

CITY COUNCIL MEETING MINUTES
THURSDAY, MAY 16, 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 present: Mr. Dattilo, Business Administrator and Ms. McCrosson, City Solicitor. Mayor Gillian was absent.

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

Cynthia Hart, 713 First Street – spoke in opposition of Ordinance #13-17.

Jim O'Rourke, 13 Leyte Lane - spoke in opposition and requested Council table Ordinance #13-12.

Fred Hoffman, 807 Second Street – said that realtors and investors should be required to post the City's regulations regarding the noise ordinance and occupancy limit in rental properties.

Michael Hinchman, 281 West Atlantic Boulevard – spoke about the budget and suggested dialogue be permitted between Council and the public during citizen comment period.

Roy Wagner, 2924 Wesley Avenue – spoke in opposition of Ordinance #13-16.

Lori Huck, 1912 Glenwood Drive – spoke in opposition and requested Council table Ordinance #13-12.

Eric Sauder, 2928 Central Avenue – asked the status of federal beach replenishment for the south end.

APPROVAL OF MINUTES

Mr. Allegretto asked for a motion to adopt the Regular City Council Meeting Minutes of Thursday, April 11, 2013. Motion moved by Mr. Hartzell; seconded by McClellan. All ayes followed.

REPORTS – MAYOR & ADMINISTRATION

Mr. Dattilo presented a Proclamation for Beach Safety Week May 25 to June 2 to Operations Chief Tom Mullineaux of the Ocean City Beach Patrol; announced the beach replenishment project is to be completed by June 15 and stated the City has not received further information from the Army Corps regarding beach replenishment for the south end beaches; he said 90,000 cubic yards of sand is being placed on the beaches from 50th to 58th Street. He spoke about the City receiving a \$100,000 Department of Transportation grant for the 9th Street and Haven Avenue path signal. Ms. McCrosson spoke about the letter the City received from COAH regarding the possible taking of COAH funds and reported the Superior Court has a temporary restraining order to stop the state from taking the funds.

Mr. Hartzell questioned the dollar amount which COAH is seizing and asked if any funds were used to restore Peck's Beach Village. Mr. Donato said the amount in question is \$1.4M. Ms. McCrosson provided an explanation regarding the City's initial intention of the use of COAH funds and said funds were used for the restoration of Peck's Beach Village as an emergent condition from the Hurricane.

Mr. Guinosso asked about the type of material being placed on top of the berms and asked if the City could control occupancy limits in rental properties. Mr. Dattilo said that the sand is being tested prior to placement on the beach. Ms. McCrosson said that the City's noise ordinance which controls those type issues. Mr. Hartzell requested the noise ordinance be included when the mercantile licenses are sent out. Mr. DeVlieger said city information is provided to the renters in welcome bags given out by the realtors.

REPORTS – CITY COUNCIL – There were no reports

ORDINANCES – INTRODUCTION AND FIRST READING

Mr. Allegretto asked for a motion to introduce on first reading Ordinance #13-16. Motion moved by Mr. Hartzell; seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **#13-16: An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development, of the Revised General Ordinances of the City of Ocean City to Change the Zone Designation of Block 2703, Lot 1 through 11 from R-2-40 to R-2-30 (Proposed by Councilman Allegretto)**. Ms. McCrosson explained 7 out of 13 lots in Block 2703 were non-conforming and adoption of the ordinance would render the entire block conforming. Mr. Allegretto explained the reasons why he felt this was a fair request so people do not have to go through the Zoning Board for a variance. Council members spoke in support of the ordinance.

Mr. Allegretto asked for a motion to adopt Ordinance #13-16 on first reading and publish according to law. Motion moved by Mr. Hartzell; seconded by Mr. McClellan. All ayes followed. Mr. Allegretto announced second reading and public hearing will be held on June 27, 2013.

Mr. Allegretto asked for a motion to introduce on first reading Ordinance #13-17. Motion moved by Mr. Hartzell; seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **#13-17: An Ordinance Amending Ordinance #87-17, Chapter IV "Police Regulations" of the Revised General Ordinances of the City of Ocean City (Revisions to Soliciting Ordinance)**. Ms. McCrosson said the ordinance was requested by the City Prosecutor and would prohibit the solicitation of money for playing instruments on the boardwalk unless a permit in writing is issued by the Mayor.

Mr. Guinasso spoke in opposition of the ordinance. Mr. McClellan asked if there would be cost for the permit. Ms. McCrosson said Council would have to set a fee under the fee ordinance. Mr. Hartzell said there are venues in the city for people to show their talent. Mr. Wilson spoke in support of the ordinance. Mr. DeVieger suggested a designated boardwalk area and reasonable permit fee be established. After further discussion there was consensus was to move the ordinance forward and obtain further information from the prosecutor and the Police Chief prior to second reading.

Mr. Allegretto asked for a motion to adopt Ordinance #13-17 on first reading and publish according to law. Motion moved by Mr. Hartzell; seconded by Mr. Wilson. All ayes followed; except Mr. Guinasso, voted no. Mr. Allegretto announced second reading and public hearing will be held on May 30, 2013.

Mr. Allegretto asked for a motion to introduce on first reading Ordinance #13-18. Motion moved by Mr. Wilson; seconded by Mr. Guinasso. All ayes followed. The clerk read the ordinance by title: #13-18: **Ordinance Establishing and Fixing Salary for the Director of Community Operations.** Mr. Dattilo explained the proposed salary if Ordinance #13-15 was adopted tonight. There was no Council discussion.

Mr. Allegretto asked for a motion to adopt Ordinance #13-18 on first reading and publish according to law. Motion moved by Mr. Hartzell; seconded by Mr. Guinasso. All ayes followed. Mr. Allegretto announced second reading and public hearing will be held on May 30, 2013.

Mr. Allegretto asked for a motion to introduce for first reading Ordinance #13-19. Motion moved by Mr. Hartzell; seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: #13-19: **An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development, of the Revised General Ordinances of the City of Ocean City (Coastal Cottages).** Mr. Scheule, the Planning Board's Planner explained the ordinance creates a new conditional use in the Drive-In Business Zone known as Coastal Cottages; a planned development requiring a minimum of 15,000 square feet, minimum depth of 115 feet and maximum density of 19 dwellings per acre providing viable alternative and additional opportunities to build single family homes. Mr. Scheule offered three changes to the ordinance as follows: Section 3 footnote (3) add "steps in rear yard are permitted to within 6 inches of easement"; and (e) (1) add "or alley" after street in first sentence (2) remove in second sentence "along rear property lines" and add "adjacent to rear lines of lots fronting on an alley".

Mr. Hartzell spoke in support of the coastal cottage concept especially for those living on Tioga Terrace which he felt encourages affordable year round living. Mr. Wilson spoke about the unique characteristics of this neighborhood concept which could bring additional families to live in the community. Mr. DeVieger said this fit is a vast improvement to what currently exists. Mr. Guinasso spoke about his concern to density related to lot coverage and lot depth. Mr. McClellan said that the design concept provides for affordable single family homes. Mr. Allegretto stated that the Planning Board is looking at these type neighborhoods to provide for affordable housing.

Mr. Allegretto asked for a motion to adopt Ordinance #13-19 as amended on first reading and publish according to law. Motion moved by Mr. Hartzell; seconded by Mr. DeVieger. All ayes followed. Mr. Allegretto announced second reading and public hearing will be held on June 27, 2013.

ORDINANCES – SECOND READING AND PUBLIC HEARING

Mr. Allegretto asked for a motion to take up Ordinance #13-12 on second reading and public hearing. Motion moved by Mr. Wilson; seconded by Mr. McClellan. All ayes followed, except Mr. Guinasso, voted no. The clerk read the ordinance by title: #13-12: **An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised General Ordinances of the City of Ocean City, New Jersey (2013-2- Residential Mechanical).** Mr. Scheule outlined the two minor revisions per Council's instruction at introduction of the ordinance and also requested the following changes under Section 4 (1) delete "the steps, landing and" and Ms. McCrosson requested an addition to Section 7 a. to add at the end of the paragraph "or storage room" and the recommendation in the consistency report by the Planning Board to change the top plate diagram.

PUBLIC COMMENT – Ordinance #13-12

Jim O'Rourke, 13 Leyte Lane – requested Council to modify the ordinance and remove the additional foot above the bulkhead height.

After much Council discussion on the changes to this ordinance, Council suggested and Ms. McCrosson agreed that Section 6, Section 25-300.17 Rear Yards on Waterfront Lots (a.1) can be moved and brought back at a later date. There was Council consensus to do so.

Mr. Allegretto asked to adopt the amended changes in Ordinance #13-12 as noted in the above explanation to include the removal of section 6 in its entirety. Motion moved by Mr. Wilson; seconded by Mr. Hartzell. All ayes followed.

Mr. Allegretto then asked for a motion to adopt Ordinance #13-12 as amended. Motion moved by Mr. Hartzell; seconded by Mr. Wilson. All ayes followed.

Mr. Allegretto asked for a motion to take up Ordinance #13-13 on second reading and public hearing. Motion moved by Mr. Hartzell; seconded by Mr. Guinasso. 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 stated the ordinance describes single stream recycling and memorializes Mr. Rossbach’s presentation at first reading.

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

There was no Council discussion. Mr. Allegretto asked for a motion to adopt Ordinance #13-13 on second reading. Motion moved by Mr. Hartzell; seconded by Mr. Guinosso. All ayes followed.

Mr. Allegretto asked for a motion to take up Ordinance #13-14 on second reading and public hearing. Motion moved by Mr. Guinosso; seconded by Mr. Hartzell. 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 spoke about some clarification changes in the ordinance from first reading regarding demolition of properties damaged by Super Storm Sandy for the summer of 2013 only.

PUBLIC COMMENT – Ordinance #13-14

Mike Hyson, 637 Simpson Avenue – stated the ordinance should be exclusive to only homeowners who sustained substantial damage and requested Council not adopt the ordinance with the language as adopted on first reading.

Council discussed the ordinance adopted at first reading and then reviewed two different draft ordinances brought forward; one by Mr. Allegretto and one by Ms. McCrosson both had different language changes. There was much Council discussion regarding the language changes in the two draft ordinances. Mr. Guinosso agreed with Mr. Hyson’s suggestion. Mr. Allegretto said the intent of this ordinance is to help people get back into their homes.

Mr. Allegretto then asked for a motion to adopt one of the three ordinances on the table. Mr. Wilson made a motion to adopt Ordinance #13-14 as adopted on first reading; seconded by Mr. McClellan. Mr. Hartzell, Mr. McClellan, Mr. Wilson and Mr. Allegretto voted yes. Mr. DeVlieger and Mr. Guinosso, voted no.

Mr. Allegretto asked for a motion to take up Ordinance #13-15 on second reading and public hearing. Motion moved by Mr. Hartzell; seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **#13-15: 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.

PUBLIC COMMENT – There was no public comment on Ordinance #13-15.

There was no Council discussion. Mr. Allegretto asked for a motion to adopt Ordinance #13-15 on second reading. Motion moved by Mr. Hartzell; seconded by Mr. Guinosso. All ayes followed.

RESOLUTION #1.

Second Reading, Public Hearing and Final Adoption–2013 Local Municipal Budget. Mr. Dattilo read a statement on behalf of the Mayor requesting adoption of the budget which he felt was sound and fair to the taxpayers. Mr. Donato then outlined the amendments made to the budget from its introduction.

PUBLIC COMMENT –

Roy Wagner, 2924 Wesley Avenue – requested reductions in the Fire Department budget.

Mr. Wilson, Mr. DeVlieger spoke in support of the budget as presented.

Mr. Guinosso spoke in opposition of the budget and agreed with Mr. Wagner, Mr. Hartzell and Mr. Ping that a new model is needed using EMT’s in the Fire Department. Mr. Guinosso said that he wants a zero tax increase and more money dedicated to repairing the infrastructure.

Mr. Hartzell requested a vote to place the downtown debt back into the budget; said that he is committed to reduce overtime in the Fire Department budget and requested moving \$100,000 from the Fire budget to the EMT overtime budget for a pilot program for a model change using part-time EMT’s.

Mr. Dattilo said the Mayor is committed in taking a comprehensive look at recommendations brought forward for model changes and encouraged Council to participate with the Fire Chief in a thorough review of the Fire Department.

Mr. Donato did not recommend moving \$100,000 out of the Fire budget which would eliminate Fire overtime for the year. Mr. Hartzell then requested moving \$50,000, \$25,000 or \$20,000.

Mr. Allegretto reported he and other Council members met with Fire Chief and Police Chief and will met again shortly with the Fire Chief who will be bringing forward suggestions to generate additional revenue he has been looking at in his department.

Mr. Costello then reviewed the procedures for amending the budget.

Mr. Allegretto asked for a motion to approve the amendments as proposed by the Administration. Motion moved by Mr. Hartzell; seconded by Mr. DeVlieger. All ayes followed.

Mr. Hartzell made a motion to add the downtown debt of \$22,000 to the budget; adding \$22,000 to tax levy. Motion was seconded by Mr. Guinasso. All ayes followed.

Mr. Hartzell made a motion to reduce the Fire Protection salary and wages by \$20,000 adding it to the Rescue Services Division salary and wages account. Motion seconded by Mr. Guinasso. Mr. DeVlieger, Mr. Guinasso and Mr. Hartzell voted yes. Mr. McClellan and Mr. Allegretto voted no. Mr. Wilson abstained from the vote. The vote failed.

Mr. Allegretto asked for a motion to approve the budget with the two amendments. Motion moved by Mr. Wilson; seconded by Mr. DeVlieger. Mr. DeVlieger, Mr. McClellan, Mr. Wilson and Mr. Allegretto voted yes. Mr. Guinasso and Mr. Hartzell, voted no.

RESOLUTIONS – CONSENT AGENDA:

13-49-223 - #3. A Resolution Authorizing the Award of City Contract #13-12, Supply of Lifeguard Uniforms 13-49-224 - #4. A Resolution Authorizing the Award of City Contract #13-44, Installation of Sand Fence and Dune Grass 13-49-226 - #6. A Resolution Authorizing the Award of a Contract to Trico Equipment Services, LLC for

Repairs and Maintenance of Various Equipment used by the Department of Public Works 13-49-228 #8. A Resolution Authorizing Change Order #1, Final Payment and Final Acceptance of City Contract #12-68 R-1, FEMA STEP Program-Emergency Protective Measures & City Building Rehabilitation Required due to Super Storm Sandy 13-49-229 # 9. A Resolution Authorizing the Payment of Claims 13-49-231 #11. A Resolution Reappointing Frank Donato, III as Chief Financial Officer of the City of Ocean

City 13-49-232 #12. A Resolution Consenting to the Mayor's Appointment of Roger D. McLarnon as the Director

of Community Operations for the City of Ocean City 13-49-233 #13. A Resolution Consenting to the Mayor's Appointment of Sandra Simpson as a Member to the

Shade Tree Committee 13-49-234 #14. A Resolution Authorizing the Administration to Obtain Beach Easements

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

RESOLUTIONS – NON CONSENT AGENDA

13-49-222 - #2. A Resolution Authorizing the Award of City RFP #Q-13-007, Acquisition of Recreation Beach Access Matting. Mr. Guinasso asked how many mats were being purchased and where they would be placed. Mr. Dattilo said 16 mats will be purchased and placed primarily in the south end, south of 50th Street. 13-49-225 #5. A Resolution Authorizing the Award of City Contract #13-48 R-1, Ocean City Life Saving Station Reconstruction of Outbuildings and Exterior Renovations. Mr. Guinasso asked if any grants will be coming in for the Station. Mr. Dattilo spoke about the \$750,000, 50% matching grant, from NJ Historic Trust and 50% match from City Capital Funds. 13-49-227 #7. A Resolution Authorizing Change Order #7, Final Payment and Final Acceptance of City Contract #12-59 R-2, Ocean City Housing Authority Roof Replacement – Peck's Beach Village. Mr. Guinasso asked if the resolution was part of an emergent condition from the Storm. Mr. Dattilo said this project was prior

to the Hurricane. 3-49-230 #10. A Resolution Authorizing the Recognition of the Community Emergency Response Team (CERT). Mr. Guinasso recognized the work of Mr. Donato and the Cert Team volunteers during the Hurricane. 13-49-235 #15. A Resolution Authorizing the Administration to Obtain Easements to Permit City Dredging of Snug Harbor. Mr. McClellan reported he is working to address other dredging issues such as in Glen Cove and Bay Club lagoons. Mr. Allegretto said that once the City gets the 9th Street Bridge project spoil site back, it will be available for the placement of dredge materials. Mr. Hartzell suggested a north end neighborhood. Mr. Wilson stated he is committed to the entire bay front community to find ways to move this material for people to be able to get water back to their docks once again.

PUBLIC COMMENT

Roy Wagner, 2829 Wesley Avenue – said he is pleased the City is awarding Resolution #5. Shawn Barnes, lives in Snug Harbor – spoke in support of Council adopting Resolution #5 and provided a history of the dredging of the lagoon. Edward May, 28 West 8th Street – reported the City had dredged the lagoon in the past and said he looks forward to a neighborhood meeting to addresses these issues.

Mr. Allegretto asked for a motion to adopt Resolution #2, #5, #7, #10 and #15. Motion moved by Mr. Wilson; seconded by Mr. Hartzell. All ayes followed.

PENDING BUSINESS

Mr. Hartzell spoke about a letter Council received from a constituent regarding ponding water in her driveway. Mr. Guinasso reported Mr. Rinck will be coming out to do survey of what is needed to correct the problem.

Mr. DeVlieger asked when Pennlyn Place would be paved and when hot patch would replace the cold patch work done by utility companies. Mr. Dattilo responded Pennlyn Place is scheduled to be paved around the first week of June and that he is waiting on a schedule from the City Engineer for other repaving jobs.

Mr. Guinosso reported Steve Maas has a spoil site he would like the City to look at; spoke about the need to repair the bulkheads and to control the people walking their dogs on the boardwalk.

Mr. Allegretto asked when the paving would be completed around 7th, 8th and around West Avenue between 8th and 9th Street. Mr. Dattilo confirmed the work will be completed shortly. Mr. Allegretto reported he invited Senator Van Drew to attend an upcoming meeting to discuss beach replenishment.

NEW BUSINESS – There was no new business.

CITIZEN COMMENT

Wendy Smith, 220 Clipper Drive – spoke about not hearing back regarding beach replenishment for the south end and the need to have proper grading for ADA beach access.

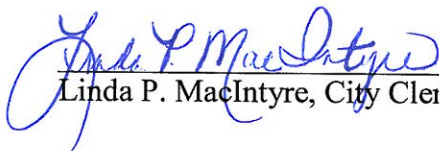
Paul, a resident of Ocean City – spoke about the size and height of the current berm and questioned what point the City approaches the state for beach replenishment. Mr. Dattilo said the City is waiting for a report from the State to provide information regarding the plan how New Jersey's coast will be replenishment over the next 12 to 18 months.

Paul Hyson, 637 Simpson Avenue – requested Council to comment to having workshop and a town hall meeting type format with dialogue between the citizens and council.

Lauren Perkins, south end resident – suggested using hiring full time EMT's to better manage overtime.

Mr. Hartzell reported he spoke with Senator Van Drew who is going to fight for federal funding for beach replenishment.

Mr. Allegretto asked for motion to adjourn. Motion moved by Mr. Wilson; seconded by Mr. Allegretto. All ayes followed. The meeting adjourned at 11:32 pm.


Linda P. MacIntyre, City Clerk

