

**CITY COUNCIL MEETING MINUTES
THURSDAY, FEBRUARY 28, 2019 – 6:00 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. Mr. Madden announced that adequate notice of this meeting has been given pursuant to Public Law 1975, Chapter 231.

RESOLUTION – NON CONSENT:

19-55-170 - #1 - A Resolution Authorizing a Closed Executive Session for the Purpose of Discussing Board and Commission Appointments

The clerk read the resolution by title. Solicitor, Ms. McCrosson provided an explanation. Mr. Madden opened the meeting up for public comment on Resolution No. 1. 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 approve Resolution No. 1. Motion moved by Mr. Barr, seconded by Mr. Wilson. All ayes followed.

Mr. Madden made a motion to come out of closed session. Motion made by Mr. McClellan, seconded by Mr. Hartzell. All ayes followed.

The governing body returned to the regular city council meeting.

Mr. Madden asked for a motion to amend the consent agenda to add a resolution Appointing Albert Cortese to the Zoning Board of Adjustment as an Alternate II Member. Motion made by Mr. Hartzell, seconded by Mr. Barr. All ayes followed.

CITIZEN COMMENT:

Donna Moore – 21 Ocean Ave – presented council with a handout and spoke about healthier living as well as her concerns about pesticides being used.

Dave Breeden – 114 Victoria Lane – thanked the city for tearing down the building at 36th and Bay. Expressed comments and concerns regarding Resolution No. 17 on the agenda.

APPROVAL OF MINUTES:

Mr. Madden asked for a motion to approve the regular city council meeting minutes of Thursday, January 24, 2019 and the closed executive session minutes of Thursday, January 24, 2019. Motion moved by Mr. Barr, seconded by Mr. Wilson. All ayes followed.

REPORTS – MAYOR & ADMINISTRATION:

The 2019 State of the City Address was given by Mayor Jay A. Gillian.

The Capital Plan Presentation was given by CFO, Frank Donato and Aide to the Mayor, Vince Beiker.

REPORTS – CITY COUNCIL:

There weren't any reports given.

ORDINANCES: FIRST READING & INTRODUCTION:

Mr. Madden asked for a motion to take up Ordinance No. 19-02 on first reading and introduction. Motion moved by Ms. Bergman, seconded by Mr. Hartzell. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 19-02 – An Ordinance Supplementing the Revised General Ordinances of the City of Ocean City (Boardwalk Entertainers)**

Solicitor, Ms. McCrosson explained that this ordinance prohibits electric amplified devices for performances.

Mr. Madden asked for a motion to adopt Ordinance No. 19-02 on first reading and introduction. Motion moved by Mr. Hartzell, seconded by Mr. McClellan. All ayes followed. Mr. Madden announced that second reading and public hearing is scheduled for Thursday, March 14, 2019 and will be published according to law.

Mr. Madden asked for a motion to take up Ordinance No. 19-03 on first reading and introduction. Motion moved by Mr. Barr, seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 19-03 - An Ordinance Amending, Revising and Supplementing Chapter 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 sets forth regulations regarding the percentage of housing units devoted to low and moderate income households required within an inclusionary development in Ocean City that are consistent with the court-ordered agreement.

There was some discussion between the governing body.

Mr. Madden asked for a motion to adopt Ordinance No. 19-03 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, March 28, 2019 and will be published according to law.

Mr. Madden asked for a motion to take up Ordinance No. 19-04 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. 19-04 – 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**

Solicitor, Ms. McCrosson explained that this ordinance is intended to adopt an inclusionary overlay zone applicable to all R-2 zone districts, triggered by an assemblage of at least 25% of the land area of a block that is designated R-2 zone district.

There was some discussion between the governing body.

Mr. Madden asked for a motion to adopt Ordinance No. 19-04 on first reading and introduction. Motion moved by Mr. Hartzell, seconded by Mr. Wilson. All ayes followed. Mr. Madden announced that second reading and public hearing is scheduled for Thursday, March 28, 2019 and will be published according to law.

ORDINANCES: SECOND READING & PUBLIC HEARING:

Mr. Madden asked for a motion to take up Ordinance No. 19-01 on second reading and public hearing. Motion moved by Mr. DeVlieger, seconded by Ms. Bergman. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 19-01 - An Ordinance Amending Chapter XXV, Ocean City Zoning and Land Development Ordinances of the City of Ocean City, Section 25-203.5, “Prohibited Uses and Structures in All Zones”**

Solicitor, Ms. McCrosson explained that this ordinance will prohibit businesses which cultivate, manufacture, test or sell marijuana and marijuana paraphernalia.

Mr. Madden opened the meeting up for public comment on Ordinance No. 19-01. There wasn't anyone who wished to speak. Mr. Madden asked for a motion to adopt Ordinance No. 19-01 on second reading and public hearing. Motion moved by Mr. Barr, seconded by Mr. McClellan. All ayes followed.

RESOLUTIONS – CONSENT AGENDA:

19-55-171 - #2 - A Resolution Authorizing City Staff to Process an Involuntary Disability Retirement Application

19-55-172 - #3 - A Resolution to Authorize the Advertisement of Specifications for City Contract #19-01, Concession Licenses for the Sale of Ice Cream & Beverage Related Products at City Owned Street Ends

19-55-173 - #4 - A Resolution Authorizing the Award of a Contract between the City of Ocean City and Music Theatre International for Royalty Fees for Use of Various Performances by the Ocean City Theater Company and the Ocean City Pops for the 2019 Season

19-55-174 - #5 - A Resolution Authorizing the Award of City Contract #19-04 R-1, Recreational Basketball Camp Program

19-55-175 - #6 - A Resolution Authorizing the Award of City Contract #19-12, Supply & Delivery of Lumber & Piling

19-55-176 - #7 - A Resolution Authorizing the Award of City Contract #19-13, Fabrication & Delivery of Welded Aluminum Boardwalk Railing

19-55-177 - #8 - A Resolution Authorizing the Award of City Contract #19-18, Acquisition of One (1) 2019 Ford Police Interceptor AWD Utility Vehicle for use by the Ocean City Department of Police Services

19-55-178 - #9 - A Resolution Authorizing the Award of a Contract to ADP, LLC for the 2019 Payroll & Human Resource Software Contract for the Department of Financial Management & the Department of Administration, Human Resources Division

19-55-179 - #10 - A Resolution Authorizing the Award of a Contract between the City of Ocean City and the GERSH Agency, Inc., & Cheyenne Jackson for an Appearance with the Ocean City Pops on Wednesday, August 21, 2019

19-55-180 - #11 - A Resolution Authorizing the Award of a Contract between the City of Ocean City and Athletics First, LLC for the Appearance of Darren Sproles at the Sports Memorabilia Show on Saturday, March 30, 2019 at the Ocean City Music Pier

19-55-181 - #12 - A Resolution Authorizing the Award of a Contract between the City of Ocean City and Athletics First, LLC for the Appearance of Matt Stairs at the Sports Memorabilia Show on Saturday, March 30, 2019 at the Ocean City Music Pier

19-55-182 - #13 - A Resolution Authorizing the Award of a Contract between the City of Ocean City & Block Line Systems, Inc. for Supply and Delivery of Local & Long Distance Telephone Exchange Service for the Calendar Year 2019

19-55-183 - #14 - A Resolution Authorizing the Award of a Contract between the City of Ocean City and Advanced Security Technologies, LLC for Acquisition of One (1) 2019 Modular Vehicle Barrier Transportation Trailer for the Department of Police Services & the Office of Emergency Management

19-55-184 - #15 - A Resolution Authorizing the Award of a Professional Services Contract between the City of Ocean City & ACT Engineering, Inc. for Environmental Consulting Services and Associated Permitting Services for the City of Ocean City

19-55-185 - #16 - A Resolution Authorizing Change Order #2 to a Professional Services Contract between the City of Ocean City & Michael Calafati Architect, LLC for the Ocean City Hall Stabilization

19-55-186 - #17 - A Resolution Authorizing Change Orders #22, 23, 24 & 25 to City Contract #17-53, North End Drainage Improvements

19-55-187 - #18 - A Resolution Authorizing Change Order #1 to City Contract #18-09, 2018 Road Improvement Program – Phase I

19-55-188 - #19 - A Resolution Authorizing Change Order #1 to City Contract #18-37, Bayside Center Improvements – Phase 3A

19-55-189 - #20 - A Resolution Authorizing Change Order #2, Final Acceptance and Final Payment of City Contract #16-23 R-1, Masonry Stabilization Project at Ocean City's City Hall

19-55-190 - #21 - A Resolution Authorizing Change Order #2, Final Acceptance and Final Payment of City Contract #18-30, 2018 Back Bay Hydraulic Dredging

19-55-191 - #22 - A Resolution Authorizing the City's Participation in the PEPPM Cooperative Contract #528897, Modular Vehicle Barrier Systems and other Branded Products for Use by the Department of Police & Office of Emergency Management

19-55-192 - #23 - A Resolution Authorizing the Extension of City Contract #18-16, Supply, Installation, Removal & Storage of Holiday Decorations for Various Locations

19-55-193 - #24 - A Resolution Consenting to City Council's Reappointment of Donna Sannuti and Theresa J. Ifkovits as Members to the Utility Advisory Commission

19-55-194 - #25 - A Resolution Consenting to City Council's Appointment of Brian Geary as a Member to the Zoning Board of Adjustment

19-55-195 - #26 - A Resolution Consenting to the Mayor's Appointment of Mary Louise Hayes as a Member to the Shade Tree Committee

19-55-196 - #27 - A Resolution Authorizing the Release of a Maintenance Guarantee for a Construction Project at 3401-07 Asbury Avenue, Block 3402, Lot(s) 16 & 17, Project #13-029PSPP

19-55-197 - #28 - A Resolution Authorizing the Release of a Maintenance Guarantee for a Construction Project at 1017 Simpson Ave, Block 1007, Lot 9, Project #14-029ZD

19-55-198 - #29 - A Resolution Authorizing the Release of a Maintenance Guarantee for a Construction Project at 500 19th Street, Block 1902, Lot 12, Project #15-040ZC

19-55-199 - #30 - A Resolution Authorizing an Emergency Temporary Appropriation

19-55-200 - #31 - A Resolution Authorizing the Payment of Claims

Added at the Table - #32 - 19-55-201 - A Resolution Consenting to City Council's Appointment of Albert Cortese to the Zoning Board of Adjustment as an Alternate II Member

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

PENDING BUSINESS:

Mr. DeVlieger thanked all of the applicants who applied for the Zoning Board.

Mr. Hartzell thanked all of the applicants who applied for the Zoning Board; they were all great candidates.

Mr. Barr thanked Mr. Donato and Mr. Beiker for their presentation and for explaining it as well as they did.

NEW BUSINESS:

Mr. McClellan thanked Mr. Bergan for his help so that he was able to successfully communicate with his constituents.

Mr. Hartzell spoke about the Master Plan.

Mr. Wilson thanked all of the zoning board applicants and said that they were all great candidates.

CITIZEN COMMENT:

Donna Moore – 21 Ocean Ave – spoke about the importance of cedar trees; spoke about ideas for planting native trees and shrubs at the Life Saving Station.

Dave Breeden – 114 Victoria Lane – spoke about Affordable Housing and the Housing Authority.

ADJOURN:

Mr. Madden asked for a motion to adjourn. Motion moved by Mr. Wilson, seconded by Mr. Hartzell. All ayes followed. 9:40 p.m.



Melissa Rasner, City Clerk