

**CITY COUNCIL MEETING MINUTES  
THURSDAY, NOVEMBER 21, 2013 - 7:00 PM  
OC FREE PUBLIC LIBRARY**

**ATTENDANCE:** Mr. Allegretto, Mr. DeVlieger, Mr. Guinosso, Mr. McClellan, Mr. Ping, and Mr. Wilson. Also present: Mayor Gillian, Mr. Dattilo, Business Administrator and Ms. McCrosson, City Solicitor. Absent: Mr. Hartzell.

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**

**Michael Hinchman, 281 West Atlantic Boulevard** – felt the Public Safety workshop was incomplete; didn't provide sufficient data related to police incidents or fire calls of service; said various fire models should be presented for consideration.

**APPROVAL OF MINUTES**

Mr. Wilson asked for a motion to adopt the City Council Regular Meeting Minutes of Thursday, November 7, 2013 (all present). Motion moved by Mr. Ping; seconded by Mr. Guinosso. All ayes followed.

Mr. Wilson asked for a motion to adopt the Closed Executive Session Meeting Minutes of Thursday, November 7, 2013 (all present). Motion moved by Mr. McClellan; seconded by Mr. Ping. All ayes followed.

**REPORTS – MAYOR & ADMINISTRATION**

Mr. Dattilo reported the restoration of the ground floor of City Hall is on schedule with completion by March 1st; beach fill project will be ready to bid after the first of the year; 7<sup>th</sup> and 8<sup>th</sup> Street should be paved prior to cold weather and a meeting will be scheduled with Merion Park residents the first week in December.

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

**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. McClellan; seconded by Mr. Ping. 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.** Ms. McCrosson explained the most recent flood maps included an X Zone which this ordinance provides for; the ZFE will be 2' above the base flood elevation in the highest adjacent A Zone. This ordinance provides an exception for historic district homes in the X Zone when the height of the building is not being changed, even with substantial renovation or repair, there will be no requirement to elevate the building. She reported the Planning Board found the ordinance substantially consistent with the Master Plan.

**PUBLIC COMMENT** – Ordinance #13-30. There was no public comment.

There was Council support of the ordinance except Mr. Guinosso stated there may be situations of conflict where some of the A and X zones are mid block or cut through the middle of some homes; he requested the Planning Board take a further look at those areas specifically, in the Gardens.

Mr. Wilson asked for a motion to adopt Ordinance #13-30. Motion moved by Mr. McClellan; seconded by Mr. Ping. All ayes followed.

Mr. Wilson asked for a motion to take up Ordinance #13-31 on second reading and public hearing. 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 replaces the existing flood damage ordinance and updates the language recommended by the State in reaction to the issuance of most recent flood maps using best available data being by FEMA and the DEP; this ordinance was found consistent with the Master Plan.

**PUBLIC COMMENT** – Ordinance #13-31. There was no comment.

Mr. Wilson asked for a motion to adopt Ordinance #13-31 on second reading. Motion moved by Mr. Ping; seconded by Mr. McClellan. All ayes followed.

Mr. Wilson asked for a motion to take up Ordinance #13-32 on second reading and public hearing. 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 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 explained the ordinance provides more guidance for retaining walls giving the zoning and engineering staff better control over the design and placement of those structures. She said this ordinance changes the height of retaining walls and limits the size of retaining walls.

**PUBLIC COMMENT – Ordinance #13-32**

**Bob Baranowski, Esq., representing Dr. Corvasce & Dr. Emkey** - requested Council defer action and consider further study for the reasons outlined in his November 18<sup>th</sup> letter to the Mayor and Council.

**Joe Corvasce, 4839 Central Avenue** – spoke in opposition of the ordinance saying retaining walls parallel to the bulkhead creates a problem for oceanfront properties.

**Keith Emkey, 4839 Central Avenue** – urged Council to defeat the ordinance which he feels serves to the benefit of a few people who decide to build this wall and endanger and adversely impact adjacent properties.

**Eric Sauder, 2928 Central Avenue** – sees a problem in allowing development on fill since water will channel around the sides of the walls.

**Bob Lawrence, 4829-31 Central Avenue,** - spoke in opposition of retaining walls going north to south facing the ocean.

There was Council discussion with Mr. DeVlieger speaking about having proper safeguards in place to protect adjoining property owners. He requested City Planner, Mr. Scheule provide clarity to Council and address the concerns of the residents. Mr. Scheule reviewed the Planning Board's recommended changes in the consistency report and entertained questions from Council regarding height of retaining walls; the impervious surface; grading; and clarified where retaining walls will be permitted. Mr. Guinosso stated he felt the ordinance was a step in the wrong direction. Mr. Ping spoke in support of the ordinance but stated there is a need to address landscaping and water runoff. Ms. McCrosson stated during the City's review process grading would be looked at and there would be a plan so water cannot discharge onto other properties.

Mr. Wilson asked for a motion to amend Ordinance #13-32 as recommended in the Planning Board's consistency report of November 6th. Motion moved by Mr. Ping; seconded by Mr. Allegretto. All ayes followed, except Mr. Guinosso, voted no.

Mr. Wilson asked for a motion to adopt Ordinance #13-32 as amended on second reading. Motion moved by Mr. Ping; seconded by Mr. Allegretto. All ayes followed, except Mr. DeVlieger and Mr. Guinosso, voted no.

Mr. Wilson asked for a motion to take up Ordinance #13-35 on second reading and public hearing. Motion moved by Mr. Ping; seconded by Mr. Allegretto. All ayes followed. The clerk read the ordinance by title **#13-35: An Ordinance Adopting a Redevelopment Plan for the Palen Avenue and Tenth Street Area in Need of Rehabilitation in the City of Ocean City, New Jersey and amending the Zoning Map Accordingly.** Ms. McCrosson explained the ordinance governs the site and puts into place the zoning requirements for the rehabilitation of the parcel; the Planning Board found the ordinance consistent with the Master Plan. Ms. McCrosson stated this permits a developer to go before the Planning Board with a plan to develop this property. Once the developer receives site plan approval and a development agreement is approved by the City, financing concessions would come before Council in the form of a bond ordinance.

**PUBLIC COMMENT – Ordinance #13-35**

**Eric Sauder, 2829 Central Avenue** – he feels the ordinance is spot zoning for a sole property.

**Michael Hinchman, 281 West Atlantic Boulevard** – felt the City should get an environmental survey on the property; spoke about his concerns on how the project is going to be financed.

**Bill Jenkins, OC Paddleboard** - spoke in support of the development plan

**Al Keleher, 3304 Haven Avenue** – agrees an environmental inspection by the City is needed before moving forward with financing.

**Joe Young, 941 Palen Avenue** – spoke in support of the development of the property which he felt may help resolve some of the flooding issues.

**Ed Berger, Margate** - spoke in favor of the project; said the development should include pump out stations and transient slips would be an asset for businesses.

**Bob Burke** - worked for Shamrock Marine Towing, Viking Yacht and Marine Fuel.com - said the facility is an eyesore and thinks this project will be good for the city and local business.

**Resident, 342 Central Avenue** – spoke in support of the project.

Mr. Guinosso asked if the City would be obtaining an environmental impact study on the property. Ms. McCrosson stated well before entering into an agreement all environmental requirements will be imposed at the time of the developer agreement; the City's bond counsel has drafted a first draft of an agreement to include the conditions of financing and collateral, what guarantees are required currently being reviewed with the City's finance director. Mr. Ping said he fully supports this development which he feels would be a rebirth of Palen Avenue. Mr. Allegretto asked if there is a timeline associated with the ordinance. Ms. McCrosson said this ordinance stays in place like the zoning ordinance. Mr. Wilson questioned whether the ordinance should have a sunset provision. Ms. McCrosson said only if the ordinance no longer is an appropriate use, it could be changed.

Mr. Wilson asked for a motion to adopt Ordinance #13-35 on second reading. Motion moved by Mr. Ping; seconded by Mr. McClellan. All ayes followed.

Mr. Wilson asked for a motion to take up Ordinance #13-36 on second reading and public hearing. Motion moved by Mr. Ping; seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **#13-36: An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised General Ordinances of the City of Ocean City, New Jersey Hospitality Zone.** Ms. McCrosson stated this ordinance address a stagnant Hotel/Motel zone and Off-Boardwalk zone, eliminating the Off-Boardwalk zone, creating a Hospitality Zone and redraws the boundaries of that zone. The Planning Board's found the ordinance consistent with one modification under #1, Schedule of District Regulations – For "Parking Lot" the width for Interior Lots should be 30', and the width for Corner Lots should be 40'.

Mr. Scheule, the City's Planner reviewed the questions brought before him at first reading of the ordinance.

**PUBLIC COMMENT – Ordinance #13-36**

**Gus Kimeska, 21 Bayonne Place** – asked as a result in extending the zone there were properties that have been strictly single family residences, could someone come in and tear down a residential single family to build hotel/motel commercial, specifically at Plaza Place and Wayne Avenue?

Mr. Scheule came forward and presented a map outlining the proposed Hospitality and On-Boardwalk Zones and spoke about those boundary changes. Mr. Scheule explained the two small lots to which Mr. Kimeska was referring to would remain single family or duplex residences.

Council spoke in support of the ordinance. Mr. Wilson asked for a motion to amend the ordinance as recommended in the consistency report of October 30<sup>th</sup>. Motion moved by Mr. Allegretto; seconded by Mr. Ping. All ayes followed. Mr. Wilson asked for a motion to adopt Ordinance #13-36 as amended. Motion moved by Mr. McClellan; seconded by Mr. Guinosso. All ayes followed.

**RESOLUTIONS – CONSENT AGENDA:**

**13-50-372 - #1.** - A Resolution to Authorize the Advertisement of Specifications for City Contract #14-02, Supply of Vending Machine Services for the City of Ocean City & the Ocean City Free Public Library

**13-50-373 - #2.** - A Resolution to Authorize the Advertisement of Specifications for City Contract #14-06, Lease of City Owned Beach Parcels

**13-50-374 - #3.** - A Resolution Authorizing the Rejection of Bid Proposals and Re-Advertisement of Specifications for City Contract #14-03, Citywide Custodial Services for the City of Ocean City & the Ocean City Free Public Library

**13-50-375 - #4.** - A Resolution Authorizing Change Order #1 to City Contract #13-35, City Hall Storm Damage Restoration & Improvements

**13-50-376 #5.** - A Resolution Authorizing Professional Services Contracts between the City of Ocean City and Bonnie D. Putterman, Esq., Swift Law Firm, LLC & Teitler & Teitler, LLC for Conflict Public Defender Legal Services for the City of Ocean City

**13-50-377 - #6.** - A Resolution Authorizing the Mayor to Execute an Agreement between the City of Ocean City and Atlanticare Regional Medical Center for Advanced Life Support Services for the 2014 Calendar Year

**13-50-378 - #7.** - A Resolution Authorizing a Shared Services Agreement between the City of Ocean City and the Ocean City Board of Education for the Use of the Ocean City Aquatic and Fitness Center

**13-50-379- #8.** - A Resolution Authorizing the Extension of the Governor's Council on Alcoholism and Drug Abuse Fiscal Grant to June 30, 2014

**13-50-380 - #9.** - A Resolution Approving Tax Overpayment Refunds 2013-49-63

**13-50-381 - #10.** - A Resolution Authorizing the Payment of Claims

**13-50-382 #11.** - A Resolution Canceling the Unspent Balances of Certain Emergency Appropriations

**13-50-383 - #12.** - A Resolution Authorizing Execution of a Collective Bargaining Agreement with the Beach Patrol Administrative Association

**13-50-384 - #13.** - A Resolution Authorizing Execution of a Collective Bargaining Agreement with the Ocean City Lifeguard Association

**13-50-386 - #15.** - A Resolution Authorizing the Mayor or his Designee to Execute a Common Interest and Confidentiality Agreement with the New Jersey Department of Environmental Protection Office of Flood Hazard Risk Reduction Measures

Mr. Wilson asked for a motion to adopt the Consent Agenda. Motion moved by Mr. Guinosso, seconded by Mr. McClellan. All ayes followed.

**NON CONSENT AGENDA –**

**13-50-385 - #14.** - A Resolution Consenting to the Mayor's Appointment of Ron Denney as a Member to the Ocean City Library Board of Trustees. Mr. Guinosso asked if approval to increase the board was a requirement by the Governing Body to increase the members. Ms. McCrosson said the Administrative Code and State Statutes are silent, except the statute states the board may be expanded 7 to 9 members. Mr. Dattilo said the Library Board changed their By-Laws and with the intent to take on certain items at committee levels.

**PUBLIC COMMENT –** There was none.



Mr. Wilson asked for a motion to adopt Resolution #14. Motion moved by Mr. McClellan; seconded by Mr. Guinosso. All ayes followed.

**PENDING BUSINESS**

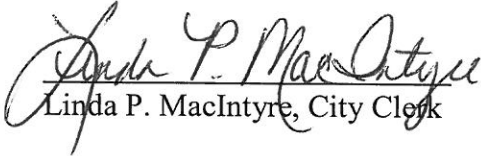
Mr. Wilson reported that he is working on scheduling an additional Public Safety workshop.

**NEW BUSINESS**

Mr. DeVlieger commended the Police Department for their good work in conjunction with the Cape May County Task Force on a recent bust related to drugs and guns. Mr. Guinosso received a call regarding improperly placed real estate signs. Mr. Allegretto asked for proper enforcement of all signs under the current ordinance. Mr. McClellan congratulated Paul Cunningham and Skip Tolomeo on the downtown holiday decorations. Mr. Ping congratulated the OCH Girls Hockey team for winning the state title.

**CITIZEN COMMENT** – there was none.

Mr. Wilson asked for a motion to adjourn. Motion moved by Mr. Allegretto; seconded by Mr. DeVlieger. All ayes followed. The meeting adjourned at 9:41 pm.

  
Linda P. MacIntyre, City Clerk