

**CITY COUNCIL MEETING MINUTES
THURSDAY, MAY 12, 2016 – 7:00 PM
CITY HALL COUNCIL CHAMBERS**

ATTENDANCE: Ms. Bergman, Mr. DeVlieger, Mr. Guinosso, Mr. Madden, Mr. McClellan (Arrived at 7:10 p.m.), Mr. Wilson and Mr. Hartzell. Present also was Mayor Gillian, Administrator James Mallon, Solicitor Dorothy McCrosson and CFO, Frank Donato III.

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.

Bill Hartranft – 728 Battersea Road – Mr. Hartranft said that coastal cottages are less than desirable and are over-priced for first time home owners.

John Walton – 846 Third Street – Mr. Walton announced the 13th annual unlocking of the ocean is scheduled for May 27, 2016 at 11:30 a.m. at Moorlyn Terrace.

Donna Moore – 21 Ocean Ave – Ms. Moore distributed packets to council and discussed her concerns about pesticides, chemicals and fertilizer.

Brenda McGlaughlin-1616 West Ave – Ms. McGlaughlin informed council that she did not receive notice about Ordinance No. 16-03.

Ken Cooper - 849 Park Place – Mr. Cooper spoke on behalf of the Ocean City Historical Museum. He let everyone know about the exhibits being featured this summer and he reminded everyone that the museum is a great resource for information and history.

APPROVAL OF MINUTES

Mr. Hartzell asked for a motion to approve the Regular City Council Meeting Minutes from April 28, 2016. Motion moved by Mr. Wilson, second by Mr. Guinosso. All ayes followed.

REPORTS – MAYOR & ADMINISTRATION

The Mayor presented three proclamations:

- Recognizing May 2016 as National Bike Month
- Recognizing May 2016 as Mental Health Awareness Month
- Recognizing May 2016 as Military Appreciation Month

Business Administrator, James Mallon reported that beach replenishment is moving along at the south end and work stopped today around 46th Street for the addition of a pump booster. The project may be completed as early as next week, pending weather conditions. As far as the north end, there is nothing to report at this time. Paving is going to begin on 16th and 11th Streets relative to the road and drainage project. Milling and paving will also begin in the utility work area located at 12th and Pleasure. Mr. Mallon spoke with representatives from Baker and they are moving forward with permit applications to the NJDEP and plans have been sent to the Army Corps for review of wetland activity. On May 21st at 11:00 a.m. in the senior center, the Mayor will be holding a town hall meeting; ACT Engineering will be present to provide a dredging update. On the agenda this evening there is a resolution for work at the city owned building located at 15th and West Ave. This project is for code improvements to bring the building into compliance for the proposed use. Also, the theatre company or the city may opt out of the lease and although we do not for-see this happening anytime soon, in this case the building will still be the city's to operate. Mr. Mallon also explained reasoning as far as why the Theatre Company uses the city's building rather than the school's facilities. Lastly, he reminded everyone that even though Ocean city was voted as the best beach in the country we still need to vote in the "Best Beach in Cape May" contest, the link for voting will be made available to everyone.

REPORTS – CITY COUNCIL

Mr. Madden reported that the Tourism Committee had a meeting today and they authorized a billboard on the Walt Whitman Bridge, revisions to the TV commercials citing Ocean City as the best beach in America as well as some other ads that will be coming out.

ORDINANCES: INTRODUCTION & FIRST READING

Mr. Hartzell asked for a motion to take up Ordinance No. 16-09 on a first reading. Motion moved by Mr. Wilson, seconded by Ms. Bergman. All ayes followed. The clerk read the Ordinance No. 16-09 by title: "**An Ordinance Amending Chapter XXV, Zoning and Land Development of the Revised General Ordinances of the City of Ocean City (Eliminate Mechanical Parking Lifts – Revised After First Reading)**"

Solicitor, Ms. McCrosson explained that this ordinance would eliminate mechanical parking lifts in the hospitality zone, but continue to permit them only in single and duplex zones. It specifies what those lifts should do including the inside garage accessory to the home and will not be counted as parking spaces required.

There was discussion between the governing body and it was decided that the ordinance be amended. Mr. Hartzell asked for a motion to adopt Ordinance No. 16-09 on first reading with the amendment. Motion moved by Mr. Guinosso, seconded by Ms. Bergman. All ayes followed. Mr. Hartzell announced that Ordinance No.

16-09 is scheduled for second reading and public hearing on June 9, 2016 at 7:00 p.m. during the regularly scheduled council meeting.

Mr. Hartzell asked for a motion to take up Ordinance No. 16-11 on first reading. Motion moved by Mr. Madden, seconded by Ms. Bergman. All ayes followed. The Clerk read the Ordinance No. 16-11 by title: **“An Ordinance Authorizing a Modification to a Lease Agreement Dated May 31, 1988 Between the City of Ocean City and the Hanger Association of Ocean City, Inc.”**

CFO, Mr. Donato explained that this is a ground lease between the City and the Hanger Association; the City has three Hanger buildings by the Ocean City Airport. Mr. Donato explained that there are two different associations and the lease that is before council this evening occupies the middle and north Hanger. The Association owns the buildings, but the City owns the land. The Ordinance allows the City to extend the lease agreement from 2030 to 2045.

Mr. Hartzell asked for a motion to adopt Ordinance No. 16-11 on first reading. Motion moved by Ms. Bergman, seconded by Mr. Madden. All ayes followed. Mr. Hartzell announced that Ordinance No. 16-11 is scheduled for second reading and public hearing on May 26, 2016 at 7:00 p.m. during the regularly scheduled council meeting.

ORDINANCES: SECOND READING & PUBLIC HEARING

Mr. Hartzell asked for a motion to take up Ordinance No. 16-03 on second reading and public hearing. Motion moved by Mr. McClellan, seconded by Mr. Madden. All ayes followed with the exception of Mr. Wilson who recused himself. The clerk read Ordinance No. 16-03 by title: **“An Ordinance Amending Chapter XXV, Zoning and Land Development of the Revised General Ordinances of the City of Ocean City (Revoke Coastal Cottages)**

Solicitor, Ms. McCrosson explained that this Ordinance would repeal the drive in business conditional uses and conditional use requirements pertained to coastal cottages and pertaining to the non-conforming structure uses and lots which would be amended to essentially grandfather coastal cottage developments; but, only those that have been previously approved.

PUBLIC COMMENT - Ordinance #16-03:

Mr. Moiso – 1313 Pleasure Avenue – concerns about the applications that are grandfathered in thus far
Carmen Costanzo – Warwick Road – is a builder working on coastal cottages; sold 16 of them in 16 months; said they were beautiful, affordable, single family homes for Ocean City

John Flood – 22 Arkansas Ave – objects to the approval of Ordinance 16-03

Marie Hayes – 641 Battersea Road – has no financial interest relative to coastal cottages; doesn't agree with the grandfather clause; suggests the revoking of the coastal cottages

There was discussion between the governing body and it was decided that the Ordinance be tabled.

Mr. Hartzell asked for a motion to table **Ordinance No. 16-03**. Motion made by Mr. Madden, seconded by Ms. Bergman. All ayes followed with the exception of Mr. McClellan who voted no.

Mr. Hartzell announced that second reading and public hearing for **Ordinance No. 16-03** is scheduled for May 26, 2016 at 7:00 p.m. during the regularly scheduled council meeting.

Mr. Hartzell asked for a motion to take up **Ordinance No. 16-10** on second reading and public hearing. Motion moved by Ms. Bergman, seconded by Mr. Madden. All ayes followed. The Clerk read **Ordinance No. 16-10** by title: **“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 \$475,000.00 Bonds or Notes of the City to Finance Part of the Cost Thereof”**

CFO, Mr. Donato explained that this is a single purpose bond ordinance for the acquisition of land in the amount of \$500,000.00 authorizing the issuance of \$475,000.00 bonds or notes to acquire 19 West 9th Street which is Block 811.01, Lot 3. There is no agreement as of yet, but should be finalized by tomorrow. Mr. Donato suggests moving forward with this ordinance in a effort to keep everything on track.

PUBLIC COMMENT - Ordinance #16-10

Frank Worrell – 3305 Simpson Ave – Had questions about remediation in the ground relative to the oil being that the property housed a gas station.

Mr. Hartzell asked for a motion to adopt Ordinance No. 16-10 on second reading. Motion made by Mr. McClellan, seconded by Mr. Guinosso. All ayes followed.

RESOLUTIONS – CONSENT AGENDA

Mr. Guinosso asked to remove two resolutions from the consent agenda (resolution number 4 & resolution number 8)

16-52-127 - #1 - A Resolution Authorizing the Tax Collector to Cancel Tax Sale Certificate #15-00016 and Refund the Lien Holder Due to Erroneous Lien

16-52-128 - #2 - A Resolution to Authorize the Advertisement of Specifications for City Contract #16-15, Boardwalk Reconstruction 8th Street to 10th Street

16-52-129 - #3 - A Resolution to Authorize the Advertisement of Specifications for City Contract #16-32, CDF Modifications and Material Hauling

16-52-131 - #5 - A Resolution Authorizing the Award of City Contract #15-42, Ocean City Dredge Material Disposal

16-52-132 - #6 - A Resolution Authorizing the Award of City Contract #16-24, Acquisition & Installation of Kentucky Bluegrass

16-52-133 - #7 - A Resolution Authorizing Change Order #4, Final Acceptance and Final Payment of City Contract #14-39, Installation of Track Surface at Carey Field

16-52-135 - #9 - A Resolution Authorizing the Award of a Contract to Evergreen Environmental, LLC for Wetland Mitigation Activities Associated with the Dredging of Ocean City Waterways

16-52-136 - #10 - A Resolution Authorizing the Tax Collector of the City of Ocean City to Impose a Municipal Lien Upon the Property Located at 50 Walton Place, Block 1009.01, Lot 30

16-52-137 - #11 - 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.

RESOLUTIONS – NON-CONSENT AGENDA

16-52-130 - #4 - A Resolution Authorizing the Award of City Contract #15-41, Code Improvements to 1501 West Avenue

16-52-134 - #8 - A Resolution Approving Amendment of Lease Agreement Between the City of Ocean City and Greater Ocean City Theatre Company, Inc.

There was discussion between the governing body on the removed resolutions.

There was no public comment.

Mr. Hartzell asked for a motion to approve the removed resolutions. Motion moved by Mr. McClellan, seconded by Mr. Madden. All ayes followed with the exception of Mr. Wilson who abstained.

PENDING BUSINESS

Mr. DeVliieger thanked the administration for getting the outfall pipe at 6th Street repaired. Also, thank you for the shifting of the stock pile sand on the North end.

Mr. Hartzell thanked everyone who ran for office and also said that it takes a lot of hard work and time. He congratulated Ms. Bergman and Mr. Barr.

NEW BUSINESS

Mr. Wilson spoke about the project on 15th Street and if anyone has questions or comments let him know.

Mr. McClellan mentioned that Friday, May 20, 2016 at 11:00 a.m. there will be a ribbon cutting at the Housing Authority for a brand new playground that has been installed and the Chamber of Commerce will be there as well.

CITIZEN COMMENT

Mr. Moiso – 1333 Pleasure Ave – Thanked the city about work done relative to flooding issues. He expressed concerns about the project on 14th to 12th street; he said he has spoken with Mr. Chew and has concerns about the storm drains and suggested that the contractors are not properly overseeing the work being done.

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