

**MINUTES OF THE REGULAR COUNCIL MEETING OF
AUGUST 26, 2014**

Pledge of Allegiance

The Meeting was opened by President Fleming at 7:30 PM with the Pledge of Allegiance in Council Chambers at Woodbury City Hall, 33 Delaware Street, Woodbury.

Moment of Silence

President Fleming asked for a moment of silence and reflection.

Open Public Meeting Statement

The City Clerk stated that due notice had been given to both the public and the press by posting and publication of Resolution #14-05 adopted at the Reorganizational Meeting of Mayor and Council on January 6, 2014.

Roll Call

Present: Tierney, Hock, Swanson, Trovato, Lockman, Parker, Carter, Johnson, President Fleming and Mayor Volk

Absent: No One

Changes to the Agenda

President Fleming announced that Ord. #2213-14 "An Ordinance of the City of Woodbury Amending the Code of the City of Woodbury Amending Chapter 55 'Alcoholic Beverages' Creating Section 55-10 'Social Affairs Permits'" will not be voted on tonight. The Public Hearing on this ordinance has been postponed until Sept. 9.

Also, President Fleming advised that the former Green Hotel at 85-89 Cooper St is not on tonight's agenda. Mr. Pierson, City Solicitor advised that questions can be asked about it during the Public Portion at the end of the meeting; however he advises Council not to discuss this matter due to the possibility of an appeal of the Planning/Zoning Board's recent decision to approve a Certificate of Appropriateness which would allow the owner to demolish the building.

Approval of Minutes

On motion of Councilwoman Tierney, seconded by Councilman Johnson, the minutes of the meeting of August 12, 2014 were approved as submitted. Councilman Swanson abstained from the vote; all others voted in favor of the motion.

Open to the Public

On motion of Councilman Johnson, seconded by Councilwoman Parker, and unanimously approved, the floor was open to the Public for agenda items only.

Jacquelyn Knight, 232 Hunter Street, an artist and FAF member had questions regarding Ord. 2211-14 amending peddling/soliciting fees. Mr. Pierson responded.

Tim Zatariny, 237 S. Horace Street, thanked Council for reconsidering Ord. 2213-14. He also stated his opposition to Ordinance #2208-14 regarding C-1 Zone changes, specifically concerning live music. City Planner Bob Melvin, Pres. Fleming, Mayor Volk and Mr. Pierson each addressed his questions. Mr. Pierson suggested that any additional comments on this ordinance could be held until the Public Hearing on this ordinance.

Carol Crumlish, 415 Hesters Avenue spoke in opposition to Ord. 2208-14 and complained of loud music from Captains Corner Bar on S. Evergreen Ave. She presented the City Clerk with a petition signed by 24 residents opposing this ordinance.

Hearing no one else, on motion of Councilman Johnson, seconded by Councilwoman Parker and unanimously approved, the Public Portion was closed and the Regular Order of Business was resumed.

Resolutions, Ordinances and Committee Reports

Finance & Administration Committee

Ordinance #2211-14 - An Ordinance of the City of Woodbury Amending the Code of the City of Woodbury Chapter 141 Peddling and Soliciting, Specifically Section 141-22 "Charitable or Civic Non-Profit Festivals"

Councilman Swanson presented the above-titled ordinance for final adoption.

The City Clerk read the title of the ordinance.

On motion of Councilman Swanson, seconded by Councilwoman Tierney and unanimously approved the Public Hearing on this ordinance was opened.

Hearing no one, on motion of Councilman Swanson, seconded by Councilwoman Parker and unanimously approved the Public Hearing was closed.

On motion of Councilman Swanson, seconded by Councilwoman Tierney the ordinance was unanimously adopted by a roll call vote.

Ayes 9 Tierney, Hock, Swanson, Trovato, Johnson, Lockman, Parker,
Carter, President Fleming

Nays 0

Resolution #14-146 - Resolution of the City of Woodbury Approving a Shared Services Agreement with the County of Gloucester for the Provision of Landscape Design Services

Councilman Swanson presented the above-titled resolution.

The City Clerk read the title of the resolution.

Councilwoman Tierney thanked Mr. Theokas for reaching out to the County for their help in landscaping the area near the new Police Station will be located.

On motion of Councilman Swanson, seconded by Councilwoman Parker the resolution was unanimously approved by a voice vote.

Vouchers

On motion of Councilman Swanson, seconded by Councilman Lockman and unanimously approved the Vouchers as presented and certified were authorized paid.

Public Safety Committee

Ordinance #2212-14 - An Ordinance of the City of Woodbury Amending Chapter 190-31 of the Code of the City of Woodbury Prohibiting Parking on the North Side of Hunter Street

Councilwoman Carter presented the above-titled ordinance for final adoption.

The City Clerk read the title of the ordinance.

On motion of Councilwoman Carter, seconded by Councilman Johnson, and unanimously approved, the Public Hearing on this ordinance was opened.

Hearing no one, on motion of Councilwoman Carter, seconded by Councilman Swanson and unanimously approved the Public Hearing was closed.

On motion of Councilwoman Carter, seconded by Councilwoman Tierney, the ordinance was unanimously adopted by a roll call vote.

Ayes 9 Tierney, Hock, Swanson, Trovato, Johnson, Lockman, Parker,
Carter, President Fleming

Nays 0

Resolution #14-147 - Resolution of Municipal Consent and Support of the City of Woodbury for "Mid Block" Bus Stops Between Cooper St. and Newton Ave and Between Hunter St. and Red Bank Ave on N.J. Route 45 (Broad Street)

Councilwoman Carter presented the above-titled resolution.

The City Clerk read the title of the resolution.

On motion of Councilwoman Carter seconded by Councilman Johnson the resolution was unanimously adopted by a voice vote.

Public Works/Parks and Recreation Committee

Councilwoman Parker had nothing to report for this committee.

Economic Development Committee

Ordinance #2208-14 - An Ordinance of the City of Woodbury Amending Chapter 202, Zoning, Article XI "C-1 Commercial District"(as amended)

Councilman Swanson presented the above-titled ordinance for final adoption. The City Clerk read the title of the ordinance.

On motion of Councilman Swanson, seconded by Councilwoman Tierney and unanimously approved the Public Hearing on this ordinance was opened.

President Fleming invited Planner Bob Melvin to speak about the ordinance; also President Fleming read the following amendment which has been proposed:

“(3) Live Entertainment Facilities provided the following regulations are met:

(e) All entertainment activities must take place within the building or attached deck or patio or as part of an approved sidewalk café. Entertainment activity on attached deck, patio, or part of approved sidewalk café shall be limited to 10pm. Sidewalk cafés are permitted subject to Chapter 168.”

Mr. Melvin summarized the changes that are proposed by this ordinance, including permitted uses, prohibited uses and conditional uses. He also clarified that this is a change to the C-1 zone, not the Downtown Redevelopment Zone.

For the record Mr. Duffield read Mrs. Crumlish’s petition opposing the ordinance, which was referenced in her earlier comments.

Jeanne Dunn, 438 Morgan Ave spoke in favor of the ordinance, saying Captain’s Corner has been a good neighbor and she has no problems with noise.

Deon Smith, 66 Centre St asked questions about the Downtown Redevelopment Zone, which is not the subject of this ordinance. Mr. Pierson and Mr. Melvin answered.

Rich Williams owner of two properties on the 800 block of N. Broad St asked whether his existing tenants will be permitted to continue their businesses. Mr. Melvin informed him that existing businesses will be able to continue; only new businesses or new Planning/Zoning Board applications will be governed by the new regulations.

William Sax of Pennsauken, NJ is planning to open a tattoo business at 238 S. Broad Street and urged Council to adopt this ordinance tonight.

Jamarca Lilley of 407 Hesters Ave is opposed to the ordinance. He has made complaints in the past about loud noise from Captain’s Corner Bar.

President Fleming reiterated to the audience that this ordinance would not impact Captain’s Corner Bar because it is an existing business. This ordinance is for future establishments that plan to come into the City. However ALL businesses are subject to our existing noise ordinance found in Chapter 128 of our municipal code.

Robert Crumlish, 415 Hesters complained about the noise from Capt’s Corner.

Ryan Morrison and Ryan Harbison, owners of Tiki Tiki Game Boards and Alana Talarico, owner of Studio 240 Salon urged Council to adopt the ordinance tonight.

Mr. Pierson, City Solicitor, advised Council to approve the amendment to the ordinance tonight, then re-advertise and hold another public hearing at the next Council meeting before voting on the ordinance.

Councilman Swanson apologized to Mr. Sax that Council’s inaction could delay or prevent the opening of his business.

Howard Lester, 86 Aberdeen Pl came forward to oppose the ordinance. He does not think tattoo parlors should be a permitted use in the C-1 zone.

Referring to our ‘first floor retail’ zoning requirement, Mayor Volk stated that after several years this policy has not been effective. Council is now considering these changes to promote foot traffic and fill the vacant storefronts.

Michele Greene, 93 Wallace St asked about the boundaries of the C-1 zone. Mr. Duffield invited her to see him or the Zoning Officer for clarification.

Robin Harrison, 66 Curtis Ave asked about the Downtown Redevelopment Zone.

President Fleming answered her question.

Chiara Marks, age 13 spoke in favor of 2208-14 and is not against tattoo shops.

Cheryl Reifsteck, 205 S. Barber Avenue spoke in favor of the ordinance. She welcomes the diversity of cultures in Woodbury. She encouraged Council to review published studies on the correlation of music, noise, and music therapy.

Craig Hargrove, 28 Penn St is concerned that car dealers are parking on their closed Walgreen's lot. Randi Woerner will investigate this situation.

Hearing no one else, on motion of Councilman Trovato, seconded by Councilman Swanson and unanimously approved the public hearing was closed.

Mr. Pierson reiterated his legal opinion that since it involves a zoning issue, the ordinance should be amended tonight and another public hearing be held at the next meeting. However Council does not have to follow his advice.

Councilman Swanson and Economic Development Director Randi Woerner each urged Council to adopt the ordinance tonight without further delay.

On motion of Councilman Trovato, seconded by Councilman Swanson, the following amendment to Ordinance #2208-14 was unanimously approved:

“(3) Live Entertainment Facilities provided the following regulations are met:

(e) All entertainment activities must take place within the building or attached deck or patio or as part of an approved sidewalk café. Entertainment activity on attached deck, patio, or part of approved sidewalk café shall be limited to 10pm. Sidewalk cafés are permitted subject to Chapter 168.”

On motion of Councilman Swanson seconded by Councilman Johnson, Council went into Committee of the Whole. President Fleming polled each member to see whether they wished to schedule another public hearing and vote on Ord. #2208-14 at a future Council meeting, or vote on it tonight:

Councilman Johnson: vote on it tonight

Councilwoman Carter: vote on it tonight

Councilman Hock: on advice of our Solicitor, hold another public hearing

President Fleming: vote on it tonight

Councilwoman Parker: vote on it tonight

Councilwoman Tierney: on advice of our Solicitor, hold another public hearing

Councilman Trovato: vote on it tonight

Councilman Swanson: vote on it tonight

Councilman Lockman: vote on it tonight

Mr. Pierson, City Solicitor reiterated that Council has two options: vote tonight to adopt the ordinance as amended; or approve the amendment this evening, and hold another Public Hearing and vote for final adoption being at a future meeting.

On motion of Councilwoman Parker seconded by Councilman Johnson, the Committee of the Whole was closed.

On motion of Councilman Trovato, seconded by Councilman Swanson, Ordinance #2208-14 as amended was adopted by roll call vote:

Ayes 7 Swanson, Trovato, Johnson, Lockman, Parker, Carter, President Fleming

Nays 2 Tierney, Hock

Economic Development Director

Randi Woerner announced the upcoming Grand Opening of Studio 240 Salon on S Broad St. Also, tomorrow morning TV Channel 10 will broadcast a short segment on the opening of new businesses in Woodbury.

Community Relations Committee

Councilwoman Tierney invited Tim Zatzariny to attend the next meeting of this Committee to discuss Ordinance #2213-14 regarding Social Affairs permits. President Fleming stated he also is looking to invite other organizations to attend.

The Parade Committee met last night; applications are on our website. Make a Difference Day will be October 25 and focus on the corner of Broad & East Barber with the help of the County's Landscape Architect.

Councilwoman Tierney expressed her disappointment with the recent decision of the Planning/Zoning Board regarding the Green Hotel, and read a letter from resident Susan Crowley Bowe urging the preservation of this historic building. She also pointed out that the proposal to build a parking lot there is not a permitted use. Mr. Pierson agreed that a use variance would be required to build a parking lot there.

Environmental and Green Acres Committee

Ordinance #2209-14 - Ordinance Amending the Zoning Code of the City of Woodbury Establishing a Section “Tree Protection/Compensatory Plantings” and Adopting Checklist

Councilman Hock presented the above-titled ordinance for final adoption. The City Clerk read the title of the ordinance.

On motion of Councilman Hock, seconded by Councilman Swanson, and unanimously approved, the Public Hearing on this ordinance was opened.

Jean Dunn, 438 Morgan Avenue, spoke in favor of the ordinance; however it does not address the replacement of trees along the public streets. Mr. Pierson advised her that this issue was addressed in Ordinance 2200-14 adopted last month.

Diane Hill, 88 Wallace Street, related an incident where she had a tree removed at her expense which was uplifting her sidewalk; she later came home to find the City had planted another tree in its place. She is suggesting that when trees are removed the City should ask the property owner before planting new ones.

Craig Hargrove, 28 Penn Street, asked who is responsible to spray for the ants that trees sometimes attract. Pres. Fleming advised him to call the City when needed.

Hearing no one else, on motion of Councilman Hock, seconded by Councilwoman Parker and unanimously approved the Public Hearing was closed.

On motion of Councilman Hock, seconded by Councilwoman Tierney, the ordinance was unanimously adopted by a roll call vote.

Ayes 9 Tierney, Hock, Swanson, Trovato, Johnson, Lockman, Parker,
Carter, President Fleming
Nays 0

Councilman Hock advised there will be a Green Team on September 8, 2014.

Community Development Committee

Councilman Johnson thanked Federici & Akin Engineers for their donation toward the purchase of football helmets, and thanked Mayor Volk for contacting them. They have collected \$6,500 and he thanks all who have contributed. Councilwoman Parker added that they are still collecting used clothing as a fundraiser for this cause.

Property Committee

Ordinance #2210-14 - An Ordinance of the City of Woodbury Amending the Code of the City of Woodbury Creating Section “Vacant Properties” Establishing Registration Requirements, Registration Fees, Inspection, Maintenance and Insurance Requirements of Vacant Properties

Councilman Lockman presented the above-titled ordinance for final adoption. The City Clerk read the title of the ordinance.

On motion of Councilman Lockman, seconded by Councilman Swanson, and unanimously approved, the Public Hearing on this ordinance was opened.

Hearing no one, on motion of Councilman Lockman, seconded by Councilwoman Parker and unanimously approved the Public Hearing was closed.

On motion of Councilman Lockman, seconded by Councilwoman Tierney, the ordinance was unanimously adopted by roll call vote:

Ayes 9 Tierney, Hock, Swanson, Trovato, Johnson, Lockman, Parker,
Carter, President Fleming
Nays 0

Councilman Swanson commended Mr. Lockman's efforts to put forth this ordinance.

Mayor's report

Mayor William Volk spoke on the following:

- 1) Grand Openings of Studio 240, and DelBuono's Bakery; Patients First
- 2) Thank you to Councilmembers Hock and Tierney and Freeholder Adam Taliaferro for joining him at the 100th Birthday of Kathryn Jones;
- 3) Thank you to all who helped train and work with our high school students/summer interns, they helped tremendously;
- 4) Welcome home to SPC Stacey Kowalski after a tour of duty in Afghanistan.

Clerk's report

City Clerk Roy A Duffield read an invitation to Mayor and Council to the annual Patriot Day ceremonies on September 11 in Mantua Twp.

Open to the Public for Non-Agenda Items

On motion of Councilman Trovato, seconded by Councilman Swanson, and unanimously approved, the Regular Order of Business was suspended and the floor was open to the Public for any items.

Chris Kane, Glassboro resident commended Council for adopting #2208-14.

Tim Zatariny also commended Council for adopting #2208-14 and noted that tattoo shops are heavily regulated by the state, which should alleviate some concerns.

Sylvia Phillips, 26 Nelson Ave is concerned about recent events in Ferguson, Missouri and hopes our Police Dept is properly trained to avoid a similar occurrence. She read a 5-page letter asking if our Police are equipped with body cameras, proper training, minority hiring, building community trust, and more. Chief Merinuk answered most of her questions and she hopes for a written response to her letter.

Valerie Robinson and Gloria Holmes, of Nelson Avenue came forward to support Mrs. Phillips' comments.

Anthony Chiesa, 36 Rugby Place, stated that he knows of other municipalities who allow for one day social affairs permits, referring to Ordinance #2213-14.

Gloria Holmes, 19 Nelson Avenue, thanked Council, Inspira Hospital and Randi Woerner for recognizing the former Colored Peoples Cemetery on Red Bank Avenue.

Hearing no one else, on motion of Councilman Swanson, seconded by Councilman Johnson, and unanimously approved, the Public Hearing was closed and the Regular Order of Business was resumed.

There being no further business before Council, on motion of Councilman Swanson, seconded by Councilwoman Tierney, and unanimously approved the meeting was adjourned at 10:22 pm.

Respectfully submitted,

ROY A. DUFFIELD
City Clerk

Other Officials Present

Administrator: Michael Theokas	Solicitor: James Pierson, Esq.
Chief Financial Officer: Robert Law	Fire Official: Joseph Buono
City Clerk: Roy A. Duffield	Library Director: Jean Wipf
City Engineer: Paul Breier	Econ. Development Director: Randi Woerner
Police: Chief Reed Merinuk and Captain Tom Ryan	