

AGENDA
MAYOR AND CITY COUNCIL – REGULAR SESSION
MONDAY, AUGUST 3, 2009 – 6:00 P.M.

1. CALL TO ORDER
2. PRAYER AND PLEDGE
3. REPORT FROM CITY MANAGER ON UPCOMING WORK SESSION
4. APPROVAL OF MINUTES
 - A. Regular Session #14 – dated July 20, 2009
 - B. Work Session Dated July 14, 2009
5. ITEMS PRESENTED BY THE MAYOR AND CITY COUNCIL
6. SPECIAL EVENT PERMIT REQUESTS
7. PUBLIC HEARINGS
8. UNFINISHED BUSINESS
9. NEW BUSINESS
 - Request Permission for 4th Annual Bay Shore Bash Block Party – Saturday, September 6, 2009
Presented by: Monica Freese and Linda Zwirlein
10. REPORTS AND RECOMMENDATIONS FROM THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
11. APPOINTMENTS TO BOARDS, COMMISSIONS AND OTHER CITY ORGANIZATIONS
 - Recommendation to Support Proposal to Form the Ocean City Cultural Arts Advisory Board
Presented by: Mayor Rick Meehan
12. ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY SOLICITOR
 - A. Second Reading – Ordinance 2009-17 Authorizing the Mayor and City Council to Purchase Certain Real Property (Allows for Condemnation of Property between 64th and 65th Streets Adjacent to Wastewater Treatment Plant)
 - B. Second Reading – Ordinance 2009-18 Amending Chapter 1, Entitled General Provisions and Enacting Article V-A of Chapter 90, Entitled Vehicles and Traffic (requires helmets be worn when renting scooters and mopeds)

- C. First Reading – Ordinance to Amend Chapter 58, Entitled Offenses and Miscellaneous Provisions of the Code of the Town of Ocean City (Prohibits sale, possession, manufacture and distribution of salvia)

13. ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY
MANAGER

Upcoming Bid Openings – Public Safety Uniforms; Annual Stand-by Generator Maintenance Contract; and Annual Sidewalk Maintenance Concrete Repairs/Replacement Contract

14. COMMENTS FROM CITIZENS – 5 MINUTE TIME LIMIT

15. COMMENTS FROM THE MAYOR AND CITY COUNCIL



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, AUGUST 3, 2009**

**3 – REPORT FROM CITY MANAGER ON UPCOMING
WORK SESSION**



**REGULAR SESSION -MAYOR AND CITY COUNCIL
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4 – APPROVAL OF MINUTES

- A. Regular Session #14 – dated July 20, 2009**
- B. Work Session Dated July 14, 2009**



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, AUGUST 3, 2009**

9 – NEW BUSINESS

**Request Permission for 4th Annual Bay Shore Bash Block
Party – Saturday, September 6, 2009
Presented by: Monica Freese and Linda Zwirlein**

Kathy Mathias - Block Party

From: "Randy Kephart" <randy@kephartelectric.com>
To: <KMathias@ococean.com>
Date: 7/6/2009 11:46 AM
Subject: Block Party

Kathy,

We are planning to have our fourth annual "Bay Shore Bash" block party on Saturday 09/06/09.

We are again requesting permission from the Town of Ocean City to close the Cul-de-sac at the end of Bayshore Court. As in previous years we are also requesting permission for alcohol and a Disc Jockey.

We are requesting to be added to the council meeting agenda on August 3, 2009. We will be represented by Monica Freese and Linda Zwirlein.

Thank you very much for your continued support.

Randy Kephart
608 Bayshore Court Unit 1
randy@kephartelectric.com
Office: 301-797-9146
Cell: 301-573-6951



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, AUGUST 3, 2009**

**11 – APPOINTMENTS TO BOARDS, COMMISSIONS AND
OTHER CITY ORGANIZATIONS**

**Recommendation to Support Proposal to Form the
Ocean City Cultural Arts Advisory Board
Presented by: Mayor Rick Meehan**

To: Ocean City Council

Recommendation to support the proposal to form The Ocean City
Cultural Arts Advisory Board:
By Mayor Rick Meehan

I would like to propose that we accept the recommendation to form the Ocean City Cultural Arts Advisory Board for the Town of Ocean City. This concept was developed after discussions with members of our community that appeared before the Mayor and City Council to support of the expansion of Convention Center and the development of an Auditorium that would become a Performing Arts Venue for the Town of Ocean City. Leighton Moore and Patti Miller have volunteered to Co-Chair this Board and are here tonight to present the Mission Statement and the Goals of this Board to the Mayor and City Council.

I believe the time is right to move forward with this concept. Enhancing Performing Arts in general has long been a goal in our community and this would be a positive step in that direction. We have all seen the positive results a public/private partnership can bring to our community thought the formation and success of the Ocean City Development Corporation. I believe this board will parallel this success.

I realize that we are still in the final approval process for the expansion of Convention Center but now is the time to plan for the future.



Ocean City Cultural Arts Advisory Board

Mission:

The mission of the Ocean City Cultural Arts Advisory Board is based on the belief that a community's wealth is directly related to its cultural assets. We will help guide and direct the development of Ocean City's beautiful fine arts facility, which will improve the quality of life for the residents of Worcester County, providing a home to showcase local musical, theatrical, cultural and educational groups. Seeking to positively impact the local economy; regional and national entertainment featured in this facility, with quality sound and seating, will provide a brand new revenue source for businesses to package meals, accommodations and other services.

Goals:

- * Assist in developing the vision and design of the Performing Arts facility for the Roland E. Powell Convention Center.
- * Assist in providing a balance of a broad spectrum of national, regional performing arts events while providing a home for local musical, theatrical and educational groups.
- * Help to develop a Contract Management plan for facility bookings, management & oversight.
- * Provide administrative leadership to the Performing Arts Center, Inc. 501(c)3 Foundation and Fundraising Campaign.
- * Establish a working Partnership between elected officials and private citizens, which will provide a stronger, more unified and coordinated effort in developing a first class venue and performing arts program.



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, AUGUST 3, 2009**

**12 – ITEMS REFERRED TO AND PRESENTATIONS
FROM THE CITY SOLICITOR**

- A. Second Reading – Ordinance 2009-17 Authorizing the Mayor and City Council to Purchase Certain Real Property (Allows for Condemnation of Property between 64th and 65th Streets Adjacent to Wastewater Treatment Plant)**

First Reading _____

Second Reading _____

ORDINANCE 2009-

AN ORDINANCE AUTHORIZING THE MAYOR AND
CITY COUNCIL OF OCEAN CITY TO PURCHASE
CERTAIN REAL PROPERTY

WHEREAS, Mayor and City Council of Ocean City operate a wastewater treatment plant on the bayside between 64th and 65th Streets; and

WHEREAS, the land mass for the facility is at capacity relative to existing processes and improvements; and

WHEREAS, any needs for increased hydraulic capacity, additional enhanced levels of treatment and the processes which will need to be constructed will require additional land; and

WHEREAS, in the interim the land can be utilized for potential public boat launching area, transportation fleet parking, other support operations of the Public Works Department, and parking for Public Safety and other city employees; and

WHEREAS, Mayor and City Council of Ocean City has determined that the acquisition of the real property described herein is for a public purpose, is required for a public need and is in the best interest of the public health, safety and general welfare;

WHEREAS, Section C-414(40) of the Charter of Mayor and City Council of Ocean City authorizes it to purchase real property for any public purpose.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY BE, AND IT IS HEREBY, AUTHORIZED TO PURCHASE BY PRIVATE NEGOTIATION OR BY THE INSTITUTION OF CONDEMNATION PROCEEDINGS THE FOLLOWING DESCRIBED REAL PROPERTY:

ALL those lots or parcels of land lying and being situate in the Tenth Tax District of Worcester County, Ocean City, Maryland being designated and distinguished as Lots Nos. 6, 7, 8, 9 and 10 in Block 119 on a plot entitled "Plot of a Resubdivision of Block No. 119 of Oceanbay City by Charles A. Holloway" made by William D. Pitts, Registered Surveyor, recorded among the Land Records of Worcester County, Maryland with a deed at F.W.H. No. 86, folio 357, et seq., and being a part of the property conveyed onto Oceanbay Shopping Center Limited Partnership by deed dated January 22, 1986 and recorded among the Land Records of Worcester County, Maryland at Liber W.C.L. No. 1151, folio 410, et seq.

LAW OFFICES

AYRES, JENKINS,
GORDY & ALMAND, P.A.

SUITE 200
6200 COASTAL HIGHWAY
OCEAN CITY, MD 21842

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on July 20, 2009.

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 August 3, 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



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**12 – ITEMS REFERRED TO AND PRESENTATIONS
FROM THE CITY SOLICITOR**

- B. First Reading – Ordinance 2009-18 Amending
Chapter 1, Entitled General Provisions and Enacting
Article V-A of Chapter 90, Entitled Vehicles and
Traffic (requires helmets to be worn when renting
scooters and mopeds)**



INTERDEPARTMENTAL MEMO

DATE : July 23, 2009

TO : Mayor and City Council
Dennis Dare, City Manager

FROM : Bernadette A. DiPino, Chief of Police

CC : Guy Ayres, City Solicitor

SUBJECT : Pending Helmet Law

The Ocean City Police Department encourages and supports any ordinance that increases the safety of the town's citizens and visitors. Wearing a helmet while operating a scooter may help prevent or reduce head injuries to operators involved in a collision.

I was asked by members of the council to provide additional information on the type and style of helmet that should be used by operators and passengers.

The Maryland Motor Vehicle Administration encourages and recommends operators of motor scooters to wear a Department of Transportation (DOT) compliant motorcycle helmet. It is our recommendation that the current proposed ordinance should require operators to wear this type of helmet.

In Maryland, individuals may not operate or ride on a motorcycle unless they wear a helmet that is certified to meet the standards established by the DOT. All helmets sold in the United States for use by motorcyclists since 1973 must comply with the Federal Vehicle Safety Standard 218 (FMVSS 218). This standard is the minimum standard for helmets required to be worn by motorcycle operators and passengers in Maryland. Manufacturers test their helmets and certify their compliance with the federal standard by permanently affixing a DOT label to the helmet.

If I can answer any questions or clarify any of the issues involved please do not hesitate to contact me.

Bernadette A. DiPino

Bernadette A. DiPino
Chief of Police

First Reading _____
Second Reading _____

ORDINANCE 2009-

AN ORDINANCE AMENDING CHAPTER 1, ENTITLED
GENERAL PROVISIONS, AND ENACTING ARTICLE V-A OF
CHAPTER 90, ENTITLED TRAFFIC AND VEHICLES,
OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND

WHEREAS, there is a proliferation of businesses that rent mopeds, motorized minibikes, and motor scooters within the corporate limits of the Town of Ocean City; and

WHEREAS, the Mayor and City Councilmembers have determined that a substantial number of these individuals who rent the aforementioned vehicles are generally inexperienced and are prone to be involved in more accidents involving personal injuries than those individuals who own the aforementioned vehicles; and

WHEREAS, Mayor and City Council of Ocean City has determined that it is in the best interest of the public health, safety and general welfare to require these individuals who rent the aforementioned vehicles to wear certain safety equipment.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 1, ENTITLED GENERAL PROVISIONS, BE, AND IS HEREBY, AMENDED BY REPEALING AND REENACTING WITH AMENDMENT SUBSECTION 1-8 (c)(1)p AND CHAPTER 90, ENTITLED TRAFFIC AND VEHICLES BE, AND IT IS HEREBY, AMENDED BY ADDING ARTICLE V-A, AS FOLLOWS:

Sec. 1-8. Violations and penalties.

...

(c) ...

(1) ...

...

p. Chapter 90, articles V and V-A.

...

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GORDY & ALMAND, P.A.

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ARTICLE V-A. Safety Equipment for Certain Vehicles.

Sec. 90-221. Definitions.

“Helmet” means a protective headgear that meets or exceeds the standards of the American National Institute, the Snell Memorial Foundation or the American Society of Testing and Measurements for the vehicle in use.

“Moped” means a bicycle that:

- (1) Is designed to be operated by human power with the assistance of a motor;
- (2) Is equipped with pedals that mechanically drive the rear wheel or wheels;
- (3) Has two or three wheels, of which one is more than 14 inches in diameter; and
- (4) Has a motor with a rating of 1.5 brake horsepower or less and, if the motor is an internal combustion engine, a capacity of 50 cubic centimeters piston displacement or less.

“Motorized minibike” means a motor vehicle that:

- (1) Has two or three wheels; and
- (2) Is not subject to registration under Title 13 of the Transportation Article, Md.

Code Anno.

“Motorized minibike” does not include:

- (1) A motor scooter;
- (2) A moped; or
- (3) A farm tractor.

“Motor scooter” means a nonpedal vehicle that:

- (1) Has a seat for the operator;
- (2) Has two wheels, of which one is 10 inches or more in diameter;
- (3) Has a step-through chassis;
- (4) Has a motor:
 - (i) With a rating of 2.7 brake horsepower or less; or

(ii) If the motor is an internal combustion engine, with a capacity of 50 cubic centimeters piston displacement or less; and

(5) Is equipped with an automatic transmission.

Sec. 90-222. Prohibitions.

(a) It shall be unlawful for any person, corporation or other legal entity to rent or otherwise allow an individual to operate, for a fee or charge, a moped, motorized minibike, or motor scooter, without providing a helmet for the individual(s), in attendance, who will be operating or riding on said vehicle.

(b) It shall be unlawful for any person, corporation or other legal entity to rent or otherwise allow an individual to operate, for a fee or charge, a moped, motorized minibike, or motor scooter, unless said vehicle has the establishment's business name or operating telephone number clearly identifiable on said vehicle.

(c) It shall be unlawful for any person to operate or be a passenger on a moped, motorized minibike, or motor scooter, which has been rented or otherwise let from another person or business, without wearing shoes and a helmet.

(d) It shall be unlawful for any person operating a moped, motorized minibike, or motor scooter, which has been rented or otherwise let from another person or business, to allow an individual who is not wearing shoes or helmet to be a passenger on said vehicle.

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on July 20, 2009.

ADOPTED AND PASSED, as amended, by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on August 3, 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



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, AUGUST 3, 2009**

**12 – ITEMS REFERRED TO AND PRESENTATIONS
FROM THE CITY SOLICITOR**

- C. First Reading – Ordinance to Amend Chapter 58,
Entitled Offenses and Miscellaneous Provisions of the
Code of the Town of Ocean City (Prohibits sale,
possession, manufacture and distribution of salvia)**

First Reading _____
Second Reading _____

ORDINANCE 2009-

AN ORDINANCE TO AMEND CHAPTER 58, ENTITLED,
OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE
CODE OF THE TOWN OF OCEAN CITY, MARYLAND

WHEREAS, Salvia is known to be a hallucinogenic pschoactive substance, which can cause a loss of physical coordination, visual alterations or visions, multiple realities, a sense of total confusion or madness, a sense of flying, floating, twisting or turning, a loss of sense of awareness as an individual, and other hallucinations; and

WHEREAS, the Mayor and City Council of Ocean City have received reports from its Police Department as to the dangers associated with the ingestion of this substance; and

WHEREAS, the Mayor and City Council of Ocean City believes that it is in the best interest of the health, safety and general welfare of its citizens and sojourners to prohibit the possession and distribution of salvia, and its related paraphernalia.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 58, ENTITLED OFFENSES AND MISCELLANEOUS PROVISIONS, BE, AND IT IS HEREBY, AMENDED BY ADDING ARTICLE IV, AS FOLLOWS:

ARTICLE IV. Offenses Involving Public Health.

Sec. 58-181. Definitions:

“Salvia” means a material, compound, mixture or preparation in any form that contains the component salvinatorin A, and is known variously as Salvia, Salvia Divinorum, Ska Pastora, Diviner’s Mint, Sally-D, Lady Salvia or any other name.

“Salvia Paraphernalia” means equipment, a product, or material that is used, intended for use, or designed for use, in: (i) planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing salvia; or (ii) injecting, ingesting, inhaling, or otherwise introducing salvia into the human body, as defined and set forth in §5-101 Criminal Law Article, Md Code Anno., pursuant to the factors set forth in §5-619 of said Criminal Law Article.

Sec. 58-182. Prohibited acts.

(a) It shall be unlawful to possess or administer to another salvia.

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(b) It shall be unlawful to manufacture, distribute, or dispense salvia.

(c) It shall be unlawful to distribute, attempt to distribute a non-controlled substance: (i) that the person represents is salvia; (ii) that the person intends for use or distribution as salvia; or under circumstances where one reasonably should know that the non-controlled substance will be used or distributed for use as salvia.

(d) It shall be unlawful to possess or purchase a non-controlled substance that the person reasonably believes is salvia.

(e) It shall be unlawful to use or possess with intent to use salvia paraphernalia.

(f) It shall be unlawful to offer for sale, deliver, sell or distribute salvia paraphernalia.

(g) It shall be unlawful to own, rent or otherwise utilize a store, dwelling, building or other facility for: (i) the purpose of administering, selling, displaying, distributing, possessing, or dispensing salvia; or (ii) manufacturing, distributing, dispensing, storing or concealing salvia paraphernalia.

Sec. 58-183. Violations and penalties.

A person who is convicted of any prohibited act under this article shall be guilty of a misdemeanor and be subject to imprisonment for up to six (6) months or fined up to one thousand dollars (\$1,000.00) or both.

INTRODUCED, at a meeting of the City Council of Ocean City, Maryland held on August 3, 2009.

ADOPTED AND PASSED, as an emergency ordinance, by the required vote of the elected membership of City Council and approved by the Mayor at its meeting held on August 3, 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



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, AUGUST 3, 2009**

**13 – ITEMS REFERRED TO AND PRESENTATIONS
FROM THE CITY MANAGER**

**Upcoming Bid Openings – Public Safety Uniforms;
Annual Stand-by Generator Maintenance Contract; and
Annual Sidewalk Maintenance Concrete
Repairs/Replacement Contract**

INTERDEPARTMENTAL MEMO

TO: Dennis Dare, City Manager
FROM: Joe Sobczak, Purchasing Director
DATE: July 10, 2009
SUBJECT: Upcoming Bid Openings

Please advise the Mayor and City Council, at the August 3, 2009 Council Meeting that we will be soliciting bids for the following items:

POLICE UNIFORMS
FIRE MARSHAL UNIFORMS
EMS UNIFORMS
OCEAN CITY FIRE DEPARTMENT UNIFORMS



INTERDEPARTMENTAL MEMO

To: Dennis W. Dare, City Manager
From: Dean Dashiell, Public Works Construction Superintendent
Date: July 21, 2009
Subject: **UP AND COMING BIDS**
FY2010 Annual Stand-by Generator Maintenance
FY2010 Annual Sidewalk Maintenance: Concrete Repairs / Replacement

Please accept this memo as formal notification that I intend to receive sealed bids on August 11, 2009 for the **Annual Stand-by Generator Maintenance Contract** and the **Annual Sidewalk Maintenance: Concrete Repairs / Replacement Contract**.

Funding for these two bids are covered by the FY 2010 budgets that require these services.

cc: Mr. Hal Adkins, Director of Public Works
Mr. Jim Parsons, Assistant Director of Public Works
Mr. Joe Sobczak, General Services Director
Mrs. Jennie Knapp, Budget Manager



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, AUGUST 3, 2009**

**14 – COMMENTS FROM CITIZENS – 5 MINUTE TIME
LIMIT**



**REGULAR SESSION -MAYOR AND CITY COUNCIL
MONDAY, AUGUST 3, 2009**

**15 – COMMENTS FROM THE MAYOR AND CITY
COUNCIL**