

**CITY COUNCIL MEETING MINUTES  
THURSDAY, OCTOBER 10, 2013 - 7:00 PM  
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**ATTENDANCE:** Mr. Allegretto, Mr. DeVlieger, Mr. Guinosso, Mr. McClellan, Mr. Ping, and Mr. Wilson. Also present: Mr. Dattilo, Business Administrator and Ms. McCrosson, City Solicitor. Absent: Councilman Hartzell and 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** – requested the Police enforce the ordinance regarding motorized bikes on the boardwalk; enforce the speeding of beach vehicles and require the wearing of helmets while driving.

**Eugene Ross, 201 Anchorage Drive** – requested Council make a monetary donation in support of MS.

**Michael Hinchman, West Atlantic Boulevard** - requested a Public Safety workshop; a meeting with a couple of council members to discuss the debt service and spoke about the rehabilitation of 10<sup>th</sup> & Palen Avenue.

**David Ferrens, 5616 Central Avenue** – spoke about the poor condition of the south end beaches.

**Steven Fenichel, 2117 Bay Avenue** – spoke about the Petnick and Moyer cases involving the City's K9 dog.

**APPROVAL OF MINUTES**

Mr. Wilson asked for a motion to adopt the Regular City Council Meeting Minutes of Thursday, September 26, 2013 (all present). Motion moved by Mr. Ping; seconded by Mr. McClellan. All ayes followed.

**REPORTS – MAYOR & ADMINISTRATION**

Mr. Dattilo announced he received a letter from Congressman LoBiondo and the US Army Corp of Engineers outlining the procedural steps remaining for south end beach replenishment; final design to be completed by January 2014 with the project to begin Spring 2014.

**REPORTS – CITY COUNCIL** – There were no reports.

**ORDINANCES – INTRODUCTION AND FIRST READING**

Mr. Wilson asked for a motion to introduce Ordinance #13-32 on first reading. Motion moved by Mr. Ping; seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **#13-32: An Ordinance Amending and Supplementing Chapter XXI, #13-32: An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised General Ordinances of the City of Ocean City (Retaining Walls; and R-1 & R-2 Corner Lots Fronting on Boardwalk)**. Ms. McCrosson outlined the changes in the ordinance.

Mr. Allegretto asked what problems are resolved by the use of retaining walls. Ms. McCrosson said retaining walls are a mechanism to maintain the higher grade and water is maintained on site.

Mr. DeVlieger addressed concerns with existing 50' lots in R-1 and R-2 to which Ms. McCrosson responded to. Mr. Guinosso spoke in opposition of the ordinance due to his concerns regarding the height of retaining walls and impervious surface. Mr. McClellan spoke in support of the ordinance.

Mr. Wilson asked for a motion to adopt Ordinance #13-32 on first reading and publish according to law. Motion moved by Mr. Ping; seconded by Mr. McClellan. All ayes followed, except Mr. Guinosso, voted no. Mr. Wilson announced the ordinance will be sent to the Planning Board for consistency review with second reading and public hearing to be held on November 21, 2013.

Mr. Wilson asked for a motion to introduce Ordinance #13-33 on first reading. Motion moved by Mr. Ping; seconded by Mr. Guinosso. All ayes followed. The clerk read the ordinance by title: **#13-33: An Ordinance of the City of Ocean City, County of Cape May, State of New Jersey, Authorizing the Acquisition of Certain Interests in Real Properties by Negotiation, Purchase, Condemnation or Eminent Domain, Said properties Being Identified on the Annexed Schedule and Parcel Maps**. Ms. McCrosson explained the City has obtained a large majority of easements; this will allow the city to take the necessary steps to obtain the few outstanding easements through further negotiation or eminent domain.

Mr. Allegretto asked the timeframe on obtaining the easements. Ms. McCrosson indicated this should be finalized by December/January 2014.

Mr. Wilson asked for a motion to adopt Ordinance #13-33 on first reading and publish according to law. Motion moved by Mr. Ping; seconded by Mr. Guinosso. All ayes followed. Mr. Wilson announced second reading and public hearing will be held on October 22, 2013.

## **ORDINANCES – SECOND READING AND PUBLIC HEARING**

Mr. Wilson asked for a motion to take up Ordinance #13-30 on second reading and public hearing. Motion moved by Mr. Guinosso; seconded by Mr. McClellan. All ayes followed. 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)**. Ms. McCrosson said the ordinance explains how to measure height in the X Zone and proposes that new construction be built 2 ft. above BFE at the elevation of the highest adjacent A Zone. She said the ordinance was revisited after first reading to look at how it affects historic homes and there was a recommendation for a revision to exempt out substantial renovations/repairs to existing key and contributing properties in the historic district where the height of the building does not change. Ms. McCrosson said Council has two choices; pass Ordinance #13-30 on second reading and bring a separate ordinance forward that deals with the historic exception; or amend Ordinance #13-30, which would be considered a substantial change, and would be considered first reading and sent to the Planning Board for consistency review.

Mr. Allegretto spoke in support of moving forward with the current ordinance. Mr. DeVlieger spoke in support of amending the current ordinance. Mr. Guinosso felt there was not consistency in the ordinance. Mr. McClellan asked about the criteria for historic homes not to be included. Ms. McCrosson spoke about an existing list which would be referred to. Mr. Ping spoke in support of amending the ordinance.

## **PUBLIC COMMENT – Ordinance #13-30**

**Roy Wagner, 2824 Wesley Avenue** – had concerns as to what is permissible in the X Zones.

**Dale Braun, 326 West Avenue** – said X zones may not even exist when the final maps comes out.

After further discussion Mr. Wilson asked for a motion to adopt Ordinance #13-30 on second reading as written. There was no motion. Ms. McCrosson said Council can entertain a motion to adopt Ordinance #13-30 with the substance of the amendment “to provide that existing homes which are key or contributing properties in the historic district which undergo a substantial renovation or repair and where the height of building does not change will be excepted from this provision”. Mr. Wilson asked for a motion to adopt Ordinance #13-30 as amended. Motion moved by Councilman DeVlieger; seconded by Mr. Allegretto. Mr. Wilson announced the ordinance will be sent to the Planning Board for consistency review with second reading and public hearing to be held on November 21, 2013.

## **RESOLUTIONS – CONSENT AGENDA**

**13-49-332 - #1.** A Resolution Authorizing the Award of a Contract to Gym Source, Inc for Supply, Maintenance & Repair of Fitness Equipment for the Calendar Year 2013

**13-49-333 - #2.** A Resolution Authorizing the Award of a Contract to Mainline Commercial Pools, Inc. for Repair, Maintenance & Lease of the Triogen UV Ray210 Purification System for the Natatorium at the Aquatic & Fitness Center for the Calendar Year 2013

**13-49-334 - #3.** A Resolution Authorizing the Award of a Contract to Shoemaker Lumber Company, Inc. for Supply of Lumber & Hardware for the Calendar Year 2013

**13-49-337 - #6.** A Resolution Awarding a Professional Service Agreement Between the City of Ocean City & Ruderman & Glickman, P.C. for Labor Counsel Services

**13-49-338 - #7.** A Resolution Awarding a Professional Services Contract Between the City of Ocean City & Szaferman, Lakind, Blumstein & Blader P.C. for Special Legal Counsel

**13-49-339 - #8.** A Resolution Authorizing Participation in the National Cooperative Contract with Keystone Purchasing Network Vendors

**13-49-340 - #9.** A Resolution Approving Tax Overpayment Refund 2013-47-48

**13-49-341 - #10.** A Resolution Authorizing the Payment of Claims

**13-49-342 - #11.** A Resolution Amending the 2013 Budget of the City of Ocean City to Include Additional Revenue from the United States Tennis Association, Inc., Hurricane Sandy Relief Program

Mr. Allegretto asked for a motion to adopt the consent agenda. Motion moved by Mr. Ping; seconded by Mr. McClellan. All ayes followed, except Mr. DeVlieger stepped away from the table during the vote.

## **RESOLUTION – NON CONSENT AGENDA**

**13-49-335 - #4.** A Resolution Authorizing the Award of City Contract #13-60, Supply & Installation of Downtown Pole Foundations

**13-49-336 - #5.** A Resolution Authorizing Change Order #1 to City Contract #12-63, Supply, Installation, Removal & Storage of Holiday Decorations

Mr. DeVlieger requested that businesses further south on Asbury receive lit decorations. Mr. Dattilo said revised Resolution #5 includes an additional block. He then requested Council approve Resolution #4 as written and said he would speak to the contractor to negotiate a price or install in-house.

Mr. Guinosso asked about decorations along 34<sup>th</sup> Street. Mr. Dattilo said it could be worked into a future capital plan and that a new Welcome sign with a power source is under discussion.

**13-49-343-#12.** A Resolution Certifying the Governing Body has reviewed the 2012 Annual Audit. Mr. Guinosso addressed concerns about allegation made by a resident for the use of P-cards. Mr. Donato provided an explanation about the use of P-Cards as outlined in the July 19, 2013 City Auditor’s management letter.

**13-49-344 - #13.** A Resolution Certifying the Governing Body has reviewed the Best Practices Inventory Questionnaire. Mr. Guinosso said the City needs to achieve a yes response to all 50 questions and asked about sick leave and posting salaries on the City's web site. Mr. Dattilo responded to Mr. Guinosso's questions.

**CITIZEN COMMENT – NON CONSENT AGENDA**

Mr. Wilson asked for a motion to adopt Resolutions #4, #5, #12 and #13. Motion moved by Mr. Guinosso; seconded by Mr. DeVlieger. All ayes followed.

**PENDING BUSINESS**

Mr. Guinosso requested an ordinance be brought forward to include language regarding sump pumps.

**NEW BUSINESS**

Mr. DeVlieger requested an update on the lighting at the 5<sup>th</sup> Street baseball field. Mr. Dattilo said he will speak with Mr. Longo.

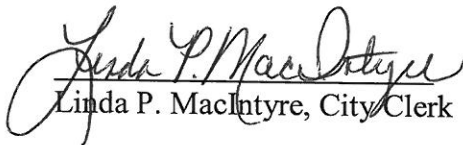
Mr. Ping requested the Administration take a look at the ordinance that governs motorized vehicles on the boardwalk. Ms. McCrosson said she has been speaking with Chief Callahan and Sgt. Hopely and will be providing an update shortly. Mr. Dattilo stated he was interested in Council's input on the use of Segways.

Mr. Wilson announced two workshops; Capital on October 17th and Public Safety on November 14th.

**CITIZEN COMMENT**

**Wendy Smith, 220 Clipper Drive** – asked if the beach fill replenishment would include Corson's Inlet Park and asked if the Administration to considering banning smoking on the beach. Mr. Dattilo said the beach fill project did not include the park.

Mr. Wilson asked for a motion to adjourn. Motion moved by Mr. Allegretto, Mr. DeVlieger. All ayes followed. The Meeting adjourned at 8:43 pm.

  
Linda P. MacIntyre, City Clerk

