

**CITY COUNCIL MEETING MINUTES  
THURSDAY, DECEMBER 8, 2016 – 7:00 PM  
CITY HALL COUNCIL CHAMBERS**

**ATTENDANCE:** Mr. Barr, Mr. DeVlieger, Mr. Hartzell, Mr. McClellan, Mr. Wilson. Also present was Mayor Gillian, Mr. Allegretto, Community Services Director and Solicitor Dorothy McCrosson. Mr. Madden arrived at 7:30 PM. Ms. Bergman was absent.

Council Vice President Wilson called the meeting to order at 7:00 PM and asked everyone to rise for the flag salute. He announced that the meeting had been advertised in accordance with P.L. 1975, Chapter 231.

Mr. Wilson read a Proclamation honoring the Ocean City High School varsity field hockey team who won the Group 3 title with a 22-4 record for 2016.

Alexis Paone, Nicholl Fenton and Riale Allen, team captains of the Ocean City Varsity squad praised the community and businesses for their continued support.

**CITIZEN COMMENT**

**Andrew Leonetti, 3121 Bayland Dr.** - This was his 2<sup>nd</sup> time speaking against the ordinance and said he looks forward to performing in the summer on the boardwalk, because his age restricts where he can perform.

**Ricky Hardin, 445 Asbury Avenue.** - Plays at 5<sup>th</sup> Street location and believes the entertainment welcomes the tourists who come on the Boardwalk.

**Christine Leonetti, 3121 Bayland Dr.** - Said her son plays on the Boardwalk and is not opposed to the licensing and charging a fee, opposed for a 15 year old to be fingerprinted. Their band is always accompanied by an adult and they are well behaved when playing on the Boardwalk.

**Wes Kazmarck, 1154 Boardwalk** - Speaking on behalf of the boardwalk Merchants Association who helped craft the rules for the ordinance. He felt the City took the musician's concerns into consideration while being mindful of the business community and does encourage the kids to entertain on the Boardwalk and the ordinances shows that.

**Marie Hayes - year round resident** - Believes that permits and fees will keep the teenagers off the boardwalk. Years ago there used to be roller skating rinks and dance halls that are all closed now. She believes that the entertainment on the boardwalk gives them an outlet to perform.

**Richard Hardin, 445 Asbury Ave.** - Said he spends a lot of time with the band and he believes the band is enjoyed by all. The ordinance will be a hardship for some of the players.

**Andrea Hardin, 119 Bay Avenue** - Kids are the faces of "America's Greatest Family Resort" and believes that their band always performs at the end of the boardwalk and does not disturb the businesses. Encourages all to come and listen to them.

**APPROVAL OF MINUTES**

Mr. Wilson asked for a motion to approve the minutes of the Thursday, November 10<sup>th</sup> Regular Council Meeting (All present). Motion moved by Mr. Barr, seconded by Mr. McClellan. All ayes followed except Mr. DeVlieger, left the table.

**SALE OF BOND ANNOUNCEMENT**

Mr. Wilson asked the Deputy Clerk to read an announcement for the sale of notes. The announcement certified the Chief Financial Officer certified that he issued Note 2016-03 dated December 1, 2016 in the amount of \$13,000,000 consisting of \$13,000,00 in Bond Anticipation Notes awarded to TD Securities, LLC with a maturity date of November 30, 2017, net interest cost of .99% payable at maturity. Note 2016-04 dated December 1, 2016 in the amount of \$2,600,000 consisting of \$2,600,000. in Federally Taxable Bond Anticipation Notes awarded to West Windsor Twp., NJ, maturity date of November 30<sup>th</sup> 2016, net interest cost of 1.23% payable at maturity.

**REPORTS – MAYOR & ADMINISTRATION**

Mr. Allegretto announced the Boardwalk construction is underway and will be finished in time for the 1<sup>st</sup> Night festivities. Mr. Allegretto said pilings have been put in place for the boardwalk pavilions on the ocean side of the boardwalk locations. Mr. Allegretto reminded residents that a dredge meeting will be held on Saturday, December 10, 2017 at the Senior Center, 18<sup>th</sup> Street & Simpson Avenue.

**REPORTS – CITY COUNCIL**

There were no reports from Council.

**ORDINANCES – FIRST READING & INTRODUCTION:**

Mr. Wilson asked for a motion to introduce Ordinance 16-29 on first reading. Motion moved by Mr. Hartzell seconded by Mr. McClellan. All ayes followed except Mr. DeVlieger and Mr. Madden not present for motion to introduce. The clerk read the Ordinance by title: **#16-29, An Ordinance Supplementing the Revised General Ordinances of the City of Ocean City (Boardwalk Entertainers)**

Ms. McCrosson provided an explanation for Ordinance #16-29 on first reading. Ms. McCrosson said that the number of artists on the Boardwalk has increased in recent years. The Administration appreciates their contributions to the Boardwalk atmosphere and has an interest in ensuring their right to perform. It will not infringe upon the public's right to traverse and enjoy the Boardwalk. Ms. McCrosson said this ordinance will ensure entertainers and artists may ply their crafts in a safe and orderly manner, without interfering with each other and without inhibiting pedestrian traffic or changing the family friendly character of the Boardwalk.

Ms. McCrosson responded to some of the questions raised in the Public Comment portion of the meeting. She said this ordinance will not require minors to be fingerprinted and the application will be made by a responsible adult. It will be the adults that will be fingerprinted. There will be more locations centrally located than the previous ordinance proposed.

Ms. McCrosson and Mr. Allegretto entertained questions from Council members.

Council members encouraged the public to reach out with their concerns. Ms. McCrosson said that early 2017 they will begin taking applications.

Mayor Gillian said this is not going to be a deterrent to keep people off the boardwalk by charging fees. Mayor Gillian urged people to reach out to Mr. Allegretto, Director of Community Services and Council with their concerns and promises that this ordinance will be a fair and honorable agreement before it goes to 2<sup>nd</sup> reading.

Mr. Madden arrived at 7:30 pm.

Mr. Wilson asked for a motion to adopt **Ordinance #16-29** on first reading. Motion moved by Hartzell, seconded by Mr. McClellan, All ayes followed except for Mr. DeVlieger was not present at the table.

Mr. Wilson announced second reading and public hearing would be held on December 29, 2016.

Mr. Wilson asked for a motion to introduce **Ordinance #16-30** on first reading. Motion moved by Mr. Hartzell, seconded by Mr. McClellan. All ayes followed except Mr. DeVlieger was not present at the table. The clerk read the ordinance by title: **#16-30, An Ordinance Amending Ordinance #87-17, Chapter XXX "Municipal Fees" of the Revised General Ordinances of the City of Ocean City, New Jersey (2016 Fee Ordinance)**

Ms. McCrosson entertained questions from Council. Ms. McCrosson explained the changes to the Tourism and Mercantile fee ordinance that property owners would incur. Ms. McCrosson said an enactment by Supreme Court decision required that a mercantile fee cannot be charged for any dwelling occupied more than 175 day annually.

Mr. DeVlieger returned to the table at 7:45PM

Mr. Wilson asked for a motion to adopt Ordinance #16-30 in first reading and publish according to law. Motion moved by Mr. McClellan, seconded by Mr. Hartzell, all ayes followed.

Mr. Wilson announced that second reading and public hearing would be held on December 29, 2016.

#### **RESOLUTION - NON-CONSENT AGENDA:**

**16-52-315 - #1** - A Resolution Introducing and Approving the 2017 Budget of the Special Improvement District of the City of Ocean City. Mr. Wilson asked for a motion to introduce Resolution #1. Motion moved by Mr. Barr, seconded by Mr. McClellan. All ayes followed. Mr. Donato explained the 2017 Special Improvement Budget is comprised of 3 special improvement districts, the Boardwalk, Asbury Avenue and the 9<sup>th</sup> Street Corridor. The Special Improvement budget is required to come before Council for approval. He outlined line items in the budget totaling \$516,313 that includes a total levy amount raised through taxes at \$182,313.

Mr. Donato entertained questions from Council.

Mr. Wilson asked for a motion to approve the 2017 Special Improvement Budget. Motion moved by Mr. Madden, seconded by Mr. McClellan. All ayes followed. Mr. Allegretto announced public hearing would be held on January 12, 2017.

#### **RESOLUTIONS – CONSENT AGENDA:**

**16-52-316 - #2** - A Resolution to Authorize the Advertisement of Specifications for City Contract #16-33, Airport Obstruction Removal at the Ocean City Municipal Airport

**16-52-317 - #3** - A Resolution to Authorize the Advertisement of Specifications for City Contract #17-17, Helicopter Air Tours Based from the Ocean City Municipal Airport

**16-52-318 - #4** - A Resolution to Authorize the Advertisement of Specifications for City Contract #17-18, Maintenance of City Owned Grounds & Garden Plots

**16-52-319 - #5** - A Resolution to Authorize the Advertisement of Specifications for City Contract #17-19, Airplane Rides Based from the Ocean City Municipal Airport

**16-52-320 - #6** - A Resolution Authorizing the Award of a Contract to Schindler Elevator Corporation for the Repair & Maintenance of the City's Elevators

**16-52-321 - #7** - A Resolution Authorizing the Award of a Contract to Dynamics Security, LLC for the Repair & Maintenance of the Security Camera's at the Ocean City Municipal Airport

**16-52-322 - #8** - A Resolution Authorizing the Award of City Contract #16-50, Timber ADA Ramp Improvements at Various Locations

**16-52-323 - #9** - A Resolution Authorizing a Professional Services Contract between the City of Ocean City & AmeriHealth Insurance Company of New Jersey ("AmeriHealth"), as the Provider of the Employee & Retiree Health Care Benefit Program

**16-52-324 - #10** - A Resolution Authorizing a Professional Services Contract between the City of Ocean City & Benecard Services, Inc. ("Benecard"), as the Provider of the Employee & Retiree Prescription Drug Benefit Program

**16-52-325 - #11** - A Resolution Authorizing a Professional Services Contract between the City of Ocean City & Horizon Blue Shield Blue Cross of New Jersey (Horizon Dental) as the Provider of the Employee & Retiree Dental Benefit Program

**16-52-326 - #12** - A Resolution Authorizing the Award of a Professional Service Contract between the City of Ocean City & Bonnie D. Putterman, Esq., Swift Law Firm, LLC & Teitler & Teitler, LLC for Conflict Public Defender Legal Services for the City of Ocean City

**16-52-327 - #13** - A Resolution Authorizing a Professional Services Contract between the City of Ocean City & the McMahon Agency, Inc. for Risk Management Consultant (RMC) Services for the City of Ocean City for the Calendar Year 2017

**16-52-328 - #14** - A Resolution Authorizing a Contract between the City of Ocean City and the Jersey Cape Diagnostic, Training & Opportunity Center, Inc. for the Manufacture & Supply of Beach Tags for the Calendar Year 2017

**16-52-329 - #15** - A Resolution Authorizing the Mayor to Execute an Agreement between the City and AtlantiCare Regional Medical Center for Advanced Life Support Services for the 2017 Calendar Year

**16-52-330 - #16** - A Resolution Appointing Elizabeth M. Woods, Director of Human Resources as the Fund Commissioner & Matthew von der Hayden, Manager of Capital Planning as the Alternate Fund Commissioner to the Atlantic County Municipal Joint Insurance Fund

**16-52-331 - #17** - A Resolution Appointing Elizabeth M. Woods, Director of Human Resources as the Primary Contact Person & Matthew von der Hayden, Manager of Capital Planning as the Secondary Contact Person for XL/Summit Risk Insurance Company's Employment Practices Liability (EPL) Helpline through the Atlantic County Municipal Joint Insurance Fund

**16-52-332 - #18** - A Resolution Authorizing Change Order #1 to City Contract #16-38, 2016 Road Improvements – Phase III

**16-52-333 - #19** - A Resolution Authorizing Change Order #2, Final Acceptance & Final Payment to City Contract #15-34, Temporary Access Roadway to CDF #83

**16-52-334 - #20** - A Resolution Approving Tax Overpayment Refunds 2016-29 Thru 2016-37

**16-52-335 - #21** - A Resolution Authorizing Transfers of Appropriations of the 2016 Local Municipal Budget Per N.J.S.A. 48:4-58

**16-52-336 - #22** - A Resolution Authorizing the Payment of Claims

**16-52-337 - #23** - A Resolution Authorizing the Execution of an Agreement between the City of Ocean City and the City of Sea Isle City, Cape May County, New Jersey for Municipal Engineer Services for 2017

**16-52-338 - #24** - A Resolution Authorizing a Closed Executive Session for the Purpose of Discussing Personnel (Board and Commission Appointments)

Mr. Wilson asked for a motion approve the Consent Agenda. Motion moved by Mr. McClellan, seconded by Hartzell. All ayes followed.

#### **PENDING BUSINESS**

Mr. Barr thanked the Administration for the Christmas lights on 34<sup>th</sup> Street, they were very well received.

#### **NEW BUSINESS**

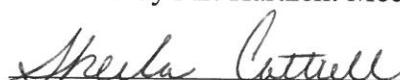
Mr. DeVlieger announced the Waves of Caring fund raiser at Port 'O Call was a great event for needy families. Mr. Barr reminded everyone the VFW Post 6650 Christmas party will be held on December 16, 2016 and contact person is Mike Morrissey for event information.

#### **CITIZEN COMMENT**

There was no citizen comment.

#### **ADJOURNMENT**

Mr. Wilson asked for a motion to adjourn and go into Closed Executive Session. Motion moved by Mr. Barr, seconded by Mr. Hartzell. Meeting adjourned into closed session at 8:05.

  
Sheila Cottrell, Deputy Clerk