



Agenda
Meeting of the Municipal Council
Wednesday, December 9, 2015

I. Executive Session – 4:30 p.m.

Resolution 2015-413 Authorizing a Meeting which Excludes the Public

A. Contract Negotiations:

1. Board of Education Sale of Park Avenue Firehouse Property - Update
2. Tax Abatement for Boston Way Development by Alpert Group/Metro Company LLC
3. Asbury Partners, LLC/iStar - Asbury Lanes Redevelopment
4. Carter Sackman - Savoy Theater

B. Litigation:

1. Robert Abbott—Workers Compensation (Eric Nemeth, Esquire)
2. Stanley Niblack v. City of Asbury Park (Eric Nemeth, Esquire)
3. Rita Sullivan v. City of Asbury Park (Eric Nemeth, Esquire)
4. Famularo Disciplinary Proceeding
5. House of Independents (Biergarten) – Liquor License Special Conditions

II. Work Session – 6:30 p.m.

- A. Clerk to Call Work Session to Order/Roll Call
- B. Review/Follow-Up Regarding Any Issues Addressed at Work Session of Monday, December 7, 2015
- C. Matters from City Council
- D. Matters from City Manager
- E. 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 Recognizing Reverend William E. Coleman, Jr.**

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.]

G. **Acceptance of Minutes:**

- November 9, 2015 – Workshop Session
- November 12, 2015 – Executive Session
- November 12, 2015 – Regular Session
- November 23, 2015 – Workshop Session
- November 24, 2015 – Executive Session
- November 24, 2015 – Regular 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.]

- | | |
|----------|---|
| 2015-414 | Approving Special Events/Wedding Applications as Presented on December 7, 2015 |
| 2015-415 | Resolution Authorizing the Payment of Payroll in the Amount of \$876,633.96 |
| 2015-416 | Award of Contract for Regional Contribution Agreement Project (9 Ivy Place) |
| 2015-417 | Award of Contract for Regional Contribution Agreement Project (1503 Summerfield Avenue) |
| 2015-418 | Authorize Submission of a Grant Application to the State of New Jersey, Department of Public Safety, Division of Highway Traffic Safety, Under the Drive Sober or Get Pulled Over 2015 Statewide Year End Holiday Crackdown Grant |

I. **Individual Resolutions**

- 2015-367 Resolution Authorizing Participation in Section 1033 Program for Procurement of Federal Surplus Property from the Department of Defense and Delegating Authority for Local Administration of Participation in the Program.
- 2015-419 Resolution Authorizing the Payment of Bills in the Amount of \$1,408,906.21
- 2015-420 Resolution Authorizing T&M Associates to Proceed with 2015 Road Improvement Program
- 2015-421 Authorizing the City of Asbury Park to Implement the Competitive Contracting Process to Procure Vendors to Operate Various Concessions within the City
- 2015-422 Authorizing Settlement of a Worker's Compensation Claim Captioned Robert Abbott vs. City of Asbury Park

J. Ordinances:

1. First Reading/Introduction:

- 2015-53 An Ordinance Amending Salaries of Certain Employees within the City of Asbury Park, Monmouth County, NJ
- 2015-54 An Ordinance Amending and Supplementing Subsection 7-37.1, Entitled "Regulation for the Movement and the Parking of Traffic on Municipal Property and Board of Education Property, of Section 7-37, "Control For Movement and the Parking of Traffic on Public and Private Property Per N.J.S.A. 39:5A-1," of Chapter VII, "Traffic," of the "Code of the City of Asbury Park, New Jersey."

[Set Public Hearing Date for Each Ordinance Introduced.]

2. Second Reading/Public Hearing:

- 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.”
- 2015-51 An Ordinance Establishing a Fifteen (15) Minute Time Limit for a Single Parking Space Along Second Avenue, in the City of Asbury Park, New Jersey, and Amending and Supplementing the “Revised General Ordinances of the City of Asbury Park” Accordingly
- 2015-52 An Ordinance Amending and Supplementing Chapter XXX, “Land Development Regulations,” of the “Code of the City of Asbury Park, New Jersey.”

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

K. Adjournment.



MINUTES
Meeting of the Municipal Council
Wednesday, December 9, 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 Jesse Kendle, Council Member Yvonne Clayton, 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

REVIEW/FOLLOW-UP REGARDING ANY ISSUES ADDRESSED AT WORK SESSION OF MONDAY, DECEMBER 7, 2015

City Manager Capabianco followed-up on issues raised at the December 7, 2015 workshop meeting.

MATTERS FROM CITY COUNCIL

Mayor Moor reminded the public to sign up for Nixel for any emergency alerts.

Deputy Mayor Quinn reminded the public that there is free parking on Saturdays from 12 p.m. to 6 p.m. up to December 26.

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.

PROCLAMATION RECOGNIZING REVEREND WILLIAM E. COLEMAN, JR.

Deputy Mayor Quinn read the proclamation into the record.

PUBLIC PARTICIPATION

Motion made by Council Member Kendle and seconded by Council Member Woerner 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: Werner Baumgartner, Leslie Dickson, Robert Obler, Rita Marano, Frank Syphax, Calvin Henderson, Louise Murry, Maureen Nevin and Tracy Rogers.

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

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.]

2015-414 Approving Special Events/Wedding Applications as Presented on
December 7, 2015

Resolution # 2015-414

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

WHEREAS, AT WORK SESSION MEETING OF THE Mayor and Council held on November 23, 2015, the following Special Events Applications were presented for approval by the Director of Recreation:

1. First Day First Bier Run
2. AP Rotary Polar Bear Plunge
3. TNYA Icebreaker Swim-date only
4. Mt. Carmel Fair- date only
5. Born to Tri- date only
6. Asbury Fresh Farmers Market-date only

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.

2015-415 Resolution Authorizing the Payment of Payroll in the Amount of
\$876,633.96

**Resolution #2015-415
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF
\$876,633.96**

WHEREAS, the November 30, 2015 payroll in the amount of \$876,633.96, 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 \$876,933.96 is hereby authorized to be paid, and;

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

2015-416 Award of Contract for Regional Contribution Agreement Project (9 Ivy
Place)

Resolution # 2015-416

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

WHEREAS, request for estimates for Regional Contribution Agreement ("RCA") project located at 9 Ivy Place were received by the City Clerk on November 20, 2015; and

WHEREAS, the results of those estimates are as follows:

CONTRACTOR	ESTIMATE
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First Choice Home Maint. & Mgmt.	\$17,395
Anpe Corp.	\$19,811
Eric Racusin	\$26,400
Mustakas Contracting, LLC	\$27,290
Staff Estimate	\$21,596

WHEREAS, First Choice Home Maintenance & Management is more than 15% below the staff estimate and is therefore disqualified.

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 9 Ivy Place be awarded to Anpe Corp., for an amount not to exceed \$19,811, in accordance with the selection of the property owner, Lawrence Childress subject of Certification of Funds from the Finance Officer.

2015-417 Award of Contract for Regional Contribution Agreement Project (1503 Summerfield Avenue)

Resolution # 2015-417

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

WHEREAS, request for estimates for Regional Contribution Agreement (“RCA”) project located at 1503 Summerfield Avenue were received by the City Clerk on November 20, 2015; and

WHEREAS, the results of those estimates are as follows:

CONTRACTOR	ESTIMATE
MEJ Renovation & Home Improv.	\$13,950
Anpe Corp.	\$19,765
Ethical Construction	\$19,765
Staff Estimate	\$16,325

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 1503 Summerfield Avenue be awarded to MEJ Renovation & Home Improvement, for an amount not to exceed \$13,950, in

accordance with the selection of the property owner, Tammy Profit, subject of Certification of Funds from the Finance Officer.

2015-418 Authorize Submission of a Grant Application to the State of New Jersey, Department of Public Safety, Division of Highway Traffic Safety, Under the Drive Sober or Get Pulled Over 2015 Statewide Year End Holiday Crackdown Grant

Resolution # 2015-418

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

AUTHORIZE SUBMISSION OF A GRANT APPLICATION TO THE STATE OF NEW JERSEY, DEPARTMENT OF PUBLIC SAFETY, DIVISION OF HIGHWAY TRAFFIC SAFETY, UNDER THE DRIVE SOBER OR GET PULLED OVER 2015 STATEWIDE YEAR END HOLIDAY CRACKDOWN GRANT

WHEREAS, the State of New Jersey, Department of Public Safety, Division of Highway Traffic Safety, has posted the availability of funds for the Drive Sober Or Get Pulled Over 2015 Statewide Year End Holiday Crackdown Grant, requiring no matching funds. The available amount of funding to the City of Asbury Park is \$5000, which will be reimbursed to the City of Asbury Park at the conclusion of the enforcement period; and

WHEREAS, the City of Asbury Park Police Department desires to apply for the purposes of participating in a statewide impaired driving enforcement program from December 11, 2015 through January 1, 2016;

THEREFORE, BE IT RESOLVED, by the City Council of the City of Asbury Park that, the Mayor, the Chief Financial Officer and the Acting Chief of Police, be and is hereby authorized to submit an application for funding to the State of New Jersey, Department of Law and Public Safety, Division of Highway Traffic Safety;

BE IT FURTHER RESOLVED, that the Mayor, Clerk and Acting Chief of Police are hereby authorized to execute the required grant application and to provide submittals and documentation as required by the State of New Jersey, Department of Public Safety, Division of Highway Traffic Safety; and,

	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		

I. Individual Resolutions

2015-367 Resolution Authorizing Participation in Section 1033 Program for Procurement of Federal Surplus Property from the Department of Defense and Delegating Authority for Local Administration of Participation in the Program.

Resolution #2015-367

RESOLUTION AUTHORIZING PARTICIPATION IN SECTION 1033 PROGRAM FOR PROCUREMENT OF FEDERAL SURPLUS PROPERTY FROM THE DEPARTMENT OF DEFENSE AND DELEGATING AUTHORITY FOR LOCAL ADMINISTRATION OF PARTICIPATION IN THE PROGRAM

WHEREAS, federal law permits the Department of Defense to transfer to federal and state agencies personal property of the Department that it determines is suitable for use by agencies in law enforcement activities, including counterdrug and counterterrorism activities and is excess to the needs of the Department; and

WHEREAS, this program is generally known as the “1033 program,” that allows local law enforcement agencies to obtain, at little or no cost, surplus federal property; and

WHEREAS, the City’s prior participation in this program has enabled the City to acquire valuable equipment that it could not otherwise afford, and to prepare for, respond to, and assist in recovery from events such as Superstorm Sandy; and

WHEREAS, on March 16, 2015, Governor Christie signed Senate Bill No. 2364 (P.L. 2015, c.23), which now establishes, in the absence of federal requirements, a system of local oversight over local law enforcement agencies that participate in and acquire equipment through the 1033 program; and

WHEREAS, pursuant to N.J.S.A. 40A:5-30.2a, municipal governing bodies must now authorize participation in the 1033 program by a "resolution adopted by a majority of the full membership of the governing body of a local unit prior to transmittal of any such application to the State Coordinator of the program; and

WHEREAS, the authority granted pursuant to this Resolution specifically excludes firearms; riot gear or other equipment of a paramilitary nature or purpose; and

WHEREAS, the Police Department has adopted standard operating procedures consistent with this Resolution; and

WHEREAS, Resolution is intended to authorize the acquisition of equipment generally used for civilian purposes related to police response and police coordinated response in emergency management situations, including, but not limited to, chords, seats; plows, office furniture; 2.5 or 5 ton vehicles to be used as rescue vehicles; boats; firefighting apparatus; trailers; generators; pumps; and similar rescue type equipment; and

WHEREAS, pursuant to N.J.S.A. 40A:5-30.2b, the acquisition of any property by a local law enforcement agency shall be approved by a "resolution adopted by a majority of the full membership of the governing body".

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Asbury Park in the County of Monmouth, State of New Jersey that:

1. Pursuant to N.J.S.A. 40A:5-30.2a, the governing body hereby authorizes and directs the highest ranking law enforcement official to designate a qualified individual to file the necessary application materials for continued participation in the 1033 program.
2. Pursuant to N.J.S.A. 40A:5-30.2b, the governing body hereby authorizes and directs the highest ranking law enforcement official to designate a qualified individual to maintain an inventory of surplus property obtained under the 1033, subject to the following conditions:
 - a. Within thirty (30) days of its acquisition, all property obtained under the program shall be subject to review by the governing body to determine whether any such property obtained should be rejected and removed from the City's inventory; and
 - b. If after appropriate notice to the governing body, no action to reject the property obtained is taken within thirty (30) days of its acquisition, it shall hereby be deemed accepted by the governing body and put into service or otherwise disposed of as necessary.

	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		

2015-419 Resolution Authorizing the Payment of Bills in the Amount of
\$1,408,906.21

Resolution #2015-419
City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF
\$1,408,906.21

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 \$1,408,906.21 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	\$ 855,928.21
BOARD OF EDUCATION	\$ 552,978.00
TOTAL VOUCHERS	\$1,408,906.21

	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		

2015-420 Resolution Authorizing T&M Associates to Proceed with 2015 Road Improvement Program

Resolution # 2015-420

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

RESOLUTION AUTHORIZING T&M ASSOCIATES TO PROCEED WITH 2015 ROAD IMPROVEMENT PROGRAM

WHEREAS, there is a need within the City of Asbury Park for a road improvement program; and

WHEREAS, the New Jersey Department of Transportation has awarded \$903,017 to the City of Asbury Park in State Local Aid for the rehabilitation of Steiner Place, Park Avenue and Sunset Avenue, with the understanding that the City of Asbury Park will fund the remainder of the streets in the program; and

WHEREAS, by letter dated September 16, 2015, the City Engineer, T&M Associates, has submitted a 2015 Road Improvement Program for review and approval by the Mayor and Council, and has proposed a fee of \$450,000 to be billed monthly to initiate survey and design services associated with this project at their 2015 hourly billing rates, as set forth in their existing professional services contract with the City; and

WHEREAS, the Chief Financial Officer has certified the availability of funds.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, hereby approves the 2015 Road Improvement Program as submitted by the City Engineer and authorizes T&M Associates to proceed with survey and design services associated with the 2015 Road Improvement Program, in accordance with their proposal dated September 16, 2015.

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

- a. Ricky Gartz, Chief Financial Officer
- b. Christine Ballard, City Engineer, T&M Associates
- c. Michael N. Capabianco, City Manager
- d. Fredrick C. Raffetto, Esquire, City Attorney

	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		

2015-421 Authorizing the City of Asbury Park to Implement the Competitive Contracting Process to Procure Vendors to Operate Various Concessions within the City

Resolution # 2015-421

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

**AUTHORIZING THE CITY OF ASBURY PARK TO IMPLEMENT
THE COMPETITIVE CONTRACTING PROCESS TO PROCURE VENDORS
TO OPERATE VARIOUS CONCESSIONS WITHIN THE CITY.**

WHEREAS, the City of Asbury Park (the “City”) is interested in seeking proposals from interested vendors to operate various types of concessions within the City, including but not limited to: (1) private surf lessons to the public on the City’s beachfront (Eighth Ave. Beach); (2) rental of (stand-up) paddle boards to the public on Deal Lake; (3) rental of pedal (swan and other) boats to the public on Wesley Lake; and (4) rental of umbrellas and chairs to the public on the City’s public beaches (extending from Eighth Avenue at the City’s northerly terminus and southward to the Ocean Grove border); and

WHEREAS, the Mayor and Council believe that the proposed concession services will generate revenues for the City and provide a benefit and service to the public; and

WHEREAS, the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-4.1, *et seq.*, allows municipalities to utilize the “competitive contracting” process in lieu of public bidding for certain specified purposes, including the awarding of concession services [See N.J.S.A. 40A:11-4.1(j)]; and

WHEREAS, the method to be utilized under the “competitive contracting” process seeks to encourage competitive bidding, but affords more discretion to the City in the ranking and awarding of the proposals received; and

WHEREAS, in order to initiate the “competitive contracting” process, the Governing Body must pass a Resolution authorizing the use of this procurement method, pursuant to N.J.S.A. 40A:11-4.3(a).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, that the “competitive contracting” process, pursuant to N.J.S.A. 40A:11-4.1, *et seq.*, is hereby authorized and shall be implemented for the purpose of receiving proposals for the concession services referenced above.

BE IT FURTHER RESOLVED, that all City officials and professionals are hereby authorized and directed to undertake all actions that are necessary in order to further this process.

BE IT FURTHER RESOLVED, that, following the receipt of proposals from interested vendors for the said concession services, and the review of ranking of the proposals received in accordance with the methodology to be enumerated in the respective RFP’s, the Mayor and Council shall consider making an award of these concessions at a future Council meeting(s).

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

- a. Michael Capabianco, City Manager;
- b. Cindy A. Dye, City Clerk;
- c. Richard J. Gartz, CPA RMA CMFO, CFO;
- d. Tracy Lizardi, Treasurer, QPA; 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	X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2015-422 Authorizing Settlement of a Worker’s Compensation Claim Captioned
Robert Abbott vs. City of Asbury Park

Resolution # 2015-422

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

**AUTHORIZING SETTLEMENT OF A WORKER'S
COMPENSATION CLAIM CAPTIONED
ROBERT ABBOTT vs. CITY OF ASBURY PARK.**

WHEREAS, the City of Asbury Park (the "City") was named as a Respondent in a Worker's Compensation claim entitled Robert Abbott vs. City of Asbury Park, bearing Case No. 2008-34303, which claim pre-dates the City's membership in the New Jersey Intergovernmental Insurance Fund (the "NJIF"); and

WHEREAS, pursuant to an Order Approving a Section 20 Settlement (the "Order") entered by the Honorable J. Roche, J.W.C., the claim has been settled; and

WHEREAS, pursuant to the settlement, the following amounts must be paid by the City:

- Lump sum settlement payable to the Petitioner in the amount of \$12,500.00; and
- Stenographic service fees payable to John F. Trainor, Inc., in the amount of \$90.00.

WHEREAS, the City Council believe that it is in the City's best interests to resolve this claim in accordance with the Order referenced above.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Asbury Park, that settlement of the matter referenced above is hereby authorized in accordance with the above Order, and payment of the above amounts is hereby authorized subject to a certification of funding availability from the Chief Financial Officer.

BE IT FURTHER RESOLVED, that the attorneys assigned to represent the City's interests be and are hereby authorized to execute any and all documents necessary to effectuate this settlement.

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

- a. Eric J. Nemeth, Esq.;
- b. Michael Capabianco, City Manager;
- c. Richard J. Gartz, CPA, RMA, CMFO, CFO; and
- d. Frederick C. Raffetto, Esq., City Attorney.

	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		

J. Ordinances:

1. First Reading/Introduction:

2015-53 An Ordinance Amending Salaries of Certain Employees within the City of Asbury Park, Monmouth County, NJ

The City Clerk read by title Ordinance 2015-53.

	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 23, 2015.

2015-54 An Ordinance Amending and Supplementing Subsection 7-37.1, Entitled “Regulation for the Movement and the Parking of Traffic on Municipal Property and Board of Education Property, of Section 7-37, “Control For Movement and the Parking of Traffic on Public and Private Property Per N.J.S.A. 39:5A-1,” of Chapter VII, “Traffic,” of the “Code of the City of Asbury Park, New Jersey.”

The City Clerk read by title Ordinance 2015-54.

	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		

Public hearing is scheduled for December 23, 2015.

Second Reading/Public Hearing:

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.”

**Asbury Park, New Jersey
ORDINANCE NO. 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.”**

WHEREAS, the City of Asbury Park (the “City”) previously designated certain streets or parts of streets as One-Way Streets within the City, as set forth in Section 7-20, entitled “One-Way Streets,” of Chapter VII, Traffic,” of the “Code of the City of Asbury Park, New Jersey; and

WHEREAS, the Asbury Park Police Department (the “APPD”) has reviewed safety concerns with regard to certain streets within the City; and

WHEREAS, it is the recommendation of the APPD that additional streets be designated as “One-Way Streets” as referenced herein; and

WHEREAS, the Mayor and Council now wish to implement this recommendation by amending the City Code, in accordance with the provisions set forth herein.

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 streets (or parts thereof) that are referenced in this Ordinance are hereby designated as One-Way Streets in the direction indicated.

BE IT FURTHER ORDAINED, that Section 7-20, entitled “One-Way Streets,” of Chapter VII, “Traffic,” of the “Code of the City of Asbury Park, New Jersey,” is hereby amended and supplemented in order to add the following (additions are shown with underline):

CHAPTER VII

TRAFFIC

7-20 ONE-WAY STREETS.

7-20.1 Designated.

The following described streets or parts of streets are hereby designated as One-Way Streets in the direction indicated. Parking on these streets will be permitted on the sides indicated below.

<i>Name of Street</i>	<i>Direction</i>	<i>Limits</i>	<i>Parking Permitted</i>
<u>Unnamed</u>	<u>East</u>	<u>North of 1701 Ocean Avenue</u>	<u>Both sides</u>

<u>Street South of Tax Block 4401</u>			
<u>Park Hall Place</u>	<u>North</u>	<u>Summerfield Avenue to Monroe Avenue</u>	<u>East Side (Northbound)</u>

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 made by Councilman Woerner and seconded by Councilwoman Clayton to open the ordinance to the public. All were in favor.

The following members spoke regarding Ordinance 2015-47: Rita Marano and Werner Baumgartner.

Motion made by Deputy Mayor Quinn and seconded by Mayor Moor to close Ordinance 2015-47 to the public. All were in favor.

Motion to adopt Ordinance 2015-47.

	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		

2015-48 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.”

**Asbury Park, New Jersey
ORDINANCE NO. 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.”**

WHEREAS, the Mayor and City Council wish to make certain revisions to the City Code of the City of Asbury Park relating to the collection of payment associated with special duty assignments of police and fire personnel.

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 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,” is hereby amended and supplemented in the following specific respects (additions are shown with underline; deletions are shown with ~~strikeout~~):

CHAPTER II

ADMINISTRATION

2-10 SPECIAL DUTY ASSIGNMENTS

2-10.1 Voluntary Special Duty Assignments for Police Officers and Fire Fighters.

g. All private persons or entities requesting extra duty assignments by police and/or fire personnel will be required to submit payment, based on estimates of the work to be done, in advance of services rendered. The City will “escrow” the monies in a dedicated “special duty account,” to ensure timely payment to the police or fire personnel subject to the required deductions, and an administrative fee to be retained by the City. Those private persons or entities which require continuous service shall maintain a minimum balance in an amount equal to the average amount paid to the City’s police or fire personnel within a specified time, either monthly, or quarterly, and shall be billed as necessary to ensure a sufficient balance at all times. If there are insufficient funds, services shall be cut off until the fund is replenished. Conversely, the City shall return any monies in the fund in excess of the cost of the services to private persons or entities within a reasonable period.

1. Hourly Rate. The hourly rate for Special Duty Assignments shall be the following for the times identified below:

	8:00 a.m. – 11:59 p.m.	12:00 a.m. – 7:59 a.m.
Police Officer:	\$65.00 <u>\$75.00</u> per hour	\$75.00 <u>\$85.00</u> per hour
EMT/Fire Fighters:	\$65.00 <u>\$75.00</u> per hour	\$75.00 <u>\$85.00</u> per hour
Fire Inspector:	regular overtime rate	regular overtime rate
Fire Official:	regular overtime rate	regular overtime rate

2. Administrative Fees. The City of Asbury Park shall recover a rate of ~~twelve (\$12.00)~~ fifteen (\$15.00) dollars per hour for administrative fees out of the rates set forth above in paragraph 1.

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, but not before January 1, 2016.

Motion made by Deputy Mayor Quinn and seconded by Councilman Woerner to open the ordinance to the public. All were in favor.

The following members spoke regarding Ordinance 2015-48: None.

Motion made by Councilman Kendle and seconded by Councilwoman Clayton to close Ordinance 2015-48 to the public. All were in favor.

Motion to adopt Ordinance 2015-48.

	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		

2015-49 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.”

Asbury Park, New Jersey
ORDINANCE NO. 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.”**

WHEREAS, the Mayor and City Council wish to make certain revisions to the City Code relating to business licenses within the City, as set forth herein.

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 Subsection 4-1.4, entitled “Fees,” of Section 4-1, “Business Licenses,” of Chapter IV, “General Licensing,” of the “Code of the City of Asbury Park, New Jersey,” are hereby repealed in their entirety. A new Subsection 4-1.4 shall hereby be established in accordance with the provisions set forth below.

BE IT FURTHER ORDAINED, that Section 4-1, entitled “Business Licenses,” of Chapter IV, “General Licensing,” of the “Code of the City of Asbury Park, New Jersey,” is hereby further amended and supplemented in the following specific respects (additions are shown with underline; deletions are shown with ~~strikeout~~):

CHAPTER IV

GENERAL LICENSING

4-1 BUSINESS LICENSES.

4-1.1 License Required.

No person within the City shall engage in or carry on any business, ~~trade, calling or profession~~ listed in subsection 4-1.4, or use any vehicle, stand, store or other place listed in subsection 4-1.4 unless a license is first obtained from the City.

4-1.3 Terms of License.

License fees shall be payable annually to the City Clerk or duly authorized representative of the Clerk, on January 1 and licenses shall expire on the following December 31. Year-round businesses shall pay the applicable fee no later than March 1, or a late fee of \$100.00 will be assessed. Seasonal businesses (May 1 to September 30) shall pay the applicable fee no later than June 30, or a late fee of \$100.00 will be assessed. New business Licenses issued between September 1 and December 31 shall be issued for one-half (1/2) of the fees prescribed in subsection 4-1.4

4-1.4 Fees.

a. Fees Enumerated. The annual license fees paid to the City for conducting the business herein named at the place to be designed in the license certificate issued therefor are as follows:

<u>Amusements or amusement rides, each</u>	<u>\$ 200.00</u>
<u>Arcade Games, per machine</u>	<u>\$ 25.00</u>
<u>Automobile/Motor Cycles agency or show rooms:</u>	
<u>Sale of New Cars/Motor Cycles only</u>	<u>\$ 250.00</u>
<u>Sale of Used Cars/Motor Cycles only</u>	<u>\$ 250.00</u>
<u>Sale of New and Used Cars/Motor Cycles</u>	<u>\$ 500.00</u>

Automobile Rentals	\$ 100.00
Automobile Repair and/or Service Station	\$ 100.00
Barber Shop/Hair Salons	\$ 50.00
Plus per chair	\$ 10.00
Brewery/Distributors	\$ 300.00
Brewery/Distributors that provide tours and/or sells product to public	\$ 500.00
Boarding houses, hotels, motels, inns, bed & breakfast, lodging houses	
Each sleeping room	\$ 10.00
Minimum license fee	\$ 50.00
Concessions	\$ 100.00
Contractors/General Builders, any kind	\$ 100.00
Dance Hall	\$ 150.00
Liquor Distributors	\$ 100.00
Driving School	\$ 100.00
Drug Store/Pharmacy	\$ 200.00
Food Store	
0 to 3,000 square feet	\$ 150.00
3,001 square feet and over	\$1,500.00
Live entertainment conducted for private pecuniary gain in	
Non-City owned buildings with an occupancy capacity	
Of 1,000 persons or more	\$2,500.00
Garage and Parking lot	\$ 250.00
Market Place/Inside Flea Markets	\$ 100.00
Miscellaneous (other business not classified or enumerated)	\$ 100.00
Newspaper Publisher	\$ 150.00
Nightclubs, established, permitting dancing or public	
Entertainment where food or beverages are served to patrons	
Accommodations, up to 100 persons	\$ 100.00
Accommodations, from 101 to 200 patrons	\$ 200.00
Accommodation over 200 patrons	\$ 400.00
Real Estate Agent	\$ 100.00
Restaurants	
Less than 15 tables	\$ 100.00
15-30 tables	\$ 150.00
Over 30 tables	\$ 200.00
Retail (any sale of goods)	\$ 100.00
Shuttle Services	\$ 200.00
Studios (dance, art, photography, etc.)	\$ 100.00
Swimming Pools	\$ 500.00
Theater, opera or movie	
0-150 persons	\$ 150.00
151-350 persons	\$ 400.00
351-999 persons	\$ 800.00
1,000 persons or more	\$2,500.00
Trucks or other vehicles selling food or drinks (stationary)	\$ 100.00

b. *Additional Fee for Mercantile Licenses with Non-Life Hazard Uses.* In addition to the fees enumerated in paragraph a. above, all mercantile licenses with non-life hazard uses, as

determined by the Fire Official of the City of Asbury Park, shall pay an additional fee as established in Chapter XIV, Fire Prevention and Protection, per year to cover the cost of an annual fire inspection as required by the Division of Fire Safety Bureau of the New Jersey Department of Community Affairs.

4-1.5—Additional Businesses.

~~Any person dealing at any one (1) location, in more than one (1) article or one (1) class of goods, wares or merchandise shall pay a license fee of ten (\$10.00) dollars for each separate article or class of goods, wares or merchandise, in addition to the highest license fee herein or otherwise provided for any such article or class of goods, wares or merchandise dealt in by such person, except as may be otherwise provided by this section and also except in cases specially licensed by other sections of this Code, in which instances the full license fees provided for shall be paid.~~

4-1.65 Compliance with Laws; Revocation of License After Hearing; Transfers

No license certificate shall be issued to any person who has not complied with the laws of the State of New Jersey, or the provisions of the Code providing regulations respecting the safety of persons who may have occasion to use the premises, place or thing licensed. In case any person licensed fails to comply with such laws or ordinances after due notice and opportunity to be heard, the City Council may revoke such license. Any license provided for by this Chapter may be transferred from one (1) person to another but no license shall cover any other place or business than that for which it was issued. Any such transfer of license shall be subject to a fee of ten (10%) percent of the regular license fee, with a minimum fee of fifteen (\$15.00) dollars, and shall be payable to the City Clerk ~~or duly authorized representative of the City Clerk.~~

4-1.76 Enforcement.

~~The Director of Licenses~~ Any police officer of the City, the Construction Code Official of the City, the Zoning Officer, any Health Officer or any other City official or employee authorized by the City Manager, is permitted to execute and enforce the enforcement regulations adopted to protect and facilitate the carrying on of the several businesses, ~~trades and occupations~~ licensed by this Chapter.

4-1.87 Access to Premises.

Every person conducting a business required to be licensed shall permit ~~the Director of License~~ any police officer of the City, the Construction Code Official of the City, the Zoning Officer, any Health Officer or any other City official or employee authorized by the City Manager to have access to any building or premises for the purpose of ascertaining whether there has been compliance with the provisions of this section and to determine the fees to be paid and to issue summonses when warranted.

BE IT FURTHER ORDAINED, that the existing Subsections 4-1.9, entitled “Issuance, Renewal and Revocation of Business Licenses Where Property Taxes, Assessments, or Sewer Utility Bills are Delinquent; Hearing,” and 4-1.10, entitled “Standards of Operation; Revocation or Suspension; Complaints,” shall be renumbered to 4-1.8 and 4-1.9, respectively.

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 made by Deputy Mayor Quinn and seconded by Councilman Kendle to open the ordinance to the public. All were in favor.

The following members spoke regarding Ordinance 2015-49: Rita Marano.

Motion made by Councilman Woerner and seconded by Councilwoman Clayton to close Ordinance 2015-49 to the public. All were in favor.

Motion to adopt Ordinance 2015-49.

	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		

2015-50 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.”

**Asbury Park, New Jersey
ORDINANCE NO. 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.”**

WHEREAS, from time to time, the City of Asbury Park (the “City”) receives requests from residents and/or local business owners within the City (the “applicants”) for certain projects which require the professional services of various professionals appointed and/or employed by the City; and

WHEREAS, such professional services may include research, preparation and/or review of documents, and/or other services which are billable at the regular hourly rates of those professionals providing the services; and

WHEREAS, the Mayor and Council believe that any expenses in this regard should be borne by the private applicant(s) whose interests are being furthered by the request, rather than by the City’s taxpayers; and

WHEREAS, the City now seeks to have the applicant(s) pay for all expenses that are incurred by the City during this process; and

WHEREAS, it is the intention of this Ordinance to establish and codify said process.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, that Chapter II, entitled “Administration,” of the “Code of the City of Asbury Park, New Jersey,” is hereby amended and supplemented 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,” as follows:

CHAPTER II

ADMINISTRATION

**2-86 REQUESTS WHICH REQUIRE SERVICES TO BE RENDERED BY
PROFESSIONALS APPOINTED AND/OR EMPLOYED BY THE CITY-
APPLICATION PROCEDURE AND ESCROW REQUIREMENT.**

2-86.1 Purpose.

A resident of the City of Asbury Park (the “City”) or owner of a business located within the City or other applicant (the “applicant”), may from time to time submit a request to the Mayor and Council relating to a certain project which requires professional services to be rendered by professionals appointed and/or employed by the City.

Such professional services may include research, preparation and/or review of documents, and/or other services which are billable at the regular hourly rates of those professionals providing the services.

The purpose of this Ordinance is to establish a procedure for said process, including the posting of escrow funds by the private applicant. In this way, the costs and expenses

associated with such private requests shall be paid by the applicant whose interests are being furthered by the request, rather than by the City's taxpayers.

2-86.2 Application; Required Submissions.

- a. Requests made by an applicant relating to private project(s) which require professional services to be rendered by professionals appointed and/or employed by the City may be made in accordance with the provisions set forth in this Section.
- b. The applicant must submit a written request to the City Manager which shall include a precise, written description of the application and the request that is being made of the City. If available, the applicant shall also submit conceptual plans to describe the specific project. These can include a sketch site plan and floor plans. Plans need not be prepared by a licensed professional, but must be of sufficient detail to describe the proposed project.
- c. The City Manager, the Mayor and Council, and/or City staff may request additional information that is found necessary to complete their review.

2-86.3 Distribution.

Upon receipt of the above, the City Manager shall distribute copies of the request to the Mayor and Council and appropriate professionals.

2-86.4 Escrow Deposit.

- a. Escrow fees, in an amount to be determined by the City Manager and Chief Financial Officer, shall be deposited at the time that an application is filed. The minimum escrow amount shall be five hundred dollars (\$500.00). The applicant shall supplement the escrow deposit, as required, to cover the cost of professional services rendered in connection with the project, as needed.
- b. Any escrow funds not needed to pay outstanding invoices of professionals who have rendered professional services related to the project shall be returned to the applicant within a reasonable time after the services are rendered.
- c. If an escrow account contains insufficient funds at any time to enable the City and/or the approved professionals to perform the required services, the City will provide the applicant with a notice of the amount of insufficient funds. Said notice will also provide that in order for the professional services to continue, the deficiency must be paid within the time frame set forth in the notice. If the applicant does not comply with the terms of the notice all professional services will cease until such time as the applicant complies with the terms of the notice.

2-86.5 Professional Services Covered by Escrow Deposit.

Professional services contemplated hereunder shall include, but shall not be limited to attorneys engaged by the City, professional planners, consultants, and/or other advisors to the City.

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 made by Deputy Mayor Quinn and seconded by Councilman Kendle to open the ordinance to the public. All were in favor.

The following members spoke regarding Ordinance 2015-50: Rita Marano.

Motion made by Councilman Woerner and seconded by Councilwoman Clayton to close Ordinance 2015-50 to the public. All were in favor.

Motion to adopt Ordinance 2015-50.

	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		

2015-51 An Ordinance Establishing a Fifteen (15) Minute Time Limit for a Single Parking Space Along Second Avenue, in the City of Asbury Park, New Jersey, and Amending and Supplementing the “Revised General Ordinances of the City of Asbury Park” Accordingly

**Asbury Park, New Jersey
ORDINANCE NO. 2015-51**

**AN ORDINANCE ESTABLISHING A FIFTEEN (15) MINUTE TIME LIMIT FOR A
SINGLE PARKING SPACE ALONG SECOND AVENUE,
IN THE CITY OF ASBURY PARK, NEW JERSEY,**

**AND AMENDING AND SUPPLEMENTING THE
“REVISED GENERAL ORDINANCES OF THE
CITY OF ASBURY PARK” ACCORDINGLY.**

WHEREAS, the City of Asbury Park (the “City”) has been requested to designate a single parking space with a fifteen (15) minute time limit along Second Avenue, in accordance with the provisions set forth herein, and to amend the City Code accordingly; and,

WHEREAS, the Asbury Park Police Department has reviewed and approved this request; and

WHEREAS, the City therefore wishes to designate one (1) parking space to allow for a fifteen (15) minute time limit on parking along Second Avenue, in accordance with the provisions set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, that a fifteen (15) minute time limit is hereby approved and adopted on one (1) parking space along Second Avenue, in accordance with the provisions set forth below.

BE IT FURTHER ORDAINED, that Section 7-11, entitled “Time Limit Parking,” of Chapter VII, “Traffic,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” is hereby amended and supplemented at Subsection 7-11.1 thereof, entitled “Parking Time Limited on Certain Streets,” in the following respects (additions are shown with underline):

7-11 TIME LIMIT PARKING.

7-11.1 Parking Time Limited on Certain Streets. No person shall park a vehicle for longer than the time limit between the hours listed on any day (except Sundays and public holidays) upon any of the streets or parts of streets described.

<i>Name of Street</i>	<i>Sides</i>	<i>Time Limit</i>	<i>Hours</i>	<i>Location</i>
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[Note to Codifier: Current Information Listed in the City Code Hereafter Shall Remain Unchanged, With the Exception of the Information Below, which is to be Inserted.]

<u>Second Avenue</u>	<u>North</u>	<u>15 minutes</u>	<u>all day</u>	<u>Beginning at a point 60 feet West of the Northwest corner of Second Avenue and Main Street and extend 20 feet West. Space should be 20 feet on center and located on the North side of Second Avenue.</u>
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BE IT FURTHER ORDAINED, that the City is hereby authorized to erect appropriate signage to designate the time limitation referenced herein and may mark the street appropriately.

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 made by Deputy Mayor Quinn and seconded by Councilman Kendle to open the ordinance to the public. All were in favor.

The following members spoke regarding Ordinance 2015-51: Rita Marano.

Motion made by Deputy Mayor Quinn and seconded by Councilman Woerner to close Ordinance 2015-51 to the public. All were in favor.

Motion to adopt Ordinance 2015-51.

	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		

2015-52 An Ordinance Amending and Supplementing Chapter XXX, “Land Development Regulations,” of the “Code of the City of Asbury Park, New Jersey.”

**Asbury Park, New Jersey
ORDINANCE NO. 2015-52**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXX,
“LAND DEVELOPMENT REGULATIONS,”
OF THE “CODE OF THE CITY OF ASBURY PARK, NEW JERSEY.”**

WHEREAS, the Director of Planning and Redevelopment (the “Director”) of the City of Asbury Park (the “City”) has reviewed Chapter XXX, entitled “Land Development Regulations,” of the “Code of the City of Asbury Park, New Jersey” (the “Code”); and

WHEREAS, it is the Director’s recommendation that certain provisions contained within Chapter XXX of the Code be amended, as referenced in the attached Exhibits “A” through “C”, and that revised development checklists be adopted, as more specifically identified in the attached Exhibits “D” through “H”; and

WHEREAS, the Mayor and Council now wish to implement this recommendation by amending the City Code and adopting new development checklists, in accordance with the provisions set forth in the attached Exhibits.

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 Chapter XXX, entitled “Land Development Regulations,” of the “Code of the City of Asbury Park, New Jersey,” is hereby amended and supplemented in accordance with the provisions set forth on the attached Exhibits “A” through “C”.

BE IT FURTHER ORDAINED, that in accordance with N.J.S.A. 40:55D-10.3, as referenced in Section 30-45.4 of the “Code of the City of Asbury Park, New Jersey,” the revised development checklists identified in the attached Exhibits “D” through “H,” dated January 1, 2016, are hereby approved and adopted for use by the City.

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 made by Deputy Mayor Quinn and seconded by Councilman Kendle to open the ordinance to the public. All were in favor.

The following members spoke regarding Ordinance 2015-52: Rita Marano and Maureen Nevin.

Motion made by Councilman Kendle and seconded by Councilman Woerner to close Ordinance 2015-52 to the public. All were in favor.

City Attorney Raffetto clarified some insignificant changes in the exhibits of the ordinance.

Motion made by Deputy Mayor Quinn and seconded by Councilwoman Clayton to amend the ordinance. All were in favor.

Motion to adopt Ordinance 2015-52 as amended.

	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		

Deputy Mayor Quinn thanked Jackie Pappas and the Chamber for the wonderful tree lighting ceremony.

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

The meeting was adjourned.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk