

**CITY COUNCIL MEETING MINUTES  
THURSDAY, NOVEMBER 29, 2018 – 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, Mr. Savastano and Solicitor, Ms. McCrosson.

Council President Mr. 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:**

**Marie Hayes – 641 Battersea Road** – said she is not in favor of Ordinance No. 18-23.

**Dave Hayes – 641 Battersea Road** – asked for more transparency regarding Fair Share Housing and Affordable Housing and encourages the city to have workshops open to the public.

**Dave Breeden – 114 Victoria Lane** – spoke about Resolution No. 10 on the agenda and said the city should be more mindful of the expenses spent on the Arts. He also commented on Affordable Housing and the Housing Authority.

**Bill Hartranft – 728 Battersea Road** – said he is not in favor of Ordinance No. 18-23. Also, he commented on Affordable Housing and the Housing Authority.

**Donna Moore - 21 Ocean Avenue** – spoke about the Housing Authority and asked for more transparency. She recommended public meetings so that council and administration can hear ideas from the community. Ms. Moore commented on Ordinance No. 18-23 and said she is not in favor of the ordinance. Also, Ms. Moore handed out a worksheet about harmful pesticides.

**APPROVAL OF MINUTES:**

Mr. Madden asked for a motion to approve the regular city council meeting minutes of Thursday, November 8, 2018. Motion moved by Mr. Barr, seconded by Mr. Wilson. All ayes followed.

**PROCLAMATION:**

Ms. Bergman was joined by the Mayor and Council as she read a proclamation honoring Nancy Fox-Hoover and presented the proclamation to her husband who then said a few words.

**REPORTS – MAYOR & ADMINISTRATION:**

Business Administrator, Mr. Savastano provided updates on several projects happening throughout the city and he also stated the city does plan to have a town meeting regarding affordable housing sometime in the near future.

**REPORTS – CITY COUNCIL:**

Mr. DeVlieger said that the tree lighting ceremony was a nice affair and the dancers did a great job last night.

**ORDINANCE: FIRST READING & INTRODUCTION:**

Mr. Madden asked for a motion to take up Ordinance No. 18-16 on first reading and introduction. Motion moved by Mr. Wilson, seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title.

**Ordinance No. 18-16 – An Ordinance Authorizing the City of Ocean City to Acquire Block 611.11, Lot 169, Ocean City, New Jersey**

Solicitor, Ms. McCrosson explained that periodically, the City is approached by owners of a property which cannot be developed with an offer to convey the property to the City. New Jersey law permits a municipality to accept a gift of real property by adopting an ordinance authorizing the acquisition.

Mr. Madden asked for a motion to adopt Ordinance No. 18-16 on first reading and introduction. Motion moved by Mr. Barr, seconded by Mr. Wilson. All ayes followed. Mr. Madden announced that second reading and public hearing is scheduled for Thursday, December 13, 2018 and will be published according to law.

Mr. Madden asked for a motion to table **Ordinance No. 18-17 – An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised Ordinances of the City of Ocean City - Inclusionary Housing Option in Business Zone Districts**. Motion moved by Mr. Barr, seconded by Ms. Bergman. All ayes followed.

Mr. Madden asked for a motion to table **Ordinance No. 18-18 - An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised Ordinances of the City of Ocean City - Inclusionary R-2 Zone Districts Assemblage Incentive Overlay Zone**. Motion moved by Mr. Barr, seconded by Ms. Bergman. All ayes followed.

Mr. Madden asked for a motion to take up Ordinance No. 18-19 on first reading and introduction. Motion moved by Mr. Wilson, seconded by Mr. Barr. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 18-19 – An Ordinance Amending, Revising and Supplementing XXV, Zoning and Land Development Ordinance of the Revised Ordinances of the City of Ocean City to Provide for a Minimum**

**Set Aside of Affordable Housing Units to Meet the City of Ocean City's Affordable Housing Obligation and Repealing All Ordinances Heretofore Adopted the Provisions of Which are Inconsistent Therewith**

Solicitor, Ms. McCrosson explained that this ordinance is to establish a minimum required set aside of affordable housing units in any multifamily residential development or redevelopment in the City. This ordinance is for the purpose of assisting the City in meeting its affordable housing obligation.

Mr. Madden asked for a motion to adopt Ordinance No. 18-19 on first reading and introduction. Motion moved by Mr. Barr, seconded by Ms. Bergman. All ayes followed. Mr. Madden announced that second reading and public hearing is scheduled for Thursday, December 13, 2018 and will be published according to law.

Mr. Madden asked for a motion to take up Ordinance No. 18-20 on first reading and introduction. Motion moved by Mr. DeVlieger, seconded by Mr. Wilson. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 18-20 – An Ordinance Amending Chapter XXV, Article 100, Section 25-107 of the Ocean City Zoning and Land Development Ordinance to Revise the Definition of “Municipal Uses” to Include City-Sponsored Affordable Housing**

Solicitor, Ms. McCrosson explained that this ordinance is offered as part of the City's strategy to satisfy its constitutional obligation to provide affordable housing. In the settlement agreement between Ocean City and Fair Share Housing Center, approved by City Council on July 12, 2018, the City committed to constructing 10 affordable family units. This ordinance would make City-sponsored construction of this type a “municipal use” and, therefore, a permitted use in all zones.

Mr. Madden asked for a motion to adopt Ordinance No. 18-20 on first reading and introduction. Motion moved by Mr. Barr, seconded by Mr. Hartzell. All ayes followed. Mr. Madden announced that second reading and public hearing is scheduled for Thursday, December 13, 2018 and will be published according to law.

Mr. Madden asked for a motion to take up Ordinance No. 18-21 on first reading and introduction. Motion moved by Mr. Wilson, seconded by Mr. DeVlieger. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 18-21 – An Ordinance Replacing the Entire Contents of the Existing Fair Share Ordinance of the Revised Ordinances of Ocean City, Cape May County, New Jersey (Article 2000 of the Ocean City Zoning and Land Development Ordinance) to Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) Regarding Compliance with the City's Affordable Housing Obligations and Repealing All Ordinances Heretofore Adopted, the Provisions of which are Inconsistent Herewith**

Solicitor, Ms. McCrosson explained that this ordinance is an ordinance replacing the existing "Fair Share" affordable housing ordinance, setting forth Ocean City's reporting and notice obligations with respect to its Affordable Housing Trust Fund and the status of all affordable housing activity; the requirements for Ocean City to comply with UHAC requirements in all affordable housing developments; setting forth the zoning changes Ocean City will make in order to provide a realistic opportunity to comply with its affordable housing obligations; setting forth the phasing schedule for inclusionary zoning, a description of the required split of low/moderate and bedroom distribution of affordable housing units, accessibility requirements, design, maximum rents and sales prices for affordable units, occupancy standards, control periods for restricted ownership units and enforcement mechanisms, price restrictions for restricted ownership units, subordination, homeowner association fees and resale prices, buyer income eligibility, limitations on indebtedness secured by ownership units, capital improvements to ownership units, control periods for restricted rental units, rent restrictions for rental units, leases, tenant income eligibility, municipal housing liaison, administrative, affirmative marketing requirements, enforcement of affordable housing regulations, appeals from decisions of an Administrative Agent.

Mr. Madden asked for a motion to adopt Ordinance No. 18-21 on first reading and introduction. Motion moved by Mr. Barr, seconded by Mr. Wilson. All ayes followed. Mr. Madden announced that second reading and public hearing is scheduled for Thursday, December 13, 2018 and will be published according to law.

Mr. Madden asked for a motion to take up Ordinance No. 18-22 on first reading and introduction. Motion moved by Mr. Wilson, seconded by Mr. DeVlieger. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 18-22 - An Ordinance Establishing Rules, Regulations and Standards Governing the Zoning of Land with the City of Ocean City, County of Cape May, Pursuant to the Authority Set Forth as Chapter 55 of Title 40 of the Revised Statutes and Amendments and Supplements Thereto, Setting Forth a Development Fee to be Applied by the Planning Board, Zoning Board and the Governing Body in the Development of Land**

Solicitor, Ms. McCrosson explained that this ordinance is part of the City's Affordable Housing strategy. This ordinance replaces and updates the City's Development Fee Ordinance.

Mr. Madden asked for a motion to adopt Ordinance No. 18-22 on first reading and introduction. Motion moved by Ms. Bergman, seconded by Mr. Hartzell. All ayes followed with the exception of Mr. Wilson who voted no. Mr. Madden announced that second reading and public hearing is scheduled for Thursday, December 13, 2018 and will be published according to law.

Mr. Madden asked for a motion to take up Ordinance No. 18-23 on first reading and introduction. Motion moved by Mr. Wilson, seconded by Mr. DeVlieger. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 18-23 – An Ordinance Amending Chapter II, Part I, Article I, Section 2-1, Administrative Code, of the Revised General Ordinances of the City of Ocean City (Repeal Term Limits on Boards, Authorities and Commissions)**

Solicitor, Ms. McCrosson explained that this ordinance will allow members to serve on boards and commissions for more than two terms.

There was discussion between the governing body and it was decided that a three year sunset clause be added to the ordinance.

Mr. Madden asked for a motion to adopt Ordinance No. 18-23 on first reading and introduction as amended. Motion moved by Mr. Wilson, seconded by Mr. Barr. All ayes followed. Mr. Madden announced that second reading and public hearing is scheduled for Thursday, December 13, 2018 and will be published according to law.

#### **ORDINANCE: SECOND READING & PUBLIC HEARING:**

Mr. Madden asked for a motion to take up Ordinance No. 18-13 on second reading and public hearing. Motion moved by Mr. Wilson, seconded by Mr. DeVlieger. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 18-13 – An Ordinance Authorizing the City of Ocean City to Convey to the County of Cape May, Block 811.01, Lot 4 For the Sum of \$650,000 and to Execute a Leasing and Management Agreement with the County of Cape May**

Solicitor, Ms. McCrosson explained that this ordinance would authorize the Mayor or his designee to sign all documents required to sell the former Getty Station property, 1-7 9<sup>th</sup> Street, shown on the tax map as Block 811.01, Lot 4, to Cape May County for \$650,000, and to enter into a leasing and management contract regarding the said property.

Mr. Madden opened the meeting up for public comment on Ordinance No. 18-13.

**Thomas - 916 Simpson Ave** – suggested the city acquire the other lot as part of the green acre space initiative.

**Mary Truman – 920 Simpson Ave** – commented on the old Exxon station and asked what will happen to the other corner. She also said it was a bad idea putting a building there.

**Dave Breeden – 114 Victoria Lane** – wanted to know why the location was not put on the DEP Rossi.

**Donna Moore – 21 Ocean Ave** – if the open space is developed she asked that the city use the permeable surface to our benefit.

Mr. Madden closed the public comment portion of the meeting on Ordinance No. 18-13.

Mr. Madden asked for a motion to adopt Ordinance No. 18-13 on second reading and public hearing. Motion moved by Ms. Bergman, seconded by Mr. Wilson. All ayes followed.

Mr. Madden asked for a motion to take up Ordinance No. 18-14 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. 18-14 – An Ordinance Vacating Haul Road in the City of Ocean City, County of Cape May, New Jersey**

Solicitor, Ms. McCrosson explained that the NJ DEP Green Acres Program has advised that it interprets the decision of the right-of-way to be a diversion of parkland. Although it is not requiring any modification of the roadway, it has suggested that the City vacate the right-of-way. The ordinance would implement that suggestion.

Mr. Madden opened the meeting up for public comment on Ordinance No. 18-14. There was not anyone who wished to speak. Mr. Madden closed the public comment portion of the meeting on Ordinance No. 18-14.

Mr. Madden asked for a motion to adopt Ordinance No. 18-14 on second reading and public hearing. Motion moved by Mr. Wilson, seconded by Ms. Bergman. All ayes followed.

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

**18-55-048 - #1** - A Resolution to Authorize the Advertisement of Specifications for City Contract #19-03, Recreational Baseball Camp Program

**18-55-049 - #2** - A Resolution to Authorize the Advertisement of Specifications for City Contract #19-04, Recreational Basketball Camp Program

**18-55-050 - #3** - A Resolution to Authorize the Advertisement of Specifications for City Contract #19-05, Recreational Field Hockey Camp Program

**18-55-051 - #4** - A Resolution to Authorize the Advertisement of Specifications for City Contract #19-06, Recreational Soccer Camp Program

**18-55-052 - #5** - A Resolution to Authorize the Advertisement of Specifications for City Contract #19-07, Recreational Boy's Lacrosse Camp Program

**18-55-053 - #6** - A Resolution to Authorize the Advertisement of Specifications for City Contract #19-08, Recreational Softball Camp Program

**18-55-054 - #7** - A Resolution to Authorize the Advertisement of Specifications for City Contract #19-09, Professional Tennis Instructor Service

**18-55-055 - #8** - A Resolution to Authorize the Advertisement of Specifications for City Contract #19-10, Recreational Skateboard Camp Program

**18-55-056 - #9** - A Resolution Authorizing the Award of City Contract #18-45, Demolition of 3601 Bay Avenue

**18-55-057 - #10** - A Resolution Authorizing the Award of a Contract between the City of Ocean City and the Stander Group, Inc. for the Appearance of Barbara Eden as the Grand Marshall for the Doo-Dah Parade and the Host for the Mr. Mature America Pageant

**18-55-058 - #11** - A Resolution Authorizing the Award of a Contract between the City of Ocean City and United Talent Agency and KMJ Music LLP for the Appearance of Katherine Jenkins with the Ocean City POPS for the 2019 Season

**18-55-059 - #12** - A Resolution Authorizing the Award of a Professional Services Contract between the City of Ocean City and ACT Engineering, Inc. for Construction Inspection and Management for the Shooting Island Living Shoreline Restoration Project

**18-55-060 - #13** - A Resolution Authorizing Change Order #1 to a Professional Services Contract between the City of Ocean City & TRIAD Associates to Provide Administrative Agent-Market to Affordable Housing Services to the City of Ocean City

**18-55-061 - #14** - A Resolution Authorizing Change Order #15 to City Contract #17-53, North End Drainage Improvements

**18-55-062 - #15** - A Resolution Authorizing Change Order #6 to City Contract #17-13, 2017 Road Improvement Program-Phase 2

**18-55-063 - #16** - A Resolution Authorizing Change Order Change Order #1 to City RFP #Q18-010, Consultant Services for the Community Development Block Grant Program in the City of Ocean City

**18-55-064 - #17** - A Resolution Authorizing a Contract between the City Of Ocean City and the Jersey Cape Diagnostic, Training & Opportunity Center, Inc. for the Manufacture and Supply of Beach Tags for the Calendar Year 2019

**18-55-065 - #18** - A Resolution Authorizing a Professional Services Contract between the City of Ocean City and Horizon Blue Shield Blue Cross of New Jersey "Horizon Dental" as the Provider of the Employee & Retiree Dental Benefit Program

**18-55-066 - #19** - A Resolution Appointing Elizabeth M. Woods, Director of Human Resources as the Fund Commissioner & Diane M. Wood, Municipal Claims Coordinator as the Alternate Fund Commissioner to the Atlantic County Municipal Joint Insurance Fund

**18-55-067 - #20** - A Resolution Appointing Elizabeth M. Woods, Director of Human Resources as the Primary Contact Person and Diane M. Wood, Municipal Claims Coordinator 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

**18-55-068 - #21** - A Resolution Authorizing the Mayor to Execute an Agreement between the City and Atlanticare Regional Medical Center for Advanced Life Support Services for the 2019 Calendar Year

**18-55-069 - #22** - A Resolution Authorizing the City's Participation in the South Jersey Power Cooperative (SJPC) for the Award of SJPC Contract #A-17/2018 Supply Services

**18-55-070 - #23** - A Resolution Authorizing the City's Participation in Sourcewell Formerly Known as the National Joint Powers Alliance (NJPA) National Cooperative Purchasing Program for Contract #120716-NAF, Passenger Cars & Light/Medium/Heavy Duty Trucks with National Auto Fleet Group for the Acquisition of One (1) 2019 or Newer Ford F-150 XL 4WD Supercrew Truck for the Department of Financial Management, Division of Airport & Parking Operations

**18-55-071 - #24** - A Resolution Amending the 2018 Budget of the City of Ocean City to Include Additional Revenue From the State of New Jersey, Office of Homeland Security and Preparedness, Secure the Shore – Physical Barrier

**18-55-072 - #25** - A Resolution Authorizing Transfers of Appropriations Reserve of the 2018 Local Municipal Budget Per N.J.S.A. 40A:4-58

**18-55-073 - #26** - A Resolution Certifying the Governing Body Has Reviewed the Best Practices Inventory Questionnaire

**18-55-074 - #27** - A Resolution Authorizing the Payment of Claims

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

#### **PENDING BUSINESS:**

Mr. Barr thanked Mr. Savastano on behalf of all of the 4<sup>th</sup> ward residents for doing such an awesome job especially with the 4<sup>th</sup> ward drainage project. Also, Mr. Barr let everyone know that the Christmas lights at 34<sup>th</sup> Street were put up today.

Mr. Hartzell thanked Ms. Bergman for bringing forth the proclamation for Ms. Nancy Fox-Hoover. Ms. Fox-Hoover was an exceptional lady and she will be missed.

Mr. DeVlieger commented on Ordinance No. 18-13 and said it is money well spent.

Ms. Bergman thanks Ms. McCrosson and the administration on all of their hard work regarding the affordable housing.

Mr. Wilson said he has very fond memories of walking his daughter Julia across the street for singing lessons with Ms. Fox-Hoover. He holds those memories close to his heart.

**NEW BUSINESS:**

Mr. DeVlieger reminded everyone about the Humane Society function being held at the Flanders.

**CITIZEN COMMENT:**

**Bill Hartranft – 728 Battersea Road** – commented on the need for cedar trees to be replaced on the south end. Also he was curious about what the definition is for affordable housing. He asked about the revenue for the electric car chargers and he commented on boards and commissions.

**Dave Hayes – 641 Battersea Road** – commented on Ordinance No. 18-22.

**Dave Breeden – 114 Victoria Lane** – said Asbury Avenue looks wonderful. He suggested the city vehicles be moved on the weekends from the city hall parking lot so that there are more spaces available for visitors. Mr. Breeden commented on Ordinance No. 18-15.

**Donna Moore – 21 Ocean Ave** – she asked the city to remediate the damage at 52<sup>nd</sup> Street and re-plant the cedar trees.

**ADJOURN:**

Mr. Madden asked for a motion to adjourn. Motion moved by Ms. Bergman, seconded by Mr. Wilson. All ayes followed. 8:40 P.M.



Melissa Rasner, City Clerk