

**AGENDA**  
**MAYOR AND CITY COUNCIL WORK SESSION**  
**TUESDAY, DECEMBER 9, 2008 – 12:00 P.M.**

Closed Session–12:00 -1:00 p.m. – Legal and Contractual Matters - Open Session  
Reconvenes at 1:00 p.m.

1. Report on Closed Session – Tuesday, December 9, 2008–12:00 p.m.–Legal and Contractual Matters
2. Introduction of Public Works Construction Employees – Ralph Petrella and Robert Birch
3. Bid Opening – Jamestown Road Milling and Paving
4. Discussion of Convention Center Economic and Marketing Study  
Presented by: Terence McGean, City Engineer
5. Discussion of Ocean City Website  
Presented by: Mike Noah, Tourism Director and Deb Travers, Assistant Tourism Director
6. Report on Surf Rescue Debriefing  
Presented by: Chief Chris Larmore
7. Cost Reduction Measures
  - a. Tram Service, Fare and Advertising
  - b. Bus – Reduction of Park and Ride Service
  - c. ADA Bus Service
  - d. Golf – Talon Club and Pam’sPresented by: Dennis W. Dare, City Manager
8. Discussion of General Employee Pension Contribution  
Presented by: Dennis W. Dare, City Manager
9. Review of Proposed Ordinance to Amend Chapter 10, Entitled Buildings and Regulations  
Presented by: Guy R. Ayres, City Solicitor
10. Review of Proposed Ordinance to Amend Chapter 38, Floods  
Presented by: Guy R. Ayres, City Solicitor
11. Discussion of Legislative Committee Assignments
12. Report on Tourism Commission Meeting of November 6, 2008  
Presented by: Council Member Margaret Pillas



**WORK SESSION -MAYOR AND CITY COUNCIL  
TUESDAY, DECEMBER 9, 2008**

**1 – Report on Closed Session – Tuesday, December 9, 2008  
Legal and Contractual Matters**



**REPORT OF CLOSED SESSION**  
**OF THE MAYOR AND CITY COUNCIL OF OCEAN CITY**

Prior to this open session of the Mayor and City Council being held on Tuesday, December 9, 2008 a closed session was held on Tuesday, December 9, 2008 at 12:00 p.m. The following is a report of the closed session.

1. A statement of the time, place, and purpose of the closed session is attached.
2. A record of the vote of each member as to closing the session is attached.
3. A citation of the authority under the law for closing the session is attached.
4. (a) Topics of Discussion: Legal and Contractual Matters  
(b) Persons present: Mayor Richard Meehan; Council President Joe Mitrecic, Council Secretary Lloyd Martin; Council Members Doug Cymek; Jim Hall; Joe Hall; Mary Knight, and Margaret Pillas; City Manager Dennis Dare; City Solicitor Guy Ayres; Assistant to City Manager, Kathleen Mathias; and City Clerk Carol Jacobs  
(c) Action(s) taken:



**WORK SESSION -MAYOR AND CITY COUNCIL  
TUESDAY, DECEMBER 9, 2008**

**2 – Introduction of Public Works Construction Employees  
Ralph Petrella and Robert Birch**

## Ralph Petrella Introduction

Ralph Petrella is a heavy equipment operator with our division. He has been with the town a little over four years. Ralph is originally from Allentown, Pa. He started work with the city as a part time employee one winter during the last phase of the Philadelphia Avenue project. He went back to Allentown and went to work for a private contractor during state and federal road work. He missed his friends in Ocean City and returned to the town when there was a full time opening. Ralph was hired, of course, since he had already proved he was a good worker.

He is a member of the Air Force Reserve. He has risen to the rank of Staff Sergeant. He has served two active duty tours; one in Iraq and one in Afghanistan. Our department thinks that is enough and would like to keep him on the job where he is a big asset.

Ralph just bought his first house. He is going to live there with his soon to be new wife and their combined four children.

He would like to thank the Mayor and City Council for giving him the opportunities to create a good life on the eastern shore.

## Robert Birch Introduction

Robert Birch is a crew leader with the Construction Division. He has been employed by the town since 1987. When he started with the city he was a maintenance worker and has now worked his way up to a crew leader, gaining his CDL license on the way. He has worked for the city in whatever area needed him, from running the beach tractors, working on the boardwalk expansion running a crew to his current duties. Along the way Robert has become very knowledgeable in the underground utility work that the city does.

Robert is from Powellville. His wife Felicia was raised in Ocean City. Her father was a bulkhead contractor that was hired for some city jobs. They have been married for 16 years and have a daughter. Robert's hobby is building street rods. He and his wife take part in car shows. They enjoy Ocean City Cruisin' week.

He is pleased to provide the service that maintains and installs the infrastructure for Ocean City's property owners and visitors and thanks the Mayor and City Council for the opportunity to be of service.



**WORK SESSION -MAYOR AND CITY COUNCIL  
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**3 – Bid Opening – Jamestown Road Milling and Paving**

**BID SPREAD SHEET**  
**ITEM : Jamestown Road Milling & Paving Project**

<b>American Paving</b>	
<b>Daisy Concrete</b>	
<b>George &amp; Lynch</b>	
<b>Jerry's Inc.</b>	
<b>P &amp; A Engineering</b>	
<b>Tilcon, Inc.</b>	
<b>Staff Estimate</b>	<b>\$ 343,500.00</b>

**BID BOND: YES  NO**

**STAFF ESTIMATE: see above**

**BUDGET ALLOCATION: See Note Below**

Project Code: WWMAIN - \$ 128,085.00, this portion/percentage of the anticipated cost is assignable to the sewer main installation.

Project Code: STRPAV - \$ 215,415.00, this portion/percentage of the anticipated cost is assignable to the Street Improvement Program.

## INFORMATION FOR BIDDERS

BIDS will be received by THE MAYOR AND CITY COUNCIL OF OCEAN CITY, MARYLAND (herein called the "TOWN"), at the office of the City Manager, City Hall, 3<sup>rd</sup> Street & Baltimore Avenue, Ocean City, Maryland during normal business hours until 11:00 a.m., Tuesday, December 9, 2008, and then opened and read aloud at the Work Session that day.

Each BID must be submitted in a sealed envelope, addressed to the Mayor and City Council of the Town of Ocean City, Maryland. Each sealed envelope containing a BID must be plainly marked on the outside as BID for: **Jamestown Road Milling & Paving Project** and the envelope should bear on the outside the name of the BIDDER, his address, and the name of the project for which the BID is submitted. If forwarded by mail, the sealed envelope containing the BID must be enclosed in another envelope addressed to the Town of Ocean City, City Manager's Office, 301 Baltimore Avenue, P. O. Box 158, Ocean City, Maryland 21843.

All BIDS must be made on the required BID form. All blank spaces for BID prices must be filled in, in ink or typewritten, and the BID form must be fully completed and executed when submitted. Only one copy of the BID form is required.

The TOWN may waive any informalities or minor defects or reject any and all BIDS. Any BID may be withdrawn prior to the above scheduled time for the opening of BIDS or authorized postponement thereof. Any BID received after the time and date specified shall not be considered. No BIDDER may withdraw a BID within 60 days after the actual date of the opening thereof. Should there be reasons why the contract cannot be awarded within the specified period, the time may be extended by the TOWN.

After BIDS have been submitted, the BIDDER shall not assert that there was a misunderstanding concerning the quantities or the nature of the SCOPE OF WORK to be performed.

The TOWN shall provide to BIDDERS prior to BIDDING, all information which is pertinent to, and delineates and describes the scope of the BID.

The CONTRACT DOCUMENTS contain the provisions required for the construction of the PROJECT. Information obtained from an officer, agent, or employee of the TOWN or any other person shall not affect the risks or obligations assumed by the CONTRACTOR or relieve him from fulfilling any of the conditions of the contract.

Each BID must be accompanied by a BID BOND payable to the TOWN for five (5) percent of the total amount of the BID. As soon as the BID prices have been compared, the TOWN will return the BONDS of all except the three (3) lowest responsible BIDDERS. When the agreement is executed the bonds of the two (2) remaining unsuccessful BIDDERS will be retained until the payment Bond and performance BOND have been executed and approved, after which

The party to whom the contract is awarded will be required to execute an Agreement within ten (10) calendar days from the date when NOTICE OF AWARD is mailed to the BIDDER. The NOTICE OF AWARD shall be accompanied by the necessary Agreement. In case of Failure of the BIDDER to execute the Agreement, the Town may at it's Option consider the BIDDER in default.

The TOWN within ten (10) days of receipt of an acceptable Agreement signed by the party to whom the Agreement was awarded, shall sign the Agreement and return to such party an executed duplicate of the Agreement. Should the TOWN not execute the Agreement within such period, the BIDDER may, by WRITTEN NOTICE, withdraw his signed Agreement. Such notice of withdrawal shall be effective upon receipt of the notice by the TOWN.

The NOTICE TO PROCEED shall be issued simultaneously with the execution of the Agreement by the TOWN. Should there be reasons why the NOTICE TO PROCEED cannot be issued at such time, the time may be extended by mutual agreement between the TOWN and BIDDER. If the NOTICE TO PROCEED has not been issued within the ten (10) day period or within the period mutually agreed upon, the BIDDER may terminate the Agreement without further liability on the part of either party.

The TOWN may make such investigations as it deems necessary to determine the ability of the BIDDER to perform the WORK, and BIDDER shall furnish to the TOWN all such information and data for this purpose as the TOWN may request. The TOWN reserves the right to reject any BID if the evidence submitted by, or investigation of, such BIDDER fails to satisfy the TOWN that such BIDDER is properly qualified to carry out the obligations of the Agreement and to complete the WORK contemplated therein.

A conditional or qualified BID will not be accepted.

Award will be made to the lowest responsible BIDDER.

Any questions should be directed to Dean Dashiell, Superintendent of Construction,

Ocean City Public Works Department (410) 524-4733.

**BID**

Proposal of \_\_\_\_\_(hereinafter “BIDDER”),  
Organized and existing under the laws of the State of \_\_\_\_\_  
doing business as a/an\_\_\_\_\_.

To the MAYOR AND CITY COUNCIL OF OCEAN CITY, MARYLAND  
(hereinafter called “TOWN”).

In compliance with your Advertisement for Bids, BIDDER hereby proposes to  
perform all WORK for the **JAMESTOWN ROAD MILLING & PAVING PROJECT**  
in strict accordance with the CONTRACT DOCUMENTS, within  
the time set forth therein, and at the prices stated below.

By submission of this BID, each BIDDER certifies, and in the case of a joint BID  
each party thereto certifies as to his own organization, that this BID has been arrived  
at independently, without consultation, communication, or agreement as to any matter  
relating to this BID with any other bidder or with any competitor.

BIDDER hereby agrees to commence WORK under this contract on or before a date  
to be specified in the NOTICE TO PROCEED and to fully complete the PROJECT  
within 90 (NINETY) consecutive calendar days thereafter.

BIDDER further agrees to pay as liquidated damages, the sum of \$ -500- (Five hundred  
dollars)

for each consecutive calendar day thereafter.

BIDDER acknowledges receipt of the following ADDENDUM:

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BIDDER agrees to supply all labor and materials described in the GENERAL SPECIFICATIONS for the following:

BID SCHEDULE

ITEM OF WORK	UNIT QUANTITIES	UNIT PRICE	TOTAL PRICE
A. Surface Milling (Two Mobilizations)	26,356 sy/in	N/A	\$ _____
B. 19.5mm Base Mix Paving (Two Mobilizations)	2,300 Tons	\$ _____ per Ton	\$ _____
C. 9.5mm Surface Mix Paving (Two Mobilizations)	1,600 Tons	\$ _____ per Ton	\$ _____

TOTAL LUMP SUM BID \$ \_\_\_\_\_

NOTE:

1. THIS CONTRACT WILL BE PAID BASED UPON THE SPECIFIC UNIT PRICES BID MULTIPLIED BY THE ACTUAL QUANTITY OR WORK IN PLACE AS MUTUALLY AGREED UPON BY THE CONTRACTOR AND THE TOWN.
2. IT IS THE INTENT OF THE TOWN TO AWARD THIS BID AS "ONE" CONTRACT BASED ON THE TOTAL OF ITEMS A,B, AND C.

Respectfully submitted:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
(seal if BID is by a corporation)

License Number

\_\_\_\_\_  
Attest



**WORK SESSION -MAYOR AND CITY COUNCIL  
TUESDAY, DECEMBER 9, 2008**

**4 – Discussion of Convention Center Economic and  
Marketing Study  
Presented by: Terence McGean, City Engineer**

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**MEMORANDUM**

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**DATE:** 12/2/08  
**TO:** DENNIS DARE  
**CC:** KATHY MATHIAS, MIKE NOAH  
**FROM:** TERENCE J. MCGEAN, PE  
**RE:** CONVENTION CENTER ECONOMIC AND MARKETING STUDY

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Crossroads Consulting, the firm hired to conduct the Economic and Marketing Study for the Convention Center, presented their recommendations to City Staff and The Maryland Stadium Authority on Thursday October 30, 2008. The purpose of the study was to:

- ❑ Evaluate the existing economic impact of the Ocean City Convention Center to the State of Maryland and the Town of Ocean City.
- ❑ Analyze the current and potential market for the Convention Center.
- ❑ Based on the above research to make recommendations regarding operational improvements, capital improvements and possible expansion of the Convention Center to better address the needs of potential target markets.
- ❑ Estimate the costs and potential economic impacts of any recommended expansion.

By way of explanation, it is helpful to recall why this particular study was conducted. A similar study was performed by Economic Research Associates (ERA) prior to the original expansion project. That study recommended, among other things, that the Convention Center be expanded to include an additional 80,000 square feet of exhibit space. During the numerous discussions that followed the release of that study, it was decided to reduce the exhibit hall size to 50,000 square feet with the ability to add on the remaining 30,000 square feet in the future, should the building's economic performance warrant the additional space.

By the year 2000 it was clear that the expanded Convention Center was a success and the projections in the ERA Study had been met or exceeded. For instance, the ERA Study predicted that the expanded convention center would generate average annual event attendance of 126,400. By 1999 the Center was hosting over 250,000 attendees and has exceeded 400,000 since 2004. In addition, available days to book new events have become scarce and the Center has to turn away business.

In 2002, the City and Stadium Authority worked with the Authority's on-call Architect to examine the architectural feasibility and cost to add the additional exhibit space along with additional bay-front meeting rooms to the building. When presented to the Council and the Stadium Authority, both bodies questioned moving forward with such a significant project on the basis of a study that was over 10 years old. It was also apparent that much more additional data on current users of the

building was needed. Because of the unique nature of Ocean City, using typical national economic models for delegate spending, nights stayed etc will not accurately predict the true spending habits of our Convention Center attendees. For example, many more attendees in Ocean City will bring their family and stay additional days before or after the actual event to take advantage of the resort.

Therefore, the Convention Center staff conducted an extensive survey of all building attendees for an entire year and collected detailed information on lost business. The City and Stadium Authority then conducted a Request for Proposals to secure the services of a consultant to perform the Economic and Marketing Report. Crossroads Consulting was selected to perform the Study and began additional data collection, analysis and stakeholder interviews in January 2008. During the study, the concept of a Performing Arts Center located on the Convention Center Property was brought forward and the Consultant was tasked with a brief analysis of such a facility.

In June 2008, Crossroads completed the Market Analysis portion of the study. It suggested that while the Center has adequate meeting space, additional exhibit space was needed. However, the exhibit space should not be an addition to the existing hall but instead should be a separate space of equal or greater size than the existing exhibit hall such that simultaneous events could be held with minimal "mixing" of attendees. Although the current room is sub-dividable, many events are too large for the smaller subdivided space. In addition, the partition is not a very effective sound barrier and the shared entrance corridor makes it difficult to control access to the split hall. The study also noted the need for additional parking, and since any expansion would result in a net loss of surface parking, the study recommended construction of a parking garage as part of any expansion. Finally, the study identified other shortcomings of the existing building such as lack of internet connectivity, sub-prime exhibit space in Hall C, and confused use of the ballroom.

The consultant advised that the cost to construct a stand alone performing arts center would be prohibitive, but did recommend creating an auditorium within the convention center that could serve as both a performing arts center and host general sessions for conventions and tradeshow.

The consultant then prepared a number of different architectural concepts to show how the new exhibit hall, performing arts center, and parking garage could fit on the site. The Stadium Authority then brought in a construction management team to accurately estimate the cost of each alternative. The economic consultant then compared the cost of each alternative to the additional economic impact of the expansion to make her final recommendations. These recommendations were presented verbally during a meeting with the city and Stadium Authority staff.

The cost of the recommended expansion with the parking garage is estimated to be between \$60 to \$75 Million dollars. Although the expansion is economically feasible under some scenarios, it is not workable under others. The degree of uncertainty with both the study findings and the economy as a whole, lead the consultant and the staff to recommend against expansion in the near term. Instead, the consultant recommends a phased approach consisting of near term improvements and repairs, intermediate additions and finally expansion. City staff also recommended other improvements and repairs to the building to keep it up to date and increase energy efficiency.

In the near term, we are recommending moving forward with the following:

- ❑ Conversion of the west ballroom to a performing arts venue/auditorium including raised, fixed seating, new stage curtains, new stage lighting, and new sound system.
- ❑ Enclosing the existing exterior rear deck behind the stage for use as a banquet room/exhibit and meeting space with bay views. This will provide an attractive space to help sell the

building and replace much of the lost dining space once the West Ballroom is converted to an auditorium.

- ❑ Technology improvements through-out the building including creation of a business center, better wireless connectivity, an Audio/Visual system in the Boardroom, projection screens in the meeting rooms, and enhanced building graphics.
- ❑ Energy Efficiency improvements including replacement of the electric resistant heating system to gas fired boilers in the main exhibit hall, replacement of the kitchen water heater, and new lighting in Hall C.

Many of the above items will need to be completed in the near future to keep the building operating in an efficient and competitive manner . It would seem to make sense that we take advantage of the State's increase in the food tax borrowing limits to make these needed improvements.

The consultant also recommends that in the long term, we select one of the expansion alternates for additional design. Since we will need to hire an architect to design the Ballroom/Auditorium Conversion and Bayview room improvements, I would recommend setting aside a small amount of money to have this same architect prepare conceptual designs and renderings of the full expansion should the economy and future demand warrant it. At a minimum the architect will need to make sure that the near term improvements do not conflict with the ability to expand in the long term.

As we look towards the future and a better economy, we can discuss implementing the intermediate and long term expansion recommendations either in phases or as a single project if and when the Mayor and Council feel it is appropriate.

## OCCC Short Term Enhancements (0-2 years)

Item	Estimate	Total	Note
<b>Ballroom Modifications/Renovation</b>			
Ballroom 1 to fixed seating	1,250,000		1,700 raised, fixed theater quality seats. original to building, electrical problems curtains are 20 years old
New Stage Lighting	150,000		
New Stage Curtains	40,000		
New sound system	98,000		
subtotal		1,538,000	
<b>Energy Efficiency/Improvements</b>			
Boilers at A/B Hall	500,000		Estimate using 2 packaged gas fired per penthouse. Save \$40k/yr Existing failing, energy savings energy savings
Kitchen Hot Water heater	35,000		
New lighting in C-Hall	25,000		
subtotal		560,000	
<b>Enhanced Technology</b>			
Business Center	300,000		From Heery Estimate 13 screens includes doc camera, big screen HD Monitor, podium
motorized screens in mtg rooms	27,300		
AV system in boardroom	20,000		
Enhanced wireless	25,000		
New Building Graphics	100,000		
subtotal		472,300	
Banquet Room		2,000,000	enclose deck behind stage, convert old kitchen to restrooms
Design fees and contingencies		400,000	
<b>Total Proposed Short Term Improvements</b>		<b>4,970,300</b>	

### OCCC Intermediate Term Enhancements (2-5 years or as warranted)

Lower Hall Renovations	2,000,000	Renovate Hall C to high end meeting
Parking Garage	20,000,000	
Total Proposed Intermediate Enhancements	22,000,000	

### OCCC Long Term Enhancements (5+ years or as warranted)

Expansion w/new exhibit hall	48,000,000	48,000,000
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**WORK SESSION -MAYOR AND CITY COUNCIL  
TUESDAY, DECEMBER 9, 2008**

**5 – Discussion of Ocean City Website  
Presented by: Mike Noah, Tourism Director and  
Deb Travers, Assistant Tourism Director**

# Memo

**To:** Mayor and City Council of Ocean City  
Dennis Dare, City Manager

**From:** Mike Noah – Tourism Director

**Date:** November 19, 2008

**Subject:** Ocean City Website

Pursuant to the wishes of the Mayor and City Council during the work session of November 12, 2008, the Department of Tourism has solicited input from the Chamber of Commerce and the Hotel-Motel-Restaurant Association to find a model website. This model website would have within it all the needs as suggested by our stakeholders and the Tourism Commission as a whole. The department was also tasked to find out the associated costs of the implementation of these changes in our website. With the help of members of the City Council, the Chamber of Commerce and Hotel-Motel-Restaurant Association, there were over 25 suggested websites. Out of the 25, the department selected 7 to investigate methods and costs for development of this potential and unique website for the Town of Ocean City:

1. Annapolis, Maryland
2. Virginia Beach, Virginia
3. Fort Lauderdale, Florida
4. Daytona Beach, Florida
5. Williamsburg, Virginia
6. Charleston, South Carolina
7. Bermuda

Some of the websites are direct competitors of the Town of Ocean City. We selected a cross section that represented local, regional and international tourism destinations. The comments from these destinations as to how their website was developed and implemented range from a developmental cost of \$400,000 to a low of \$50,000, the low end being a band-aid approach of an existing website. One of Ocean City's nearby competitors suggested that the re-development of Ocean City's website from wireframe content management, database and final product would cost about \$200,000. Another competing destination informed us

**that they spent \$130,000 for an upgrade of their site and did not get everything they asked for. The majority of the sites investigated utilized either their ad agency or a division of their ad agency to develop, maintain and host their website.**

**We would like to thank the Chamber of Commerce, the Hotel-Motel-Restaurant Association and the members of the City Council who supplied suggested websites; however it has been difficult to identify a model website that has all of the suggested components as utilized by our stakeholders. Each and every website investigated is unique and has been custom built for their needs. None fully represent all elements we need for our re-designed website.**



**WORK SESSION -MAYOR AND CITY COUNCIL  
TUESDAY, DECEMBER 9, 2008**

**6 – Report on Surf Rescue Debriefing  
Presented by: Chief Chris Larmore**



TOWN OF  
**OCEAN CITY**

*The White Marlin Capital of the World*

4 December 2008

Kathy Mathias  
Assistant to the City Manager  
Town of Ocean City  
301 Baltimore Avenue  
Ocean City, MD 21842

Kathy,  
Attached you will find my follow-up recommendations concerning the Surf Rescue issue. I will be presenting this to the Mayor & City Council for their consideration at the Tuesday work Session on 9 December 2008.

Thanks,

Chris Larmore  
Fire Chief





TOWN OF  
**OCEAN CITY**

*The White Marlin Capital of the World*

4 DECEMBER 2008

To: THE Mayor AND City Council

RECOMMENDATIONS FROM THE FIRE DEPARTMENT CONCERNING SURF RESCUE FOR YOUR CONSIDERATION:

- BETTER visibility ON BUOYS (possibly STROBES)
- LAND-LINE REELS IN SHIFT SUPERVISORS VEHICLES & FRONT LINE ENGINES
- NIGHT VISION GOGGLES AND A THERMAL IMAGING CAMERA DEPLOYED
- STATIONING BEACH PATROL WHEN SURF CONDITIONS WARRANT
- BEACH CLOSURE AT TIMES
- ADJUSTING TIRE PRESSURE FOR BEACH ACCESS IN SHIFT SUPERVISORS' VEHICLES
- HIGH-VISIBILITY WET SUITS
- A "2 IN 2 OUT" POLICY
- ADDITIONAL TRAINING/KNOWING LIMITATIONS
- DEPLOY A DEPARTMENT PERSON TO A HIGH FLOOR OF A BUILDING, IF APPLICABLE, FOR BETTER VISIBILITY
- STAGE THE ENGINE AT THE HEAD OF THE STREET AND DEPLOY THE LIGHT TOWER
- HAVE COMMUNICATIONS AUTOMATICALLY ALERT THE COAST GUARD AND CHECK ON THE AVAILABILITY OF TROOPER 4 ON CONFIRMATION OF A WORKING RESCUE
- RECOMMENDATION TO MAYOR AND CITY COUNCIL TO EXPLORE AN ORDINANCE TO LIMIT HOURS OF SWIMMING TO DECREASE EXPOSURE TO THESE INCIDENTS.

THANK YOU,

FIRE CHIEF CHRIS LARMORE





**WORK SESSION -MAYOR AND CITY COUNCIL  
TUESDAY, DECEMBER 9, 2008**

**7 – Cost Reduction Measures**

**Presented by: Dennis W. Dare, City Manager**

# MEMORANDUM



TO: Dennis W. Dare, City Manager

FROM: George T. Thornes, Superintendent of Transportation

RE: Cost Reduction Measures

DATE: December 03, 2008

The Transportation Staff along with the Director of Public Works and Assistant Director of Public Works met to discuss cost cutting measures for presentation during the work session on December 09, 2008. The topics discussed were; ADA Para-transit services and current fares, reduction in Park & Ride service, and the Tram operation in the shoulder months. Changes in the above mentioned services could be of a substantial savings immediately and in the future.

It is noteworthy to mention, decreasing services should ultimately lower our unemployment costs in the future.

## **ADA Para-transit:**

- Attached is a graph displaying the overall operating costs vs. revenue.
- The dollar amount for operating costs and our portion of expenses are in bold print.
- MTA has awarded operating funding of \$110,000 since 2002.
- The footnotes explain the current fare system.
- Also attached is the history of our revenue.
- Changing the fare structure could increase our revenue substantially.
- A Public Hearing would be needed for a fare change.

## **Park & Ride:**

- Opens the Monday before Springfest and closes October 15<sup>th</sup>.
- Recommend opening for special events (Springfest) and closing immediately after.
- Recommend opening for the season on the Friday before Memorial Day.
- Recommend closing after Sunfest.
- Elimination of service in shoulder months would save \$28,318 in summer 2009.

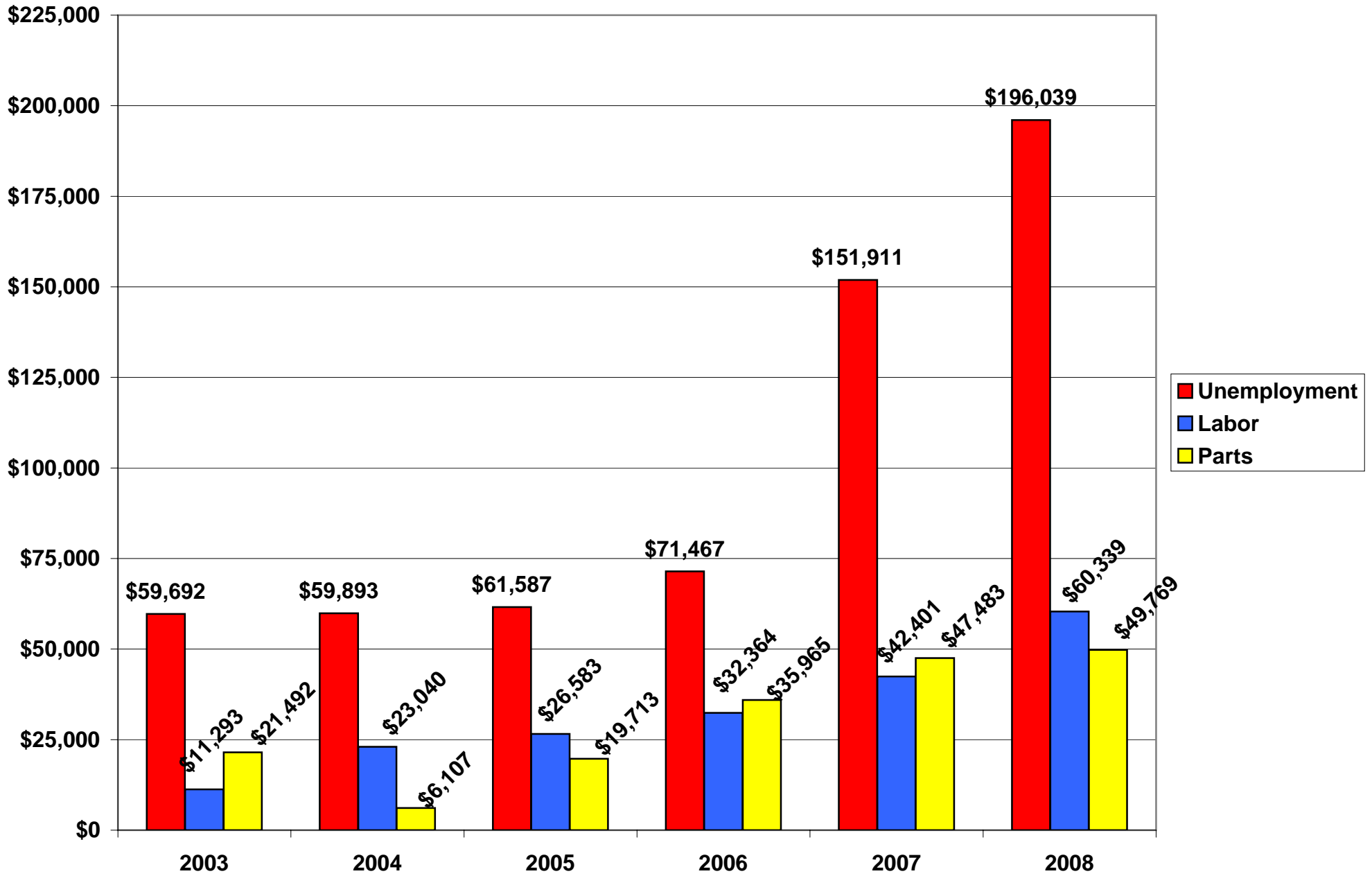
**Trams:**

- Trams start on Good Friday and operate every weekend there after including Fridays.
- During these weekends the revenue did not meet the operating costs by a minimum of \$500.
- Post season, the trams operate every weekend in October, weather permitting.
- The first two weekends in October the trams just met the operating costs.
- Recommend starting the trams one week before Memorial Day and close immediately following Sunfest.
- Elimination of service in shoulder months would save \$33,065 in summer 2009.

Attached is a graph displaying the high cost line items for the tram division. We have been experiencing mechanical failures along with electrical problems for the past 3 years. Some of the coaches are starting to show signs of structural problems. At the end of this season many will need some major repairs.

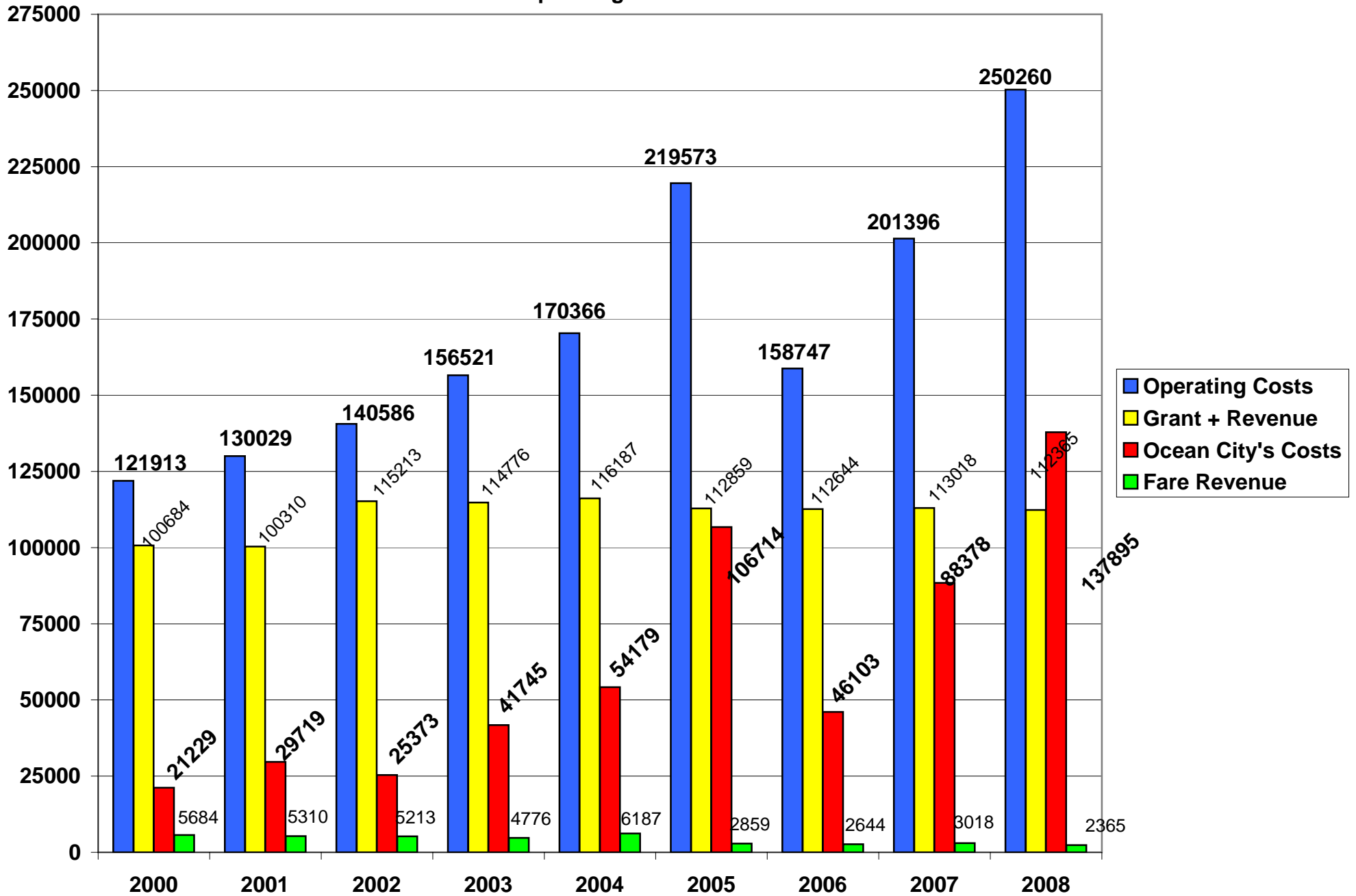
# Trams

## Unemployment, Labor, and Parts



# ADA

## Operating Costs vs. Revenue



ADA clients pay a \$2.00 fare.

Senior Resident Bus Pass - Free passage on the bus system, ADA van, and trams.

Senior Non-Resident Bus Pass - Half-fare on the bus system and ADA van.

Year	Fare Revenue
2000	\$5,684
2001	\$5,310
2002	\$5,213
2003	\$4,776
2004	\$6,187
2005	\$2,859
2006	\$2,644
2007	\$3,018
2008	\$2,365

### ADA Fare Increase Proposal

	<b>Current Fare</b>	<b>Fare Increase</b>	<b>Fare Increase</b>
		<b>\$2.00</b>	<b>\$4.00</b>
<b>ADA Clients</b>	<b>\$2.00</b>	\$2,722	\$5,444
<b>Sr. Non-Resident</b>	<b>\$1.00</b>	\$1,320	\$3,960
<b>Sr. Resident</b>	<b>No fare</b>	\$3,960	\$7,920
		\$8,002	\$17,324

**Four Year Revenue Average is \$2,722**

## MEMORANDUM



**To:** Dennis Dare, City Manager  
**From:** Tom Shuster, Director Recreation & Parks  
**RE:** Pam's Golf Packages Status  
**Date:** December 4, 2008

In the past the Town participated with Pam's Golf to book golf packages that directed golf play to Eagle's Landing Golf Course. At that time Pam's Golf was owned by Dean and Pam Geracimos and located in the Ocean City area. Pam's Golf has been the largest source of package golf rounds to Eagle's Landing.

In 2007 Pam's Golf experienced financial difficulties and subsequently filed for Chapter 7 Bankruptcy in late summer of that year. Pam's owed Eagle's Landing \$124,728 for package golf rounds played on the course. Dean Geracimos subsequently sold Pam's Golf assets to Lew Meltzer, Owner of River Run Golf Club. Lew Meltzer renamed the company "Pam's O.C. Asset Acquisition, LLC" and continued the golf packaging in the Ocean City area. His staff contacted us requesting our continued participation.

The Mayor and Council reviewed the new Pam's proposal in October 2007 and voted not to participate with Pam's LLC in 2008. Dennis Dare notified Pam's management on October 16, 2007 of this decision.

Eagle's Landing package golf rounds have fallen significantly in 2008. This decline in package round income is directly related to our decision to not participate with Pam's. Given our losses in package play income, I recommend that we revisit our decision from last October with the Mayor and City Council and determine if we should reconsider Eagle's Landing's participation for 2009.

I would also like to brief the Council on our plans to increase local golf play through a "locals rate" possibly associated with the Talon Club program.

Would you please schedule this item for discussion at the December 9, 2009 work session?

Thanks.



**WORK SESSION -MAYOR AND CITY COUNCIL  
TUESDAY, DECEMBER 9, 2008**

**8 – Discussion of General Employee Pension Contribution  
Presented by: Dennis W. Dare, City Manager**



## MEMO

To: Dennis Dare, City Manager Code: 08-10

From: Martha Lucey, Finance Administrator

Date: October 30, 2008

Subject: Pension changes for General Employees

At the work session on October 14, the Council asked for additional information concerning proposed changes to the general employees pension plan: 1) to require 5% contribution until retirement and 2) to change the pension calculation date to the employee's anniversary date.

The 5% contribution to the plan started in October 2004 when the pension benefit changed from 35% of pay to 50% and the minimum age to retire with a full pension was changed from age 60 to age 55 with 30 years of service. There are 33 general employees with over 30 years of service who currently do not contribute 5% to their plan. Their median annual wage is \$63,097. All other 381 general employees, with a median annual wage is \$43,617, contribute 5% to the plan. In FY-09, the Town contributed 12.7% of pay.

Their median biweekly contribution will be \$121, but their paycheck is only reduced \$103 as it is not taxed. Each year of contributions is returned to them in 1.2 months when they retire and begin to receive their pension benefit. With a contribution of 5% and a benefit of 50% of pay, 10 years of contributions are returned in one year of pension benefits. Of the 33 employees, 17 have never contributed to their pension. The median total contribution of the sixteen employees who contributed from 2004 to 2008 is \$6,464, or \$1,616 annually. Their median annual pension will be \$30,212.

Retirement benefits have been reduced twice for new hires. 1) In 1996, the pension formula was amended to accrue the benefit evenly over 30 years. That means that a general employee earns 1/30<sup>th</sup> of a pension each year and must be employed 30 years to receive an unreduced pension. Employee contributions currently cover 45% of normal or current year costs for the pension plans, but not the cost of the service before 2004.

2) In 2005, the benefit for retiree health insurance was changed from a benefit received after retirement with a minimum of 15 years of employment to a minimum of 25 years.

At June 30, 2008, the general employees pension plan was 72% funded. At October 31, 2008, the funding level declined to 56%. While it is anticipated that investment earnings will improve, it is very important that both the Town and all active employees contribute consistently over the years ahead to bring the plan to a 100% funding level.



**WORK SESSION -MAYOR AND CITY COUNCIL  
TUESDAY, DECEMBER 9, 2008**

**9 – Review of Proposed Ordinance to Amend Chapter 10,  
Entitled Buildings and Regulations  
Presented by: Guy R. Ayres, III,  
City Solicitor**

First Reading \_\_\_\_\_  
Second Reading \_\_\_\_\_

ORDINANCE 2008-

AN ORDINANCE TO AMEND CHAPTER 10,  
ENTITLED BUILDINGS AND BUILDING REGULATIONS,  
OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 10, ENTITLED BUILDINGS AND AND BUILDING REGULATIONS, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND BE, AND THE SAME IS HEREBY AMENDED BY REPEALING AND REENACTING WITH AMENDMENT SECTION 10-51, SUBSECTIONS 10-52(5) AND (6), SECTION 10-71, ADDING A SUBSECTION TO SECTION 10-72, REPEALING SUBSECTION 1121 OF SECTION 10-91, REPEALING AND REENACTING WITH AMENDMENT SECTION 10-111, SECTION 10-131, SECTION 10-171, RENUMBERING SUBSECTION 103.6 TO 103.5, RENUMBERING SUBSECTION 304.15 TO 304.14, REPEALING AND REENACTING WITH AMENDMENT SECTION 10-151, SECTION 10-152, SECTION 10-162, SECTION 10-165, AND ADDING SUBSECTION 10-226(d)(3), AS FOLLOWS:

Sec. 10-51. Adopted.

Those certain documents, copies of which are on file in the office of the City Clerk, being marked and designated as the International Building Code, 2006 Edition, except for section 105.2, Appendix H section H 101.2 Appendix K, and chapters 27, 28 and 29 and with an addition to section 1013.3 that the bottom rail or curb of a guardrail will reject the passage of a two-inch-diameter sphere, thereof, be and it is hereby adopted as the building code of Ocean City, County of Worcester, State of Maryland, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, save and except such portions as may herein be deleted, modified or amended, and the same are hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the construction of all buildings and structures within the corporate limits of Ocean City.

Sec. 10-52. Amendments.

...

(5) Window requirements for all structures shall be in accordance with the International Building Code, except all windows and doors shall have design pressure rating both positive and negative of at least 35 in buildings with a mean roof height equal to or less than 29 feet in height. Any building with a

mean roof height of more than 29 feet in height shall be required to have a minimum design pressure rating of at least 45. In addition, all emergency egress or rescue windows from sleeping rooms must have a minimum net clear opening of five and seven-tenths square feet. The minimum net clear opening height dimension shall be 24 inches. The minimum net clear opening width dimension shall be 20 inches, except in accordance with the International Residential Code.

(6) Stair requirements.

A. Stair requirements for all new single family homes, duplex, and townhouses no more than 3 stories in height shall be in accordance with the International Residential Code 2006 Edition.

B. Exterior stair requirements for commercial and multi-family buildings requirements shall be in accordance with the Town of Ocean City Code Chapter 34.

C. Stairs located within dwelling units of multi-family buildings shall be in accordance with the International Building Code, 2006 Edition.

D. Means of egress requirements shall be in accordance with Chapter 34 and NFPA 101 Life Safety Code.

...

Sec. 10-71. Model Energy Code adopted.

The Model Energy Code, being particularly the International Energy Conservation Code, 2006 Edition save and except such portions as may herein be amended, of which not less than three copies have been and are now filed in the office of the City Clerk of Ocean City, is hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this division shall take effect, the provisions therein shall be controlling in establishing energy conservation in new building construction.

Sec. 10-72. Amendments to Model Energy Code.

...

503. Building Mechanical System.

Section 503 is excepted herefrom, and in lieu thereof, all mechanical systems must meet or exceed Maryland Mechanical Code.

...

Sec. 10-91. Adopted; amendments; additions.

...

1121. Guardrails (REPEALED)

...

Sec. 10-111. Adopted.

The International Existing Building Code, 2006 Edition except section 105.2, as the same may from time to time be amended by the Mayor and City Council of Ocean City, of which not fewer than three copies thereof have been and are now filed in the office of the City Clerk of Ocean City, is hereby adopted and incorporated as fully as if set forth at length herein; and from the date on which this section shall take effect, the provisions therein shall be controlling in establishing standards for required renovation and rehabilitation of existing buildings.

...

Sec. 10-131. Standard Code for the Elimination or Repair of Unsafe Buildings adopted; amendments.

The International Existing Building Code, 2006 Edition section 115 thereof, and the whole thereof, save and except such portions as may hereinafter be amended, of which not less than three copies have been and are now filed in the office of the City Clerk of Ocean City, is hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect, the provisions therein shall be controlling in the elimination or repair of unsafe buildings within the area of jurisdiction of Ocean City, Maryland, subject to the following amendments:

...

Sec. 10-141. Adopted; amendments.

A certain document three copies of which are on file in the office of the Chief Building Official of the Mayor and City Council of Ocean City, being marked and designated as "The International Property Maintenance Code, 2006 Edition," as published by the International Code Council is hereby adopted as the Property Maintenance Code of the Mayor and City Council of Ocean City, in the State of Maryland; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, as hereinafter set forth:

...

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code are as, from time to time, adopted by resolution of the Mayor and City Council of Ocean City.

...

304.14. Insect screens. During the period from January 1 to December 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Sec. 10-151. Adopted.

Those certain documents, copies of which are on file in the office of the City Clerk, being marked and designated as International Residential Code, 2006 Edition, except Chapter 12 thru 32, appendix E,N,O,P,Q as published by the International Code Council is hereby adopted as the building code of Ocean City for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in Ocean City, and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, 2006 Edition, published by the International Code Council on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Sec. 10-152. Revisions, climatic and geographic design criteria.

- (a) Roof snow load -- 20 pounds per square foot
- (b) Wind -- 120 miles per hour
- (c) Seismic design category -- C
- (d) Weathering -- Severe
- (e) Frost line depth -- 18 inches
- (f) Termite -- Moderate to heavy
- (g) Decay -- Slight to moderate
- (h) Winter design temperature -- 15 degrees

(i) Flood hazards

1. Adoption of flood ordinance, July 2, 1973.
2. Current flood hazard map FIRM, February 4, 1988.
  - A. Panel 1,245207-0001-G, February 4, 1988.
  - B. Panel 2,245207-0002-F, March 4, 1986

...

Sec. 10-162. National Electrical Code adopted.

Except as may be provided otherwise in this article, the requirements of the National Electrical Code, 2005 Edition and NFPA 70, being the regulations of the National Fire Protection Association for electrical wiring and apparatus, shall be deemed to be the requirements imposed by this article, said National Electrical Code being hereby adopted by reference as the electrical code of Ocean City and being herein incorporated in its entirety by reference.

...

Sec. 10-165. Licensing requirements.

(a) An electrician's license, issued by Worcester County, Maryland, is required to perform electrical work.

...

Sec. 10-226. Variances.

...

(d) Exemptions . . .

...

- (3) Structures built for the containment of sprinkler systems and equipment to retrofit existing high-rise buildings, are hereby exempt from the minimum design requirements of section 10-228 provided that the structures are designed with break-a-way walls, flood vented in accordance with chapter 38 and all equipment elevated to a minimum of 3.0 feet above the

base flood elevation.

AND BE IT FURTHER ENACTED AND ORDAINED that the mandatory implementation of section 1609.1.2 of the International Building Code and section R301.2.1.2 of the International Residential Code are delayed until September 1, 2009 and shall apply to all new building construction and substantial improvements, except that wood panels must be utilized, where that option is available. Replacement of existing windows and doors in existing buildings must meet or exceed the minimum design pressure rating as described in 10-52(5) Amendments.

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on December 15, 2008.

ADOPTED AND PASSED by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on January 5, 2009.

ATTEST:

\_\_\_\_\_  
CAROL JACOBS, Clerk

\_\_\_\_\_  
RICHARD W. MEEHAN, Mayor

Approved as to Form:

\_\_\_\_\_  
JOSEPH M. MITRECIC, President

\_\_\_\_\_  
GUY R. AYRES, III, City Solicitor

\_\_\_\_\_  
LLOYD MARTIN, Secretary



**WORK SESSION -MAYOR AND CITY COUNCIL  
TUESDAY, DECEMBER 9, 2008**

**10 – Review of Proposed Ordinance to Amend Chapter 38,  
Floods  
Presented by: Guy R. Ayres, III,  
City Solicitor**

ORDINANCE 2008-

AN ORDINANCE TO AMEND CHAPTER 38,  
ENTITLED FLOODS, OF THE CODE OF  
THE TOWN OF OCEAN CITY, MARYLAND

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 38, ENTITLED FLOODS, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND BE, AND THE SAME IS HEREBY, AMENDED BY REPEALING AND REENACTING WITH AMENDMENT THE DEFINITION OF CRITICAL AREA IN SUBSECTION 38-31(b) AND SUBSECTION 38-52(5), AS FOLLOWS:

Sec. 38-31. Definitions and rules of construction.

...

(b)

...

Critical area. For the purposes of this article, the following two areas:

(1) That area east of the easterly right-of-way line of Baltimore Avenue lying north of 26th Street and south of 33rd Street.

(2) That area lying east of a point 250 feet west of the beach replenishment project line, lying north of 33rd Street and south of the division line between the State of Maryland and the State of Delaware.

...

Sec. 38-52. Review of building permit applications.

...

(5) Be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. This requirement shall be mandatory for all replacement of any service facilities. All new and replaced Service facilities or equipment shall be elevated in accordance with Chapter

38-71 titled Minimum elevation requirements, with the exception that the bottom of all duct work shall be a minimum of one foot above FEMA Flood Elevation Requirement.

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on December 15, 2008.

ADOPTED AND PASSED by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on January 5, 2009.

ATTEST:

\_\_\_\_\_  
CAROL JACOBS, Clerk

\_\_\_\_\_  
RICHARD W. MEEHAN, Mayor

Approved as to Form:

\_\_\_\_\_  
JOSEPH M. MITRECIC, President

\_\_\_\_\_  
GUY R. AYRES, III, City Solicitor

\_\_\_\_\_  
LLOYD MARTIN, Secretary



**WORK SESSION -MAYOR AND CITY COUNCIL  
TUESDAY, DECEMBER 9, 2008**

**11 – Discussion of Legislative Committee Assignments**

**MAYOR AND CITY COUNCIL  
LEGISLATIVE COMMITTEES  
EFFECTIVE 12/9/2008**

POLICE COMISSION

Mayor Rick Meehan

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOISE BOARD LIAISON

Alternate – \_\_\_\_\_

BEACH MEDIATION/SURFING LIAISON

\_\_\_\_\_

TRI-COUNTY COUNCIL

Alternate – \_\_\_\_\_

AMERICANS WITH DISABILITIES

\_\_\_\_\_

RECREATION AND PARKS COMMITTEE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MUSEUM COMMITTEE

\_\_\_\_\_

TOURISM COMMITTEE

Mayor Ex-officio

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PENSION COMMITTEE

Mayor Rick Meehan

Council President Joe Mitrecic

HUMANE SOCIETY COMMITTEE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RISK RETENTION COMMITTEE

Alternate – \_\_\_\_\_

COASTAL RESOURCES

LEGISLATIVE COMMITTEE

\_\_\_\_\_  
\_\_\_\_\_

MARYLAND COASTAL BAYS  
FOUNDATION BOARD OF  
DIRECTORS

\_\_\_\_\_

**MAYOR AND CITY COUNCIL  
LEGISLATIVE COMMITTEES  
EFFECTIVE 10/31/06**

POLICE COMISSION

Mayor Rick Meehan  
Council President Joe Mitrecic  
Council Member Lloyd Martin  
Council Member Jay Hancock

TOURISM COMMITTEE

Mayor Ex-officio  
Council Secretary Nancy Howard  
Council Member Mary Knight  
Council Member Margaret Pillas

NOISE BOARD LIAISON

Council Member Jay Hancock  
Alternate – Council Member Margaret Pillas

PENSION COMMITTEE

Mayor Rick Meehan  
Council President Joe Mitrecic

BEACH MEDIATION/SURFING LIAISON

Council Member Jim Hall

HUMANE SOCIETY COMMITTEE

Mayor Rick Meehan  
Council Member Jim Hall  
Council Secretary Nancy Howard

TRI-COUNTY COUNCIL

Mayor Rick Meehan  
Alternate – Council Secretary Howard

RISK RETENTION COMMITTEE

Council Member Jay Hancock  
Alternate – Council Member Jim Hall

AMERICANS WITH DISABILITIES

Council Secretary Nancy Howard

COASTAL RESOURCES

LEGISLATIVE COMMITTEE  
Council Member Mary Knight  
Council Member Jay Hancock

RECREATION AND PARKS COMMITTEE

Council President Joe Mitrecic  
Council Member Lloyd Martin  
Council Member Jim Hall

MARYLAND COASTAL BAYS  
FOUNDATION BOARD OF  
DIRECTORS

Council Member Jay Hancock

MUSEUM COMMITTEE

Council Secretary Nancy Howard

**TOWN OF OCEAN CITY  
OCEAN CITY, MARYLAND**

**POLICY AND PROCEDURE MANUAL**

**PPM 900-8**

**SECTION: Legislative**

**SUBJECT: Pension Trustee  
Membership**

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The Pension Trustees shall consist of the following members:

1. Mayor
2. Council President
3. City Solicitor
4. General Employee Representative
5. Public Safety Employee Representative
6. Three (3) citizens from the community at large

These members may vote on pension matters and participate in discussion relating to pension issues. In addition, the City Manger, City Clerk and Human Resources Director shall attend the meetings in an Ad Hoc capacity.

**§ C-413. Powers and duties of Mayor. (180)**

The Chief of Police shall be appointed by a majority of votes of the Mayor and City Council with each Councilmember and the Mayor having one (1) vote. A commission consisting of four (4) members, one (1) of which shall be the Mayor, who is to be a permanent member of the commission and not subject to removal from the commission, and three (3) members taken from the membership of the City Council shall advise the administration of the Police Department, with all matters being resolved by a majority vote of the commission. The three (3) members of the commission taken from the membership of the City Council shall be appointed by the Mayor with the approval by the City Council members and shall serve at the pleasure of the City Council. The four-member commission shall be known as the "Ocean City Police Commission." The Mayor shall be the chief representative of the Town before all State, Federal and other local governmental bodies. The Mayor shall act as the City Manager of the Town during the pendency of any vacancy in the position of the City Manager and during such time shall be the chief administrative and financial officer of the Town. Upon confirmation by the Council, the Mayor shall appoint members to all city boards, commissions and committees. The powers and duties of the Mayor shall not be diminished without being submitted to a referendum of the voters.

(Res. No. 1976-15, 1-5-1976; Res. No. 1980-4, 11-3-1980; Res. No. 1981-10, 12-21-1981; Res. No. 1982-15, 11-15-1982; Res. No. 1984-3, 12-17-1984; Res. No. 1990-1, 9-3-1990; Res. No. 2007-1, 8-20-2007)

## DIVISION 2.

### TRAFFIC COMMISSION\*

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\* **Cross References:** Boards, commissions, and committees, § 2-161 et seq.

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#### **Sec. 90-51. Creation.**

There is hereby established a traffic commission which shall be the same body as is the Ocean City police commission, pursuant to section C-413 of the Charter of the Town of Ocean City.

(Code 1972, § 99-84)

#### **Sec. 90-52. Powers.**

The traffic commission shall have the power to:

- (1) Establish speed limit regulations and changes thereof as necessary from time to time.
- (2) Prescribe by regulation the use of specific streets by specific vehicles, or prohibit the use of specific streets by specific vehicles or prohibit certain pedestrian activities on said streets.
- (3) Establish by resolution the direction and flow of traffic.
- (4) Establish by regulation one-way streets.
- (5) Establish by regulation no parking zones, time limitations on parking in other zones, parking meter zones, times and prices, and loading and unloading zones.
- (6) Establish and authorize by regulation as necessary any temporary deviation from the commission's regulations.

(Code 1972, § 99-85)

#### **Sec. 90-53. Procedure for establishment of traffic regulations.**

The traffic commission shall exercise its powers only as specified in this section. Whenever any member of the commission deems it necessary to regulate traffic in any manner prescribed in section 90-52 hereof, he shall immediately notify and call a meeting of the other members of the commission. The commission shall meet and by majority vote determine the necessary regulation. Said regulation shall be made in writing in the regulation form prescribed in section 90-54 hereof. The commission shall then cause an appropriate sign or signs to be erected and prominently posted in the area affected by said regulation, which said sign or signs shall properly notify the public of the regulation. The commission shall then cause a copy of said regulation to be furnished the Police Department and the Mayor. The said regulation shall become effective upon the signs being posted and the aforesaid copies being delivered. Each member of the City Council and the City Solicitor shall be mailed a copy of said regulation. Regulations so established shall remain in effect until the next regular meeting of the Mayor and City Council and thereafter if ratified by a majority of the Council and agreed upon by the Mayor. In the event, however, that the Mayor and City Council fails to so ratify any such regulation, said regulation becomes immediately null and void and of no force and effect whatever. In the event that the Mayor and Council ratifies said regulation, the Chief of Police shall cause a copy of said regulation to be signed by the Mayor and president of the Council and attested by the Council's secretary, with the date of ratification affixed thereto. Temporary regulations

created by the commission shall include a termination date. Said temporary regulations shall automatically become null and void after said termination date.

(Code 1972, § 99-86)

**Sec. 90-54. Form of regulations.**

The regulations shall be in the form as follows:

TRAFFIC COMMISSION REGULATION NO. \_\_\_\_\_

Pursuant to the power and authority vested in the commission by §§ 90-52 and 90-53 of chapter 90 of the Code of the Town of Ocean City, the following regulation is hereby promulgated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_:

(REGULATION)

TRAFFIC  
COMMISSION  
\_\_\_\_ Mayor  
\_\_\_\_ Councilman  
\_\_\_\_ Councilman  
\_\_\_\_ Councilman

Ratified at the regular meeting of the Mayor and City Council held on \_\_\_\_\_.

Attest:  
\_\_\_\_ Mayor  
\_\_\_\_ Council  
President  
\_\_\_\_ Council  
Secretary

(Code 1972, § 99-87)

**Sec. 90-55. Termination of regulations by Council.**

The Council may, by majority vote concurred with by the Mayor, cause any regulation to be terminated prior to its ratification by so notifying the traffic commission. In such event, the traffic commission shall cause the immediate cessation of the enforcement of said regulation, and any signs erected pursuant to said regulation shall be immediately removed.

(Code 1972, § 99-88)

**Sec. 90-56. Conflicts between regulations and ordinances.**

As specified in section 90-31 hereof, the Council may at any time, by ordinance, regulate traffic. The power of the commission is subservient to the power of the Council to establish ordinances independent of the commission. If any conflict exists between a regulation of the commission prior to ratification and an ordinance of the Council, the ordinance of the Council shall be controlling. The ratification of any regulation by the Council shall give that regulation the same force and effect as an ordinance, and such ratified regulation shall supersede conflicting provisions of any ordinance adopted prior to the date of the regulation's ratification.

(Code 1972, § 99-89)

**Secs. 90-57--90-70. Reserved.**

**DIVISION 3.**

**PARKING COMMISSION\***

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\* **Cross References:** Boards, commissions and committees, § 2-161 et seq.

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**Sec. 90-71. Creation; membership.**

There is hereby established a parking commission, which shall consist of the Mayor, three members of the City Council, who shall be appointed by the City Council and serve at the pleasure of the City Council, and the City Manager, who shall serve in an ex officio capacity. The commission members shall appoint one of their members to act as chairman to conduct meetings.

(Code 1972, § 99-101)

**Sec. 90-72. Duties.**

It shall be the duty of the parking commission to conduct or hold such meetings as the chairman shall direct or a majority of the members shall direct for the purpose of examination of, investigation of and discussion of all matters relating to traffic congestion caused by vehicle parking, on-street and off-street parking, municipal parking lots and related parking problems; and to advise and to make recommendations to the Mayor and City Council of Ocean City on such matters as follows:

- (1) Location and construction of parking lots and garages to be owned and operated by the Mayor and City Council or a parking revenue authority.
- (2) Financing for acquisition of property and for construction of parking lots and garages.
- (3) Review the operation of municipal parking facilities.
- (4) The establishment of parking meter zones, times and prices.
- (5) Such other parking-related matters which, in the opinion of the parking commission, warrant consideration and recommendation to the Mayor and City Council.

(Code 1972, § 99-102)

**DIVISION 4.****RISK MANAGEMENT COMMITTEE****Sec. 2-231. Creation.**

The Ocean City risk management committee is hereby created.

(Code 1972, § 17-1)

**Sec. 2-232. Membership.**

The risk management committee shall consist of the following five persons, who shall serve by reason of their capacity with Ocean City or by reason of their appointment by the Mayor and City Council:

- (1) City councilmember (or the alternate councilmember) by appointment.
- (2) City Manager.
- (3) City Solicitor.
- (4) Resident of Ocean City by appointment.
- (5) Risk Manager.

(Code 1972, § 17-2)

**Sec. 2-233. Term of members.**

The committee members shall serve so long as they serve in their capacity with Ocean City or, if by appointment, at the pleasure of the Mayor and City Council.

(Code 1972, § 17-3)

**Sec. 2-234. Duties.**

The committee shall be responsible for recommending to the Mayor and City Council:

- (1) Employee and workplace regulations to improve safety for its employees and others and to reduce liabilities.
- (2) Those matters to be insured and, if insured, the levels of insurance coverage and those matters to be risk retained.
- (3) The settlement and/or defense of claims filed against the Mayor and City Council of Ocean City and its agents, servants, officers and employees.

(Code 1972, § 17-4)

**Sec. 2-235. Determination of matters to be insured.**

The Mayor and City Council shall, at least annually, determine those matters to be insured or partly insured and partly risk retained and the levels of insurance to be purchased.

(Code 1972, § 17-5)

**Sec. 2-236. Determination of matters to be risk retained.**

The Mayor and City Council shall, at least annually, determine those matters to be risk retained or partly risk retained and partly insured and the levels of risk retention and insurance to be purchased.

(Code 1972, § 17-6)

**Sec. 2-237. Appropriations for insurance and risk retention.**

(a) The Mayor and City Council shall, at least annually, appropriate sufficient funds to purchase insurance policies covering those matters to be insured.

(b) The Mayor and City Council shall, at least annually, based upon sound underwriting standards, actuarial and other criteria, appropriate funds to maintain a risk retention fund to pay claims and expenses associated with those matters to be risk retained.

(c) In the event that it is determined to retain the risk of workers' compensation claims, the Mayor and City Council shall establish a separate workers' compensation retention fund; and shall, at least annually, based upon sound underwriting standards, actuarial and other criteria, appropriate funds to maintain the separate fund to pay claims and expenses associated with workers' compensation claims as mandated by the workers' compensation commission of the State of Maryland.

(Code 1972, § 17-7)

**Sec. 2-238. Immunities not waived.**

Appropriation of money for any insurance policy or risk retention fund shall not be construed as a waiver of any immunities.



**WORK SESSION -MAYOR AND CITY COUNCIL  
TUESDAY, DECEMBER 9, 2008**

**12 – Report on Tourism Commission Meeting of November 6, 2008  
Presented by: Council Member Margaret Pillas**

OCEAN CITY TOURISM COMMISSION MEETING  
NOVEMBER 6, 2008 – 3:00 PM  
ROLAND E POWELL CONVENTION CENTER  
ROOM 214

CALL TO ORDER

Margaret Pillas called the meeting to order. Members present included: Margaret Pillas, Mary Knight, Dr. Berger, Susan Jones, Melanie Pursel, Joe Mitrecic and Mayor Meehan. Staff present included: Dennis Dare, Deb Travers, Donna Abbott and Mike Noah. Guests present included: Ruth Waters representing the OC Chamber of Commerce, Councilman Joe Hall, Greg Shockley representing the Maryland Tourism Development Board, G. Hale Harrison representing OC Hotel-Motel-Restaurant Association, Bryan Russo representing The Dispatch and Christine Cullen representing Ocean City Today.

UPDATES

Department of Tourism: Written sales and public relations reports were distributed with agenda packet. Mike Noah stated the Town's promotional efforts will begin with the public relations program in 2009 and the advertising campaign (TV) will kick off in Spring 2009. Mike reported the Convention Center business is gain one, loose one however all prime dates are reserved. Discussion included the New Year's Eve Event not scheduled for December 31, 2008 (holiday is Wednesday). Typically weekend events are better attended. Suggestions for future New Year's Eve events included to market to senior citizen motorcoach groups or perhaps a 1<sup>st</sup> night outside event at Northside Park under the Winterfest of Lights. Deb Travers gave an update on the status of the grant from the State. Deb stated notification had been received from the State and the grant funds remain in tact at this time. Donna Abbott informed the Tourism Commission that MGH Advertising Agency won an award for the Town's press packets and the "end of the world" advertising campaign.

Department of Rec & Parks/Special Events: Written report distributed with agenda packet.

Worcester County Tourism: Written report distributed with agenda packet.

OC Chamber of Commerce: Written report distributed with agenda packet. Melanie Pursel reported the Chamber's Business After Hours was scheduled for Nov. 6, 2008 at The Embers. Melanie also encouraged participation from businesses and residences in the annual decorating contest. Participants are listed in a program distributed at Winterfest of Lights. Melanie stated the Chamber is partnering with the O C Air Show sponsors to assist in growing the event. Ruth Waters reported on Day at the Docks (Columbus Day Weekend 2008). The weather was excellent, attendance was good and plans are being made to expand the event next year.

Economic Development Council (EDC): Written report distributed with agenda packet. Dr. Berger added the EDC will be meeting every two months beginning December 2008 and that meeting will be held at the Princess Royale.

Hotel-Motel-Restaurant Association (HMRA): Written report distributed with agenda packet. Susan Jones distributed copies of HMRA's Winterfest of Lights brochure. Also distributed was a promotional calendar and occupancy report. The occupancy report was purchased from Smith Travel Reseach. Susan reported HMRA's co-op print schedule with an ad in "Great Vacation Getaways" and "America's Best Vacation Values" (newspaper inserts in Baltimore Sun, Washington Post, Philadelphia Inquirer and other newspapers in the northeast corridor). The print buy also includes ads in Better Homes & Gardens, Ladies Home Journal, Country Home, More, Mid West Living (Ohio), Guest Quest and See You There.

#### CLOSE MEETING

Motion by Joe Mitrecic, Seconded by Mary Knight to enter into closed session.  
Unanimously carried.