

CITY COUNCIL MEETING MINUTES
THURSDAY, NOVEMBER 29, 2012 – 7:00 PM
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17TH STREET ENTRANCE, LECTURE HALL, ROOM N110

ATTENDANCE: Mr. DeVlieger; Mr. Guinosso; Mr. Hartzell; Mr. Ping, Mr. Wilson; and Mr. Allegretto. Also attending were Mayor Gillian, Mr. Dattilo, Business Administrator and Ms. McCrosson, City Solicitor. Mr. McClellan arrived at 7:05 pm.

Council President Allegretto called the meeting to order at 7:00 pm and asked everyone to rise for the flag salute and prayer. He announced that the meeting had been advertised according to P.L. 1975, Chapter 231.

CITIZEN COMMENT

Rick Lawson, 316 Haven Avenue – Presented a handout to Council members depicting the 200 block of Haven Avenue where he lives. He spoke on the ongoing construction in the area stating the northend neighborhood zoning works well and spoke out against the changes in the proposed zoning ordinance.

Roy Wagner – 2834 Wesley Avenue – has reviewed the proposed #12-19 ordinance. Thinks the city should take a slower approach before adopting the BFE + 2 elevation.

Jackie Wolchko - 5009 Haven Avenue – representing newly formed Haven Avenue homeowners association across from the wetlands. Asked Council to address the flooding at 50th & Haven Avenue stating the area has become a part of the wetlands. The area is a health, safety and environmental hazard and the City must focus on its infrastructure.

Christina Amey – resident and business owner - as an architect in the city who rehabs many old houses within the city, agrees that a standard elevation is needed.

Mr. Allegretto then asked for a short break to have a photo taken of Council members and Mayor Gillian for a holiday blessing from the Council and Mayor Gillian to those who are serving our Country in the Military and away from home during the Holiday Season.

APPROVAL OF MINUTES

Mr. Allegretto asked for a motion to adopt the City Council Meeting Minutes of Thursday, November 15, 2012 (all present). Motion moved by Mr. Wilson, seconded by Mr. Hartzell. All ayes followed.

Mr. Allegretto asked to have a resolution added at the table to honor the Military. The Clerk read the resolution in its entirety entitled, **12-49-052 - #19 - Added at the Table** . - A Resolution Honoring Local Services Personnel on Active Duty During This Holiday Season. Mr. Allegretto asked for a motion to adopt the resolution as read. Mr. Hartzell made the motion, seconded by Mr. Ping. All ayes followed.

REPORTS – MAYOR & ADMINISTRATION

Mayor Gillian reported on what has been happening since the onslaught of Hurricane Sandy. He praised the Council members and city employees who are so dedicated to the Citizens of Ocean City.

Mayor Gillian then turned the meeting over to Mr. Donato, the City's Director of emergency management. Mr. Donato's colorful presentation depicted the levels of tidal flooding during notable historical storms heights in Ocean City. He explained the technology that is available now to predict the levels of tidal flooding during storm events. Mr. Donato said that the presentation would be placed on the Ocean City web site to view for residents that was provided by the County.

Mayor Gillian continued his report detailing events that developed throughout the storm and what actions were taken after the storm. He also detailed the beach damage and facilities that were compromised. Mayor Gillian said he was discouraged by the red tape a family must endure to get the help that is needed. He said he would visit the schools to see if there was any student that needs help.

Mayor Gillian said the cost of the damages still needs to be redefined and would hope to have an assessment at a capital workshop next week. He said the City is working diligently with FEMA to recover costs to families and the City.

REPORTS – CITY COUNCIL

There were no reports from City Council

ORDINANCES: INTRODUCTION AND FIRST READING

Mr. Allegretto asked for a motion to introduce on first reading Ordinance #12-18. Motion moved by Mr. Wilson, seconded by Mr. Ping. All ayes followed. The clerk read the Ordinance by title: **#12-18 “An Ordinance Amending Ordinance #87-17, Chapter XXX, “Municipal Fees” of the Revised General Ordinances of the City of Ocean City, New Jersey (Offered by the Administration.)**. Ms. McCrosson explained that the ordinance was brought forward at the request of the Mayor and Administration to help the citizens recover from storm damage. The ordinance is a temporary waiver for fees on zoning and construction

permits and the inspection and re-inspection of fees when the work is completed associated with storm damage. The waiver will be in effect immediately and stay in effect until applications are filed by May 24, 2013. Planning Board and Zoning application fees will also be waived for non-conforming uses created when property owners lift their house necessitated by the storm. Mr. DeVlieger suggested to add mercantile license fees to be waived in the ordinance to encourage new business. Mayor Gillian said the Tourism Commission are working on the Tourism budget and it would affect their budget. Mr. Hartzell disagreed with Mr. DeVlieger suggestion stating the revenue is needed, and some owners have not been affected by the storm and can afford to pay it.

Mr. Allegretto asked for a motion to adopt Ordinance #12-18 on first reading and publish according to law. Motion moved by Mr. Ping, seconded by Mr. Guinosso. All ayes followed. Mr. Allegretto announced second reading and public hearing will be held on December 13, 2012.

Mr. Allegretto asked for a motion to introduce Ordinance #12-19. Motion moved by Mr. Wilson, seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **#12-19 An Ordinance Amending Chapter XXV Zoning and Land Development of the Revised General Ordinances of the City of Ocean City, New Jersey.** Ms. McCrosson offered an explanation of the ordinance stating that the ordinance will require the lowest floor to be set at base flood +2. From that requirement changes on how height is proposed to be measured on a residence. It will also stipulate how high the residence can go in height stipulating the proposal of 2 feet above base flood. Ms. McCrosson said across the island with some exception every zone will have the same building box within which to build. There will no longer be different size homes in different areas of town but every area of town with the same elevation will be built to the same height without disparity. Ms. McCrosson then asked Mr. Scheule to explain the technicality and answer questions from Council. Mr. Guinosso recounted meetings as a planning board member the discussions on base flood elevation and believes that working off 1-foot off the center line of the road works for base flood elevation.

Mr. Scheule provided a handout to Council members and provided his expertise on the ordinance. A lengthy discussion evolved on the ordinance between the Council and Mr. Scheule.

Mr. Allegretto then asked for a motion to adopt and send to the Planning Board Ordinance #12-19 for a consistency report and publish according to law. Motion moved by Mr. Ping, seconded by Mr. Hartzell. All ayes followed. Mr. Allegretto announced second reading and public hearing will be held on January 10, 2013.

Mr. Allegretto then asked for a motion to introduce Ordinance #12-20 on first reading. Motion moved by Mr. Hartzell, seconded by Mr. McClellan. The clerk read the ordinance by title: **#12-20 An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development, of the Revised General Ordinances of the City of Ocean City to Expand Permitted and Conditional Uses in the Drive-In-Business Zone.** Mr. Wilson asked to be recused and left the table. All ayes followed except Mr. Wilson who recused himself from the Ordinance #12-20. Ms. McCrosson offered an explanation stating that the ordinance was recommended in the Master Plan to eliminate the Office and Bank Zone and rezone it. Council all agreed the goal was to simplify and clean up some of the zoning issues.

Mr. Allegretto then asked for a motion to adopt Ordinance #12-20 on first reading and send to the Planning Board for a Consistency Report and publish according to law. Motion moved by Mr. Ping seconded by Mr. Guinosso. All ayes followed except Mr. Wilson who recused himself. Mr. Allegretto announced that second reading and public hearing will be held on January 10, 2013.

ORDINANCES: SECOND READING AND PUBLIC HEARING

Mr. Allegretto then asked for a motion to take up Ordinance #12-16 on second reading and public hearing. Motion moved by Mr. Hartzell, seconded by Mr. Wilson. All ayes followed. The clerk read the ordinance by title: **#12-16 - "An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development, of the Revised General Ordinances of the City of Ocean City to Change the Zone Designations of Block 309, Lots 2.02 and 2.03 from North End Neighborhood to Residential Multi-Family; Block 607, Lots 17-33 from Drive-In Business to North End R-1 Neighborhood; Block 1202, Lots 1.01 – 16 From Residential Multi-Family to R-2-30; Block 1302, Lots 1-9 from Residential Multi-Family to R-2-30 and Block 1505, Lots 2 and 2.01 From Drive-In Business to R-1-30.** Ms. McCrosson offered an explanation of the ordinance that changes the zones and lots that were recommended by the Planning Board in the Master Plan. The ordinance was found to be consistent to the Master Plan by the Planning Board. Ms. McCrosson pointed out in Section 1 part (a) that Mr. Lawson spoke about in Public Comment. Mr. Hartzell asked if Mr. Scheule could address the section of the Ordinance. Ms. McCrosson said the Administration had no objection to removing that part of the Ordinance because it makes sense to do it. Mr. Hartzell asked if it was a major change to the Ordinance Ms. McCrosson clarified it was minor and could be amended.

PUBLIC COMMENT:

Eric Sauder, 2929 Central Avenue – believes in light of the recent storm base flood plus 2 is disingenuous. Mr. Sauder also commented on ordinances being adopted this evening are not conducive for single families and are zoned for duplex. Ms. McCrosson responded to Mr. Sauder's comments that the northend neighborhood is zoned for single family use.

Mr. Allegretto announced there was a motion to amend Section 1 (a) from the Ordinance. Mr. Hartzell made the motion, seconded by Mr. Ping. All ayes followed to amend Ordinance #12-16. Mr. Allegretto asked for a motion to adopt on second reading as amended. Motion moved by Mr. Hartzell, seconded by Mr. Ping. All ayes followed.

Mr. Allegretto turned the meeting over to Mr. Wilson because Mr. Allegretto asked to be recused. Mr. Wilson asked for a motion to take up Ordinance #12-17 on second reading and public hearing. Motion moved by Mr. Hartzell, seconded by Mr. Ping. All ayes except for Mr. Allegretto, recused. The clerk read the ordinance by title: **#12-17-An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development, of the Revised General Ordinances of the City of Ocean City to Change the Zone Designation of Block 309, Lots 6-13 and A Portion of Block 309, Lot 14 from Neighborhood Business to R-2-30.** Ms. McCrosson offered the explanation that was a recommendation by the Planning Board in the Master Plan to be consistent. The ordinance would rezone lots 6-13 from Neighborhood Business to R-2-30. Ms. McCrosson said the majority of the lots on the block are already duplexes.

PUBLIC COMMENT:

Roy Wagner 2834 Wesley Avenue – Asked for clarification on the 40’ of commercial space of the R-2-30 where the WaWa used to be. Ms. McCrosson responded that the 40’ corner will remain in the NB zone, and the rest of the block is proposed to be R-2-30.

Mr. Wilson asked for a motion to adopt Ordinance **#12-17**. Motion moved by Mr. McClellan, seconded by Mr. DeVlieger. All ayes followed except Mr. Allegretto, recused.

Mr. Wilson then asked Mr. Allegretto to return to the Council table.

RESOLUTIONS – CONSENT AGENDA:

12-49-035 - #2. - A Resolution to Authorize the Advertisement of Specifications for City Contract #13-04, Printing Services for the City of Ocean City & the Ocean City Board of Education

12-49-036 #3. - A Resolution Authorizing Professional Services Contract between the City of Ocean City and Benecard Services, Inc. (“Benecard”), as the Provider of the Employee and Retiree Prescription Drug Benefit Program

12-49-037 #4. - A Resolution Authorizing Professional Services Contract between the City of Ocean City and AmeriHealth Insurance Company of New Jersey, “AmeriHealth” as the Provider of the Employee and Retiree Health Care Benefit Program

12-49-038 #5. - A Resolution Authorizing an Employee Health Care Coverage Waiver with a Reimbursable Option

12-49-039 #6. - A Resolution Authorizing Professional Services Contracts between the City of Ocean City and Bonnie D. Putterman, Esq., Swift Law Firm, LLC & Teitler & Teitler, LLC for Conflict Public Defender Legal Services for the City of Ocean City

12-49-041 - #8. - A Resolution Declaring that an Emergent Condition Exists and Authorizing an Award of a Contract to ServiceMaster for Water Remediation and Property Restoration at Various City Owned Properties

12-49-042 - #9. - A Resolution Declaring that an Emergent Condition Exists and Authorizing an Award of a Contract to ServPro of Lansdale for Water Remediation and Property Restoration at Various City Owned Properties

12-49-043 - #10. - A Resolution Declaring that an Emergent Condition Exists and Authorizing an Award of a Contract to Northstar Environmental for Water Remediation and Property Restoration at Various City Owned Properties

12-49-044 - #11. - A Resolution Declaring that an Emergent Condition Exists and Authorizing the Award of a Contract to Polygon Group USA for Document Restoration and Remediation of Various City Documents and Records

12-49-047 - #14. - A Resolution Authorizing the Payment of Claims

12-49-048 - #15. - A Resolution Amending the 2012 Budget of the City of Ocean City to Include Additional Revenue from Sustainable Jersey Corp., 2012 Sustainable Jersey Small Grants Program

12-49-049 - #16. - A Resolution Amending the 2012 Budget of the City of Ocean City to Include Additional Revenue from the State of New Jersey, Department of the Treasury, Recycling Tonnage Grant

12-49-050 - #17. - A Resolution Approving the Modification of the City of Ocean City Annual Action Plan for the Fiscal Year 2012 Beginning September 1, 2012 through August 31, 2013 in Accordance with the United States Department of Housing and Urban Development Community Development Block Grant Program

Mr. Allegretto asked for a motion to adopt the consent agenda. Motion moved by Mr. Hartzell, seconded by Mr. Wilson. All ayes followed.

NON-CONSENT AGENDA

12-49-034 - #1. - A Resolution to Authorize the Advertisement of Specifications for City Contract #12-66, Acquisition of Reconditioned 6x6 M 813 Military Cargo Trucks. Mr. Dattilo responded that the existing vehicles are very old and parts are not available. There was money allocated in the Capital Plan to acquire 1

truck over a 3-year plan and has not been done. Mr. Ping asked for the cost to replace the vehicles. Mr. Donato responded to Mr. Ping that the specs would predicate how many would be purchased. Mr. Hartzell asked about the purchase of Military surplus vehicles. Mr. Donato said they did try, but there were none available worth purchasing.

12-49-040 - #7. - A Resolution Declaring an Emergent Condition Exists and Authorizing an Award of a Contract, Final Acceptance and Payment for the Demolition of the Property at 701 – 03 Eighth Street Commonly Known As the Bellevue Hotel. Ms. McCrosson responded the Bellevue was not structurally sound. Bids were received and came in under bid for the demolition of work that was completed. Ms. McCrosson said the property owner was put on notice to have the building taken down after engineers deemed an emergent condition. Mr. Ping said his understanding was the owner of the building hired someone to look at the building and that report said the building did not have to be demolished. Mr. Ping said he was concerned the owners report did not specify the building to be structurally unsound and would the City be in court? Ms. McCrosson said a report from Green Engineering concurred the building was unsound and recommend steel bands be run through the building to the hold walls to the building so not to collapse. The owner of the property had no ability to make improvements to the building and no future plans for it and nearing foreclosure. Due to other circumstances the City will not be held liable and would recover any cost for the demolition to the building.

12-49-045 - #12. - A Resolution Declaring that an Emergent Condition Exists and Authorizing the Award of a Contract to Lewandowski Construction Industries, LLC and Mathis Construction Company, Inc. for Sand Hauling at Various Locations. Mr. Dattilo said in between storms, a northeastern was predicted. Sand was removed and placed at various locations throughout the City and are hopeful that FEMA will repay some of the costs. Mr. Ping asked if the Administration could approach DEP to start the dredging process again. Mr. Donato responded and said the Administration will continue to work with the Army Corp of Engineer, FEMA and Federal Legislators. Mr. Ping asked if 2nd homeowners could be contacted to inspect their homes or to encourage neighbors to notify the City. Mr. Donato said they have attempted to notify the owners.

12-49-046 - #13. - A Resolution Authorizing the City's Participation in State Contract #T-0106, Police & Homeland Security Equipment & Supplies – Statewide for the Purchase of One (1) 2011 or Newer Zodiac Boat for the Police Department. Mr. Dattilo said the purchase of the boat is to re-establish a policing presence on the back waters as was done in the past. Mr. Guinasso asked if the service would continue year round. Mayor Gillian said the service could be used in an emergent situation throughout the year.

12-49-051 - #18. - A Resolution Supporting a Beach Replenishment Project From 36th to 59th Streets in Ocean City. Mr. Dattilo said passing this resolution puts the Council on record requesting the Federal Government to approve a project partnership agreement currently under review by the Army Corp. Mr. Ping asked to extend an opportunity for Legislators to tour the southend beaches to view the vulnerability of the properties to the ocean. The final line of defense has been lost and there is nothing to protect those properties.

PUBLIC COMMENT

Roy Wagner, 2834 Wesley Avenue – Please to hear the action to support beach replenishment in the southend and believes foliage needs to be placed on the beaches.

Rick Lawson, 316 Haven Avenue – Thinks the purchase of fire trucks are overdue and should have been done awhile ago and should not work with poor equipment from his experience.

Mr. Allegretto asked to bundle and adopt the Non Consent Agenda Resolutions. Motion offered by Mr. Hartzell and seconded by Mr. Wilson. All ayes followed.

PENDING BUSINESS

Mr. Wilson and Mr. DeVlieger both commented the City is blessed to have a wonderful staff force. Mr. DeVlieger said his Ward meeting will be announced soon. Mr. Guinasso said his Ward meeting will be held on December 8, 2012 from 9am to 1pm.

Mr. Hartzell said there was a minor oil spill and asked for update from FEMA. Mr. Donato said he will meet with FEMA next week and there will an environmental person at that meeting and he will report back to Mr. Hartzell. Mr. Hartzell said people were contacting him with concerns after his comments at a former meeting on BFE+1 vs BFE+2 and how it affects the value of property and improvements to their homes. Ms. McCrosson said she would give an update at the next meeting. Mr. Hartzell said he neglected to follow up on an issue from someone that asked for the by-laws of the Historic Commission. Ms McCrosson said Mr. Stein was given the task at hand. Ms. McCrosson will get a final form of the by-laws and bring them forward.

NEW BUSINESS

There was no new business.

CITIZEN COMMENT

Frank Worrell, 3304 Haven Avenue – Thought that City workers have done a wonderful job and should be compensated.

Jackie Wolchko - 5009 Haven Avenue - Asked for any response from Council on what she spoke about earlier this evening. Mr. Hartzell said it would be brought up at the Capital plan workshop meeting next week.

Mr. Allegretto asked for a motion to adjourn, motion moved by Mr. Wilson, seconded by Mr. Hartzell. All ayes followed, the meeting adjourned at 10:30 pm.

Sheila Cottrell, Deputy City Clerk