

**CITY COUNCIL MEETING MINUTES  
THURSDAY, JUNE 26, 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**

**Al Kelleher, 3304 Haven Avenue** - questioned what work was being done under Resolution #4.

**Hank Glaser, 852 Boardwalk** - urged the city to remove the signage on the 9<sup>th</sup> Street beach telling people they cannot swim after the beaches are closed; he thought the signage was negative.

**Holly Kisby, 4 East 11<sup>th</sup> Street** - requested the administration to move up the replacement of the 11<sup>th</sup> Street bulkhead originally slated to be replaced in 2016/2017.

Mr. Dattilo responded the work being done under Resolution #4 is for work not under warranty on the original roof; solar panels, flashing work and sky light issues. He said the beach sign could be better worded, however, the City would continue to be proactive in keeping people out of water when lifeguards are off duty. The 11<sup>th</sup> Street bulkhead work could be expedited if the work is warranted.

**APPROVAL OF MINUTES**

Mr. Wilson asked for a motion to adopt the Regular City Council Meeting Minutes of Thursday, June 12, 2014. Motion moved by Mr. Hartzell; seconded by Mr. Ping.

**REPORTS – MAYOR & ADMINISTRATION**

Mr. Dattilo reported the city received confirmation that the south end beach fill project partnership agreement between the US Army Corps of Engineers and the State of New Jersey was finally fully executed yesterday. This is one of the last administrative steps required for the Corps to put the project out to bid. Mr. Dattilo reported property values have appeared to stabilize; in 2014, 56 tax appeals went to the County Board of Taxation, as compared to 204 appeals in 2013.

**REPORTS – CITY COUNCIL** – There were no reports.

**RESOLUTION**

**14-50-135-#1.** A Resolution Honoring John “Jack” Kreider. Mr. Hartzell presented the resolution. Other presentations were made by Mayor Gillian and Susan Sheppard, County Surrogate.

**14-50-136-#2.** A Resolution Honoring M. Scott Ping. Mr. Hartzell presented the resolution recognizing Councilman Ping’s eight years of service. Other presentations were made by Fire Fighter John Murphy, John Loeper representing the 4<sup>th</sup> Street Life Saving Group and Kevin Redmond of the Board of Realtors.

Mr. Wilson asked for a motion to adopt Resolution #1 and #2. Motion moved Mr. Guinosso; seconded by Mr. Hartzell. All ayes followed. Mr. Wilson called for a five minute recess.

**RETURN FROM RECESS**

Mr. Wilson asked for a motion to return to open session. Motion moved by Mr. Hartzell; seconded by Mr. Guinosso. All ayes followed.

Mr. Wilson asked the City Clerk to read an announcement for the sale of notes as certified by Frank Donato, Chief Financial Officer. Note 2014-02 dated June 19, 2014 in the amount of \$18,000,000 in bond anticipation notes awarded to TD Securities, maturity date June 18, 2015 with a net interest rate of .28% payable at maturity and Note 2014-03 dated June 19, 2014 in the amount of \$12,900,000 awarded to TD Securities, maturity date September 10, 2014 with a net interest rate if .25% payable at maturity.

**ORDINANCES: SECOND READING & PUBLIC HEARING**

Mr. Wilson asked for a motion to take up Ordinance #14-15 on second reading and public hearing. Motion moved by Mr. McClellan; seconded by Mr. Ping. All ayes followed. The clerk read the ordinance by title: **#14-15: A Bond Ordinance Providing for the Acquisition of Land and Various Redevelopment Project Improvements in and by the City of Ocean City, in the County of Cape May, New Jersey, Appropriating \$2,600,000 therefor and Authorizing the Issuance of \$2,600,000 in Bonds or Notes of the City to Finance the Cost Thereof.** Mr. Donato explained the ordinance provides for the funding of the redevelopment area for the 10<sup>th</sup> Street and Palen Avenue project; first reading of the ordinance coincided with a Resolution adopting a redevelopment agreement. He then recapped the ordinance, the payments and draw schedule associated with the ordinance. He said Resolution #15 on the agenda coincides with the ordinance amending the City’s Capital Plan adopted earlier in the year.

**PUBLIC COMMENT** – Ordinance #14-15.

**Georgina Shanley**, spoke in opposition of the ordinance and the development of the property.

Mr. Wilson asked for a motion to adopt Ordinance #14-15 on second reading. Motion moved by Mr. Hartzell; seconded by Mr. McClellan. All ayes followed.

Mr. Wilson asked for a motion to take up Ordinance #14-16 on second reading and public hearing. Motion moved by Mr. Ping; seconded by Mr. Hartzell. All ayes followed. The clerk read the ordinance by title: **#14-16: An Ordinance Amending and Supplementing Chapter XVIII, "Beaches, Boardwalks and Recreational Areas" of the Revised General Ordinances of the City of Ocean City Banning Smoking on the Boardwalk (Sponsored by Councilman Ping).** Ms. McCrosson explained the ordinance bans tobacco products on the ramps and the entire boardwalk; penalties are \$100-\$250 for the first offense and \$500-\$1,000 for a second offense. She announced the ordinance was amended at first reading to include no smoking at the 29<sup>th</sup> Street & West Avenue playground.

**PUBLIC COMMENT – Ordinance #14-16.**

**Hank Glaser, 852 Boardwalk**—spoke for the boardwalk merchants who do not oppose the ordinance but would like to work with the City to come up with a plan for accommodating those who smoke.

**Kim Burns, Tobacco Free of NJ** – spoke in support of the ordinance and offered any assistance to help with establishing a plan.

Mr. Allegretto asked about any ideas for enforcement. Mr. Dattilo said he in is continued discussions with the Police Chief and Public Works. He said the city will experiment with a couple of different approaches using signage and receptacles at the street ends and will work with the boardwalk merchants and smoke free organizations for their input.

Mr. Guinosso requested that proper signage is placed at all playground and recreation areas.

Mr. McClellan spoke about working together with Ms. Burns and the president of the boardwalk merchants on this subject.

Mr. Hartzell felt the street end will be a benefit to those who smoke if the areas are properly set up.

Mr. Ping said he brought the ordinance forward for his concern of health issues, second hand smoke and the safety issues with fires and reported that electric cigarettes are also banned under the ordinance.

Ms. McCrosson suggested clarification of the ordinance by revising Section 18-3.6 under Section 1 to read: "Banning Smoking on the Ocean City Boardwalk." After discussion council agreed to the amendment.

Mr. Wilson spoke about the city devising a way to clean up areas at the street ends to accommodate the visitors and protect the boardwalk.

Mr. Wilson asked for a motion to adopt Ordinance #14-16 on second reading as amended to read under the heading Section 18-3.6 Banning Smoking on the Ocean City Boardwalk. Motion moved by Mr. Ping; seconded by Mr. Hartzell. All ayes followed.

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

**14-50-137 - #3.** A Resolution to Authorize the Advertisement of Specifications for City Contract #13-40, Vehicle Maintenance Storm Damage Restoration & Improvements

**14-50-138 - #4.** A Resolution to Authorize the Advertisement of Specifications for City Contract #13-53, Library Roof Restoration

**14-50-139 - #5.** A Resolution Authorizing a Professional Services Contract between the City of Ocean City and McCrosson and Stanton, P.C. for General Legal Services

**14-50-140 - #6.** A Resolution Authorizing a Six (6) Month Extension of the 2009-2014 Lease Agreement between the City of Ocean City and the Humane Society of Ocean City, Inc. for Certain Land and Premises Owned by The City of Ocean City, New Jersey

**14-50-141 - #7.** A Resolution Authorizing the Final Acceptance & Final Payment for City Contract #14-11, Supply & Installation of Downtown Decorative Poles

**14-50-142 - #8.** A Resolution Authorizing Change Order #3 to City Contract #12-47, 2012 Fall Road Improvement Program - Phase II

**14-50-144 - #10.** A Resolution Supporting an Application and Agreement for State Aid to Counties and Municipalities under the New Jersey Transportation Trust Fund Authority Act Safe Streets to Schools

**14-50-145 - #11.** A Resolution Authorizing a Shared Services Agreement between the County of Cape May and the City of Ocean City for Construction Management Services

**14-50-146 - #12.** A Resolution Authorizing a Shared Services Agreement between the County of Cape May and the City of Ocean City for Construction Management Services for Miscellaneous Drainage Improvements

**14-50-147 - #13.** A Resolution Authorizing the Release of a Performance Guarantee for a Construction Project at 1309 Asbury Avenue, Block 1304, Lot 9, Project #13-018PSPF

**14-50-148 - #14.** A Resolution Authorizing the Payment of Claims

**14-50-149 - #15.** A Resolution Amending the 2014 Local Municipal Budget of the City of Ocean City/Capital Budget

**14-50-151 - #17.** A Resolution Approving the City of Ocean City Five Year Consolidated Plan FY 2014-2018 and Annual Action Plan for Fiscal Year 2014 Beginning September 1, 2014 through August 31, 2015 in Accordance with the United States Department of Housing and Urban Development Community Development Block Grant Program



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

#### **RESOLUTIONS – NON CONSENT AGENDA**

**14-50-150-#16.** A Resolution Appointing James V. Mallon as Municipal Housing Liaison. Mr. Guinosso requested an explanation. Mr. Dattilo explained the designation relates to COAH and the liaison will administer the City of Ocean City's affordable housing program and reported past city liaisons were Georgia Arnold, Randy Scheule and Elizabeth Terenik.

**14-50-143-#9.** A Resolution Authorizing the Rejection of Bid Proposals and Re-Advertisement of Specifications for City Contract #13-64, R-2, Installation of Track Surface at Carey Field. Mr. Guinosso requested an explanation. Ms. McCrosson explained after review of the proposals the administration and engineering staff made the decision to reject and rebid a proposal to include the track and football field together.

**14-50-152-#18.** A Resolution Authorizing the City of Ocean City and the New Jersey Department of Environmental Protection and the Representatives thereof, to enter upon and take possession of that portion of the Real Propert(y/ies) shown on the current tax map of the City of Ocean City, the Block(s) and Lot(s) of which are appended hereto in Appendix B, for the Purpose of Repair, Restoration, Replacement and/or Construction of Flood Hazard Risk Reduction Measures. Mr. Guinosso requested an explanation. Ms. McCrosson explained the project agreement has been signed, however the bid cannot move forward until the city acquires the last seven easements; this resolution provides for the taking of these seven easements for just compensation as set forth in the Eminent Domain Act. She said the property owners will be contacted and action taken, if the resolution is adopted tonight.

**PUBLIC COMMENT** – There was no public comment on Resolution #9, #16 or #18.

Mr. Wilson asked for a motion to adopt Resolution #9, #16 and #18. Motion moved by Mr. McClellan; seconded by Mr. Ping. All ayes followed.

#### **PENDING BUSINESS**

Mr. DeVlieger suggested the fire zones at the end of the boardwalk be painted as safety zones as designated smoking areas.

Mr. Guinosso reported that signage around town need repainting and asked the administration to check the timers on the lights at the 34<sup>th</sup> Street Playground.

Mr. McClellan announced there will be a prayer service for the new and returning council on June 30<sup>th</sup> at the Tabernacle.

Mr. Hartzell announced the July 1<sup>st</sup> Inauguration & Reorganization meeting at the Music Pier at 12:00 Noon.

Mr. Ping said he is still waiting for the Department of Transportation to clean up Rt. 52.

#### **NEW BUSINESS**

Mr. Allegretto along with all City Council members thanked Mr. Ping for his service.

Mr. DeVlieger requested signage be placed to identify the rock jetties at 3<sup>rd</sup> Street beach which were washed away since the storm.

Mr. Guinosso reported the residents in the 2800 block of Haven Avenue appreciate the work being done after the administration made an on-site inspection.

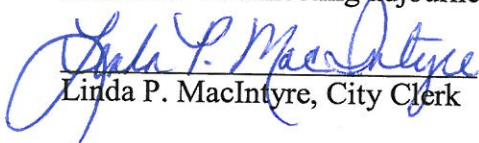
Mr. Ping thanked the residents for letting him represent them over the last 8 years.

#### **CITIZEN COMMENT**

**Tom Gill**, thanked City Council for their support and approval of Ordinance #14-15 for the redevelopment of the Tenth Street & Palen Avenue project.

**John Loeper**, thanked everyone for what they do for the city and said as chairperson of the Planning Board he thanked Council for working with them to help the city recover after Super Storm Sandy

Mr. Wilson asked for a motion to adjourn. Motion moved by Mr. Hartzell; seconded by Mr. Ping. All ayes followed. The meeting adjourned at 8:34 pm.

  
Linda P. MacIntyre, City Clerk