

**CITY COUNCIL MEETING MINUTES
THURSDAY, MARCH 14, 2013 - 7:00 PM
OC FREE PUBLIC LIBRARY, ROOM N110**

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

Council President Allegretto called the meeting to order at 6:30 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.

Mr. Allegretto asked for a motion to adopt Resolution #1 and adjourn into executive closed session. Motion moved by Mr. Wilson; seconded by Mr. Hartzell. All ayes followed and Council adjourned into closed session at 6:33 pm.

13-49-164 - #1 - A Resolution Authorizing a Closed Executive Session of Ocean City Council to Discuss the Ongoing Legal Proceedings Regarding the Schilling Estate Properties, Block 1901, Lots 8, 8.01 & 10 and to Discuss Collective Bargaining Agreements, Including the Negotiation of the Terms and Conditions Thereof for the International Association of EMT's and Paramedics (IAEP) Local R3/347 and the Communication Workers of America AFL-CIO, Local #1032.

RETURN TO OPEN SESSION

Mr. Allegretto asked for a motion to return to open session. Motion moved by Mr. Wilson; seconded by Mr. Guinosso. All ayes followed and the returned to open session at 7:08 pm.

CITIZEN COMMENT

Burt Diamond, 341-343 Simpson Avenue – spoke about the flooding from the bay in his area and suggested the money allocated for the tennis courts be redirected to fix the problem to prevent flooding.

Jennie Hubach, 9-13 Beach Road – spoke about what she felt were inaccuracies in Resolution #18.

Vince Hubach, 9-13 Beach Road - not opposed to beach replenishment or easement he just want city to abide by the rules.

Ed Price, 7 Marlin Court – spoke about the city's cars being cleaned by Shore Car Wash and asked where the invoices are; spoke about the 19 emergency resolutions approved.

Fred Hoffman, 807 2nd Street - stated he expects integrity from city government officials to abide by the rules.

John MacNorton, 152 Dory Drive – asked the City for the safety of public to find the money to raise the beaches in the south end.

Bob Faustman, 5545 West Avenue – suggested the city hire a consultant to find funding to get a beach project approved for the south end beaches; questioned why Corson's Inlet couldn't be dredged; questioned height requirements for 2nd floor residents.

Eric Sauder, 2928 Central Avenue – asked if sand was being taken off 30th Street beaches to harvest the south end dunes; asked why Corson's Inlet couldn't be included in the dredging.

Michael Hinchman, 281 West Atlantic Boulevard – said city should issue long term debt to pay off the short term debt and spoke about what he felt the city should do regarding the foreclosed property at 10th Street & Palen Avenue.

Wendy Smith, 220 Clipper Drive – said there is enough sand in Corson's Inlet, if dredged, to use to replenish a 10 block area in the south end.

APPROVAL OF MINUTES

Mr. Allegretto asked for a motion to adopt the City Council Closed Executive Session Meeting Minutes of January 24, 2013 (all present). Motion moved by Mr. Hartzell; seconded by Mr. Guinosso. All ayes followed.

Mr. Allegretto asked for a motion to adopt the Regular City Council Meeting Minutes of February 14, 2013 (Mr. DeVlieger absent). Motion moved by Mr. Hartzell; seconded by Mr. Guinosso. All ayes followed.

Mr. Dattilo requested Resolution #18 be removed from the consent agenda. Mr. Allegretto asked for a motion to amend the agenda and bring Resolution #18 forward. Motion moved by Mr. Ping; seconded by Mr. DeVlieger. All ayes followed.

13-49-181 - #18 - A Resolution Authorizing the City of Ocean City, the New Jersey Department of Environmental Protection and the U.S. Army Corps of Engineers, and the Representatives thereof, to Enter Immediately Upon the Real Property Shown on the Current Tax Map of the City of Ocean City as Block 72.01, Lot 1 and Associated Riparian Areas for the Purpose of Repair, Restoration, Replacement and/or Construction of Protective Sand Barriers.

Ms. McCrosson explained this resolution was moved up on the agenda because the dredge is about to reach this area and will stop since there is no authorization to go onto this site. Ms. McCrosson stated approval of the resolution permits the access over private lots for beach fill. Ms. McCrosson provided background information related to a statue placed on the books after the 1962 storm permitting the city, by resolution, to access properties if an emergency exists for the purpose of storing, replenishing and replacing sand barriers when there is an emergent situation.

Mr. DeVlieger stated he felt an obligation to move forward. Mr. Wilson said there was a need to move this forward and Mr. Allegretto indicated that it was right thing to do.

PUBLIC COMMENT – There was no comment on Resolution #18.

Mr. Allegretto asked for a motion to adopt Resolution #18. Motion moved by Mr. Wilson; seconded by Mr. Hartzell. All ayes followed.

REPORTS – MAYOR & ADMINISTRATION

Mr. Dattilo reported the Planning Board approved the property at 10th & Palen Avenue was an area in need of rehabilitation; provided an update of the north end dredging and stated that the City is re-enforcing the berm in the south end in addition to trucking in and harvesting sand. Mr. Dattilo announced there are no permits in place to dredge Corson's Inlet.

Mr. Hartzell asked if there are consulting groups to help the City regarding beach replenishment in the south end. Mr. Dattilo stated lobbyists could help and the matter warrants further discussion. Mr. Wilson indicated there was a remarkable amount of sand being moved in the south end.

REPORTS – CITY COUNCIL - There were no reports.

ORDINANCES – INTRODUCTION & FIRST READING

Mr. Allegretto asked for a motion to introduce on first reading Ordinance #13-08. Motion moved by Mr. Hartzell; seconded by Mr. Ping. All ayes followed and the clerk read the ordinances by title: **#13-08 An Ordinance Amending Ordinance #87-17, Chapter VIII “Parking Meters and Time Limit Parking” of the Revised General Ordinances of the City of Ocean City, New Jersey.** Mr. Donato outlined the changes to the ordinance which included the expansion of a pilot project for single space credit card parking meters in the beach and boardwalk zones.

Mr. DeVlieger asked if there were any additional customer fees and if meters interact as a credit/debt card. Mr. Donato said there were no additional fees to the customers and the cards can be used as debt or credit and coins.

Mr. Guinosso asked if there were any problems with using the credit card. Mr. Donato said the problems seem to be with centralized kiosks systems, not single meters and that he had no negative feedback from the pilot program last year.

Mr. McClellan asked about signage. Mr. Donato said signage will be expanded to the additional new areas.

Mr. Hartzell spoke about the inconvenience of kiosks and the convenience of using a credit card.

Mr. Ping asked if the 14th Street lot was being changed over from a pay station. Mr. Donato said it is under consideration but no final decision has been made.

Mr. Allegretto asked if there was any feedback from last year with the change in meter times along Asbury Avenue meters. Mr. Donato said there were no complaints.

Mr. Allegretto asked for a motion to adopt on first reading Ordinance #13-08 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 28, 2013.

ORDINANCES – SECOND READING & PUBLIC HEARING

Mr. Allegretto asked for a motion to take up Ordinance #13-06 on second reading and public hearing. Motion moved by Mr. Ping; seconded by Mr. Guinosso. All ayes followed, except Mr. Hartzell who stepped away from the table. 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 this property is owned by the City and the easement is a requirement to authorize the Army Corps & NJDEP to cross over two lots to build dunes for the beach fill project.

PUBLIC COMMENT – There was no comment on Ordinance #13-06.

Mr. Allegretto asked for a motion to adopt Ordinance #13-06. Motion moved by Mr. Hartzell; seconded by Mr. Wilson. All ayes followed.

Mr. Allegretto asked for a motion to take up Ordinance #13-07 on second reading. Motion moved by Mr. McClellan; seconded by Mr. Hartzell. All ayes followed. 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 current issues related to rehabilitation and/or the building of new homes under the new Advisory Base Flood maps. Ms. McCrosson then introduced Randy Scheule, Planning Board Planner who provided a detailed outline of the provisions and changes requested by Council in the ordinance as approved by the Planning Board in their consistency review.

Ms. McCrosson said questions were raised regarding interpretation under Section 1, 25-105.3 Nonconforming Structures, Uses, and Lots and she suggested a non substantial change to clarify and amend the ordinance at the end of the last sentence under #4 to read “this should not include non-conforming uses.”

Mr. Hartzell asked questions related to prior variances, porches, decks and carports to which Ms. McCrosson provided an explanation on each issue of concern.

Mr. DeVlieger spoke about encouraging more outdoor living space with porches and decks. Ms. McCrosson said this issue should be studied by the Planning Board with a recommendation back to Council. Mr. Hartzell asked if Council could make an official request back to the Planning Board. Ms. McCrosson said she would add it to the list.

Mr. Guinosso asked if a home with side stairs in place could be raised with the structure. Mr. Scheule stated the ordinance did not allow for stairs or decks to be lifted if they were nonconforming. He suggested this could be included in the discussion with porches and decks. Mr. Guinosso questioned attic verses storage space. Mr. Scheule indicated this will be addressed in subsequent discussions of FAR.

PUBLIC COMMENT – Ordinance #13-07

Roy Wagner, 2824 Wesley Avenue – liked FAR; spoke about the use of inhabitable ground floor storage rooms being used for living space; said height should continue to be measured from center line of street and stated front steps are visual clutter.

Eric Sauder, 2829 Central Avenue – said that existing external side stairs should be grandfather in for proper access to the home.

Michael Hyland, local engineer and architect – strongly encouraged open storage of cars within lattice area without doors with minimal enclosed space below the building as a procedure that will make the construction, functional, economical and control flood insurance premiums for the users in the future.

Mr. DeVlieger stated he was moved by Mr. Hyland’s statements and said garages should not be held under the FAR. Ms. McCrosson agreed and said until there is a reduction in FAR, garages should not be part of a residential ordinance which should be studied by and come forward by the Planning Board.

Mr. Wilson agreed with Mr. Hyland and stated he was happy to hear there would be further discussion and study at looking at ways to controlling bulk.

Mr. Allegretto asked for a motion to adopt Ordinance #13-07 on second reading. Motion moved by Mr. Wilson; seconded by Mr. Hartzell. All ayes followed.

RESOLUTIONS – CONSENT AGENDA:

13-48-165 - #2 - A Resolution to Authorize the Advertisement of Specifications for City Contract #13-05, Supply of Sportswear & Work Apparel

13-49-166 - #3 - A Resolution to Authorize the Advertisement of Specifications for City Contract #13-12, Supply of Lifeguard Uniforms

13-49-167 - #4 - A Resolution to Authorize the Advertisement of Specifications for City Contract #13-08, Lease of a Card Enabled Single Space Parking Meter Mechanism with a Web-Based Management System

13-49-168 - #5 - A Resolution Authorizing the Award of City Contract #12-28 R-1, Citywide HVAC Improvements

13-49-169 - #6 - A Resolution Authorizing the Award of City Contract #12-48, 2013 Bulkhead Improvements at Various Locations

13-49-170 - #7 - A Resolution Authorizing the Award of City Contract #13-30, Reconstruction of the 34th Street Tennis Courts

13-49-171 - #8 - A Resolution Authorizing the Award of City Contract #13-32, Remediation of Flood Damage Historic Transportation Center located at 10th Street & Haven Avenue

13-49-172 - #9 - A Resolution Authorizing the Award of City Contract #13-33, Installation & Repair of the Airport Runway & Taxiway Lighting & Associated Signage

13-49-173 - #10 - A Resolution Authorizing the Award of City Contract #13-37, Installation of Boardwalk Ramp Piling

13-49-174 - #11 - A Resolution Authorizing the Extension of City Contract No. 09-02, R-1, Lease of the Cultural Center Café

13-49-175 - #12 - A Resolution Authorizing Change Order #1, Final Acceptance & Final Payment of City Contract #12-51, Supply & Installation of Containment Netting at Various Locations

13-49-176 - #13 - A Resolution Authorizing The City’s Participation In State Contract #T-2103, Vehicles, Cargo Vans, Minivan/Class 1/2/3, Regular/Extended for the Purchase of One (1) 2013 or Newer Ford Transit Connect XL Cargo Van

13-49-177 - #14 - A Resolution Authorizing the Payment of Claims

13-49-178 - #15 - A Resolution Authorizing the Installation of Telecommunications Equipment Pursuant to the Right-of-Way Use Agreement with NextG Networks of NY, Inc.

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

RESOLUTIONS – NON CONSENT AGENDA

13-49-179 - #16 - 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 is an Area in Need of Rehabilitation. Mr. Guinosso questioned the process and concerns related to the fuel tanks. Mr. Davis, the client's attorney, provided a preliminary outline encompassing the development which would include environmental due diligence regarding the fuel tanks.

Mr. Hartzell spoke in support of moving forward, as did Mr. McClellan who reported the Gill's who have done a large amount of research on this project and are willing to expedite this process. Mr. Gill spoke his knowledge of the property, the process and the environmental concerns.

13-49-180- #17 - A Resolution Authorizing a Collective Bargaining Agreement with the Communication Workers of America, AFL-CIO, Local No. 1032. Mr. Dattilo outlined the 3-year agreement which provides for the same salary increase as the other labor union agreements in the City.

PUBLIC COMMENT

Michael Hinchman, 291 West Atlantic Boulevard – get information and environmental costs on the table related to the 10th Street property.

Eric Sauder, 2928 Central Avenue – look forward to a marina and wants to know the city involvement related to abatement. Ms. McCrosson stated it is too premature to know the associated cost or what the plan of redevelopment would be at this time.

Al Keleher, 3304 Haven Avenue –stated the cost of oil cleanup could be costly.

Mr. Allegretto asked for a motion to adopt Resolution #16 and #17. Motion moved by Mr. Wilson; seconded by Mr. McClellan. All ayes followed.

PENDING BUSINESS

Mr. Ping requested the trash and recycling cans be placed back on the sidewalks from 12th Street to 14th Street.

Mr. Wilson requested the dumpsters at 2nd & Bay be moved to 3rd & Haven city lot. Mr. Dattilo announced removal of the dumpsters at the 2nd Street location since they are being used by contractors for non storm related purposes.

Mr. DeVlieger requested trash and recycling cans be replaced in the north end beach areas.

Mr. Hartzell requested the administration to find out why the work had come to a halt between North & First Street on West Avenue.

Mr. Allegretto announced the Mayor has not placed funding in the budget for the Ethics Board and asked for direction from Council. Mr. Ping asked if there were any pending issues and asked what the budget was last year. Mr. Allegretto said no issues were pending that he was aware of and \$20,000 was budget last year.

Mr. Hartzell requested the Administration provide the exact costs incurred by the City under each administration with the Ethics Board since its inception. Mr. Guinosso spoke in support of retaining a local Ethics Board asked for any other costs under the JIF or city and suggested the Ethics Board combine the services using the Human Resource Director.

Mr. Wilson reported he spoke to the State's Local Finance Board and said that 90% of ethics violations filed with State were due to the non-filing of financial disclosures and said only two other employee cases were settled by the State's Local Finance Board.

NEW BUSINESS

Mr. Guinosso announced his 4th Ward Meeting will be held Saturday, March 16 at 9:00 am at Our Lady of Good Counsel Parish Hall.

Mr. McClellan congratulated the OCHS Girls basketball team on winning the State Championship.

CITIZEN COMMENT

Al Growe, 5519 Simpson Avenue – reported there is debris and glass in the sand taken from street ends.

Bob Taylor, 700 Asbury Avenue – reported he is finding it difficult to re-open his store since it is now located in the V-Zone and asked if the City was challenging FEMA related to the maps. Mr. Hartzell told Mr. Taylor he will stop by and speak with him and announced the City hired a consultant to review the maps.

Wendy Smith, 220 Clipper Drive – asked where the next batch of sand was coming from. Mr. Dattilo responded that some will come from off the island.

Frank Worrell, 3305 Simpson Avenue – believes Council is working together to do the best they can for the entire city since the Sandy Storm.

Mr. Allegretto asked for a motion to adjourn. Motion moved by Mr. Wilson; seconded by Mr. DeVlieger. All ayes followed and the meeting adjourned at pm. 10:41 pm.

/s/

Linda P. MacIntyre, City Clerk