

**CITY COUNCIL MEETING MINUTES
THURSDAY, APRIL 28, 2016 – 7:00 PM
CITY HALL COUNCIL CHAMBERS**

ATTENDANCE: Ms. Bergman, Mr. DeVlieger, Mr. Guinosso, Mr. Madden (Arrived at 7:50 p.m.), Mr. McClellan, Mr. Wilson and Mr. Hartzell. Present also was CFO, Frank Donato III, Administrator James Mallon and Solicitor Dorothy McCrosson.

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

CITIZEN COMMENT

Michael Hyson – 637 Simpson Avenue – Mr. Hyson spoke about his concerns relative to the north end; he asked council to move forward with the pumping station because it is necessary and has to be done.

APPROVAL OF MINUTES

Mr. Hartzell asked for a motion to approve the Regular City Council Meeting Minutes from April 14, 2016. Motion moved by Mr. Guinosso, second by Ms. Bergman. All ayes followed with the exception of Mr. Madden who was not present.

REPORTS – MAYOR & ADMINISTRATION

Business Administrator James Mallon presented a proclamation declaring April 29, 2016 as Arbor Day in Ocean City, NJ. Mr. Mallon also reported that beach replenishment is moving along at the south-end of the island. The project is expected to be completed on or about Memorial Day weekend weather permitting. North end beach replenishment is being considered as well and there have been discussions with the DEP and Army Corps on possible approaches along with some internal work to address key areas. A city road and drainage project is planned for 14th to 16th Street. The utility companies are doing work in that area and there is also additional utility work in the 12th to 14th street areas. It has been confirmed that notices have gone out to homeowners more than once and copies of the notices are on file. The city is currently working with the homeowners on 16th Street to assist them in raising their properties in coordination with the project. As far as utility work goes, New Jersey American Water is hoping that all work will be done by the first week in May with the exception of the alley between 14th Street and Marine. The drainage crew is at 15th street and Pleasure and will continue on to Sunset and Bayonne Ave, then on to 14th Street; the work should be completed sometime towards the end of the second week in May. Construction crews are working to have the project completed by Memorial Day weather permitting, but if the work is not finished at that point the roads will be usable for the holiday weekend and the work will then be completed sometime in June (weather permitting). Also, Mr. Mallon spoke with the county and they plan to replace the bridge on West 17th Street this off-season. Work is expected to begin after Columbus Day and finish before Memorial Day weekend. The county plans on having a public meeting to speak about the project and the date of the meeting is to be determined. The 11th Street bulkhead project is expected to be completed before Memorial Day weekend. If anyone needs clarification on any projects that are going on within the city, you may call Doug Bergen or you may call the Business Administrator's office.

REPORTS – CITY COUNCIL

Mr. DeVlieger clarified that council does want the pumping station on the north end to absolutely happen. The pumping station will help the day to day rains and make the quality of life significantly better, but we will have to endure storms like Jonas due to the fact that we live on an island.

Ms. Bergman mentioned having an email notification relative to responses from DEP as we progress in situations.

ORDINANCES: INTRODUCTION & FIRST READING

Mr. Hartzell asked for a motion to take up Ordinance #16-08 on a first reading. Motion moved by Mr. McClellan, seconded by Mr. Guinosso. All ayes followed. The clerk read the Ordinance by title:

#16-08: An Ordinance Amending Chapter XXV, Zoning and Land Development of the Revised General Ordinances of the City of Ocean City (Show Setback to Power Lines on Plot Plan Submitted With Application for Zoning Permit)

Solicitor, Ms. McCrosson explained that the ordinance calls for adding setbacks to power lines; information which will now be included in the zoning applicant for safety precautions and convenience factors when considering construction.

Mr. Hartzell asked for a motion to adopt Ordinance #16-08 on a first reading. Motion moved by Mr. McClellan, seconded by Ms. Bergman. All ayes followed. Mr. Hartzell announced that the second reading and public

hearing for Ordinance #16-08 will be held at the regular council meeting scheduled on May 26, 2016 at 7:00 pm.

Mr. Hartzell asked for a motion to take up Ordinance #16-09 on a first reading. Motion moved by Ms. Bergman, seconded by Mr. McClellan. All ayes followed. The clerk read the Ordinance by title: **#16-09: An Ordinance Amending Chapter XXV, Zoning and Land Development, of the Revised General Ordinances of the City of Ocean City (Eliminate Mechanical Parking Lifts from Hospitality Zone)**

Solicitor, Ms. McCrosson explained that for a brief time mechanical lifts were permitted in the hospitality zone to satisfy the parking requirements. That was an experiment that did not work out the way expected. Mechanical lifts are as the name implies, mechanical and as it turns out in some places where these have been installed, owners who are renting the properties are reluctant to turn over control to the tenants who are renting in short term stays. Without the lifts, there is insufficient parking for the tenants and defeats the purpose of providing mechanical lifts, so they will no longer be counted toward the required parking in the hotel/motel zone if the ordinance is adopted.

Mr. Hartzell asked for a motion to adopt Ordinance #16-09 on a first reading. Motion moved by Ms. Bergman, seconded by Mr. Guinosso. All ayes followed. Mr. Hartzell announced that the second reading and public hearing for Ordinance #16-09 will be held at the regular council meeting scheduled on May 26, 2016 at 7:00 pm.

Mr. Hartzell asked for a motion to take up Ordinance #16-10 on a first reading. Motion moved by Mr. Guinosso, seconded by Ms. Bergman. All ayes followed. The clerk read the Ordinance by title: **#16-10: A Bond Ordinance Providing For Acquisition of Property In and By the City of Ocean City, In the County of Cape May, New Jersey, Appropriating \$500,000.00 Therefor and Authorizing the Issuance of \$475,000.000 Bonds or Notes of the City to Finance Part of the Cost Therof**

CFO, Mr. Donato explained that Ordinance 16-01 is a single purpose ordinance that allows for the acquisition of land within the City of Ocean City, specifically Block 811.01, Lot 3. The amount of the ordinance is \$500,000.00 with a \$25,000.00 down payment authorizing bonds and notes of \$475,000.00. This is consistent with the city's adopted five year capital plan that we put an earmark and amount of funding for 1.5 million for open space acquisitions. That is the intent if the city is to secure this property; it would provide open space and some supplemental parking to not only the adjacent neighborhood, but also to the visitors and residents that use the amenities on the Route 52 causeway. Otherwise, the city in the short term plans on greening up the space with sod and irrigation. The city does not have a signed agreement of sale at this time, but the city anticipates having a signed agreement of sale while the ordinance is in between first and second reading.

There was some discussion between the governing body.

Mr. Hartzell asked for a motion to adopt Ordinance #16-10 on a first reading. Motion moved by Mr. McClellan, seconded by Ms. Bergman. All ayes followed. Mr. Hartzell announced that the second reading and public hearing for Ordinance #16-09 will be held at the regular council meeting scheduled on May 12, 2016 at 7:00 pm.

ORDINANCES: SECOND READING & PUBLIC HEARING

Mr. Hartzell asked for a motion to take up Ordinance No. 16-05 on second reading. Motion moved by Mr. Guinosso, seconded by Mr. McClellan. All ayes followed. The clerk read the Ordinance by title: **#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**

CFO, Mr. Donato explained that the city is not exceeding the budget appropriation limits, but rather this ordinance allows for the city to establish a cap bank in which the amount of the banking will be available for the next couple subsequent budgets. The statutory assigned cost of living increase this year is 0% and this allows the city to go up to 3.5%. Also, Mr. Donato explained that it is a good financial sound practice to keep this money available in case it is needed to cover an emergency or if an appropriation needs to be increased in the future.

PUBLIC COMMENT - There was no public comment.

Mr. Hartzell asked for a motion to adopt Ordinance No. 16-05 on second reading. Motion made by Ms. Bergman, seconded by Mr. McClellan. Under a roll call vote, all ayes followed.

Mr. Hartzell asked for a motion to take up Ordinance No. 16-06 on a second reading. Motion moved by Mr. McClellan, seconded by Ms. Bergman. All ayes followed with the exception of Mr. Guinosso who recused himself. The clerk read the Ordinance by title: **#16-06: An Ordinance Amending Chapter XXX (Municipal Fees) of the Revised General Ordinances of the City of Ocean City, New Jersey Regarding Beach Fees (Beach Tags Not Required for Qualifying Active Military, Veterans and Family Members)**

Solicitor, Ms. McCrosson explained that the ordinance allows for military personnel and veterans to present identification which includes a valid military identification card and a DD214 form and they will be exempt from purchasing a beach tag. Veterans who present their ID will receive a beach tag specifically for veterans.

Public comment: Mr. Kelleher asked for clarification about the ordinance being discussed and wanted to know if it was an expansion from last year.

Mr. Hartzell asked for a motion to adopt Ordinance No. 16-06 on second reading. Motion moved by Mr. Wilson, seconded by Mr. McClellan. Under a roll call vote, all ayes followed with the exception of Mr. Guinosso who recused himself.

Mr. Hartzell asked for a motion to take up Ordinance No. 16-07 on a second reading. Motion moved by Mr. Guinosso, seconded by Ms. Bergman. All ayes followed. The clerk read the Ordinance by title: **#16-07: An Ordinance Authorizing the City of Ocean City to Convey Its Interest, If Any, In the Lands Adjacent to Block 1608, Lot 1 for the Sum of \$1.00 Via Quit Claim Deed**

Solicitor, Ms. McCrosson explained that ordinance allows for a quit claim deed which releases the city's title and interest so that moving forward the city will not be in a position where it can claim ownership or title for this particular property.

PUBLIC COMMENT - There was no public comment.

There was some discussion between the governing body.

Mr. Hartzell asked for a motion to adopt Ordinance No. 16-07 on second reading. Motion moved by Mr. Guinosso, seconded by Ms. Bergman. Under a roll call vote, all ayes followed.

RESOLUTION

16-52-118 - #1 - 2016 Local Municipal Budget - Second Reading and Public Hearing

CFO, Mr. Donato explained that this is an operating budget of just over \$75 million dollars that funds all the services and activities that we have come to expect and know as residents and visitors of Ocean City. The budget contains the tax levy which is the amount to be raised by taxation of just over \$48 million dollars which is up 1.7 million dollars from the 2015 budget or \$.97 cents increase on the tax rate. If adopted tonight, the local tax rate will be 41.9 cents as opposed to 41 cents from last year. This budget is compliant and well under both of the cap laws that have to be abided by. Mr. Donato spoke about fund balance and explained to council that this budget supports the same amount of full-time employees as last year which is 258 along with a slight decrease in salaries and wages of \$156,000.00. Mr. Donato thanked Leon Costello, Independent Auditor for the City of Ocean City from the Ford Scott Associates who was present at the meeting for his guidance, support and help throughout the budget process.

There was discussion between the governing body and CFO. (Mr. Madden arrived, 7:50 p.m.)

PUBLIC COMMENT - There was no public comment.

Mr. Hartzell asked for a motion to adopt the 2016 Local Municipal Budget. Motion moved by Mr. Guinosso, seconded by Ms. Bergman. The clerk read: "Be it resolved by the City Council of the City of Ocean City, County of Cape May that the Budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$48,008,642.34 for Municipal purposes, and \$3,879,130.00 Minimum Library Levy"

Mr. Hartzell asked for a roll call vote; all ayes followed.

RESOLUTIONS – CONSENT AGENDA

16-52-119 - #2 - A Resolution Authorizing the Chief Financial Officer to Certify the 2016 Local Municipal Budget

16-52-120 - #3 - A Resolution Authorizing the Advertisement of Specifications for City Contract #16-26, Recreational Skateboard Camp Program

16-52-121 - #4 - A Resolution Authorizing the Award of City Contract #16-17, Supply & Delivery of Lifeguard Uniforms

16-52-122 - #5 - A Resolution Authorizing the City's Participation in the National Joint Powers Alliance (NJPA) for RFP #022014, Sewer Vacuum, Hydro-Excavation, and/or Street Sweeper Equipment with Related Accessories & Services with Granturk Equipment Company, Inc.

16-52-123 - #6 - A Resolution Authorizing the City's Participation in the National Joint Powers Alliance (NJPA) for RFP #031014, Public Utility Equipment with Related Accessories & Supplies with Altec Industries, Inc.

16-52-124 - #7 - A Resolution Approving Tax Overpayment Refund 2016-12 to 13

16-52-125 - #8 - A Resolution Consenting to the City Council's Appointment of Robert Idell to the Zoning Board of Adjustment

16-52-126 - #9 - A Resolution Authorizing the Payment of Claims

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

PENDING BUSINESS

Mr. DeVliieger spoke about the lights being repaired on the ball field at 5th Street and wanted to know an estimated time that they might be finished.

Mr. Hartzell gave his thanks for the meeting that took place on April 30th. He thanked Mr. McClellan for all of his efforts getting flyers out and also Mr. Bergan went above and beyond his call of duty getting information posted on the website.

NEW BUSINESS

Mr. Wilson asked if it would be possible to get the lower pedestal lights to light up the south side of Tennessee Avenue.

Mr. McClellan wished everyone a Happy Mother's Day.

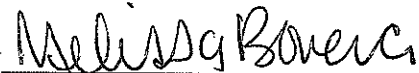
Mr. Guinosso would like to have the website state what streets are having work done especially if they are closed off so that people will be aware.

Mr. DeVliieger spoke relative to finalizing paving and asked if there will be a complete patch in the fall.

CITIZEN COMMENT

Michael Hyson – 637 Simpson Ave – Mr. Hyson spoke about deficiencies in bulk-heads especially from Storm Sandy. He thinks that property owner's need to be notified moving forward having to do with deficiencies in their bulk-heads.

Mr. Hartzell asked for a motion to adjourn. Motion moved by Mr. Wilson, seconded by Mr. Madden. All ayes followed.



Melissa Bovera, RMC
City Clerk