

**CITY COUNCIL MEETING MINUTES
THURSDAY, APRIL 25, 2013 - 7:00 PM
OC FREE PUBLIC LIBRARY, ROOM N110**

ATTENDANCE: Mr. Guinosso, Mr. McClellan, Mr. Ping, Mr. Wilson and Mr. Allegretto. Also present: Mayor Gillian, Michael Dattilo, Business Administrator and Ms. McCrosson, City Solicitor. Via Telephone: Mr. DeVlieger. Mr. Hartzell arrived at 8:21 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

Michael Hyson, 637 Simpson Avenue – suggested additional language be added to Ordinance #13-14 requiring the applicant to have ownership of the property and continue to hold ownership at the time of application.

Bob Faustman, 5545 West Avenue – asked when the south end will have a beach replenishment plan.

Mary Milideo, 1359 Tioga Terrace – suggested additional language be added at second reading to Ordinance #13-12 to address a change in the vertical expansion to allow for a garage with or without walls for homeowners with non-conforming setbacks.

Ed Price, 7 Marlin Court – gave reasons why Council should table or vote no on Resolution #13.

Eric Sauder, 2928 Central Avenue – agreed with Mr. Price's comments.

Pat Levis – thanked the city for the berm in the south end; asked if Mayor Gillian has contacted Senator Van Drew to acquire state help for beach replenishment.

Johthan Westner, 121 North Street – spoke about the flood ordinance and homes that are now in the V-Zone. He stated he researched the FEMA information regarding wave action from the bay and said that it is impossible for a 3' wave to wash ashore from the Bay and urged Council to change the ordinance to reflect the ability to relate to the truth.

REPORTS – MAYOR & ADMINISTRATION

Mayor Gillian read a Proclamation for Arbor Day April 26, 2013; announced a memorial service was held at Veteran's Park by the American Legion honoring the unclaimed remains of the men who lost their lives in the war whose will be buried in the Cape May County Veterans Cemetery.

Mr. Dattilo reported on several occasions the Mayor has spoken to Senator Van Drew who arranged a conference call with the Governor's office and the DEP officials regarding assistance for the south end beaches. He said the City has a Plan B which would be a State/Local beach replenishment project if Federal assistance is not available. He stated that sand continues to be trucked and placed on the south end beaches with harvesting done for Memorial Day and thereafter before the summer season begins. He reported the City is moving forward with obtaining beach easements and announced the City's consultants continue to interact and provide data to FEMA regarding the maps which are to be released later in the year. Mr. Dattilo reported the current beach replenishment project is to be completed no later than May 20, 2013.

REPORTS – CITY COUNCIL

Mr. Allegretto announced he, Mr. Wilson and Mr. McClellan met with the fire chief and exchanged ideas for cost savings initiatives in the Fire Department.

ORDINANCES – INTRODUCTION AND FIRST READING

Mr. Allegretto asked for a motion to introduce on first reading Ordinance #13-13. Motion moved by Mr. Ping; seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **#13-13: An Ordinance Revising Chapter XVII, "Streets, Sidewalks and Sanitation" of the Revised General Ordinances of the City of Ocean City (Recycling)**. Ms. McCrosson explained this ordinance allows for the combination of recycling materials into a single recycling container. There were no council comments. Mr. Allegretto asked for a motion to adopt Ordinance #13-13 on first reading and publish according to law. Motion moved by Mr. Guinosso; seconded by Mr. Ping. All ayes followed. Mr. Allegretto announced second reading and public hearing will be held on May 16, 2013.

Mr. Allegretto asked for a motion to introduce on first reading Ordinance #13-14. Motion moved by Mr. Guinosso; seconded by Mr. Wilson. All ayes followed. The clerk read the ordinance by title: **#13-14: An Ordinance Amending and Supplementing Chapter XII, "Building and Housing", of the Revised General Ordinances of the City of Ocean City, Summer 2013 Demolition**. Ms. McCrosson explained this ordinance permits demolition of properties damaged by Super Storm Sandy for the summer of 2013 only.

Mr. DeVlieger spoke in support of the ordinance with a minor change as suggested by Mr. Hyson to provide more structure. Ms. McCrosson stated the change as suggested was to add the following language in the first sentence to read shall be permitted "by the party or parties that owned the property prior to the storm."

Mr. Wilson stated that he respects Mr. Hyson's opinion but felt that properties should be cleaned up regardless of ownership. Mr. Wilson supports the ordinance as written.

Mr. Guinosso spoke in support of the wording change as suggested.

Mr. McClellan stated he would not support a change in the ordinance because he did not want to hamper anyone's ability to buy or sell a home.

Mr. Ping asked if this wording change would hinder someone in moving forward. Ms. McCrosson stated that it would hinder anyone where there has been a change in title of property; they would have to wait until September. Mr. Ping said that he felt no wording change was needed.

Mr. Allegretto said he was willing to discuss these suggestions but was ready to move forward as written. Mr. Allegretto asked for a motion to adopt Ordinance #13-14 on first reading and publish according to law. Motion moved by Mr. Wilson; seconded by Mr. Guinasso. All ayes followed; except Mr. DeVieger, voted no. Mr. Allegretto announced second reading and public hearing will be held on May 16, 2013.

Mr. Allegretto asked for a motion to introduce on first reading Ordinance #13-15. Motion moved by Mr. Wilson; seconded by Mr. Ping. All ayes followed. The clerk read the ordinance by title: #13-15: An Ordinance Amending and Supplementing Ordinance #87-17, Chapter II, Article 4, of the Revised General Ordinances of the City of Ocean City (2013 Re-organization). Mr. Dattilo explained the ordinance establishes a new Department of Community Operations and consolidates functions of the Departments of Public Works and Community Services. He outlined the changes, spoke about the objectives and announced an organizational chart would be provided before the next meeting.

Mr. Guinasso asked how the change would be measured. Mr. Dattilo said there will be no trail period and felt this is the best model for the city at this time. Mr. DeVieger spoke in support of the ordinance and embraces the change. Mr. Wilson spoke in support of the reorganization which he said he felt was innovative in its creature thinking. Mr. Allegretto stated he supports the change which the administration felt strongly this model would move the City forward in a more efficient manner.

Mr. Allegretto asked for a motion to adopt Ordinance #13-15 on first reading and publish according to law. Motion made Mr. Guinasso; seconded by Mr. McClellan. All ayes followed. Mr. Allegretto announced second reading and public hearing would be held on May 16, 2013.

ORDINANCES – SECOND READING AND PUBLIC HEARING

Mr. Allegretto asked for a motion to take up Ordinance #13-09 on second reading and public hearing. Motion moved by Mr. Wilson; seconded by Mr. Guinasso. All ayes followed. The clerk read the ordinance by title: #13-09: An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank per (NJS 40A: 4-45.14) for Calendar Year 2013. Mr. Donato explained the budget is \$1.1M under the Cap; by the passage of this ordinance the budget will be \$1.8M under the Cap banking the difference for next year's budget if needed.

PUBLIC COMMENT – There were no comments on Ordinance #13-09.

Mr. Allegretto asked for a motion to adopt Ordinance #13-09 on second reading. Motion moved by Mr. Ping; seconded by Mr. Guinasso. All ayes followed.

Mr. Allegretto asked for a motion to take up Ordinance #13-10 on second reading and public hearing. Motion moved by Mr. Ping; seconded by Mr. Guinasso. The clerk read the ordinance by title: #13-10: An Ordinance Replacing and Superseding Chapter XXI, Flood Damage Prevention, of the Revised General Ordinances of the City of Ocean City, New Jersey. Ms. McCrosson explained the ordinance must be updated to maintain a good standing with the National Flood Insurance Program; earns the City points in the CRS ratings which provides discounts for homeowners insurance and complies with current standards with FEMA base flood elevation maps plus BF+2.

PUBLIC COMMENT –

Roy Wagner, 2924 Wesley Avenue – commented regarding the Flood Damage Appeal Board and variances.

Ms. McCrosson explained the difference in the variances which she said would not detract from the powers of the zoning board.

Mr. Ping spoke in support of Ordinance #13-10. Mr. Guinasso questioned storage units and garages permitted in the V-Zone. Ms. McCrosson provided an explanation to his concerns.

Mr. Allegretto spoke about his understanding of moving the ordinance forward regarding the new elevation maps but felt the only benefit is the flood insurance rate discount for the residents. He stated as the maps change, the ordinance can be amended.

Mr. Allegretto asked for a motion to take up Ordinance #13-10 on second reading and public hearing. Motion moved by Mr. Hartzell; seconded by Mr. Ping. All ayes followed, except Mr. Guinasso, voted no.

Mr. Allegretto asked for a motion to take up Ordinance #13-11 on second reading and public hearing. Motion moved by Mr. Hartzell; seconded by Mr. McClellan. All ayes followed, except Mr. Guinasso, voted no and Mr. Wilson stepped away from the table prior to the vote. The clerk read the ordinance by title: #13-11: An Ordinance Amending Ordinance #87-17, Chapter II, "Administration" of the Revised General Ordinances of the City of Ocean City, New Jersey (Proposed by Councilman Allegretto). Ms. McCrosson stated this ordinance eliminates all references to the Ethics Committee and the regulations establishing the Ethics Board. She announced the code of ethics of the State of New Jersey would still apply and any ethics hearing required would be conducted by the Local Finance Board.

PUBLIC COMMENT

The following persons spoke in support of retaining the Ethics Board:

Julie Bumgardner, 3004 Wesley Avenue

Roy Wagner, 2924 Wesley Avenue

Stan Pszczolwski, 104 53rd Street; Ethics Board member

Jack Stover, 1008 Wesley Avenue

Eric Sauder, 2928 Central Avenue

Mr. Guinosso spoke in support of retaining the board and suggested the HR director play a role in the board. Mr. Hartzell supports ethics but not duplication of services since all ethics matters can be handled at the State level by the Local Finance Board. Mr. Hartzell stated he would be willing to work with Mr. Guinosso and the current members of the board to form an advisory panel to guide persons who need assistance.

Mr. Wilson thanked the Board for their work efforts but felt confident the State Local Finance Board can handle any and all ethics complaints. Mr. DeVlieger spoke about what he felt were inappropriate resources and structure of the board to be effective. Mr. Allegretto spoke about the financial aspect related to funding this board. Mr. Ping provided reasons why he did not agree with establishing an advisory panel.

Mr. Allegretto asked for a motion to adopt Ordinance #13-11 on second reading. Motion moved by Mr. Hartzell; seconded by Mr. Wilson. All ayes followed, except Mr. Guinosso, voted no.

RESOLUTIONS – CONSENT AGENDA:

13-49-207 - #1. - A Resolution to Authorize the Advertisement of Specifications for City Contract #13-27, Helicopter Air Tours Based from the Ocean City Municipal Airport

13-49-208 #2. - A Resolution to Authorize the Advertisement of Specifications for City Contract #13-36, Airplane Rides Based from the Ocean City Municipal Airport

13-49-209 #3. - A Resolution to Authorize the Advertisement of Specifications for City Contract #13-49, Boardwalk Reconstruction – 5th Street to 6th Street

13-49-210 #4. - A Resolution to Authorize the Advertisement of Specifications for City Contract #13-50, Boardwalk Reconstruction – 5th Street to 6th Street, Electrical Removal and Reinstall

13-49-211 #5. - A Resolution Authorizing the Award of a Professional Service Contract for City RFP #Q-13-02, Commercial Appraiser Services for the City of Ocean City

13-49-212 #6. - A Resolution Authorizing a 2013 Summer Season Lease Agreement Between the City of Ocean City & the Flagship Condominium Association for the Use of a Parking Office Facility & a Right of Way to Connect the Adjacent Municipal Parking Lots

13-49-213 #7. - A Resolution Authorizing the City's Participation in State Contract #T-2100, Vehicles, Trucks, Class 2, Pickup/Utility, with Snow Plow Option for the Purchase of One (1) 2013 or Newer Ford Super Duty F-250 SuperCab 4WD Pickup Truck with Snow Plow to be Used by the Department of Public Works

13-49-215 #9. - A Resolution Authorizing an Emergency Temporary Appropriation

13-49-216 #10. - A Resolution Reappointing Richard A. Russell, Esquire as Municipal Court Judge for the City of Ocean City

13-49-217 #11. - A Resolution Consenting to City Council's Appointment of Donna Moore and James Tweed as Alternate Members to the Environmental Commission

13-49-218 #12. - A Resolution Consenting to City Council's Appointment of Martin Mozzo, Jr. as a Member to the Utility Advisory Commission

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

13-49-214 #8. - A Resolution Authorizing the Payment of Claims.

13-49-219 #13. - A Resolution Authorizing the Award of a Contract to Shore Shine Car Wash, LLC for Cleaning, Fluid & Filter Changes of Various City Owned Vehicles.

Mr. Guinosso pulled the above resolutions; questioned the payment to Shore Shine Car Wash and questioned why this service was not bid out. Mr. Dattilo spoke about the various bid and quote thresholds and stated that most of the city vehicles needed to be serviced immediately following Hurricane Sandy.

PUBLIC COMMENT - Resolutions #8 and #13

Eric Sauder, 2928 Central Avenue – requested clarification on the bid thresholds and asked if the payment went through the Purchasing Agent to Shore Shine Car Wash. Ms. McCrosson provided an explanation to which Mr. Hartzell reported that the City's Purchasing Agent reviewed the law and also contacted the State Purchasing Division.

Michael Hinchman, West Atlantic Boulevard – wanted to make sure the work was handled properly under the policies and procedures of the City.

Dale Braun, 326 West Avenue – said the City should pay the bill and have further discussions on how this could be done better in the future in times immediately following a disaster.

Mr. Allegretto asked for a motion to adopt Resolution #8 and #13. Motion moved by Mr. Wilson; seconded by Mr. Hartzell. All ayes followed.

PENDING BUSINESS

Mr. McClellan announced he will have a ward meeting on Saturday, April 27th at the 8th Street Recreation Center.

Mr. Hartzell spoke about the labor costs and the overhead related to the installation of the furnaces and hot water heaters by Bradley's Plumbing and Heating Company at Peck's Beach Village.

Mr. Wilson announced he reviewed the bills for Pecks Beach Village and found them to be reasonable for the amount of work done.

Mr. Ping spoke about the seagull issue and speed limit on Rt. 52 and asked when the employees would be returning to the ground floor of City Hall. Mayor Gillian reported the State Department of Transportation is aware of the seagull problem and are working on speed limits; final architectural plans are being reviewed for the ground floor with bids to go out in September.

Mr. Devieger invited the public to support the OC High School surf team who won their 19th straight championship. He then addressed an issue on flooding and road paving brought forward at a past meeting by Burt Diamond and reiterated that he is committed to a pumping station project to be built at 3rd & Haven when grant money funding becomes available and said the road repaving plan that is moving forward; cold patches will be used when needed.

Mr. Guinosso asked if there were any ideas for implementing ADA ramps over the berms in the south end. Mr. Dattilo said that work is being done with the paths groomed throughout the summer. Mr. Dattilo said signage is needed to show locations for ADA access. He then reminded Mr. Dattilo about the depression in the road at 55th Street.

Mr. Allegretto handed out a draft zone designation change ordinance for council's review to be considered for the next Council meeting.

NEW BUSINESS

Mr. DeVieger thanked the administration for permitting him to attend the meeting by remote access since the nature of his work caused him to be out of town.

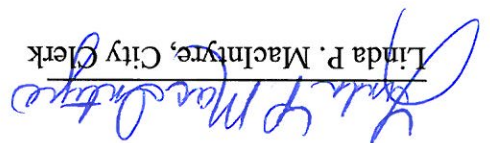
CITIZEN COMMENT

Michael Hinchman, West Atlantic Boulevard – spoke about his frustration dealing with the work and costs associated with furnaces and hot water heaters installed by Bradley's at Peck's Beach Village.

Eric Sauder, 2928 Central Avenue – spoke on Ordinance #13-14 requesting the demolition of homes not occur during the summer months so tourists can enjoy their vacation.

Dale Braum, 326 West Avenue – spoke on Ordinance #13-13 requesting to upgrade the trash can limit from 32 gallon to 35 gallon. Mr. Dattilo said he will discuss with the Public Works Director.

Mr. Allegretto asked for a motion to adjourn. Motion moved by Wilson, Guinosso. All ayes followed. The meeting adjourned at 10:31 pm.


Linda P. MacIntyre, City Clerk