

**CITY COUNCIL MEETING MINUTES
THURSDAY, AUGUST 25, 2016 – 7:00 PM
CITY HALL COUNCIL CHAMBERS**

ATTENDANCE: Mr. Barr, Ms. Bergman (Arrived at 7:08 p.m.), Mr. DeVlieger, Mr. Hartzell, Mr. McClellan, Mr. Wilson and Mr. Madden. Present also was Michael Allegretto 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:

Tom Heist – 297 W. Atlantic Blvd – Mr. Heist thanked everyone for attending the annual bike meeting. Mr. Heist spoke to council about the programs that have been implemented as well as upcoming projects for 2017. He said that overall the meeting was successful and he encourages council to continue to move in the right direction. Also, Mr. Heist appreciates feedback and looks forward to working on potential new projects.

Don Hepner – 3615 Central Ave – Mr. Hepner is an active member of the pickle ball community and he discussed the benefits of the sport as well as his thoughts on the play time at the courts. He expressed that he is not in favor of having pickle ball courts on 34th Street.

Terry McKenna – 700 Gardens Parkway – Mr. McKenna discussed ideas on the proposal for the pickle ball courts and suggested the possibility of creating a committee.

Michael Hinchman – 281 W. Atlantic Blvd – Mr. Hinchman commented on Ordinance No. 16-25; he does not agree with the city acquiring property by purchase or condemnation for the preservation of open space. He also commented and expressed his opinions on dredging, the IT department, the new turf field at the Ocean City high school and Councilman Wilson.

APPROVAL OF MINUTES:

Mr. Madden asked for a motion to approve the Regular City Council Meeting Minutes of Thursday, August 11, 2016. Motion moved by Mr. McClellan, seconded by Ms. Bergman. All ayes followed.

Council and Administration presented a proclamation to Sean Mooney, Ocean City High School Varsity Baseball Player.

REPORTS – MAYOR & ADMINISTRATION:

Mr. Allegretto informed everyone that Mayor Gillian was unable to attend the council meeting due to the Historical Museum honoring his father this evening. Also, Mr. Allegretto noted that on tonight's agenda resolution #5 has been recently revised and the city clerk has provided copies of the resolution for council to look over. A report on beach tag monies collected for the season will be provided in September and the budget process will also start to be discussed in September; capital requests are being worked on as well as the operating budget. The POP's are preparing for 2 big concerts; the Dupree's and a John Williams tribute. Next, Mr. Allegretto presented a proposal for the pickle ball courts giving council a general overview on ideas. He recommended the 18th Street location; 3 tennis courts, 4 pickle ball courts, which is a total of 12 courts on asphalt. Included in the presentation was discussion in regard to play time for both pickle ball players and tennis ball players. There was discussion between the governing body and Mr. Allegretto.

REPORTS – CITY COUNCIL:

Mr. Hartzell expressed his thoughts and opinions on the comments made by Mr. Hinchman during the citizen comment portion of the meeting.

ORDINANCES: INTRODUCTION & FIRST READING

Mr. Madden asked for a motion to take up Ordinance No. 16-26 on introduction and first reading. Motion moved by Mr. McClellan, seconded by Mr. Barr. All ayes followed. The clerk read the ordinance by title.

Ordinance No. 16-26 – An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised Ordinances of the City of Ocean City, Residential Mechanical 2016-2

Solicitor, Ms. McCrosson explained that Section 1 of this Ordinance provides an exception to the *change of use* definition that will alleviate the need to obtain site plan approval when a triplex is proposed to be converted to a duplex or single-family dwelling. In continuing efforts to simplify the code, Section 2 removes zone-specific garage and driveway requirements in deference to the general requirements in §25-1700 that apply to all residential zones. Section 3 replaces *Building Area* with *Habitable Space* as the criteria used to determine the minimum number of required parking spaces for single-family dwellings. *Building Area* tends to over-estimate parking spaces since it includes the floor area of all principal and accessory buildings. Section 4 reduces the required minimum driveway width for single-family and duplex dwellings from 10' to 9' to reduce impervious site coverage attributed to paved driveways.

There was some discussion between the governing body and the solicitor.

Mr. Madden asked for a motion to adopt Ordinance No. 16-26 on introduction and first reading and publish according to law. Motion moved by Mr. McClellan, seconded by Mr. Barr. All ayes followed. Mr. Madden announced that second reading and public hearing will be held at the regularly scheduled council meeting held on September 8, 2016 at 7:00 p.m. in council chambers.

Mr. Madden asked for a motion to take up Ordinance No. 16-27 on introduction and first reading. Motion moved by Ms. Bergman, seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title.
Ordinance No. 16-27 – An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised Ordinances of the City of Ocean City, Rear Yard Setbacks

Solicitor, Ms. McCrosson explained this Ordinance describes and formalizes a procedure utilized by the Zoning Office to establish the required rear yard setback on irregular lots that have unequal side yard dimensions. The methodology described in the ordinance is sensitive to the impact of the zoning requirements on irregularly-shaped lots and provides a procedure that maintains the intent of the zone plan while providing equity to the land owner.

There was some discussion between the governing body and the solicitor.

Mr. Madden asked for a motion to adopt Ordinance No. 16-27 on introduction and first reading and publish according to law. Motion moved by Mr. Hartzell, seconded by Wilson. All ayes followed. Mr. Madden announced that second reading and public hearing will be held at the regularly scheduled council meeting held on September 8, 2016 at 7:00 p.m. in council chambers.

ORDINANCES: SECOND READING & PUBLIC HEARING

Mr. Madden asked for a motion to take up Ordinance No. 16-20 on second reading and public hearing. Motion moved by Mr. Hartzell, seconded by Mr. McClellan. 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.

There was some discussion between the governing body and the solicitor.

Mr. Madden opened the meeting up for public comment on Ordinance No. 16-20; no one from the public commented.

Mr. Madden asked for a motion to adopt Ordinance No. 16-20 on second reading. Motion moved by Mr. Hartzell, seconded by Mr. Barr. All ayes followed.

Mr. Madden asked for a motion to take up Ordinance No. 16-21 on second reading and public hearing. Motion moved by Mr. Wilson, 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, NJ

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 riparian rights that the city has to operate the docks in the historic location.

There was some discussion between the governing body and the solicitor.

Mr. Madden opened the meeting up for public comment on Ordinance No. 16-21; no one from the public commented.

Mr. Madden asked for a motion to adopt Ordinance No. 16-21 on second reading. Motion moved by Mr. Wilson, seconded by Ms Bergman. All ayes followed.

Mr. Madden asked for a motion to take up Ordinance No. 16-22 on second reading and public hearing. Motion moved by Mr. McClellan, seconded by Mr. Hartzell. 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

Mr. Allegretto 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 reconstruct 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.

Mr. Madden opened up the meeting for public comment on Ordinance No. 16-22; no one from the public commented.

Mr. Madden asked for a motion to adopt Ordinance No. 16-22 on second reading. Motion moved by Mr. Wilson, seconded by Ms Bergman. All ayes followed.

Mr. Madden asked for a motion to take up Ordinance No. 16-23 on second reading and public hearing. Motion moved by Ms. Bergman, 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 opened up the meeting for public comment on Ordinance No. 16-23; no one from the public commented.

Mr. Madden asked for a motion to adopt Ordinance No. 16-23 on second reading. Motion moved by Mr. Hartzell, seconded by Mr. McClellan. All ayes followed.

Mr. Madden asked for a motion to take up Ordinance No. 16-25 on second reading and public hearing. 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 but 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 the solicitor.

Mr. Madden opened up the meeting for public comment on Ordinance No. 16-25.

Public comment on Ordinance No. 16-25:

1. Paul Chiolo – Owner of the Keller William’s office; not in favor of the ordinance
2. Robert Foreman – 2300 West Avenue – Not in favor of the ordinance
3. Drew Fasey – 900 Gardens Parkway - In favor of the ordinance
4. Jim Tweed – 1512 Wesley Avenue – In favor of the ordinance
5. Dale Braun – 326 West Avenue – In favor of the ordinance
6. Al Kelleher – 3304 Haven Avenue – spoke about ethics and doing what is right

Mr. Madden closed the public comment portion of the meeting on Ordinance No. 16-25.

There was discussion between the governing body on Ordinance No. 16-25 and each council person discussed their thoughts on the ordinance.

Mr. Madden asked for a motion to adopt Ordinance No. 16-25 on second reading. Motion moved by Mr. Hartzell, seconded by Ms. Bergman. All ayes followed with the exception of Mr. Wilson who recused himself.

RESOLUTIONS – CONSENT AGENDA:

16-52-244-#1 - A Resolution to Authorize the Advertisement of Specifications for City Contract #17-04, Citywide Custodial Services

16-52-245-#2 - A Resolution Authorizing the Award of a Contract to Innovative Leadership of Delaware Valley, LLC for HR Assessments, Consultation, Training & Coaching for the Department of Administration

16-52-247-#4 - A Resolution Authorizing Change Order #2, Final Acceptance and Final Payment of City Contract #15-24, Reconstruction of the Boardwalk from 8th Street to Plaza Place

16-52-248-#5 - A Resolution Authorizing Change Order #1 & 2, Final Acceptance and Final Payment of City Contract #16-16, 2016 Road Improvement Program – Phase I

16-52-249-#6 - A Resolution Authorizing and Adopting a Sustainable Land Use Pledge

16-52-250-#7 - A Resolution Authorizing the Payment of Claims

16-52-251-#8 - A Resolution Consenting to the Mayor's Appointment of Marie Knight as a Member to the Shade Tree Committee

16-52-252-#9 - A Resolution to Authorize the Advertisement of Specifications for City Contract #16-38, 2016 Road Improvement Program – Phase III

Mr. Madden asked for a motion to approve the consent agenda. Motion moved by Mr. Barr, second by Mr. Wilson. All ayes followed with the exception of Mr. McClellan who was not in the council chambers at the time of the vote.

NON-CONSENT AGENDA:

16-52-246-#3 - A Resolution Authorizing Change Order #1 to City Contract #15-07, R-1, Supply, Installation, Removal & Storage of Holiday Decorations for Various Locations

Mr. Barr asked about Christmas decorations for the 4th Ward, specifically for the 34th Street entrance into the city. Mr. Allegretto explained that this resolution is in regard to the existing decorations.

Mr. Madden asked for a motion to approve Resolution #3. Motion moved by Mr. Barr, seconded by Ms. Bergman. All ayes followed.

PENDING BUSINESS:

Mr. Barr commented on the remarks made by Mr. Hinchman which he found to be offensive and expressed the importance of standing by the veterans. Also, Mr. Barr reminded everyone of the town hall meeting being held on August 30, 2016 at 6:00 p.m. at the Senior Center to discuss road and drainage issues between 26 and 34th Streets.

Mr. McClellan reported that he walked the 4th Ward with Councilman Barr and Councilman Hartzell and he thanked all of the residents who were so kind on such a hot day.

Mr. Hartzell spoke about Mr. Hinchman and the FIT meetings; he expressed his opinions and feelings towards the appointment of Mr. Hinchman as the President of FIT. Mr. Hartzell also informed everyone that he attended the "Get the Led Out" concert at the Music Pier; he had a great time and suggested more advertisement and promotion for the concerts that take place at the Music Pier. Also, he will be attending the Cinderella production performed by the OCTC.

Mr. DeVlieger commented on the annual Bike OCNJ presentation and said that it was outstanding and there is an overwhelming amount of support from the community for Bike OCNJ.

Mr. Wilson spoke about the traffic study for Haven Avenue and suggested the speed limit be 18 mph as opposed to 20 mph and he also suggested signage specific to that zone.

NEW BUSINESS:

Mr. DeVlieger informed everyone that the Chamber of Commerce is hosting a roast in honor of John Battistini on September 13th at the Flanders and tickets can be purchased from the Chamber.

Mr. McClellan thanked Mr. Allegretto for all of his efforts with the new turf field and asked about a possible ribbon cutting ceremony.

Mr. Barr mentioned that he was on vacation last week and was not in contact with anyone via email so if anyone needs to reach him he is available now.

CITIZEN COMMENT:

Ron Denney - 1414 Pleasure Avenue – Mr. Denney spoke about the tennis and pickle ball courts and said it's an opportunity to think outside of the box. He offered suggestions and comments about both the tennis and pickle ball courts.

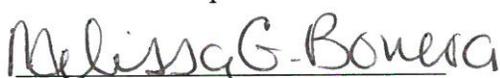
Jim Tweed – 1512 Wesley Avenue – Mr. Tweed commented on remarks made by Mr. Hinchman and he also stated that Councilman Wilson deserves an apology.

Marty Mozzo – 3803 Westminster Lane – Mr. Mozzo said that as an air force veteran and he commented on all of the things that the American Legion does for the troops every year.

Dale Braun – 326 West Avenue – Mr. Braun thanked council for approving Ordinance No. 16-27 as he is a member of the planning board and he also mentioned that he does have concerns about section 3 in Ordinance No. 16-26. Also, he said that the community has faith in Mr. Wilson.

ADJOURNMENT:

Mr. Madden asked for a motion to adjourn. Motion moved by Mr. Wilson, seconded by Ms. Bergman. All ayes followed. 9:13 p.m.


Melissa G. Bovera, City Clerk

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