

**REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, July 20, 2010 – 6 P.M.**

The regular/worksession meeting of City Council of the City of Cape May was called to order by Mayor Mahaney 6:00pm Tuesday, July 20, 2010, 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
City Attorney Anthony Monzo
City Manager Bruce MacLeod
City Clerk Diane Weldon
Deputy Clerk Louise Cummiskey

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.

166-07-2010 Resolution of the City of Cape May providing for a meeting not open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act,
N.J.S.A. 10:4-12

Motion: Wichterman

Second: Swain

Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

CLOSED: Interlocal Agreement with West Cape May Borough for construction services, City of Cape May v. Remington & Vernick Engineers.

Deputy Mayor Wichterman moves to go into Closed Session, seconded by Councilmember Swain.

Back in session at 7:00 P.M.

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

PROCLAMATION:

National Night Out – August 3, 2010 – Clerk reads Proclamation

ORDINANCE FOR INTRODUCTION:

210-2010 An Ordinance of the City of Cape May regulating contractors

Motion: Wichterman

Second: Swain

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Yes

ORDINANCES FOR SECOND READING AND CONSIDERATION FOR ADOPTION:

209-2010 Bond ordinance providing a supplemental appropriation of \$3,150,000 for the construction of a new convention hall facility in and by the City of Cape May, in the County of Cape May, New Jersey and authorizing the issuance of \$2,992,500 bonds or notes of the city for financing part of the appropriation

Mayor asks for motion to adopt Ordinance 209-2010.

Motion: Swain

Second: Wichterman

Mayor Mahaney opens the meeting for a public hearing. The Mayor gives the audience guidelines for their comments.

Jim Wyatt, 292 Windsor Avenue, Cape May, NJ advises that his questions are all directed to the City Manager. Mr. Wyatt first asks who applied for the CAFRA permit. Mr. MacLeod answers the "City of Cape May." Mr. Wyatt goes on to advise that the permit says nothing about a "bump out." Mr. MacLeod advises Mr. Wyatt that if he looked at the approved CAFRA permit, one of the conditions was that the building be advanced twenty-four feet. Mr. Wyatt is not in favor of this Bond Ordinance.

Susan Tischler reads a statement on behalf of Joe Bogle, Chairperson of the Washington Street Mall Management Company. The statement emphasizes the fact that the WSMMA is in favor of the existing plan for Convention Hall, as well as Council's approval of the Bond Ordinance. Ms. Tischler gives the City Clerk a copy of Mr. Bogle's statement for the record.

Sal Riggi, Executive Director Friends of Cape May Jazz advises that it has been two years since Convention Hall was closed and there are still public debates and discussions about it. Mr. Riggi encourages the Mayor and Council to vote for the additional Bond Ordinance. Cape May's economy is tourist driven states Mr. Riggi, and the absence of a Convention Hall has been a detriment to local businesses and non-profit organizations which help the local economy. He urges the new Council to vote yes for the new Bond Ordinance.

Jim Moffit, 806 Sewel Avenue, Cape May thinks council should approve the Bond Ordinance and then file a referendum petition and let the people decide.

Cleta Camposeo, 1035 Ohio Avenue, Cape May speaks on behalf of the Village Green Civic Association. She states that the Association hopes the three new Councilmembers do not go back on their campaign promises and vote “no” on the Bond Ordinance.

Harry Bellangy, 511 Pearl Street, Cape May does not want a bigger building. He believes we need a study to help determine what size building to erect and thinks that a larger hall will take business away from existing facilities in town that can accommodate larger conventions. Mr. Bellangy is against the approval of the Bond Ordinance.

John Fleming, 1484 Washington Street, Cape May advises that the issue at hand is whether we spend an additional 3.1 million to erect a new Convention Hall. He states that the belief that a smaller convention center will cost less money is misguided. Mr. Fleming asks Council to vote in favor of the Bond Ordinance.

Bill Causey, President, Greater Cape May Chamber of Commerce. Mr. Causey believes that cost of the Convention Hall project is going up because of the delays. He believes that people are overlooking the fact that most of the tax money comes from tourism and the tourist industry needs the new Convention Center. If we wait and if we build a smaller facility, it will generate less revenue and will cost more money.

Jay Schatz represents the Cape May Hotel Motel and Lodging Association. At a general membership meeting held on Friday, July 16, 2010, a Resolution was passed to encourage the building of a community center on the footprint of the existing convention hall, preserving the Solarium and the new convention center should cost no more than the previously passes Bond Ordinance of \$10.5 million.

Jeff Elliott, Pastor, Cape May Lutheran Church. Thanks Mayor and Council for all of their efforts in this cause. He believes we must move forward and also believes this will go to referendum.

Bernie Haas, 1016 Illinois Avenue, Cape May advises that he is a member of Tax Payers Association, MAC, Chamber of Commerce of Greater Cape May, is the Publisher of Cape May Magazine, Cape May.Com and he loves Cape May. Mr. Haas gets upset when people can’t work together to resolve an issue. The people have already voted to erect a certain building for which the plans already exist. He wants to clear the air and work together for the good of Cape May. He urges Council to do that.

Paul Bogle, 1111 Cape May Avenue, Cape May represents himself and his brother Joe. He reads a prepared statement from his brother, Joe. He is in favor of passing the new Bond Ordinance. Paul Bogle advises that the residents put their votes and confidence in Mayor and Council and they trust them to do the right thing.

Chuck Pritchard, advises that he and his wife own two businesses in Cape May and pay taxes on four properties in Cape May. They volunteer their time on various Boards and Committees in Cape May and have for the last thirty-six years. “A vote against full funding of the proposed Convention Hall pavilion is a condemnation of the future of Cape May in terms of commerce and culture,”

advises Mr. Pritchard. “It’s your decision and it’s your legacy, to listen to the old or to visualize the future.” Mr. Pritchard speaks in favor of the passage of the new Bond Ordinance.

Connie Felacetti, 508 Sandlewood Road, Cape May Beach, NJ speaks as a Board Member of Cape May Stage. She speaks about the non-profits in the City of Cape May and their reliance on a Convention Center. She advises that we need to plan for the future and we need a Convention Center now.

Virginia Hesel, 1340 C Illinois Avenue, Cape May advises it is very good to come to a meeting like this because it reinforces her feelings and the way other people feel about Cape May. Her preference would be to stay with a smaller size building. Her second choice would be to put it to a referendum. Let the people who live in Cape May decide.

Gail Pierson, is a homeowner and taxpayer and is the owner of the Gail Pierson Gallery. She is in support of a Convention Hall and building it as quickly as possible. She is also in support of the Bond Ordinance on the table tonight. Ms. Pierson loves Cape May and convinced that we can find a way to honor the legacy of Cape May and still move forward.

Beth Davison Hyde is a former resident of Cape May and hopefully a future resident. Ms. Hyde has been in the environmental engineering and remediation field for over twenty-five years and began her career at the DEP. She is a homeowner and is the President of the Cottagers Association. In her capacity as Board President, she advises that the majority of the Board is against the Bond Ordinance upon which council will vote tonight. She advises that saying no tonight will not mean a longer timeline.

Barbara Skinner, 30 Congress, Cape May agrees that people are worried about the sea wall and the fact that extending the proposed Convention Hall will compromise the integrity of the wall. She advises that the Parish Hall of the Catholic Church could be used for events and does not compete with Hotel/Motel owners. Ms. Skinner is opposed to the passage of the Bond Ordinance.

Irving Fruchtmann, 1309 New York Avenue, Cape May advises that he is a professional engineer and he has done a lot of foundation work here in the City of Cape May. He has discussed the issue of drilling piles through the sea wall with his colleagues, and it is his opinion that there are uncertainties and possible dangers of doing this. He thinks it is problematic and deserves a lot more attention than it has been given.

Hugh McCauly 809 Sewel Avenue, Cape May has reviewed the drawings for the project, essentially about structure. He has built buildings and driven piles in this area and believes that the underground is fickle. He explains to everyone the process of pile driving and he believes there is a problem with this new design.

Jerry France, 640 Hughes Street, Cape May doesn’t think the lack of a convention center has any effect on his business. He does believe that having a community center is very important. He also believes that a Convention Center built on the existing footprint is big enough. Mr. France advises that he is concerned about operational costs and believe those costs will be high.

Jeanne Powick, 401 Clay Street, Cape May advises that a collective group of Cape May citizens held a meeting on Thursday, July 15, 2010 and they agreed on a Cape May Convention Hall that honors the binding 2008 referendum. Ms. Powick asks Council to vote "no" to the Bond Ordinance.

Dennis Crowley, 806 Lafayette Street, Cape May feels a lot of tension in the room tonight with good reason. He is concerned about a business plan for the new Convention Center. He believes that to continue with a project this size without a plan is foolhardy. He is not in favor of the Bond Ordinance.

Sandra McDougal, Pittsburgh Avenue, Cape May advises she loves Cape May. She believes that the past made Cape May and you should take the good of the past and build on it for the future.

Joe Fox advises that he has been a resident of Cape May for 26 years. He believes that the new Convention Hall should be built on the existing footprint and that the Solarium should be renovated as it can generate income. He believes that if the promenade is extended, there will be traffic problems.

Bob Belansen, Grand Hotel, Cape May is in favor of a civic center as opposed to a convention center. He does not want to see Cape May saddled with a Convention Center like Wildwood. Big halls all lose a lot of money, advises Mr. Belansen and they take away from business people in the community.

Susan Mullens, 329 Congress Street, Cape May has been to a lot of meetings regarding the new Convention Hall project. She believes the current seated council has a skewed perception of the opinions of the residents of the City of Cape May regarding this project. She encourages Council to vote for the Bond Ordinance.

Mayor Mahaney closes the public hearing and asks for a roll call vote.

Councilmember Fiocca asks if Mr. Monzo could explain the referendum process and what could happen if the Bond Ordinance were passed tonight and also, if it were not passed tonight. Mr. Monzo complies.

Deputy Mayor Wichterman advises that before he was sworn in as Deputy Mayor, he was invited to come to the Council Meetings, including Closed Session Meetings and has sat through at least nine hours of discussion regarding Convention Hall. One of his fears with the proposed Convention Hall is that there is no viable sales plan, and you have to know where you are going. Mr. Wichterman advises that he is not new at this and doesn't believe that he was put into office to let the people decide because he has more information than the public. Mr. Wichterman advises that in closed session, he asked questions of the Architect, regarding how many of the current drawings will be usable if we downsize, about obtaining a new CAFRA Permit, and about a time table if we revert to a smaller size building. Because of all the information he obtained at the Closed Session Meetings, Mr. Wichterman feels that he knows what he is doing and knows how he is going to vote.

Councilmember Murray thanks each one for coming out and thinks it is an important exercise in civic duty. He advises that he does not take his job as councilmember lightly and has been working hard in that capacity. Mr. Murray gives a history of what has transpired since 2001 regarding the building of a new Convention Hall. He speaks of the Master Plan of the City of Cape May which encompasses the thoughts of the people and what they project for the future. One of the goals in the Master Plan is to continue to develop the proposed Convention Hall, advises Mr. Murray, to be used by tourists, residents, businesses and for cultural activities. The issue at hand is not whether or not we need a new Convention center but rather, the size of a new Convention Center. He feels that the size of the proposed center is too big for our town. Mr. Murray advises that we have to begin right away with a new design and feels we can have a new building by the summer of 2012.

Councilmember Fiocca speaks very briefly from her heart. She says that this probably is the most important vote that she will cast in the next four years. She believes that people elected her to make decisions and she does not want this go to a referendum. She advises that she has made her decision with a level head, looking at all the information that was presented to her and is confident with her decision. She thinks this should bring the town together and it can be done in a timely, streamlined fashion and that it is the best thing for the town. She is ready to cast her vote.

Councilmember Swain advises that she listens and has been listening for two years, every day. What she is hearing tonight is mixed and should become part of the voters process at this point. She is upset that this town is so divided. Ms. Swain thanks the former administration who entered into long term leases with the not for profits who brought people into town and who had the talent and wisdom to obtain money to put into the properties in town without any cost to the taxpayer. She thanks all the people who volunteer and serve on all the Boards and Commissions in town and who continue to bring people into the City and finally, she thanks the business community for investing in the City.

Mayor Mahaney offers the reasons for his vote tonight. He thanks everyone who came out tonight no matter what their view. In the past two years, advises Mayor Mahaney, we have had no less than seven town meetings regarding Convention Hall in an effort to maintain an open and transparent process in government. Regardless of their points of view, people had the opportunity to have input and formulate a direction for the City of Cape May to ensure a scope of services that meet the needs of our residents, business community and visitors. Mayor Mahaney sets forth the events that transpired since July 1, 2008 when he took the office of Mayor and inherited the Convention Hall project. Based upon the will of the people, advises Mayor Mahaney, a Convention Center was designed; however, the final cost of the center exceeds the budget and the passage of the Bond Ordinance on the table tonight is crucial to the continuation of the project. Based on his interaction with all segments of the Cape May community, the Mayor believes the overwhelming majority of people in this town still believe the construction of the currently proposed 30,000 square foot Community Center is essential for maintaining the quality of life for the residents, business people and visitors and also for the sustainability of an economic climate in which we can all still afford to live. The Mayor advises the biggest issue tonight is not the size of Convention Hall but the fact that if we go forward with this project, it will provide a once in a lifetime opportunity for us to establish a niche in the tourism community without burdening the taxpayers be they business or residential.

Roll Call:

Fiocca - No

Murray - No

Swain - Yes

Wichterman - No

Mahaney - Yes

There is a ten minute intermission.

RESOLUTIONS: Council will accept questions from the public on resolutions:

The following consent agenda resolutions were approved on a motion from Deputy Mayor Wichterman, seconded by Councilmember Fiocca.

167-07-2010 Resolution authorizing final payment to L. Ferriozzi Concrete Company

168-07-2010 Appointment to Lifeguard Pension Commission

169-07-2010 Payment of bills A

169-07-2010 Payment of bills B

Motion: Wichterman

Second: Mahaney

Roll Call:

Fiocca - Yes

Murray - Yes

Swain - Abstain

Wichterman - Yes

Mahaney - Yes

LICENSES:

-Special Permit for social affair, Cape May Stage, 405 Lafayette St., August 5, 2010 from 7pm – 8pm.

-Application for a raffle license; 50/50 cash drawing, East Lynne Theatre Co., Inc., November 11, 2010 from 5pm – 9pm at Aleathea's Restaurant 7 Ocean St., Cape May, fundraising.

Motion: Wichterman

Second: Swain

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Yes

REPORTS RECEIVED BY THE CLERK:

Cape May City Historic Preservation Commission meeting minutes dated May 24, 2010

Monthly report of tax collections for the period ending 5/31/10 and 6/30/10

Assessors Office monthly report dated July 8, 2010

Construction Permit Activity Report for June, 2010

Cape May City Police Department monthly report for May and June, 2010

Motion: Mahaney

Second: Swain

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Yes

UNFINISHED BUSINESS:

NEW BUSINESS:

A) City Attorney Mr. Monzo want to remind everyone that he will be away on vacation and will not be available until August 8, 2010.

B) City Manager – Mr. MacLeod advises that the Phase II ADA ramp and beach access project has reached a milestone this week in that the Mr. Boardwalk was completed. The next location that will provide similar access is off of the lifeguard building. The plan was originally designed with a deck close to the dune line but it was pointed out to Mr. MacLeod that the handicapped people want to be with their families near the water so the plan was revised. This past Saturday advises Mr. MacLeod, we had our first volley ball tournament with a professional caliber of play and it worked out very well. The tournament was conducted through the Great American Volley Ball Association.

C) City Clerk Diane Weldon announces that she has scheduled a special referendum election for Wednesday, September 8, 2010 from 6:00 A.M. until 8:00 P.M. for the two Parking Ordinances.

D) Councilmembers – Deputy Mayor Wichterman asks if we can cut the hours of the special election to save money. City Clerk Diane Weldon advises it is not permissible.

E) Deputy Mayor Wichterman advises that we are going to schedule a special meeting next week to start moving on the Convention Hall Project.

F) Councilmember Swain advises that there was a Business Improvement meeting last night at which a partnership with Mid-Atlantic Center was entered into and there will be professional greeters on the Mall which will begin on July 24, 2010. There will be a greeter earlier in the day from 11:00 A.M. to 1:30 P.M. and then again at night from 7:00 to 9:30 P.M. This service will be offered through the third week of September.

Mayor Mahaney thanks the Beach Patrol for the well run superathalon. Secondly, the Mayor thanks Dr. Coyle Connelly for conducting a free skin-screening clinic. The event was well received.

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.

Al Beale, 1224 Idaho Avenue, Cape May, NJ asks City Manager MacLeod about the status of the release of the performance bond funds for the Beach Club of Cape May. Mr. MacLeod advises that the next step is for the Board to approve the release. A discussion ensues between Mr. MacLeod and Mr. Beale as to which Board will release the funds. Mr. Monzo explains that City Council must make the determination for early release of the funds.

Dennis Crowley, 806 Lafayette Street, Cape May advises he witnessed two off duty lifeguards, Christopher and Patrick, save an elderly man who was in distress. He wants to commend them for their efforts. Mr. Crowley also wants to commend everyone on council for doing what they did this evening. He advises that he will do everything in his power to assist council in the construction of the new Convention Hall. He particularly wants to thank Mayor Mahaney who ran one of the best public forums on a dicey issue that he has ever witnessed.

COUNCIL & CITY MANAGER COMMENTS

Motion made by Deputy Mayor Wichterman, seconded by Councilmember Fiocca to adjourn. Meeting adjourned at approximately 9:50 P.M.

Edward J. Mahaney, Jr., Mayor

Jack Wichterman, Deputy Mayor

Deanna Fiocca, Councilmember

Terri L. Swain, Councilmember

William H. Murray, Councilmember

Diane L. Weldon, City Clerk