

**REGULAR/WORKSESSION MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, August 6, 2019 1:00 P.M.**

The Regular Meeting of City Council of the City of Cape May was called to order by Cape May City Mayor, Clarence F. Lear, III at 1:00 P.M. Tuesday, August 6, 2019 in the Cape May City Hall Auditorium. The Pledge of Allegiance was recited.

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

Present: Deputy Mayor Patricia Gray Hendricks
Mayor Clarence F. Lear, III
Councilmember Shaine P. Meier
Councilmember Zack Mullock
Councilmember Stacy D. Sheehan

Also, Present: City Solicitor Frank Corrado
City Manager Neil Young
City Clerk Patricia Harbora
City Clerk Assistant Michael Doran

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

ENGINEER REPORT

Thomas R. Thornton, PE, CME- On File in the City Clerk's Office

DISCUSSION

Promenade Restrooms

Mayor Lear would like to discuss with Council a plan, timeline, locations, environmental standards and cost regarding the additional Restrooms.

Councilmember Meier suggested that more Restrooms were needed on the East end of town are needed.

Mayor Lear suggested that the City Engineer can give Council options on the additional Restrooms.

Councilmember Sheehan suggested focusing on one Restroom location at a time due to the expense of the project.

Councilmember Meier suggested getting permits at once for all Restrooms of interest.

Councilmember Mullock asked if the beach tag area could be used for a Restroom.

Deputy Mayor Hendricks questioned the assessment of the building.

Councilmember Sheehan replied that the assessment on the entire building is five hundred fifty-five thousand dollars (\$555,000.00). Councilmember Sheehan asked if the Restroom improvements could be done in-house.

Deputy Mayor Hendricks commented that the City would only be converting a small portion of the building for the restrooms.

City Manager Young advised that right now the City has a two hundred fifty-three thousand dollar (\$253,000.00) grant to improve the windows and siding of City Hall and taking fifty percent (50%) of the value would raise a red flag.

Councilmember Sheehan questioned the bid results.

City Manager Young advised that the bid results are in review at this time.

COMMITTEE UPDATE

Pet Advisory Committee- Linda Steenrod, Chairperson of the Pet Advisory Committee

Pet Advisory Committee recommendations:

- Selling passes to the dog park in a similar fashion that beach tags are sold, one week, three-day, or seasonal passes.
- Better signage at the dog park, regulations, cost, and where passes can be purchased.
- More advertisement
- Greater flexibility for dogs at the dog park, beaches and on Washington Street Mall.
- Seasonal passes increase to twenty-five dollars (\$25.00).

Councilmember Sheehan asked about the process and cost to obtain a Dog Park pass.

City Clerk Harbora explained the Clerk's Department process to obtain a dog park pass for seasonal or weekly passes. Ms. Harbora explained that the revenue helps offset the cost of maintenance at the dog park.

Mayor Lear suggested a free dog park on a trial basis.

Ms. Steenrod is concerned with making the dog park free due to the dog vaccinations. Ms. Steenrod commented that the locals are purchasing the seasonal pass and are carrying the burden cost of maintaining the park.

Deputy Mayor Hendricks asked the City Clerk what the revenue is for seasonal passes, maintenance and the highest traffic times in the Park.

City Clerk Harbora advised that approximately six to seven hundred dollars (\$600.00-\$700.00) per year in revenue, twenty dollars (\$20.00) for a seasonal pass and ten dollars (\$10.00) for a weekly pass. Also, the busiest time at the park is July, August and September mostly mornings. Finally, Ms. Harbora advised that the Dog Park is maintained by the City Public Works Department.

Ms. Steenrod commented on the maintenance of the Dog Park, weed control, regular mulch replacement and pick-up bag replacement.

Councilmember Meier recommended that dogs be allowed on the Promenade after 8:00 P.M.

ENVIRONMENTAL COMMISSION ADVISORY COMMITTEE UPDATE

Jonathan Hirsh, Evelyn Lovitz, Linda Steenrod, Charlotte Todd, Heather Bruno and Beth Kwart.

The Environmental Commission Advisory Committee recommends that City Council pass an ordinance similar to Avalon and Stone Harbor banning businesses from using plastic bags.

Jonathan Hirsh, Harry's Ocean Bar & Grille -. Mr. Hirsh explained that during the offseason their Restaurant reached out to distributors for different options and quotes for the 2019 season to promote an environmentally friendly Restaurant. Mr. Hirsh stated that the biggest challenge was trying to change the perception of the customers as well as the employees. Also, Mr. Hirsch advised that the Restaurants in the City uses multiple distributors. The cost is about twice the amount to become an environmentally friendly restaurant.

Evelyn Lovitz questioned what the additional cost was to become an environmentally friendly Restaurant. Ms. Lovitz advised that the local Acme will not do anything without the consent of the corporate office.

Heather Bruno, Chairperson of the Environmental Commission - Ms. Bruno talked about the Ordinances adopted by Stone Harbor and Avalon banning plastic bags. Ms. Bruno suggests that the Ordinance should also incorporate take-out food and small business retail stores.

Beth Kwart, Chair Surfrider Foundation South Jersey- Ms. Kwart confirmed that there is an added cost, but the cost does balances out because everyone does not use a straw. Ms. Kwart advised that there are twenty (20) ocean friendly restaurants in South Jersey. Ms. Kwart advices that there are twelve (12) distributors that will offer discounted prices on these products.

Councilmember Mullock asked if the Surfrider Foundation would look into a Co-Op that would help in purchasing environmentally friendly products.

City Solicitor Corrado questions if the City adopted an ordinance would that make every restaurant in Cape May City Ocean Friendly.

Beth Kwart advised that Stone Harbor and Avalon included all Restaurants in their Ordinance for an environmentally friendly Restaurant.

Councilmember Meier asked if Council passed an ordinance would there be a charge for these bags.

Beth Kwart advised that a fee on bags could help small business's cover the cost of using paper bags. Ms. Kwart advised that Council could include in the ordinance a special fund but the only way the fee could go to a special fund is if it is a state-wide tax. Local municipalities do not have the power to do that.

Jeff Elliot, Member of the Green Team- Mr. Elliot would like to see Cape May keep up with the other communities who are moving to an eco-friendlier environment.

Jules Rauch, 101 New York Avenue- Mr. Rauch Supports a stronger Ordinance recommended by the Surfrider Foundation on plastic.

Deputy Mayor Hendricks acknowledged other members not in attendance tonight on the Environmental Commission Dottie Rogers and Mike Jones whom all works very hard on the Committee.

Linda Steenrod acknowledged Charlotte Todd who put together the Chair Challenge and Jack White who published the Chair Challenging in Exit Zero

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

171-08-2019 Resolution Regarding the Solicitation of a Proposal for a Comprehensive Study of Public Restrooms and Other Beachfront Amenities in Cape May.

Motion: Lear Second: Meier

Hendricks: Yes Meier: Yes Mullock: Yes Sheehan: Yes Lear: Yes

City Solicitor Corrado advised that the Resolution authorizes the City Manager to solicit a proposal for Mott MacDonald to complete a general study on public restrooms. Mr. Corrado advises that he will be memorializing the Resolution.

RESOLUTIONS

156-07-2019 Resolution Authorizing Utility Bill Adjustment Due to Catastrophic Occurrence
Amended

Motion: Hendricks Second: Meier

Hendricks: Yes Meier: Yes Mullock: Yes Sheehan: Yes Lear: Yes

City Solicitor Corrado stated that there was a clerical error on the resolution and that's why it was amended.

164-08-2019 Resolution for Approval to Submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for a Bikeway Grant Bike-2020-Cape May City -00050

Motion: Hendricks Second: Meier

Hendricks: Yes Meier: Yes Mullock: Yes Sheehan: Yes Lear: Yes

Councilmember Sheehan questioned the NJDOT bikeway Grant application.

City Manager Young advised that the paperwork is going to be submitted for the grant and is based on the recommendation of the Bicycle and Pedestrian Committee for a bike path from Madison Avenue to the Physick Estate. Mr. Young advised that the grants are very limited and very competitive.

Deputy Mayor Hendricks stated that this Grant application is designed to implement the suggestions from the Bicycle Walk of Cape May. Ms. Hendricks advised that the grant is more than One hundred seventy-five thousand dollars (\$175,000.00) and will help the City of Cape May.

165-08-2019 Resolution Authorizing the Advertisement for Bids for Various Goods and Services

Motion: Hendricks Second: Meier

Hendricks: Yes Meier: Yes Mullock: Yes Sheehan: Yes Lear: Yes

166-08-2019 Resolution Awarding Contract for Supply and Delivery of a Valve Maintenance Trailer

Motion: Hendricks Second: Sheehan

Hendricks: Yes Meier: Yes Mullock: Yes Sheehan: Yes Lear: Yes

167-08-2019 Resolution Authorizing Execution of a Memorandum of Understanding Establishing an Emergency Shelter

Motion: Hendricks Second: Meier

Hendricks: Yes Meier: Yes Mullock: Yes Sheehan: Yes Lear: Yes

City Manager Young explained that Jerry Inderwies, acting as Office of Emergency Management Coordinator has been working with Cape May Elementary School to be sure that the School is set up for an emergency shelter.

168-08-2019 Resolution Providing for the Insertion of a Special Item of Revenue in the Budget Pursuant to Chapter 159 Pl 1948

Motion: Hendricks Second: Meier

Hendricks: Yes Meier: Yes Mullock: Yes Sheehan: Yes Lear: Yes

169-08-2019 Resolution Providing for the Insertion of a Special Item of Revenue in the Budget Pursuant to Chapter 159 Pl 1948

Motion: Hendricks Second: Meier

Hendricks: Yes Meier: Yes Mullock: Yes Sheehan: Yes Lear: Yes

Deputy Mayor Hendricks advised that this resolution is a follow-up discussion from the May 7th Work Session Meeting on the neighborhood preservation program.

170-08-2019 Cape May City Payment of Bills

Motion: Hendricks Second: Meier

Hendricks: Yes Meier: Yes Mullock: Yes Sheehan: Yes Lear: Yes

171-08-2019 Resolution Regarding the Solicitation of a Proposal for a Comprehensive Study of Public Restrooms and Other Beachfront Amenities in Cape May.

Motion: Hendricks Second: Meier

Hendricks: Yes Meier: Yes Mullock: Yes Sheehan: Yes Lear: Yes

MINUTES:

Cape May City Regular/Work session Meeting Minutes dated May 7, 2019

Motion: Hendricks Second: Sheehan

Hendricks: Yes Meier: Yes Mullock: Yes Sheehan: Yes Lear: Yes

REPORTS:

Fire Department Report for the month of June 2019

Occupancy Tax Report for the month of May 2019

Motion: Hendricks Second: Meier

Hendricks: Yes Meier: Yes Mullock: Yes Sheehan: Yes Lear: Yes

NEW BUSINESS:

A) City Attorney – None

B) City Manager- Mr. Young advised that the Convention Hall Annex Building received three bids for the project and is expected to present to Council at the next Meeting. Secondly, the beach replenishment project which was supposed to happen this past spring with federal government funding. Mr. Young is hoping the beach replenishment project starts on September 1st, 2019 starting at the Coast Guard Base.

C) City Clerk – Ms. Harbora announced upcoming Events:

- * National Night Out in the City of Cape May, Tuesday, August 6, 2019 at 5:30 PM at Convention Hall
- * Movies on the Beach every Thursday at 8:30, August 8, 2019 this Thursday featuring “Jaws”
- * Wedding of the Sea Ceremony, Feast of the Assumption at OLSS on August 15, 2019 at 11AM, Procession to Beach at Ocean Street for Blessing Ceremony at 12:15PM

D) Councilmembers

Councilmember Mullock advised City Council that the Business Improvement District requested to change their first installment assessment payment date to the City from April 1st to May 1st of each year. Mr. Mullock suggested to Council a limitation to permit development applications for property owners in Cape May. Mr. Mullock commented that Lower Township has a limitation to three years.

City Manager Young commented that he would talk to the Construction Official on this matter regarding assessment fees.

City Solicitor Corrado explained that Lower Township does have an Ordinance on their application that involves a variance that the homeowner must initiate the work within three years. The ordinance is subject to Municipal Land Use Law which allows certain extensions the right to extend an approval up to ten years.

Deputy Mayor Hendricks questioned the notification of property owners for an extension.

City Solicitor advised that all extension require renotification.

Councilmember Sheehan announced National Night Out tonight at Convention Hall and hopes to see everyone there.

Councilmember Meier talked about the city items of revenue for the \$125,000 grant.

Deputy Mayor Hendricks would like a meeting in September regarding public information on the safe routes to school. Ms. Hendricks announced that she met with Lou Belasco, Coastal

Coalition, Mayor Lear and Senator Melendez regarding the flood insurance program with FEMA.

Mayor Lear stated that the City Occupancy Tax shows good numbers with no complaints from the business owners.

PUBLIC PORTION: Those wishing to publicly comment shall come forward, give their name and address and speak into the microphone.

Jules Rauch, 1010 New York Avenue - Mr. Rauch asked City Manager Young if the City Restrooms can be classified as a beach utility expense.

City Manager Young commented that he would check the administrative language on this matter. Mr. Young informs

Mr. Rauch informed City Council that the Cape May City Hotels/Motels are not following the rules and regulations on purchasing beach tags and feels there is city revenue being lost.

Councilmember Mullock commented that beach tags being transferred is a serious issue because the revenue from beach tags are paying for lifeguards and maintaining the beach. Mr. Mullock feels the City should enforce the City code on the transferring of beach tags.

Councilmember Meier advised Council to have a closed session with the Beach Tag Supervisor to discuss this matter.

Lorraine Baldwin, 909 Washington Street - Ms. Baldwin asked management to be sure that homeowners are notified on new construction.

City Solicitor Corrado advised that when a contractor or homeowner files an application, the zoning board or planning board should check to make sure proper notification was sent. Mr. Corrado stated that the notice requirement is 200 feet of the property and publication is required.

Councilmember Sheehan asked if the presentation on the Public Safety Building will be at 4:00 P.M. next Tuesday, August 13, 2019?

City Manager Young explained that the City Clerk has already Sunshined the meeting for 4:00 P.M.

Deputy Mayor Hendricks advised that a Planning Board Meeting will be heard in the auditorium that night at 6:00pm.

Councilmember Sheehan ask how that affects the sunshine law.

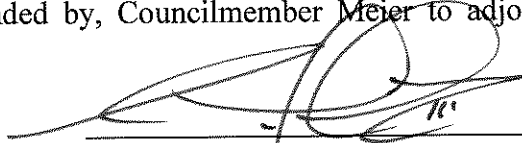
City Clerk Harbora advised that there must be a 48-hour notice before a Council Meeting.

City Manager Young suggested a time change to 1:00 P.M. for the Special Meeting to discuss the Public Safety Building.

City Council agreed to a Special Meeting time change to 1:00 P.M.

ADJOURNMENT

Motion made by Mayor Lear, seconded by, Councilmember Meier to adjourn. The meeting adjourned at 2:58 P.M.



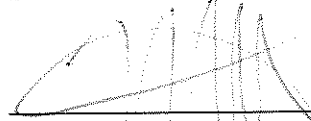
Clarence F. Lear III, Mayor



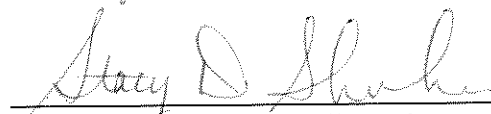
Patricia Gray Hendricks, Deputy Mayor



Shaine P. Meier, Councilmember



Zachary Mullock, Councilmember



Stacy D. Sheehan, Councilmember



Patricia Harbora, City Clerk