REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, January 15, 2013, 7:00pm

The worksession/regular meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 7:00 P.M. Tuesday, January 15, 2013 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.
	Deputy Mayor William H. Murray
	Councilmember Terri L. Swain
	Councilmember 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:

Mr. MacLeod requests that Resolution 37-01-2013 be added to the Agenda. for Cancellation of Unexpected Balances of Appropriation Reserves in the Tourism Utility Operating Fund.

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

PUBLIC HEARING:

Public hearing and adoption of the Washington Street Mall Management Company, Inc. 2013 Budget

Mayor Mahaney introduces Susan Tischler, Vice Chairman of the Washington Street Mall Management Company, Inc. and advises that there will be a public hearing regarding the BID budget before it is adopted.

Ms. Tischler thanks Mayor and Council and the City Manager for all of their help and guidance throughout the year and commends the BID décor committee and their team for an excellent job.

PUBLIC PORTION

Resolution #30-01-2013 - Resolution Adopting the Washington Street Mall Management Co., Inc., Business Improvement District 2012 Annual Budget

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

RESOLUTIONS: Council will accept questions from the public on Resolutions:
31-01-2013 – Resolution refunding overpaid 2012 Utilities
32-01-2013 – Resolution Approving Donation of Personal Property to ARC
33-01-2013 – Resolution Approving Professional Services Agreement between James M. Rutala Associates, LLC and the City of Cape May
34-01-2013 – Resolution Refunding Overpaid 2012 Utilities
35-01-2013 – Resolution Approving Professional Services Agreement between Michael Cool and the City of Cape May
36-01-2013 – Payment of Bills "A"
37-01-2013 - A Resolution for Cancellation of Unexpected Balances of Appropriation Reserves in the Tourism Utility Operating Fund **Added to the Agenda**

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

36-01-2013 – Payment of Bills "B"

Motion: Mahaney
Second: Murray
Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Abstain
Wichterman	Yes
Mahaney	Yes

Mayor Mahaney welcomes Michael Cool to the City of Cape May as the new Event Consultant. The Mayor advises that Mr. Cool will book and coordinate events, as well as provide marketing and scheduling services. He will also help negotiate contracts.

Councilmember Wichterman is pleased to have Mr. Cool on board and feels he will be an asset to the City of Cape May.

MINUTES

City Council Special Meeting Minutes dated November 14, 2012
City Council Closed Executive Session Meeting Minutes dated November 14, 2012
City Council Worksession/Regular Meeting Minutes dated December 4, 2012
City Council Closed Executive Session Meeting Minutes dated December 18, 2012

Motion: Mahaney
Second: Wichterman
Roll Call:

Fiocca	Abstain
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

MINUTES

City Council Regular Meeting Minutes dated November 20, 2012
City Council Closed Executive Session Meeting Minutes dated November 20, 2012

Motion: Mahaney
Second: Wichterman
Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

REPORTS RECEIVED BY THE CLERK:

Monthly Report of Tax Collections for the period November 30, 2012

Shade Tree Commission Meeting Minutes dated November 8, and December 13, 2012
Assessor's Office monthly report dated January 7, 2013
Fire Department monthly report for December 2012
Construction Permit Activity Report dated 12/01/2012 to 12/31/2012
City of Cape May Construction/Zoning Receipt Summary dated 2012
Construction Official Activity Trend Report dated January 3, 2013
Environmental Commission Annual Summary of 2012 Meetings and Activities
City of Cape May Occupancy Tax Budget Projection dated December 19,2012
Planning Board Meeting Minutes dated November 27, 2012

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

UNFINISHED BUSINESS:

NEW BUSINESS:

A) City Attorney

B) City Manager – Mr. MacLeod announces that the City of Cape May was awarded a grant in the amount of $400,000.00 to complete all three phases of the Carpenters Lane project. The third phase of this project is near completion with the help of the grant money. Also, Mr. MacLeod advises that Convention Hall will once again host Roller skating beginning this Friday night. The skating rink will be available for private parties if anyone is interested.

C) City Clerk – Ms. Cummiskey reads several congratulatory letters addressed to Mayor Mahaney.

D) Councilmembers - Councilmember Wichterman updates everyone on the School Funding project and advises that Garry Gilbert is introducing a resolution requesting a Referendum. Councilmember Wichterman will be attending a Regional School District meeting on January 24, 2013 and will report back to Mayor and Council regarding the outcome of the meeting.

Deputy Mayor Murray thanks Councilmember Wichterman for all his hard work regarding the School Board Funding project and comments on how important an issue this is for the residents of Cape May City.

Mayor Mahaney announces that he will be attending a Sustainable Jersey award ceremony on behalf of the City of Cape May on January 29, 2013. At that ceremony, the City of Cape May will receive two awards, one for the Small Municipality Champion for 2012 and one for Certification at the Silver Level.

The Mayor advises that the City has asked FEMA for updated flood insurance maps with the new FEMA regulations. The Mayor hopes to hold a town meeting with FEMA and DEP representatives sometime in the near future.

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.

Mike Sheehan, Cold Spring, NJ advises that he is a local contractor and is representing approximately twenty five local contractors at this meeting tonight. Mr. Sheehan is requesting that the City amend an existing Ordinance that will allow contractors to work on Saturdays during the off season. The current Ordinance was adopted in 2007 due to noise complaints received from residents regarding contractors working on weekends. Mr. Sheehan states that the current economy is bad and contractors need to work, especially since the damage caused by Hurricane Sandy. Mr. Sheehan feels that local businesses will benefit from the extended work week as the contractors will need to purchase supplies and eat at local restaurants.

Nick Hober – Lower Township, states that he has been a local contractor for the past 50 years and feels that the restrictive ordinance should be changed because Saturday is a normal work day for contractors.

Chris McDuell – 721 New England Road, Cape May states that other shore towns (Wildwood Crest, North Wildwood, Stone Harbor and Ocean City) allow construction work on Saturdays year round.

Brian Sullivan – Lower Township, state that when the weather is bad, his workers only get paid for the days they work. Saturdays can help make up for lost hours.

Mayor Mahaney suggests scheduling a meeting with a member of Council, the City Manager, the Code Enforcement Official, the City Construction Official and five representatives from the Contractors group to discuss amending the Ordinance.

Deputy Mayor Murray thanks the contractors for attending the meeting and bringing this issue to Council's attention. Mr. Murray believes that Cape May is a great place to live and the City would like to work together with the contractors to keep it that way.

Councilmember Wichterman stated that in 2007 there were resident complaints of noise on weekends from a house that was being built. The ordinance was amended at that time. Councilmember Wichterman would like to be on the Committee and attend the meeting. Mr. Wichterman thanked the contractors for coming to the meeting.

John Fleming – 1484 Washington Street, Cape May thanks Councilmember Wichterman for his efforts on the school funding project. Mr. Fleming asks Mayor Mahaney if he will accept a position as a Cape May County Freeholder if asked.

Mayor Mahaney replies that he is committed to the City of Cape May and will serve out his term of office.

George Costich – Victorian Towers, Cape May, has been reading about solar power and thinks the City of Cape May should generate their own solar power.

COUNCIL & CITY MANAGER COMMENTS
ADJOURNMENT

Motion made by Mayor Mahaney to adjourn. The meeting adjourned at approximately 8:06 P.M.

Edward J. Mahaney, Jr., Mayor

William H. Murray, Deputy Mayor

Deanna Fiocca, Councilmember

Terri L. Swain, Councilmember

Jack Wichterman, Councilmember

Louise Cummiskey, City Clerk