

**CITY COUNCIL MEETING MINUTES
THURSDAY, MARCH 24, 2016 – 7:00 PM
CITY HALL COUNCIL CHAMBERS**

ATTENDANCE: Ms. Bergman, Mr. DeVlieger, Mr. Guinosso, Mr. Madden, Mr. McClellan, and Mr. Hartzell. Mr. Wilson was absent. Present also was Mayor Jay A. Gillian, Administrator James Mallon and Solicitor Dorothy McCrosson.

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

CITIZEN COMMENT

Wayne Mozzo – 1333 Pleasure Avenue – Mr. Mozzo spoke in regard to communications with Mr. Wilson having to do with the repaving project as well as coastal cottages. He presented a copy of his overall communications with Arthur Chew and his document also included the lack of concerns.

Andrew Leonetti – 3121 Bayland Drive – Mr. Leonetti is a freshman at Ocean City High School and he is in the marching band, rides crew and is a boy scout. He also has summer job and is considered a street performer because he has a band that performs on the boardwalk. He asked council to reconsider passing the street performer's ordinance.

Matthew Stockburger – 3634 Central Avenue – Mr. Stockburger spoke to council about the proposed street performer ordinance and is not in favor of it. He feels that music is a vital part of the boardwalk culture and does not agree with being restricted to one area.

Kim Stockburger – 3634 Central Avenue – Ms. Stockburger spoke to council about the proposed Ordinance no. 16-04 Street Performers. Coming from a family of musicians she encourages her child to practice and play music especially on the boardwalk because he is too young for larger venues. People enjoy the music and she would council to re-consider voting in favor of the ordinance.

Christine Leonetti – 3121 Bayland Drive – Ms. Leonetti asked council not to vote in favor of the proposed ordinance regarding street performers. She expressed her reasons why. Her son and his friends play music on the boardwalk and they do not cause any noise violations.

Hank Glaser – 852 Boardwalk – As a boardwalk merchant he does have sympathy for the musicians and he also discussed the hardship regulating the boardwalk. People expect the boardwalk to be a well-behaved place. Without having the ordinance in place there is no regulation. He supports the proposed Ordinance No. 16-04.

Eric Sauder – 2928 Central Avenue – Mr. Sauder spoke on behalf of the OC flooding group. A petition was recently circulated and he read through it briefly. He also distributed copies to council. The petition was asking the municipal government to contract with an independent consultant to perform an island wide study of flooding as well as perform a comprehensive analysis of the storm water system. The petition also asks to provide a detailed plan of remediation and cost associated with the remediation. Mr. Sauder spoke more about what he would like the governing body to do as far as including the public and property owners about the process of flood remediation.

Ricky Harden – 119 Bay Avenue – Mr. Harden spoke about Ordinance No. 16-04. He is a street performer himself and he is in the marching band. He usually occupies the bench on 10th Street and although it may be in the way, there is a crowd and they enjoy the music and everyone is having fun.

APPROVAL OF MINUTES

Mr. Hartzell asked for a motion to approve the Regular City Council Meeting Minutes from March 10, 2016. Motion moved by Mr. DeVlieger, second by Ms. Bergman. All ayes followed.

REPORTS – MAYOR & ADMINISTRATION

Mayor Gillian presented a proclamation to the Ocean City Girl's Varsity Swim Team. Mayor Gillian also read a proclamation recognizing that it is Colon Cancer Awareness month. Mayor Gillian decided to remove **Ordinance 16-04** (Street Performers). He explained that he will speak with the boardwalk merchants, performers and police chief to figure out a solution that works for everyone.

Business Administrator, James Mallon had several updates to discuss. First, he discussed that Ordinance No. 16-03 is on the agenda for second reading and public hearing and asked that this ordinance be tabled. It may be necessary according to state statute to issue a 200 foot list notice to assure the city is in the best position moving forward. The mailing is very large and could not be completed in time for this meeting so we are asking council to put the ordinance on the agenda in April 14th for second reading and public hearing.

Next, Mr. Mallon discussed there was a meeting with the County Engineer to talk about the re-decking of the 34th Street Bridge. At this time the project is in final design phase and is tentatively scheduled to begin in the Fall. The project will require one lane of traffic to be closed for a significant period of time. The County will plan to have a public meeting toward the end of summer. Mr. Mallon will keep everyone informed. Also, Mr. Mallon reminded everyone that there is a town hall meeting being held Wednesday, March 30, 2016 at 7:00pm at the Senior Center and Michael Baker International will give an update on the road and drainage project for the area covering 26th Street to 34th Street, West Avenue to Bay Avenue. Baker Engineering and the City

recently received the Grand Honor Award from the American Council of Engineering Companies for the Merion Park project. The project is now the NJ entrant in the National Award competition. Mr. Mallon spoke about an initial project meeting that took place this week having to do with the turf field. He said that we have requested to hold off construction until after high school graduation. The proposed schedule to complete the field prior to graduation was too tight and high school graduation was not an event that anyone felt comfortable potentially jeopardizing. On tonight's agenda there are several resolutions regarding ACT Engineering. They are primarily for added responsibilities based upon feedback from the regulatory agencies and for continued work developing and preparing a 2016 dredge program. Mr. Mallon reminded everyone to continue to vote in the Coastal Living Best Beach Contest. Ocean City is now in the elite 8 and he thanked everyone who has voted so far. Lastly, Comcast will not close the local office at the end of the month as initially proposed. He thanked Comcast's South Jersey government affairs team for taking the time to listen to concerns and taking input.

REPORTS – CITY COUNCIL

Mr. Guinosso provided an update on FEMA particularly having to do with raising the roads. He discussed the possibility of getting an impact study done to see exactly what happens when you do raise a road. Mr. Guinosso also wanted to know how often we maintain the check valves. Mayor Gillian said that the check valves are looked at several times during the year times and is working diligently to educate and inform property owners of the process as well as the outcome.

Mr. DeVlieger asked the status relative to the valve at 6th Street. Also, he thought it was a wise decision to pull Ordinance No. 16-04 from the agenda for further examination. He suggested taking a portion of the proposed permit fee and putting it towards marketing so that we can create a destination for live entertainment making it fun for the kids and families.

ORDINANCES: INTRODUCTION & FIRST READING:

Mr. Hartzell asked for a motion to take up Ordinance No. 16-05 on a first reading. Motion moved by Mr. Madden, seconded by Mr. McClellan. All ayes followed.

The Clerk read the ordinance by title: **Ordinance #16-05 – An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank per (N.J.S.A. 40A:4-45.14) for Calendar Year 2016;** Mr. Donato, Finance Director, CFO explained that this ordinance somewhat relates to the budget introduction which is on the agenda this evening. Mr. Donato informed council that we are not exceeding the Cap limit that is in the budget before council this evening, however this ordinance will allow for the city to establish a cap bank which would be available for the next two budgets. The State assigns a cost of living adjustment to the appropriation side, spending side of the budget. This year the State assigned a zero; this ordinance allows the city to bank the difference between zero and three and a half percent of the appropriations to be available for the next two years. The State assigns a different number from year to year and at this moment in time it is okay to pass the budget without this ordinance in place, but if the State assigns a couple more zero's in the next two years it is possible that the city may need to lean on that banking at some point. This is a nice security blanket to have going in the future not knowing what the State will assign for those future years for that cost of living.

There was some discussion between Mr. Donato and the governing body relative to the status of the caps.

Mr. Hartzell asked for a motion to approve Ordinance #16-05 on a first reading. Motion moved by Ms. Bergman, seconded by Mr. McClellan. All ayes followed.

Mr. Hartzell announced that Ordinance #16-05 will be scheduled for a second hearing and public comment at the April 28, 2016 regular council meeting held at 7:00 p.m. in Council Chambers.

ORDINANCES: SECOND READING AND PUBLIC HEARING:

Mr. Hartzell asked for a motion to take up Ordinance No. 16-02 on a second reading and public hearing. Motion made by Mr. Madden, seconded by Mr. McClellan. All ayes followed. The Clerk read the ordinance by title: **Ordinance #16-02, An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised Ordinances of the City of Ocean City (Administrative Site Plan Review);** Solicitor Ms. McCrosson explained that the ordinance provides for the review of applications for administrative site plan's which currently states that the Director of Planning would have authority to undertake those reviews. We have not had a Director of Planning, so this ordinance would clean up that language and allow for the business administrator to designate a licensed planner or licensed engineer to handle those reviews in consultation with any other professionals necessary. This ordinance also provides a broader review process if you were to amend it in accordance with the comments from the planning board's consistency review.

There was no public comment.

There was some discussion between the governing body and the Solicitor regarding the ordinance.

Mr. Hartzell asked for a motion to adopt Ordinance No. 16-02 on a second reading. Motion moved by Ms. Bergman, seconded by Mr. McClellan. All ayes followed.

Mr. Hartzell asked for a motion to take up Ordinance No. 16-03 on a second reading and public hearing. Motion not moved. Mr. Hartzell asked for a motion to table Ordinance No. 16-03. Motion moved by Mr. McClellan, seconded by Mr. Madden. All ayes followed. Mr. Hartzell announced that the second hearing and public comment for Ordinance No. 16-03 will be held at the regular scheduled council meeting on April 14, 2016.

Mr. Hartzell asked for a motion to take up **Ordinance No. 16-04** on a second reading and public hearing. There was no motion made. **Ordinance 16-04** removed from the table.

RESOLUTION:

16-52-084 - #1 - A Resolution Introducing the 2016 Local Municipal Budget

Mr. Donato, CFO discussed the changes that have occurred between the Mayor's proposed budget which was discussed in the beginning in February and tonight's version. There have been changes in the tax levy; the tax levy before council tonight is down \$147,000 from what was presented a couple of meetings ago. The tax increase then was 1.1 cents and the city is now just under a penny at .975 cents. Three things influenced those changes. The city has an increase of \$194,650 coming from the library in the form of return to taxpayer calculation. There was about \$37,000 worth of budget adjustments made on the expense side. The last change that affects the tax levy is a grant awarded from the State of NJ which is a trash and recycling grant (\$10,000 grant with a \$10,000 cash match which was inserted into the budget). The budget went from 74.2 million up to 75 million which has nothing to do with taxation. Mr. Donato also touched on grants and how it affects the budget process.

Mr. Hartzell opened the meeting up for public comment. There was no public comment.

There was some discussion between the governing body, Mayor and CFO.

Mr. Hartzell asked for a motion to approve the budget resolution. Motion moved by Ms. Bergman, seconded by Mr. Guinosso. All ayes followed.

RESOLUTIONS – CONSENT AGENDA:

16-52-085 - #2 - A Resolution Authorizing the Award of City Contract #16-01, Transportation Center Restoration – Phase III

16-52-086 - #3 - A Resolution Authorizing the Award of City Contract #16-07, Recreational Basketball Camp

16-52-087 - #4 - A Resolution Authorizing the Award of City Contract #16-08, Recreational Field Hockey Camp Program

16-52-088 - #5 - A Resolution Authorizing the Award of City Contract #16-10, Recreational Boys' Lacrosse Camp Program

16-52-089 - #6 - A Resolution Authorizing the Award of City Contract #16-12, Professional Tennis Instructor Services

16-52-090 - #7 - A Resolution Authorizing the Award of a Contract to Cody Computer Services, Inc. for the City of Ocean City's Department of Administration, Division of Information Technology for Annual Software Support

16-52-091 - #8 - A Resolution Authorizing the Award of a Professional Services Contract Between the City of Ocean City & Act Engineering Inc. for the 2016 Dredging Program Support – Phase II

16-52-092 - #9 - A Resolution Authorizing Change Order #2 & 3 to the Professional Services Contract Between the City of Ocean City & Act Engineering Inc. for 2015 Dredging Strategy to include Review, Development, Scope & Budget Proposal

16-52-093 - #10 - A Resolution Authorizing Change Order #1 to the Professional Services Contract Between the City of Ocean City & Act Engineering Inc. for the National Fish & Wildlife Foundation Grant – Wetlands Restoration Design

16-52-094 - #11 - A Resolution Authorizing the City's Participation in the National IPA for RFP#130733, Information Technology Solutions Including Desktops, Notebooks, Servers, Software, Peripherals, and Services for use by the Department of Administration, Division of Information Technology with CDW-G

16-52-095 - #12 - A Resolution Authorizing the City's Participation in the National Joint Powers Alliance (NJPA) for RFP #021815, Agricultural Tractors with Related Equipment and Accessories with John Deere

16-52-096 - #13 - A Resolution Authorizing the Execution of a Shared Services Agreement with the County of Cape May-Emergency Management Communications Center for the Use of Various Equipment on an as needed basis obtained through grants from the Office of Homeland Security and Federal Emergency Management Agency

16-52-097 - #14 - A Resolution Authorizing the Payment of Claims

Mr. Hartzell asked for a motion to approve the consent agenda. Motion moved by Mr. Madden, seconded by Mr. McClellan. All ayes followed.

PENDING BUSINESS

Mr. Guinosso asked about raising the transportation center and flood mitigation and he also had questions relative to Ordinance 16-03. Ms. Bergman asked if there were any new developments on the vacant gas stations on 9th Street.

Mr. Hartzell mentioned that Nancy Neri who was unable to attend tonight's meeting is not in favor of the proposed Ordinance No. 16-04, Street Performers. Also, Mr. Bergan has prepared flyers for the meeting taking place on April 30th and Mr. Hartzell will try to reach as many people on Saturday to inform them of the meeting.

NEW BUSINESS

Mr. McClellan wished everyone and happy and healthy Easter.

Mr. Guinosso thanked the administration for the work done on 24th to 28th Street and he also wished everyone happy Easter. Mr. DeVlieger also thanked the administration. He mentioned that he received a hand-written note on his door from property owners that reside at 34th and Central; they were absolutely thrilled at the job done and wanted to compliment the City on the efficiency and how well the job was done. Also, Mr. DeVlieger spoke about the events going on in town to celebrate Easter. Ms. Bergman said she was out and about talking to people and said that the alley that was worked on was a job well done. She wished everyone a happy Easter and is looking forward to the new season.

Mr. Madden wished everyone a happy Easter.

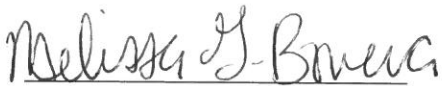
CITIZEN COMMENT

Josh Berstecher – 905 Tuckahoe Road, Sewell – Mr. Berstecher thanked the Mayor for the clarification relative to the permit fee for the street performer ordinance. He is a full time entertainer and explained his thoughts, feelings and concerns about the opportunity to be a street performer on the boardwalk. He would like to continue to be able to share his gifts and be able to perform on the boardwalk.

Ray McNeally - 1301 Simpson Avenue – Mr. McNeally spoke in regard to the coastal cottages and the parking between 13th, Haven and Simpson. The coastal cottages have exasperated the situation making it even more difficult. He hopes that moving forward there are at least 3 parking spaces allocated for every home built.

Frank Worrell – 3305 Simpson Avenue – Mr. Worrell spoke about minimum wage; he does not think that it is a bad thing to raise the minimum wage.

Mr. Hartzell asked for a motion to adjourn. Motion moved by Ms. Bergman, seconded by Mr. Guinosso. Meeting adjourned at 8:48pm.


Melissa G. Bovera, City Clerk