

CITY COUNCIL MEETING MINUTES
THURSDAY, JANUARY 10, 2013 - 7:00 PM
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17TH STREET ENTRANCE, LECTURE HALL, ROOM N110

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

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

CITIZEN COMMENT

The following persons spoke in support of keeping the MS Bike-A-Thon in Ocean City:

Jim Houck, 336 West Surf Road

Mark Johnson, 300 East 10th Street

Mark Johnston, Manager and Vice President of the Ocean 7 Hotel Association

Joe Fertsch, 238 Crescent Road

The following persons spoke regarding Ordinance #12-19:

Matt Dice – suggested an amendment to address properties that have received height variances that have not been built yet.

Mike Hinson, 637 Simpson Avenue – felt there was much confusion and requested more discussion before adopting the ordinance.

Mike Hyland, 120 Ocean Avenue – stated he was in favor of the principle of the ordinance but encouraged Council to consider the public's input & suggestions. Thanked council for guiding residents through the storm.

Eric Sauder, 2829 Central Avenue – requested clarification on building permits where he heard you have to elevate property if renovation is 50% of the assessed value.

Bill McMahan, McMahan Agency – stated base flood is important but we need to get houses out of harms way; requested council to increase height as high as possible to protect the homes.

Steve Jenniss, 3141 West Avenue - encouraged council to work diligently & expeditiously on the ordinance so people can begin to get back into their homes.

Rick Lawson, 316 Haven Avenue, owner of Snap Fitness offered free memberships and a personal trainer to those participating in the weight lost challenge.

Resolution #1 13-49-093-#1. A Resolution Honoring the Boy Scouts of America of Ocean City's Troop 32 that Achieved the Rank of Eagle Scout During the Calendar Year 2012. Mr. Allegretto asked for a motion to adopt Resolution #1. Motion moved by Mr. Hartzell; seconded by Mr. Wilson. All ayes followed. Mr. Allegretto recognized Evan Sheridan, Joseph Tordella and Keith Kemenosh for their individual community service project and for achieving the rank of Eagle Scout.

APPROVAL OF MINUTES

Mr. Allegretto asked for a motion to adopt the City Council Workshop Meeting Minutes of Thursday, December 6, 2012 (all present). Motion moved by Mr. Ping; seconded by Mr. Guinosso. All ayes followed.

Mr. Allegretto asked for a motion to adopt the Closed Executive Session Meeting Minutes of Thursday, December 13, 2012 (all present). Motion moved by Mr. Wilson; seconded by Mr. Hartzell. All ayes followed.

Mr. Allegretto asked for a motion to adopt the Regular City Council Meeting Minutes of Thursday, December 27, 2012 (all present). Motion moved by Mr. Hartzell; seconded by Mr. Wilson. All ayes followed.

REPORTS – MAYOR & ADMINISTRATION

Mayor Gillian announced he supports the MS Bike-A-Thon and stated he spoke with the MS group to discuss ways to make enhancements to the event; to make it as sound and as safe as possible for the participants and the public.

Mr. Dattilo outlined the reasons why the lagoon dredging project shut down and was not completed by the end of the year but indicated the project will start up again and be completed at no cost to the City.

Mr. Allegretto asked if the contractor was to come back in June. Mr. Dattilo stated they will come back prior to June.

Mr. Allegretto asked Ms. McCrosson to respond to Mr. Dice's questions about existing height variances and Mr. Sauder's question about the 50% rule. Ms. McCrosson responded that if Mr. Dice needed less than 1 foot he would have to go back to the Zoning Board; if it was a larger difference than what was approved by the Zoning board he would have to go back. Mr. Sauder's question about the 50% rule falls under the State building Code.

Mr. Wilson thanked Mr. Dattilo for the update on the dredging report and said he will work with the city in any capacity to get this project completed.

REPORTS – CITY COUNCIL

Mr. Hartzell provided an update on the weight loss challenge.

Mr. Allegretto reported three council people attended the FEMA presentation meeting and further information regarding the new maps will be passed along shortly.

ORDINANCES: SECOND READING AND PUBLIC HEARING

Mr. Allegretto asked for a motion to take up Ordinance #12-19 on second reading. Motion moved by Mr. Ping; seconded by Guinosso. All ayes followed. The clerk read the ordinance by title: **#12-19 An Ordinance Amending Chapter XXV, Zoning and Land Development of the Revised General Ordinances of the City of Ocean City, New Jersey.** Ms. McCrosson explained the ordinance changes the way the height of residential structures are currently measured. She then provided a further explanation of the changes in various areas of the city and announced the ordinance was sent to the Planning Board for consistency with the Master Plan and their report and adopted resolution found the ordinance consistent with the Master Plan.

PUBLIC COMMENT – Ordinance #12-19

Mike Hyland, Hyland Associates – spoke about the map changes and the strong need to be sensitive to the advisory base maps. He spoke about the huge differences of being in the V or A zones which influences not only your flood rates but also the design of the buildings. He stated he supports the ordinance but you need to define base flood elevation in the ordinance in a way that recognizes these problems.

Eric Sauder, 2928 Central Avenue – feels the older population is going to be forced out because they will not have enough money to elevate and remediate.

Jack Geisler, 510 17th Street – spoke about all the houses that have duct work under homes will be destroyed with any wave action.

Roy Wagner, 2924 Wesley Avenue – provided reasons why he felt there was much more work to be done on the ordinance; he stated he was shocked that Council would move forward with second reading.

Lauren Perkins, 5404 West Avenue – interested in raising her home and she requests Council move forward with adopting the ordinance.

Ed Banfe, 3633 Central Avenue – wanted to know how high the flood insurances costs will be once the ordinance is adopted and asked what the percentage increase would be if a claim is submitted this year.

Christine Amy, architect – need to expedite the adoption of the ordinance.

Bill McMahon, McMahon Agency – requested adoption of the ordinance because people need to be able to move forward with the rebuilding of their homes.

Mr. Allegretto asked Ms. McCrosson about the increase in rates. Ms. McCrosson explained the premiums will change according to where you are relative to BFE; if you are above BFE rates will not go up as quickly, below BFE they may go up 25% a year until you are at a risk based premium.

Mr. Guinosso spoke about the focus groups that were formed when the Planning Board worked on the 2001 Master Plan. He provided reasons why he felt it was important to not adopt the ordinance and take a further look at various neighborhoods throughout the City; suggesting neighborhood meetings to obtain opinions.

Mr. McClellan spoke in support of the ordinance and requested Council to move forward and pass the ordinance.

Mr. Hartzell agreed that neighborhood meetings would be good, but that this ordinance needs to be adopted so people can move forward with the rebuilding their homes.

Mr. Ping said this is a major step in the right direction and that he supports the ordinance. He reminded Council the Planning Board found Ordinance #12-19 consistent with the Master Plan and we must move forward for the people. He agreed Council can make modifications as needed in the future.

Mr. Wilson spoke in support of the ordinance and said the buildings have to be raised to protect our citizens; modifications will have to be made to the ordinance as FEMA dictates and approves their maps.

Mr. DeVlieger stated he supports the adoption of the ordinance since it is in the best interest of the people of Ocean City to move forward. He spoke about the impact and negative effect the ordinance will have on the historic district community and requested the Historic District be exempt.

Mr. Allegretto stated he feels the ordinance provides for nice architectural features and feels Council must move forward with the adoption of the ordinance.

There was further Council dialogue regarding the historic district and other neighborhoods including Merion Park. Ms. McCrosson advised Council they can always bring a separate ordinance forward to address exemptions.

Mr. Allegretto asked for a motion to adopt Ordinance #12-19. Motion moved by Mr. Wilson; seconded by Mr. Hartzell. All ayes followed.

Mr. Allegretto asked for a motion to take up Ordinance #12-20 on second reading. Motion moved by Mr. McClellan; seconded by Mr. Ping. All ayes followed, except Mr. Wilson recused himself and left the table. The clerk read the ordinance by title: **#12-20 An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development, of the Revised General Ordinances of the City of Ocean City to Expand Permitted and Conditional Uses in the Drive-In-Business Zone.** Ms. McCrosson explained the ordinance was to eliminate the Office and Bank Zone and rezone it. She stated the ordinance was sent to the Planning Board for consistency with the Master Plan and the Board recommended several minor revisions to Section 3. Ms. McCrosson reviewed the revisions and recommended the ordinance be tabled, republished with the changes and bring the ordinance back for a second reading.

Council agreed with Ms. McCrosson's recommendation. Mr. Allegretto asked for a motion to table the ordinance and republish with the changes. Motion moved by Mr. Hartzell; seconded by Mr. Guinosso. All ayes followed. Mr. Allegretto announced second reading and public hearing would be held on February 14, 2013.

RESOLUTIONS – CONSENT AGENDA:

13-49-094 -#2 - A Resolution to Authorize the Advertisement of Specifications for City Contract #12-48, 2012 Bulkhead Improvements at Various Locations

13-49-095 -#3 - A Resolution Authorizing the Award of City Contract #12-64, Underground Storage Tank Upgrades and Site Remediation at Various Locations

13-49-096 -#4 - A Resolution Authorizing the Rejection of Bids and Re-Advertisement of Specifications for City Contract #12-68, FEMA STEP Program-Emergency Protective Measures & City Building Restoration Required due to Super Storm Sandy

13-49-097- #5 - A Resolution Authorizing an Agreement for Substitute Municipal Prosecutors for the Ocean City Municipal Court for the 2013 Calendar Year

13-49-098 -#6 - A Resolution Approving a Special Event Permit for a Fireworks Display for the 4th of July Weekend

13-49-099 -#7 - A Resolution Approving a Special Event Permit for a Fireworks Display for Columbus Day Weekend

13-49-101 -#10. - A Resolution Authorizing Participation in the National Cooperative Contract with US Communities Government Purchasing Alliance Vendors for the Calendar Year 2013

13-49-102 #11 - A Resolution to Authorizing the Payment of Claims

13-49-103 -#12- A Resolution Providing for a Temporary Budget for the City of Ocean City, New Jersey for Fiscal Year 2013

13-49-104 -#13- A Resolution Establishing Interest Rates for Delinquent Tax Payments and Other Municipal Charges

13-49-105 -#14 - A Resolution Deferring School Tax to 2013

13-49-106 - #15 - A Resolution Authorizing the Tax Assessor to file Tax Appeals on Behalf of the City of Ocean City

13-49-108 - #17 - A Resolution Consenting to the Mayor's Appointment of Chuck Bangle and Frank Shoemaker as Members to the Tourist Development Commission

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

RESOLUTIONS – NON CONSENT AGENDA

13-49-100 - #9. - A Resolution Declaring an Emergent Condition Exists and Authorizing the Award of a Contract and Payment for the Hurricane Sandy Disaster Recovery Assistance with Byrd Brothers Emergency Service, LLC. Mr. Guinosso requested an explanation. Mr. Dattilo explained Council approved a resolution back in October 2011 for emergencies services related to preparations for a former Nor'easter storm and felt it was appropriate to bring this resolution forward for services preformed after Hurricane Sandy. Mr. Guinosso asked about the 85 work hours. Mr. Donato explained FEMA gives a window of opportunity for up to 85 hours for emergency conditions that need to be addressed immediately.

13-49-107 - #16. - A Resolution Declaring that an Emergent Condition Exists and Authorizing an Award of a Contract to Broadley's Mechanical Contracting, Inc. for the Repair and Restoration of Peck's Beach Village. Mr. Guinosso requested an explanation and associated costs. Mr. Dattilo explained this emergent condition is in partnership with the Housing Authority with Peck's Beach Village to return the residents to their homes as quickly as possible. Mr. Dattilo stated this company had the means to quickly supply and install hot water heaters; new heating systems and associated plumbing for the 60 units at Peck's Beach Village for a total cost of \$321,000.

Mr. Wilson said included in the total cost is associated grade level plumbing. He announced he would abstain from the vote because he went with the Mayor to Peck's Beach Village and reviewed the work that needed to be done.

Mr. Allegretto asked if there would be additional emergent resolutions for work that had been completed. Mr. Dattilo said there would be additional emergent resolutions brought forward at the next meeting.

Mr. Hartzell stated the cost is approximately \$5,000 per unit which he felt was a really good value.

PUBLIC COMMENT – There was no comment on Resolution #9 or #16.

Mr. Allegretto asked for a motion to adopt Resolution #9. Motion moved by Mr. Hartzell; seconded by Mr. Wilson. All ayes followed.

Mr. Allegretto asked for a motion to adopt Resolution #16. Motion moved by Mr. Hartzell; seconded by Mr. DeVlieger. All ayes followed, except Mr. Wilson abstained.

PENDING BUSINESS

Mr. Hartzell thanked those people in town that reached out to him to give him a hand when his mother was taken ill on New Year's Eve.

Mr. Guinosso reported that the Food Cupboard has moved back into St. Peter's Church which is open Monday thru Friday 12:00 to 3:00 pm.

Mr. McClellan invited everyone to help and give back to their community by participating in the Martin Luther King clean up day on January 21.

Mr. Allegretto thanked the Administration for a terrific First Night and announced recreation activities have resumed at the Civic Center.

NEW BUSINESS

Mr. Ping stated many years ago the City placed Christmas trees on the beach to build the dune system. He received a call from a Mr. May who volunteered to have trucks bring Christmas trees and place them on the beach to build up the dune system. Mr. Dattilo said he also spoke with Mr. May and under the right conditions this project did work; the City got away from this practice when the City began beach replenishment with the Army Corp of Engineers but felt that this could be looked at again.

Mr. DeVlieger thanked the administration for their explanation on MS Bike-A-Thon, a great charity, which brings value to our community.

Mr. Guinosso reminded the administration that the south end beaches need additional sand; he also said that the flooding is becoming more prevalent at 50th Street and Haven Avenue.

Mr. Allegretto announced the following scheduled Council meetings: Mayor to present the 2013 Budget on February 14; Capital workshop January 17; Revenue Budget workshop February 20 at 6:00 pm and Appropriation Budget workshop February 21 at 5:00 pm.

CITIZEN COMMENT

Jim Tweed, 1512 Wesley Avenue – questioned why the current location of the MS Bike-A-Thon was not safe. Mr. Dattilo said that each year the event continues to grow in a confined space. Mayor Gillian said 6th Street is so congested there was discussion on how can we accommodate everyone at the location and keep them safe. The Mayor stated MS will continue to use 6th Street and the boardwalk.

Mr. Allegretto asked for a motion to adjourn. Motion moved by Mr. Hartzell; seconded by Mr. Wilson. All ayes followed and the meeting adjourned at 9:53 pm.

Linda P. MacIntyre, City Clerk