

CITY COUNCIL MEETING MINUTES
THURSDAY, SEPTEMBER 26, 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: Mr. Dattilo, Business Administrator and Ms. McCrosson, City Solicitor. Absent: Mayor Gillian.

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.

CITIZEN COMMENT

Wayne Mozzo, 1333 Pleasure Avenue – shared concerns related to the use of helmets and motorized bikes on the boardwalk and suggested the ordinances be reviewed.

Stephanie Barsamian, 37th Street and the Beach – requested the City ban smoking on the beach and suggested the beach walkovers should be placed further onto the beach.

APPROVAL OF MINUTES

Mr. Wilson asked for a motion to adopt the Regular City Council Meeting Minutes of Thursday, September 12, 2013 (all present). Motion moved by Mr. Hartzell; seconded by Mr. Guinosso. All ayes followed.

REPORTS – MAYOR & ADMINISTRATION

Mr. Dattilo reported the Mayor hosted a meeting with Cape May County shore community mayors to discuss petitioning the state and federal agencies to help find a solution for the placement of dredge spoils.

Mr. Wilson said he will review the current ordinances as suggested by Mr. Mozzo in citizen comment.

REPORTS – CITY COUNCIL

Mr. Guinosso reported over 7,000 people attended the Airport Festival.

Mr. Hartzell announced the Walk for the Wounded will be held this coming weekend on the boardwalk.

ORDINANCES – INTRODUCTION AND FIRST READING

Mr. Wilson asked for a motion to introduce on first reading Ordinance #13-31. Motion moved by Mr. Ping; seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **#13-31: 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 is a combination of Ordinance #13-10 and #13-28 which sets forth the “best available data”; the new term being used by FEMA with respect to the latest maps which supersedes the Advisory Base Elevation maps; the revisions have been recommended by the New Jersey Flood Insurance Program Coordinator. She then requested Council not take up Ordinance #13-28 for second reading.

Mr. Wilson asked for a motion to adopted Ordinance #13-31 on first reading. Motion moved by Mr. Hartzell; seconded by Mr. McClellan. All ayes followed. Mr. Wilson announced the ordinance will be sent to the Planning Board for consistency review with second reading and public hearing on October 22, 2013.

ORDINANCES – SECOND READING AND PUBLIC HEARING

Mr. Wilson asked for a motion to take up on second reading Ordinance #13-28. Motion moved by Mr. Guinosso. There was no second motion. The ordinance died at the table. **#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. Wilson asked for a motion to take up on second 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, Boardwalk 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).** Ms. McCrosson outlined the changes council made at first reading; said signage will be placed and read the penalties.

PUBLIC COMMENT – Ordinance #13-29

Sean Zellers, Ocean City - spoke in support of the ordinance

Dr. Bob Slotner, Atlantic Prevention Resources, Northfield – spoke in support of the ordinances and said they have signs they can provide to the city.

Wendy Smith, 220 Clipper Drive – requested an ordinance to ban smoking on the beaches.

Frank Worrell, 3305 Simpson Avenue – questioned the use of electronic cigarettes.

Mr. DeVlieger requested Police provide education. Mr. McClellan thanked the Advisory Council on Physical Fitness for bringing the ordinance forward. Mr. Hartzell asked if banning smoking on the beach was unconstitutional. Ms. McCrosson said she would research the issue. Mr. Wilson said Police will provide enforcement at student athletic events and electronic cigarettes are included in the ordinance.

Mr. Wilson asked for a motion to adopt Ordinance #13-29 on second reading. Motion moved by Mr. McClellan; seconded by Mr. Ping. All ayes followed.

RESOLUTIONS – CONSENT AGENDA

- 13-49-316-#1.** A Resolution to Authorize the Advertisement of Specifications for City Contract #13-47, 2013 Fall Road Program – Phase III
- 13-49-317-#2.** A Resolution to Authorize the Advertisement of Specifications for City Contract #14-03, Citywide Custodial Services for the City of Ocean City and the Ocean City Free Public Library
- 13-49-318-#3.** A Resolution to Authorize the Advertisement of Specifications for City Contract #14-09, Supply & Delivery of Sand Fence & Posts & Rail
- 13-49-319-#4.** A Resolution Authorizing the Award of City Contract #13-18, Purchase of Police & Fire Department Uniforms
- 13-49-320-#5.** A Resolution Authorizing the Award of a City Contract #13-45, 2013 Fall Road Program - Phase II
- 13-49-321-#6.** A Resolution Authorizing the Award of a City Contract #13-58, Acquisition & Installation of Bluegrass Blend Sod
- 13-49-322-#7.** A Resolution Authorizing the Award of City RFP #Q-13-016, Commercial Property Valuation & Appraisal Services for the Anticipated 2014 Ocean City Compliance Plan
- 13-49-323-#8.** A Resolution Authorizing the City's Participation in Atlantic County Cooperative Pricing Program for Award of County Bid #201338.1 Furnishing & Delivering of Rock Salt to Participating Members of the Atlantic County Cooperative Program (#41-ACC)
- 13-49-324-#9.** A Resolution Authorizing the Execution of a Shared Services between the City of Ocean City and the City of North Wildwood, Cape May County, New Jersey
- 13-49-325-#10.** A Resolution Authorizing the Execution of a Shared Services Agreement with the Ocean City Housing Authority for the Replacement of the Roof on the Peck's Beach Village-Senior Homes
- 13-49-326-#11.** A Resolution Authorizing Change Order No. 1 to Mathis Construction Company, Inc. for Emergency Sand Hauling at Various Locations
- 13-49-327-#12.** A Resolution Amending the 2013 Budget of the City of Ocean City to Include Additional Revenue from the State of New Jersey, Department of Law and Public Safety, New Jersey State Police, Office of Emergency Management
- 13-49-328-#13.** A Resolution Authorizing the Execution of a Shared Services Agreement with the Ocean City Free Public Library for the Replacement of the Roof on the Ocean City Community Cultural Center-Ocean City Free Public Library Section
- 13-49-329- #14.** A Resolution Authorizing the Release of a Maintenance Guarantee for a Construction Project at 724 Ocean Avenue Block 705 Lot 16, Project #07-016PMS
- 13-49-330-#15.** A Resolution Authorizing the Payment of Claims

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

RESOLUTION – NON CONSENT AGENDA

13-49-331-#16. A Resolution Requesting that the State of New Jersey Consider Abolishing the Requirements set forth in N.J.S.A. 43:13-23 et seq. (Lifeguard Pension). Ms. McCrosson read the resolution in its entirety. Mr. Allegretto said state legislation passed several years ago that stopped pension for many seasonal employees except lifeguards. He stated employees currently paying into the pension would be grandfathered in.

PUBLIC COMMENT

Eric Sauder, 2928 Central Avenue – spoke in support of Resolution #16 but had concerns with eligibility requirements.

Mike Hamilton, 22 Southview Drive, Somers Point – spoke in opposition of Resolution #16.

Mr. Hartzell stated there would be no changes in the pension system for seasonal lifeguard currently enrolled. Mr. Wilson made it clear the resolution is a request to have the legislation reviewed by the state and that current seasonal lifeguard employees will not have their pension taken away.

Mr. Dattilo requested clarification from Ms. McCrosson regarding language in the resolution saying “for some period of time”. Ms. McCrosson agreed those words be removed from the resolution. After further Council discussion Mr. Wilson asked for a motion to remove the language “for some period of time” from paragraph 7 and adopt Resolution #16 as amended. Motion moved by Mr. Hartzell; seconded by Mr. Guinasso. All ayes followed.

PENDING BUSINESS

Mr. DeVlieger requested clarification regarding sand hauling from the north end beaches for the south end beaches, asked about planting of dune grass and requested an update on the skateboard park. Mr. Dattilo reported that minor amounts of sand hauling never compromise the beaches; said additional dune planting will be done around mid October and said he will have a meeting date early next week.

Mr. Guinasso announced a 4th Ward meeting for October 5th at Our Lady of Good Counsel at 9:00 am.

Mr. Ping asked if there was anything new from Army Corp for south end beach fill. Mr. Dattilo indicated there are continuing signs of good progress; specifications and project agreements should be done by the first week in December and the project will be bid when funds are released.

Mr. Dattilo read a statement on behalf of the Mayor regarding the Planning Board review of the Gill family's proposed redevelopment plan for the former Dan's Dock property at 10th Street & the Bay. Mayor Gillian indicated he would be willing to consider the City's financial involvement under certain terms and conditions that would be to be worked out should the project move forward.

NEW BUSINESS – There was none.

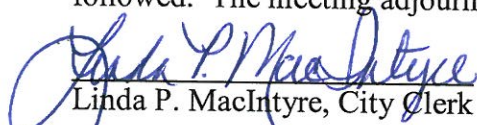
CITIZEN COMMENT

Eric Sauder, 2928 Central Avenue – needed clarification regarding new hires in Resolution #16.

Wendy Smith, 220 Clipper Drive – still concerned about what the plan is if beach replenishment doesn't come through for the south end.

Jay Lamont, 26 Valmar Court – spoke about an article in NJ Monthly magazine outlining the top 100 towns in NJ and was proud to read that Ocean City was selected as the only community in southern counties for the best quality of life.

Mr. Wilson asked for a motion to adjourn. Motion moved by Hartzell, seconded by Mr. McClellan. All ayes followed. The meeting adjourned at 8:12 pm


Linda P. MacIntyre, City Clerk