

CITY COUNCIL MEETING MINUTES
THURSDAY, SEPTEMBER 12, 2013 - 7:00 PM
OC FREE PUBLIC LIBRARY

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

Council President Wilson called the meeting to order at 7:00 pm and asked everyone to rise for the flag salute. He announced the meeting had been advertised in accordance with P.L. 1975, Chapter 231.

Mayor Gillian presented a plaque to Mike Dattilo for his 40 years of dedicated service to the OC Youth Athletic Association and recognized the OC Little League Baseball team who won the District 16 Championship.

CITIZEN COMMENT

Fred Hoffman, 807 Second Street – doesn't support the current plan for garages in the recent ordinance that council approved.

Bob Dubil, 2837 Haven Avenue – addressed concerns regarding Ordinance #13-27 and suggested a "No Truck Sign" as a better solution to control the traffic flow problem.

Steve Beseris, 3520 Bay Avenue – questioned what the plan was for the skateboard park.

Eric Sauder, 2928 Central Avenue – spoke about the Hospitality Zone ordinance discussed by at the Planning Board meeting and indicated he didn't want to see any over development.

Jackie Wolchko, 5009 Haven Avenue – spoke about the lack of dunes in the south end & flooding in her area.

APPROVAL OF MINUTES

Mr. Wilson asked for a motion to adopt the Regular City Council Meeting Minutes of Thursday, August 22, 2013 (all present). Motion moved by Mr. Ping; seconded by Mr. Guinosso. All ayes followed.

REPORTS – MAYOR & ADMINISTRATION

Mayor Gillian read proclamations declaring September Ovarian Cancer Awareness Month and Constitution Week-September 17th through 23rd.

Ford Scott & Associates City Auditor, Leon Costello and associate Mike Garcia presented the 2012 audit with no findings or recommendations. Mr. Garcia reported a local resident filed financial allegations to the State. Mr. Garcia read the management report which concluded the City was not in violation of any of the allegations made by the resident.

Mr. Allegretto asked for an update on Skateboard Park. Mr. Dattilo reported the park will be included in the overall design of the 6th Street Recreation Facility.

REPORTS – CITY COUNCIL

Mr. DeVlieger spoke about a meeting he and Mr. Allegretto attended regarding elevation grants available under the Make America Stronger program for primary single family homes.

Mr. Ping said a decision should be made when to implement placing sand back on the south end beaches.

ORDINANCES – INTRODUCTION AND FIRST READING

Mr. Wilson asked for a motion to introduce on first reading Ordinance #13-28. Motion moved by Mr. Ping; seconded by Mr. Hartzell. All ayes followed. The clerk read the ordinance by title: **#13-28: An Ordinance Amending and Supplementing Chapter XXI, "Flood Damage Prevention" of the Revised General Ordinances of the City of Ocean City (Offered by the Administration)**. Mr. Schuele, the Planner Board Planner outlined the revisions which were in reaction to the introduction of the Preliminary Work Maps as recommended by the New Jersey National Flood Insurance Program Coordinator. Mr. Guinosso addressed discussion regarding base flood elevation, a consensus to change language under Section 5 (2) from "plus one foot" to "two feet" was requested by Mr. Wilson.

Mr. Wilson asked for a motion to adopt Ordinance #13-28, as amended to read "two feet" under Section 5 (2) on first reading and publish according to law. Motion moved by Mr. Hartzell; seconded by Mr. Guinosso. All ayes followed. Mr. Wilson announced second reading and public hearing would be held on September 26, 2013.

Mr. Wilson asked for a motion to introduce on first reading Ordinance #13-29. Motion moved by Mr. McClellan; seconded by Mr. Ping. All ayes followed. The clerk read the ordinance by title: **#13-29: An Ordinance Amending a Portion of Ordinance 87-17, Chapter XVIII, "Beaches, Boardwalks and Recreational Areas" of the Revised General Ordinances of the City of Ocean City Smoke-Free Parks and Recreational Areas (Offered by Councilman McClellan & Councilman Ping)**. Mr. Dattilo outlined the areas banning the use of tobacco products and requested a minor language change under Section 1 C at the end of paragraph to read "including but not limited to". There was Council consensus to amend the language.

Mr. Wilson asked for a motion to adopt on first reading, as amended under Section 1C at the end of the first paragraph to read "including but not limited to" and publish according to law. Motion moved by Mr. Hartzell; seconded by Mr. Ping. All ayes followed. Mr. Wilson announced second reading and public hearing would be held on September 26, 2013.

Mr. Wilson asked for a motion to introduce on first reading Ordinance #13-30. Motion moved by Mr. Ping, seconded by Mr. Guinasso. All ayes followed; except Mr. Hartzell stepped away from the table during the vote. The clerk read the ordinance by title: **#13-30: An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development, of the Revised General Ordinances of the City of Ocean City Regulating Zoning Flood Elevation in X Flood Zones (Offered by the Administration)**. Mr. Schuele, the Planner Board Planner reviewed the revisions to the "X" zone which will be two feet above the base flood elevations of the highest adjacent "A" zone. Mr. DeVlieger asked about the impact the homes in the historic district and Mr. Hartzell addressed his concerns with the downtown. Mr. Scheule indicated homes in the historic district are already or above the adjacent "A" zone elevation. Mr. Wilson stated that historic district homes and the downtown should be investigated further as a separate issue.

Mr. Wilson asked for a motion to adopt Ordinance #13-30 on first reading and publish according to law. Motion moved by Mr. Hartzell; seconded by Mr. Ping. All ayes followed. Mr. Wilson announced Ordinance #13-30 will be sent to the Planning Board for consistency; second reading and public hearing to be held on October 10, 2013.

ORDINANCES – SECOND READING AND PUBLIC HEARING

Mr. Wilson asked for a motion to take up Ordinance #13-27 on second reading and public hearing. Motion moved by Mr. Hartzell; seconded by Mr. Guinasso. All ayes followed, except Mr. Ping, voted no. The clerk read the ordinance by title: **#13-27: An Ordinance Amending a Portion of Ordinance 87-17, Chapter VII, Traffic, of the Revised General Ordinances of the City of Ocean City to Reflect Changes**. Mr. Dattilo stated the ordinance would prohibit a no right turn on red at 29th Street south bound.

PUBLIC COMMENT

Bob Dubil, 2837 Haven Avenue – spoke in opposition of Ordinance #13-27.

Mr. DeVlieger suggested additional no truck signs be placed. Mr. Dattilo stated he will discuss this with the police chief. Mr. Ping agreed with Mr. DeVlieger and suggested the no turn on red sign be installed seasonally from May 1 and October 1st. Mr. Wilson spoke in support of the ordinance and suggested the Traffic Safety Unit provide an analysis for seasonal signage. Mr. Ping asked for support to defer this ordinance until a traffic study was completed by the Police. Council members spoke in support of moving the ordinance forward at this time.

Mr. Wilson asked for a motion to adopt Ordinance #13-27 on second reading. Motion moved by Mr. Hartzell; seconded by Mr. Guinasso. All ayes followed, except Mr. Ping, voted no.

RESOLUTIONS – CONSENT AGENDA

13-49-298 - #1. A Resolution to Authorize the Advertisement of Specifications for City Contract #13-55, 2013 Bulkhead Improvements

13-49-300 - #3. A Resolution to Authorize the Advertisement of Specifications for City Contract #13-60, Supply & Installation of Downtown Decorative Pole Foundations

13-49-301 - #5. A Resolution Authorizing the Award of a City RFP #Q 13-008, Title Search Services for the Calendar Year 2013-2016 for the City of Ocean City

13-49-302 - #6. A Resolution Authorizing the Award of a City RFP #Q 13-010, Broker of Record Service for the City of Ocean City Employee Benefit Program

13-49-304 - #8. A Resolution Authorizing the Award of a Contract to Kenneth Marshal Electrical, Inc. for Installation of Sports Field Lighting at the 5th & 6th Street Ball Fields for the Calendar Year 2013

13-49-305 - #9. A Resolution Authorizing the Award of a City RFP #Q 13-014 to Czar Engineering, LLC for Professional Engineering Services for Roof Replacement at the Senior Homes of the OC Housing Authority

13-49-306 - #10. A Resolution Authorizing an Application to the New Jersey Department of Transportation Bike Grant Program for a Bikeway behind the Ocean City Primary School

13-49-307 - #11. A Resolution Authorizing an Application to the New Jersey Department of Transportation Year 2014 Municipal Aid Program, for Reconstruction of 31st, 32nd & 33rd Streets between Bay and West Avenues

13-49-308 - #12. A Resolution Authorizing an Application and Agreement for State Aid to Counties and Municipalities under the New Jersey Transportation Trust Fund Authority Act Safe Streets to Transit

13-49-309 - #13. A Resolution Authorizing Final Acceptance & Final Payment of City Contract #12-28 R-1, City Wide HVAC Improvements

13-49-310 - #14. A Resolution Authorizing Change Order #1, Final Acceptance & Final Payment of City Contract #13-31, Construction of an Emergency Sand Berm for the Southend

13-49-311 - #15. A Resolution Authorizing the City's Participation in State Contract #T-2776, Police Vehicles: Sedans and Sport Utility Vehicles for the Purchase of Two (2) 2014 or Newer Ford Police Interceptor Utility, AWD Vehicles

13-49-312 - #16. A Resolution Granting Cape May County Permission to Enter onto and Perform Construction on City Roads and Property as part of the Bay Avenue (CR 656) Resurfacing Improvement Project From 6th Street to 18th Street

13-49-314 - #18. A Resolution Approving Tax Overpayment Refund 2013-29-46

13-49-315 - #19. A Resolution Authorizing a Professional Services Contract between the City of Ocean City & McManimon & Scotland & Baumann, LLC for General Municipal Bond Counsel Services

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

RESOLUTION – NON CONSENT AGENDA

13-49-299 - #2. A Resolution to Authorize the Advertisement of Specifications for City Contract #13-59, 2013 Sand Hauling Services. Mr. Guinosso questioned the timeline. Mr. Dattilo indicated it would be placed on an as-needed basis.

13-49-303 - #7. A Resolution Authorizing the Award of a Contract to Musco Sports Lighting, LLC for Supply of Sports Field Lighting at the 5th & 6th Street Ball Fields for the Calendar Year 2013. Mr. DeVlieger questioned the timeline. Mr. Dattilo stated the equipment was readily available.

13-49-313 - #17. A Resolution Authorizing the Payment of Claims. Mr. Wilson requested payment #3705 be pulled from the payment of claims and voted on separately.

PUBLIC COMMENT – There was no comment on Resolution #2, #7 or #17.

Mr. Wilson asked for a motion to adopt Resolution #2 and #7. Motion moved by Mr. Guinosso; seconded by Mr. DeVlieger. All ayes followed.

Mr. Wilson asked for a motion to remove payment #3705 from Resolution #17. Motion moved by Mr. Ping; seconded by Mr. Hartzell. All ayes followed. Mr. Allegretto asked for a motion to pay line item #3705. Motion moved by Mr. Hartzell; seconded by Mr. DeVlieger. All ayes followed, except Mr. Wilson, abstained. Mr. Wilson asked for a motion to pay the remainder of items in Resolution #17. Motion moved by Mr. Hartzell; seconded by Mr. Guinosso. All ayes followed.

PENDING BUSINESS

Mr. Hartzell asked if there is a backup plan for south end sand.

NEW BUSINESS

Mr. Allegretto requested Council to consider a resolution asking the state to eliminate pensions for seasonal lifeguards. There was council consensus to bring such an ordinance forward.

Mr. DeVlieger addressed concerns with early morning commercial trash pickup. Mr. Dattilo stated the Police department can mediate these type issues.

Mr. Guinosso announced an upcoming 4th Ward Meeting to be held September 28th at 9:00 am

Mr. McClellan announced the annual Historical Museum luncheon on September 18th at the Flander's Hotel.

Mr. Hartzell announced the Walk for the Wounded will be held on September 28th on the boardwalk.

CITIZEN COMMENT

Al Kelleher, 3304 Haven Avenue – thanked the state for helping the traffic problem at 33rd and Haven which has now increased their traffic problem and requested a no truck sign at 33rd and West Avenue.

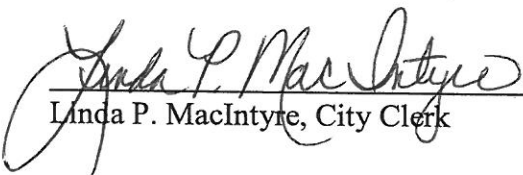
Michael Hinchman, 281 West Atlantic Boulevard – spoke about the audit presentation; said the City should have hired an independent account when allegations to the audit were made to the State.

Jackie Wolchko, 5009 Haven Avenue Spoke about traffic flow along West Avenue at 34th Street

Dale Braun, 326 West Avenue – looking for clarification on base flood elevation, requested repair of the 5th & West Avenue traffic light push buttons and complimented the City on receiving a great audit.

Jan Booth, Dory Drive - spoke about her concerns with not having sand on south end beach.

Mr. Wilson asked for a motion to adjourn. Motion moved by Mr. Hartzell; seconded by Mr. DeVlieger. All ayes followed. The meeting adjourned at 9:52 pm.


Linda P. MacIntyre, City Clerk