

**CITY COUNCIL MEETING MINUTES
THURSDAY, DECEMBER 13, 2018 – 7:00 PM
CITY HALL COUNCIL CHAMBERS**

ATTENDANCE: Mr. Barr, Ms. Bergman, Mr. DeVlieger, Mr. McClellan and Mr. Madden. Present also was Mayor Gillian, Business Administrator, Mr. Savastano and Solicitor, Ms. McCrosson. Mr. Hartzell and Mr. Wilson were absent.

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

PROCLAMATION:

Mayor Gillian and City Council presented a proclamation honoring Gary Green and Family.

CITIZEN COMMENT:

Wayne Mozzo – 1333 Pleasure Ave – thanked the Mayor and Vince Beiker for following up and for their support regarding his questions and concerns.

Donna Moore – 21 Ocean Ave – asked about Resolution No. 1 on the agenda and also commented on Resolution No. 8. She also spoke about the trees and vegetation being replanted at 52nd Street.

Bill Hartranft – 728 Battersea Road - said that he appreciates when Mr. DeVlieger and Mr. Hartzell respond to questions and concerns especially about the Affordable Housing. Also, he suggested that volunteers re-plant the cedar trees at 52nd Street.

APPROVAL OF MINUTES:

Mr. Madden asked for a motion to approve the special city council meeting minutes of Tuesday, November 27, 2018. Motion moved by Mr. Barr, seconded by Mr. DeVlieger. All ayes followed.

Mr. Madden asked for a motion to approve the regular city council meeting minutes of Thursday, November 29, 2018. Motion moved by Mr. Barr, seconded by Ms. Bergman. All ayes followed.

REPORTS – MAYOR & ADMINISTRATION:

Ms. McCrosson provided an explanation to Resolution No. 1. The SID budget will be heard in January and it will have two readings like an ordinance which gives the public the opportunity to hear it twice and comment on it as well.

REPORTS – CITY COUNCIL:

No reports were given.

ORDINANCES: SECOND READING & PUBLIC HEARING:

Mr. Madden asked for a motion to take up Ordinance No. 18-16 on second reading and public hearing. Motion moved by Ms. Bergman, seconded by Mr. DeVlieger. 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 opened the meeting up for public comment on Ordinance No. 18-16. There wasn't anyone who wished to speak. Mr. Madden closed the public comment portion of the meeting.

Mr. Madden asked for a motion to adopt Ordinance No. 18-16 on second reading and public hearing. Motion moved by Mr. Barr, seconded by Mr. McClellan.

Mr. Madden asked for a motion to table **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**

Motion to table moved by Mr. DeVlieger, seconded by Mr. Barr. All ayes followed. Solicitor, Ms. McCrosson explained the reasoning for tabling this particular ordinance. The Master Plan will be revised and the need for notification to about 16,000 residents will not be necessary.

Mr. Madden asked for a motion to take up Ordinance No. 18-20 on second reading and public hearing. Motion moved by Mr. Barr, seconded by Mr. DeVlieger. 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 opened up the meeting for public comment on Ordinance No. 18-20. There wasn't anyone who wished to speak. Mr. Madden closed the public comment portion of the meeting.

Mr. Madden asked for a motion to adopt Ordinance No. 18-20 on second reading and public hearing. Motion moved by Ms. Bergman, seconded by Mr. Barr. All ayes followed.

Mr. Madden asked for a motion to take up Ordinance No. 18-21 on second reading and public hearing. Motion moved by Mr. McClellan, 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 opened the meeting up for public comment on Ordinance No. 18-21. There wasn't anyone who wished to speak. Mr. Madden closed the public comment portion of the meeting.

Mr. Madden asked for a motion to adopt Ordinance No. 18-21 on second reading and public hearing. Motion moved by Mr. Barr, seconded by Ms. Bergman. All ayes followed.

Mr. Madden asked for a motion to take up Ordinance No. 18-22 on second reading and public hearing. Motion moved by Mr. Barr, 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 opened the meeting up for public comment on Ordinance No. 18-22. There wasn't anyone who wished to speak. Mr. Madden closed the public comment portion of the meeting.

Mr. Madden asked for a motion to adopt Ordinance No. 18-22 on second reading and public hearing. Motion moved by Mr. Barr, seconded by Ms. Bergman. All ayes followed.

Mr. Madden asked for a motion to take up Ordinance No. 18-23 on second reading and public hearing. Motion moved by Ms. Bergman, 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.

Mr. Madden opened the meeting up for public comment on Ordinance No. 18-23.

Donna Moore - 21 Ocean Ave – commented on the sunset clause regarding the ordinance.

Dave Hayes - 641 Battersea Road – commented on filling positions and encourages new talent to be appointed to boards and commissions.

Bill Hartranft - 728 Battersea Road – suggested looking at the number of applicants verses the need.

Mr. Madden closed the public comment portion of the meeting. There was discussion between the governing body members.

Mr. Madden asked for a motion to adopt Ordinance No. 18-23 on second reading and public hearing. Motion moved by Mr. Barr, seconded by Ms. Bergman. All ayes followed.

RESOLUTION – NON-CONSENT:

18-55-075 - #1 - A Resolution Introducing and Approving the 2019 Budget of the Special Improvement District of the City of Ocean City

Solicitor, Ms. McCrosson provided an explanation on Resolution No. 1 and informed everyone that second reading on the resolution will be held in January. Mr. Madden opened the meeting up for public comment and no one wished to speak. Mr. Madden closed the public comment portion of the meeting.

Mr. Madden asked for a motion to approve Resolution No. 1. Motion moved by Ms. Bergman, seconded by Mr. DeVlieger. All ayes followed.

18-55-092 - #18 - A Resolution Consenting to City Council's Re-Appointment of Robert Barr and Patricia Miles Jackson as Members to the Ocean City Housing Authority

Solicitor, Ms. McCrosson explained that this resolution is being pulled so that Mr. Barr can abstain from voting on this particular resolution allowing him to vote on the consent agenda. Mr. Madden opened the meeting up for public comment and no one wished to speak. Mr. Madden closed the public comment portion of the meeting.

Mr. Madden asked for a motion to adopt Resolution No. 18. Motion moved by Ms. Bergman, seconded by Mr. McClellan. All ayes followed with the exception of Mr. Barr who abstained.

18-55-093 - #19 - A Resolution Consenting to the Mayor's Re-Appointment of J. Ronald Denney as a Member to the Ocean City Library Board of Trustees

Solicitor, Ms. McCrosson explained that this resolution is being pulled so that council can consider amending it to re-appoint Dustin Peters for a five (5) year term ending December 31, 2023. Mr. Madden opened the meeting up for public comment and no one wished to speak. Mr. Madden closed the public comment portion of the meeting.

Mr. Madden asked for a motion to amend Resolution No. 19. Motion moved by Ms. Bergman, seconded by Mr. McClellan. All ayes followed. Mr. Madden asked for a motion to adopt Resolution No. 19 as amended. Motion moved by Ms. Bergman, seconded by Mr. DeVlieger. All ayes followed.

RESOLUTIONS – CONSENT AGENDA:

18-55-076 - #2 - A Resolution Establishing Dates for Regular Council Meetings For the City of Ocean City For Calendar Year 2019

18-55-077 - #3 - A Resolution Authorizing the Award of City Contract #18-11, 2018 Road Improvement Program – Phase 3

18-55-078 - #4 - A Resolution Authorizing the Award of City Contract #19-02, Citywide Custodial Cleaning Services for the Playgrounds & Sports Complex Restroom Facilities

18-55-079 - #5 - 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 2019 Back Bay and Lagoon Dredging Program

18-55-080 - #6 - A Resolution Authorizing a Professional Services Contract between the City of Ocean City and the McMahan Agency, Inc. for Risk Management Consultant (RMC) Services for the City of Ocean City for the Calendar Year 2019

18-55-081 - #7 - A Resolution Authorizing Professional Services Contracts between the City of Ocean City and Bonnie D. Putterman, Bonnie D. Putterman, Esq.; Brian E. Rumpf P. C., Brian E. Rumpf, Esq.; Steiner Law Office, P. C., Jerry H. Steiner, Esq.; Swift Law Firm, LLC, Claire S. Swift, Esq. & Teitler & Teitler, LLC, Avery S. Teitler, Esq. for Conflict Public Defender Legal Services for the City of Ocean City for the Calendar Year 2019

18-55-082 - #8 - A Resolution Authorizing the Award of a Professional Services Contract between the City of Ocean City & ACT Engineers Inc. for the Resiliency Berm Concept Study Plan

18-55-083 - #9 - A Resolution Authorizing a Shared Services Agreement between the City of Ocean City and the Township of Upper, New Jersey for Public Safety Answering and Dispatch Services and Associated Computer Aided Dispatch Service

18-55-084 - #10 - A Resolution Authorizing Change Orders #16 for City Contract #17-53, North End Drainage Improvements

18-55-085 - #11 - A Resolution Authorizing Change Order #1 to City Contract #17-13, 2017 Road Improvement Program-Phase 2
18-55-086 - #12 - A Resolution Authorizing Change Order #3 to City Contract #17-14, 2017 Road Improvement Program-Phase 3
18-55-087 - #13 - A Resolution Authorizing Change Order #1 to City Contract #18-30, 2018 Back Bay Hydraulic Dredging
18-55-088 - #14 - A Resolution Approving Tax Overpayment Refund 2018-29 Thru 2018-32
18-55-089 - #15 - A Resolution Authorizing the Release of a Maintenance Guarantee for a Construction Project at 34 Corinthian Avenue, Block 6, Lot 28.05, Project #13-031PMSP
18-55-090 - #16 - Resolution Authorizing the Release of a Performance Guarantee for a Construction Project at 920 Delancey Place, Block 202, Lot (S) 6 & 7, Project #15-046ZC
18-55-091 - #17 - A Resolution Authorizing the Release of a Performance Guarantee for a Construction Project at 2708 Central Avenue, Block 2702, Lot 17, Project #17-023PBA
18-55-094 - #20 - A Resolution Consenting to the Mayor's Re-Appointment of Edward Keenan Jr. as a Member to the Ocean City Lifeguard Pension Commission
18-55-095 - #21 - A Resolution Consenting to the Mayor's Re-Appointment of Vicki Scheetz as a Member to the Local Assistance Board
18-55-096 - #22 - A Resolution Consenting to the Mayor's Re-Appointment of Joseph M. Lehman as a Member to the Shade Tree Committee
18-55-097 - #23 - A Resolution Consenting to the Mayor's Re-Appointment of Patty Talese and William McGinnity as members to the Tourism Development Commission
18-55-098 - #24 - 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 Ms. Bergman. All ayes followed.

PENDING BUSINESS:

Mr. Barr thanked everyone for re-appointing him to the Housing Authority Board and he thanked council and administration for Resolution No. 8. He spoke about the trees on 52nd Street and he wished everyone a Merry Christmas.

Mr. DeVlieger reminded everyone that First Night buttons are for sale now and he wished everyone a Merry Christmas.

Ms. Bergman wished everyone a Merry Christmas.

NEW BUSINESS:

No new business was discussed.

CITIZEN COMMENT:

Dave Breeden – 114 Victoria Lane – said that he attended the last planning board meeting and he spoke about his opinion regarding the shared services agreement between the City and the Housing Authority.

ADJOURN:

Mr. Madden asked for a motion to adjourn. Motion moved by Mr. Barr, seconded by Mr. McClellan. All ayes followed.



Melissa Rasner, City Clerk