

**CITY COUNCIL MEETING MINUTES  
THURSDAY, APRIL 11, 2019 – 7:00 PM  
CITY HALL COUNCIL CHAMBERS**

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

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.

**CITIZEN COMMENT:**

**Ed O'Donnell – Port O' Call** – spoke about news media and said it should reflect good models.

**Steve Basset – 7 Osborne Road, Somers Point** – supports musicians (Ordinance No. 19-02) and said that the city should help them any way possible.

**Chris Leibrandt – 412 11<sup>th</sup> Street** – requested more clarification regarding Ordinance No. 19-02.

**Dave Hayes – 641 Battersea Road** – said that FIT will not move forward with pursuing a referendum regarding Bond Ordinance No. 19-08.

**Marie Hayes – 641 Battersea Road** – spoke about the cost for the appearance of Matt Stares and Darren Sproles at the Sports Memorabilia exhibit.

**Donna Moore – 21 Ocean Ave** – said that on April 5<sup>th</sup> pesticides were used at Veteran's Park.

**Frank Worrrell – 3305 Simpson Ave** – thanked the council and administration for paving his alley and said that Landberg Construction did a great job. Also, he mentioned that CTX is not a good contractor.

**Al Keleher – 3304 Haven Ave** – said that the city is doing a nice job on the alley at 33<sup>rd</sup> and Haven and he appreciates it being done.

**Georgina Shanley – 2117 Bay Ave** – spoke about the importance of paying attention to the dangers of chemicals being used and suggested there be more give and take during citizen comment at the council meetings. Also, she is not in favor of Ordinance No. 19-02.

**APPROVAL OF MINUTES:**

Mr. Madden asked for a motion to approve the regular city council meeting minutes of Thursday, March 28, 2019. Motion moved by Mr. Barr, seconded by Mr. Wilson. All ayes followed.

**REPORTS – MAYOR & ADMINISTRATION:**

There were not any reports given.

**REPORTS – CITY COUNCIL:**

Mr. DeVlieger apologized for arriving to the council meeting a few minutes late; his daughter was performing in the choir.

**ORDINANCE: FIRST READING & INTRODUCTION:**

Mr. Madden asked for a motion to take up Ordinance No. 19-02 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. 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 electronic amplifiers for performances. However, an electronic instrument, such as a keyboard, is permitted provided that the music is not audible thirty feet from the Boardwalk railing adjacent to which the entertainer is performing.

There was discussion between the governing body members.

Mr. Madden asked for a motion to adopt Ordinance No. 19-02 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, April 25, 2019 and will be published according to law.

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

Mr. Madden asked for a motion to take up Ordinance No. 19-06 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. 19-06 – An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank per (N.J.S.A. 40A:4-45.14) for Calendar Year 2019**

CFO, Mr. Donato explained that this ordinance falls in line with the capital plan, and he discussed the list of improvements in section 3 of the ordinance.

Mr. Madden opened the meeting up for public comment on Ordinance No. 19-06.

**Dave Hayes – 641 Battersea Road** – in favor of this ordinance and said it is a good thing.

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

Mr. Madden asked for a motion to adopt Ordinance No. 19-06 on second reading and public hearing. Motion moved by Mr. Barr, seconded by Mr. Hartzell. All ayes followed.

**RESOLUTION – NON-CONSENT:**

**19-55-244 - #1** - A Resolution Adopting the 2019 Local Municipal Budget

CFO, Frank Donato provided an explanation to the resolution.

Mr. Madden opened the meeting up for public comment on Resolution No. 1 and there was not anyone who wished to speak. Mr. Madden closed the public comment portion of the meeting.

There was discussion between the governing body members and after much review it was suggested that the fire department's salary and wages budget be reduced by \$50,000.00 and that the \$50,000.00 be put in fund balance.

Mr. Madden asked for a motion to amend the 2019 Local Municipal Budget. Motion moved by Mr. Hartzell, seconded by Mr. Barr. All ayes followed.

Mr. Madden asked for a motion to adopt the 2019 Local Municipal Budget as amended. Motion moved by Mr. Barr, seconded by Mr. Hartzell. All ayes followed.

**RESOLUTIONS – CONSENT AGENDA:**

**19-55-245 – #2** - A Resolution to Amend the 2019 Municipal Budget

**19-55-246 - #3** - A Resolution to Authorize the Advertisement of Specifications for City Contract #19-14, Supply & Delivery of Beach Patrol Uniforms

**19-55-247 - #4** - A Resolution to Authorize the Advertisement of Specifications for City Contract #19-19, Music Pier Sound System

**19-55-248 - #5** - A Resolution Authorizing the Award of a Contract between the City of Ocean City & Spatial Data Logic Inc. for Municipal Management Software Utilized by the City of Ocean City

**19-55-249 - #6** - A Resolution Authorizing the Award of City Contract #19-01, Concession Licenses for the Sale of Food, Ice Cream & Beverage Related Products at Designated City Owned Street Ends

**19-55-250 - #7** - A Resolution Authorizing the Award of a Contract between the City of Ocean City & Aponte Quality Painting and Wallcovering, Inc. for Basic Painting and Wall Repairs at Various City Buildings

**19-55-251 - #8** - A Resolution Authorizing the Award of a Professional Services Contract between the City of Ocean City & Czar Engineering, LLC for the Ocean City Aquatic & Fitness Center for Pool Renovations

**19-55-252 - #9** - A Resolution Authorizing the Award of a Professional Services Contract between the City of Ocean City & McLees Architecture, LLC for Additions & Alterations to the Civic Center

**19-55-253 - #10** - A Resolution Authorizing a Professional Services Contract between the City of Ocean City & Michael Calafati Architect, LLC for Design & Construction Administration for the Installation of Fire Barriers & Related Services to Abate NJ DCA, Division of Fire and Safety Violations at Historic City Hall

**19-55-254 - #11** - A Resolution Authorizing the Award of a Professional Services Contract between the City of Ocean City & EConsult Solutions, Inc. (ESI) for Tourism Advisory Services

**19-55-255 - #12** - A Resolution Authorizing Change Orders #28 & #29 to City Contract #17-53, North End Drainage Improvements

**19-55-256 - #13** - A Resolution Authorizing Change Order #3 to City Contract #18-11, 2018 Road Improvement Program – Phase 3

**19-55-257 - #14** - A Resolution Endorsing the 2019 Housing Element and Fair Share Plan

**19-55-258 - #15** - A Resolution Adopting the Affordable Housing Trust Fund Spending Plan

**19-55-259 - #16** - A Resolution To Adopt the Manuals for the Implementation of Ocean City's Affordable Housing Programs City of Ocean City

**19-55-260 - #17** - A Resolution Consenting to City Council's Appointment of Patrick Mumman as a Member to the Ocean City Housing Authority

**19-55-261 - #18** - A Resolution Authorizing the Release of a Performance Guarantee For a Construction Project at 300 28<sup>th</sup> Street, Block 2803, Lot 9, Project #17-025PBA

**19-55-262 - #19** - A Resolution Authorizing the Payment of Claims

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

**PENDING BUSINESS:**

Mr. Hartzell offered his condolences regarding Mr. Bob Wilent who recently passed away. Mr. Wilent was a dear friend and mentor to him and he will be greatly missed.

Mr. DeVlieger thanked Donna Moore for her continued efforts regarding chemicals and pesticides.

Mr. Wilson also offered his condolences regarding Mr. Bob Wilent who recently passed away.

**NEW BUSINESS:**

Mr. DeVlieger wished everyone a very Happy Easter.

Mr. Hartzell reminded everyone about the Easter Service being held at the Music Pier at 6:30 a.m. which is a non-denominational service available to all.

Mr. McClellan thanked the administration for their help and efforts regarding 4<sup>th</sup> and Simpson; it is greatly appreciated.

Mr. Barr wished everyone a Happy Easter is looking forward to the new season.

**CITIZEN COMMENT:**

**Wayne Mozzo – 1330 Pleasure Ave** – spoke about his displeasure with the Earth Tec and also spoke about the illegal dumpsters located at 9<sup>th</sup> and Ocean.

**William Link** – spoke about Ordinance No. 19-02; he plays the bass and cannot play his instrument without amplification. He made some suggestions to council about the watts. Also, he spoke about moving his antennae for his radio station within the hospitality zone.

**Chris Meyer – Marmora, Upper Township** – spoke about Ordinance 19-02 and suggested there be sound checks in an effort for the musicians not to compete with each other as well as other sounds on the boardwalk.

**Deborah Meyer – Marmora, Upper Township** – said that she is a vocalist and is not in favor of Ordinance No. 19-02.

**Dave Hayes – 641 Battersea Road** – spoke about Ordinance 19-02 and said that someone has to measure and has to be fair regarding the sound. Also, he spoke about two residents who recently passed away and who will be greatly missed; Mr. Hoffman and Father Speitel.


**Rick Birch – 117 Bark Drive** – spoke about the Clean Storm Water and Reduction Act.

**Donna Moore – 21 Ocean Ave** – said she is not in favor of Ordinance No. 19-02.

**Jody Levchuk – Bayonne Place** – said that the boardwalk entertainers are great, but can be a distraction to business merchants and they do have to be regulated.

**ADJOURN:**

Mr. Madden asked for a motion to adjourn. Motion moved by Mr. Wilson, seconded by Mr. McClellan. All eyes followed. 8:30 p.m.



**Melissa G. Rasner, City Clerk**