

CITY OF SEA ISLE CITY, NEW JERSEY
CITY COUNCIL MEETING MINUTES
TUESDAY, MAY 27, 2014 – 9:00 AM
COUNCIL CHAMBERS
SEA ISLE CITY PUBLIC SCHOOL

ATTENDANCE: Mr. Divney, Mr. Edwardi, Mr. Gibson, Mr. Kehner and Ms. Tighe. Also attending was Mayor Desiderio, Administrator Mr. Savastano and Solicitor Mr. Baldini.

Council President Tighe called the meeting to order and announced the meeting had been advertised in accordance with P. L. 1975, Chapter 231.

RESOLUTION NO. 090 – A Resolution Authorizing a Closed Executive Session for the Purpose of Discussing Contract Negotiations.

The clerk read the resolution by title and Ms. Tighe asked for a motion to adopt the resolution and go into closed session. Motion moved by Mr. Kehner and seconded by Mr. Divney. All ayes followed and the meeting adjourned into closed session at 9:03 a.m.

At 10:00 a.m. Ms. Tighe called the meeting to order and asked everyone to rise for the flag salute. She then announced the meeting had been advertised in accordance with P. L. 1975, Chapter 231. The attendance was as indicated above.

Ms. Tighe then asked for a motion to adopt the minutes of the 5-17-14 Regular Meeting. Motion moved by Mr. Gibson and seconded by Mr. Kehner. All ayes followed.

REPORTS-Mayor and Administrator: Mayor Desiderio stated that often times in Government, common sense must prevail and that he believes allowing new businesses with food, going into an existing food establishment should not have to go the Planning Board for site-plan review. To that end, the Mayor presented Executive Order No. 2014-1 entitled “*Zoning Review of Commercial Uses Pending Adopting of Ordinance Allowing Such Review by the Zoning Officer*”. He went on to explain that he believes the current ordinance is an error and presented an amending ordinance to address the error and allow the zoning officer to once again review exceptions for site-plan review for food services.

Mr. Baldini said that in 2010 an Ordinance was adopted to give the waiver authority to the zoning officer and then later in the same year, while adjusting other sections of the ordinance it was inadvertently removed again in error. Ms. Tighe asked why it would require site plan review and Mr. Baldini said to ensure development is consistent and that most of the commercial properties went through the process prior to construction. Ms. Tighe said that while she understands the change was unintentional, some of the judgement calls have been called into court and for that reason she would prefer applications go to the Planning Board. The Mayor said that there is a Planning Board Committee to review, but some applicants meet up to 4 times and it can exceed \$5,000. He went on to explain that the old Vince’s Restaurant has always been a restaurant, it recently sold and the new owner wants to open another restaurant and should not have to get site plan approval. Ms. Tighe argued that some food establishments, i.e. pizza shop into an old deli is not the same as the kitchen requirements are different and venting could affect the surrounding properties. Mr. Baldini said that there are definite exceptions to food-to-food and they remain the same in the ordinance. Mr. Divney asked if the Mayor’s Executive Order takes care of the 2 current problems that exist and Mr. Baldini said yes, if the ordinance is introduced. Mr. Divney said he doesn’t think the ordinance change should occur today because the Council needs to know what will be reviewed/waived. Mr. Baldini explained that the Mayor cannot legislate and that this is a stop gap solution while the ordinance is pending; if the Council does not introduce the ordinance the Mayor will have to withdraw the Executive Order. Mr. Gibson said that food-to-food establishments should not have to go to the Board and Mr. Edwardi agreed. Mr. Divney said that if the majority of Council wants to introduce the Ordinance, he will but he wants parameters before 2nd reading. Mr. Kehner agreed as did Mr. Gibson who wants to ensure change in use with food still goes to Planning Board. Mr. Baldini said that new construction that has never had any business must be checked to determine if food was approved at the time site-plan was given. In conclusion, the Mayor asked the Council to introduce the ordinance today and make any necessary changes at 2nd reading. Mr. Baldini said the Council would first need a motion to add the Ordinance to the Agenda.

Ms. Tighe asked for a motion to add Ordinance No. 1570 to the Agenda. Motion moved by Mr. Gibson and seconded by Mr. Divney. All ayes followed.

Continuing reports, Mr. Savastano reported that Memorial Day weekend was a banner 3 days and beach tag sales are up about \$50,000 over last year. He next announced that the Central Avenue roadway project has a base coat and final paving is occurring now. Mr. Divney asked if the cross-walks can be replicated on Central and Pleasure as they are on recently completed Landis Avenue. Ms. Tighe asked about the parking lot paving and Mr. Savastano said both should be paved by the end of the week. Mr. Edwardi asked if the concerns of the neighbors next to the City Hall lot have been addressed and Mr. Savastano said yes, the City will be putting a privacy fence. Mr. Kehner complained that the old firehouse is in disrepair and looks terrible and asked that it be cleaned up. Mayor Desiderio added that businesses need to be reminded to sweep in front of their

businesses. Mr. Kehner said that people in the 15 minute parking spaces are getting tickets and Mr. Baldini said they still have to pay, the time is shorter for turnover but it isn't free. Mr. Kehner suggested going back to the 15 minute warning before a ticket is issued and the Tourism Commission is willing to pay for the warning ticket books. After discussion, all agreed not to go back to the free 15 minute warning due to the enforcement problems, but the Mayor said he would talk to the Chief and come back with a recommendation.

Ms. Tighe complimented the Mayor on the Memorial Day Service.

Mr. Kehner said he heard there was a new City logo and Mayor Desiderio said there are several logos but confirmed they are working on a new one.

ORDINANCES-Introduction and First Reading:

Ms. Tighe asked for a motion to take up Ordinance No. 1569 for Introduction and First Reading. Motion moved by Mr. Kehner and seconded by Mr. Gibson. All ayes followed. The Clerk read the Ordinance by title: **1569 – An Ordinance to Amend Chapter 8 Entitled “Off Street Parking Regulations” of the Revised General Ordinances of the City of Sea Isle City to Reflect Necessary Changes to Make Clear Which Parking Spots May Be Occupied by Permitted Vehicle and for How Long a Permitted Vehicle May Park In a Parking Space.** Ms. Tighe explained that this will amend the parking ordinance to allow parking overnight with a permit.

Ms. Tighe then asked for a motion to adopt Ordinance No. 1569 on first reading and publish according to law. Motion moved by Mr. Divney and seconded by Mr. Edwardi. All ayes followed. Ms. Tighe announced second reading and public hearing will be 6/10/14 at 10:00 a.m.

Ms. Tighe asked for a motion to take up Ordinance No. 1570 for Introduction and First Reading. Motion moved by Mr. Kehner and seconded by Mr. Gibson. All ayes followed. The clerk read the ordinance by title: **1570 - An Ordinance to Amend the Revised General Ordinances of the City of Sea Isle City Chapter 30 Entitled “Site Plan Review” to Allow for a Change Previously Allowed for the Zoning Officer to Review and Grant a Waiver to Site Plan Review for Permitted Food Service Uses in Site Plan Waiver Requirement for Food Establishments.** Ms. Tighe explained this is the ordinance previously discussed with the Mayor's Executive Order and added to the agenda.

Ms. Tighe then asked for a motion to adopt Ordinance No. 1570 on first reading and publish according to law. Motion moved by Mr. Divney and seconded by Mr. Edwardi. All ayes followed. Ms. Tighe announced second reading and public hearing will be 6/10/14 at 10:00 a.m. Mayor Desiderio thanked the Council for introducing the Ordinance.

CITIZEN COMMENT~ Resolutions on Consent Agenda: There was no public comment on the resolutions.

RESOLUTION – Consent Agenda:

- 091** – Authorizing the Approval of Vouchers
- 092** – Authorizing Advertisement for Bids on the Following: Garbage Truck and a Dump Truck
- 093** – Authorizing a Refund of Payment to a Vendor for Skimmer Festival
- 094** – Accepting the Recommendation of the Tourism Commission to Enter into Agreements with Certain Vendors for Advertising, Commercials and Promotional Media for 2014 (Amends previously adopted Res. 010 (2014))
- 095** – Authorizing Refunds of Tax Overpayment
- 096** – Amending Resolution No. 205 (2013) - Bank Depositories
- 097** – Certifying the Governing Body Reviewed FY 2013 Audit Report
- 098** – Authorizing Award of Contract for 2014-2016 Furnishing, Installing and Maintenance of Leased Coin Operated Viewing Binocular Machines

Ms. Tighe removed #096 from the consent agenda.

Ms. Tighe asked for a motion to adopt resolutions #91 to #95 and #97 & #98. Motion moved by Mr. Kehner and seconded by Mr. Edwardi. All ayes followed.

Ms. Tighe then asked for a motion to adopt #096. Motion moved by Mr. Divney and seconded by Mr. Edwardi. All ayes followed except Mr. Gibson abstained due to a conflict of interest.

PENDING BUSINESS: There was no pending business.

NEW BUSINESS: There was no new business.

CITIZEN COMMENT:

Phil Hughes-305 44th St: Complained about the noise on his street when the bars closed and asked for more of a police presence.

Bob Russo-309 44th St: Agreed with Mr. Hughes, a greater police presence is needed when the bars close also on 43rd Street.

Dan Tumolo-Representing School Board: Reported that Bishop McHugh will not be closing this year, so the \$187,000 the Board had in reserve for tuition if those students had to be sent to Ocean City will be added back for a total school budget reduction of \$637,000.

John Henry-119 45th St: Reiterated his request for new speakers as it is difficult to hear. He then said that the neighbors are complaining about the City Hall parking lot configuration and the buffer being too large and why is there a cut out onto the adjoining property. Mr. Savastano said that the buffer area was created because it was not large enough for more parking and the bump out next to other property is for turn around only, the City is not buying that lot. Mr. Henry also said there was a rumor that the 8 properties on 45th Street without off-street parking were getting free parking passes for that lot and Ms. Tighe said that was not true. His final statement was that there were no lifeguards on certain beaches, but there were still beach taggers at the entrance.

Ron Schlupp-9101 Pleasure Ave: Asked why there isn't overnight parking at the Library and complained that there are no beaches at 91st Street. Ms. Tighe explained the City is working on re-building the beaches and the Library lot belongs to the County.

Tony Costello-9111 Pleasure Ave: Agreed the Library lot should be available and asked the City to reach out to the County to allow. He also asked if the City Hall lot can be free on Sunday for overflow parking from the church and was told it is free until noon on Sunday.

Maryann Snyder-233 57th St: Asked if it is the law to stop for pedestrians and was told it was the State law and she asked for signs in the cross walks. Ms. Tighe said she would also put a reminder in the newsletter. She also asked about the status of additional restrooms and Ms. Tighe said a series of discussions occurred and nothing will happen until next year if at all as location is difficult and there isn't a large outcry from the residents.

Steve Hansbury-5712 Central Ave: Complained that the sidewalks are still unfinished on the Central Avenue project and are very dangerous. He next asked why mobi-mats cannot be in place for Memorial Day Weekend and said that on the beach girls set up a demo and were selling toys and asked if it was legal and Ms. Tighe said no and to call the police.

John Fee-220 43rd St: Said the SIC Happy Video is done and on you-tube and asked it be mentioned in the newsletter.

Ms. Tighe asked for a motion to adjourn. Motion moved by Mr. Edwardi and seconded by Mr. Kehner. All ayes followed and the meeting adjourned at 11:17 a.m.

Cindy L. Griffith, City Clerk