.
2. Bid Opening - Annual Concrete Sidewalk Maintenance
3. City Engineer Bid Award Recommendation for Fire Station 4
4. Presentation of Draft Capital Improvement Plan presented by City Engineer
5. Review of Flood Insurance and CRS Rating presented by Director of Planning and Community Development
6. Review of draft Capital Improvement Plan
7. Request Approval to Increase Street Paving Fund with One-Time SHA Grant presented Public Works Director and Budget Manager
8. Request Approval to Purchase Golf Course Vehicles on State Contract

Secondly, Budget Analyst Jennie Knapp reported that the Town's tax revenue continues to grow. She said 15.4 million dollars was collected in fiscal year 2013 which is 3.5% higher than fiscal year 2012, and 5.7% higher than fiscal year 2010.

#### **COMMENTS FROM THE MAYOR AND CITY COUNCIL**

Council Member Margaret Pillas asked City Manager Recor about a delinquent property on Jamestown Road. Mr. Recor advised that the property owner has brought the account current. She asked City Solicitor Ayres if the Town is able to ban green lasers. City Solicitor Ayres replied that if the green lasers are of specific use, the Town may not ban the sale of green lasers. Lastly, she asked City Solicitor Ayres if Frisbee-throwing is allowed on the beach. City Solicitor Ayres advise that such activity is allowed at the lifeguards' discretion. **Council Member Brent Ashley moved to ask Public Relations Director Jessica Waters to launch a public awareness campaign about drinking alcohol on the beach; seconded by Council Member Pillas. The vote was 6-0 with Council Secretary Knight absent.**

#### **ADJOURN**

**Council Member Joe Mitrecic moved to adjourn at 7:58 p.m.; seconded by Council Member Dare. The vote was 6-0 with Council Secretary Knight absent.**

*Approved by the  
MCC on  
August 19, 2013  
Greg J. Allmon*



Ocean City, Maryland  
Police Commission

Agenda

August 12, 2013 – 9:00 AM

PSB Building, 6501 Coastal Highway

1. Call to Order
2. Approval of Minutes of the July 10, 2013 Meeting
3. Discussion of Four Wheel Scoot Coupe
4. Update on Highway Safety and Enforcement
5. Discussion of Route 50 Drawbridge Operation During 4<sup>th</sup> of July
6. ECD/Taser Update
7. Report on Boardwalk Crime Statistics - 2010 to Date
8. Adjourn



OCEAN CITY, MARYLAND  
RECREATION & PARKS COMMITTEE  
Tuesday, August 13, 2013  
4:00 P.M.  
Northside Park Community Room

**AGENDA**

1. Call to Order and Attendance
2. Approval of Minutes of July 9, 2013
3. Tall Ship Event Update
4. New Private Special Events
5. Other Business
6. Adjournment

Tourism Commission Meeting  
Agenda  
3 p.m.  
Monday, August 12, 2013  
Room 214 – Convention Center

- 1) Introduction of OCPD Chief Ross Buzzuro
- 2) Wine in the Park - Chris Nokes
- 3) Enhanced CVB membership listings and ad serving on ocean – MGH
- 4) Equation Research discussion – Tourism Director
- 5) Updates from organizations

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN THE**  
**THE MAYOR AND CITY COUNCIL OF OCEAN CITY**  
**AND**  
**NATIONAL AIR, SEA AND SPACE FOUNDATION, INC.**

**SUBJECT: VISIT OF TALL SHIP “GALEON ANDALUCIA”**

**As of 7/ /2013**

1. Purpose. This Memorandum of Understanding (MOU) defines the terms by which the visitation of the Tall Ship, Galeon Andaluca (“the Event”) shall be presented in 2013 and identifies what each party shall accomplish and by what dates. The Private Event Application for the Event and all signed disclosures shall be incorporated into this MOU for reference.
2. Request for Permission to Conduct Event: National Air, Sea and Space Foundation, Inc. (NASSF) (“Promoter”) approached the Town of Ocean City (TOC) with a Private Event Application requesting permission to conduct the Galeon Andaluca Visitation. This MOU follows and incorporates an annual review of a Private Event Application by the City Staff and approved by the Mayor and City Council.
3. Event Summary: This Event is a multi day visitation Event set on Ocean City’s Chicago Avenue from 3<sup>rd</sup> Street to 4<sup>th</sup> Street in the area outlined on Exhibit A attached hereto (the “Premises”). The Event will take place from August 20, 2013 to August 25, 2013. (“Event Period”). During the Event Period, Promoter will have the right to exclusive use of the Premises for the Event. The Event will include vendors, sponsor activations, and food and beverage concessions. This Event is scheduled to proceed rain or shine. There is no rain date.
4. Scope. This Memorandum of Understanding includes the planning, coordination and execution of the Galeon Andaluca Visitation, and identifies tasks/responsibilities for each party. This memorandum shall remain in force until terminated by either party, provided the agreement cannot be terminated by TOC during a period when Promoter is planning and incurring costs for the Event, unless Promoter is in breach hereof, except for reasons described in Section 10 of this MOU.
5. Financial Agreement: Promoter and TOC shall each pay fifty percent (50%) of the cost of preparing the site for the Event. Site work is anticipated to be as follows: a) Four (4) each

2' x 6' x 6' concrete mat anchors (\$3,000.00); b) Four (4) each 10 ton rated cleats (\$1,520.00); and c) Misc. labor to remove and replace boardwalk to install anchors and create opening in boardwalk railing for gangway (\$1,400.00); d) Total projected cost is \$5,920.00. Promoter is to pay TOC its 50% share on or before August 15,2013.

6. A site diagram will be provided by Promoter no later than July 31, 2013 and shall become part of this MOU. The final site diagram will be attached to the MOU. Any changes made to the site after July 31, 2013 must be approved by the City Manager.
7. Promoter agrees to:
  - a. Allow public to fish from pier north and south of vessel
  - b. Keep access to 4<sup>th</sup> Street field undisrupted for medevac use by Town of Ocean City
  - c. Keep fish cleaning station on bayside boardwalk open for use by public
  - d. Provide written release of liability for Town of Ocean City by Event promoter AND by vessel owner as related to:
    1. Damage to vessel from time of bay entry to time of bay departure
    2. Damage related to mooring to aforementioned boardwalk and/or modifications
  - e. Provide security for Premises and vessel as well as independently contract for any and all fencing needs for Event site as deemed appropriate
  - f. Provide certificate of insurance (COI) to include coverage for personal injury, property damage in the amount of \$1,000,000 single limit and name the Mayor and City Council, Town of Ocean City as additional insured. COI must be received prior to issuance of Private Event Permit
  - g. Communicate with adjacent residents as to plans and impact of visit
  - h. Submit a detailed plan of the Premises including vessel; detailed timeline and breakdown of Event and sub-Events
  - i. Provide details on mooring the vessel at the Event site (i.e. procedures, equipment used, etc.)
  - j. Provide an outline of advertising and marketing plan over and above the use of Town assets

- k. Provide contact information for the vessel Point of Contact (POC) and other on-site contacts as well as details on languages spoke
  - l. Maintain the Premises including cleanliness and trash clean up and return the Event site in the condition it was received
  - m. Adhere to all Federal, State, County and City codes as related to the Premises, vessel, distribution of food and beverage and use of alcohol
  - n. Refrain from consumption or sale of alcohol on public property
  - o. Provide proper number of portable restrooms within Event site for expected crowds and provide cleaning services thereto for the duration of site use
  - p. Provide trash can liners
  - q. Adhere to TOC noise ordinances
  - r. Do not disturb local residents through noise, activity or light bleed after dark
8. Promoter requests following services from TOC:
- a. Closure of Chicago Avenue from August 20, 2013 through August 25, 2013 between 3rd Street and 4<sup>th</sup> Street
  - b. Closure of twelve (12) paid parking spaces within said area
  - c. Provide access to electric (110v) for vessel
  - d. Provide access to water for vessel (hose line tap from fish cleaning station or elsewhere within immediate proximity)
  - e. Assist with marketing/advertising using TOC (zero-overhead) resources (Conv. Ctr. sign, boardwalk reader boards, TOC website, etc.) through Donna Abbott, Town of Ocean City's Director of Tourism
  - f. Use of Town's mobile construction light cart for duration of stay
  - g. Ocean City Police Department (OCPD) coverage as part of standard routing and scheduling
  - h. Ocean City Public Works (OCPW) to place additional trash receptacles at Event site and assist with creation of a plan for emptying said containers
9. This MOU shall remain in force until August 26, 2013 unless sooner terminated as provided herein.

10. Operational Security Provision: In the case of exigent circumstances arising during the course of the Event, the Town may, at its sole discretion, deploy or divert such public safety personnel and resources as deemed necessary. In the case of an emergency, the TOC may cancel the Event in the course of its emergency procedures. In the case of inclement weather the parties, after consultation, may cancel or postpone the Event.
11. Liability, Indemnification and Hold Harmless: Promoter and TOC recognize that there are inherent risks associated with this Event and Promoter acknowledges and agrees that TOC will not assume nor be liable for any losses or damages associated with such risks and Promoter shall indemnify and hold harmless TOC from such risks, including, but not limited to the following:
  1. from running aground due to water depth
  2. underwater obstructions
  3. other vessels
  4. drawbridge access
  5. mooring points installed at bayside boardwalk
  6. damage to bridge, boardwalk (all parts-railing, surface, bulkhead, etc.), other piers, vessels, permanent structures, temporary structures/buoys
  7. navigating the bay, channel, bridge and boardwalk docking area with said vessel
12. The Special Events Superintendent, or his designee, shall serve as the TOC's Agent for the planning, coordination and execution of the Event. Mr. Steve Webster shall serve as the agent for the Promoter. Should any terms of this MOU not be met, the TOC may terminate this agreement at its discretion.
13. This MOU is effective when signed below and may be terminated by either party at any time.
14. In the case a dispute arises regarding this MOU which cannot be resolved by the parties, the matter shall be submitted to mediation before commencement of litigation or as agreed by the parties.
15. This MOU is not assignable by Promoter without the express written consent of the Mayor and City Council of Ocean City, which consent may be withheld for any reason at the sole discretion of the Mayor and City Council of Ocean City.

16. No Partnership. This MOU does not create a partnership or any other business entity or affiliation between the parties, other than to define the respective rights and obligations of the parties as to the visitation of the Tall Ship “Galeon Andaluca”

17. Final Agreement. This MOU represents the final agreement between the parties hereto, and shall only be amended or modified by written agreement between the parties. This Agreement, the terms and conditions contained herein and details of ensuing negotiations will remain confidential among the parties to the transaction and no proposals, License drafts or summaries of any kind will be distributed, copied or otherwise transmitted, orally or in writing to any entity or person, except authorized employees or agents of the Promoter and TOC. Promoter and TOC shall make any press release announcing this agreement or the Event.

Witness the signatures of the undersigned as of the day and year first above written.

National Air, Sea and Space Foundation, Inc.

By: \_\_\_\_\_  
Bryan Lilley  
Chairman of the Board

Mayor and City Council of Ocean City

By: \_\_\_\_\_  
David L. Recor  
City Manager

EXHIBIT A

Outline of the Premises is attached

## FINDING OF FACT

RE: #13-12100001 – CONDITIONAL USE FOR WATER-RELATED RECREATIONAL  
ACTIVITY TO BE LOCATED AT

4435 Coastal Highway  
45<sup>th</sup> Street Village

July 16, 2013

Upon a motion made by Lauren Taylor, seconded by Peck Miller, and carried by a vote of four (4) to zero (0). Joel Brous, Tom Singman, and Chris Shanahan absent, the Planning and Zoning Commission hereby gives a favorable recommendation for twenty total non-motorized stand-up paddle board/kayak/peddleboat rentals in the above- referenced case for the following reasons:

**1. Population Change:**

The Commission found that there would be no population change as a result of the water-related recreational activity. Increased tourism in recent years does demand more water-related recreational facilities and public access to bay waters.

**2. Availability of Public Facilities:**

The watersport does not overburden the existing public facilities. There do exist on-site toilet facilities for the employees and patrons of the watersport.

**3. Present and Future Transportation Patterns:**

The watersport has direct access onto 44<sup>th</sup> Street and Coastal Highway, which is a part of the main arterial road system. The shopping center has onsite bus shelter for patrons to use.

**4. Compatibility with Existing and Proposed Development for the Area:**

The watersport use is considered compatible with the mixed use within the shopping center and neighboring hotel and bank on the south side of 44<sup>th</sup> Street. Other uses to the north are buffered by the shopping center.

**5. Relationship to the Comprehensive Plan:**

The watersport is an allowed Conditional Use of the zoning district, which is SC-1, Shopping Center, District. The Comprehensive Plan promotes recreational facilities of this type and encourages public access on the bay front.

Therefore, by virtue of the requirements of Section 110-122 of the Code of Ocean City, Maryland, the above findings require the Planning and Zoning Commission to recommend approval for the water-related recreational activity subject to the following conditions:

1. The approval shall be subject to the Planning and Zoning Commission's guidelines for water-related conditional use permits (copy attached).
2. The Commission recommends a term of 5 years for this approval based on the applicant's 9 years of experience operating 44<sup>th</sup> Street Watersports.
3. The site shall be cleaned up and inspected prior to issuance of business license.
4. The parking shall be verified yearly for compliance with Mr. Sibony's concession to keep unopened the Flavors of Italy Restaurant so that the watersport may utilize this available parking.

\_\_\_\_\_  
Pam Greer Buckley, Chairperson

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John Staley

\_\_\_\_\_  
Peck Miller

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Lauren Taylor