

**CITY COUNCIL MEETING MINUTES
THURSDAY, APRIL 25, 2019 – 7:00 PM
CITY HALL COUNCIL CHAMBERS**

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

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

CITIZEN COMMENT:

Chris Leibrandt – 1045 Asbury Ave – expressed that he is not in favor of Ordinance No. 19-02 and said that the city would possibly be in violation of the American Disability Act if they pass the ordinance.

Allen Shwartz – 1100 Central Ave – said that Ordinance No. 19-02 enables discrimination of civil rights and that the city is putting themselves at risk.

Marty Mozzo – 3803 Westminster Lane - spoke about Merion Park Phase II and questioned why it is not included in the capital plan.

Dave Hayes – 641 Battersea Road – had questions and comments about Resolution No. 3 and Resolution No. 5 on the agenda for approval.

Donna Moore – 21 Ocean Ave – spoke about Resolution No. 3 and asked that it be pulled from the consent agenda. Also, Ms. Moore expressed her concerns about pesticides that were applied to Veteran's Park on April 5th.

Georgina Shanley – 2117 Bay Ave – said that she is not in favor of the three minute time limit for citizen comment. Also, she said that it is the city's responsibility to protect the people from harmful chemicals and pesticides. She also commented on Resolution No. 2 on the agenda for approval.

Dr. Steven Fenichel - 2117 Bay Ave – commented on the dangers of chemicals and pesticides being applied on lawns.

APPROVAL OF MINUTES:

Mr. Wilson asked for a motion to adopt the regular city council meeting minutes of Thursday, April 11, 2019. Motion moved by Mr. Barr, seconded by Mr. McClellan. All ayes followed with the exception of Ms. Bergman who abstained.

REPORTS – MAYOR & ADMINISTRATION:

Business Administrator, Mr. Savastano provided an explanation on Resolution No. 3 and also on Resolution No. 5 both on the agenda for approval.

Mr. Wilson read a proclamation “Declaring April 26, 2019 Arbor Day in Ocean City, New Jersey”

REPORTS – CITY COUNCIL:

There were not any reports given.

ORDINANCE: SECOND READING & PUBLIC HEARING:

Mr. Wilson asked for a motion to take up Ordinance no. 19-02 on second reading and public hearing. Motion moved by Ms. Bergman, seconded by Mr. McClellan. 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.

Mr. Wilson opened the meeting up for public comment on Ordinance No. 19-02.

William Link – Joy Broadcasting – not in favor of Ordinance No. 19-02

Jody Levchuk – 1524 Bay Ave – in favor of Ordinance No. 19-02

Georgina Shanley – 2117 Bay Ave – not in favor of Ordinance No. 19-02

Dr. Steven Fenichel – 2117 Bay Ave – not in favor of Ordinance No. 19-02

Dave Hayes – 641 Battersea Rd – not in favor of Ordinance No. 19-02

Mr. Wilson closed the public comment portion of the meeting and there was much discussion between the governing body members and administration.

Mr. Wilson asked for a motion to adopt Ordinance No. 19-02 on second reading and public hearing. Motion moved by Mr. Barr, seconded by Mr. Hartzell. All ayes followed.

RESOLUTION – NON-CONSENT:

19-55-265 - #3 - A Resolution Authorizing Change Order's #30 & 31 to City Contract #17-53, North End Drainage Improvements

Mr. DeVlieger asked for Resolution No. 3 to be pulled from the consent agenda. The clerk read the title of the resolution.

Mr. Wilson opened the meeting up for public comment on Resolution No. 3.

Dave Hayes – 641 Battersea Rd – said that he is satisfied with the explanation that was given by Business Administrator, Mr. Savastano during Administration Reports.

Donna Moore – 21 Ocean Ave – said that irrigation is not necessary at the Bayside Center.

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

Mr. Wilson asked for a motion to approve Resolution No. 3. Motion moved by Mr. Barr, seconded by Mr. Hartzell. All ayes followed.

RESOLUTIONS – CONSENT AGENDA:

19-55-263 - #1 - A Resolution to Authorize the Advertisement of Specifications for City Contract #19-21, Rehabilitation of Runway 06/24 Artificial Turf - Phase II

19-55-264 - #2 - A Resolution Authorizing the Award of City Contract #19-20, Maintenance of City Owned Garden Plots - Phase II

19-55-266 - #4 - A Resolution Authorizing Change Order #4 to City Contract #18-11, 2018 Road Improvement Program – Phase 3

19-55-267 - #5 - A Resolution Authorizing Change Order #2 to City Contract #18-31, 2018 Back Bay Mechanical Dredging

19-55-268 - #6 - A Resolution Authorizing Change Order #1 to City Contract #18-32, Shooting Island Living Shoreline Restoration Project

19-55-269 - #7 - A Resolution Authorizing the Award and Change Order Change Order #2, Final Acceptance & Final Payment of City Contract #17-24, 2017 Landscape & Site Improvements at Various Locations

19-55-270 - #8 - A Resolution Authorizing Final Acceptance & Final Payment of City Contract #18-13 R 1, Music Pier & Fire Station #1 Boiler Replacements

19-55-271 - #9 - A Resolution Reappointing Richard A. Russell, Esquire as a Municipal Court Judge for the City of Ocean City

19-55-272 - #10 - A Resolution Authorizing the Chief Financial Officer to Certify the 2019 Local Municipal Budget

19-55-273 - #11 - A Resolution Authorizing the Release of a Maintenance Guarantee for a Construction Project at 870 3rd Street, Block 302, Lot 22, Project #14-032ZC

19-55-274 - #12 - A Resolution Authorizing the Release of a Performance Guarantee for a Construction Project at 1409 Pleasure Avenue, Block 1411, Lot 11, Project #17-015ZBA

19-55-275 - #13 - A Resolution Authorizing the Release of a Performance Guarantee for a Construction Project at 101 Anchor Road & 1901 Ferndale Drive, Block 1916, Lot (S) 24 & 25, Project #15-028PMN

19-55-276 - #14 - A Resolution Authorizing the Release of a Maintenance Guarantee for a Construction Project at 2500-02 Wesley Avenue, Block 2501, Lot 13, Project #15-037ZC

19-55-277 - #15 - A Resolution Authorizing the Payment of Claims

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

PENDING BUSINESS:

Mr. Barr reminded everyone about the next 4th ward meeting scheduled for Saturday, April 27th at 10:00 a.m. at the Ocean City Free Public Library in the Lecture Hall.

Mr. Hartzell reminded everyone that they are invited to attend the 4th Ward meeting. He also congratulated Ms. Bergman on her award “Working Woman of the Year.”

Mr. DeVlieger congratulated Ms. Bergman on her award and said it was well deserved and she makes us all proud.

Ms. Bergman commented that the last two weekends have been a great success for the City due to the events that the City holds.

NEW BUSINESS:

Mr. Barr congratulated Ms. Bergman on her award and said that he was happy to be there to see her receive her award.

Mr. McClellan congratulated Ms. Bergman on her award.

Mr. Hartzell said he was happy to have Ms. Barbara Eden here in Ocean City.

Mr. DeVlieger thanked Mr. Hayes for reaching out to him in advance and he also spoke about a constituent who had informed him about Verizon placing wires and boxes on people's homes without permission; he asked for the administration to look into it.

CITIZEN COMMENT:

Wayne Mozzo – 1330 Pleasure Ave – commented on Code Enforcement and spoke about violations regarding EarthTech

Bryan Woolbert – Egg Harbor Twp – thanked the administration and council for all of their extensive and hard work regarding the Boardwalk Entertainers and he presented the Mayor with two CD's of his music.

William Link – Joy Broadcasting – thanked Ms. McCrosson for looking into the zoning ordinance regarding the hospitality zone which affects his radio station.

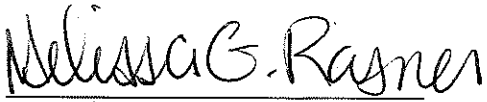
Jody Levchuk – 1524 Bay Ave – said that he appreciates the boardwalk entertainers and he also gave comments and concerns on behalf of Mr. Kazmark who was unable to attend the council meeting.

Georgina Shanley – 2117 Bay Ave – referenced the noise ordinance that the city has in place and asked how it relates it to the boardwalk entertainers.

Donna Moore – 21 Ocean Ave – informed everyone that it is terrapin season and to be aware of the terrapins on the ground that may need to be redirected. Also, she asked if she could plant cedar trees at 52nd Street.

ADJOURN:

Mr. Wilson asked for a motion to adjourn. Motion moved by Mr. Barr, seconded by Mr. Hartzell. All ayes followed. 9:12 p.m.



Melissa G. Rasner, City Clerk