



Revised: 11.12.15

Agenda
Meeting of the Municipal Council
Thursday, November 12, 2015

I. Executive Session – 4:30 p.m.

Resolution 2015-383 Authorizing a Meeting which Excludes the Public

A. Personnel Matters:

1. Director of Communications Position
2. Deputy City Manager

B. Contract Negotiations:

1. 2016 Professional Services
2. Carter Sackman - Savoy Theater
3. Asbury Parnters/iStar – Bradley Cove

C. Litigation:

1. Famularo Disciplinary Proceeding

II. Work Session – 6:30 p.m.

A. Clerk to Call Work Session to Order/Roll Call.

B. Presentations

1. Items to be presented by **Christine Ballard, City Engineer, T&M Associates:**
 - a. Wastewater Treatment Plant Emergency Generator Replacement
 - b. TWA Application – 1101 Ocean Avenue
 - c. Proposal for Traffic Signal Warrant Studies

C. Review/Follow-Up Regarding Any Issues Addressed at Work Session of Monday, November 9, 2015.

D. Matters from City Council.

E. Matters from City Manager.

F. Matters from City Attorney

III. Regular Meeting – 7:00 p.m.

A. Clerk to Call Meeting to Order/Roll Call.

- B. Silent Prayer/Moment of Reflection.
- C. Salute to the Flag
- D. **(Announcement by City Clerk):** As to compliance with the “Open Public Meetings Act,” Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and The Star Ledger on January 2, 2015, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

E. **PROCLAMATION RECONGIZNING SHILOH COMMUNITY FELLOWSHIP MINISTRIES**

F. Public Participation **(Announcement by City Clerk):**

May I have a motion to open the public comment portion of the meeting with a 3-minute time limit for each speaker. Take Motion.

[The Public is expected to conduct themselves in a proper manner. Any derogatory, abusive, or threatening statements will not be permitted. The Chair will immediately rule such conduct out of order and, after appropriate warning, may terminate any further comments from that speaker.]

F. Acceptance of Minutes:

- October 26, 2015 – Workshop Session
- October 28, 2015 – Executive Session
- October 28, 2015 – Regular Session
- October 29, 2015 – Special Executive Session

H. Consent Agenda Resolutions.

[All matters listed on the Consent Agenda are presented collectively to the City Council, and will be considered for approval with one vote. These matters are considered to be routine in nature, and there will be no individual discussion of these items. If discussion is desired by one or more Council member(s) as to any particular item(s), then said item(s) shall be removed from the Consent Agenda and considered separately.]

- 2015-384 Approving Special Events/Wedding Applications as Presented on November 9, 2015
- 2015-385 Resolution Authorizing the Payment of Payroll in the Amount of \$859,791.64
- 2015-386 Resolution Authorizing the Disposition of Surplus Vehicles and Property
- 2015-387 Resolution Authorizing Approval of a City of Asbury Park Fire Department Member’s Enrollment into NJ State Firemen’s Association

I. Individual Resolutions

- 2015-376 Resolution Authorizing Finance to Negotiate with Vendors for Vehicle Maintenance Repairs
- 2015-388 Resolution Authorizing the Payment of Bills in the Amount of \$1,937,731.87
- 2015-389 Resolution Authorizing the Purchase of Six (6) MVR's for the Police Department
- 2015-390 Authorizing Appointments to the Public Art Committee
- 2015-391 Amending the Metered Parking Requirements in the Downtown and Waterfront Areas of the City, Effective Every Wednesday during the Time Period from November 26, 2015 Through January 1, 2016
- 2015-392 Award of Contract for Regional Contribution Agreement Project (405 First Avenue)
- 2015-393 Award of Contract for Regional Contribution Agreement Project 1306 Fourth Avenue)
- 2015-394 Award of Contract for Regional Contribution Agreement Project (1219 Monroe Avenue)
- 2015-395 Award of Contract for Regional Contribution Agreement Project (1409 Bangs Avenue)
- 2015-396 Resolution of the Mayor and City Council of the City of Asbury Park Approving the Execution of an Amended Memorandum of Understanding with New Jersey Department of Environmental Protection for the Springwood Avenue Brownfield Development Area
- 2015-397 Resolution Authorizing Consent to New Jersey Department of Environmental Protection Permit for 1101 Ocean Avenue
- 2015-398 Authorizing the City of Asbury Park to Enter into a License Agreement to Permit an Encroachment into an Area of the City Right-Of-Way Adjacent to the Property Located at 550 Cookman Avenue (Block 3105, Lot 4)
- 2015-399 Authorizing the City of Asbury Park to Enter into a License Agreement to Permit an Encroachment into an Area of the City Right-Of-Way Adjacent to the Property Located at 550 Cookman Avenue (Block 3105, Lot 4)

J. Ordinances:

1. First Reading/Introduction:

- 2015-47 An Ordinance Amending and Supplementing Section 7-20, Entitled "One-Way Streets," of Chapter VII, "Traffic," of the "Code of the City of Asbury Park, New Jersey."
- 2015-48 Amending and Supplementing Subsection 2-10.1, Entitled "Voluntary Special Duty Assignments for Police Officers and Fire Fighters," of Section 2-10, "Special Duty Assignments," of Chapter II, Administration," of the "Code Of The City Of Asbury Park, New Jersey."
- 2015-49 An Ordinance Amending and Supplementing Section 4-1, Entitled "Business Licenses," of Chapter IV, "General Licensing," of the "Code Of the City of Asbury Park, New Jersey."

- 2015-50 An Ordinance Amending and Supplementing Chapter II, Entitled “Administration,” of the “Code of the City of Asbury Park, New Jersey,” in Order to Establish a New Section Thereof to be Known as Section 2-86, Entitled “Requests Which Require Services to be Rendered by Professionals Appointed and/or Employed by the City- Application Procedure And Escrow Requirement.”

[Set Public Hearing Date for Each Ordinance Introduced.]

2. Second Reading/Public Hearing:

- 2015-42 Amending and Supplementing Subsection 28-1.5b, Entitled “Vital Statistics,” “Fees” Of Section 28-1, Entitled “Administration,” of Chapter XXVIII, entitled “Health Regulations,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey.”
- 2015-43 Amending and Supplementing Subsection 9-2.3, Entitled “Cat and Dog Licensing Fees,” of Section 9-2, Entitled “Licensing of Dogs,” of Chapter IX, Entitled “Animal Control,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey.”
- 2015-44 Amending and Supplementing Subsection 6-3.4, Entitled “License Fees; Maximum Number,” of Section 6-3, Entitled “Licenses,” of Chapter VI, Entitled “Alcoholic Beverage Control,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey.”
- 2015-45 Repealing Section 2-20, Entitled “Department of Commerce,” and Amending and Supplementing Section 2-22, “Department of Communications,” of Chapter II, “Administration,” and Amending and Supplementing Chapter IV, “General Licensing,” of the “Code of the City of Asbury Park, New Jersey.”
- 2015-46 Authorizing the City of Asbury Park to Convey an Easement Over Certain Portions of the Right of Way Area (Air Space) Adjacent to the Property Located at 550 Cookman Avenue (Block 3105, Lot 4 f/k/a Block 117 Lot 10.01)

[Open and Close Public Hearing on Each Ordinance, and Vote to Adopt.]

K. Adjournment.



MINUTES
Meeting of the Municipal Council
Thursday, November 12, 2015
WORK SESSION AND REGULAR MEETING

City Clerk Dye called the meeting to order at 6:30 p.m.

The following Council Members were present: Council Member Yvonne Clayton, Council Member Jesse Kendle, Council Member Joe Woerner, Deputy Mayor Amy Quinn and Mayor John Moor. Also present were: City Attorney Frederick Raffetto, City Manager Michael Capabianco and City Clerk Cindy Dye.

City Clerk Dye announced the following: "As to compliance with the "Open Public Meetings Act," Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and Star Ledger on January 2, 2015, and posted on the bulletin board the same date. All notices are on file with the City Clerk."

Work Session

PRESENTATIONS

1. Items to be presented by **Christine Ballard, City Engineer, T&M Associates:**
 - a. Wastewater Treatment Plant Emergency Generator Replacement
 - b. TWA Application – 1101 Ocean Avenue
 - c. Proposal for Traffic Signal Warrant Studies

City Engineer Ballard made a presentation to Council regarding the above-referenced items.

REVIEW/FOLLOW-UP REGARDING ANY ISSUES ADDRESSED AT WORK SESSION OF MONDAY, NOVEMBER 9, 2015

Acting Deputy City Manager Keeddy followed-up on issues raised at the November 9, 2015 workshop meeting.

MATTERS FROM CITY COUNCIL

Council Member Woerner provided an update regarding the Bradley Cove. He requested that a record sheet be kept regarding the monies paid toward infrastructure and what is being paid out of where.

Councilwoman Clayton stated that the Quality of Life Committee, in conjunction with the Chamber of Commerce, will be holding a holiday decorating contest.

Councilman Kendle thanked the VFW and others on the Veteran's Day Event. He issued an apologized for arguing with a resident at the October 28, 2015 Council meeting.

Deputy Mayor Quinn sends her condolences to the Jones' family. APTV had their volunteer recruitment and will next go into the schools to solicit volunteers. An Abatement Committee has been form to review abatements and to make sure workforce development is integrated into the agreements.

Mayor Moor requested an update on the fitness for duty policy. He wanted a status of the LESO resolution. He reminded residents to sign up for Nixel in order to received emergency information. Cameras are starting to be installed. He requested an update on the boardwalk lighting project. He requested an update on the out-of-state license plate and if anything could be done. He announced that NJ Transit and NJDOT completed the 3rd and 4th Avenue crossings. The Deal Lake dredging has begun.

MATTERS FROM CITY MANAGER - None

MATTERS FROM CITY ATTORNEY - None

REGULAR MEETING

The City Clerk announced as in compliance with the "Open Public Meetings Act," Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and The Star Ledger on January 2, 2015, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

PROCLAMATIONS

- a. Proclamation Recognizing Shiloh Community Fellowship Ministries

Councilwoman Clayton read the proclamations into the record.

PUBLIC PARTICIPATION

Motion made by Council Member Woerner and seconded by Council Member Clayton to open the meeting to the public. All were in favor.

City Clerk Dye made the following announcement: "The Public is expected to conduct themselves in a proper manner. Any derogatory, abusive, or threatening statements will not be permitted. The Chair will immediately rule such conduct out of order and, after appropriate warning, may terminate any further comments from that speaker."

The following members of the public spoke: Dwayne Smalls, Tracey Rogers, Michael DiFordino, Rita Marano, Loris Ross, Calvin Anderson, Anita Weiner, Jerry Scarano, Matt Hopkins, Maggie Quinton, Werner Baumgartner, David Baumbuster and Tom Gilmour.

Motion made by Council Member Kendle and seconded by Council Member Woerner to close the public portion of the meeting. All were in favor.

ACCEPTANCE OF MINUTES:

- October 26, 2015 – Workshop Session
- October 28, 2015 – Executive Session
- October 28, 2015 – Regular Session
- October 29, 2015 – Special Executive Session

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle	X		X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn					
Mayor John Moor			X		

CONSENT AGENDA RESOLUTIONS

[All matters listed on the Consent Agenda are presented collectively to the City Council, and will be considered for approval with one vote. These matters are considered to be routine in nature, and there will be no individual discussion of these items. If discussion is desired by one or more Council member(s) as to any particular item(s), then said item(s) shall be removed from the Consent Agenda and considered separately.]

2015-384 Approving Special Events/Wedding Applications as Presented on
November 9, 2015

Resolution of the City of Asbury Park 2015-384

WHEREAS, AT WORK SESSION MEETING OF THE Mayor and Council held on November 9, 2015, the following Special Events Applications were presented for approval by the Director of Commerce:

1. Polar Bear Races
2. Sons of Ireland Polar Bear Plunge
3. 24th Annual AP Fishing Club Fishing Flea Market- requesting City date
4. Second Annual Tutu for BGCM

WHEREAS, the Mayor and Council have determined to approve said applications, so long as all requirements of the City's "special Events" Ordinance (Section 4-10 of the City Code) have been satisfied by the respective applicants, as well as any other requirements imposed by the City's Police Department and/or Special events Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, that all the above referenced Special Events Applications are hereby approved, so long as all requirements of the City's "Special Events" Ordinance (Section 4-10 of the City Code) have been satisfied by the respective

applicants, as well as any other requirements imposed by the City's Police Department and/or Special events Committee.

2015-385 Resolution Authorizing the Payment of Payroll in the Amount of
\$859,791.64

**Resolution #2015-385
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF
\$859,791.64**

WHEREAS, the October 30, 2015 payroll in the amount of \$859,791.64, has been approved by the Chief Financial Officer and has subsequently been audited and found correct; and

BE IT RESOLVED, that the payroll payable totaling \$859,791.64 is hereby authorized to be paid, and;

BE IT FURTHER RESOLVED, that proper officers are hereby authorized to execute payment of said payroll.

2015-386 Resolution Authorizing the Disposition of Surplus Vehicles and Property

Resolution # 2015-386

**City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE DISPOSITION OF
SURPLUS VEHICLES AND PROPERTY**

WHEREAS, the City of Asbury Park has several vehicles and property that have exceeded their useful life and no longer serve the needs of the City of Asbury Park; and

WHEREAS, it is the desire of the Mayor and City Council to declare the vehicles and property as surplus as follows:

- 1) 2000 Ford CRV VIN # 2FAFP71W3YX136658
- 2) 2009 Radar Speed Trailer VIN # 1B9BRO9199H659033
- 3) 2005 Radar Speed Trailer VIN # 400017340050101
- 4) 2006 Dodge Durango VIN # 1D4HB38N46F148921
- 5) 1994 GMC Pickup VIN# 1GTGK24NXRE525366
- 6) 1989 Chevy Step Van VIN# 1GBHP32K0K3316003

WHEREAS, the vehicles and equipment will be discarded/recycled as there is no value to these items.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park do hereby authorize the disposition of the vehicles and equipment listed above as they are no longer needed for municipal purposes and is hereby considered surplus.

2015-387 Resolution Authorizing Approval of a City of Asbury Park Fire Department Member's Enrollment into NJ State Firemen's Association

Resolution # 2015-387

**City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING APPROVAL OF A CITY OF ASBURY PARK FIRE
DEPARTMENT MEMBER'S ENROLLMENT INTO
NJ STATE FIREMEN'S ASSOCIATION**

BE IT RESOVLED, by the City Council of the City of Asbury Park that we hereby approve and authorize Charles R. Dawson to enroll in the New Jersey State Firemen's Association;

BE IT FURTHER RESOLVED that the City Council hereby authorized the City Clerk to certify said membership applications.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the following:

1. Fire Chief

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton	X		X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

I. Individual Resolutions

2015-376 Resolution Authorizing Finance to Negotiate with Vendors for Vehicle Maintenance Repairs

**Resolution #2015-376
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE FINANCE DEPARTMENT TO NEGOTIATE
WITH VENDORS FOR VEHICLE MAINTENANCE REPAIRS.**

WHEREAS, the City of Asbury Park duly advertised on December 4, 2014 and February 12, 2015 for the receipt of bids for vehicle maintenance repair services; and

WHEREAS, in response to the invitation to bidders, no bids were received on both occasions; and

WHEREAS, the New Jersey Local Public Contracts Law, at N.J.S.A. 40A: 11-5(3), permits any contract amount which exceeds the applicable bid threshold to be negotiated and awarded by resolution of the governing body (upon the affirmative vote of 2/3 of the authorized membership thereof) if bids have been advertised on two occasions and no bids were received on both occasions; and

WHEREAS, in view of the above, it is the desire of the Governing Body to authorize the Finance Department to negotiate with various vendors to provide vehicle maintenance repair services, on an as-needed basis, and to enter into contracts relating thereto; and

WHEREAS, a certification of availability of funds will be obtained if required to confirm there are sufficient funds in the current operating budget, various operating appropriations, as needed, to cover the cost of these services.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey (with not less than 2/3 of the authorized membership thereof voting in the affirmative), that the Finance Department is hereby authorized to negotiate with various vendors to provide vehicle maintenance repair services, on an as-needed basis, for City vehicles, and to enter into contracts relating thereto.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton		X	X		
Council Member Jesse Kandle	X		X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2015-388 Resolution Authorizing the Payment of Bills in the Amount of
\$1,937,731.87

**Resolution #2015-388
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF
\$1,937,731.87**

WHEREAS, the following listed vouchers payable have been approved by the Chief Financial Officer and have subsequently been audited and found correct:

BE IT RESOLVED, that these vouchers payable totaling \$1,937,731.87 to be paid and:

BE IT FURTHER RESOLVED, that proper officers are hereby authorized to execute and issue warrants for payment of said vouchers, but only if and when the conditions of the City Treasury shall permit.

CURRENT VOUCHERS	\$1,384,753.87
BOARD OF EDUCATION	\$ 552,978.00
TOTAL VOUCHERS	\$1,937,731.87

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle	X		X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

2015-389 Resolution Authorizing the Purchase of Six (6) MVR's for the Police Department

**Resolution #2015-389
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AUTHORIZING THE PURCHASE OF SIX (6) MVR'S FOR THE POLICE DEPARTMENT

WHEREAS, the City has determined that the purchase of six MVR's for the Police Department is reasonable and necessary; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the New Jersey Local Public Contracts Law, N.J.S.A. 40A: 11-12; and

WHEREAS, Wireless Communications & Electronics of West Berlin, New Jersey has been awarded a New Jersey State Contract (A89980) for the purchase of this type of equipment; and

WHEREAS, the Qualified Purchasing Agent indicates that the utilization of this contract is consistent with the New Jersey State bidding procedures and that it represents the best price and other factors available to the City at this time; and,

WHEREAS, sufficient funds exist in General Capital Account Number C-04-55-998-014-002 to purchase the six MVR's, as per the attached Certification of Funds.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park, in the County of Monmouth, and in the State of New Jersey hereby ratifies and approves the use of New Jersey State Contract A89980 with Wireless Communications & Electronics of West Berlin, New Jersey in the amount of \$44,431.20 for the purchase of six MVR's for the Police Department.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton	X		X		
Council Member Jesse Kendle		X	X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2015-390 Authorizing Appointments to the Public Art Committee

Resolution # 2015-390

**City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING APPOINTMENTS TO THE
PUBLIC ART COMMITTEE**

WHEREAS, pursuant to Section 2-43 of the "Revised General Ordinances of the City of Asbury Park, New Jersey," a Public Art Committee (the "Committee") has been duly created in and for the City of Asbury Park (the "City"); and

WHEREAS, the Mayor and Council now wish to appoint certain individuals to serve on the Committee, in accordance with the provisions set forth in the Section referenced above.

NOW, THEREFORE, BE IT RESOLVED, that the following individuals are hereby appointed to serve on the Public Art Committee for the term referenced:

Appointee

Michele Alanso

Marilyn Schlossbach

Term to Expire

December 31, 2015

December 31, 2015

BE IT FURTHER RESOLVED, that the Committee shall operate in accordance with the provisions set forth in Section 2-43 of the "Revised General Ordinances of the City of Asbury Park, New Jersey."

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton	X		X		
Council Member Jesse Kendle		X	X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2015-391 Amending the Metered Parking Requirements in the Downtown and Waterfront Areas of the City, Effective Every Wednesday during the Time Period from November 26, 2015 Through January 1, 2016

Council unanimously agreed to change the resolution to reflect Saturday instead of Wednesday. Revised resolution is as follows:

Resolution # 2015-391

**City of Asbury Park
County of Monmouth
State of New Jersey**

**AMENDING THE METERED PARKING REQUIREMENTS
IN THE DOWNTOWN AND WATERFRONT AREAS OF THE CITY,
EFFECTIVE EVERY SATURDAY DURING THE TIME PERIOD
FROM NOVEMBER 28, 2015 THROUGH DECEMBER 26, 2015.**

WHEREAS, the requirements concerning metered parking in the downtown and waterfront areas of the City of Asbury Park (“the City”) were established per Ordinance No. 2982 (the “Ordinance”), which was adopted by the Mayor and City Council on May 19, 2011, and which has subsequently been amended in certain limited respects; and

WHEREAS, the Mayor and Council have previously taken action by Resolution to modify the metered parking requirements as set forth in the Ordinance for certain temporary periods of time for various reasons; and

WHEREAS, as an incentive to encourage increased business for the merchants in the downtown and waterfront areas of the City during the holiday season, the Mayor and Council wish to temporarily suspend the metered parking requirements in those areas so as to allow for “free” parking between the hours of 12:00 p.m. and 6:00 p.m. of each Saturday, commencing on November 28, 2015, through to and including December 26, 2015; and

WHEREAS, the purpose of this Resolution is to memorialize this temporary suspension of the metered parking requirements.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and City Council of the City of Asbury Park that the metered parking requirements in the downtown and

waterfront areas of the City, as established per Ordinance No. 2982, as amended, are hereby suspended so as to allow for “free” parking 12:00 p.m. and 6:00 p.m. of each Saturday, commencing on November 28, 2015, through to and including December 26, 2015.

BE IT FURTHER RESOLVED, that as of Saturday, January 2, 2016, the regular metered parking requirements as set forth in Ordinance No. 2982, as amended, shall resume once again.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- (a) Parking Committee;
- (b) Michael N. Capabianco, City Manager;
- (c) Acting Police Chief Anthony Salerno;
- (d) Christine Ballard, P.E. (T&M Associates), City Engineer; and
- (e) Frederick C. Raffetto, Esq., City Attorney

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle	X		X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

2015-392 Award of Contract for Regional Contribution Agreement Project (405 First Avenue)

Resolution # 2015-392

**City of Asbury Park
County of Monmouth
State of New Jersey**

WHEREAS, request for estimates for Regional Contribution Agreement (“RCA”) project located at 405 First Avenue were received by the City Clerk on October 23, 2015; and

WHEREAS, the results of those estimates are as follows:

1. CONTRACTOR	ESTIMATE
A Paul Contracting	\$16,900
Anpe Corp.	\$21,080
Staff Estimate	\$15,350

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Asbury Park as follows:

1. The contract for the RCA project located at 405 First Avenue be awarded to A Paul Contracting, for an amount not to exceed \$16,900, in accordance with the selection of the property owner, Calvin and Angela Anderson subject of Certification of Funds from the Finance Officer.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton	X		X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

2015-393 Award of Contract for Regional Contribution Agreement Project 1306 Fourth Avenue)

Resolution # 2015-393

**City of Asbury Park
County of Monmouth
State of New Jersey**

WHEREAS, request for estimates for Regional Contribution Agreement (“RCA”) project located at 1306 Fourth Avenue were received by the City Clerk on October 23, 2015; and

WHEREAS, the results of those estimates are as follows:

1. CONTRACTOR	ESTIMATE
Taylor Brothers	\$19,775
Anpe Corp.	\$21,880
A Paul contracting	\$31,600
Staff Estimate	\$20,406

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Asbury Park as follows:

1. The contract for the RCA project located at 1306 Fourth Avenue be awarded to Taylor Brothers, for an amount not to exceed \$19,775, in accordance with the selection of the property owner, Cecilia Jones subject of Certification of Funds from the Finance Officer.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton		X	X		
Council Member Jesse Kendle	X		X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2015-394 Award of Contract for Regional Contribution Agreement Project (1219 Monroe Avenue)

Resolution # 2015-394

**City of Asbury Park
County of Monmouth
State of New Jersey**

WHEREAS, request for estimates for Regional Contribution Agreement (“RCA”) project located at 1219 Monroe Avenue were received by the City Clerk on October 23, 2015; and

WHEREAS, the results of those estimates are as follows:

CONTRACTOR	ESTIMATE
Anpe Corp.	\$23,871
Taylor Brothers	\$23,875
Ronald Todross	\$29,900
A Paul Contracting	\$52,800
Staff Estimate	\$22,786

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Asbury Park as follows:

1. The contract for the RCA project located at 1219 Monroe Avenue be awarded to Taylor Brothers, for an amount not to exceed \$23,875, contingent upon the owners paying the bid difference of \$4.00, in accordance with the selection of the property owner, Mollie George subject of Certification of Funds from the Finance Officer.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle	X		X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy			X		

Quinn					
Mayor John Moor			X		

2015-395 Award of Contract for Regional Contribution Agreement Project (1409 Bangs Avenue)

Resolution # 2015-395

**City of Asbury Park
County of Monmouth
State of New Jersey**

WHEREAS, request for estimates for Regional Contribution Agreement (“RCA”) project located at 1409 Bangs Avenue were received by the City Clerk on October 23, 2015; and

WHEREAS, the results of those estimates are as follows:

CONTRACTOR	ESTIMATE
Taylor Brothers	\$39,650
A Paul Contracting	\$39,950
Anpe Corp	\$42,720
Staff Estimate	\$38,447

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Asbury Park as follows:

1. The contract for the RCA project located at 1409 Bangs Avenue be awarded to Taylor Brothers, for an amount not to exceed \$39,650, in accordance with the selection of the property owner, Amanda Holt and Delores Holt subject of Certification of Funds from the Finance Officer.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton	X		X		
Council Member Jesse Kandle			X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

2015-396 Resolution of the Mayor and City Council of the City of Asbury Park Approving the Execution of an Amended Memorandum of Understanding with New Jersey Department of Environmental Protection for the Springwood Avenue Brownfield Development Area

Resolution # 2015-396

**City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF
ASBURY PARK APPROVING THE EXECUTION OF AN AMENDED
MEMORANDUM OF UNDERSTANDING WITH NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE
SPRINGWOOD AVENUE BROWNFIELD DEVELOPMENT AREA.**

WHEREAS, the City of Asbury Park applied in 2008 to the New Jersey Department of Environmental Protection for a Brownfields Development Area (BDA) designation and has participated in the program since then; and

WHEREAS, the City wishes to continue to participate in the BDA program; and

WHEREAS, the Memorandum of Understanding needs to be updated to reflect the current Mayor, chairperson and steering committee; and

WHEREAS, the City of Asbury Park and the Springwood Avenue Steering Committee have developed a partnership to redevelop the Springwood Avenue area; and

WHEREAS, the redevelopment will restore the commercial vitality of Springwood Avenue and create a neighborhood recapturing the former prominence of the area; and

WHEREAS, the portion of the area designated as the Springwood Avenue Redevelopment Area and proposed as a Brownfield Development Area is located along Springwood Avenue, generally bounded on the east by Memorial Drive; on the west by Neptune Township; on the south by the rear lot lines of the lots fronting onto Springwood Avenue; and on the north by the rear lot lines of lots fronting onto Springwood Avenue with the exceptions of the existing townhouses located on the southerly side of Springwood Avenue between Atkins Avenue and Memorial Drive (Block 101.01, Lots 20 through 15), the existing townhouses located on the easterly side of Union Avenue (Block 81.02, Lots 1 through 9) and the lots currently owned by Saint Stephen's Church (Block 81.01, Lot 1 and Block 81.03, Lots 1 through 10) are which are not included in the redevelopment area; and

WHEREAS, the Memorandum of Understanding for the Brownfields Development Area seeks to promote environmental protection and foster neighborhood revitalization.

NOW, THEREFORE, BE IT RESOLVED, that the City of Asbury Park hereby authorizes the execution of an amended Memorandum of Understanding with the Springwood Avenue Steering Committee and the NJDEP for a Brownfield Development Area in the Springwood Avenue Redevelopment Area.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Michele Alonso, Director of Planning and Redevelopment;
- b. Anthony Nuccio, Interim City Manager;
- c. Karl Kemm, Esq., Redevelopment Counsel; and
- c. Frederick C. Raffetto, Esquire, City Attorney.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2015-397 Resolution Authorizing Consent to New Jersey Department of Environmental Protection Permit for 1101 Ocean Avenue

Resolution # 2015-397

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AUTHORIZING CONSENT TO NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION PERMIT FOR 1101 OCEAN AVENUE

WHEREAS, AP Block 176 Venture, LLC, located at 1101 Ocean Avenue in the City of Asbury Park has made application to the New Jersey Department of Environmental Protection (“NJDEP”) for a Treatment Works Approval Permit concerning Block 4002, Lot 1; and

WHEREAS, the City Engineer has reviewed said application made by AP Block 176 Venture, LLC and has recommended execution of the same.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Asbury Park, County of Monmouth, State of New Jersey that the City Council hereby consents to the proposed project and hereby authorizes the City Manager to execute the NJDEP Statements of Consent on behalf of the City.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner	X		X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

2015-398 Authorizing the City of Asbury Park to Enter into a License Agreement to Permit an Encroachment into an Area of the City Right-Of-Way Adjacent to the Property Located at 550 Cookman Avenue (Block 3105, Lot 4)

Resolution # 2015-398

**City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING THE CITY OF ASBURY PARK TO ENTER INTO A
LICENSE AGREEMENT TO PERMIT AN ENCROACHMENT INTO AN AREA OF
THE CITY RIGHT-OF-WAY ADJACENT TO THE PROPERTY LOCATED AT
550 COOKMAN AVENUE (BLOCK 3105, LOT 4).**

WHEREAS, the City of Asbury Park (the “City”) has ownership and control over the public right-of-way areas located within the City, including the sidewalk area on Cookman Avenue which is in front of the restaurant operated by Marcus at Asbury, LLC (“Marcus”) at 550 Cookman Avenue, Unit 101, Asbury Park, New Jersey, known as “Happiness Bar & Grill”; and

WHEREAS, Marcus has requested that the City allow it to construct a temporary seasonal vestibule on and over a portion of the sidewalk in front of the said restaurant on Cookman Avenue, during specified months as set forth in the attached; and

WHEREAS, the City is willing to allow this temporary construction and encroachment under the terms and conditions set forth in the attached License Agreement (the “Agreement”).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, as follows:

- 1 That the Mayor is hereby authorized to execute, and the City Clerk to attest, the attached License Agreement, for the purposes set forth above.
2. That a certified copy of this Resolution shall be provided to each of the following:
 - (a) Michael N. Capabianco, City Manager;
 - (b) Salvatore Alfieri, Esq.;
 - (c) Frederick C. Raffetto, Esq., City Attorney;
 - (d) Michele Alonso, City Planner; and
 - (e) Barbara Van Wagner, Zoning Officer.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle		X	X		
Council Member Joe Woerner			X		
Deputy Mayor Amy	X		X		

Quinn					
Mayor John Moor			X		

2015-399 Authorizing the City of Asbury Park to Enter into a License Agreement to Permit an Encroachment into an Area of the City Right-Of-Way Adjacent to the Property Located at 550 Cookman Avenue (Block 3105, Lot 4)

Resolution # 2015-399

**City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING THE CITY OF ASBURY PARK TO ENTER INTO A
LICENSE AGREEMENT TO PERMIT AN ENCROACHMENT INTO AN AREA OF
THE CITY RIGHT-OF-WAY ADJACENT TO THE PROPERTY LOCATED AT
550 COOKMAN AVENUE (BLOCK 3105, LOT 4).**

WHEREAS, the City of Asbury Park (the “City”) has ownership and control over the public right-of-way areas located within the City, including the sidewalk area on Cookman Avenue which is in front of the restaurant operated by Vincenza, LLC (“Vincenza”) at 550 Cookman Avenue, Unit 101, Asbury Park, New Jersey, known as “Talula’s”; and

WHEREAS, Vincenza has requested that the City allow it to construct a temporary seasonal vestibule on and over a portion of the sidewalk in front of the said restaurant on Cookman Avenue, during specified months as set forth in the attached; and

WHEREAS, the City is willing to allow this temporary construction and encroachment under the terms and conditions set forth in the attached License Agreement (the “Agreement”).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, as follows:

- 1 That the Mayor is hereby authorized to execute, and the City Clerk to attest, the attached License Agreement, for the purposes set forth above.
2. That a certified copy of this Resolution shall be provided to each of the following:
 - (a) Michael N. Capabianco, City Manager;
 - (b) Vincenza, LLC;
 - (c) Frederick C. Raffetto, Esq., City Attorney;
 - (d) Michele Alonso, City Planner; and
 - (e) Barbara Van Wagner, Zoning Officer.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle	X		X		
Council Member Joe			X		

Woerner					
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

J. Ordinances:

1. First Reading/Introduction:

2015-47 An Ordinance Amending and Supplementing Section 7-20, Entitled “One-Way Streets,” of Chapter VII, “Traffic,” of the “Code of the City of Asbury Park, New Jersey.”

The City Clerk read by title Ordinance 2015-47.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle	X		X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor		X	X		

Public hearing is scheduled for December 9, 2015.

2015-48 Amending and Supplementing Subsection 2-10.1, Entitled “Voluntary Special Duty Assignments for Police Officers and Fire Fighters,” of Section 2-10, “Special Duty Assignments,” of Chapter II, Administration,” of the “Code Of The City Of Asbury Park, New Jersey.”

The City Clerk read by title Ordinance 2015-48.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle	X		X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

Public hearing is scheduled for December 9, 2015.

2015-49 An Ordinance Amending and Supplementing Section 4-1, Entitled “Business Licenses,” of Chapter IV, “General Licensing,” of the “Code Of the City of Asbury Park, New Jersey.”

The City Clerk read by title Ordinance 2015-49.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton	X		X		
Council Member Jesse Kendle		X	X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

Public hearing is scheduled for December 9, 2015.

2015-50 An Ordinance Amending and Supplementing Chapter II, Entitled “Administration,” of the “Code of the City of Asbury Park, New Jersey,” in Order to Establish a New Section Thereof to be Known as Section 2-86, Entitled “Requests Which Require Services to be Rendered by Professionals Appointed and/or Employed by the City- Application Procedure And Escrow Requirement.”

The City Clerk read by title Ordinance 2015-50.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle	X		X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

Public hearing is scheduled for December 9, 2015.

2. Second Reading/Public Hearing:

2015-42 Amending and Supplementing Subsection 28-1.5b, Entitled “Vital Statistics,” “Fees” Of Section 28-1, Entitled “Administration,” of Chapter XXVIII, entitled “Health Regulations,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey.”

**Asbury Park, New Jersey
ORDINANCE NO. 2015-42**

**AMENDING AND SUPPLEMENTING SUBSECTION 28-1.5b,
ENTITLED “VITAL STATISTICS,” “FEES” OF SECTION 28-1,
ENTITLED “ADMINISTRATION,” OF CHAPTER XXVIII,
ENTITLED “HEALTH REGULATIONS,” OF THE
“REVISED GENERAL ORDINANCES
OF THE CITY OF ASBURY PARK, NEW JERSEY.”**

WHEREAS, the City Council of the City of Asbury Park has determined that certain Sections of the City Code within the City of Asbury Park as set forth in Chapter XXVIII “Health”, Subsection 28-1.5b need to be revised.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and Council of the City of Asbury Park that the following is hereby amended as follows (additions are shown with underline; deletions are shown with ~~strikeout~~):

28-1.5 Vital Statistics.

b. *Fees.*

1. The local registrar, shall, upon request, supply to any applicant a certification or certified copy of the record of any birth, death, domestic partnership, marriage or civil union registered under the rules and regulations of the New Jersey Department of Health for a fee of ~~ten~~ fifteen (\$~~10.00~~ 15.00) dollars.

2. Performance of Marriage or Civil Union Ceremony. There shall be a fee in the amount of seventy-five (\$75.00) dollars for the Mayor or Deputy Mayor of the City of Asbury Park to perform a marriage or civil union ceremony. Such fee shall be deposited into the current fund, payable to the City of Asbury Park. Said funds shall then be disbursed by the City to the Mayor or Deputy Mayor, as appropriate, as compensation for the performance of the ceremony.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

Motion to open Ordinance 2015-42 to the public.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton		X	X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner	X		X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

Rita Marano questioned the contents of Ordinance 2015-42.

Motion to close Ordinance 2015-42 to the public.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton		X	X		
Council Member Jesse Kendle	X		X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

Motion to adopt Ordinance 2015-42.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton	X		X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2015-43 Amending and Supplementing Subsection 9-2.3, Entitled “Cat and Dog Licensing Fees,” of Section 9-2, Entitled “Licensing of Dogs,” of Chapter IX, Entitled “Animal Control,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey.”

**Asbury Park, New Jersey
ORDINANCE NO. 2015-43**

**AMENDING AND SUPPLEMENTING SUBSECTION 9-2.3,
ENTITLED “CAT AND DOG LICENSING FEES,” OF SECTION 9-2,
ENTITLED “LICENSING OF DOGS,” OF CHAPTER IX,
ENTITLED “ANIMAL CONTROL,”
OF THE “REVISED GENERAL ORDINANCES
OF THE CITY OF ASBURY PARK, NEW JERSEY.”**

WHEREAS, the City Council of the City of Asbury Park has determined that certain Sections of the City Code within the City of Asbury Park as set forth in Chapter IX “Animal Control”, Subsection 9-2.3 “Cat and Dog Licensing Fees” need to be revised.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and Council of the City of Asbury Park that the following is hereby amended as follows (additions are shown with underline; deletions are shown with ~~strikeout~~):

9-2 LICENSING OF DOGS AND CATS.

9-2.3 Cat and Dog Licensing Fees.

The fee for a dog or cat license and registration tag shall be as follows:

a. *Fee Schedule.*

	68. <i>Spayed/ 69. Neutered</i>	<i>Non-Spayed/ Non-Neutered</i>
License fee	\$10.80 <u>\$13.80</u>	\$10.80 <u>\$13.80</u>
N.J. Registration	\$1.00	\$1.00
N.J. Pilot Clinic Fund	\$.20	\$.20
N.J. Pet Population Control	n/a	\$3.00
Total:	\$12.00 <u>\$15.00</u>	\$15.00 <u>\$18.00</u>

b. *Replacement Tag Fee.* A fee of five (\$5.00) dollars will be charged for each replacement tag issued to an already registered dog or cat.

70.

~~b. c.~~ *Late fee.* A late fee of ten (\$10.00) dollars shall be assessed ~~after~~ beginning March 1 of each year.

~~c. d.~~ *Expiration.* For each annual renewal, the fee for the license and for the registration tag shall be the same as for the original license and tag. The license and registration tags expire on January 31 of the subsequent year.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

Motion to open Ordinance 2015-43 to the public.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner	X		X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

Rita Marano questioned the contents of Ordinance 2015-43.

Motion to close Ordinance 2015-43 to the public.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle	X		X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

Motion to adopt Ordinance 2015-43.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton	X		X		
Council Member Jesse Kendle		X	X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2015-44 Amending and Supplementing Subsection 6-3.4, Entitled “License Fees; Maximum Number,” of Section 6-3, Entitled “Licenses,” of Chapter VI, Entitled “Alcoholic Beverage Control,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey.”

**Asbury Park, New Jersey
ORDINANCE NO. 2015-44**

AMENDING AND SUPPLEMENTING SUBSECTION 6-3.4, ENTITLED “LICENSE FEES; MAXIMUM NUMBER,” OF SECTION 6-3, ENTITLED “LICENSES,” OF CHAPTER VI, ENTITLED “ALCOHOLIC BEVERAGE CONTROL,” OF THE “REVISED GENERAL ORDINANCES OF THE CITY OF ASBURY PARK, NEW JERSEY.”

WHEREAS, the City Council of the City of Asbury Park has determined that certain Sections of the City Code within the City of Asbury Park as set forth in Chapter VI “Alcoholic Beverage Control”, Section 6-3, subsection 6-3.4 need to be revised.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and Council of the City of Asbury Park that the following is hereby amended as follows (additions are shown with underline; deletions are shown with ~~strikeout~~):

6-3.4 License fees; ~~Maximum Number.~~

The annual license fees ~~and the maximum number of licenses for sale or distribution of~~ for alcoholic beverages in the City shall be as follows:

<i>Class of License</i>	<i>Annual License Fee</i>	<i>Number of Licenses</i>
Plenary Retail Consumption Licenses	\$2,500.00	37
Plenary Retail Distribution	\$2,147.00 <u>\$2,500.00</u>	3

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

Motion to open Ordinance 2015-44 to the public.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor	X		X		

Rita Marano questioned the contents of Ordinance 2015-44.

Motion to close Ordinance 2015-44 to the public.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle		X	X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

Motion to adopt Ordinance 2015-44.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton	X		X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2015-45 Repealing Section 2-20, Entitled “Department of Commerce,” and Amending and Supplementing Section 2-22, “Department of Communications,” of Chapter II, “Administration,” and Amending and Supplementing Chapter IV, “General Licensing,” of the “Code of the City of Asbury Park, New Jersey.”

**Asbury Park, New Jersey
ORDINANCE NO. 2015-45**

**REPEALING SECTION 2-20, ENTITLED “DEPARTMENT OF COMMERCE,”
AND AMENDING AND SUPPLEMENTING SECTION 2-22,
“DEPARTMENT OF COMMUNICATIONS,”
OF CHAPTER II, “ADMINISTRATION,”
AND AMENDING AND SUPPLEMENTING CHAPTER IV,
“GENERAL LICENSING,” OF THE
“CODE OF THE CITY OF ASBURY PARK, NEW JERSEY.”**

WHEREAS, as part of an overall review of the operations of the City government, the Mayor and Council have determined that, for reasons of efficiency and economy, it is no longer necessary to maintain a Department of Commerce within the City; and

WHEREAS, the Mayor and Council therefore wish to repeal and eliminate the existing provisions contained within the City Code relating to the Department of Commerce, along with the employment position(s) referenced therein; and

WHEREAS, the Mayor and Council also wish to make other revisions to the City Code which relate to the aforementioned issues.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that the existing provisions contained within Section 2-20, entitled “Department of Commerce,” of Chapter II, “Administration,” of the “Code of the City of Asbury Park, New Jersey,” including all Subsections and employment positions referenced therein, are hereby repealed and eliminated in their entirety.

BE IT FURTHER ORDAINED, that Section 2-22, entitled “Department of Communications,” of Chapter II, “Administration,” of the “Code of the City of Asbury Park, New Jersey,” is hereby amended and supplemented in the following specific respects (additions are shown with underline; deletions are shown with ~~strikeout~~):

CHAPTER II

ADMINISTRATION

2-22 DEPARTMENT OF COMMUNICATIONS.

2-22.1 Establishment.

There is established a Department of Communications, the head of which shall be the Director of the Department of Communications. The Department shall consist of those offices as established by ordinance of the Mayor and Council. Appointments shall be made by the City Manager with the advice and consent of the Mayor and Council.

2-22.2 Duties and Responsibilities.

The Director of the Department of Communications shall be responsible for the following:

- a. Managing and directing communications with:
 1. City employees;
 2. City residents;
 3. City businesses;
 4. General public.
- b. City website;
- c. Media inquiries;
- d. Serve as the Public Information Officer as required by the Office of Emergency Management during an emergency or at any time as directed by the City Manager;
- e. Branding campaigns;
- f. Digital, internet, social media and print marketing campaigns;
- g. Support and manage the City's computer systems including the maintenance and upgrades for hardware and equipment;
- h. Provide user training for employees;
- i. Oversee the Asbury Park TV Board of Commissioners;
- j. Develop, coordinate, implement and supervise the City's workforce development initiative, including the potential creation and implementation of a plan to assist City residents in obtaining employment and/or to counsel City residents as to how they may best be able obtain the skills and/or credentials needed for meaningful employment.
- ~~j.~~ k. Provide the City Manager with quarterly reports as to the Department's goals and accomplishments.

BE IT FURTHER ORDAINED, that Section 4-10, entitled "Permits for Special Events," of Chapter IV, "General Licensing," of the "Code of the City of Asbury Park, New Jersey," is hereby amended and supplemented in the following specific respects (additions are shown with underline; deletions are shown with ~~strikeout~~):

CHAPTER IV

GENERAL LICENSING

4-10 PERMITS FOR SPECIAL EVENTS.

a. 4-10.3 Application.

b.

a. A person or organization seeking issuance of a permit hereunder shall file an application with the ~~Director of Commerce~~ City Manager or his or her designee, on a form to be provided for that purpose, on which form the applicant shall furnish pertinent information to include but not limited to the following:

1. The name, address and telephone number of the applicant.
2. The name, address and telephone number of the person or persons, corporation, organization or association sponsoring the activity.
3. A detailed description of the proposed event and a sketch that shows the area or route to be used, along with proposed structures, tents, fences, barricades, signs, banners and restroom facilities, more commonly referred to as a "footprint."
4. The date(s) and hours for which the permit is desired.
5. The location of the event for which the permit is desired, and complete details as to how the applicant intends to provide for security, traffic control, site cleanup, separation of recyclables and disposal of trash and debris and parking (and in particular, whether any temporary parking areas will be required).
6. The number of attendees, participants, spectators, contestants and/or other people that are reasonably anticipated to attend the event.
7. A detailed description of the City's resources or services that shall be required to be provided in connection with the event.
8. Any applicant claiming status as a nonprofit organization shall be required to provide the necessary documentation to that effect.

b. Upon verification that the application is complete, the ~~Director of Commerce~~ City Manager or his or her designee shall refer the application to the Special Events Review Board for preliminary review in accordance with this section. The Special Events Review Board may require the applicant to supplement its application with any pertinent documentation that may be of assistance to the Board, and to the Mayor and City Council, in their review of the application.

c. All completed applications must be submitted to the ~~Director of Commerce~~ City Manager or his or her designee at least forty-five (45) days prior to the desired event, unless the applicant receives a waiver of this requirement from the Mayor and City Council, or unless the application is for a special event of the type covered by subsection d. below.

d. Permits for public gatherings and assemblies protected by the First Amendment to the United States Constitution and the New Jersey State Constitution (i.e., demonstrations, rallies,

etc.), shall receive an expedited review. Such permits shall be granted or denied by the City Manager, acting on behalf of the Mayor and City Council, within three (3) business days of receipt of a fully completed application. The City Manager's granting of an approval may be with such conditions as are deemed to be in the best interests of the City, upon consultation with members of the Special Events Review Board, Police Chief, Fire Chief, and any other relevant City officials.

4-10.4 Fees.

All applicants for special events permits shall be required to pay a nonrefundable application fee, as well as all other fees that are determined to be necessary by the Mayor and City Council depending upon the nature and extent of the proposed activity. The application fee shall be due and payable at the time that an application is submitted. Other fees that may be required include, but are not necessarily limited to, costs associated with the provision of police and/or fire supervision, emergency services, staffing, use of City owned property and/or use of City owner vehicles or equipment and the creation and/or use of temporary parking areas. A fee schedule setting forth all of the potential fees shall be established by the Mayor and City Council by Resolution. Applicants shall be provided with an estimate of required fees by the ~~Director of Commerce~~ City Manager or his or her designee after the Special Events Review Board has reviewed the contents of the application, pursuant to subsection 4-10.5 below. Final confirmation of the total fee shall be made by the Mayor and City Council, upon recommendation from the Special Events Review Board, during review of each specific application. All required fees shall be due and payable at least ten (10) days prior to the event. Any requests for reductions or waivers of fees must be submitted in writing to, and approved by, the Mayor and City Council. In addition to the fees payable prior to each event, the applicant shall be required to pay for any and all additional or unanticipated expenses which were occasioned or become necessary during or after the event, as a direct result of the event.

4-10.5 Special Events Review Board.

a. *Establishment; Purpose.* There is hereby created a Special Events Review Board within the City of Asbury Park. The purpose of the Special Events Review Board shall be to review all special events permit applications and to provide a written recommendation to the Mayor and City Council, through the ~~Director of Commerce~~ City Manager or his or her designee, relative to each application.

b. *Composition; Meetings.* The Special Events Review Board shall consist of the ~~Director of Commerce~~ City Manager or his or her designee, the Director of Social Services or his or her designee, the Police Chief or his or her designee, the Fire Chief or his or her designee, the Director of Public Works or his or her designee, and any other City Officials or employees as deemed necessary by the City Manager in order to properly review each application. The Special Events Review Board shall meet once per month and shall report its findings and recommendations to the Mayor and City Council for final approval of each special event. Unless otherwise advised, all applicants shall be required to appear personally before the Special Events Review Board, as well as before the Mayor and City Council, in support of their application.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

Motion to open Ordinance 2015-45 to the public.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

Werner Baumgartner, Calvin Anderson, Tom Gilmour and Rita Marano questioned the contents of Ordinance 2015-44.

Motion to close Ordinance 2015-45 to the public.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle	X		X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

Motion to adopt Ordinance 2015-45.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor	X		X		

2015-46 Authorizing the City of Asbury Park to Convey an Easement Over Certain Portions of the Right of Way Area (Air Space) Adjacent to the Property Located at 550 Cookman Avenue (Block 3105, Lot 4 f/k/a Block 117 Lot 10.01)

Motion to open Ordinance 2015-46 to the public.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle	X		X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

Rita Marano questioned the contents of Ordinance 2015-46.

Motion to close Ordinance 2015-46 to the public.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor	X		X		

Motion to adopt Ordinance 2015-46.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton				X	
Council Member Jesse Kendle		X	X		
Council Member Joe Woerner	X		X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

A motion was made to adjourn the meeting made by Council Member Kendle and seconded by Council Member Woerner. All were in favor.

The meeting was adjourned.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk