

**WORKSESSION/REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, February 4, 2014 1:00 P.M.**

The worksession/regular meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 1:00 P.M. Tuesday, February 4, 2014 in the Cape May City Hall Auditorium. The Clerk called the roll and the Pledge of Allegiance was recited.

Present: Councilmember Deanna Fiocca
Mayor Edward J. Mahaney, Jr.
Councilmember William H. Murray
Councilmember Terri L. Swain
Deputy Mayor Jack Wichterman

Also Present: City Attorney Anthony Monzo
City Manager Bruce MacLeod
City Clerk Louise Cummiskey
Deputy Clerk Patricia Harbora

Mayor Mahaney announced that under the Open Public Meetings Law, notice of this meeting was sent to the Cape May Star and Wave and The Press and a copy of the agenda was delivered to each Member of Council and was posted on the City Hall Bulletin Board.

Minutes do not reflect the actual order in which the events occurred.

**AGENDA ADDITION/DELETION OF LATE AGENDA ITEMS TO BE CONSIDERED
FOR ACTION:**

56-02-2014 – Resolution to Award Bid FY3013 Utility and Road Program – Delaware Avenue and McCullum Avenue / FY2013 NJDOT Local Aid Program Cape May Avenue (Reading Avenue to Trenton Avenue – **ADDED**)

Motion: Mahaney
Second: Wichterman
Roll Call:
Fiocca Yes
Murray Yes
Swain Yes
Wichterman Yes
Mahaney Yes

ENGINEER REPORT

City Engineer, Ray Roberts, presents his report as follows:

Water Tank and Standpipe Rehabilitation – the fencing, spools and debris have been removed and the project is near completion. Remediation will be completed in the spring, weather permitting.

Canning House Lane Standpipe – This project is substantially complete. There is a change order on the Agenda today for funds to install a new pressure transmitter. There is money remaining from the initial Grant and the City will request to use the remaining funds for Wells #5 and #7. We will need approval from the USDA.

Deputy Mayor Wichterman asks if the Grant money can be used to replace the chain link fence around the Madison Avenue Water Tower with wrought iron fencing and Councilmember Murray asks if the City would need approval from Homeland Security to change the fence. Mr. Roberts will check as to the requirements.

Mayor Mahaney suggests we use the Grant money for emergency generators for Wells #5 and #7 and new sidewalks around the Madison Avenue tank. The Mayor recommends contacting Homeland Security to find out the City's options. Mayor Mahaney asks Mr. Wichterman and Mr. Murray to work with the manager on the fence project.

FY2012 Small Cities Grant Application, ADA Improvements – the final change order is on the Agenda today for Carpenter's Lane (Perry to Jackson Street) and RV&W is awaiting the necessary close out documentation from the contractor.

FY2013 NJDCA Small Cities Grant Application - Carpenter's Lane (Jackson to Decatur Street) the project is proceeding, although the contractor lost two weeks due to the weather.

Harbor Lane Bulkhead – Presently bid documents are being prepared by RV&W.

Gurney Street Storm Drain – Work is progressing despite weather conditions.

FY2013 Road and Utility Improvement Program – Cape May Avenue (North side) Reading to Trenton Avenue. Resolution to award bid is on the Agenda today for approval. RV&W will hold a preconstruction meeting to move forward with this project.

Beach Avenue – the contractor is working on the water system before the manhole can be installed at the intersection of Madison and Beach Avenue. Mr. Roberts reports that a meeting took place with the Police Department asking for their assistance due to traffic control on Beach Avenue.

Mr. MacLeod comments that he approved work on Saturdays from 9:00 A.M. to 3:00 P.M. until March 8, 2014 so the project may be completed before the summer season.

Washington Street Mall Planter Boxes – A meeting took place to determine the type of material needed for this project. RV&W is requiring a mandatory pre-bid meeting, which all potential bidders must attend. The City's Public Works Department will assist in stripping down one of the planter boxes so the contractors can determine the depth of the project.

City Hall Rehabilitation – The masonry repair has been completed and RV&W is preparing the close out documentation.

DISCUSSION ITEM

Event House Ordinance

Handicapped Parking Ordinance

Event House Ordinance

City Attorney, Anthony Monzo, advises that the draft Ordinance, which has been furnished to City Council, is basically the same as the one which was worked on by the Event House Committee. Mr. Monzo asks everyone to turn to page 5 of the Ordinance upon which there is a definition of an "Event House." Mr. Monzo reads the definition. Mr. Monzo highlights the key articles contained in the Ordinance for the benefit of the audience. Deputy Mayor Wichterman asks Mr. Monzo to add a paragraph limiting live music after certain hours and Councilmember Fiocca inquires as to whether the Ordinance should include language regarding "Knox boxes." Mayor Mahaney comments that "Knox boxes" should be addressed in a separate General Ordinance. Mayor Mahaney asks Mr. Monzo to prepare and provide the Ordinance for introduction at the next Regular Council Meeting which will occur on February 18, 2014 at 7:00 P.M.

PUBLIC COMMENT

Charles Hendricks, 106 Trenton Avenue, Cape May suggests that all music, not only "live music" should be included in the Ordinance.

Mayor Mahaney comments that the language should read live and amplified music.

Jerry Gaffney, 810 Columbia Avenue, Cape May asks if this Ordinance should go to the Planning Board before introduction?

Mayor Mahaney replies that under state statute, the Ordinance must be introduced and then referred by City Council to the Planning Board before second reading and public hearing. Mr. Gaffney asks why the meeting information was not listed on the City Website and finally, Mr. Gaffney asks if the proposed Event House Ordinance applies to the C-3 District.

Mayor Mahaney advises that the meeting information was listed on the City's Home page and the area is limited to the C-3 District.

John Fleming, 1484 Washington Street, Cape May asks if an Event House would apply for a one day liquor license or a Social Affairs License.

Mr. Monzo advises that in order to sell liquor at an Event House, a party would be required to contract with a caterer who was licensed to sell liquor. However, you are not required to be licensed to serve liquor to a guest at a private party.

Handicapped Parking Ordinance

City Manager, Bruce MacLeod, asks City Council to consider amending the Ordinance governing reserved Handicapped Parking to include a space on Washington Street for a resident with a medical condition. Proper documentation has been provided by the property owner and both the Police Department and the Public Works Department have viewed the area and have

determined that there is no driveway on the property. In addition, Mr. MacLeod advises that there are two reserved Handicapped Parking spaces that should be removed as a result of the passing of the person for whom the space was reserved. Finally, Mr. MacLeod reports that the Church of the Advent has requested Handicapped Parking on Washington Street to accommodate churchgoers' access to the Church through a new ADA ramp which has recently been constructed. All of the requests have been reviewed by the Police Department comments Mr. MacLeod.

Mayor Mahaney advises that a request for Handicapped Parking is required, by state law, to be authorized by Ordinance. Any request for an individual designated space will need documented proof with the application, and when the person passes on, the space will be removed.

Mayor Mahaney asks Mr. Monzo to prepare two Ordinances for introduction at the next council meeting on February 18, 2014.

CITY MANAGER ITEMS

Mr. MacLeod comments on the passing of Fred Coldren, former City Manager and long-time resident of Cape May. Mr. Coldren was the longest employed City Manager in the history of Cape May advises Mr. MacLeod, and as such, among other things, he initiated beach replenishment, negotiated beachfront property, was integral in the replacement of the Benton Avenue Pumping Station, initiated computer use, and wrote the first software in the City of Cape May. Mr. Coldren was a good friend and will be missed.

Mr. MacLeod goes over a list of figures to be included in the 2014 capital budget, including Grant money. The Grant money will be used for improvements at the Washington Street Mall from Carpenter's Lane to Lyle and Mansion Street, comments Mr. MacLeod.

Deputy Mayor Wichterman asks about the ability to use the City owned message boards and inquires as to why the City is purchasing a trash truck if trash and recycling removal are contracted out.

Mr. Macleod advises that anyone in the City can use the message boards, if needed for public information. Mr. MacLeod advises that the City is purchasing a new trash truck as it is the responsibility of the City to collect trash and recycling along the promenade during the summer months.

Mr. MacLeod announces that Cape May City is sponsoring a Seafood Festival this year and information regarding the event will be offered at a Press Conference which will be held Friday, February 14, 2014 at 10 A.M. in the Convention Hall.

ATTORNEY ITEMS

Mr. Monzo remembers Fred Coldren, specifically through his involvement with the Boy Scouts. He will be missed. Mr. Monzo reports that sealed bids will be received on Friday, February 14, 2014 at 11 A.M., for the lease of the Beach House Restaurant (AKA Henry's.)

REGULAR MEETING BUSINESS:

RESOLUTIONS:

- 52-02-2014 – Resolution Authorizing Utility Bill Adjustment Due to Catastrophic Occurrence
- 53-02-2014 – Resolution Authorizing Change Order No. 3 for Contract with Corrosion Control Corporation for the Canning House Lane Standpipe
- 54-02-2014 – Resolution Authorizing Change Order No. 2-Final for Contract with Axios, Inc. for the City of Cape May FY 2012 NJDCA Small Cities Block Grant-Variou ADA Improvements – Phase 2
- 55-02-2014 – Payment of Bills
- 56-02-2014 – Resolution to Award BID FY3013 Utility and Road Program – Delaware Avenue and McCullum Avenue / FY2013 NJDOT Local Aid Program Cape May Avenue (Reading Avenue to Trenton Avenue - **ADDED**)

Motion: Mahaney
Second: Wichterman
Roll Call:
Fiocca Yes
Murray Yes
Swain Yes
Wichterman Yes
Mahaney Yes

CORRESPONDENCE

Letter from U.S. Senator Cory A. Booker
Letter from Grover Middle Elementary School

MINUTES:

- City Council Reorganization Meeting Minutes dated January 1, 2014
- City Council Special Meeting Minutes dated January 15, 2014
- City Council Special Closed Session Meeting Minutes dated January 15, 2014
- City Council Regular Meeting Minutes dated January 21, 2014

Motion: Mahaney
Second: Murray
Roll Call:
Fiocca Yes
Murray Yes
Swain Yes
Wichterman Yes
Mahaney Yes

City Council Worksession/Regular Meeting Minutes dated January 7, 2014

Motion: Mahaney
Second: Murray

Roll Call:

Fiocca Yes
Murray Yes
Swain Abstain
Wichterman Yes
Mahaney Yes

REPORTS RECEIVED BY THE CLERK:

City of Cape May Occupancy Tax Budget Projection Report dated January 22, 2014

Motion: Mahaney
Second: Wichterman
Roll Call:
Fiocca Yes
Murray Yes
Swain Yes
Wichterman Yes
Mahaney Yes

NEW BUSINESS:

- A) City Attorney
- B) City Manager – Mr. MacLeod announces that the Ronan Tynan Concert will take place on Saturday, March 8, 2014 at 8 P.M. at Convention Hall. Mr. MacLeod advises that the preseason beach tag rate has increased to \$20.00 effective February 1, 2014 and will remain at that price through March 31, 2014.
- C) City Clerk
- D) Councilmembers – Deputy Mayor Wichterman reports that he spoke to Chris Kobik, Superintendent of Lower Cape May Regional High School, regarding the school funding issue. Mr. Kobik commented to Mr. Wichterman that the school is unable to acquire any long term bonding until the school funding issue is resolved. Mr. Wichterman advises that as soon as the County Superintendent reads both feasibility studies and makes a decision, Mr. Kobik will be able to acquire long term bonding.

Councilmember Murray reports that the State of New Jersey passed a bill in 2013 allowing Municipalities to offer Veterans free access to beaches. Mr. Murray suggests giving Veterans free beach tags for Cape May beaches.

Mayor Mahaney advises that Sea Isle City offers beach tags to active duty personnel only. Mayor Mahaney would like to thank and honor our country's service people and suggests that City should study the proposed State Legislation for potential impact on beach tag revenue.

Councilmember Fiocca suggests having a discussion at the next Worksession Meeting regarding a change in the speed limit on certain streets from 25 mph to 15 mph. Ms. Fiocca provides a list of streets of concern for public safety.

Mr. Monzo advises that a Traffic Engineer Report setting forth public safety concerns will have to be completed in order to lower the speed limit on any street.

City Manager, Bruce MacLeod, will have Captain Sheehan and Bob Smith gather the information needed for a discussion at the Worksession meeting.

Mayor Mahaney comments on his friend and colleague, Fred Coldren. Mr. Coldren was a giver not a taker in life and donated his time and effort into making Cape May a better place to live over the years, comments the Mayor. Mayor Mahaney thanks Harry Patterson and Kate Killen, CCA Radio Station, for promoting the Ronan Tynan Concert to be held at Convention Hall. Finally, Mayor Mahaney thanks the Public Works Department for their hard work in removing snow throughout the winter.

PUBLIC PORTION: Those wishing to publicly comment shall come forward, give their name and address and speak into the microphone. Each speaker will be limited to five (5) minutes.

Charles Hendricks, 106 Trenton Avenue, Cape May reads a letter concerning the Sewell Point Tract area. See copy attached hereto.

Mr. Monzo explains that the City of Cape May prepared a response opposing the Sewell Point Tract development offer and commented that the City's position has not changed for the past fifteen years. Mr. Monzo reports that the City is not a party to the current litigation

Jerry Gaffney, 810 Columbia Avenue, Cape May talks about Fred Coldren and his dedication as an employee, always available when needed, with an outstanding personality. Mr. Gaffney was proud to work with him in the City of Cape May. Also, Mr. Coldren was responsible for keeping the Coast Guard in Cape May. Finally, Mr. Gaffney feels that free beach tags for Veterans is an excellent idea.

ADJOURNMENT

Motion made Mayor Mahaney and seconded by Councilmember Fiocca to adjourn. The meeting adjourned at approximately 3:20 P.M.

Edward J. Mahaney, Jr., Mayor

Jack Wichterman, Deputy Mayor

Deanna Fiocca, Councilmember

Terri L. Swain, Councilmember

William H. Murray, Esquire, Councilmember

Louise Cumiskey, City Clerk