

November 27th, 1962

A meeting of the Mayor and City Council of Ocean City was held in the Municipal Building on Tuesday evening, November 27th, 1962, at 7:30 o'clock.

Mayor Cropper and Councilmen Bunting, Harman, Kelley, McCabe were present. Mr. Showell was absent.

The meeting was called to order by the President of the Council, Harry W. Kelley.

The following letter was received from Marcus J. Williams, City Solicitor, with reference to warrants against Dr. Richard W. Eschenburg for violation of the Ocean City building ordinance, being Ordinance No. 59A. Mr. Williams stated that it was his opinion and recommendation that these cases should be dismissed, and that the municipality adopt a stronger ordinance and require strict observance in the future, unless an emergency permit is obtained.

There was some discussion regarding the enforcement of this ordinance and regarding the manner in which it has been enforced. The fact that arbitrary agreements have been made with property owners concerning continued construction after the date of June 15th as covered in the ordinance and laxity of enforcement was reiterated. The fact that the ordinance is sufficient as written if enforced correctly was pointed out.

MARCUS J. WILLIAMS
ATTORNEY-AT-LAW
BERLIN, MARYLAND

November 26, 1962

Mayor and City Council of Ocean City
Ocean City, Maryland

Gentlemen:

At one of your meetings about three or four weeks ago, you discussed the Eschenburg matter and the thirteen warrants obtained by me at your request and against Dr. Richard W. Eschenburg, for violation of the Ocean City building ordinance, being Ordinance No. 59 A. The warrants charged the violations occurred on June 18, 19, 20, 21, 22, 25, 26, 27, 28, and 29, July 1, 2 and 3.

Due to an alleged misunderstanding on the part of Dr. Eschenburg, he failed to appear for trial on June 30th on the first 7 charges and collateral in the amount of \$25.00 and costs in each case was forfeited.

Soon thereafter, he retained Edward O. Thomas, Esquire, of Snow Hill, who, on July 6, 1962, entered an appeal to the Circuit Court for Worcester County on the first 7 charges and asked for a change of venue on the remaining 6 charges. At the present time, 7 cases are docketed in the Circuit Court for Worcester County, Maryland, and the remaining 6 are docketed at trial magistrate's court in Berlin.

It is my understanding you desire a letter from both State's Attorney Daniel T. Prettyman and me, as City Solicitor, relative our opinion in these cases.

I have discussed the matter with Mr. Prettyman and he is reluctant to express an opinion in a criminal case and suggests that I write this letter to you and send him a copy. If he agrees with the contents of this letter, he will so inform you in writing. If he does not agree, I presume he will also inform you of that fact.

In discussing these cases with Mr. Thomas, I have reluctantly reached the conclusion that the contentions which he will offer in defense of his client will probably result in dismissal when and if the cases are brought to trial.

His main contention is that the ordinance was discriminatorily enforced. As you know, the warrants were issued at the request and insistence of only one adjoining property owner. Mr. Thomas would offer in defense of Dr. Eschenburg other property owners in the area who will testify that the building operation by Dr. Eschenburg did not constitute a nuisance.

November 26, 1962

In addition, as we know, several other construction projects were under way at the same time and no action was taken by the municipality in connection with the others. Mr. and Mrs. J. Henry Wyatt were constructing a building at 7th and Philadelphia, the Methodist Church was being erected at 4th and Baltimore, Mr. and Mrs. Frank Rinaudo were building in violation of the ordinance near 15th Street, Mrs. Palmisano was building on the Boardwalk, and possibly some others.

Mr. Thomas would also argue the constitutional grounds of the ordinance and, while I do not believe this argument would be accepted by the Court, I do recommend that we make certain changes to the ordinance in the near future in order to overcome any such argument.

It is, therefore, my opinion and recommendation that these cases should be dismissed, and that the municipality adopt a stronger ordinance and require strict observance in the future, unless an emergency permit is obtained.

Respectfully yours,



Marcus J. Williams,
City Solicitor

MJW:jj

cc: Honorable Daniel T. Prettyman
Snow Hill, Maryland

Edward O. Thomas, Esquire
Snow Hill, Maryland

Various real estate representatives and brokers were presented at this meeting. These consisted of Charles Lynch, Ray Jarvis, Louis Hickman, Mrs. Leland S. Swindler, Angelo Villani, General Shuey, Frank Shorley and Raymond Quillin. It was stated that they were interested in a consecrated effort to have proper jetties, or other structures erected in order to prevent beach erosion and to try to prevent unfavorable publicity concerning beach erosion and damage by storms and tides.

It was stated that sales and rentals of property were being affected by the results of these tides and storms and the publicity therefrom.

It was suggested that a more extensive dune line should be constructed while the government is working here. The fact that their appropriation has already been expended was mentioned.

Construction of stone jetties along the beach at a higher elevation than the present jetties was also suggested and recommended.

It was suggested that the County Commissioners, Worcester County Delegates and Senator Sanford meet with the Mayor and Council in the very near future to formulate plans to present to the Governor in an effort to obtain assistance from the State and Federal Government in constructing proper jetties or other structures to try to prevent beach erosion.

It was also suggested that Congressman Elect, Rogers C. Morton be contacted to attend this meeting.

The Clerk was asked to contact these representatives and arrange a meeting as soon as possible.

Various suggestions were made as a means of combatting erosion such as obtaining obsolete ships and placing them along the shore line and the driving of a steel sheet piling jetty at a prescribed height to see if it will tend to improve the situation sufficiently to consider the construction of stone jetties extending to the first sand bar.

Representatives of the real estate dealers to attend this meeting was not decided upon, however, they were told that they would be advised of the date so that any of them could attend.

The necessity for a survey by the Corps of Engineers and their recommendations was pointed out. Participation of such a survey by the Federal Government and share of costs in construction by them and the state was mentioned by Mayor Cropper as a new bill having been enacted by Congress and still so new that the Corps of Engineers in this district are not fully familiar with it.

Mr. Williams' letter concerning Dr. Richard Eschenburg was discussed with him and also the ordinance involved. Mr. Williams suggested strengthening the ordinance so that it will be constitutional and that he will make necessary changes therein.

Granting of building permits late in the spring when it is obvious that construction cannot be completed by June 15th was discussed and it was suggested that when a permit is approved, construction must be commenced within 30 days or the permit will become void. In the past some permits have been approved and construction has been delayed for one reason or another until the starting date has been so late that it has been impossible to complete at the date of June 15th as required.

Mr. Williams stated that an amendment to the zoning ordinance would be necessary for this and that a public hearing would have to be held in order to change the ordinance.

Mr. Edward Collins was present at this meeting and he stated that he had been unable to make any contacts concerning proposed Maryland building at the New York World Fair and suggested that the Governor's committee be contacted to try to arrange for space for Ocean City.

Building permits for W. Edward Fisher for a 4 family apartment unit on 25th street and a one family residence for Charles W. Glasco on Mallard Island were approved.

It was decided to get costs of operation of the city dump by the Town and to also secure bids on the operation.

Mr. Legg was asked to secure prices for the construction of a building to house the duck.

On motion by McCabe, seconded by Harman, the purchase of a 2-ton Ford Truck from Clifton Cannon at a cost of \$2100. was approved. Motion carried and passed.

No decision was made on the cutting of timber and clearing of an area at the airport. Mr. Legg stated that he would like to have Mr. Drennan come down and specify the area that they recommend clearing and then figure the acreage and costs.

Vouchers written since last council meeting and signed by Mayor:

#32618 - Pay Roll week ending 11/22/62 2,610.06

Vouchers prepared and presented for approval at meeting of Mayor and Council, Nov. 27, 1962:

#32619 - Elliott's Esso Station - Gasoline for Pocomoke City Fire truck	9.37
#32620 - West Side Feed Co. - Dog Food	40.20
#32621 - The R. D. Grier & Sons Co. - Suction hose for 2" pump	30.12
#32622 - The Barrett Chevrolet, Inc. - Brake shoes and striker for Police car	22.70
#32623 - White & Leonard - Legal size pads	3.33
#32624 - F. L. Anderson Co. - 400' - 2½" & 150' - 1½" Fire Hose	947.00
#32625 - Britt's Market - 2 cartons cigarettes for Firemen	5.67
#32626 - Texaco, Inc. - Gasoline	245.65
#32627 - Hubert R. White Hdwe. Co. - Mason line & 2" galv. pipe	86.76
#32628 - Granger, Faw & Co. - Audit for year ending 6/30/62	2,625.00
#32629 - Kline's Heating Oil Service - Fuel oil for office and Fire House and Kerosene for Ambulance garage	66.78
#32630 - Ocean City Dispensary - Case whiskey for Firemen	53.96
#32631 - Layne's Sinclair - Tubeless tires for Chief's car	93.24
#32632 - Rockwell Mfg. Co. - Water meters and parts	528.02

Pay Roll week ending Nov. 22, 1962

Less Social Security
Less Federal W/H
Less State W/H
Less Police Fund

\$3,004.01
80.04
279.20
26.71
8.00
\$2,610.06

Wages on weekly basis
Wages on hourly basis

\$2,206.27
797.74
\$3,004.01

Distribution of weekly wages:

10.141	Clerks	\$ 238.47	
10.811	Municipal Buildings	55.00	
11.111	Police	1,162.37	
11.212	Fire Dept.	31.80	
12.201	Streets	65.83	
13.201	Sewers	108.18	
20.201	Water	213.08	
20.931	Airport	85.00	
	1959 Capital Fund (Force Main)	<u>246.54</u>	\$2,206.27

Distribution of hourly wages:

10.811	Municipal Buildings	\$ 48.00	
11.212	Fire Dept.	52.10	
12.201	Streets	95.10	
13.201	Sewers	105.68	
13.401	Waste Collection	144.01	
20.201	Water	75.45	
	1959 Capital Fund (Force Main)	<u>277.40</u>	<u>797.74</u>
			<u>\$3,004.01</u>