

**CITY COUNCIL MEETING MINUTES
THURSDAY, AUGUST 14, 2014 – 7:00 PM
CITY HALL COUNCIL CHAMBERS**

ATTENDANCE: Mr. Allegretto, Mr. DeVlieger, Mr. Guinosso, Mr. Hartzell, Mr. Madden, Mr. McClellan, 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

James Faulk, 336-338 Bay Avenue – requested the city's help in dredging Bay Club Marina when Snug Harbor lagoon is dredged.

Julie Baumgardner, 3004 Wesley Avenue – spoke about the good work of the code enforcement officer after she called about violation of the noise ordinance with a local contractor.

Jackie Wolchko, 5009 Haven Avenue – spoke about the flooding and drainage problems at 50th & Haven.

APPROVAL OF MINUTES

Mr. Wilson asked for a motion to adopt the Closed Executive Meeting Minutes of Thursday, July 10, 2014 (Mr. Hartzell and Mr. DeVlieger (absent.) Motion moved by Mr. McClellan; seconded by Mr. Allegretto. All ayes followed.

Mr. Wilson asked for a motion to adopt the Regular City Council Meeting Minutes of Thursday, July 24, 2014. Motion moved by Mr. McClellan; seconded by Mr. Guinosso. All ayes followed.

SALE OF BOND ANNOUNCEMENT

The clerk read a notice of the Sale of bonds certified by Frank Donato, Chief Financial Officer of an award of general obligation bonds dated September 1, 2014 in the amount of \$17,900,000. Ocean City received 40 bids from 7 different banks through an online competitive process; bonds awarded to Janney Montgomery Scott, LLC at a net interest cost of 2.25%.

REPORTS – MAYOR & ADMINISTRATION

Mayor Gillian announced his commitment to island wide dredging and indicated the City is reviewing several options related to controlling the flooding and drainage at 50th Street & Haven Avenue. Mr. Dattilo asked Mr. Garcia, of Ford Scott & Associates to come forward to present the 2013 annual audit. Mr. Garcia announced the City received a clean audit with no findings or recommendations and spoke about fund balance being at the highest it has been in five years due to the collection of delinquent tax revenue, construction code fees, FEMA proceeds and reserves in prior years fund balance.

REPORTS – CITY COUNCIL

Mr. Allegretto announced a change is being made in the draft bamboo ordinance which will be placed on the next council meeting agenda. Mr. Guinosso reported the Aviation Advisory Board met and the annual air show will be held on September 13th at the airport. Mr. McClellan announced he, Mr. Allegretto and Mr. Wilson will meet in September with Historic Preservation Commission regarding changes to the Historic District ordinance. Mr. Hartzell reported he, Mr. DeVlieger and Mr. McClellan visited the residents affected by Ordinance #14-20 and will address some resident concerns prior to second reading and public hearing of the ordinance,

RESOLUTIONS – CONSENT AGENDA

14-50-185-#1. A Resolution Authorizing Settlement with Schilling Estate and Others and Approving Purchase of Schilling Estate Property at 19th Street and Boardwalk. Ms. McCrosson announced she and Mayor Gillian would be leaving the chambers due to a conflict of interest. Mr. Charles, representing the city in this matter, provided a history of the property and the settlement agreement of the Schilling Estate.

Mr. Allegretto thanked Mr. Charles for his work in this matter and indicated he would support the resolution. Mr. Hartzell agreed this was a good deal for the taxpayers and for the city to maintain open space. Mr. Wilson spoke about the predicament the city was placed in and spoke about the Environmental Commission survey showed that 80% of the people surveyed wanted to retain open space.

PUBLIC COMMENT – There was no comment on Resolution #1.

Mr. Wilson asked for a motion to adopt Resolution #1. Motion moved by Mr. Hartzell; seconded by Mr. Guinosso. All ayes followed.

ORDINANCES: INTRODUCTION & FIRST READING

Mr. Wilson asked for a motion to introduce Ordinance #14-21 on first reading. Motion moved by Mr. McClellan; seconded by Mr. Hartzell. All ayes followed. The clerk read the ordinance by title: **#14-21: A Bond Ordinance Providing for the Acquisition of Property in and by the City of Ocean City, in the County of Cape May, New Jersey, Appropriating \$1,750,000 Therefor and Authorizing the Issuance of \$500,000 Bonds or Notes of the City to Finance Part of the Cost Thereof.** Mr. Donato explained the ordinance is associated with Resolution #1 to allow the city to acquire the property located at 19th Street and the

Beach with \$1,250,000 coming from the settlement agreement with certain contributors in the city; \$300,000 from a State Green Acres Grant and \$200,000 from the City.

Mr. DeVlieger spoke in support of the Green Acres program which he said is a good example of helping the City to preserve open space.

Mr. Wilson asked for a motion to adopt Ordinance #14-21 on first reading and publish according to law. Motion moved by Mr. Guinosso; seconded by Mr. Hartzell. All ayes followed. Mr. Wilson announced second reading and public hearing would be held on August 28, 2014.

Mr. Wilson asked for a motion to introduce Ordinance #14-22 on first reading. Motion moved by Mr. Hartzell; seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **#14-22: An Ordinance Prohibiting the Operation and Use of Rolling Chairs on the Streets, Alleys and Boardwalk in Ocean City.** Ms. McCrosson brought forward amended language to better clarify the ordinance as follows: "For purposes of this ordinance, a rolling chair is a chair adapted for recreation use and propelled by an attendant. Council spoke in support of the amendment to the ordinance.

Mr. Wilson asked for a motion to adopt Ordinance #14-22 on first reading as amended and publish according to law. Motion moved by Mr. Hartzell; seconded by Mr. McClellan. All ayes followed. Mr. Wilson announced second reading and public hearing would be held on August 28, 2014.

Mr. Wilson asked for a motion to introduce Ordinance #14-23 on first reading. Motion moved by Mr. Hartzell; seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **#14-23: An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised General Ordinances of the City of Ocean City Elevated Buildings.** Ms. McCrosson explained the intent is to make the elevated buildings more aesthetically pleasing for the appearance of screening of the v-zone foundation. Mr. Guinosso questioned the screening. Ms. McCrosson said if the building is elevated it will be screened.

Mr. Wilson asked for a motion to adopt Ordinance #14-23 on first reading and publish according to law. Motion moved by Mr. Hartzell, seconded by Mr. McClellan. All ayes followed. Mr. Wilson announced Ordinance #14-23 will be sent to the Planning Board for consistency review with second reading and public hearing to be held on September 25, 2014.

Mr. Wilson asked for a motion to introduce Ordinance #14-24 on first reading. Motion moved by Mr. Hartzell; seconded by Mr. Guinosso. All ayes followed. The clerk read the ordinance by title: **#14-24: An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised General Ordinances of the City of Ocean City Zoning Map (Block 208).** Ms. McCrosson explained the change from R-1-50 to R-1-30 would more actively reflect the character and lot size of the block. Mr. DeVlieger reported he spoke to several of the neighbors and received positive feedback.

Mr. Wilson asked for a motion to adopt Ordinance #14-24 on first reading and publish according to law. Motion moved by Mr. Hartzell; seconded by Mr. Guinosso. All ayes followed. Mr. Wilson announced Ordinance #14-24 will be sent to the Planning Board for consistency review with second reading and public hearing to be held on September 25, 2014.

Mr. Wilson asked for a motion to introduce Ordinance #14-25 on first reading. Motion moved by Mr. Guinosso; seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **#14-25: An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised General Ordinances of the City of Ocean City West Avenue 90' Lots.** Ms. McCrosson stated this ordinance will significantly reduce the necessity to obtain lot depth and lot area variance when the subject parcels are proposed for subdivision.

Mr. Wilson asked for a motion to adopt Ordinance #14-25 on first reading and publish according to law. Motion moved by Mr. Hartzell; seconded by Mr. McClellan. All ayes followed. Mr. Wilson announced Ordinance #14-25 will be sent to the Planning Board for consistency review with second reading and public hearing to be held on September 25, 2014.

Mr. Wilson asked for a motion to introduce Ordinance #14-26 on first reading. Motion moved by Mr. Hartzell; seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **#14-26: An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised General Ordinances of the City of Ocean City Zoning Flood Elevation.** Ms. McCrosson explained the revised definition changes the elevation determined to be ZFE from the top of the floor to the bottom of the floor joists or top of the concrete slab depending on the type of construction as recommended by city engineer. Mr. Allegretto indicated this would also help with flood rating.

Mr. Wilson asked for a motion to adopt Ordinance #14-26 on second reading and public according to law. Motion moved by Mr. Hartzell; seconded by Mr. McClellan. All ayes followed. Mr. Wilson announced Ordinance #14-25 will be sent to the Planning Board for consistency review with second reading and public hearing to be held on September 25, 2014.

Mr. Wilson asked for a motion to introduce Ordinance #14-27 on first reading. Motion moved by Mr. Guinosso; seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **#14-27: An Ordinance Amending and Supplementing Chapter II, Article 4, of the Revised General Ordinances of the City of Ocean City (Establishment of a new Department of Community Services)**. Ms. McCrosson explained the changes with the reestablishment of the Department of Community Service and the re-establishment of the original core function divisions, which are key customer serving divisions which will allow the City to focus on an enhanced customer service program.

Mr. Guinosso asked if an analysis was made prior to the splitting of responsibilities. Mr. Dattilo spoke about creating too large of a Department under Community Operations last year and said they found it more logical to place the services back under one operation.

Mr. Hartzell asked for the total number of employees. Mr. Dattilo responded 261 when the Mayor appoints a director. Mr. Hartzell addresses concerns with adding 11 employees over the last 5 years and requested to see some future planning estimates of employees who may be retiring over the next two or three years or to find other ways to reduce the high number of employees.

Mr. Wilson asked for a motion to adopt Ordinance #14-27 on first reading and publish according to law. Motion moved by Mr. Guinosso; seconded by Mr. Hartzell. All ayes followed. Mr. Wilson announced second reading and public hearing would be held on August 28, 2014.

RESOLUTIONS – CONSENT AGENDA:

14-50-186-#2. A Resolution Authorizing a Professional Service Contract between the City of Ocean City & Fralinger Engineering, PA for Professional Surveying Services on an “As Needed” Basis

14-50-187-#3. A Resolution Authorizing Change Order #1 to City Contract #13-45, 2013 Fall Road Program - Phase II

14-50-188-#4. A Resolution Authorizing a Review of Compliance with Prior Annual Continuing Disclosure Obligations and Participation in the Securities and Exchange Commission’s Municipalities Continuing Disclosure Cooperation Initiative

14-50-189-#5. A Resolution Authorizing the Payment of Claims

14-50-190-#6. A Resolution Amending the 2014 Budget of the City of Ocean City to Include Additional Revenue from the State of New Jersey, Office of the Attorney General, Department of Law and Public Safety, Division of Highway Traffic Safety 2014 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown Grant

14-50-191-#7. A Resolution Amending Resolution #14-50-183 Consenting to City Council’s Appointment of Edmond Speitel as a Member to the Housing Authority

14-50-192-#8. A Resolution Consenting to the Mayor’s Appointment of Burton Wilkins as a Member to the Tourist Development Commission

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

RESOLUTIONS – NON CONSENT AGENDA

14-50-193 - #9. A Resolution Supporting the Mayor’s Execution of a Joint Application with the NJDEP Natural & Historical Resources Office of Resource Development to the NJDEP Division of Land Use Regulation for the Permits Necessary to Construct an Elevated Boardwalk from Corson’s Inlet State Park to 59th Street at West Avenue. Mr. Guinosso requested an explanation.

Mr. Dattilo explained the concept is to construct a boardwalk walkway in Corson’s Inlet Park which would connect an existing trail with an entrance at 59th Street & West Avenue; the project requires certain DEP permits.

Mr. Guinosso said there was already one entrance to park and then addressed a number of concerns he had with the project which he felt was a waste of taxpayer money.

Mr. Allegretto spoke about a prior presentation of the project made by the State Park Service and an on-site inspection with the park officials. He said no city funds are being expended.

Mr. Wilson said this has been a long project finally coming to fruition which he supports; spoke about the survey done by the Environmental Commission which indicated that 78% of the people wanted more trails and reported the pathway will not be conducive to bikes.

Mr. Hartzell spoke in support of this new project and spoke about the convenience of a new path entrance connecting the trail.

Mr. DeVlieger spoke about that the Park Service coming to the city with a budget to enhance the park at the south end with the emphasis designed to enhance education, recreation which will be an environmentally responsibly build elevated park into the wetlands. He said signage and a bike rack at the entrance would be appropriate.

PUBLIC COMMENT – Resolution #9

Jim Tweed, 1512 Wesley Avenue – spoke in support of the project and said there are many nature trails throughout the country to the public's enjoyment.

Teresa Coggshall, 401 Marion Place – spoke in support of a nature trail in Corson's Inlet State Park.

Roy Wagner, 2928 Wesley Avenue – spoke in opposition of and presented a petition against the construction of a trail.

Mr. Wilson asked for a motion to adopt Resolution #9. Motion moved by Mr. Hartzell; seconded by Mr. McClellan. All ayes followed, except Mr. Guinosso, voted no.

PENDING BUSINESS

Mr. Hartzell requested a meeting with Mr. Dattilo to discuss Mr. Williams ongoing flooding issues on 24th Street. Mr. Hartzell said he is looking for recommendations to alleviate the problem with the trash can lids not being placed back on the cans after being emptied.

Mr. McClellan spoke about recent passing of Mr. Grimes and what his community service mean to the City.

Mr. Guinosso said he is seeing many children not wearing helmets when riding their bikes.

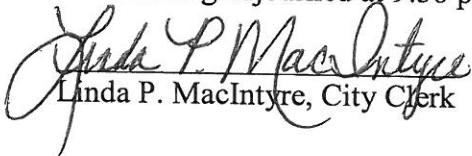
NEW BUSINESS – There was no new business.

CITIZEN COMMENT

Jackie Wolchko, 5009 Haven Avenue – asked if there are problems with getting the mosquito trenches cleaned.

Marty Mozzo, 3803 Westminster Lane – spoke about the City's healthy capital budget and stated he sees an improvement with the drainage since the start of the Merion Park project.

Mr. Wilson asked for a motion to adjourn. Motion moved by Mr. Hartzell; seconded by Mr. McClellan. The meeting adjourned at 9:38 pm.


Linda P. MacIntyre, City Clerk