

**CITY COUNCIL MEETING MINUTES**  
**THURSDAY, JANUARY 24, 2013 – 7:00 PM**  
**OCEAN CITY FREE PUBLIC LIBRARY**  
**17<sup>TH</sup> 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**

**Matt Dice** - requested the administration add an amendment to the BFE2 Ordinance to allow for existing building heights to be measured from the new BFE 2.

**John Feirheller, 435 Wesley Avenue** – spoke on the historic properties affected by the new FEMA regulations.

**Roy Wagner, 2824 Wesley Avenue** – spoke about the Martin Luther King Community Service Cleanup Day and suggested the city provide stronger trash bags and pinchers poles to pick up trash.

**Eric Sauder, 2928 Central Avenue** – spoke about the BFE ordinance and the emergent condition resolutions which he felt should go out for competitive bidding.

**Steven Fenichel, Bay Avenue** – acknowledged the work of the citizens on Martin Luther King clean up day and those who helped the victims of Hurricane Sandy; requested Council pass an ordinance banning the use of hardwood on the boardwalk; requested full disclosure on a suit involving the City's Police canine Duce.

**Paul Ribbel, 5846 Central Avenue** – suggested removing and trucking sand from the north end beaches to place on the south end. He requested his Adopt-A-Beach sign be replaced at 59<sup>th</sup> Street beach.

**REPORTS - MAYOR & ADMINISTRATION**

Mr. Dattilo spoke on the following: Governor's announcement regarding the adoption of the advisory base flood elevation maps; requested Council discuss Ordinance #13-01 as it relates to the Governor's announcement; emergency beach funding coming out of Washington which would infuse funds directly to Army Corp to provide additional sand on the City's beaches; beach replenishment project update by the Army Corp and the State Department of Environmental Protection at a February Council meeting; indicated there may be a possibility for sand for the south end beaches. Mr. Dattilo said heavy equipment trucks have been in the south end reestablishing some dune systems and sand harvesting. He announced some traffic components need to be replaced due to dated timing mechanisms and storm damage. He then outlined the work in Resolution #5 that would be completed under the 2012 Capital Plan.

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

**ORDINANCES: INTRODUCTION & FIRST READING**

Mr. Allegretto asked for a motion to introduce Ordinance #13-01. Motion moved by Mr. Hartzell; seconded by Mr. Ping. All ayes followed. The clerk read the ordinance by title: **Ordinance #13-01 – An Ordinance Amending Chapter XXV, Zoning and Land Development of the Revised General Ordinances of the City of Ocean City, New Jersey (Height of Oceanfront R-1 & R-2 same as R-O-1 & R-0-2)**. Ms. McCrosson explained the ordinance amends Schedule D of the new BFE ordinance treating oceanfront boardwalk properties in R-1 zone the same building envelope as in R-O oceanfront zones. Ms. McCrosson said that today's announcement of the adoption of the FEMA Advisory Zones Maps brings the need for Council's further consideration of BFE2.

Mr. Guinosso addressed his concerns related to zones as outlined in the ordinance ending at the beachfront and 20<sup>th</sup> Street south. Ms. McCrosson stated she would look into his concerns. He also spoke about his concerns with height requirements for OC Homes and Merion Park,

Mr. Ping suggested no additional amendments should be brought forward to the BFE ordinance until the City has a better understanding as to what the flood levels will be. Mr. Allegretto agreed that until exact information comes forward this ordinance should be tabled.

After further Council discussion regarding the new Advisory Maps coming out from FEMA, Council concluded to not move forward with the passing of this ordinance at this time.

Mr. Allegretto asked for a motion to table Ordinance #13-01. Motion moved by Mr. Ping; seconded by Mr. Hartzell. All ayes followed.

Mr. Allegretto asked for a motion to introduce Ordinance #13-02. Motion moved by Mr. Hartzell; seconded by Mr. Wilson. All ayes followed. The clerk read the ordinance by title: **Ordinance #13-02 – An Ordinance Appropriating \$5,290,000 and Authorizing the Issuance of \$5,025,000.00 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 the improvements outlined in the bond. Mr. Guinosso asked about the timeframe for the beach pumping project. Mr. Donato said the two month project would begin sometime around mid February.

Mr. Allegretto asked for a motion to adopt Ordinance #13-02 on first reading. Motion moved by Mr. Hartzell; seconded by Mr. Wilson. All ayes followed. Mr. Allegretto announced second reading and public hearing would be held on February 14, 2013.

#### **RESOLUTION #1**

**13-49-109 - #1** - A Resolution Introducing and Approving the 2013 Budget of the Special Improvement District of the City of Ocean City. Mr. Donato provided an explanation of the breakdown of the three districts which include the boardwalk, Asbury Avenue and Ninth Street from the base of the bridge to Asbury Avenue.

Paul Francis, President of Main Street explained that due to budget constraints the full time executive director position has been eliminated and replaced by a part time position freeing up additional funds towards marketing efforts. He stated Main Street is committed to work more closely with the Chamber of Commerce and the downtown merchants. Mr. Allegretto stated fundraising could offset the SID budget.

Mr. Hartzell reminded council in the past seven previous years Council voted to forgive the SID loan of \$17,000.00 for work previously done by the City.

Mr. Allegretto asked for a motion to adopt Resolution #1. Motion moved by Mr. Hartzell; seconded by Mr. McClellan. All ayes followed. Mr. Allegretto announced second reading and public hearing of the SID Budget would be held on February 28, 2013.

#### **RESOLUTIONS – CONSENT AGENDA**

**13-49-110 - #2** - A Resolution to Authorize the Advertisement of Specifications for City Contract #13-30, Reconstruction of the 34<sup>th</sup> Street Tennis Courts

**13-49-111 - #3** - A Resolution to Authorize the Advertisement of Specifications for City Contract #13-31, Construction of an Emergency Sand Berm for the South End

**13-49-112- #4** - A Resolution to Authorize the Advertisement of Specifications for City Contract #13-32, Remediation of Flood Damage at the Historic Transportation Center located at 10<sup>th</sup> Street & Haven Avenue

**13-49-113 - #5** - A Resolution Authorizing the Award of City Contract #12-47, 2012 Fall Road Program – Phase 2

**13-49-114 - #6** - A Resolution Authorizing the Award of City Contract #12-68 R-1, FEMA STEP Program- Emergency Protective Measures & City Building Restoration Required due to Super Storm Sandy

**13-49-115 - #7** - A Resolution Authorizing the Rejection of Bids for City Contract #12-66, Acquisition of Reconditioned 6x6 M813 Military Cargo Trucks with Metal Un-Insulated Van Bodies

**13-49-116 - #8** - A Resolution Authorizing the Rejection of Bids and Re-Advertisement of Specifications for City Contract #12-28, HVAC Improvements at City Hall & Fire Headquarters

**13-49-117 - #9** - A Resolution Authorizing a Professional Services Contract between the City of Ocean City & Czar Engineering, Inc. for Plans, Specifications, Contract and Construction Administration for the Remediation of the Historical Transportation Center located at 10<sup>th</sup> Street and Haven Avenue

**13-49-118 - #10** - A Resolution Authorizing Professional Services Contracts between the City of Ocean City & Thomas G. Smith P.C. for Special Legal Counsel for Tax Appeals for the Calendar Year 2013

**13-49-119 - #11** - A Resolution Declaring that an Emergent Condition Exists and Authorizing an Award of a Contract to Peter Lumber Company, Inc. for the Repair & Restoration of Peck's Beach Village

**13-49-120 - #12** - A Resolution Declaring that an Emergent Condition Exists and Authorizing an Award of a Contract to Dubell Lumber Company, Inc. for the Repair & Restoration of Peck's Beach Village

**13-49-121 - #13** - A Resolution Declaring that an Emergent Condition Exists and Authorizing an Award of a Contract to Bayside Construction Services, LLC for the Repair & Restoration of Peck's Beach Village

**13-49-122- #14** - A Resolution Declaring that an Emergent Condition Exists and Authorizing an Award of a Contract to Marialena Corporation, T/A JR Drywall Construction for the Repair & Restoration of Peck's Beach Village

**13-49-123 - #15** - A Resolution Declaring that an Emergent Condition Exists and Authorizing an Award of a Contract to SPD Electric for the Repair & Restoration of Peck's Beach Village

**13-49-124 -#16** - A Resolution Declaring that an Emergent Condition Exists and Authorizing an Award of a Contract to Luma, Gordon Terry, T/A Luma Painting for the Repair & Restoration of Peck's Beach Village

**13-49-125 - #17**.A Resolution Declaring that an Emergent Condition Exists and Authorizing an Award of a Contract to Cape Insulation Company, Inc. for the Repair & Restoration of Peck's Beach Village

**13-49-126 - #18** - A Resolution Declaring that an Emergent Condition Exists and Authorizing an Award of a Contract to Perone Electric, Inc. for the Repair & Restoration of Peck's Beach Village

**13-49-127 - #19** - A Resolution Declaring that an Emergent Condition Exists and Authorizing an Award of a Contract to Walters Marine Construction, Inc. for the Emergency Storm Damage Repairs at Various Locations

**13-49-129- #21** - A Resolution to Adopt the 2013 Temporary Capital Budget

**13-49-130 - #22** - A Resolution Authorizing a Cash Management Plan for the City of Ocean City

**13-49-131 - #23** - A Resolution Authorizing the Payment of Claims

**13-49-132 - #24** - A Resolution Approving Tax Overpayment Refunds 2013-1 to 6

**13-49-133 - #25** - A Resolution Authorizing a Closed Executive Session for the Purposes of Discussing Personnel Board & Commission Appointments (Environmental Commission, Ethics Board and Utility Advisory Commission)

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

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

**13-49-128 - #20** - A Resolution to Adopt Capital Plan 2013 to 2017 and Specific Debt Service Guidelines. Mr. Dattilo stated this plan will be Council's endorsement of the Mayor's third capital plan presented at a series of prior workshops with specific projects coming back to Council for their approval. Mr. Guinosso questioned the funding for the 29<sup>th</sup> Street Fire House and suggested that a survey be completed on the current Public Safety building before moving forward with any plans for a new building.

Mr. Ping reminded the new members that a Capital Plan is a wish list of projects that may be scaled down.

**PUBLIC COMMENT** – There was no comment on Resolution #20.

Mr. Allegretto asked for a motion to adopt Resolution #20. Motion moved by Mr. Guinosso; seconded by Mr. Hartzell. All ayes followed.

#### **PENDING BUSINESS**

Mr. McClellan announced a Peck's Beach Village clean up day will be held February 2<sup>nd</sup> from 10:00 to 12:00 Noon.

Mr. Hartzell asked about the status of the by-laws of the historic district. Ms. McCrosson reported she met with members of the Historic District and that an amendment to the Historic District ordinance will be prepared shortly for Council's consideration.

Mr. Hartzell announced he and Mr. DeVlieger met with one group in the beach and dune zone to obtain information. Mr. DeVlieger stated the meeting was a fact finding meeting with the objective to bring the best information forward to come to the right conclusions.

Mr. Guinosso reported he is still working on the zoning related to OC Homes and Merion Park.

#### **NEW BUSINESS**

Mr. Ping addressed his concerns about the lack of urgency for the release of flood insurance funds to homeowners to begin remediation in their homes. Mayor Gillian reported he and the administration have spoken to the insurance agents who are diligently working to get funds released. Mr. Donato announced FEMA extended the deadline to March 1<sup>st</sup> to register for a loan.

Mr. DeVlieger announced a First Ward meeting on February 6 at 7:00 pm at the Bayside Center; a member of OCNJCARE has been invited to speak.

Mr. DeVlieger reported he has had requests to have the 100 Block of West Avenue changed from north end neighborhood to R zone. Mr. Hartzell said the Planning Board recommended the change and requested Ms. McCrosson to review the Board's recommendation for this amendment to the zoning ordinance.

Mr. Allegretto announced a 60 second ad is being released by the Tourism Commission promoting the City.

#### **CITIZEN COMMENT**

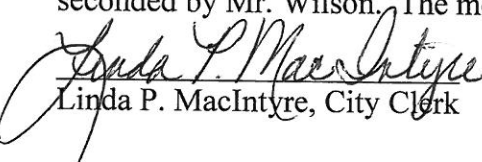
**Al Keleher, 3304 Haven Avenue** – stated FEMA people are excellent to work with and made the following suggestions; using Geo tubes on the south end beaches, the use of pop up tubes as suggested a few years ago or the use of concrete that may be left over.

**Steve Cole, 3606 Oxford Lane** – stated the infrastructure has been ignored and hopes Council meets the commitment in adopting the Capital Plan.

**Bernadette Walsh, 309 Haven Avenue** – asked if the City would challenge any of the V-Zone ratings and where she would go to obtain information on how much she would have to raise her home. Mr. Dattilo advised Ms. Walsh to contact Ms. McCrosson who would help her in any way she can.

**Valerie Watson, NJ Project for Hope and Healing** – provides emotional counseling services to anyone who may be in need thru New Jersey's Mental Health Division and Addiction Services.

Mr. Allegretto asked for a motion to adjourn into closed executive session. Motion moved by Mr. Hartzell; seconded by Mr. Wilson. The meeting adjourned into closed session at 9:18 pm.

  
Linda P. MacIntyre, City Clerk