CITY COUNCIL MEETING MINUTES
THURSDAY, AUGUST 11, 2016 – 7:00 PM
CITY HALL COUNCIL CHAMBERS

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

Council President Peter Madden called the meeting to order and asked everyone to rise for the flag salute and prayer.

CITIZEN COMMENT:
Jay Pearson – 3565 Bay Avenue – Mr. Pearson spoke about his concerns in regard to flooding and suggested that the study being done by Baker Engineering include 36th Street.
Joe Young – 941 Palen Avenue – Mr. Young said that the idea of preserving open space on 9th Street is a wonderful idea for the city.

APPROVAL OF MINUTES:
Mr. Madden asked for a motion to approve the Regular City Council Meeting Minutes of Thursday, July 28, 2016. Motion moved by Mr. Wilson, seconded by Mr. McClellan. All ayes followed.

City Council & Administration presented a Proclamation to the Ocean City Varsity Baseball Team.

REPORTS – MAYOR & ADMINISTRATION:
Business Administrator, James Mallon reported that Baker Engineering will be holding a town hall meeting on August 30, 2016 at the Senior Center to discuss the road and drainage project for 26th to 34th Streets. Also, ACT Engineering is scheduling small group meetings with homeowners and condo associations connected to the next phase of dredging. Notices in regard to the meetings are being sent to homeowners informing them that the meeting will take place on August 20, 2016. Mr. Mallon also mentioned that on tonight's agenda there is a resolution to authorize the city to go out to bid for fireworks and he confirmed that the 4th of July fireworks are planned for 9:00 p.m.

REPORTS – CITY COUNCIL:
Mr. Barr reported that he and Councilmen McClellan and Hartzell went door to door to promote the town hall meeting taking place August 30, 2016 in regard to the road and drainage project for 26th to 34th Streets.

ORDINANCES: INTRODUCTION & FIRST READING:
Mr. Madden asked for a motion to take up Ordinance No. 16-20 on introduction and first reading. Motion moved by Mr. McClellan, seconded by Mr. Hartzell. All ayes followed. The clerk read the ordinance by title: **Ordinance No. 16-20 – An Ordinance Amending and Supplementing the Revised General Ordinances of the City of Ocean City, Chapter XII "Building and Housing" at Sections 12-3 "Housing Code" and 12-5 "Property Maintenance Code"**

Solicitor, Ms. McCrosson explained that the ordinance will update the city's housing code to incorporate the most current addition of the International Maintenance Code. Additionally, there's an antiquated reference in the ordinance to the health officer; the city does not have a health officer, so that is being updated to the municipal code enforcement officer who is one of the official's entrusted with enforcing the maintenance code.

Mr. Madden asked for a motion to adopt Ordinance No. 16-20 on introduction and first reading. Motion moved by Mr. Barr, seconded by Mr. Hartzell. All ayes followed. Mr. Madden announced that second reading and public hearing for Ordinance No. 16-20 will be held on August 25, 2016.

Mr. Madden asked for a motion to take up Ordinance No. 16-21 on introduction and first reading. Motion moved by Mr. Hartzell, seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **Ordinance No. 16-21 – An Ordinance Vacating a Portion of 10th Street in the City of Ocean City, County of Cape May, New Jersey**

Solicitor, Ms. McCrosson explained that this ordinance is being brought to council in accordance with the re-development plan previously approved which calls for the vacation of the portion of 10th Street; a seventeen and a half foot strip that adjoins the 10th Street Wharf property. This will align the property with the docks that are out front so that they can use the repairian rights that the city has to operate the docks in the historic location.

Mr. Madden asked for a motion to adopt Ordinance 16-21 on introduction and first reading. Motion moved by Mr. Hartzell, seconded by Mr. Wilson. All ayes followed. Mr. Madden announced that second reading and public hearing for Ordinance No. 16-21 will be held on August, 25, 2016.

Mr. Madden asked for a motion to take up Ordinance No. 16-22 on introduction and first reading. Motion moved by Mr. Hartzell, seconded by Mr. Wilson. All ayes followed. The clerk read the ordinance by title:

Ordinance No. 16-22 – An Ordinance Amending Bond Ordinance 13-20 of the City of Ocean City, County of Cape May, State of New Jersey, Heretofore Adopted on the 11th Day of July, 2013 and Entitled "A Bond Ordinance Appropriating $4,550,000.00 and Authorizing the Issuance of $4,322,500.00 in Bonds and Notes of the City of Ocean City for the Various Improvements or Purposes Authorized to be Undertaken by the City of Ocean City, New Jersey

CFO, Mr. Donato explained that this ordinance is a reallocation ordinance which takes an improvement that was put in place in 2013 through Ordinance 13-20. The money would be repurposed upon adoption to help re-construct the 29th Street Firehouse; this ordinance would coincide with Resolution #4 that is on the agenda tonight and if adopted would award a $2.1 million contract to re-construct the 29th Street Firehouse.

There was some discussion between the governing body and CFO.

Mr. Madden asked for a motion to adopt Ordinance No. 16-22 on introduction and first reading. Motion moved by Mr. Barr, seconded by Ms. Bergman. All ayes followed. Mr. Madden announced that second reading and public hearing for Ordinance No. 16-22 will be held on August, 25, 2016.

Mr. Madden asked for a motion to take up Ordinance No. 16-23 on introduction and first reading. Motion moved by Mr. Hartzell, seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **Ordinance No. 16-23 - An Ordinance Amending Ordinance #87-17, Chapter XXX "Municipal Fees" of the Revised General Ordinances of the City of Ocean City, New Jersey (Residential Development Fee, Chapter XXX)**

Solicitor, Ms. McCrosson explained that this ordinance is a clean-up ordinance to reflect updates from the fee ordinance that were not reflected in 2011 and does not make any changes to the development fees.

Mr. Madden asked for a motion to adopt Ordinance No. 16-23 on introduction and first reading. Motion moved by Mr. Hartzell, seconded by Mr. McClellan. All ayes followed. Mr. Madden announced that second reading and public hearing for Ordinance No. 16-23 will be held on August, 25, 2016.

Mr. Madden asked for a motion to take up Ordinance No. 16-24 on introduction and first reading. Motion moved by Mr. Hartzell, seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **Ordinance No. 16-24 – An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised Ordinances of the City of Ocean City, Residential Mechanical 2016-1**

Solicitor, Ms. McCrosson explained that Section 1 of this Ordinance inserts the previously adopted On-Boardwalk Schedule of District Regulations which was inadvertently removed from the ordinance. Section 2 will limit the number of principal-use buildings permitted on each lot in the Hospitality Zone. The revisions to Section 25-205.7.2 permit only one (1) building containing a principal use on any lot. These revisions are consistent with the General Provision contained in Section 25-300.14 that limits buildings containing a principal use to one (1) per lot. Section 3 provides internal consistency between the Hospitality Zone Schedule of District Regulations and accompanying notes by distinguishing between the Building Coverage's related to lot sizes for Corinthian-style buildings. Section 4 revises the residential building standards by permitting a *secondary building element* on the rear building façade to promote better design.

There was some discussion between the governing body and solicitor.

Mr. Madden asked for a motion to adopt Ordinance No. 16-24 on introduction and first reading. Motion moved by Mr. Hartzell, seconded by Mr. Barr. All ayes followed. Mr. Madden announced that second reading and public hearing for Ordinance No. 16-24 is scheduled for September 8, 2016.

Mr. Madden asked for a motion to take up Ordinance No. 16-25 on introduction and first reading. Motion moved by Mr. McClellan, seconded by Ms. Bergman. All ayes followed with the exception of Mr. Wilson who recused himself. The clerk read the ordinance by title: **Ordinance No. 16-25 - An Ordinance of the City of Ocean City, County of Cape May, New Jersey, to Acquire, by Purchase or Condemnation: (1) 1-7 9th Street, Block 811.01, Lot 4; (2) 19 9th Street, Block 811.01, Lot 3; (3) 903 Bay Avenue, Block 908, Lot 14; and (4) 97 W. 9th Street, Block 811.01, Lot 2; for the Preservation of Open Space**

Solicitor, Ms. McCrosson explained that this ordinance would authorize the city to acquire properties located on 9th Street by purchase or condemnation. The benefit of using the condemnation method is additional protection for the city from future, currently unanticipated environmental claims. Council has not approved the acquisition of any of the other mentioned properties; only the BP Station. Council has not put funds in place for the acquisition of any properties except for the BP Station. The administration will have a bring a bond ordinance to council prior to taking action against the other three properties, but all of those properties have long been identified as possible purchase targets and they are included in this ordinance for the sake of efficiency.

There was discussion between the governing body and solicitor.

Mr. Madden asked for a motion to adopt Ordinance No. 16-25 on introduction and first reading. Motion moved by Ms. Bergman, seconded by Mr. McClellan. All ayes followed with the exception of Mr. Wilson who recused himself. Mr. Madden announced that second reading and public hearing for Ordinance No. 16-25 will be held on August 25, 2016.

ORDINANCES: SECOND READING & PUBLIC HEARING:

Mr. Madden asked for a motion to take up Ordinance No. 16-16 on second reading and public hearing. Motion moved by Mr. Barr, seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title: **Ordinance No. 16-16 - An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised Ordinances of the City of Ocean City, Residential Multi-Family Bayfront (R-MB) Zone**

Solicitor, Ms. McCrosson explained that this ordinance will re-zone Block 3509/Lot 2 from R-2-60 to Residential Multi-Family Bayfront (RMB). The subject lot contains 11 multi-family buildings, the "Town Homes at Blue Water" which are not a permitted use in the R-2-60 Zone. These town homes are a permitted use in the RMB zone.

Mr. Madden opened the meeting up for public comment on Ordinance No. 16-16. There was no public comment.

Mr. Madden asked for a motion to adopt Ordinance 16-16 on second reading and public hearing. Motion moved by Mr. Hartzell, seconded by Mr. Barr. All ayes followed.

Mr. Barr and Mr. Hartzell said that when they went door to door to talk to residents about Ordinance 16-16 they received positive feedback.

Mr. Madden asked for a motion to take up Ordinance No. 16-19 on second reading and public hearing. Motion moved by Mr. McClellan, seconded by Mr. Barr. All ayes followed. The clerk read the ordinance by title: **Ordinance No. 16-19 – A Bond Ordinance Providing for Various Capital Improvements in and by the City of Ocean City, in the County of Cape May, New Jersey, Appropriating $18,965,000 Therefor and Authorizing the Issuance of $18,461,750 Bonds or Notes of the City to Finance Part of the Cost Thereof**

CFO, Mr. Donato summarized the improvements in section 3 of the ordinance. Also, Mr. Donato said that this ordinance is consistent with the capital plan that was approved earlier this year and this is only the authorization of debt; it does not authorize projects so you are likely to see these projects in front of you in the form of advertisements and award of contracts.

Mr. Madden opened up the meeting for public comment.

Jackie Walsh – 5009 Haven Avenue – Ms. Walsh said that she hopes that her area which is 50th Street is included in the improvements in regard to drainage.

There was some discussion between the governing body.

Mr. Madden asked for a motion to adopt Ordinance No. 16-19 on second reading and public hearing. Motion moved by Mr. Hartzell, seconded by Mr. Barr. All ayes followed.

RESOLUTIONS – CONSENT AGENDA:

16-52-228 - A Resolution to Authorize the Advertisement of Specifications for City Contract #17-01, 2017-2019 Firework Shows for the City of Ocean City & #251 COCCPS Members
16-52-229 - A Resolution Authorizing the Award of City Contract #16-22, 2016 Road Improvement Program
16-52-230 – A Resolution Authorizing the Award of City Contract #16-34, 2016 Bayside Center CDGB Renovations Phase I & II
16-52-232 - A Resolution Authorizing the Award of City Contract #16-37, 2016 Back Bay Dredging
16-52-233 - A Resolution Authorizing Change Order #1, to City Contract #15-18, City Hall Ground Floor Door & Window Replacement
16-52-234 - A Resolution Authorizing Change Order #2, Final Acceptance and Final Payment of City Contract #15-36, Lagoon Outfall Drainage Improvements at Various Locations
16-52-235 - A Resolution Authorizing Change Order #1 to City Contract #16-18, Installation of Artificial Turf at Carey Field
16-52-236 - A Resolution Authorizing the Release of a Letter of Credit Performance Guarantee for a Construction Project at 3025 Wesley Avenue aka 3045 Central Avenue, Block(S) 3000, 3001, 611.11, Lot(s) 5,1,48,49,57,58 Project #13-014PMN
16-52-237 - A Resolution Authorizing the Release of Performance and Maintenance Guarantees for a Construction Project at 1115 Asbury Avenue Block 1104, Lot 10, Project #13-017PSPP
16-52-238 - A Resolution Authorizing the Release of a Performance Guarantee for a Construction Project at 156-62 West Avenue Block 109, Lot 22, Project #15-019PMN
16-52-239 - A Resolution Authorizing the Release of a Performance and Maintenance Guarantees for a Construction Project at 11 E 14th Street Block 1308, Lot 36, Project #15-011ZC
16-52-240 - A Resolution Authorizing the Release of a Performance Guarantee for a Construction Project at 5245 Central Avenue Block 5201, Lot 1, Project #13-031ZC

16-52-241 - A Resolution Certifying the Governing Body Has Reviewed the 2015 Annual Audit
16-52-243 - A Resolution Authorizing the Execution of a Shared Services Agreement with the City of Wildwood, New Jersey for Transporting and Placement of CDF Material for Landfill Caping and Closure

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

REMOVED RESOLUTIONS:
16-52-231 - A Resolution Authorizing the Award of City Contract #16-35, Construction of the 29th Street Firehouse
16-52-242 - A Resolution Authorizing the Payment of Claims

Mr. Barr commented on Resolution #4; he said that he had an opportunity to look at the plans for the 29th Street Fire House and he said good job on a quality project; he thanked the administration for taking the time to go over the plans with him.

Mr. DeVlieger commented on the specific line item relative to the OCNJ Daily, LLC in the bill list; he has a small investment in the company and wants to be transparent so he will recuse himself from voting on that item.

Mr. Madden opened the meeting up for public comment on the removed resolutions. There was no public comment.

Mr. Madden asked for a motion to approve Resolution #4. Motion moved by Mr. Barr, seconded by Mr. Wilson. All ayes followed.

Mr. Madden asked for a motion to remove the OCNJ Daily, LLC from the bill list. Motion moved by Mr. Barr, seconded by Mr. Hartzell. All ayes followed with the exception of Mr. DeVlieger who recused himself and Mr. Wilson who voted no.

Mr. Madden asked for a motion to approve the specific line item; OCNJ Daily, LLC. Motion moved by Mr. Hartzell, seconded by Mr. McClellan. All ayes followed with the exception of Mr. DeVlieger who recused himself and Mr. Wilson who voted no.

Mr. Madden asked for a motion to approve the remainder of the bill list. Motion moved by Ms. Bergman, seconded by Mr. Hartzell. All ayes followed with the exception of Mr. Wilson who abstained.

PENDING BUSINESS:
Mr. Hartzell asked the road going out to the site and wanted to know if it was sinking or not.
Ms. Bergman commented on the meeting taking place August 20th; she is happy to hear that administration is going to hold the meetings to discuss the dredging.

NEW BUSINESS:
Ms. Bergman met with the Porsche of America representatives and the possibility of bringing an event to Ocean City in June 2018; there would be about 200 cars to show as well as 500-600 people. She hopes that the city can make it work and bring them into town.
Mr. DeVlieger was at the crew camp last week and noticed that there is a hole right in front of the docks; he would like that hole to be filled in for safety reasons. There is a charity event being held Saturday at 7:00 p.m.; Scott Patterson, actor from the television show "Gilmore Girls" will be performing with his band to benefit OCNJ Care. He encourages everyone to purchase tickets and attend to support a great cause.
Mr. Hartzell congratulated his friend Chuck Betson who will be inducted to the Ocean City Beach Patrol Hall of Fame this Saturday. Also, he thanked Mr. Madden for running a very efficient meeting tonight.
Mr. McClellan commented on the new turf field and said that it looks great.

CITIZEN COMMENT:
Marie Hayes – 641 Battersea Road – Ms. Hayes commented on Ordinance 16-21 and expressed her concerns about re-development. She suggested building less, not more on the island.
Dale Braun – 326 West Avenue – Mr. Braun commented on Ordinance 16-24 specifically section 2. He wanted to know what happens to existing businesses that are hotels/restaurants and could this have a negative impact on the hospitality zone relative to remodeling current businesses.
Jackie Wolchko - 5009 Haven Avenue – Mr. Wolchko thanked Mr. Mallon and recognized Mr. Barr for their efforts in getting the drains cleaned this weekend. Also, she is concerned about the drainage issues in her area and would the south end of the island be considered in the capital plan.

ADJOURNMENT:
Mr. Madden asked for a motion to adjourn. Motion moved by Mr. Wilson, seconded by Mr. McClellan. All ayes followed. 8:17 p.m.

Melissa Bovera

Melissa Bovera, City Clerk