

**CITY COUNCIL MEETING MINUTES  
THURSDAY, DECEMBER 4, 2014 – 7:00 PM  
CITY HALL COUNCIL CHAMBERS**

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

Council Vice President Mr. Allegretto 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**

**Mikenzie Helphenstien, 2616 West Avenue** – representing the Ocean City School Board spoke about the ongoing “Did You Know... Campaign,” and how it has developed into a very popular informative avenue for the public. She provided Council with a card to sign up for information on how to participate in the campaign.

**Joe Schneider, 1036 Bayfront** – representing the city coaches and has been a football coach for the last 5 years. He feels an organized activity has higher rate success in school and thinks the skateboard park is positive for American’s Greatest Family Resort.

**APPROVAL OF MINUTES**

Mr. Allegretto asked for a motion to adopt the City Council Regular Meeting Minutes of Thursday, November 13, 2014. (All present). Motion moved by Mr. Guinosso, seconded by Mr. Hartzell. All ayes followed.

Deputy Clerk read Bond Anticipation note 2014-04 consisting of \$6,925,000 and \$1,395,000 in Special Emergency notes. The note read, 4 bids were received and awarded to TD Securities, LLC with a maturity on December 3, 2015 with a net interest cost of .31%. Federally Taxable Bond Anticipation Note 2014-05 consisted of \$2,600,000, 5 bids were received and awarded to PNC Capital Markets, LLC with a maturity on December 3, 2015 with a net interest of .61% payable at maturity.

**REPORTS – MAYOR & ADMINISTRATION**

Mr. Dattilo reported the Boardwalk construction project is on schedule as well as the Northend paving project will begin next week. Merion Park paving and drainage project is complete, with the pumps being installed next week and tested.

**REPORTS – CITY COUNCIL**

Mr. McClellan reported at a recent ward meeting questions regarding the skateboard park arose. There were concerns regarding the alley between 6th & 7<sup>th</sup> streets and other 2<sup>nd</sup> Ward issues.

Mr. Hartzell questioned Mr. McClellan on what was decided on the curb strips and landscaping in the proposed skateboard park. Mr. McClellan said the Environmental Commission will bring forward their recommendation.

**RESOLUTION**

**14-50-257 - #1** - A Resolution Introducing and Approving the 2015 Budget of the Special Improvement District of the City of Ocean City. Mr. Donato provided an overview of the total SID budget of \$311,448. He then introduced Paul Cunningham, President of Main Street.

Mr. Cunningham spoke regarding an award recently received for the “Best Downtown in South Jersey.” The goal of the downtown merchants will continue to promote marketing and special events year round. Mr. Hartzell thanked those who promoted and participated in the many events put on by the merchants stating “it has never been better.”

Wesley Kazmark, President of Boardwalk Merchants said by working together it just gets better. The group is very determined and aggressive and will continue to move forward together.

Mr. Allegretto reported for the 9<sup>th</sup> Street district saying the group used all their allocated funds on radio advertising in the Philadelphia market and intend to do the same this year.

**CITIZEN COMMENT** – Resolution #1. There were no comments.

Mr. Allegretto asked for a motion to approve Resolution #1. Motion offered by Mr. Hartzell, seconded by Mr. McClellan. All ayes followed. Mr. Allegretto announced public hearing will be held on January 8, 2015.

**ORDINANCES: INTRODUCTION & FIRST READING**

Mr. Allegretto asked for a motion to introduce Ordinance #14-44 on first reading. Motion moved by Mr. McClellan, seconded by Mr. Hartzell. All ayes followed. The clerk read the ordinance by title: **#14-44: An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised Ordinances of the City of Ocean City (Ocean City Homes Zone)**. Ms. McCrosson offered an explanation, stating the Ocean City Homes Neighborhood is the only single-family zone in the City that does not permit a



half-story where the attic height is limited to 6-feet. The existing 6-foot attic height limit and pull-down stair requirement is problematic for homeowners desiring to access an attic for storage with no change to the building height.

The consensus of Council members was positive and to move forward on this ordinance.

Mr. Allegretto asked for a motion to adopt Ordinance 14-44 on first reading and publish according to law. Motion moved by Mr. Hartzell, seconded by Mr. McClellan. All ayes followed. Mr. Allegretto announced 2<sup>nd</sup> reading and public hearing would be held on Monday, December 29, 2014.

Mr. Allegretto asked for a motion to introduce Ordinance #14-45 on first reading. Motion moved by Mr. Hartzell, seconded by Mr. McClellan. All ayes followed. The Clerk read the ordinance by title: **14-45: An Ordinance Authorizing the Execution of a Lease Between the City of Ocean City and Greater Ocean City Theatre Company, Inc. For the Lease of Municipal Lands (1501 West Avenue, Block 1504, Lot 15)**

Ms. McCrosson offered an explanation to the ordinance stating the lease would allow Administration to execute a lease with the Ocean City Theatre Company for the use of an empty building. State law permits the city to lease municipal land that is not in use to non-profits. The annual rental fee would be \$1.00. The agreement presented to council would have some minor changes that would be modified at the 2nd reading of the Ordinance. Ms. McCrosson noted that the tenant would have to maintain the interior of the building while the City will maintain the exterior of the building.

Mr. Guinasso asked if there were any mold problems to the building caused by Hurricane Sandy. Mr. Dattilo explained that the City had used the building for storage, and there had been a few issues and would be retested for mold. Mr. Hartzell was enthused about the promotion the Arts and theater being brought to Ocean City that would help bring more people to the Community. Council members were in agreement to move the Ordinance forward.

Mr. Allegretto asked for a motion to adopt Ordinance 14-45 on first reading and publish according to law. Motion moved by Mr. Hartzell, seconded by Mr. Guinasso. All ayes followed. Mr. Allegretto announced second reading and public hearing would be held on Thursday, December 18, 2014.

#### **ORDINANCES: SECOND READING AND PUBLIC HEARING**

Mr. Allegretto asked for a motion to take up Ordinance 14-42 on second reading and public hearing. Motion moved by Mr. DeVlieger, seconded by Mr. Hartzell. All ayes followed except Mr. Guinasso recused himself and left the room. The clerk read the Ordinance by title; **#14-42: A Bond Ordinance Appropriating \$750,000.00 and Authorizing the Issuance of \$712,500.00 in Bonds and Notes of the City of Ocean City for the Various Improvements or Purposes Authorized to be Undertaken by the City of Ocean City, New Jersey**

Mr. Donato explained a Bond Ordinance supplies funding to move forward with Capital Projects. Mr. Donato said Ordinance 14-42 is site specific to Block 504. The City will borrow \$712,000 of \$750,000 Bond Ordinance to fund the park. This Ordinance will front the \$750,000 Bond and be reimbursed by the County of \$500,000 under the County's Open Space Program.

#### **PUBLIC COMMENT**

**Andrea Bell, 2022 Glenwood Dr.** – Asked if there was a site plan. Mr. Dattilo responded to her question.

**Suzanne Hornick, 30<sup>th</sup> & West Avenue** – Supports the Skateboard park and the young people in attendance but opposed to the downtown location which is overcrowded and the parking issues. Ms. Hornick also spoke about flooding and provided a handout to Council depicting the flooding in her neighborhood. Opposed to spending taxpayer money on commercial interests and not taking care of the constituents at all.

**Eric Sauder, 2928 Central Avenue** – Spoke on the 9-foot attic space that could be used as habitable space. Questioned if the Skateboard park is in the proper location and if a cost analysis has been done. Feels the process has been short circuited and the disregard to residents flooding issues that have to be dealt with in everyday life.

**Barbara Karbach – 4<sup>th</sup> & Asbury** – Supports the skateboard park but opposed to the location.

**Mike Pinto, 409 – 5<sup>th</sup> Street** – The philosophy of great idea but not in my back yard. Stating he will be able to view it from all rooms in his house. As a family project asks for the City to build it in his front yard. It is the best location for the Skateboard Park and would love to hear the families having fun and getting out.

Mr. Allegretto asked to bring back to the table for council comments. Mr. McClellan said looking at multiple locations suggested and the 5<sup>th</sup> Street location is the best place being in proximity to the many activities from the Bay to Boardwalk and strongly supports the location.

Mr. Hartzell referenced Mr. Sauder's comments. He explained that the County provided the cost analysis and studied the project before allocating \$500,000. It is a huge commitment for the City's project. He explained the process on how the County allocates funds to municipalities to support projects.

Mr. DeVlieger said he was not sure if the Skateboard Park would be gated at night and would work closely with the police to monitor the use. Mr. DeVlieger said there were 7 public meetings to accommodate any issues that may arise and why the location was chosen.



Mr. Allegretto said the Council looked at all the pros and cons and determined the 6<sup>th</sup> Street location would work best for all concerned. Council will now look for a plan to best landscape the area to keep any noise problem that could become a concern. Mr. Allegretto said this Ordinance will just put the funding in place and he will support it as well.

Mr. Allegretto then asked for a motion to adopt Ordinance #14-42 on second reading. Mr. DeVlieger made a motion, seconded by Mr. Hartzell. All ayes followed, except Mr. Guinosso, recused.

Mr. Allegretto asked for a motion to take up Ordinance #14-43 on second reading. Motion moved Mr. Guinosso, seconded by Mr. McClellan. All ayes followed. The Clerk read the Ordinance by title: **#14-43 An Ordinance Granting a Utility Easement to Atlantic City Electric Company Affecting Block 3707, Lot 29 and Block 3808, Lot 12.**

Ms. McCrosson offered an explanation to Ordinance #14-43 that would allow Atlantic City Electric to place two utility poles at the Merion Park location. The Ordinance will authorize the City and Atlantic City Electric to sign the utility agreement to work on City property.

**PUBLIC COMMENT** – There was none

Mr. Guinosso asked for clarification on the Ordinance. Mr. Dattilo responded that the ordinance is related to the Pumps being installed at the Merion Park project location.

Mr. Allegretto asked for a motion to adopt Ordinance 14-43 on second reading. Motion moved by Mr. Guinosso, seconded by Mr. DeVlieger. All ayes followed.

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

**14-50-259 - #3.** A Resolution to Authorize the Advertisement of Specifications for City Contract #15-05, Supply & Delivery of 100 Low Lead Aviation Fuel (AVGas 100LL)

**14-50-260 - #4.** A Resolution Authorizing the Award of a Professional Services Contract with Leon P. Costello, CPA, RMA of Ford, Scott & Associates, LLC as Registered Municipal Auditing (RMA) Services for The City of Ocean City for the Calendar Year 2015

**14-50-261 - #5.** A Resolution Authorizing the Extension of City Contract #14-03 R-1, Citywide Custodial Services for the City of Ocean City for Calendar Years 2015 & 2016

**14-50-262 # 6.**A Resolution Authorizing Change Order #1, Final Acceptance & Final Payment of City Contract #14-14, Ocean City Housing Authority (OCHA) Roof Replacement on Peck's Beach Village Senior Buildings

**14-50-263 - #7.** A Resolution Appointing Elizabeth M. Woods, Assistant Director of Human Resources as the Fund Commissioner & Joann E. Cioeta, Director of Human Resources as the Alternate Fund Commissioner to the Atlantic County Municipal Joint Insurance Fund

**14-50-264 - #8.** A Resolution Appointing Elizabeth M. Woods, Assistant Director of Human Resources as the Primary Contact Person & Joann E. Cioeta, Director of Human Resources as the Secondary Contact Person for XL/Summit Risk Insurance Company's Employment Practices Liability (EPL) Helpline Through the Atlantic County Municipal Joint Insurance Fund

**14-50-265 - #9.** A Resolution Approving Tax Overpayment Refund 2014-29 to 47

**14-50-266 - #10.** A Resolution Authorizing the Tax Collector to Cancel Any Property Tax Refund or Delinquency of Less than \$10.00 & Certain 2014 Taxes

**14-50-267 - #11.** A Resolution Authorizing the Release of a Performance Guarantee for a Construction Project at 221 W. 17<sup>th</sup> Street Block 1709, Lot 3, Project #14-003ZC

**14-50-268 - #12.** 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 Year end Holiday Crackdown Grant

**14-50-269 - #13.** A Resolution Authorizing the Payment of Claims

**14-50-270 - #14.** A Resolution Authorizing Transfers of Appropriations of the 2014 Local Municipal Budget per N.J.S.A. 40A:4-58

**14-50-273 - #17.** A Resolution Consenting to the Mayor's Reappointment of Jennifer Shirk as a Member to the Ocean City Library Board of Trustees

**14-50-274 - #19.** A Resolution Consenting to the Mayor's Reappointment of Joseph M. Lehman, as a Member to the Shade Tree Committee

Mr. Allegretto asked for a motion to approve the Consent Agenda. Motion moved by Mr. Hartzell, seconded by Mr. McClellan. All ayes followed.

#### **NON CONSENT AGENDA**

**14-50-258 - #2.** A Resolution to Authorize the Advertisement of Specifications for City Contract #14-40, Supply & Delivery of I-5 Soil Aggregate for Beach Paths. Mr. Guinosso requested an explanation. Mr. Dattilo said the resolution was for the supply of gravel like material and dune walk over as recommended by the Army Corp. Mr. Guinosso asked if the stones would be removed from the walk over as they are hurtful to walk on.

Mr. Dattilo said a better job on quality control and inspections would be done next year.



**14-50-271 - #15.** A Resolution Authorizing the Execution of a Shared Services Agreement with the County of Cape May, New Jersey for the Funding and Development of a Skateboard Park in Ocean City. Mr. Guinosso asked to remove the resolution from the consent agenda to be recused from the consent agenda vote.

Mr. Dattilo said the agreement provides the funding for the Skate Park. Mr. Dattilo added since resolution was removed he would state the stipulations from the County to the Skate Park Agreement. Mr. DeVlieger thanked Mr. Dattilo for the tremendous amount of work and application submitted to the county for the allocated funds. Mr. DeVlieger also thanked County Freeholders who helped facilitate a Skate Park in Ocean City.

**14-50-272 - #16.** A Resolution Authorizing the Execution of a Shared Services Agreement with the City of Wildwood, New Jersey for Transporting and Placement of CDF Material for Landfill Caping and Closure. Ms. McCrosson explained the resolution will enter into a shared services agreement with Wildwood who needs to have a landfill capped and needs material to form that function. The City has materials from a site that is filled, and needs to be removed. The City will transport the materials to Wildwood's landfill, cap, seal and develop on the landfill.

Mr. McClellan said the Administration and Council have worked hard to dredge the back bays and this is one of the paths the city has sought to get more space for storing its dredge spoils.

#### **PUBLIC COMMENT**

**Dale Braun, 326 West Avenue** – Asked how long the city is obligated to maintain a skate board park. Ms. McCrosson addressed the length of time is not stipulated in the shared services agreement, anything the City would do, would have to be in cooperation with the County.

**Kathy Guinosso, Co-president of the Ecumenical Council** - Thanked Mayor Gillian and Mr. Dattilo for assuring the Clothes Closet would stay where it is, but concerned about the entrance and exit of the Skate Park and asked to make sure the entrance and exit are on the North side to protect the privacy of the Clothes Closet clients. Mr. DeVlieger responded to Ms. Guinosso concerns. Mr. Dattilo said Administration will put a site plan before council.

Mr. Allegretto asked for a motion to adopt Resolutions #2 & #16. Motion moved by Mr. McClellan, seconded by Mr. Hartzell. All ayes followed.

Mr. Allegretto asked for a motion to adopt Resolution #15. Motion moved by Mr. DeVlieger, seconded by Mr. McClellan. All ayes followed except Mr. Guinosso recused.

#### **PENDING BUSINESS**

Mr. Hartzell announced the Boy Scouts are selling Christmas trees at 7<sup>th</sup> & West.

Mr. DeVlieger said he was proud of the families and young people involved participating in the government process for the Skate Park.

Mr. Guinosso asked to have more Christmas lights at 34<sup>th</sup> Street entrance to the City to make it more festive coming into the City. Mr. Guinosso said the snow removal signs at 34<sup>th</sup> Street are faded and when would the street relining be completed on West Avenue. Mr. Dattilo responded to Mr. Guinosso's questions.

Mr. McClellan asked Administration for a date for the Martin Luther Celebration. Mr. McClellan and Mr. Hartzell will ask each organization in the City to participate. Mayor Gillian said he would like to see student participation and maybe hold it during the week. Mr. Hartzell said this go round they will go into the schools and ask the School Board for participation.

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

#### **CITIZEN COMMENT**

**Al Keleher, 3304 Haven Avenue** – Asked to have the American Water Company to telescope the under ground pipes and replace them while the streets are dug up in the Northend. Mr. Dattilo said the northend pump station was funded by the FEMA and will keep looking for ways to fund other areas on the island. The reason why the northend graded out more favorably for grant funds with FEMA is because it was bulkheaded.

**Dale Braun, 326 West Avenue** - Asked if the Pecks Beach Village Roofing project is a temporary solution for a more comprehensive plan because it is not aesthetically pleasing. Mr. Dattilo said the Housing Authority along with the City is looking into the redevelopment of Pecks Beach Village.

#### **ADJOURNMENT**

Mr. Allegretto asked for a motion for adjournment. Motion moved by Mr. Guinosso, seconded by Mr. McClellan. The meeting adjourned at 9:10 pm.



Sheila Cottrell, Deputy City Clerk