



**REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, January 15, 2019 6:00 P.M.**

The Regular Meeting of City Council of the City of Cape May was called to order by City Mayor, Clarence F. Lear III at 6:00 P.M. Tuesday, January 15, 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 Mullock
Councilmember Sheehan

Also Present: City Solicitor Frank Corrado
City Manager Neil Young
City Clerk Patricia Harbora
Deputy City Clerk Erin Burke

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

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

PRESENTATION:

Cape May City Incorporation Date – Laurie Boyd-Thomas, *Public Records and Archives/Special Deputy County Clerk*; Erin Burke, *Deputy Cape May City Clerk/Deputy Registrar*

Deputy City Clerk, Erin Burke, briefly gives a history how the City was made aware of a potential inaccuracy regarding its date of incorporation on the City seal by community member John Bailey in December 2017. Mr. Bailey then put Ms. Burke in contact with Ms. Laurie Boyd-Thomas of the Cape May County Public Records and Archives department. Ms. Boyd-Thomas details her research of various New Jersey Session Laws in order to track the chronological organization of Cape May as a body politic. Ms. Burke completed additional research on the State level, and their findings are as follows:

- The “Borough of Cape Island” was incorporated in 1848.
- The “City of Cape Island” was incorporated in 1851, *repealing* the 1848 Act.
- The name was then changed to the “City of Cape May” in 1869, *revising*, but not repealing, the 1851 Act.
- The Cape May City Charter was then revised in 1875.

As per the findings of Ms. Burke’s and Ms. Boyd-Thomas’ research, it appears that the City has the following options to choose from when deciding what date should be used as the incorporation date on the City logo and seal:

1. If Council wishes to use the date Cape May originally became a body politic coming out of Lower Township, then the **1848** date should be used (when the *Borough* of Cape Island was incorporated).
2. If Council wishes to use the date in which the municipal corporation was incorporated as a *City* (the City of Cape Island), then the **1851** date should be used.
3. If Council wishes to use the date when the name of the municipal corporation was revised to “The City of Cape May,” then the **1869** date should be used. (For further clarification: The 1869 Act did not *incorporate* the City of Cape May, it only *revised* the existing 1851 Act.

Ms. Burke concludes that ultimately it is Council’s decision as to how they would like to proceed with potentially updating the City’s incorporation date. If Council chooses to update the incorporation date, all that would be required is the adoption of a resolution stating the facts of the research and designating the updated incorporation date.

ORDINANCES FOR INTRODUCTION:

366-2019 An Ordinance of the City of Cape May Amending the Revised General Ordinances of the City of Cape May to provide for a Restricted Handicapped Parking Space at or adjacent to 37 Jackson Street, Occupied by Jeanne A. Seetoo

Motion: Hendricks **Second:** Meier
Hendricks: Yes **Meier:** Yes **Mullock:** Yes **Sheehan:** Yes **Lear:** Yes

City Solicitor Frank Corrado explains that the following Ordinance 367-2019 attempts to clarify the role and duties of the “Council Liaison” position on the Historic Preservation Commission, and Ordinance 368-2019 establishes and clarifies the roles of a Council Liaison for the Environmental Commission and Shade Tree Commission. Extensive discussion is undertaken by all members of Council and the City Solicitor regarding the role of Council Liaison, and how that liaison should conduct themselves at the various commission meetings. Debate occurs regarding if it is appropriate for the Council Liaison to offer opinions on the application or topic being discussed at the various commission meetings.

367-2019 An Ordinance of the City of Cape May Amending a Portion of the Cape May Historic Preservation Ordinance

Motion is made by Councilmember Meier, seconded by Councilmember Mullock, to **amend** Ordinance 367-2019 in the following manner:

Section 1.d.: “The Council Liaison shall not function as a member of the HPC, ~~and shall not offer opinions on the merits of any application before the HPC.~~” (deleted language struck out)

Motion: Meier **Second:** Mullock
Hendricks: No **Meier:** Yes **Mullock:** Yes **Sheehan:** Yes **Lear:** No

Motion is made by Councilmember Meier, seconded by Councilmember Sheehan, to **introduce** Ordinance 367-2019 **as amended**.

Motion: Meier **Second:** Sheehan
Hendricks: No **Meier:** Yes **Mullock:** Yes **Sheehan:** Yes **Lear:** No

368-2019 An Ordinance of the City of Cape May Establishing the Position of Council Liaison for the Shade Tree and the Environmental Commissions

Motion is made by Councilmember Mullock, seconded by Councilmember Mullock, to **amend** Ordinance 368-2019 in the following manner:

§10-106.1 D.: “The Council Liaison shall not function as a member of the Shade Tree Commission, ~~and shall not offer opinions on the merits of any matter before the Commission.~~” (deleted language struck out)

§10-116.2 D.: “The Council Liaison shall not function as a member of the Environmental Commission, ~~and shall not offer opinions on the merits of any matter before the Commission.~~” (deleted language struck out)

Motion: Mullock **Second:** Sheehan
Hendricks: No **Meier:** Yes **Mullock:** Yes **Sheehan:** Yes **Lear:** No

Motion is made by Councilmember Sheehan, seconded by Mayor Lear, to **introduce** Ordinance 368-2019 **as amended**.

Motion: Sheehan **Second:** Lear
Hendricks: No **Meier:** Yes **Mullock:** Yes **Sheehan:** Yes **Lear:** No

369-2019 An Ordinance of The City of Cape May Amending Section 10-69 of the Cape May City Code, Governing the Appointment of Deputy Emergency Management Coordinators

Motion: Hendricks **Second:** Meier
Hendricks: Yes **Meier:** Yes **Mullock:** Yes **Sheehan:** Yes **Lear:** Yes

370-2019 An Ordinance Designating One-Way Traffic and Restricted Parking on a Portion of Bank Street

Motion: Hendricks **Second:** Meier
Hendricks: Yes **Meier:** Yes **Mullock:** Yes **Sheehan:** Yes **Lear:** Yes

371-2019 An Ordinance of the City of Cape May Amending Chapter 38 of the Cape May City Code, Governing Provision of Emergency Medical Services

Motion: Hendricks **Second:** Meier
Hendricks: Yes **Meier:** Yes **Mullock:** Yes **Sheehan:** Yes **Lear:** Yes

REGULAR MEETING BUSINESS:

RESOLUTIONS:

45-01-2019 Resolution Appointing Jeff McCart as the Animal Control Officer for the City of Cape May

Motion: Hendricks **Second:** Sheehan
Hendricks: Yes **Meier:** Yes **Mullock:** Yes **Sheehan:** Yes **Lear:** Yes

46-01-2019 Resolution for Appointment to the Bicycle and Pedestrian Advisory Committee

Motion: Hendricks **Second:** Meier
Hendricks: Yes **Meier:** Yes **Mullock:** No **Sheehan:** Yes **Lear:** Yes

Councilmember Mullock states he was not included in the consideration for the new advisory committee members, and therefore votes “no”.

Deputy Mayor Hendricks explains that the BAPAC themselves wanted the individuals on the resolution appointed because they have been involved with the committee for some time now.

47-01-2019 Resolution Awarding the Contract for Reconstruction of Pennsylvania Avenue Phase II, Contract No. M-20, City of Cape May, Cape May County, New Jersey

Motion: Hendricks **Second:** Meier

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

Councilmember Meier states that the U.S. Coast Guard base is the largest employer in Cape May County and has the highest concentration of children in the City of Cape May. He emphasizes that traffic calming measures are necessary for Pennsylvania Avenue.

Councilmember Mullock questions the cost of the project, and the grant the City was awarded to assist with funding the project. City Manager Neil Young explains that the City was awarded a New Jersey DOT grant for the roadway improvements, and the City is responsible for all infrastructure improvements.

48-01-2019 Resolution for the Payment of Bills

Motion: Hendricks **Second:** Meier

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

Councilmember Mullock questions the bill listed on the resolution for William McLees Architect. Mr. Young explains that Mr. McLees is the architect Council had hired to prepare a design for the Convention Hall Annex building. The City was awarded a grant through NJDEA for approximately \$253,000 for streetscape improvements to the building.

MINUTES:

City Council Closed Session Meeting Minutes dated September 18, 2018

City Council Worksession/Regular Meeting Minutes dated November 7, 2018

City Council Special Meeting Minutes dated November 7, 2018

City Council Closed Session Meeting Minutes dated November 7, 2018

Motion: Lear **Second:** Meier

Hendricks: Yes **Meier:** Yes **Mullock:** Abstain **Sheehan:** Abstain **Lear:** Yes

REPORTS:

Cape May City Tax Collection Report for the months of October, November and December 2018

Cape May City Tax Assessor's Year End Report 2018

Cape May City Over Time Report for the month of December 2018

Motion: Hendricks **Second:** Meier

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

UNFINISHED BUSINESS:

NEW BUSINESS:

A) City Attorney – None.

B) City Manager – Mr. Young announces that the tentative schedule for the annual budget is as follows: Manager's presentation to Council on February 19, 2019 at 5:00pm; introduction/approval of budget on Official City Council Meeting Minutes dated January 15, 2019

March 5, 2019; adoption of budget on April 2, 2019. Mr. Young then updates that the City website is currently being re-designed, with each department working on updating their respective forms and information to be included.

C) City Clerk – Ms. Harbora thanks Erin Burke and Laurie Boyd-Thomas for their work on the City’s incorporation date project.

D) Councilmembers –

Councilmember Mullock also thanks Ms. Burke and Ms. Boyd-Thomas for their research on the City’s incorporation date.

Councilmember Sheehan states that she is seeking to better understand the decisions that have been made so far regarding the proposed new Public Safety Building, stating that while she feels the City needs a new building, Council must take their time to avoid costly mistakes and to better include the public in the process.

Councilmember Meier announces that donations are being accepted on the TRACEN Cape May Coast Guard base as a result of the ongoing government shutdown and encourages all to support the Coast Guard community during this time. He also states that while any adjustments are made to the logo used on any municipal property due to the potential change in the incorporation date, that the City flag should be updated in general to better reflect the Cape May Community.

Deputy Mayor Hendricks states that the Beach Safety Advisory Committee members met with Congressman Van Drew in December of 2018 to discuss beach safety concerns. She explains that the committee is seeking funding for research and projects to increase beach safety and expressed their concerns to Congressman Van Drew regarding the delay in beach replenishment in the City.

Deputy Mayor Hendricks also announces that the Senior Walk and Talk program is occurring on Tuesdays in Convention Hall from 10:00AM-12:00PM.

Mayor Lear thanks Councilmember Meier for organizing a tour of the food pantry currently operation on the Coast Guard base for the families affected by the partial government shutdown, and also thanks Congressman Van Drew for introducing a resolution to Congress to fund the Coast Guard during the shutdown.

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

Anthony Marino, Chief of Police – Chief Marino reminds those present that the Cape May City Police Department lobby is designated as a warming center during Code Blue conditions. Chief Marino then emphasizes his hopes that the Public Safety Building project will continue moving forward.

James Brady, 922 Benton Avenue – Mr. Brady questions Resolution 45-01-2019 appointing Jeff McCart as the City’s Animal Control Officer. Mr. Young explains that the appointment is statutorily required, and that Mr. McCart has been performing the Animal Control duties since the previous employee retired.

Lenore McGann, 133 New Jersey Avenue, Villas – Ms. McGann suggests that when someone purchases a commercial property in the City they should have to go before Council for approval of any renovations. She then states that Avalon places boxes stuffed with leaves on their beaches to slow erosion. She moves on

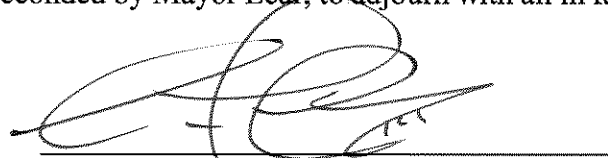
to discuss Cape May's historic value and urges Council to keep that in mind when making decisions. Ms. McGann then voices concerns regarding the enforcement of Cape May City's zoning regulations, citing her previous residence at 409 Jefferson as an example of several opined violations. Mayor Lear suggests Ms. McGann voice her concerns to the Construction/Zoning Office. Ms. McGann then makes several suggestions regarding the new Public Safety Building and distributes a drawing of her own of a proposed plan for the new building to Council for consideration. Deputy Mayor Hendricks comments that everything Ms. McGann has questioned or suggested for the Public Safety Building has already been researched thoroughly by the Public Safety Building Advisory Committee (PSBAC).

Christine Rizzo, 1230 Cape May Avenue – Ms. Rizzo questions how the City came to the \$40,000 settlement for the Promenade Partners, LLC (Ed Henry) litigation, when the amount owed to the City was approximately \$125,600. City Solicitor Corrado explains that Mr. Henry testified under deposition as to his financial assets, and that \$40,000 is the maximum amount that the City would have been able to recoup from Mr. Henry. He explained that the cost of attempting to pursue the remaining monies owed would be wasteful because Mr. Henry simply does not *have* the money. Mr. Corrado also explains that at any point, Mr. Henry could have declared bankruptcy and the City would have received no owed-money, so a guaranteed \$40,000 was the best course of action for the City to take.

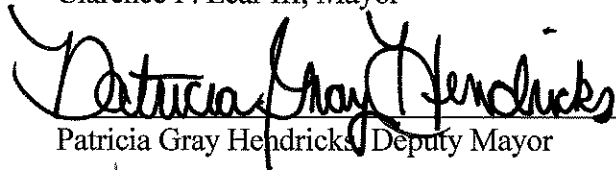
William Seeger, 1361 B Vermont Avenue – Mr. Seeger questions why exactly the City had a judgment against Mr. Henry. Mr. Corrado explains that Mr. Henry had defaulted on his lease with the City-owned building at 702 Beach Avenue. Mr. Corrado also affirms that Mr. Henry has already paid the \$40,000 to the City.

ADJOURNMENT:

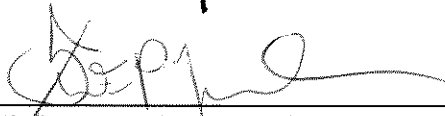
Motion made by Councilmember Meier, seconded by Mayor Lear, to adjourn with all in favor. The meeting adjourned at 7:40 P.M.



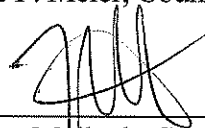
Clarence F. Lear III, Mayor



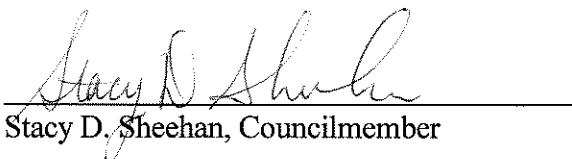
Patricia Gray Hendricks, Deputy Mayor



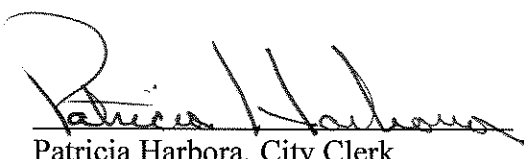
Shaine P. Meier, Councilmember



Zachary Mullock, Councilmember



Stacy D. Sheehan, Councilmember



Patricia Harbora, City Clerk