

**CITY COUNCIL MEETING MINUTES  
THURSDAY, OCTOBER 24, 2019 – 5:00 PM  
CITY HALL COUNCIL CHAMBERS**

**ATTENDANCE:** Mr. Barr, Ms. Bergman, Mr. DeVlieger, Mr. Hartzell, Mr. McClellan (5:10 p.m.) 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. Hartzell led the prayer. Mr. Madden announced that adequate notice of this meeting has been given pursuant to Public Law 1975, Chapter 231.

**CITIZEN COMMENT:**

**Dave Breeden- 114 Victoria Lane** – spoke about resolution's 2, 3 and 4 and said he supports them. He also mentioned the engineering department and talked about funding and grants.

**Donna Moore – 21 Ocean Ave** – asked for an update on the idea of an educational seminar regarding eco-friendly land management for public lands and private land owners.

**APPROVAL OF MINUTES:**

Mr. Madden asked for a motion to approve the regular city council meeting minutes of Thursday, October 10, 2019. Motion moved by Mr. Barr, seconded by Ms. Bergman. All ayes followed.

**REPORTS – MAYOR & ADMINISTRATION:**

Business Administrator, Mr. Savastano addressed the comments made during public comment and provided clarification regarding both topics.

**REPORTS – CITY COUNCIL:**

Mr. Hartzell commented on the engineering department in response to public comment. He also addressed Ms. Moore's ideas and suggestion about a seminar for healthier products and said that landscapers could benefit from such a seminar.

Mr. DeVlieger said that he supports the idea training regarding eco-friendly land management and offered suggestions for the cost of the educational seminars.

Ms. Bergman said that she agrees about the importance of doing a study regarding eco-friendly land management and said that is something that will benefit the citizens as well.

Mr. Wilson spoke about finding out what the cost difference is between the eco-friendly products and the products currently being used.

**ORDINANCES: FIRST READING & INTRODUCTION:**

Mr. Madden asked for a motion to take up Ordinance No. 19-15 on first reading and introduction. Motion moved by Ms. Bergman, seconded by Mr. Hartzell. The clerk read the ordinance by title. **Ordinance No. 19-15 - An Ordinance Amending and Supplementing Chapter XXV, Zoning and Land Development of the Revised Ordinances of the City of Ocean City, 2019 Residential Mechanical**

Solicitor, Ms. McCrosson explained that this ordinance cleans up the existing language in sections one (1) through fifteen (15).

There was discussion between council and Mr. Wilson made a motion to table Ordinance No. 19-15, seconded by Mr. Barr. All ayes were in favor.

Mr. Madden asked for a motion to take up Ordinance No. 19-16 on first reading and introduction. Motion moved by Ms. Bergman, seconded by Mr. DeVlieger. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 19-16 – An Ordinance Amending 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)**

Solicitor, Ms. McCrosson explained that this ordinance will simplify the codification of Ordinance 18-21, which upon adoption included the full text of Ordinances 19-03 and 19-04, as well as a draft version of the ordinance establishing an Inclusionary Housing Option in Business Zone Districts. Instead of including the full text of the ordinances here, only a reference to the ordinance will appear within the Affordable Housing Ordinance.

There was some discussion between the governing body. Mr. Madden asked for a motion to adopt Ordinance No. 19-16 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, November 26, 2019 and will be published according to law.

Mr. Madden asked for a motion to take up Ordinance No. 19-17 on first reading and introduction. Motion moved by Mr. Hartzell, seconded by Mr. DeVlieger. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 19-17 – An Ordinance Amending, Revising and Supplementing the Affordable Housing Provisions of Chapter XXV, the Zoning and Land Development Ordinance of the City of Ocean City, to Permit Payments**

**in Lieu of Construction Where a Calculation Yields a Fractional Unit of Less than One-Half and One Additional Unit Where a Calculation Yields a Fractional Unit of One-Half or More**

Solicitor, Ms. McCrosson explained that this ordinance makes the fractional unit provisions in the Development Fee Ordinance (Article 1900) and the Inclusionary R-2 Zone District Assemblage Overlay Ordinance consistent with that in the ordinance establishing an Inclusionary Housing Option in Business Zone Districts.

Mr. Madden asked for a motion to adopt Ordinance No. 19-17 on first reading and introduction. Motion moved by Ms. Bergman, seconded by Mr. Hartzell. All ayes followed.

Mr. Madden announced that second reading and public hearing is scheduled for Thursday, November 26, 2019 and will be published according to law.

Mr. Madden asked for a motion to take up Ordinance No. 19-18 on first reading and introduction. Motion moved by Mr. Hartzell, seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 19-18 – A Bond Ordinance Appropriating \$6,565,000.00 and Authorizing the Issuance of \$6,236,750.00 in Bonds and Notes of the City of Ocean City for the Various Improvements or Purposes Authorized to Be Undertaken by the City of Ocean City, New Jersey**

CFO, Mr. Donato explained section three (3) of this ordinance and discussed the capital improvement projects.

Mr. Madden asked for a motion to adopt Ordinance No. 19-18 on first reading and introduction. Motion moved by Mr. Wilson, seconded by Ms. Bergman. All ayes followed.

Mr. Madden announced that second reading and public hearing is scheduled for Thursday, November 14, 2019 and will be published according to law.

Mr. Madden asked for a motion to take up Ordinance No. 19-19 on first reading and introduction. Motion moved by Mr. Hartzell, seconded by Mr. McClellan. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 19-19 – A Bond Ordinance Providing for Acquisition of Property In and By the City of Ocean City, In the County of Cape May, New Jersey, Appropriating \$900,000 Therefor and Authorizing the Issuance of \$855,000 in Bonds or Notes of the City to Finance Part of the Cost Thereof**

Solicitor, Ms. McCrosson explained that this ordinance is for the financing of the acquisition of the property known as 3300-3304 Bay Avenue, Block 3207, Lots 22 & 23 on the municipal tax map, including all related costs and expenditures necessary.

Mr. Madden asked for a motion to adopt Ordinance No. 19-19 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, November 14, 2019 and will be published according to law.

Mr. Madden asked for a motion to take up Ordinance No. 19-20 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. 19-20 - An Ordinance Authorizing the City of Ocean City to Convey an Easement Interest in the Lands Adjacent to Block 3110, Lot 49 to KJD Waterway, LLC and Its Successors in Title for the Sum of \$1.00 via Quit Claim Deed**

Administrator, Mr. Savastano explained that this ordinance authorizes the City of Ocean City to convey an easement upon the said property to KJD Waterway, LLC pursuant to the provisions of N.J.S.A. 40a:12-13 (b) (4).

Mr. Madden asked for a motion to adopt Ordinance No. 19-20 on first reading and introduction. Motion moved by Mr. Barr, seconded by Mr. McClellan. All ayes followed.

Mr. Madden announced that second reading and public hearing is scheduled for Thursday, November 14, 2019 and will be published according to law.

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

Mr. Madden asked for a motion to take up Ordinance No. 19-13 on second reading and public hearing. Motion moved by Mr. McClellan, seconded by Mr. Barr. All ayes followed. The clerk read the ordinance by title. **Ordinance No. 19-13 - 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 Zones**

Solicitor, Ms. McCrosson explained that this overlay ordinance is part of Ocean City's court-approved Affordable Housing strategy. This ordinance increases the density and bulk standards for residential development in business zones that include an inclusionary component. Also, this ordinance retains the prohibition against dwelling units occupying the first (grade-level) floor of any building in these commercial zones.

Mr. Madden opened the meeting up for public comment on Ordinance No. 19-13 and no one wished to speak. Mr. Madden closed the public comment portion of the meeting and asked for a motion to adopt Ordinance No. 19-13 on second reading and public hearing. Motion moved by Ms. Bergman, seconded by Mr. Wilson. All ayes followed.

**RESOLUTIONS – CONSENT AGENDA:**

19-56-077 - #1 - A Resolution to Authorize the Advertisement of Specifications for City Contract #20-02, Custodial Services for the City of Ocean City & the Ocean City Free Public Library

19-56-078 - #2 - A Resolution Authorizing the Award of City Contract #19-31, 2018 Road Improvements at Various Locations 2018 NJDOT 12<sup>th</sup> St Neighborhood

19-56-079 - #3 - A Resolution Authorizing the Award of City Contract #19-32, 2018 Road Improvement at Various Locations – South End

19-56-080 - #4 - A Resolution Authorizing the Award of City Contract #19-33, 2019 Road Improvement at Various Locations – Midtown Road Improvements

19-56-081 - #5 - A Resolution Authorizing the Award of City RFP #Q-19-003 to Fralinger Engineering PA for Professional Surveying Services on an “As Needed Basis” for the City of Ocean City

19-56-082 - #6 - A Resolution Authorizing the Award of a Contract between the City of Ocean City & Cooper Electric Supply Company, Inc. for the Electrical Equipment & Supplies for the Department of Public Works

19-56-083 - #7 - A Resolution Authorizing the Award of a Contract between the City of Ocean City & Boss Events, LLC for Specialty Event Supplies for the Department of Community Services

19-56-084 - #8 - A Resolution Authorizing the Award of a Contract between the City of Ocean City & Huber Locksmiths, Inc. for Citywide Key & Door Services

19-56-085 - #9 - A Resolution Authorizing the Award of a Contract between the City of Ocean City and JE Touring, Inc. for the Appearance of Jackie Evancho

19-56-086 - #10 - A Resolution Authorizing the Award of a Contract between the City of Ocean City & M & W Franklin, LLC D/B/A Eastern Sign Company for Citywide Signage for the Department of Public Works

19-56-087 - #11 - A Resolution Authorizing the Award of a Professional Services Contract between the City of Ocean City & Phoenix Advisors, LLC for Municipal Advisor & Continuing Disclosure Services

19-56-088 - #12 - A Resolution Authorizing the Award of a Professional Services Contract between the City of Ocean City & ACT Engineers, Inc. for Citywide HD Lidar Topographical Survey for Storm Water and Tidal Flooding Analysis

19-56-089 - #13 - A Resolution Authorizing a Shared Services Agreement between Cape May County Health Department and Local Boards of Health – City of Ocean City

19-56-090 - #14 - A Resolution Authorizing a Shared Services Agreement with the Cape May County Municipal Utilities Authority for Solid Waste Disposal and Recycling Services

19-56-091 - #15 - A Resolution Authorizing Final Acceptance & Final Payment of City Contract #16-45, Ocean City Drainage Improvements

19-56-092 - #16 - A Resolution Authorizing the City's Participation in the Omnia Partners-Public Sector Contract Number #2018011, City of Mesa, AZ-Lead Agency, Information Technology Solutions & Services for the City of Ocean City, NJ

19-56-093 - #17 - A Resolution Declaring an Addition to an Emergent Conditions Contract for Seagull Abatement for the City of Ocean City with East Coast Falcons, LLC

19-56-094 - #18 - A Resolution Authorizing the Release of a Performance Guarantee for a Construction Project at 17 Harbor Road, Block 70.67, Lot (S) 2.04 Project, #16-005PMSF

19-56-095 - #19 - A Resolution Authorizing the Release of a Maintenance Guarantee for a Construction Project at 3637 Central Avenue, Block 3601, Lot 2, Project #15-027ZC

19-56-096 - #20 - A Resolution Authorizing the Release of a Maintenance Guarantee for a Construction Project at 644 Haven Avenue, Block 607, Lot 29, Project #17-002ZBA

19-56-097 - #21 - A Resolution Authorizing the Release of a Maintenance Guarantee for a Construction Project at 14 Revere Place, Block 811, Lot 14, Project #15-034ZC

19-56-098 - #22 - A Resolution Authorizing the Release of a Maintenance Guarantee for a Construction Project at 836-38 Wesley Avenue, Block 805, Lot (S) 17.04, 17.05 & 17.06, Project #16-025ZMS

19-56-099 - #23 - A Resolution Authorizing the Application for and the Execution of a Subcontract with the County of Cape May for the Upper Township/Ocean City Municipal Alliance Program

19-56-100 - #24 - A Resolution Amending the 2019 Local Municipal Budget of the City of Ocean City/Capital Budget

19-56-101 - #25 - A Resolution Amending the 2019 Budget of the City of Ocean City to Include Additional Revenue from the United States Department of Homeland Security, Assistance to Firefighters Grant

19-56-102 - #26 - A Resolution Amending the 2019 Budget of the City of Ocean City to Include Additional Revenue from the United States Department of Housing and Urban Development, Community Development Block Grant

19-56-103 - #29 - A Resolution Authorizing the Payment of Claims

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

**PENDING BUSINESS:**

Mr. Barr reminded everyone that the 4<sup>th</sup> ward meeting scheduled for Saturday has been cancelled.

Mr. DeVlieger reminded everyone that the Halloween parade was taking place this evening and he wished everyone a happy and safe Halloween.

**NEW BUSINESS:**

No new business was discussed.

**CITIZEN COMMENT:**

3946 Asbury Ave – wanted to know why Ordinance No. 19-14 was removed from the agenda.

Dave Breeden – 114 Victoria Lane – said that the lobbyist hired was not a wise investment and referenced ACT Engineers regarding the long term dredging master plan.

Donna Moore – 21 Ocean Ave – asked about Ordinance No. 19-14.

**ADJOURN:**

Mr. Madden asked for a motion to adjourn. Motion moved by Mr. Wilson, seconded by Mr. Barr. All were in favor. 6:06 p.m.



Melissa Rasner  
Melissa Rasner, City Clerk