

**REGULAR COMMISSION MINUTES OF THE WILDWOOD
COMMISSIONERS IN THE COUNTY OF CAPE MAY, NEW JERSEY**

Wednesday, May 24 2023
Commissioner's Meeting Room
Time: 5:00 p.m.

MEETING CALLED

Meeting called to order by the Mayor.

PLEDGE OF ALLEGIANCE

Commissioner Mikulski leads in the Pledge of Allegiance to the Flag.

ROLL CALL

City Clerk called the roll and the following Commissioners answered to their names:

Fitzsimons – here, Mikulski – here, Byron - here

OTHERS ATTENDING

Steve O'Connor, Administrator

Louis DeLollis, Solicitor

Tony Chadwell, Remington & Vernick Engineers

Lisa A. Brown, City Clerk

OPEN PUBLIC MEETING ANNOUNCEMENT

As per N.J.S.A. 10:4-12, the Mayor read the Open Public Meetings Act Announcement.

PRESENTATIONS:

• Preserving the Wildwoods – Historic Display Panels on Pacific Avenue: Pary Tell, President of Preserving the Wildwood's received funding to produce historic panels to place in various locations throughout the Wildwoods. The panels are photos of what was previously in that particular location and provides a little history of the previous use. Ms. Tell requested the Board to consider allowing the organization to place panels in Fox Park, Bright Park and Fountain Park. The panels are 30in x 40in, coated metal, rust-free and fade-free. The organization has all the equipment to erect the panels however they would need Public Works to install them. Commissioner Mikulski asked what would happen if they did fade. Ms. Tell said she would replace them. Commissioner Fitzsimons asked if the organizations seek out the locations for these panels. Ms. Tell said, yes, they did however sometimes people request the organizations to place panels at certain locations, such as the Mudhen.

•Kannavis Botanicals – Business Model and Mission Statement: Mr. and Mrs. Nelson presented the Board with a packet which provided a background of their business as well as descriptions of the products they use. Mr. Nelson said they do have a New Jersey Hemp License and explained how strongly their business is regulated by the State. They spend thousands of dollars twice a year to prepare for their bi-yearly inspections by the Department of Agriculture who inspect their products to be sure they are compliant. The company is required to purchase products from licensed farms. Mr. Nelson also processes and creates his own products, which provides him full control over the strengths being administered, but this is also regulated. Their products contain 0.3% CBD. When products exceed that percentage, it is then considered marijuana. Mayor Byron asked how involved it is to obtain these licenses. Mr. Nelson said it is much easier and cheaper to obtain a hemp license as opposed to a THC license. Commissioner Mikulski asked why the chose to open a business in Wildwood. Mr. Nelson said he always wanted to live as close to the water as possible so he bought a home on Hildreth Avenue. His contributions to Wildwood is just beginning. Commissioner Fitzsimons asked if they intend to keep all three locations open. Mr. Nelson said is sales increased tremendously at each location so as long as each business is doing well, they will remain open. Commissioner Fitzsimons asked if their staff is trained. Mr. Nelson said they have college-educated employees. Commissioner Fitzsimons said she has taken it upon herself to learn what their products entail but admitted, the perception of the business has resulted in an onslaught of calls with concerns from the public. She said she understands the public is simply not educated on the products and suggested the Nelsons reach out to the community to try to educate them. She said the marketing side of the business makes it look like they are selling marijuana instead of hemp. The sign has a marijuana leaf on it and also says "licensed" which leads the public to believe it is a dispensary. Mr. Nelson said both plant leaves, hemp and marijuana, look very similar and the word "Kannabis" in Greek, means Hemp. He said his business provides a clean, safe environment for people to purchase products that help them with pain, stress, anxiety and sleep. Commissioner Fitzsimons understands and appreciates that but suggested they still try to find a way to change the public's perception of the business. Mayor Byron feels the business has intentionally advertised their business in a way to look like they are selling marijuana between the leaf on the sign and a person dressed in a,

what looks to be, a marijuana leaf costume parading outside the business. He feels they mislead the public on purpose. He asked why they didn't open a business in North Wildwood or Wildwood Crest. Mr. Nelson said he didn't feel his business would be welcomed there. Mayor Byron asked him why he thought he would be welcomed here and stated he would've appreciated it if they made the attempt to come speak with the Board first before opening their business. The City didn't have any information about the business to tell the public when they started calling. Commissioner Mikulski asked where the product comes from. Mr. Nelson said it comes from three different farms, all which are licensed by the State. Commissioner Mikulski asked what their next step is, and whether or not they intend to open another business. Mr. Nelson said they aren't going to open another business. If anything, they would purchase a property and move the business there instead of renting. Mr. O'Connor asked him to explain the steps of processing product in-house and where he does this. Mr. Nelson does it in his business and explained the process. Commissioner Mikulski asked if there was an aroma, which Mr. Nelson told him there is not. Commissioner Fitzsimons again strongly suggested they educate the public and reconsider their signage.

APPROVAL OF MINUTES:

May 10, 2023 Regular Meeting

MOTION: Fitzsimons SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

ORDINANCES:

1259-23 Ordinance Amending Chapter 17, Land Development Ordinance, of the City Code with regard to Zoning Permits **(SECOND READING/PUBLIC HEARING/ADOPTION)**

MOTION TO OPEN PUBLIC HEARING
MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

There being no comment, Public Hearing was closed.

MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

MOTION TO ADOPT
MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes
The Mayor announced Ordinance No. 1259-23 has passed Second Reading

1260-23 Ordinance Amending Ordinance No.'s 111-18, 1152-19, 1176-20, 1230-22, 1245-22 and Chapter 6, Section 14 of the Revised General Ordinances in the City of Wildwood entitled "Handicapped Parking Locations" **(SECOND READING/PUBLIC HEARING/ADOPTION)**

MOTION TO OPEN PUBLIC HEARING
MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

There being no comment, Public Hearing was closed.

MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

MOTION TO ADOPT
MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes
The Mayor announced Ordinance No. 1260-23 has passed Second Reading

1261-23 Ordinance Amending and Supplementing Chapter 3, "Police Regulations", Sections 3-1A3, 3.3, 3-22 and 3-23; and Chapter 4 – "Beach and Resort Regulations", Sections 4-1.2, 4-1.8, 4-2.7 and 4-2A of the Revised General Ordinances of the City of Wildwood, New Jersey **(SECOND READING/PUBLIC HEARING/ADOPTION)**

MOTION TO OPEN PUBLIC HEARING

MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

There being no comment, Public Hearing was closed.

MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

MOTION TO ADOPT

MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

The Mayor announced Ordinance No. 1261-23 has passed Second Reading

1262-23 Ordinance Amending and Supplementing Chapter 4, Section 1, “General Beach and Boardwalk Regulations”, Subsections 4-1.2 “Boardwalk – Prohibited Acts”, and 4-1.8 “Beach – Prohibited Acts” of the Wildwood City Code regarding Public Possession and/or Consumption of Alcohol **(SECOND READING/PUBLIC HEARING/ADOPTION)**

MOTION TO OPEN PUBLIC HEARING

MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

There being no comment, Public Hearing was closed.

MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

MOTION TO ADOPT

MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

The Mayor announced Ordinance No. 1262-23 has passed Second Reading

1263-23 Ordinance Amending and Supplementing Chapter 2 of the Wildwood City Code, “Administration, Finance, Revenue and Taxation” with respect to Electric Vehicle Charging Station Fees, and Chapter 6 of the Wildwood City Code, “Traffic” with respect to Parking Restrictions applicable to Electric Vehicle Charging Stations **(SECOND READING/PUBLIC HEARING/ADOPTION)**

MOTION TO OPEN PUBLIC HEARING

MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

There being no comment, Public Hearing was closed.

MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

MOTION TO ADOPT

MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

The Mayor announced Ordinance No. 1263-23 has passed Second Reading

1264-23 Amending and Supplementing Chapter 3A, “Noise” and Declaring Scotty’s Park a Noise-Free Zone **(INTRODUCTION/FIRST READING)**

MOTION: Byron SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

The Mayor announced Ordinance No. 1264-23 has passed First Reading

EARLY PUBLIC COMMENT: None.

RESOLUTIONS: City Clerk read the resolutions listed on the agenda.

- 222-5-23 Authorizing execution of Subrecipient Grant Agreement for the American Rescue Plan Act Infrastructure Grant with the County of Cape May re: Cape May County APRA Infrastructure – Magnolia Avenue Storm Main from Park Boulevard to the Bay (\$400,000.00)
- 223-5-23 Requesting Approval of Items of Revenue and Appropriation under the caption of “Public and Private Programs Offset by Revenues: Cape May County APRA Infrastructure – Magnolia Avenue Storm Main from Park Boulevard to the Bay (\$400,000.00)
- 224-5-23 Authorizing First Amendment to Shared Services Agreement between the City of Wildwood and County of Cape May re: Construction and Maintenance of a Water Pump Station (Storm Water Pump Station at Rio Grande Avenue)
- 225-5-23 Authorizing the execution of a contract for the 2023 Seward Johnson Atelier Sculpture Loan Program (\$10,000.00)
- 226-5-23 Authorizing the execution of various contracts for the 2023 Sunday Night Concert Series Bands in Fox Park (\$34,250.00)
- 227-5-23 Appointing David Bannon as Fire Official in the City of Wildwood, effective May 24, 2023
- 228-5-23 Supporting Revolution NJ in Preparation for the 250th Anniversary of the Independence of the United States of America in the year 2026
- 229-5-23 Approving an Amendment to the Contract with Advantage Security/Sonitrol Security for inclusion of addition CCTV products for the Camera System for the Boardwalk (increase of \$24,462.86 for a new amount of \$297,857.00)
- 230-5-23 Amending Contract with Trinity Code for Plumbing, Electrical and Fire Protection Services for the 2022-2023 contract year (increase of \$60,000.00)
- 231-5-23 Authorizing Appropriations of Items of Revenue and Appropriations Chapter 159 Click-It or Ticket 2023
- 232-5-23 Authorizing payment of bills in the amount of \$4,298,673.71 dated May 24, 2023
- 233-5-23 Authorizing filing of all reports and other data contained in this agenda
- 234-5-23 Authorizing the appointment of Paid Class I Special Law Enforcement Recruits
- 235-5-23 Authorizing and Approving a Shared Services Agreement between the City of Wildwood and the Township of Lower for EMS Services to Schooner Island (Term – May 1, 2023 – December 31, 2025)

MOTION: Fitzsimons

SECOND: Mikulski

ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

REPORTS:

•Engineers Report – On file in the City Clerk’s Office. Commissioner Mikulski asked when the solar would be active in the North and South City parking lots. Mr. Chadwell said possibly in the Fall. He asked when the LSV charging stations would be implemented. Mr. O’Connor said the South side will be active by July 4th and the North side will be active after the summer. Commissioner Mikulski asked if pedestrian signs could be placed at the corner of Taylor and New Jersey Avenues as traffic is very heavy in that area. Commissioner Mikulski said he would. Commissioner Fitzsimons also mentioned she would like a sign at the new Starbucks building once it’s built.

ANNOUNCEMENTS: Commissioner Fitzsimons announced the Seward Johnson statues are back and named the locations where they are placed. She said they City only received 5 this year as the prices increased. The map for each statue will be ready any day. Commissioner Fitzsimons thanked Mr. DeLollis for acting so quickly in drafting Ordinance No. 1264-23. Commissioner Mikulski announced Beach Patrol starts on Friday and will be on the stands from 10A-5:30P. Not every street will be protected so he urged everyone to swim where there is a lifeguard and to enjoy their Memorial Day weekend. Commissioner Fitzsimons announced new signage would be placed on the back of each lifeguard stand providing statistics for weather, temps, tides, etc. and thanked Commissioner Mikulski for seeing that got done. There will also be new signs placed at each entrance. Mayor Byron asked Lou DeLollis to provide an explanation of Ordinance No. 1261-23 and 1262-23. He explained “Breach of Peace” is not age dependent, however you can not arrest a minor if they are drinking

or

smoking marijuana. They would receive a curbside warning. If the minor is in violation of “Breach of Peace” including being part of a mob or breaking the curfew violations, they can be brought to the station and call their parents to be picked up. The police officer can file no paperwork. Mayor Byron asked if “Breach of the Peace” would extend to dogs on the Boardwalk. Mr. O’Connor said it would not.

COMMUNICATIONS: None.

NEW BUSINESS:

•Authorizing Raffle Application as submitted by Greater Wildwood Rotary Club, Inc. to be held on October 3, 2023 at Wildwood’s Convention Center, 4501 Boardwalk

MOTION: Fitzsimons SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

OLD BUSINESS: None.

PUBLIC COMMENT: During regularly scheduled Board of Commissioners Meeting. Remarks will limit to five (5) minutes per person. The Deputy City Clerk will be keeper of time and advise speaker when time has expired. Each member of the public will be permitted to speak only once per meeting. Criticism of public employees will be directed to the Human Resources Department during work hours only.

ADJOURNED: There being no further business to discuss, this meeting was adjourned at 6:22 pm. Remarks as typed highlighted not verbatim as to subject matter.

MOTION: Fitzsimons SECOND: Mikulski
ROLL CALL: Fitzsimons – Yes, Mikulski – Yes, Byron – Yes

Krista Fitzsimons, COMMISSIONER

Steve Mikulski, COMMISSIONER

Peter Byron, MAYOR

ATTEST: _____
Lisa A. Brown, City Clerk

DATE MINUTES APPROVED: June 14, 2023