

December 12, 2018

A Work Session of the Borough Council of the Borough of Avalon was held on Wednesday, December 12, 2018 at 4:02 p.m. in the Meeting Room, 3100 Dune Drive, Avalon, New Jersey.

Attendance: Public ----- 20

Reporters ----- 2

The Meeting was called to order by Council President Deever.

## Pledge of allegiance.

<u>Roll call:</u>	Council President Deever	Present
	Council Vice President Covington	Present
	Councilwoman Hudanich	Present
	Councilman McCorristin	Present

Also present:

Martin L. Pagliughi, Mayor  
 Scott Wahl, Business Administrator  
 James Waldron, Assistant Business Administrator  
 Nicole Curio, Esq., Borough Solicitor, Gruccio, Pepper, DeSanto & Ruth, P.A.  
 William Macomber, Director of Public Works/Utilities  
 Steven Camp, Assistant Director of Public Works/Utilities  
 Paul E. Short, Sr., Code Enforcement Officer  
 Jeffrey Christopher, Police Chief  
 James V. Craft, Chief Financial Officer  
 Thomas R. Thornton, P.E., Borough Engineer, Mott MacDonald  
 Jeff Hesley, Zoning Official

Council President Deever read the Open Public Meetings Act Announcement.

Notice of this Work Session was included in the Annual Schedule of Meetings dated June 27, 2018. It was given to the news media and posted on the Official Bulletin Board as required by law.

**Mayor Pagliughi presented Proclamations to Paul Short, Bill Lloyd and Anthony Cozzan, and Dr. Loretta Finnegan.**

**Mayor Pagliughi performed the swearing in of New Police Sergeant Stephen Bowers.**

Mayor Pagliughi presented Certificates of Achievement for years of Service.

**5 years:** Nicholas Brady, John McCorristin, Ashlynn Martorana, Mark Glassford

**10 years:** Scott Wahl, Sean McNair

**15 years:** Suzanne Keen, Paul Short

### 20 years: Christine Schroter

**25 years:** Jeff Hesley

**30 years:** Richard Judycki

Discussion regarding request from Thomas and Jennifer Curry at 597 24<sup>th</sup> Street seeking a partial vacation of Sixth Avenue.

Vincent Lamanna spoke on behalf of Thomas and Jennifer Curry and explained this property is located at the intersection of 24<sup>th</sup> Street and Sixth Avenue with 24<sup>th</sup> Street being a standard 60 foot right of way, and Sixth Avenue being a 70 foot right of way, both of which are street ends. On the property owned by the Currys is a very old boat house, as well as several non-conformities. The most obvious non-conformity being the boat house structure over the water.

Vince Lamanna (continued) Additionally, there are two single family dwellings on the property, which is not permitted by the Zoning Ordinance. The Zoning Ordinance does permit duplexes in this zone, however does not permit two single family residences. Other non-conformities included side yard setbacks with respect to the small structure. A request has been submitted to the Borough for a ten foot partial vacation of Sixth Avenue, which would make this lot a more conforming lot with respect to corner lots in the area, as corner lots are typically 60 feet. If the request is approved by Council, the property owners are prepared to demolish the existing structures and construct a structure that would be otherwise allowable in the zone. To provide a history of this item, this matter was discussed with former Business Administrator Andy Bednarek in 2011, at which time the partial vacation was considered a viable plan.

Unfortunately, the property owners were not prepared to demolish the structure at that time. The property owners have since changed their stance on such demolition, which is the reason for this recent request. He pointed out the existence of a drainage pipe in the westerly side of the street. This request has been discussed with the Zoning Officer, as well as the benefits to be realized by the Borough in the event this request is granted. The benefits include consistency with respect to other corner lots, the elimination, of the Zoning non-conformities, as well as enhancement of a tax ratable.

Councilman McCorristin asked Mr. Lamanna to confirm the intent of the property owner to demolish the primary structure and construct a structure that would comply with all of the Borough's Zoning regulations if this request is granted.

Vince Lamanna confirmed Councilman McCorristin's statement and also explained there are CAFRA approvals for all development currently on the property including the structure over the water. The CAFRA permit allows the structure to remain in place, however it is understood that any new structure would be required to comply with current Zoning. A waterfront development permit would be required with respect to the replacement of the docks. He also noted the structure tends to block the view of some neighbors, which could be a nuisance.

Council Vice President Covington inquired about the rope fence along the side of the property in question.

Vince Lamanna explained the rope fence was constructed as a way to protect the property from individuals parking at the street end of Sixth Avenue.

Council Vice President Covington asked Zoning Officer Jeff Hesley if there are other lots similar to the property in question within the Borough.

Jeff Hesley responded yes and explained when the street ends and lots were created, it was originally intended that each corner lot be a 60 foot lot to abide by both front yard setbacks as well as the side yard setback. With a 50 foot lot, the widest allowable dwelling would be 27 feet wide, which causes difficulty when attempting to construct a duplex.

Council Vice President Covington questioned the purpose of the 70 foot street ends.

Jeff Hesley explained all of the Avenues throughout the Borough are 70 feet in width, with all streets being 60 feet in width with the exception of Dune Drive. When looking at the area via aerial map, unimproved street ends often look narrower due to the lack of curbing and sidewalks which amount to 10 feet in width.

Councilwoman Hudanich asked if there is parking at the street end.

Jeff Hesley stated he is unaware of the parking that takes place at that specific street end, however noted visitors often park on both sides of unimproved streets.

Councilwoman Hudanich inquired if granting a 10 foot easement would negate the swing room at the end of the street if there are vehicles parked on both sides of the street end.

Jeff Hesley noted that would be a question best referred to Engineering.



Councilman McCorristin referenced the similar lots mentioned earlier and questioned if it would be possible that those property owners would feel inclined to submit similar applications to the Borough to increase their lot size.

Jeff Hesley noted it would be possible, as there are other 50 foot lots that front on both Avenues and Streets.

Councilman McCorristin asked Tom Thornton for his opinion on this application.

Tom Thornton referenced the outfall pipe mentioned by Mr. Lamanna and explained the pipe is on the westerly side of the right of way, therefore the granting of a ten foot vacation wouldn't encroach upon the stormwater system. He noted there is an inlet within the intersection on the east side, however it may fall outside of the 10 foot vacation. Another point Council may want to consider would be the Borough's public access plan and the State's encouragement that the Borough not eliminate public access.

Councilwoman Hudanich inquired if municipalities need to meet certain stipulations and criteria when allowing street vacations, such as allowing the vacation for the benefit of the public, and pointed out this tends to be an application submitted with only personal interest.

Tom Thornton explained the Municipal Public Access Plan has been submitted to the Department of Environmental Protection, and the Department of Environmental Protection may actually require that the Borough not vacate areas such as this. There would be a question if the Department of Environmental Protection would allow a partial vacation.

Jim Waldron added the State has asked Avalon to modify the Public Access Plan by agreeing to forego any street vacations that have access to the beach or the bay including anything that would restrict visual access. Avalon has responded back with the thought that the dedication of these streets should be sufficient and the Borough does not want to commit itself to an iron clad prohibition against vacation due to the fact that ultimate circumstances cannot be foreseen. This is still a matter of negotiation, however the State is advocating non-vacation.

Councilman McCorristin inquired if the Borough has any plans to add docks to any street ends that this may affect.

Tom Thornton responded if other work in the area is being done, a dock may be replaced, however the Borough typically does not add new docks.

Bill Macomber pointed out there was recently an addition of a fire boat docking area to the pier at 24<sup>th</sup> Street and Fifth Avenue, which was a unique scenario.

Vince Lamanna offered the opinion that each of these intersections rises on its own set of facts, are factually intense, and cannot be treated generically. He further expressed that this property is unique and that there are other benefits to the Borough. He emphasized this vacation would also result in the elimination of other Zoning issues on the property, and added the possibility of enhanced assessment value if this application is approved.

Council agreed to discuss this matter further at a future Work Session.

Discussion regarding Borough Council vacancy.

Council President Deever announced Councilman Dean resigned from Borough Council effective November 30, 2018 with a term expiring June 30, 2019. At the November 20, 2018 Council meeting, Council approved a process to ask for letters of interest and resumes from residents interested in filling the term. As a result, Council received multiple applications. Earlier today, a Special Closed Session Meeting was held to conduct interviews with interested candidates. He commended all of the candidates on being articulate, intelligent, and community-minded individuals, and thanked all of them for their interest. After the interviews, Council discussed the position and unanimously decided to fill the vacant seat with one of the applicants. It was decided by all members of Council to appoint Barbara Juzaitis to the open Council seat.

Council agreed to proceed with a Resolution to be considered at today's Regular Meeting.



Discussion regarding Resolution authorizing an emergency appropriation with respect to the payment of interest for a Bond Anticipation Note.

Jim Craft explained this Resolution is needed to cover interest on a Water/Sewer Bond Anticipation Note that was issued in February with a maturity date in November. Typically, the Borough issues a twelve month Bond Anticipation Note, however with the intent to take advantage of lower interest rates, the Borough decided to issue these Bond Anticipation Notes with a shorter term. This appropriation is needed to cover those interest payments.

Council agreed to proceed with a Resolution to be considered at today's Regular Meeting.

Further discussion regarding Resolution authorizing Settlement Agreement regarding Avalon Real Estate Agency v. Borough of Avalon and Planning/Zoning Board of the Borough of Avalon.

Jim Waldron reminded Council that this matter was a topic of discussion at the November 20, 2018 Work Session, however the documentation was not complete at that time. The documentation is now complete and has been submitted to Council for review. By way of background, the affordable housing Ordinances were adopted by Borough Council on July 25, 2018. At that public hearing, the plaintiffs in this litigation questioned as to whether or not they would be able to demolish their existing structure, build a new structure, and to what extent would it be impacted by the four Ordinances that Council was then considering. The answer that was presented at that time was that they would not be impacted at all provided that they built a use that was permitted in the zone where the property is located, and provided that they could do so without application to the Planning and Zoning Board for a use variance. That opinion was supported by Special Counsel for the Borough Paul Baldini and Elizabeth McManus, the Planner with the Borough and the Planning Board since 2015 in terms of bringing the Borough into compliance with the Supreme Court mandate. Subsequent to that hearing and the adoption of the Ordinances, the plaintiffs had some continuing reservations and they brought suit. This has resulted in a non-adversarial suit because there was no answer filed on behalf of the Borough and the matter was not litigated. Jeff Hesley, as the Zoning Official, issued a formal opinion on October 2, 2018 indicating exactly what the position of this Council was on July 25, 2018. Out of an abundance of caution, the parties have agreed to a stipulation, which will essentially confirm the Borough's position on July 25, 2018 judicially. That stipulation will be filed with the Court. The stipulation removes any doubt or ambiguity as to the future development of the property and allows the plaintiffs to construct what is permitted, and that decision is now confirmed by a judicial order that will protect them and the Borough. It is in the interest of all parties to have this document. Mr. Baldini has negotiated, reviewed, and approved this stipulation. The Planning/Zoning Board also approved the stipulation at their December 11, 2018 meeting.

After brief discussion, Council agreed to proceed with a Resolution to be considered at today's Regular Meeting.

Discussion regarding Resolution authorizing renewal of the following agreements:

- a. Senior Travel Services
- b. Ransome Rental Company – Portable Generator

Paul Short explained that these annual contracts are for emergency services, which are no-cost contracts unless needed and used by the Borough. The Senior Travel Services contract would be used in the event of a mandatory evacuation, while the portable generator contract would be used for a shelter facility in an emergency, such as the school.

Mayor Pagliughi added the travel services contract also includes Stone Harbor. The portable generator could be connected to the Avalon School or Cumberland County Vo-Tech School by quick-disconnect couplings already installed in those locations.

Council agreed to proceed with Resolutions to be prepared for the January 9, 2019 Regular Meeting.



Discussion regarding bids received for Borough Contract 19-01 Custodial & Cleaning Services for the Borough Facilities.

Scott Wahl reported recommendations to award this contract have been received by both the Purchasing Agent, Joe Clark, and Legal Counsel, Alan Gould. A public notice regarding these bids was published in The Press of Atlantic City on November 7, 2018. On November 19, 2018, prospective bidders were invited to tour the buildings included in the bid documents for more accurate bidding. Two bids were received on November 27, 2018, of which one was disqualified for not submitting a New Jersey Business Registration Certificate. The successful bidder for this contract is Jersey Cape Diagnostic Training and Opportunity Center, Inc. in the amount of \$67,300.00 for the 2019 calendar year, with two potential one year renewals with the contract pricing for those subsequent years being based upon the CPIU Price Index.

Bill Macomber noted Jersey Cape has been working with the Borough for many years for litter clean up during the summer season and have always done a fine job. The Borough looks forward to working with them during the term of this contract. It is known that the bidder is working in other state-owned facilities including the State Police. A meeting will be held with the personnel expected to clean the Police Department building in order to obtain the necessary security clearance. He also noted the bid amount is less than what was paid by the Borough for the 2018 calendar year.

Council agreed to proceed with a Resolution to be considered at today's Regular Meeting.

Discussion regarding Resolution authorizing appointments of Members to the Avalon Planning/Zoning Board.

Scott Wahl reviewed the following suggested appointments by Mayor Pagliughi: Neil Hensel as a Class IV member for a four year term, Dr. Brian Reynolds as a Class II member for a four year term, Samuel Wierman as a Class IV member for a four year term, John Morrison as a Class IV member, Alternate #1 for a one year term, Eric Schiela as a Class IV member, Alternate #2 for a two year term, Samuel Beddia as a Class IV member, Alternate #4 for a two year term, Kimberly Mastriana as Planning/Zoning Board Secretary, Paul Baldini as Solicitor, and Joseph Maffei as Board Engineer. It is also recommended that Council appoint Jim Deeever as a Class III member for a one year term. He further noted that David Knoche and Michael Coskey have resigned from their positions on the Avalon Planning/Zoning Board.

Council agreed to proceed with Resolutions for consideration at today's Regular Meeting.

Further discussion regarding 2018 Floodplain Management Plan Evaluation Report.

Tom Thornton reported the final draft of this report was provided to Council at the November 20, 2018 Council Meeting, after which the report was published on the Borough website for a public review and comment period. One public comment was received via email, which requested a review of Land Use Ordinances, which was part of the evaluation report. If there are no further public comments to be received this evening, it is recommended that Council approve this report by Resolution at tonight's meeting.

Council President Deeever asked if there were any members of the public in attendance that wished to speak on this item.

No members of the public offered any comments.

Nicole Curio announced there is also a public comment portion during the Regular Meeting which would allow any member of the public to speak on proposed Resolutions, therefore the public will have another opportunity to speak on this item if they choose to do so.

Council agreed to proceed with a Resolution for consideration at today's Regular Meeting.



Further Discussion regarding Ordinance changes to Chapter 7 (Police Regulations) Chapter 8 (Traffic) and Chapter 20 (Building & Construction) concerning construction regulations.

— Scott Wahl gave a PowerPoint Presentation regarding this issue, a copy of which is hereafter attached to these minutes. After the presentation, he reported Police Chief Christopher has developed a community service program for the Borough of Avalon, which will provide both the court and the Prosecutor another punishment or means of remediation for repeated violation of these Ordinances. It is recognized that repeat offenders often do not take fines or violations of these regulations seriously, therefore it is expected that the community service provision will help cut down on repeated violations. The provision is being reviewed by the JIF as well as the Borough's Risk Management Consultant. There may be certain corrections needed in order to be compliant with the JIF, however the concept is supported by the Borough's Prosecutor and Municipal Court Judge. In the event a contractor is sentenced to community service, that service must be completed by the contractor only, and cannot be delegated to another individual within the company. A draft Ordinance with all proposed changes has been provided to Council. If Council is in agreement with the draft Ordinance that has been provided, it is suggested to introduce the Ordinance today, hold an informational meeting with contractors after the holidays and continue to accept public comments and suggestions until a proposed second reading and final adoption date of January 23, 2018. After final adoption, another meeting will be held with contractors to keep them informed of the changes, and maintain communication with contractors regarding all construction regulations.

Councilwoman Hudanich thanked Scott Wahl and all involved for drafting a comprehensive Ordinance that addresses many issues, however suggested off-season construction hours be changed to 9:00 a.m. to 5:00 p.m. on Saturday and Sunday.

Councilman McCorristin asked for Council to consider the possibility of changing the hours to 8:00 a.m. to 5:00 p.m. on Saturdays and 9:00 a.m. to 5:00 p.m. on Sundays in the off-season.

After brief discussion, Council agreed to proceed with the introduction of an Ordinance by title only to be considered on first reading at today's Regular Meeting, with the final version of the Ordinance reflecting Councilman McCorristin's suggestion on off-season weekend hours.

— Discussion regarding Resolution authorizing Change Order No. 3 for Contract M-98, 2014 Back Bay Maintenance Dredging Project.

Tom Thornton reported the contractor for the Back Bay Dredging Project has completed work on the project. The closing of this project requires the reconciliation of final quantities against the original quantities. In this case, there were additional quantities of dredging, which are impossible to predict. Prior to the work, a pre-dredge survey is conducted, which establishes the volumes of dredge material to be removed. However, due to sedimentation, those quantities vary during the course of the project, which is reflected in Change Order No. 3. Approximately 25% of that cost would be covered by the State, as an analysis showed that amount to be from State channels.

Council agreed to proceed with a Resolution to be prepared for the January 9, 2019 Regular Meeting.

Discussion regarding Resolution approving a membership in the New Jersey State Firemen's Relief Association.

Council agreed to proceed with a Resolution to be considered at today's Regular Meeting.

— Discussion regarding the following annual Resolutions:

- Scott Wahl as Public Agency Compliance Officer
- Scott Wahl as Fund Commissioner/Jim Waldron as Alternate Fund Commissioner for Atlantic County Municipal Joint Insurance Fund
- Michael Sorensen, Esquire, Municipal Public Defender
- Frank Guaracini, Municipal Prosecutor/Emily Buonadonna, Assist. Municipal Prosecutor
- Tax Assessor to file appeals and/or municipal appeals

— Council agreed to proceed with Resolutions to be prepared for the January 9, 2019 Regular Meeting.



Discussion regarding Resolutions authorizing Professional Services for 2019.

Non-fair and open (contracts anticipated to exceed \$17,500.00):

- Michael S. Garcia, Auditing Services
- Thomas R. Thornton, P.E., Borough Engineer
- Thomas G. Smith, Esquire, Tax Appeal Counsel
- Howard Marlowe, Government Affairs Consultant and Lobbyist
- Scott D. Taylor, Professional Planner and Landscape Architect
- Joseph H. Maffei, Engineer Planning/Zoning Board
- Paul J. Baldini, Esquire, Solicitor Planning/Zoning Board
- V-COMM, LLC, Telecommunications Technical Consulting Services
- Lomax Consulting Group for Environmental Consulting Services
- Neil Yoskin, Esquire, Special Litigation & Environmental Counsel
- Nicole Curio, Borough Solicitor
- Lawrence Pepper, Borough Labor Attorney
- Archer & Greiner, Bond Counsel
- Marsh & McLennan Agency Associates, Healthcare Consultant
- Blaney & Karavan, Special Counsel
- Bay Atlantic Symphony

Under the non-fair and open threshold (contract anticipated to fall below \$17,500.00):

- Alan I. Gould, Esquire, Special Conflict Counsel/Administrative Hearing Officer
- Animal Control Services
- Marsh & McLennan Agency Associates, LLC, Risk Management

Over \$17,500.00 but exempt from the pay-to-play non-fair and open requirement:

- Dr. Stewart C. Farrell, Director, Coastal Research Center, The Richard Stockton College of NJ, Beach Monitoring Services
- The Wetlands Institute, Environmental Consulting Services

Scott Wahl read the following report:

Summary: Council has before it a summary and comparison of professional services contracts for 2019 that fall into three categories: Non fair and open (16), under the non fair and open threshold (3), and over \$17,500 but exempt from pay to play non fair and open requirements (2). The Clerk's office did a great job getting the proposals in a timely manner that allowed the administration to ask questions and refute increases that did not carry reasonable explanation.

Non-Fair and Open Contracts:

-Despite an improving economy and business costs increasing, most of the contracts do not include rate increases from 2018 to 2019.

-Government Affairs and Lobbyist: There is an increase of \$9,000 for 2019 based on two factors. Avalon will be participating in a beach fill project supported by \$7 million in federal funding. Services will be needed due to the ongoing conflict and discussion regarding Hereford Inlet being used as a borrow area for Stone Harbor which directly impacts the availability of sand and mobilization costs associated with any joint beach fill project. Second, additional assistance in Washington to further substantiate a legislative remedy to this situation that would be preferable to a legal remedy. Additional meetings and efforts will be required to maximize the federal, and other dollars, for this project which will occur after the 2019 beach season, and on exercising legislative remedies to the sand availability issue.

-Environmental Consulting: \$75 overall increase from prior year.

-Healthcare consultant: This represents a nominal increase of two dollars per member per month for the management of our health benefits program for employees to \$23 per member per month. In 2017, the Borough saved \$75,745 through the switch to the health insurance program and

HRA card and in not month trended higher than the monthly allocation providing large savings to the Borough. The level of customer service and assistance provided immediately or near immediately to Borough employees has never been higher. We anticipate a stabilization of rates moving forward past 2019, this year's proposal is slightly over \$5,000 from last year's proposal.

-Professional Planner/Landscape Architect: There are line items and services included in the proposal that the Borough has never used and does not intend to use in 2019, including but not limited to zoning technician, Senior Planner/Landscape Architect, Expert Testimony, etc. There are small hourly increases in a couple of professionals used by the firm that range from \$4 to \$8/hour. In comparing rates provided by this and other firms for like services, Avalon's rate schedule remains ten to 15 percent lower than similar rate schedules.

-Important to note that legal services hourly fees are not increasing.

-We are suggesting a replacement for Bond Counsel for which Mr. Waldron has reviewed and confirms that upon execution of the contract, that rate schedule also remains the same. The benefits of the new vendor include but are not limited to a physical presence in our region, the saving of fees on travel schedules, and the firm offering a broader range of non-financial services shall the Borough need them, including tax, environmental, and special litigation.

Non-Fair and Open:

-Only one of the three contracts contains an increase, Animal Control Services, of \$2,000/year. That fee has not been increased by this vendor in five years.

Exempt Pay to Play:

-Stockton University, variety of work including beach monitoring and Townsend's Inlet Bathymetric Survey. There is an increase of approximately \$8,000. This is mandated by approval by the State Legislature and the Governor requiring that full time temporary employment personnel be either terminated, or offered NJ State defined benefits including health care, pensions, and standard sick and vacation time leaves. Two key members of the Stockton team doing work regularly in behalf of the Borough qualify for that as they work over 944 hours of service. This is a charge directly to the Coastal Center.

Council Vice President Covington referenced the proposal submitted by the Government Affairs Consultant and Lobbyist and inquired what exactly would be done differently in the 2019 contract.

Scott Wahl explained there is much to be done in 2019 on the legislative angle to line up the meetings and the supports to get legislative opinions to change on how material can be used from Hereford Inlet.

Council Vice President Covington questioned if the 2020 contract price will reduce if the 2019 efforts are successful.

Scott Wahl noted it would be possible to see a reduction in cost in 2020 if those additional services are no longer needed.

Jim Waldron referenced the contract for Bond Counsel and reported Archer & Greiner has agreed to provide the same services as McManimon and Scotland on a comparative basis without any increase in fees. Essentially, what was spent in 2018 will be what is spent in 2019 for the same service with no increase whatsoever. This contract varies from other Professional Services Contracts due to a schedule depending upon the bond issues, and the ceiling of the bonds, and the rates. The same schedule that applies in 2018 will be incorporated into the new contract in 2019. Each Professional Services Contract must have a not to exceed amount. Last year's not to exceed amount for Bond Counsel was \$75,000.00. It will be the same not to exceed amount this year, however the CFO anticipates that there's going to be less bonding activity in 2019, therefore overall the expenditure is going to be less, however the authorization will remain the same.

Council briefly discussed these items and agreed to proceed with Resolutions to be prepared for the January 9, 2019 Regular Meeting.



Discussion regarding Resolution authorizing renewal of Maintenance of Borough Owned Grounds and Garden Plots Contract for an additional one year term commencing February 1, 2019.

Bill Macomber reported he has submitted a letter to Council recommending the renewal of the contract with Bayshore Landscaping, which has worked well with the Borough. The contract amount will be going from \$227,692.00 to 231,335.00, which is a 1.6% increase.

Council agreed to proceed with a Resolution to be prepared for the January 9, 2019 Regular Meeting.

Public Comments:

Travis Marshall, 885 21<sup>st</sup> Street, commended all individuals that received awards and proclamations, and suggested Council consider livestreaming and/or video recording of Council Meetings, which would have attributed more recognition for each individual. He reported to Council the communities within Cape May County that livestream, offer video recordings, or offer audio recordings of their meetings, as well as the municipalities that do not. He also expressed dismay that the audio recordings taken at each Avalon Council Meeting are not published and are only kept for 80 days after the minutes are approved.

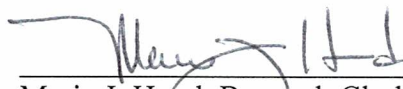
Martha Wright, 632 7<sup>th</sup> Street, thanked David Knoche for his 18 years of service on the Planning/Zoning Board, and thanked Council for selecting a female to fill the vacant position on Council. She referenced Council's earlier discussion of an application for a partial street vacation at 597 24<sup>th</sup> Street and pointed out that while the zone where this property is located allows duplexes, the zoning does not require a duplex be constructed on that site. She urged Council to deny the request, and specifically cited the Department of Environmental Protection Public Access Plan which designates that location as visual water access to residents and the public. She indicated a significant amount of Avalon's year-round residents reside in the area in question, and asked Council to consider the implications of vacating a street and setting a precedence in such an area. Additionally, she mentioned there are only two visual access points in that area, and noted the partial street vacation would deprive both year-round residents and visitors of 50% of the Bayfront access in that area. She asked Council to consider the rights of all residents and visitors to light, air, and open space prior to making a decision on this application.


Motion made by Councilman McCorristin, seconded by Council Vice President Covington to adjourn the Work Session.

<u>ROLL CALL VOTE:</u>	Council Vice President Covington	Aye
	Councilwoman Hudanich	Aye
	Councilman McCorristin	Aye
	Council President Deever	Aye

Work Session adjourned at 5:43 p.m.

Respectfully submitted,

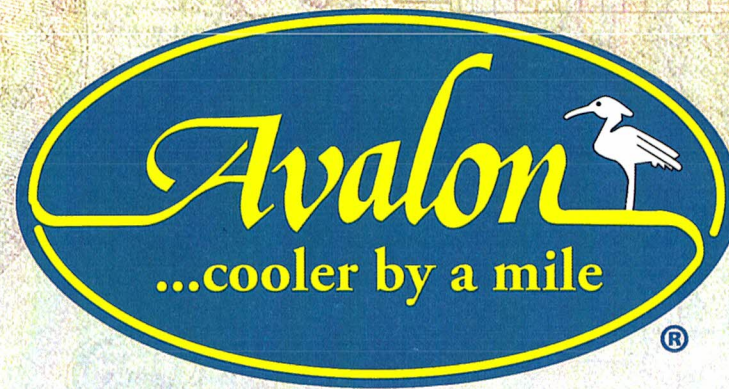
  
\_\_\_\_\_  
Marie J. Hood, Borough Clerk

  
\_\_\_\_\_  
James Deever, Council President



# CONSTRUCTION ORDINANCE CHANGES

---



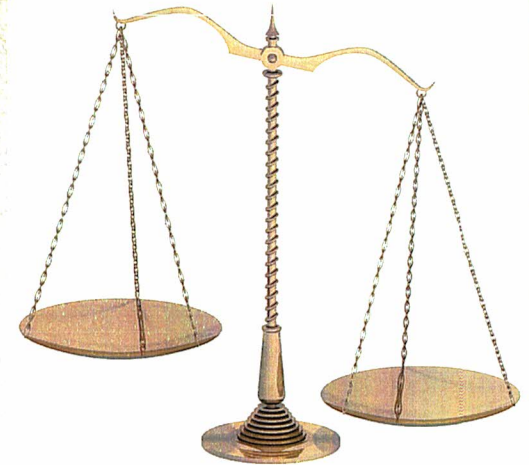
*Presented: December 12, 2018*



# WHAT WE WERE TASKED TO DO

---

- Address citizen complaints regarding construction practices, balancing interests of the public and fairness to contractors
- Present draft ordinance changes to Council
- Ensure any suggested changes are both legally binding and communicated effectively, and serve a specific government purpose





# IN-SEASON CONSTRUCTION HOURS

---

**Current:** Monday-Friday, 8am-7pm; Saturday, 8am-6pm, no Sunday construction

**Proposed:** Monday-Friday, 8am-5pm, Saturday indoor construction only, no Sunday construction (8am-4pm July/August)

**Net Change:** Reduction in outdoor construction by 20/28 hours/week, no outdoor construction on weekends





# OFF-SEASON CONSTRUCTION HOURS

---



**Current:** Seven days a week, 7am-7pm everyday

**Proposed:** Monday through Saturday, 7am-7pm, Sunday 7am-5pm

**Note:** *Offseason defined as Monday after 2<sup>nd</sup> Saturday in September thru Sunday before 3<sup>rd</sup> Monday in June.*





# HOLIDAY CONSTRUCTION PROHIBITIONS

---



**Current:** None

**Proposed:** Prohibited on Easter Sunday, Memorial Day Saturday-Monday, Thanksgiving Day, Christmas Day, July 4<sup>th</sup>, Labor Day. If July 4<sup>th</sup> falls on a Friday, prohibited Friday-Sunday; on a Monday, prohibited Saturday-Monday



# LANDSCAPE CONSTRUCTION

---

**Current:** Unregulated.

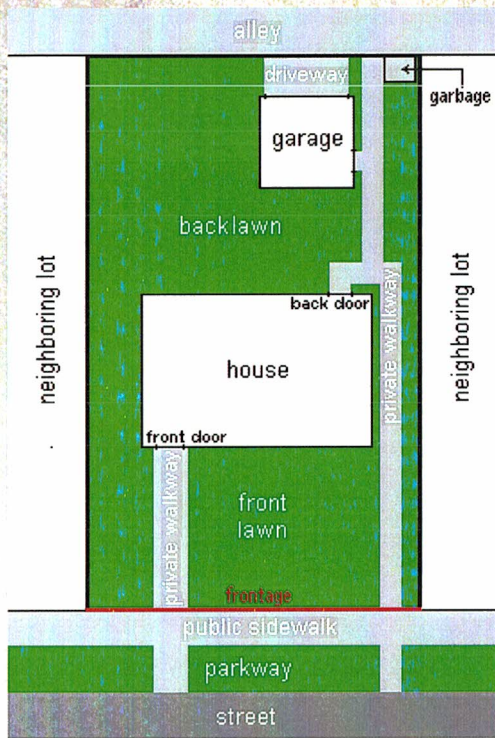
**Proposed:** Runs concurrent with new construction hours/days. Further defines landscape construction as the use of motorized mechanized equipment, as defined in the ordinance...essentially noise-producing equipment.





# NEW INITIATIVE—CONSTRUCTION ZONE

---



**Proposed:** Construction Zone requires contractor to make best decisions for dumpsters, trailers, etc.

In season, outside of allowable hours, contractor must use zone or property for storage, or be removed out of Avalon.

Off-season, a construction zone may be required by Code Enforcement (consult with Construction Official/Police), under certain circumstances eg: multiple construction sites in a block, impact on multiple adjacent homeowners



# CONSTRUCTION DUMPSTERS

---

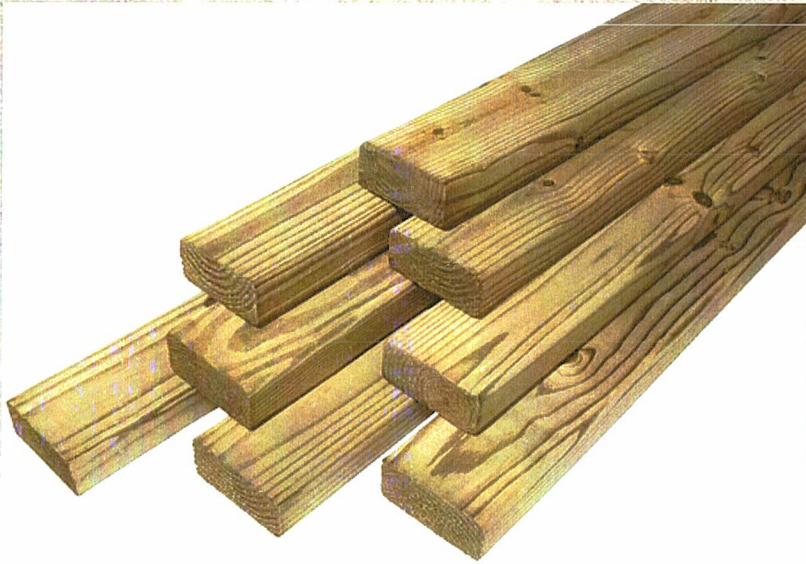
**Proposed:** Ordinance requires all dumpsters to be placed either on the property, or in the Construction Zone designated adjacent to the property. Ordinance does not require smaller dumpsters as this would create a safety and quality of life issue with more trips needed to empty the dumpster (**permit needed for placement in construction zone**)





# STORAGE OF CONSTRUCTION MATERIALS/SUPPLIES

---



Building materials and landscaping materials must be stored on the construction site. If storage is needed on the street, contractor must first receive permission from Code Enforcement and material can not be in the Construction Zone for a period longer than 24 hours.





# NEW PROVISION—STOP WORK ORDER

Stop Work Order to be issued for:

- Continuing, repetitive, recurring violations
- Any violation of the Uniform Construction Code
- Threat to public health, safety and welfare
- Requires job to be shut down, notice to owner and contractor, written remediation plan to be considered by the Borough, entire job gets shut down

Date \_\_\_\_\_ Inspector's ID \_\_\_\_\_ E-Mail Address \_\_\_\_\_

## STOP WORK ORDER NOTICE

Pursuant to Section 13-12-060 of the Municipal Code of Chicago, it is hereby ordered that all construction work cease immediately at \_\_\_\_\_

Property Address \_\_\_\_\_ Stop Work Order No. \_\_\_\_\_

For violation of the following section(s) of the Chicago Building Code:  
Municipal Code Section: \_\_\_\_\_ Description: \_\_\_\_\_

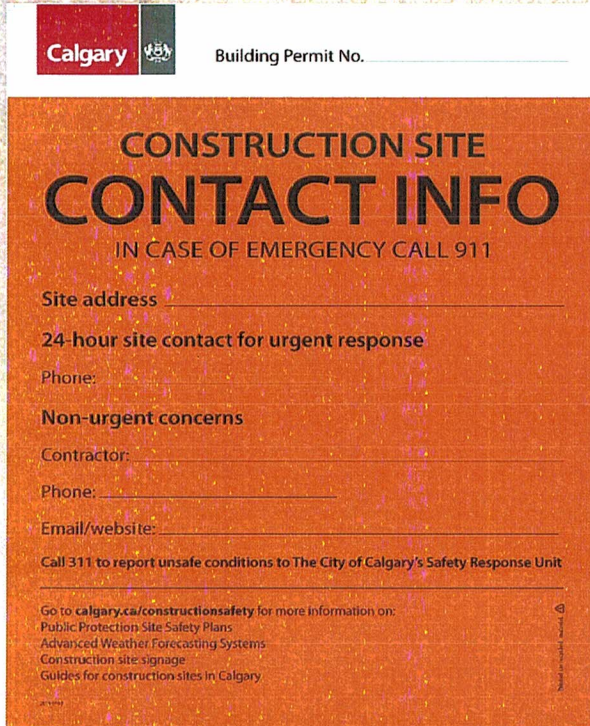
Any person continuing such work in violation of this order shall be prosecuted to the fullest extent of the law.  
Penalties can include incarceration and fines up to \$5,000 for each offense.

*[Signature]*  
City of Chicago  
Department of Building

THE NOTICE SHALL NOT BE REMOVED WITHOUT SUPERVISOR'S WRITTEN APPROVAL, FROM THE DEPARTMENT OF BUILDING



# NEW PROVISION—PUBLIC NOTICE OF CONTRACTORS



**Calgary** Building Permit No. \_\_\_\_\_

**CONSTRUCTION SITE  
CONTACT INFO**  
IN CASE OF EMERGENCY CALL 911

Site address: \_\_\_\_\_

24-hour site contact for urgent response  
Phone: \_\_\_\_\_

Non-urgent concerns  
Contractor: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email/website: \_\_\_\_\_

Call 311 to report unsafe conditions to The City of Calgary's Safety Response Unit

Go to [calgary.ca/constructionsafety](http://calgary.ca/constructionsafety) for more information on:  
Public Protection Site Safety Plans  
Advanced Weather Forecasting Systems  
Construction site signage  
Guides for construction sites in Calgary

Contractor required to post block/lot, physical address, contractor's name, emergency telephone number and email address. Sign will be required to confirm with Chapter 27/signs, must be visible from the street.



# PROPOSED NEXT STEPS.....

---

- Introduce ordinance at today's work session meeting.
- After January 1, hold informational meeting with contractors
- 2<sup>nd</sup> reading/final adoption January 23, 2019
- Constant education/communication with contractors and the public

**NEXT**  
**STEPS**