

**CITY COUNCIL MEETING MINUTES
THURSDAY, FEBRUARY 28, 2013 - 7:00 PM
OC FREE PUBLIC LIBRARY, ROOM N110**

ATTENDANCE: Mr. Guinosso, Mr. Hartzell, Mr. McClellan, Mr. Wilson and Mr. Allegretto. Also present: Mayor Gillian, Mr. Dattilo, Business Administrator and Ms. McCrosson, City Solicitor. **ABSENT:** Mr. DeVlieger and Mr. Ping. Mr. McClellan arrived at 7:08 pm.

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

Ed Price, 7 Marlin Court – said the City should have bid out for car detailing services after Hurricane Sandy and spoke against the Public Defender contract recently approved.

The following persons requested for the immediate need for sand to be pumped on the south end beaches:

Bill Roehl, 5642 West Avenue

Kris Stanwood, 5824 West Avenue

Pat Levis, 5542 Central Avenue

Melinda Mayne, 934 Haven Avenue

Irene Lorenzn, 5110 Haven Avenue

Steve Dorso, 5617 Central Avenue

Don Waldner, 44 Safe Harbor Drive – requesting clarification on dredge misconceptions

Eric Sauder, 2928 Central Avenue – spoke about Ordinance #13-07; his concern about the City providing a loan for the proposed rehabilitation on Block 911 and reiterated the need for sand in the south end.

Roy Wagner, 2824 Wesley Avenue – requested Council to workshop Ordinance #13-07 before introducing it.

Wes Kazmarck, 1154 Boardwalk – spoke on behalf of the boardwalk merchants and said that he was available for any questions regarding Resolution #12 on the agenda.

REPORTS – MAYOR & ADMINISTRATION

Mr. Dattilo introduced Bill Dickson and Chris Constantino of the DEP who made a power point presentation on the City's beach replenishment project. Dwight Paken and Edward Voigt of the US Army Corps of Engineers provided background on the City's previous beach replenishments; gave a brief summary of the City's current project, clarified the different dredge misconceptions and outlined the permitting process.

Mr. Allegretto asked what rules needed to be followed if Ocean City did their own project. Mr. Constantino outlined the process and said that the city would have to pay 100% of the costs. He announced the DEP received a letter from the Mayor requesting a south end beach replenishment project, which he stated will be taken under consideration during their next fiscal year's funding.

Mr. Guinosso wanted to know the cost of a south end beach replenishment project and the permitting timeframe. Mr. Constantino responded that permitting could take up to 18 months but depends on the area and the cost estimate at the end of 2012 was \$20M to 59th Street which did not include Corson's Inlet.

There was discussion regarding trucking sand on the south end beaches. Mayor Gillian announced the City is working on trucking sand in prior to the summer season.

Mr. Hartzell questioned why the south end wasn't included in beach replenishment projects 20 years ago when they began. Mr. Paken said there were different coastal engineering models used 20 years ago and reminded Council between years 2003-2009 there was no federal funding for replenishment.

Mr. Wilson announced he would make himself available to anyone who would like to discuss their ideas and concerns with him regarding beach replenishment.

Mr. Allegretto thanked the DEP and Army Corp representatives for attending the meeting and stated the City will continue to work on short term solutions for the south end residents.

The meeting continued with Mr. Dattilo introducing Keith Davis, Esquire from the law offices of Nemad, Perillo & Davis and Pat Gill, of Bayfront Preservation Foundation, LLC, who presented a Proposed Rehabilitation Plan Presentation for Block 911, Lots 1 to 4.01, Palen Avenue. Mr. Davis requested Council adopt Resolution #9 on the agenda, forward the proposal to the Planning Board for review and recommendation back to Council for a redevelopment plan for the tract of land. Mr. Gill spoke about the need for additional recreational areas along the bayfront which the plans includes a working marina with a fuel dock, a restaurant, transient slips and adequate parking.

Mr. McClellan asked about current environmental concerns at the property. Mr. Gill addressed the issues which he said would be taken care of immediately upon approval of the project.

Mr. Hartzell spoke in support of the project and the lack of working marinas along the bayfront. Mr. Wilson also spoke in support of moving this forward to the Planning Board for their response.

Mr. Guinosso spoke in support of sending this matter to the Planning Board and addressed his concerns to the existing fuel tanks. Mr. Gill said his group has been involved in many environmental cleanups. Mr. Dattilo explained safety concerns at the property are being addressed with the bank.

Mr. Allegretto asked how the project would move forward. Ms. McCrosson stated Resolution #16 sends the proposal to the Planning Board to see if this is an area in need of rehabilitation. Mr. Davis indicated if approved, a redevelopment plan will come before council in ordinance form. Mr. Allegretto thanked the gentlemen for their presentation.

Mr. Dattilo announced the coastal engineer firm the City hired has begun analyzing the base flood elevation maps and the County has lowered the speed limit on Bay Avenue.

REPORTS – CITY COUNCIL – There were no reports.

ORDINANCES – INTRODUCTION & FIRST READING

Mr. Allegretto asked for a motion to introduce Ordinance #13-06 on first reading. Motion moved by Mr. Hartzell; seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **#13-06: An Ordinance Authorizing the Execution of a Deed of Dedication and Perpetual Storm Damage Reduction Easement on Real Property Known as Block 70.44, Lots 16.02 & 16.03 to the State of New Jersey.** Ms. McCrosson explained the Army Corps & NJDEP requires the City to collect beach easements on city owned properties which will authorize beach fill and the crossing over the two lots to build dunes.

Mr. Guinosso asked how many easements were needed throughout the island. Ms. McCrosson reported 121 privately owned lots with 87 private owners some with multiple lots in the south end and 411 city owned lots; in the north end easements are needed on 75 private lots with 87 owners and 21 city owned lots.

Mr. Allegretto asked for a motion to adopt Ordinance #13-06 on first reading and publish according to law. Motion moved by Mr. Hartzell; seconded by Mr. Wilson. All ayes followed. Mr. Allegretto announced second reading and public hearing would be held on March 14, 2013.

Mr. Allegretto asked for a motion to adopt on first reading Ordinance #13-07. Motion moved by Mr. Wilson; seconded by Mr. McClellan. The clerk read the ordinance by title: **#13-07: An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised General Ordinances of the City of Ocean City (2013 Residential Mechanical.** Ms. McCrosson explained the ordinance addresses some of the current issues related to rehabilitation and/or the building of new homes under the new Advisory Base Flood maps. Ms. McCrosson introduced Randy Scheule, Planning Board Planner who provided a detailed outline of the provisions in the ordinance which a subcommittee of the Planning Board worked on.

Mr. Guinosso stated finish grade was not addressed and had concerns regarding Floor Area Ratio (FAR). Mr. Hartzell requested language so people do not misuse inhabitable crawl space by creating rooms within that space.

Mr. Wilson spoke in favor of the ordinance and thanked the Planning Board for their diligence in working on this ordinance to help eliminate some hardships to the residents.

Mr. McClellan reported he sat on the subcommittee and fully understands and supports the changes.

A discussion of the ordinance followed with Council recommending some wording changes clarifying that residential building height in all flood zones is measured from ZFE; remove Carport from being considered a Story, remove Crawl Space from being considered a Story, remove Garage from being considered a Story; clarify larger side yard allowance & permits terraced walkways as a corner-lot side yard Encroachment; exclude Crawl Space from calculation of FAR and add limitations and penalty provisions regarding the use of Crawl Spaces.

Mr. Allegretto requested Ms. McCrosson make the changes as requested. Ms. McCrosson agreed and announced the Planning Board would review for consistency at their March 13th meeting and could come back for second reading of City Council on March 14th. Mr. Allegretto asked for a motion to adopt Ordinance #13-07 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 March 14, 2013.

ORDINANCES – SECOND READING & PUBLIC HEARING

Mr. Allegretto asked for a motion to adopt Ordinance #13-04 on second reading. Motion moved by Mr. Wilson; seconded by Mr. Guinosso. All ayes followed. The clerk read the ordinance by title: **#13-04: A Bond Ordinance Appropriating \$5,788,000 and Authorizing the Issuance of \$5,498,600.00 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 outlined the changes in the ordinance.

PUBLIC COMMENT

Michael Hinchman, West Atlantic Boulevard – questioned the amount of times the pumper truck was used over the last 20 years and suggested refurbishing the existing fire pumper truck in lieu of purchasing a new truck. Mr. Donato reported the City prepares benefit analysis on equipment; fire trucks have been refurbished in past years and trucks are recycled to other fire stations.

Mr. Allegretto asked for a motion to adopt Ordinance #13-04 on second reading. Motion moved by Mr. Wilson; seconded by Mr. McClellan. All ayes followed.

13-49-163 - #12: *(Added 02-26-13 at 5:40 pm)* **A Resolution Adopting the 2013 Budget of the Special Improvement District of the City of Ocean City–Public Hearing on Resolution #12.** Mr. Donato provided an explanation regarding second reading/public hearing of the \$259,612 SID Budget managed by BAND, the agency who oversees the three districts.

PUBLIC COMMENT – There was no public comment on Resolution #12.

Mr. Allegretto asked for a motion to adopt Resolution #12. Motion moved by Mr. McClellan; seconded by Mr. Guinosso. All ayes followed.

RESOLUTIONS – CONSENT AGENDA:

13-49-152 - #1 - Resolution Authorizing the Award of City Contract #13-25, Fabrication & Supply of Welded Aluminum Railing to Include All Incidentals

13-49-153 - #2 - A Resolution Authorizing Payment to Serber Konschak, LLP for Services Rendered Pursuant to the Employment Contract Between the City of Ocean City and the Ocean City Beach Patrol Administrative Association

13-49-154 - #3 - A Resolution Authorizing Payment to Lanciano & Associates, LLC for Services Rendered Pursuant to the Employment Contract Between the City of Ocean City and the Ocean City Beach Patrol Administrative Association

13-49-155 - #4 - A Resolution Authorizing a Professional Services Contract between the City of Ocean City & Tetra Tech, Inc. as a Consultant for the Hazard Mitigation Grant Program

13-49-156 - #5 - A Resolution Authorizing a Contract between the City of Ocean City & Line Systems, Inc. for Supply & Delivery of Local & Long Distance Telephone Exchange Service

13-49-157 - #6 - A Resolution Authorizing the Award of a Contract to Mobile Dredging and Pumping Company for the Drainage System Clean Out after Hurricane Sand

13-49-158 - #7 - A Resolution Authorizing the Award of a Contract to Waste Management of New Jersey, Inc. for Additional Solid Waste Containers for Hurricane Sandy Debris

13-49-159 - #8 - A Resolution Authorizing the Payment of Claims

13-49-160 - #9 - A Resolution Finding that Block 911, Lots 1, 1.01, 1.02, 2, 2.01, 3, 3.01, 4 & 4.01, Located at Palen Avenue and Tenth Street, May Be An Area In Need of Rehabilitation and Should, Therefore, Be Reviewed by the Ocean City Planning Board

13-49-162 - #11 - A Resolution Appointing Linda DeLanzo & Denise Frehr as members to the 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, except Mr. Hartzell stepped away from the table prior to the vote.

RESOLUTIONS – NON CONSENT AGENDA

13-49-161 - #10 - A Resolution Amending and Re-Adopting a Floodplain Management Plan For Ocean City. Mr. Guinosso requested an explanation. Mr. Dattilo explained the resolution is related to the Community Rating System which provides for flood discounts for Ocean City.

PUBLIC COMMENT - There was no comment.

Mr. Allegretto asked for a motion to adopt Resolution #10. Motion moved by Mr. Guinosso; seconded by Mr. Wilson. All ayes followed.

PENDING BUSINESS

Mr. Guinosso announced a meeting will be held regarding traffic patterns on March 6 at 7:00 pm at Holy Trinity Church.

Mr. Allegretto reminded Council the Administration is available for any budget questions.

NEW BUSINESS

Mr. Guinosso announced a focus group meeting to discuss building heights will be held on March 16th at Our Lady of Good Counsel Church Hall at 9:00 am.

Mr. McClellan announced the remainder of housing authority residents will be moving back into their homes by the weekend.

CITIZEN COMMENT

Michael Hinchman, West Atlantic Boulevard – made a suggestion to do critical path timing for beach easements; requested Council permit residents to ask questions after presentations are made; suggested to let the Palen Avenue property go into bankruptcy before moving forward with the project.

Wendy Smith, 22 Clipper Drive - wants to know the formula and plan for trucking sand in for the south end beaches.

Al Keleher, 3304 Haven Avenue – commented the yellow tape around the new welcome center building is an eyesore.

Dale Braun, 326 West Avenue – supports no ground floor area counting as a store and addressed his concerns regarding the difference between a crawl space and a garage.

Mr. Dattilo reminded Council substantial information will come before Council prior to the purchase of a pumper truck for the fire Department.

Mr. Allegretto asked for a motion to adjourn. Motion moved by Mr. Wilson; seconded by Mr. Hartzell. All ayes followed and the meeting adjourned at 10:48 pm.

Linda P. MacIntyre, City Clerk