

**CITY COUNCIL MEETING MINUTES
THURSDAY, DECEMBER 29, 2016 – 1:00 PM
CITY HALL COUNCIL CHAMBERS**

ATTENDANCE: Mr. Barr, Ms. Bergman, Mr. DeVlieger, Mr. McClellan via telephone and Mr. Madden. Present also was Mayor Jay A. Gillian, Business Administrator, James Mallon and Human Resources Director, Liz Woods, Esq.

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

Mr. Madden announced that adequate notice of this meeting has been given pursuant to Public Law 1975, Chapter 231.

CITIZEN COMMENT:

John Nicoletti – 805 Central Avenue – Mr. Nicoletti spoke against Ordinance No. 16-29 and talked about the importance of music.

Bill Hartranft – 725 Battersea Road – Mr. Hartranft spoke against Ordinance No. 16-29 and said to let the kids continue to perform on the boardwalk.

Rich Nicoletti – 805 Central Avenue – Mr. Nicoletti spoke about Ordinance No. 16-29 and said that he doesn't think it is necessary for parents to accompany teenagers while they are playing an instrument on the boardwalk. Also, he does not agree with the finger printing process or the background check proposed in the ordinance.

Sue Mancus - 411 Ocean Avenue – Ms. Mancus spoke about Ordinance No. 16-29 and said that her grandson is a fiddler; when he visits Ocean City he goes on the boardwalk and performs. She spoke about the generosity of the visitors and what a great experience her grandson had while performing.

APPROVAL OF MINUTES:

Mr. Madden announced that the approval of the Regular City Council meeting minutes from the December 20, 2016 meeting will be on the January 12, 2017 agenda for approval.

REPORTS – MAYOR & ADMINISTRATION:

Mayor Gillian spoke in response to the comments made about Ordinance 16-29. He would like to gather all information from children as well as parents so that moving forward decisions that are made are fair and right.

Business Administrator, James Mallon wished everyone a good afternoon and mentioned that Ms. Liz Woods was in attendance today sitting in for Ms. McCrosson who is out of town for the holidays. Mr. Mallon requested that Resolution No. 11 be removed from the consent agenda; this was a place holder for a potential year end transfer that CFO, Mr. Donato has informed him is not needed. Also, Mr. Mallon requested that the governing body table Ordinance No. 16-29 until the first meeting in the New Year which is January 12, 2017. Mr. Mallon spoke about the fee ordinance as well (Ordinance No. 16-30). Ms. McCrosson has assured Mr. Mallon that changes being made clarify the intent regarding mercantile and tourism fees on residential rentals greater than 175 days. Ms. McCrosson has spoken to team members who collect and enforce the rental registrations and they fully understand the intent of the ordinance. Mr. Mallon wished everyone a happy new year and he thanked everyone for all of their help throughout the year. He also recommended that if you have not purchased your first night button to get them quickly because they are being sold fast.

REPORTS – CITY COUNCIL:

There were not any reports from Council.

ORDINANCES – SECOND READING & PUBLIC HEARING:

Mr. Madden asked for a motion to table second reading and public hearing for Ordinance No. 16-29 until the regular city council meeting scheduled for January 12, 2017. Motion moved by Mr. Barr, seconded by Ms. Bergman. All ayes followed.

Mr. Madden asked for a motion to take up Ordinance No. 16-30 on second reading and public hearing. Motion moved by Mr. Barr, seconded by Ms. Bergman. All ayes followed. The clerk read the Ordinance by title. **Ordinance No. 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)**

Mr. Mallon explained that an enactment by Supreme Court decision required that a mercantile fee cannot be charged for any dwelling occupied more than 175 day annually.

Mr. Madden opened the meeting up for public comment on Ordinance No. 16-30.

Mr. Robert Foreman – Mr. Foreman referenced section 2-13.3 of Ordinance No. 16-30 and asked that the note be removed from the ordinance.

Mr. Madden closed the public comment portion of the meeting.

Mr. Madden asked for a motion to adopt Ordinance No. 16-30 on second reading. Motion moved by Mr. Barr, seconded by Mr. DeVlieger. All ayes followed.

RESOLUTIONS – CONSENT AGENDA:

The Clerk read the consent agenda.

16-52-372 - #1 - A Resolution Authorizing the Award of City Contract 16-52, Acquisition of Two (02) 2017 or Newer Class 3 SRW 4WD Pickup Trucks

16-52-373 - #2 - A Resolution Authorizing the Award of a Contract to Crossmatch Technologies for a LSCAN 500 Love Scan Finger Print System for the Ocean City Police Department

16-52-374 - #3 - A Resolution Authorizing the Award of a Professional Services Contract between the City of Ocean City & Thomas G. Smith P.C. for Special Legal Counsel for Tax Appeals for the Calendar Year 2017

16-52-375 - #4 - A Resolution Authorizing the Award of a Professional Services Contract between the City of Ocean City & Tonio Burgos and Associates of New Jersey, LLC for the 2017 Back Bay and Lagoon Dredging Program

16-52-376 - #5 - 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

16-52-377 - #6 - A Resolution Authorizing the Release of a Performance Guarantee for a Construction Project at 1140 Asbury Avenue Block 1105, Lot 26, Project #14-013 PMS

16-52-378 - #7 - A Resolution Authorizing the Release of a Letter of Credit Performance Guarantee for a Construction Project at 3401-07 Asbury Avenue Block 3402, Lot(S) 16 & 17; Project #13-029 PSPP

16-52-379 - #8 - A Resolution Authorizing the Release of a Performance Guarantee for a Construction Project at 25 W 16th Street Block 1510, Lot 22, Project #15-032 PMN

16-52-380 - #9 - A Resolution Authorizing the Payment of Claims

16-52-381 - #10 - A Resolution Authorizing a Professional Services Contract between the City of Ocean City and New Leaf Marketing, Inc. for a Professional Artist Supplied Productions Services

16-52-382 - #12 - A Resolution Canceling Certain 2016 Appropriations within the Local Municipal Budget

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

PENDING BUSINESS:

Mr. DeVlieger wished everyone a safe and happy New Year.

Ms. Bergman wished everyone a safe and happy New Year and she thanked everyone for their support this past year.

Mr. McClellan reminded everyone about Martin Luther King Day which is January 14, 2017 and details about the events for that day can be found on the city's website. He also wished everyone a happy New Year.

NEW BUSINESS:

Mr. Barr reminded everyone about the next 4th Ward meeting being held at the Ocean City Free Public Library on Saturday, January 21, 2017 at 10:00 a.m. in the Chris Maloney Lecture Hall. Guest speakers will be Cape May County Freeholder Marie Hayes and County Engineer Dale Foster. They will be talking about the mosquito ditch projects and they will also be discussing updates on the construction happening on the 34th Street Bridge.

Mr. Madden wished everyone and safe, happy and healthy New Year.

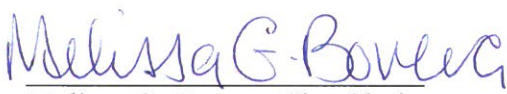
CITIZEN COMMENT:

James Tweed – 1512 Wesley Avenue – Mr. Tweed thanked the Mayor for pulling the ordinance relative to the boardwalk entertainers in the spring. In regard to Ordinance No. 16-29, Mr. Tweed said that it is not always the same adult who will accompany a child under the age of 18 on the boardwalk and so getting finger prints may cause a burden for adults. He asked that the Mayor and governing body consider gathering more information and opinions before moving forward with the ordinance.

Dale Braun – 326 West Avenue – Mr. Braun informed everyone that his term on the planning board ends this month and he said thank you for the experience and the opportunity. While he was a member of the planning board, he was able to apply what he had learned, especially post Sandy from attending council meetings and he is now going to serve on the school board and looks forward to the new opportunity.

ADJOURN:

Mr. Madden asked for a motion to adjourn. Motion made by Mr. Barr, seconded by Ms. Bergman. All ayes followed. 1:35 p.m.


Melissa G. Bovera, City Clerk