

**CITY COUNCIL MEETING MINUTES  
THURSDAY, APRIL 24, 2014 - 7:00 PM  
CITY HALL COUNCIL CHAMBERS**

**ATTENDANCE:** Mr. Allegretto, Mr. DeVlieger, Mr. Guinosso, Mr. Hartzell, Mr. McClellan Mr. Ping, and Mr. Wilson. Also present: Mayor Gillian, Mr. Dattilo, Business Administrator and Ms. McCrosson, City Solicitor.

Council President Wilson called the meeting to order at 7:00 pm and asked everyone to rise for the flag salute. He announced the meeting had been advertised in accordance with P.L. 1975, Chapter 231.

**CITIZEN COMMENT**

**Phebe Dickson, 230 Crescent Road** – requested development of an ordinance banning bamboo on properties; spoke about an adjoining property owner that has evasive bamboo plants that is ruining her plants and bushes; it also ruins concrete, decking and other surfaces.

**Richard Stanislaw, 112 Haven Avenue, representing the Historical Museum** – thanked Council for the financial support the museum has received.

**Frank Worrell, 3305 Simpson Avenue** - asked council and the administration to send a letter to Channel 40 requesting the Station not leave the area.

**Michael Hinchman, 281 West Atlantic Boulevard** – felt the admin should remove or request the owner of Manco & Manco to step down as chairman of the Tourism Commission in light of the charges filed against him; feels the skate board park issue was rushed; spoke about the upcoming municipal election and said the Mayor should have attended the Fairness and Taxes debate and asked if Comcast required to have an office in the city.

**REPORTS – MAYOR & ADMINISTRATION**

Mr. Dattilo provided an update on the utility work which included the County work on the roads around the city; provided an updated on 15<sup>th</sup> Street playground and sand fence and dune fence work, the 2<sup>nd</sup> street drainage work, the work on West 17<sup>th</sup> Street, Stenton Place, Pelham Place and Arkansas Avenue and the Hawk Signal on 9<sup>th</sup> Street. He reported the 5<sup>th</sup> Street boardwalk was completed as well as the Music Pier painting & HVAC work and that all bulkhead work is complete. Mr. Dattilo reported if the Clothes Closet should be relocated the Ecumenical Council would be included in reviewing the site plan for the Closet. Lastly he reported that Ocean City received the honor of being one of the top ten family beaches in the County and New Jersey for 2014.

Mr. Wilson reported that Mr. Allegretto had reached out to the Shade Tree Commission to weigh-in on the bamboo issue before bringing an ordinance forward.

**REPORTS – CITY COUNCIL**

Mr. McClellan reminded the administration he would like an update on dredging and the spoil site on Rt. 52. Mr. Hartzell reported on the downtown and reported that out of 119 downtown stores only 11 are vacant.

**ORDINANCES: SECOND READING & PUBLIC HEARING**

Mr. Wilson asked for a motion to take up Ordinance #14-09 on second reading and public hearing. Motion moved by Mr. Ping; seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **#14-09: An Ordinance Amending and Supplementing the Revised General Ordinances of the City of Ocean City Pertaining to the Construction of Bulkheads.** Ms. McCrosson explained the ordinance regulates the construction of bulkheads along the bay and lagoon; provides minimum specifications for oceanfront bulkheads, change the pertinent datum to NAVD 1988 and changes the reference from Director of Public Works to Director of Community Operations. She stated the ordinance was found consistent with the Master Plan by the Planning Board.

**PUBLIC COMMENT** – There was no comment on Ordinance #14-09.

Mr. Guinosso questioned what was being recommended for the bulkheads, the longevity of a bulkhead and said he would like engineering to consider more height on the bay side of the bulkhead. Ms. McCrosson said the bulkheads will be in accordance with the flood damage prevention ordinance. Mr. Wilson said the minimum bulkhead height is 7'; however the homeowner can go higher.

Mr. Wilson asked for a motion to adopt Ordinance #14-09 on second reading. Motion moved by Mr. Ping; seconded by Mr. McClellan. All ayes followed.

Mr. Wilson asked for a motion to take up Ordinance #14-10 on second reading and public hearing. Motion moved by Mr. Guinosso; seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **#14-10: An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank per (N.J.S.A. 40A:4-45.14) for Calendar Year 2014.** Mr. Donato explained the ordinance is not needed to adopt the budget but will establish the banking for future years budgets if needed, which is required by the state.

**PUBLIC COMMENT** – There was no comment on Ordinance #14-10

Mr. Wilson asked for a motion to adopt Ordinance #14-10. Motion moved Mr. Guinosso; seconded by Mr. McClellan. All ayes followed.

Mr. Wilson asked for a motion to take up Ordinance #14-11 on second reading and public hearing. Motion moved by Mr. Hartzell; seconded by Mr. Guinosso. All ayes followed. The clerk read the ordinance by title: **#14-11: An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised General Ordinances of the City of Ocean City, Minor Site Plan.** Ms. McCrosson explained the ordinance provides for a minor site plan checklist which will streamline the process for minor site plan approvals; she stated the Planning Board found the ordinance consistent with the Master Plan.

**PUBLIC COMMENT** – There were no comments on Ordinance #14-11.

Mr. Wilson asked for a motion to adopt Ordinance #14-11 on second reading. Motion moved by Mr. Guinosso; seconded by Mr. Hartzell. All ayes followed.

Mr. Wilson asked for a motion to take up Ordinance #14-12 on second reading and public hearing. Motion moved by Mr. Hartzell; seconded by Mr. Ping. All ayes followed, except Mr. Guinosso abstained from the vote. The Clerk read the ordinance by title: **#14-12: An Ordinance Amending Chapter XXX (Municipal Fees) of the Revised General Ordinances of the City of Ocean City, New Jersey regarding Beach Fee Exemption for Veterans (Sponsored by Councilman Allegretto, Councilman Hartzell and Councilman Wilson).** Ms. McCrosson explained the State enacted a law in January permitting municipalities to provide free beach tags to qualifying veterans.

**PUBLIC COMMENT** – Ordinance #14-12

The following persons spoke in favor and thanked Council for their recognition of the veterans

**Robert DiEnna, 3628 West Avenue** – Marine Corp veteran.

**Roy Wagner, 2824 Wesley Avenue** – WWII veteran.

Mr. Allegretto questioned the implementation of the program. Mr. Donato spoke on the active military beach tag program last year and explained how the special military tags will be issued and tracked.

Mr. Guinosso stated he would abstain from the vote; as a veteran he would be eligible for a free tag under this ordinance.

Mr. Wilson asked for a motion to adopt Ordinance #14-12. Motion moved by Mr. Hartzell; seconded by Mr. DeVlieger. All ayes followed, except Mr. Guinosso abstained from the vote.

## **RESOLUTIONS: NON CONSENT AGENDA**

**Resolution #1. 14-50-092 - #1.** 2014 Municipal Budget–Second Reading, Public Hearing and Final Adoption. Mr. Donato explained the administration has not recommended any changes to the introduced budget of \$69,775,684.60; tax levy of \$44,793,202.78 an increase of 1.12Million, a 2.5% increase to the levy. He said tax rate up due to ratable decline down and reported the city only received 55 tax appeals this year. Local tax rate is up 40 cents, up 1.4 cents from last year and reported the City is well under the CAP.

**PUBLIC COMMENT – Resolution #1**

**Roy Wagner, 2824 Wesley Avenue** – requested a zero tax increase.

Mr. Allegretto said he was ready to move forward with the budget after discussing it over the past several months. Both Mr. DeVlieger and Mr. McClellan spoke in support of the budget as presented. Mr. Guinosso objected to the budget because he felt the city was over spending in various cost centers such as the Pops and the Aquatic Center.

Mr. Hartzell spoke about how he felt fund balance was too high and originally wanted a \$500,000 reduction but said he was willing to split that number is half to \$250,000 using that money as a down payment on a \$1 million dollar bond. He then asked Mr. Donato if the city wanted to bond an extra million dollars, how much money would that take out of the \$250,000? Mr. Donato said every million will cost \$90,000 to \$95,000 per year for the life of the bond. Mr. Donato advised against cutting too deep into the surplus and stated a strong surplus provides for a good bond rating when borrowing money. Mr. Hartzell said he will propose and will ask for a vote to bond \$250,000 and use \$90,000 toward the \$1million with the remainder back to the taxpayer.

Mr. Ping said he was reluctant to designate \$90,000 to bond because that commitment would require additional funding in future years for the length of the bond. He stated we would support to take \$250,000 to be used for a one-time project instead of bonding. Mr. Ping said he will not support the budget although he felt it was adequate; but said the city could do better.

Mr. Wilson said he felt this was a responsible budget; he supports leaving the money in surplus rather than earmarking \$250,000at this time.

After further council discussion on Mr. Hartzell's proposal, Mr. Hartzell said he would compromise and support using \$250,000 from fund balance for a capital project. Mr. Donato suggested if Council wanted to amend the budget; it could put additional money in the capital improvement fund to serve as additional down payment money for additional ordinances or as a cash appropriation for future capital ordinances. He said moving \$250,000 is a major change in the budget, which would require the budget be re-advertised and a new public hearing on the budget would be needed. He said anything under \$90,000 could be done without delaying the budget adoption.

After further discussion Mr. Wilson asked for a motion to adopt the 2014 Budget. Mr. Hartzell told Mr. Wilson that he was forcing him to vote down the budget. Mr. Wilson rescinded his motion. Mr. Hartzell requested a vote to support taking \$250,000 from fund balance and use it toward a capital project. Mr. Wilson said that would require re-advertising the budget which would have to delay the budget adoption for two weeks. Mr. Wilson asked if Mr. Hartzell would support an amendment of \$88,000 which would not delay the budget adoption. Mr. Hartzell agreed and indicated he would support an amendment of \$86,000.

**14-50 091 - Added at the Table -** A Resolution to Amend the 2014 Municipal Budget.

Mr. Wilson asked for motion to amend the budget to increase the amount of fund balance to be utilized as a revenue by \$86,000 to increase the capital improvement fund. Mr. Ping seconded the motion. Mr. DeVlieger, Mr. Guinosso, Mr. Hartzell and Mr. Ping, voted yes. Mr. Allegretto, Mr. McClellan and Mr. Wilson voted no.

Mr. Dattilo announced the City received approval from the State Librarian for the return to taxpayer revenues from the Library in our budget.

**14-50-092-#1** – 2014 Municipal Budget-Second Reading, Public Hearing and Final Adoption.

Mr. Wilson asked for a motion to adopt the 2014 Budget as amended. Motion moved by Mr. Hartzell; seconded by Mr. Allegretto. Mr. DeVlieger, Mr. Hartzell, Mr. McClellan and Mr. Wilson, voted yes. Mr. Guinosso and Mr. Ping, voted no.

#### **RESOLUTIONS – CONSENT AGENDA:**

**14-50-093 - #2** - A Resolution to Authorize the Advertisement of Specifications for City Contract #14-16, Towing & Lockout Services for the City of Ocean City

**14-50-094 - #3.** A Resolution to Authorize the Advertisement of Specifications for City Contract #14-32, Supply of LED Lamps

**14-50-095 - #4.** A Resolution Authorizing the Award of City Contract #13-39, 15<sup>th</sup> Street Playground Improvements, Alternates "A" & "B"

**14-50-096 - #6.** A Resolution Authorizing the Payment of Claims

**14-50-097 - #7.** A Resolution Consenting to the Mayor's Appointment of Anne Gallagher as a Member to the Local Assistance Board

**14-50-098 - #8.** A Resolution Authorizing the Mayor or His Designee to Execute a Waiver of the City's Right to have an Easement Interest in Certain Beach Lots Appraised and Waiving its Right to Just Compensation for giving to the State of New Jersey an Easement in said Lots for Flood Hazard Risk Reduction Measures

Mr. Wilson asked for a motion to adopt the consent agenda. Motion moved by Mr. Hartzell; seconded by Mr. Ping. All ayes followed, except Mr. Allegretto who was absent from the table during the vote.

#### **PENDING BUSINESS**

Mr. Guinosso inquired if the administration had heard back from the County regarding mosquito trenches. Mr. Dattilo said the County is waiting for permits from the Army Corp. Mr. Guinosso reported at 2946 Haven Avenue and along West 55<sup>th</sup> Street there are water problems in the electrical boxes.

Mr. Hartzell thanked council for their support for amending the budget in response to his request to reduce fund balance by \$86,000.

Mr. Dattilo updated Council on the Merion Park project.

#### **NEW BUSINESS**

Mr. DeVlieger asked when the administration would be meeting with the Ecumenical Council regarding the drawings of the skatepark and Clothes Closet. Mr. Dattilo said after he speaks with the City Engineer. Mr. DeVlieger said tonight's meeting was a good example of council working as a team with an intelligent debate regarding the budget.

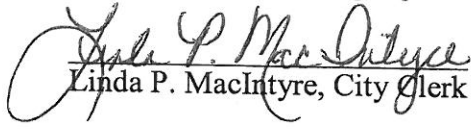
Mr. Guinosso asked who would be staffing the welcome center on the ground floor of City Hall. Mr. Dattilo said it will be staffed with Community Operations Department employees.

#### **CITIZEN COMMENT**

**Al Keleher, 3304 Haven Avenue** - thanked council for passing ordinance #14-12.

**Mike Hyson, 637 Simpson Avenue** – requested an update on the north end pumping station. Mr. Donato and Mr. Donato provided an explanation of the how the project is progressing.

Mr. Wilson asked for a motion to adjourn. Motion moved by Mr. Ping; seconded by Mr. Allegretto. All ayes followed. The meeting adjourned at 8:57 pm.

  
Linda P. MacIntyre, City Clerk