

**CITY COUNCIL MEETING MINUTES  
THURSDAY, OCTOBER 9, 2014 – 7:00 PM  
CITY HALL COUNCIL CHAMBERS**

**ATTENDANCE:** Mr. Allegretto, Mr. DeVlieger, Mr. Guinosso, Mr. Madden, Mr. McClellan, and Mr. Wilson. Also present: Mayor Gillian, Mr. Dattilo, Business Administrator and Ms. McCrosson, City Solicitor. Mr. Hartzell arrived at 7:13 pm.

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**

**Michael Hinchman, 281 West Atlantic Boulevard** – commented on the recent discussion on artificial turf related to the initial cost, the warranty, the maintenance and requested council look into the possible health issues.

**REPORTS – MAYOR & ADMINISTRATION**

Mr. Dattilo reported on the following: there was \$152,000,000 in new construction this year; the City's tax assessor reported for tax year 2015 the average ratio for the city is 97.12 which is low in comparison to the rest of the county; the Army Corp will be opening bids tomorrow on the south end beach project. He said an update on the north end pump station should be ready shortly and that he was waiting for information from the design engineer and FEMA. Mr. Dattilo announced the unveiling of a portrait and renaming of the Library Lecture Hall as the Chris Maloney Lecture Hall in memory of the former Library Director.

**REPORTS – CITY COUNCIL**

Mr. McClellan announced the Environmental Commission is putting together a subcommittee to look at what is indigenous to the City that would be appropriate to plant in the curb strip area in front of residents' property.

Mr. Hartzell spoke briefly about the research he made regarding the use of artificial turf and said he reached out to several universities such as Penn State University who has a Department of Artificial Surface and said he has independent studies showing there are no affects of Mrsa or Staph infections and injuries were reduced using artificial turf.

**ORDINANCES: INTRODUCTION & FIRST READING**

Mr. Wilson and Mr. Hartzell announced they would recuse themselves from voting on this ordinance and stepped away from the table. Mr. Allegretto, Vice President asked for a motion to introduce Ordinance #14-39 on first reading. Motion moved by Mr. McClellan; seconded by Mr. Madden. All ayes followed, except Mr. Wilson and Mr. Hartzell who recused from voting. The clerk read the ordinance by title: **#14-39: An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised General Ordinances of the City of Ocean City Building Height (DB Zone)**. Ms. McCrosson explained the ordinance addresses height in the Drive-In Business Zone to permit building height of 32 feet for a flat roof and 38 feet for a pitched roof with height measured from BFE+1, rather than the center line of the street.

Mr. Guinosso addressed his concerns with three story structures.

Mr. Allegretto asked for a motion to adopt Ordinance #14-39 on first reading and publish according to law. Motion moved by Mr. McClellan; seconded by Mr. DeVlieger. All ayes followed. Mr. Allegretto announced Ordinance #14-39 will be sent to the Planning Board for Consistency Review with second reading and public hearing to be held on November 13, 2014.

Mr. Wilson asked for a motion to introduce Ordinance #14-30 on first reading. Motion moved by Mr. Hartzell; seconded by Mr. Guinosso. All ayes followed. The clerk read the ordinance by title: **#14-40: 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 Zoning Flood Elevation is currently taken as the elevation at the top of the lowest habitable floor (BFE+2), subject to exceptions where the base flood elevation is below grade, on non-alley lots less than 45' in width and in X zones. The revised definition changes the point from which building height is measured to be Zonign Flood Elevation plus 3 (ZFE+3).

Mr. Guinosso said he has concerns with the height of the buildings especially the attics which he feels will be used as additional living space.

Mr. Wilson asked for a motion to adopt Ordinance #14-40 on first reading and publish according to law. Motion moved by Mr. Guinosso; seconded by Mr. Hartzell. All ayes followed. Mr. Wilson announced Ordinance #14-40 will be sent to the Planning Board for Consistency Review with second reading and public hearing to be held on November 13, 2014.

**ORDINANCES: SECOND READING AND PUBLIC HEARING**

Mr. Wilson asked for a motion to take up Ordinance #14-35 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: **#14-35: A Refunding Bond Ordinance of the City of Ocean City, in the County of Cape May, New Jersey, Providing for the Advance Refunding of all or a portion of General Improvement Bonds, Appropriating \$6,020,000 Therefor and Authorizing the Issuance by the City of General Improvement Refunding Bonds in the Aggregate Principal Amount of Not Exceeding \$6,020,000 for Financing the Cost**

**Theorot.** Mr. Donato explained the ordinance allows the City to refinance the remainder of a Serial bond issued in 2006 at a lower interest rate. Mr. Donato said the bond is currently financed at an interest rate of 4%; rates are now around 2%. Mr. Donato predicted a net saving of \$200,000 contingent upon the market conditions. He reported the bond coincides with Resolution #12 on the agenda.

#### **PUBLIC COMMENT**

**Michael Hinman, 281 West Atlantic Boulevard** – suggested the City to finance the bonds long term.

Mr. Wilson asked for a motion to adopt Ordinance #14-35 on second reading. Motion moved by Mr. Guinasso; seconded by Mr. Hartzell. All ayes followed.

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

**14-50-226 - #1.** A Resolution Authorizing the Award of City Contract #14-34, Supply & Delivery of Lumber & Piling

**3-Removed from Agenda**

**14-50-228 - #4.** A Resolution Authorizing Final Acceptance & Final Payment of City Contract #13-45, 2013 Fall Road Program - Phase II

**14-50-229 - #5.** A Resolution Authorizing the City's Participation in the Atlantic County Cooperative Pricing Program for Award of County Bid #201445.1, Furnishing & Delivering of Rock Salt to Participating Members of the Atlantic County Cooperative Program (#41-ACC)

**14-50-230 - #6.** A Resolution Authorizing an Application to the New Jersey Department of Transportation Bike Grant Program for Resurfacing and Widening of the Bikeway behind the Ocean City Primary School

**14-50-231 - #7.** A Resolution Authorizing an Application to the New Jersey Department of Transportation Year 2015 Municipal Aid Program, for Reconstruction of 16<sup>th</sup> Street between Pleasure Avenue and West Avenue

**14-50-232 - #8.** A Resolution Authorizing an Application and Agreement for State Aid to Counties and Municipalities under the New Jersey Transportation Trust Fund Authority Act Safe Streets to Transit

**14-50-233 - #9.** A Resolution Authorizing an Application to the New Jersey Department of Transportation Year 2015 Municipal Aid Program, for Reconstruction of Tennessee Avenue

**14-50-234 - #10.** A Resolution Authorizing the Payment of Claims

**14-50-236 - #12.** A Resolution Determining the Form and Other Details of Not to Exceed \$6,020,000 of General Improvement Refunding Bonds of the City of Ocean City, in the County of Cape May, New Jersey or Such Other Amount as Determined by the Chief Financial Officer to Accomplish the Refunding on the Terms Required by the Local Finance Board Pursuant to N.J.A.C. 5:30-2.5 and Consistent with the Refunding Provisions of the Internal Revenue Code and Providing for the Sale and the Delivery of Such Bonds to the FTN Financial or Such other Underwriter as Determined by the Chief Financial Officer

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

#### **RESOLUTION – NON CONSENT AGENDA**

**14-50-227 - #2.** A Resolution Authorizing the Award of a Contract between the City of Ocean City and Legacy Fire & Sprinkler Service LLC for Supply & Installation of a Fire Sprinkler System for the Ocean City Music Pier. Mr. Guinasso questioned why the city would not go out to bid on this resolution. Mr. Dattilo responded the amount is under the bid threshold and is very time sensitive due to a notice the City received from the State Fire Marshall.

**14-50-235 - #11.** A Resolution Opposing Senate Bill S648 Requiring Shore Towns that Accept Government Assistance for Beach Replenishment to have Free Beaches. Mr. DeVillieger and Mr. Hartzell spoke in support of the resolution.

**14-50-237 - #13.** A Resolution Certifying the Governing Body has reviewed the Best Practices Inventory. Mr. Guinasso spoke regarding question #32 stating he wanted to make sure the city has a plan that encompasses all the issues regarding the city's infrastructure and requested a report on all the city's infrastructure problems to include the approximate total cost.

#### **PUBLIC COMMENT**

– There were no comments on Resolution #2, #11 or #13.

Mr. Wilson asked for a motion to adopt Resolution #2, #11 and #13. Motion moved by Mr. Allegretto; seconded by Mr. McClellan. All ayes followed.

**PENDING BUSINESS** - There was no pending business.

**NEW BUSINESS** - There was no new business.

#### **CITIZEN COMMENT**

**Michael Hyson, 637 Simpson Avenue** – thanked the administration for addressing his request for an update on the north end pump station.

Mr. Wilson asked for a motion to adjourn. Motion moved by Mr. Hartzell; seconded by Mr. DeVillieger. All ayes followed. The meeting adjourned at 7:56 pm.

Linda P. MacIntyre, City Clerk