

**CITY COUNCIL MEETING MINUTES  
TUESDAY, OCTOBER 24, 2017 – 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 Solicitor, Dorothy McCrosson and Business Administrator, James Mallon.

Council President Mr. Madden called the meeting to order and asked everyone to rise for the flag salute and prayer. Mr. Hartzell led the prayer. Mr. Madden announced that adequate notice of this meeting has been given pursuant to Public Law 1975, Chapter 231.

**CITIZEN COMMENT:**

**Christine Rothstein – 53 Walton Place** – Ms. Rothstein spoke about petitioning to have the city owned lot on the east side of 49 Walton Place remain as a designated turn around.

**Avery Teitler – 618 West Avenue** – Mr. Teitler spoke on behalf of his client in regard to Ordinance No. 17-19. The owner of the property referenced in the ordinance intends on developing it.

**Ed Price – 7 Marlin Court** – Mr. Price spoke about his concerns about the city's donations to non-profit organizations and he also expressed concerns about Ordinance No. 17-18.

**Wayne Mozzo – 1333 Pleasure Avenue** – Mr. Mozzo spoke about his concerns and communications in regard to the flooding issues on W. 14<sup>th</sup> Street.

**Michael Hinchman – 281 W. Atlantic Blvd** – Mr. Hinchman spoke about the property on 50 Tennessee Avenue; the bathrooms at 6<sup>th</sup> Street and he also spoke about private dredge spoils.

**David Breeden – 114 Victoria Lane** – Mr. Breeden expressed his concerns about the 6<sup>th</sup> Street bathrooms and said that he did not notice a fire alarm system in the bid specs. He also expressed his concerns about 50 Tennessee Avenue.

**Lenny Desiderio – Cape May County Freeholder** – Mr. Desiderio congratulated the Mayor on his award last night at the Boy Scouts of America dinner and he congratulated the administration and governing body on doing a good job in Ocean City.

**APPROVAL OF MINUTES:**

Mr. Madden asked for a motion to approve the Regular City Council Meeting Minutes of October 12, 2017 and the Closed Executive Session Meeting Minutes of October 12, 2017. Motion moved by Mr. Barr, seconded by Mr. Wilson. All ayes followed.

**REPORTS – MAYOR & ADMINISTRATION:**

Mr. Mallon reminded everyone that tomorrow night is welcome Night from 6:00 p.m. to 8:00 p.m. at the Civic Center; this is a great event to meet local businesses, organizations and officials. Thursday night is the Halloween parade along Asbury Avenue starting at 6<sup>th</sup> Street. The parade starts at 7:15 p.m. the city received positive news last week about the dredging window extending to March 1. This is great news as the city has potential to complete additional dredging each year. The main pipe for beach replenishment has been placed at Morningside, however with recent wind and weather it will be a few days before pumping begins. The city is optimistic that the final preparations will be complete as soon as the weather subsides, the dredge will be placed and could begin as early as this weekend.

**REPORTS – CITY COUNCIL:**

Council did not have any reports.

**ORDINANCES: FIRST READING & INTRODUCTION:**

Mr. Madden asked for a motion to take up Ordinance No. 17-19 on first reading and introduction. Motion moved by Ms. Bergman, seconded by Mr. McClellan. All ayes followed with the exception of Mr. Hartzell and Mr. Wilson who both recused themselves. The clerk read the ordinance by title. **Ordinance No. 17-19 – A Bond Ordinance Providing For Appropriating \$650,000 and Authorizing the Issuance of \$617,500 Bonds or Notes of the City to Finance Part of the Cost of the Acquisition By Negotiation or Condemnation of the Property Known as 903 Bay Avenue (Block 908-Lot 14)**

Solicitor, Ms. McCrosson explained that this ordinance allows for putting funds in place. After a court order has been given to the city, the city can then take over the property and begin with improvements.

There was discussion between the governing body.

Mr. Madden asked for a motion to adopt Ordinance No. 17-19 on first reading and public hearing. Motion moved by Ms. Bergman, seconded by Mr. McClellan. All ayes followed with the exception of Mr. Hartzell and Mr. Wilson who recused themselves.

Mr. Madden announced that second reading and public hearing on Ordinance No. 17-19 will be scheduled for November 16, 2017 and will be published according to law.

Mr. Madden asked for a motion to take up Ordinance No. 17-20 on first reading and introduction. Motion moved by Mr. Barr, seconded by Mr. DeVlieger. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 17-20 - An Ordinance to Grant an Assignment of Easement by the City of Ocean City, Cape May County, New Jersey to the State of New Jersey, Department of Environmental Protection for the Purpose of Providing Access for the United States Army Corps of Engineers to Construct the Great Egg Harbor Inlet and Pecks Beach, New Jersey Project on Block 70.41, Lots 2 & 3 in the City of Ocean City**

Business Administrator, James Mallon explained that this ordinance allows for the approval of the assignment of rights to the easement from the City alone, to the State and the city in order to enable the city and the Army Corps of Engineers, the city's partners in beach projects, to construct and maintain the beach. This assignment will help maintain regular beach projects in the future. Also, the DEP has reviewed this ordinance and requested that the title be revised to indicate that the assignment of the easement is "for the purpose of providing access for the United States Army Corps of Engineers to construct and maintain the Great Egg Harbor Inlet and Pecks Beach, New Jersey Project," so the administration asked council to adopt the ordinance with that amendment to the title.

There was discussion between the governing body.

Mr. Madden asked for a motion to adopt Ordinance No. 17-20 on first reading and introduction as amended. Motion moved by Mr. Barr, seconded by Mr. McClellan. All ayes followed.

Mr. Madden announced that second reading and public hearing on Ordinance No. 17-20 will be scheduled for November 16, 2017 and will be published according to law.

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

Mr. Madden stated that all resolutions listed below are considered to be routine in nature and will be read by title only and enacted by one motion. If the mayor or any councilperson wishes a particular resolution to be considered separately, it will be removed from the consent agenda.

Mr. Madden asked if anyone wished to remove any of the resolutions from the consent agenda. Mr. Barr asked that Resolution No. 10 be removed because he would like to abstain from voting on that particular resolution.

The clerk read the consent agenda.

**17-53-312 - #1** - A Resolution Authorizing the Award of City Contract #18-01 R-1, Supply & Delivery of 100 Low Lead Aviation Fuel (AVGAS100LL)

**17-53-313 - #2** - A Resolution Authorizing the City's Participation in Atlantic County Cooperative Pricing Program For Award of County Bid Furnishing and Delivering of Rock Salt to Participating Members of the Atlantic County Cooperative Program (#41-ACC)

**17-53-314 - #3** - A Resolution Authorizing a Professional Services Contract between the City of Ocean City & Parker McCay, PA for Special Legal Counsel

**17-53-315 - #4** - A Resolution Approving the Submission of a Grant Application and to Execute a Grant Contract with the New Jersey Department of Transportation For the 12<sup>th</sup> Street Paving, Drainage & Safety Improvement Project

**17-53-316 - #5** - A Resolution Authorizing the City's Participation in the National Joint Powers Alliance (NJPA) National Cooperative Purchasing Program For Contract #030117, Recreation and Playground Equipment, Accessories for the Department of Public Works & Community Services

**17-53-317 - #6** - A Resolution Amending the 2017 Budget of the City of Ocean City to Include Additional Revenue From the Department of the Treasury, State of New Jersey, Division of Criminal Justice 2017 Body Armor

**17-53-318 - #7** - A Resolution Authorizing the Release of a Performance Guarantee For a Construction Project at 831 Brighton Place, Block 402, Lot 43, Project #15-030PMN

**17-53-319 - #8** - A Resolution Authorizing the Release of a Performance Guarantee For a Construction Project at 832 Wesley Avenue, Block 805, Lot 17.04, Project #16-025ZMS

**17-53-320 - #9** - A Resolution Authorizing the Release of a Performance Guarantee For a Construction Project at 40 Revere Place, Block 811, Lots 20 & 21, Project #15-024PMN

**17-53-322 - #11** - A Resolution Authorizing the Payment of Claims

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

Mr. Madden asked the clerk to read the removed resolution.

**17-53-321 - #10** - A Resolution Consenting to City Council's Appointment of M. Sean Scarborough to the Ocean City Housing Authority

Mr. Barr said he would like to abstain from voting on this resolution. Mr. Madden opened the meeting up for public comment on Resolution No. 10. No one from the public wished to speak.

Mr. Madden asked for a motion to adopt Resolution No. 10. Motion moved by Ms. Bergman, seconded by Mr. Wilson. All ayes followed with the exception of Mr. Barr who abstained.

**PENDING BUSINESS:**

Mr. Barr congratulated the Mayor for being recognized at the Boy Scouts of America's dinner. He thanked the Mayor for all that he does for the community and said that he is to be commended. Also, Mr. Barr welcomed Mr. Scarborough and Mr. Dattilo to the Housing Authority Commission. The next 4<sup>th</sup> ward meeting is being held November 18<sup>th</sup> and Dale Foster and Jeff Pierson will be present. Also, Mr. Barr sends his condolences to the Oves' family and said that Tommy Oves will be greatly missed.

Mr. McClellan spoke about the Ocean City High School Alumni Association and the Alumni weekend which was a great event. The school board and hall of fame committee did a great job. Mr. McClellan also extends his condolences to the Oves' family.

Mr. Hartzell sent his condolences to the Oves' family and was sorry to hear of Tommy Oves' passing. He also congratulated the Mayor on his award from the Boy Scouts of America.

Mr. DeVlieger congratulated the mayor on receiving the award from the Boy Scouts of America; it was a high honor and well deserved. Scouting is so important for our future leaders. Also, Mr. DeVlieger spoke about the Veteran's use of the Music Pier and would like to resolve that matter.

Ms. Bergman sends her condolences to the Oves' family. Also, she congratulated the Mayor on his recent award from the Boy Scouts of America.

**NEW BUSINESS:**

Mr. Hartzell said that he will be giving an update on the Veteran's banners soon.

**CITIZEN COMMENT:**

**David Hayes – Battersea** - Mr. Hayes asked about Resolution numbers 7, 8 and 9 on the agenda for approval.

**ADJOURN:**

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



**Melissa G. Bovera, RMC**  
**City Clerk**