



Agenda
Meeting of the Municipal Council
Wednesday, March 30, 2016

I. Executive Session – 5:00 p.m.

Resolution 2016-157 Authorizing a Meeting which Excludes the Public

A. Contract Negotiations:

1. Savoy Financial Agreement

B. Personnel:

1. Deputy Chief of Police Contract

C. Litigation:

1. Famularo Disciplinary

II. 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 comply 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 6, 2016, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

E. **PROCLAMATION RECONIZING KEY WEST REUNION DAY - MAY 14, 2016**

F. Matters from City Council

G. Matters from City Manager

H. Matters from City Attorney

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

- J. Acceptance of Minutes:
- March 14, 2016 – Workshop Session
 - March 16, 2016 – Executive Session
 - March 16, 2016 – Regular Session

K. 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.]

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| 2016-158 | Approving Special Events/Wedding Applications as Presented on March 28, 2016 |
| 2016-159 | Resolution Authorizing the Payment of Payroll in the Amount of \$887,124.52 |
| 2016-160 | Approving Social Affairs Permit for Asbury Park Music Foundation for an Event on April 8 and 9, 2016 |
| 2016-161 | Approving Social Affairs Permit for New Jersey Hall of Fame for an Event on April 7, 2016 |
| 2016-162 | Resolution to Credit Sewer Account (1307 Fourth Avenue, Block 2104 Lot 20) |
| 2016-163 | Resolution to Credit Sewer Account (806-808 Fifth Avenue, Block 2801 Lot 2) |
| 2016-164 | Resolution Authorizing Cancellation of Municipal Tax Sale Certificates Due to Erroneous Block / Lot |
| 2016-165 | Resolution Authorizing Issuance of Certificate of Redemption of Tax Sale Certificates Due to the Inability to Locate the Original Tax Sale Certificates |
| 2016-166 | Resolution Establishing a Service Charge for Returned Checks or Written Instruments |
| 2016-167 | Resolution Providing for Fees for Tax Sale Certificate Redemption Calculations |
| 2016-168 | Resolution of the City of Asbury Park, County of Monmouth, State of New Jersey Authorizing Premium Escheat to Municipality After Five Years |
| 2016-169 | Resolution Authorizing the Installation of Surveillance Camera and Associated Hardware Along Existing Utility Poles in the Public Right-of-Way for the City of Asbury Park |
| 2016-170 | Authorizing Appointments to the Parking Advisory Committee |
| 2016-171 | Appointing Michael Capabianco as Temporary Purchasing Agent as Per the Guidelines of LFN 2012-09 |

L. Individual Resolutions

- 2016-172 Resolution Authorizing the Payment of Bills in the Amount of \$1,055,561.55
- 2016-173 Resolution Approving Person to Person Transfer to Pettibone Paradise, LLC from Empress Hotel, LLC – License No. 1303-36-068-001
- 2016-174 A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Waterfront Redevelopment Entity, Authorizing the Release of a Letter of Credit from Asbury Partners, LLC and Authorizing an Agreement Regarding the Same
- 2016-175 Resolution to Adopt Policies and Procedures Manual
- 2016-176 Awarding Contract for Phase II of the Springwood Avenue Park Project
- 2016-177 Authorizing the Award of a Contract Regarding the Operation of a Pedal Boat Concession on a Portion of the Wesley Lake

M. Ordinances:

1. First Reading/Introduction:

- 2016-12 An Ordinance Repealing Chapter III “Police Regulations”, Section 38 “Use Of Bicycles” and Replacing Said Section in its Entirety with “Use Of Bicycles, Roller Skates and Skateboards” of the “Code of the City of Asbury Park, New Jersey.”
- 2016-13 Approving and Adopting an Amendment to the Springwood Avenue Redevelopment Plan
- 2016-14 Bond Ordinance Providing for Improvements to Municipal Parks and Buildings by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey (the “City”); Reappropriating Excess Bond Proceeds in the Amount of \$127,561.80 from Bond Ordinance Number 2878 to Finance the Cost Thereof

2. Second Reading/Public Hearing:

- 2016-07 An Ordinance Amending and Supplementing Article VIII “Authorities, Boards, Commissions, Committees, and Volunteers” Creating A New Section 2-59 “Beach Utility”
- 2016-08 Approving and Adopting an Amendment to the Central Business District Redevelopment Plan Relating to the Subdivision of Overlook Park
- 2016-09 Ordinance of the Mayor and City Council of the City of Asbury Park Authorizing the Sale of Certain Real Property Which is No Longer Needed for Public Use (Block 1003, Lot 68 – 1413 ½ Springwood Avenue)

- 2016-10 An Ordinance Authorizing the Sale of Certain Real Property Located at 1506 Park Avenue (Block 3603, Lot 19) to the Asbury Park Board of Education
- 2016-11 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.”

N. Adjournment.



MINUTES
Meeting of the Municipal Council
Wednesday, March 30, 2016
REGULAR MEETING

City Clerk Dye called the meeting to order at 7:00 p.m.

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

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 6, 2016, and posted on the bulletin board the same date. All notices are on file with the City Clerk."

PROCLAMATION RECOGNIZING KEY WEST REUNION DAY – MAY 14, 2016

Deputy Mayor Quinn presented the proclamation.

MATTERS FROM CITY COUNCIL

Council Member Clayton stated that she was one of the judges for the JET program and explained the program to the audience. The students are presenting and selling their items on April 9 at Monmouth County College.

Council Member Kendle thanked everyone involved with the Easter Day Parade.

Deputy Mayor Quinn stated that residents can now pay on-line for taxes, water and sewer. She explained the procedure used for mercantile licenses. She requested that a possible newsletter be disseminated to advise residents on what is going on in the City. She also requested that the APTV channels be placed on the digital sign. She thanked Madison Marquette and those who put together the Cold War.

MATTERS FROM CITY MANAGER

City Manager Capabianco stated that the NJDOT sent a notice of funding from the FY 2016 Municipal Aid program for Fourth Avenue improvements in the amount of \$341,247.

PUBLIC PARTICIPATION

Motion made by Council Member Kendle 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: Robert Weiner, Sheila Etienne, Frank Syphax, Bess McCarthy, Werner Baumgartner, Michael Mills, Dara Reyes, Tracy Rogers and Rita Marano.

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:

- March 14, 2016 – Workshop Session
- March 16, 2016 – Executive Session
- March 16, 2016 – Regular Session

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

G. 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.]

2016-158 Approving Special Events/Wedding Applications as Presented on
March 28, 2016

Resolution # 2016-158

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

WHEREAS, AT WORK SESSION MEETING OF THE Mayor and Council held on March 28, 2016 the following Special Events Applications were presented for approval by the Director of Recreation:

1. Carnival
2. Bangs Avenue Block Party

3. Jersey Shore Inaugural Maifest & Beer Run
4. Asbury Park Promenade of Mermaids
5. Super Safe Summer Event
6. Month of the Young Child Parade
7. Garden State Equality's 7th Annual Equality Walk
8. Weddings:
 - a. Strazdas/Dunn- 7th Avenue Beach
 - b. Chyb/Vickers- 6th Avenue Beach

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.

2016-159 Resolution Authorizing the Payment of Payroll in the Amount of
\$887,124.52

**Resolution #2016-159
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF
\$887,124.52**

WHEREAS, the March 15, 2016 payroll in the amount of \$887,124.52, 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 \$887,124.52 is hereby authorized to be paid; and

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

2016-160 Approving Social Affairs Permit for Asbury Park Music Foundation for an
Event on April 8 and 9, 2016

Resolution # 2016-160

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

**APPROVING SOCIAL AFFAIRS PERMIT FOR ASBURY PARK MUSIC
FOUNDATION FOR AN EVENT ON APRIL 8 AND APRIL 9, 2016**

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, that the application for a Social Affairs Permit submitted by Asbury Park Music Foundation for an event to be held at Paramount Theatre, 2nd Floor, 1300 Ocean Ave., Asbury Park, on April 8 and April 9, 2016, as approved by the Chief of Police on March 22, 2016, is hereby approved.

2016-161 Approving Social Affairs Permit for New Jersey Hall of Fame for an Event on April 7, 2016

Resolution # 2016-161

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

**APPROVING SOCIAL AFFAIRS PERMIT FOR NEW JERSEY HALL OF FAME FOR
AN EVENT ON APRIL 7, 2016**

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, that the application for a Social Affairs Permit submitted by New Jersey Hall of Fame for an event to be held at Convention Hall, 1300 Ocean Avenue, Asbury Park, on April 7, 2016, as approved by the Chief of Police on March 23, 2016, is hereby approved.

2016-162 Resolution to Credit Sewer Account (1307 Fourth Avenue, Block 2104 Lot 20)

**Resolution #2016-162
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION TO CREDIT SEWER ACCOUNT

WHEREAS: the Tax Collector was notified by Katherine Lewis, owner of the property located at 1307 Forth Avenue, Block 2104 Lot 20 that a discrepancy exists between the billing from New Jersey American Water Company and the City of Asbury Park for water and sewer consumption, account 10046250-0; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 0 gallons and the City of Asbury Park billed for 64,000 gallons at a rate of \$345.60, coverage from September to November 2015; and

WHEREAS, it has been determined by the City of Asbury Park Sewer Department that the reading from New Jersey American Water Company for 0 gallons should be billed at a rate of \$80.00 for the demand charge.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park authorize the Tax Collector to credit the sewer account # 10046250-0 for the 2016 1st QTR sewer billing in the amount of \$265.60 for 64,000 gallons.

2016-163 Resolution to Credit Sewer Account (806-808 Fifth Avenue, Block 2801 Lot 2)

**Resolution #2016-163
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION TO CREDIT SEWER ACCOUNT

WHEREAS: the Tax Collector was notified by Joe Cohen, owner of the property located at 806-808 Fifth Avenue, Block 2801 Lot 2 that a discrepancy exists between the billing from New Jersey American Water Company and the City of Asbury Park for water and sewer consumption, account 10748006-1, 10748006-3 and 10748006-4; and

WHEREAS, it was made certain that New Jersey American Water Company billed for the following usage:

10748006-1	101,000 gallons at a rate of \$739.15
10748006-3	1,000 gallons at a rate of \$84.15
10748006-4	15,000 gallons at a rate of \$ 142.25; and

WHEREAS, it was made certain that the City of Asbury Park billed for the following usage:

10748006-1	102,000 gallons at a rate of \$743.30
10748006-3	3,000 gallons at a rate of \$92.45
10748006-4	59,000 gallons at a rate of \$324.85, coverage from September to November 2015; and

WHEREAS, it has been determined by the City of Asbury Park Sewer Department that the reading from New Jersey American Water Company for should be billed; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park authorize the Tax Collector to credit the sewer accounts for the 2016 1st QTR sewer billing in the following amounts:

10748006-1	101,000 gallons at a rate of \$4.15 for 1,000 gallons difference
10748006-3	1,000 gallons at a rate of \$8.30 for 2,000 gallons difference

10748006-4 15,000 gallons at a rate of **\$182.60** for 44,000 gallons difference

2016-164 Resolution Authorizing Cancellation of Municipal Tax Sale Certificates
Due to Erroneous Block / Lot

**Resolution # 2016-164
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING CANCELLATION OF MUNICIPAL TAX SALE
CERTIFICATES DUE TO ERRONEOUS BLOCK / LOT**

WHEREAS, Certificate of Sale #15-00276 was issued to TTLBL, LLC for delinquent taxes on Block 3602 Lot 15 commonly known as 409 Sixth Avenue, at a Tax Sale held on December 22, 2016; and

WHEREAS, Certificate of Sale #15-00276 was issued to Twr as Cst for Ebury Fund 1NJ for delinquent taxes on Block 3306 Lot 4 commonly known as 309 Asbury Avenue, at a Tax Sale held on December 22, 2016; and

WHEREAS, by the way of evidence that 2 different parcels were issued the same tax sale certificate number; and

WHEREAS, the payment will be calculated with interest as of March 14, 2016.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Asbury Park; hereby authorized the Tax Collector to reissue tax sale certificate as follows: Certificate of Sale #15-00337 issued to Twr as Cst for Ebury Fund 1NJ for delinquent taxes on Block 3306 Lot 4 commonly known as 309 Asbury Avenue, at a Tax Sale held on December 22, 2016.

2016-165 Resolution Authorizing Issuance of Certificate of Redemption of Tax Sale
Certificates Due to the Inability to Locate the Original Tax Sale
Certificates

**Resolution # 2016-165
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION PROVIDING FOR FEES FOR TAX SALE CERTIFICATE
REDEMPTION CALCULATIONS**

WHEREAS, the Tax office receives requests for tax sale redemption calculations for the payoff of liens against a property; and

WHEREAS, after the requesting party proving their legal interest in the property and their right of redemption.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Asbury Park; hereby authorize that the following fees for Tax Sale Certificate redemption calculations shall be charged:

- In accordance with N.J.S.A. 54:5-54, the Tax Collector shall provide to any party entitled to redeem a certificate pursuant to this section (N.J.S.A. 54:5- 54) two calculations of the amount required for redemption within a calendar year at no cost. For each subsequent calculation requested from the Tax Collector there shall be a \$50.00 fee. A request for a redemption calculation shall be made in writing to the Tax Collector.
- In accordance with N.J.S.A. 54:5-97.1, the Tax Collector may charge a lien holder of a tax lien \$50.00 for the calculation of the amount due to redeem the tax lien as required pursuant to N.J.S.A. 54:5-97.1. Any request for a redemption calculation shall specify the date to be used for the calculation, which shall be the date of the notice. Neither the Tax Collector nor the municipality shall be liable for an incorrect calculation. The fee paid to the municipality shall not become part of the lien and shall not be passed on to any party entitled to redeem pursuant to N.J.S.A. 54:5-54.

2016-166 Resolution Establishing a Service Charge for Returned Checks or Written Instruments

Resolution # 2016-166

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

**RESOLUTION ESTABLISHING A SERVICE CHARGE FOR RETURNED CHECKS
OR WRITTEN INSTRUMENTS**

WHEREAS, N.J.S.A. 40:5-18 was enacted to allow a municipal entity the authority to impose a service charge to be added on an account which was by check or other written instrument returned for insufficient funds; and

WHEREAS, whenever an account is owing to the City of Asbury Park the service charge shall still apply and shall be collected in the same manner prescribed by law for the collection of the account for which the check or other written instrument was tendered.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Asbury Park; hereby authorize the following:

1. The service charge at a rate of \$20.00 per check or other written instrument for all checks returned for insufficient funds.
2. This fee shall be in addition to the fee charge by the banking institution refusing to honor the check or written instrument.

3. Any service charge imposed and unpaid shall be collected in the same manner prescribed by law for the collection of the account for which the check or other written instrument was tendered.
4. A certified copy of this Resolution shall be forwarded to the Tax Collector and Chief Financial Officer of the City of Asbury Park.

2016-167 Resolution Providing for Fees for Tax Sale Certificate Redemption Calculations

Resolution # 2016-167

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

**RESOLUTION AUTHORIZING ISSUANCE OF CERTIFICATE OF REDEMPTION OF
TAX SALE CERTIFICATES DUE TO THE INABILITY TO LOCATE THE ORIGINAL
TAX SALE CERTIFICATES**

WHEREAS, The Tax Collector will issue a certificate of redemption to a party of interest for tax sale certificates that have been redeemed within the City of Asbury Park Tax Department; and

WHEREAS, Tax sale certificates had been delivered to the redeeming party and subsequently misplaced and therefore still recorded in the County of Monmouth; and

WHEREAS, pursuant 54:5-53.2 - cancellation of certificate of sale; certificate of redemption, a fee of at a rate of \$50 per certificate to prepare a certificate of redemption.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Asbury Park; hereby authorized the Tax Collector to issue certificate of redemptions to a party of interest so the liens can be canceled in the County of Monmouth.

2016-168 Resolution of the City of Asbury Park, County of Monmouth, State of New Jersey Authorizing Premium Escheat to Municipality After Five Years

Resolution # 2016-168

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

**RESOLUTION OF THE CITY OF ASBURY PARK, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY AUTHORIZING PREMIUM ESCHAT TO
MUNICIPALITY AFTER FIVE YEARS**

WHEREAS, the Tax Collector has requested authorization to issue a refund of a subsequent payment made by TTLBL, LLC, lien holder, on an exempted property in which there is an open lien; and

WHEREAS, the City of Asbury Park Tax Collector has reported that the following Tax Sale Certificates has premiums from 2010 and prior:

TSC# A5-00042 Block 401 Lot 26 in the amount of \$500.00, from lien holder Laura Abadabo, for 908 Comstock Street

TSC# 02-00191 Block 1001 Lot 4 in the amount of \$100.00, from lien holder American Tax Funding LLC, for 121 Ridge Avenue

TSC# 03-00077 Block 1301 Lot 35 in the amount of \$100.00, from lien holder D & K Realty, for 37 Jersey Street

TSC# 03-00070 Block 1302 Lot 28 in the amount of \$200.00, from lien holder Culmac Investors, Inc, for 430 Prospect Avenue; and

WHEREAS, in accordance with NJSA 54:5-33: Any premium payments shall be held by the collector and returned to the purchaser of the fee if and when redemption is made. If redemption is not made within five years from date of sale/foreclosure, the premium payment shall be turned over to the treasurer of the municipality and become part of the funds of the municipality.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park authorize, that they hereby authorize the Chief Financial Officer to accept the premiums in the amount of \$900.00 for the above premium of Tax Sale Certificates.

2016-169 Resolution Authorizing the Installation of Surveillance Camera and Associated Hardware Along Existing Utility Poles in the Public Right-of-Way for the City of Asbury Park

Resolution # 2016-169

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

**RESOLUTION AUTHORIZING THE INSTALLATION OF SURVEILLANCE
CAMERA AND ASSOCIATED HARDWARE ALONG EXISTING UTILITY POLES IN
THE PUBLIC RIGHT-OF-WAY FOR THE CITY OF ASBURY PARK**

WHEREAS, City of Asbury Park is planning to upgrade their security infrastructure within the City limits which will require installing surveillance camera and associated hardware along existing utility poles in the public right-of-way; and

WHEREAS, the map and plan for installing these equipment has been approved by the City Engineer; and

WHEREAS, all communications facilities constructed within the public right-of-way shall meet or exceed all applicable State, County, & Municipal codes; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Asbury Park hereby grants permission to City of Asbury Park and it's contractor to install fiber optic cable along existing utility poles in the public right-of-way subject to the following conditions:

1. The said Surveillance Camera and associated cable and hardware shall be installed on utility poles with permission from the owner(s).
2. The camera and associated hardware will be maintained and repaired by City of Asbury Park and / or its contractor.
3. City of Asbury Park contractor agrees to consult the Police Department's Traffic Safety Bureau and comply with the standard procedures taken during installation.
4. The installation of the camera and associated hardware on utility poles will in no way impact landscaping or trees along the route.
5. City of Asbury Park and it's contractor agree to indemnify, defend, protect, and hold harmless the Verizon, it's committee members, and officers from damages, liabilities, fines, charges, penalties, administrative and judicial proceedings and orders, judgement, remedial actions of any kind, all costs and cleanup actions of any kind, and all costs and expenses incurred sin connection therewith, including reasonable attorney's fees and costs of defense (collectively, the "Losses") directly or proximately resulting from activities undertaken pursuant to this Resolution, except to the extent arising from or caused by the negligence or willful misconduct of the Township, its committee members, officers, employees, agents, or contractors.

2016-170 Authorizing Appointments to the Parking Advisory Committee

Resolution # 2016-170

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

**AUTHORIZING APPOINTMENTS TO THE
PARKING ADVISORY COMMITTEE.**

WHEREAS, on January 5, 2016, the Mayor and Council adopted Resolution No. 2016-27, which authorized the establishment of a Parking Advisory Committee (also referenced as the "Committee") in and for the City of Asbury Park; 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 Resolution No. 2016-27.

NOW, THEREFORE, BE IT RESOLVED, that the following individuals are hereby appointed to serve on the Parking Advisory Committee:

Appointee

Term to Expire

William West

December 31, 2016

BE IT FURTHER RESOLVED, that the Committee shall operate in accordance with the provisions set forth in Resolution No. 2016-27.

2016-171 Appointing Michael Capabianco as Temporary Purchasing Agent as Per the Guidelines of LFN 2012-09

Resolution # 2016-171

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

**APPOINTING MICHAEL CAPABIANCO AS TEMPORARY PURCHASING AGENT
AS PER THE GUIDELINES OF LFN 2012-09**

WHEREAS, January 1, 2011 commenced the revision to the Local Public Contracts Law which created a bid threshold of \$17,500 for municipalities without a Qualified Purchasing Agent or \$36,000 for municipalities with a Qualified Purchasing Agent, as amended, and

WHEREAS, not having a Qualified Purchasing Agent can reduce state aid due to the deduction of ‘points’ in the Best Practices Questionnaire, and

WHEREAS, N.J.S.A. 40A:11-9 (G) provides for the appointment of a Temporary Purchasing Agent of a person who does not possess the appropriate certificate; and

WHEREAS, the City will be without a staff member holding the purchasing certification on April 1, 2016 ; and

WHEREAS, Michael Capabianco shall serve as the Temporary Purchasing Agent as per LFN 2012-09 with no compensation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park (the “City”), in the County of Monmouth, State of New Jersey that Michael Capabianco shall serve as the Temporary Purchasing Agent as per LFN 2012-09.

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

Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

K. Individual Resolutions

2016-172 Resolution Authorizing the Payment of Bills in the Amount of \$1,055,561.55

**Resolution #2016-172
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF
\$1,055,561.55**

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 \$1,055,561.55 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.

TOTAL VOUCHERS \$1,055,561.55

Mayor Moor abstained from item 6-01-23-220-000-209.

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

2016-173 Resolution Approving Person to Person Transfer to Pettibone Paradise, LLC from Empress Hotel, LLC – License No. 1303-36-068-001

Resolution # 2016-173

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

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Hotel License Number 1303-36-068-001, heretofore issued to Empress Hotel, LLC for premises to be determined in the City of Asbury Park, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business.

NOW, THEREFORE BE IT RESOLVED that the City of Asbury Park City Council does hereby approve, effective March 30, 2016, the transfer of the aforesaid Hotel License to Pettibone Paradise, LLC, and does hereby direct the City Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Pettibone Paradise, LLC, effective March 30, 2016."

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

2016-174 A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Waterfront Redevelopment Entity, Authorizing the Release of a Letter of Credit from Asbury Partners, LLC and Authorizing an Agreement Regarding the Same

Resolution #:2016-174
Resolution of the City of Asbury Park

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE
CITY OF ASBURY PARK, ACTING AS THE WATERFRONT
REDEVELOPMENT ENTITY, AUTHORIZING THE RELEASE
OF A LETTER OF CREDIT FROM ASBURY PARTNERS, LLC
AND AUTHORIZING AN AGREEMENT REGARDING THE
SAME**

WHEREAS, the City of Asbury Park (the "**City**") created the Waterfront Redevelopment Area (the "**Area**") and adopted a Waterfront Redevelopment Plan for the Area, as may be amended from time to time (the "**Plan**"), pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, Asbury Partners, LLC has been designated as the Master Developer of the Waterfront Redevelopment Area (the "**Developer**") and the City and the Developer (the "**Parties**") entered into that certain Amended and Restated Redeveloper and Land Disposition Agreement, dated October 28, 2002 (the "**RDA**"); and

WHEREAS, the RDA, in part, requires the City to exercise its powers of eminent domain with respect to certain properties in the Area if certain conditions are met, and the Developer is to assume all costs related to such actions; and

WHEREAS, the Parties entered into that certain Agreement between the City of Asbury Park and Asbury Partners, LLC Regarding the Procedure for Funding Acquisition of Properties Subject to Eminent Domain, dated July 2, 2004 (the “**Security Agreement**”); and

WHEREAS, the Developer posted and has continued to maintain in force a letter of credit in favor of the City pursuant to the Security Agreement (the “**Letter of Credit**”); and

WHEREAS, the Parties have been unable to locate the Security Agreement, however it is the understanding of the Parties that the purpose of the Security Agreement and the Letter of Credit is to secure the reimbursement of any costs of the City exercising its powers of eminent domain in the Area; and

WHEREAS, the Parties agree that presently no further condemnation is contemplated in the Area and the Developer has requested that it be relieved from its continuing duty to post and maintain in force the Letter of Credit; and

WHEREAS, the Parties agree that should further condemnation be required in the Area, and/or if the Security Agreement is located and required the Letter of Credit for some other purpose, that the Developer will post a security in a form reasonably acceptable to the City for the same (the “**Replacement Security**”); and

WHEREAS, the Parties have prepared an agreement providing for the Replacement Security should it be required, releasing the Developer of its obligation to maintain in force the Letter of Credit, and authorizing the cancellation of the Letter of Credit, a form of which agreement is attached hereto as **EXHIBIT A** (the “**Replacement Security Agreement**”); and

WHEREAS, the Mayor and City Council, acting as the City’s Redevelopment Entity, wish to authorize and enter into the Replacement Security Agreement which is attached hereto as **EXHIBIT A**, to release the Developer of its obligation to maintain in force the Letter of Credit and authorizing the cancellation of the Letter of Credit.

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

1. The Replacement Security Agreement attached hereto as **EXHIBIT A** is approved subject to additions, deletions, modifications or revisions deemed necessary and appropriate in consultation with counsel, the City Manager, City Clerk and other necessary City Officials are hereby authorized to execute, deliver and accept the Agreement, release the Developer of its obligation to maintain in force the Letter of Credit, cancel the Letter of Credit and all other necessary documents and undertake all actions reasonably necessary to effectuate this Resolution, the Agreement and the cancellation of the Letter of Credit.

2. This Resolution shall take effect immediately.

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

2016-175 Resolution to Adopt Policies and Procedures Manual

Resolution # 2016-175

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

RESOLUTION TO ADOPT POLICIES AND PROCEDURES MANUAL

WHEREAS, on March 15, 2000, the City Council adopted a personnel policies and procedures manual to ensure that employees and prospective employees are treated in a manner consistent with all applicable employment laws and regulations; and

WHEREAS, upon review and recommendation of the City Manager, the City Council has determined that there is a need for revision to the existing personnel policies and procedures to ensure consistency with current applicable employment laws and regulations; and

WHEREAS, the City Council has reviewed the proposed revisions to the personnel policies and procedures and has determined to adopt these revisions.

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

1. The Personnel Policies and Procedures Manual attached hereto is hereby adopted.
2. These personnel policies and procedures shall apply to all City officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.
3. This manual is intended to provide guidelines covering public service by City employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the City Council.
4. To the maximum extent permitted by law, employment practices for the City shall operate under the legal doctrine known as "employment at will."

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

2016-176 Awarding Contract for Phase II of the Springwood Avenue Park Project

Resolution # 2016-176

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

AWARDING PHASE II OF THE SPRINGWOOD AVENUE PARK PROJECT

WHEREAS, five (5) bids were received by the City of Asbury Park on March 23, 2016, for the “Springwood Ave Park Project Phase II ” project; and

WHEREAS, the lowest responsive bid was submitted by Catel Inc. on the base bid in the amount of \$98,888.00 and for Alternate A-1 in the amount of \$13,630.00 and for Alternate A-2 in the amount of \$47,022.00 for a total amount of \$159,540.00; and

WHEREAS, the Project Engineer Suburban Consulting has recommended awarding the bid to Catel, Inc.; and

WHEREAS, the Mayor and Council have determined it would be in the best interest of the City to award the contract for the “Springwood Avenue Park Project Phase II” project to Catel Inc. on the base bid in the amount of \$98,888.00 and for Alternate A-1 in the amount of \$13,630.00 and for Alternate A-2 in the amount of \$47,022.00 for a total amount of \$159,540.00.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asbury Park, County of Monmouth and State of New Jersey that the contract for the “Springwood Ave Park Project Phase II“ be and is hereby awarded to Catel Inc. on the base bid in the amount of \$98,888.00 and for Alternate A-1 in the amount of \$13,630.00 and for Alternate A-2 in the amount of \$47,022.00 for a total amount of \$159,540.00.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to return the certified check or bid bond to any other bidder whose bid was not accepted upon receipt of a fully executed contract and other required documents.

BE IT FURTHER RESOLVED that availability of funds for the contract amount is contingent upon the necessary funds being appropriated by the Governing Body in the Municipal Budget for the current year and all subsequent years subject to the contract.

BE IT FURTHER RESOLVED that this Resolution is subject to the execution of a Contract between the City of Asbury Park and Catel Inc. for the subject matter of this Resolution.

BE IT FURTHER RESOLVED that the City Manager are hereby authorized and directed to execute the contract for the same.

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

2016-177 Authorizing the Award of a Contract Regarding the Operation of a Pedal Boat Concession on a Portion of the Wesley Lake

**Resolution # 2016-177
City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING THE AWARD OF A CONTRACT REGARDING THE
OPERATION OF A PEDAL BOAT CONCESSION
ON A PORTION OF THE WESLEY LAKE.**

WHEREAS, December 9, 2015, the Mayor and Council of the City of Asbury Park (the “City”) adopted Resolution No. 2015-421, which authorized the City to implement the “competitive contracting” process under the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-4.1, *et seq.*) (the “Act”), in order to seek proposals from interested vendors regarding various types of concessions within the City, including the operation of a pedal boat concession on a portion of the Wesley Lake during the Spring/Summer/Fall seasons of 2016, 2017 and 2018; and

WHEREAS, in accordance with the requirements of the Act, a public advertisement appeared in an official newspaper of the City (The Coaster) on March 10, 2016, which advertised that the City was seeking proposals from vendors who were interested in operating said concession during the time periods specified above, pursuant to the terms and conditions set forth in a formal Request for Proposals (the “RFP”), which was available from the City Clerk’s office; and

WHEREAS, in response to said advertisement, the City received one (1) proposal on or prior to the advertised due date; and

WHEREAS, the proposal was received from Sunshine Productions, LLC, t/a Asbury Park Pedal Boats (the “Contractor”), with an address of 700 Vaughn Avenue, Toms River, New Jersey 08753; and

WHEREAS, in its proposal, the Contractor has offered to make the following payments to the City for the right to operate the said concession:

1. 2016 Spring/Summer/Fall Season: \$1,600.00;

2. 2017 Spring/Summer/Fall Season: \$1,700.00;
3. 2018 Spring/Summer/Fall Season: \$1,900.00; and

WHEREAS, the payments proposed by the Contractor meet or exceed the minimum fees required in the City's RFP; and

WHEREAS, the City Attorney has confirmed that the Contractor's proposal complies in all other respects with the requirements set forth in the RFP; and

WHEREAS, the Mayor and Council now wish to authorize the award of a contract to the Contractor for the within concession for the Spring/Summer/Fall seasons of 2016, 2017 and 2018, in accordance with the Contractor's proposal, and to authorize appropriate City officials and/or employees to take certain actions.

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

1. That the contract for the above-referenced concession for the Spring/Summer/Fall seasons of 2016, 2017 and 2018 is hereby awarded to Sunshine Productions, LLC, t/a Asbury Park Pedal Boats, in accordance with the Contractor's proposal.
2. That the City is hereby authorized to enter into an Agreement with the Contractor regarding said concession, which Agreement shall incorporate all of the requirements set forth in the RFP and shall be in a form satisfactory to the City Attorney and City Manager.
3. That the Mayor is hereby authorized to execute, and the City Clerk to attest, said Agreement.
4. That all other City officials and/or employees are hereby authorized to perform such actions as are necessary in order to further the intentions of the within Resolution.
5. That a certified copy of this Resolution shall be provided to each of the following:
 - (a) Sunshine Productions, LLC, t/a Asbury Park Pedal Boats;
 - (b) Michael Capabianco, City Manager;
 - (c) William McClave, Superintendent of Public Works;
 - (d) Michele Alonso, Director of Planning and Redevelopment;
 - (e) Richard J. Gartz, CPA RMA CMFO, CFO, Chief Financial Officer;
 - (f) Tracy Lizardi, Treasurer; and
 - (g) Frederick C. Raffetto, Esq., Municipal Attorney.

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

L. Ordinances:

1. First Reading/Introduction:

2016-12 An Ordinance Repealing Chapter III “Police Regulations”, Section 38 “Use Of Bicycles” and Replacing Said Section in its Entirety with “Use Of Bicycles, Roller Skates and Skateboards” of the “Code of the City of Asbury Park, New Jersey.”

**Asbury Park, New Jersey
ORDINANCE NO. 2016-12**

AN ORDINANCE REPEALING CHAPTER III “POLICE REGULATIONS”, SECTION 38 “USE OF BICYCLES” AND REPLACING SAID SECTION IN ITS ENTIRETY WITH “USE OF BICYCLES, ROLLER SKATES AND SKATEBOARDS” OF THE “CODE OF THE CITY OF ASBURY PARK, NEW JERSEY.”

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 III “police regulation” that Section 38 “Use of Bicycles” is repealed and replaced by “Use of Bicycles, Roller Skates and Skateboards” within the “Code of the City of Asbury Park, New Jersey in order to add the following:

3-38 USE OF BICYCLES, ROLLER SKATES AND SKATEBOARDS.

3-38.1 Operation

a. Every person operating a bicycle, roller skates or a skateboard shall at all times operate with due regard for the safety of other persons and vehicles lawfully upon the streets, highways, parkways and public places, as well as for his own or her safety, and shall at all times and under all conditions yield the right-of-way to pedestrians on sidewalks (paved surface for pedestrian use), streets, highways, parkways, public places and on the crosswalks.

b. **RIGHTS AND DUTIES** Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by chapter four of Title 39 of the Revised Statutes and all supplements thereto except as to those provisions thereof which by their nature can have no application. NJSA 39:4-14.1 These rights and duties also apply to roller skaters and skateboarders. NJSA 39:4-10.10

c. **HELMETS** A person under 17 years of age shall not operate, or ride upon a bicycle as a passenger, unless wearing a properly fitted and fastened bicycle helmet. NJSA 39: 4-10.1 et. seq. The use of a helmet shall also apply to persons roller skating or skateboarding, NJSA 39:4-10.5

d. **LIGHTS and REFLECTORS (BICYCLES)** Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a lamp on the rear which shall emit a red light visible from a distance of at least five hundred (500) feet to the rear. In addition to the red lamp, a red reflector may be mounted on the rear, of a type approved by the New Jersey Motor Vehicle Commission, which shall be visible from all distances from fifty (50) feet to three hundred

(300) feet to the rear when directly in front of the lawful upper beams of head lamps on a motor vehicle. NJSA 39:4-10

e. **AUDIBLE SIGNAL(BICYCLES)** No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren or whistle. NJSA 39:4-11

f. **BRAKE REQUIRED (BICYCLES)** Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel stop on dry, level, clean pavement. NJSA 39:4-11.1

g. **POSITION OF HANDS AND FEET; CARRYING ANOTHER PERSON (BICYCLES)** A person propelling or riding on a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto, nor shall he/she ride with his/her feet removed from the pedals, or with both hands removed from the handlebars, nor shall he/she practice any trick or fancy riding in the street. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. NJSA 39:4-12

h. **HITCHING** No person riding upon any bicycle, coaster, skates, sled, or toy vehicle shall attach the same or himself/herself to any vehicle upon a roadway and no operator of any vehicle shall knowingly allow any person riding upon any bicycle to attach the same or himself/herself to the vehicle. NJSA 39:4-14

i. **KEEPING TO THE RIGHT; EXCEPTIONS** Any person operating a bicycle, roller skates or a skateboard upon a roadway shall ride as near to the right side of the highway as practicable exercising due care when passing a standing vehicle or one proceeding in the same direction; provided, however, that any person may move to the left under any of the following circumstances:

(a) to make a left turn from a left-turn lane or pocket;

(b) to avoid debris, drains or other hazardous conditions that make it impractical to ride at the right side of the roadway;

(c) to pass a slower moving vehicle;

(d) to occupy any available lane when traveling at the same speed as other traffic;

(e) to travel no more than two abreast when traffic is not impeded

Persons operating a bicycle, roller skates or a skateboard upon a roadway may travel no more than two abreast when traffic is not impeded, but otherwise shall ride in single file, except on paths or parts of roadways set aside for the exclusive use of bicycles, skates or skateboards.

NJSA 39:4-10.11 AND NJSA 39:4-14.2

j. **TURN SIGNALS REQUIRED** Before turning or changing the direction of any bicycle, roller skate or skateboarder, upon any street, highway, parkway or public place it shall be the duty of the rider to give a signal, by the extension of the hand, to indicate the direction it is the intention to proceed.

k. **MOTORIZED BICYCLES** shall be operated as regulated by NJSA 39:4-14.3 et. seq.

l. **SALES AND RENTALS OF BICYCLES** shall be as regulated by NJSA 39:4-10.3,14.et.seq

m. **ELECTRICAL PERSONAL ASSIST MOBILITY DEVICE** shall be operated as regulated by NJSA 39:4-14.10 et.seq. and are subject thereto all rights and duties of the driver of a bicycle.

n. **MOTORIZED SCOOTERS PROHIBITED; EXCEPTION** Except for an operator with a mobility-related disability the operation of motorized scooters is prohibited except on private property with the contractual right to use that property. NJSA 39:4-14.12. New Jersey Motor Vehicle Commission will issue a sticker or placard to any holder of a handicapped person

identification card to be displayed on such a motorized scooter. NJSA 39:4-14.5 If permitted all such drivers of motorized scooters are subject to all rights and duties of the driver of a bicycle.

o. **RIDING ON SIDEWALKS** No person over 12 years of age shall ride a bicycle, roller skate or skateboard on a sidewalk. Such rider, 12 years of age or younger, shall at all times and under all conditions yield the right-of-way to pedestrians on sidewalks (for purposes of this section a sidewalk is a paved surface for pedestrian use) as well as on streets, highways, parkways, public places and on the crosswalks. No person shall ride a bicycle, roller skate or skateboard on any sidewalk in the Central Business District.

Nothing in this section shall prevent the use of toy bicycles or children's tricycles on a sidewalk.

p. Every rider of a bicycle, roller skater or skateboarder shall obey all traffic regulations as established by N.J.S.A. 39:4-1 et seq., and all ordinances passed by the City as to the regulations of traffic on stop streets, one-way streets and through streets.

Note; Regulations regarding bicycles, roller skates and skateboards on the Boardwalk are found in Chapter V of this Administrative Code.

3-38.2 Penalties.

Any person, under the age of eighteen (18) years, who violates any of the vehicle traffic laws or provisions of this section, relating to the safe riding rules and regulations and the official police instructions for the safe operation of a bicycle, roller skates or skate board shall be, for the first offense, reprimanded by the Chief of Police or his/her designee, in writing, addressed to the parents or guardian of the offender, stating the nature of the violation and a warning that a repetition of the violation or any other violation must be prevented by the parents or guardian or for a period of time at the discretion of the Chief of Police or his/her designee the offender cannot ride his or her bicycle, roller skates or skateboard on the streets.

Any person eighteen (18) years of age or older, violating any of the provisions of this section, shall, upon conviction thereof be subject to the penalty as stated in Chapter I, Section 1-5. (2000 Code § 3-3.10)

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, pursuant to N.J.S.A. 40:69A-181(b), the Mayor and Council (not less than two-thirds thereof affirmatively concurring) hereby declare an emergency so that this Ordinance may take effect twenty (20) days after its final passage, so that the Ordinance may be implemented as soon as possible.

Motion to introduce Ordinance 2016-12.

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

Public hearing is scheduled for April 13, 2016.

2016-13 Approving and Adopting an Amendment to the Springwood Avenue
Redevelopment Plan

Asbury Park, New Jersey
ORDINANCE NO. 2016-13

**APPROVING AND ADOPTING AN AMENDMENT TO THE SPRINGWOOD AVENUE
REDEVELOPMENT PLAN**

WHEREAS, on June 26, 2003 the Mayor and City Council adopted Ordinance No. 2646 entitled “AN ORDINANCE ESTABLISHING A CENTRAL BUSINESS DISTRICT REDEVELOPMENT PLAN FOR THE CITY OF ASBURY PARK” (the “Ordinance”); and

WHEREAS, pursuant to the Local Redevelopment and Housing Law (*N.J.S.A.* 40A:12A-1 *et seq.*, the “Act”) the Ordinance adopted a plan (the “Springwood Avenue Redevelopment Plan” or the “Plan”) for the redevelopment of an area in need or redevelopment or in need of rehabilitation; and

WHEREAS, on February 6, 2008, the Mayor and City Council adopted Ordinance No. 2862, entitled “AN ORDINANCE ESTABLISHING THE SPRINGWOOD AVENUE REDEVELOPMENT PLAN FOR THE CITY OF ASBURY PARK” (the “Ordinance”); and

WHEREAS, the Ordinance approved and adopted a redevelopment plan for the Springwood Avenue Redevelopment Area (the “Springwood Avenue Redevelopment Area” or the “Area”), pursuant to and in accordance with the New Jersey “Local Redevelopment and Housing Law,” *N.J.S.A.* 40A:12A-1, *et seq.* (the “Act”); and

WHEREAS, the aforesaid redevelopment plan is referenced herein as the “Springwood Avenue Redevelopment Plan” or the “Plan”; and

WHEREAS, the Act sets forth the process by which amendments to any redevelopment plan shall be adopted; and

WHEREAS, on August 20, 2014, the Mayor and City Council adopted Ordinance No. 3076, entitled “AN AMENDMENT TO THE SPRINGWOOD AVENUE REDEVELOPMENT PLAN RELATING TO THE SPRINGWOOD AVENUE REDEVELOPMENT AREA,” which amended the Plan; and

WHEREAS, the Springwood Avenue Redevelopment Plan, as amended, has led to an increase in public and private investment within the Area since its adoption; however, the Plan may benefit from additional amendments to further effectuate redevelopment of the Area, and the goals and objectives of the City; and

WHEREAS, the Mayor and City Council believe that expanding the boundaries of the Springwood Avenue Redevelopment Plan will benefit the parcels to be included; and

WHEREAS, in this regard, the Mayor and City Council believe that the following parcels should be included in the Plan as an “Area in Need of Rehabilitation” pursuant to N.J.S.A. 40A:12A-14 and -15: Block 702, Lot 1; Block 705, Lots 1-4; Block 805, Lot 1; Block 608, Lots 1 and 2, Lots Block 603, Lots 3-9; Block 602, Lots 6 and 7 and Block 607, Lot 8; and

WHEREAS, the Mayor and City Council also believe that the Plan should be amended in order to include bicycle racks in any multifamily residential development within the Area and to incorporate changes to the zoning standards in the Gateway Zone for properties that front on Memorial Drive within the Area; and

WHEREAS, the Mayor and City Council have determined that such changes to the Plan would be consistent with the history of the Springwood Avenue corridor and the neighborhood, and would help to bring revitalization; and

WHEREAS, a copy of the proposed amendment(s) to the Redevelopment Plan, as drafted by the City’s Director of Planning and Redevelopment, is attached hereto to as Exhibit A (the “Proposed Amendment”) to accommodate this request; and

WHEREAS, the Mayor and City Council adopted a Resolution on January 27, 2016 referring this matter to the Planning Board for its review and comment pursuant to N.J.S.A. 40A:12A-7(e); and

WHEREAS, on March 21, 2016 the Planning Board adopted a resolution finding that the Proposed Amendments are consistent with the City Master Plan, and setting forth certain findings and recommendations, as follows:

1. That the first paragraph on page 31 under “Alternatives Approaches to Meeting the Off-Street Parking Requirements” be struck.
2. The Board recommends that the Director of Redevelopment, Michele Alonso, prepare the appropriate amendments to the Plan and Plan Maps and Schedules to reflect the amendment and the proposed amendment referred to in number 1 above.”

WHEREAS, the Mayor and the City Council have considered the recommendations of the Planning Board, and wish to incorporate the same herein; and

WHEREAS, the Mayor and City Council now wish to adopt the Proposed Amendments as 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, as follows:

1. That the recitals hereto are hereby incorporated herein as if set forth at length.
2. That the Springwood Avenue Redevelopment Plan is hereby amended in order to incorporate the Proposed Amendments as set forth in Exhibit “A,” along with the comments from the Planning Board as set forth above (which are incorporated herein by reference).
3. That the Proposed Amendments shall supersede the prior language of the affected sections of the Plan.
4. That the Official Zoning Map of the City of Asbury Park is hereby amended in accordance with the requirements of this Ordinance.
5. 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 that portion of the Ordinance actually adjudged to be invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
6. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
7. 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 introduce Ordinance 2016-13.

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

Public hearing is scheduled for April 13, 2016.

2016-14 Bond Ordinance Providing for Improvements to Municipal Parks and Buildings by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey (the “City”); Reappropriating Excess Bond Proceeds in the Amount of \$127,561.80 from Bond Ordinance Number 2878 to Finance the Cost Thereof

**Asbury Park, New Jersey
ORDINANCE NO. 2016-14**

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS
TO MUNICIPAL PARKS AND BUILDINGS BY AND IN THE
CITY OF ASBURY PARK, IN THE COUNTY OF
MONMOUTH, STATE OF NEW JERSEY (THE “CITY”);
REAPPROPRIATING EXCESS BOND PROCEEDS IN THE
AMOUNT OF \$127,561.80 FROM BOND ORDINANCE
NUMBER 2878 TO FINANCE THE COST THEREOF**

WHEREAS, the City Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey (the “City”), finally adopted Bond Ordinance Number 2878 on September 3, 2008 (the “Ordinance”); and

WHEREAS, following the effective date of the Ordinance, the City issued bonds to fully fund same and to finance the improvements or purposes authorized therein; and

WHEREAS, the City has determined that the capital improvements or purposes set forth in the Ordinance have either been completed in full or discontinued as a result of events occurring subsequent to the adoption of the Ordinance, as applicable; and

WHEREAS, there currently remains on deposit in the City general capital account excess bond proceeds allocable to the Ordinance (the “Excess Proceeds”) but no longer necessary to complete the improvements or purposes authorized therein; and

WHEREAS, in accordance with its statutory powers, including but not limited to those set forth in section 39 of the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*, the City Council has determined that it is in the best interest of the City to reappropriate the Excess Proceeds to finance the cost of the improvements to Municipal Parks And Buildings and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto (collectively, the “Project”), which Project is an improvement or purpose for which bonds may be issued, thereby, decreasing the amount of additional City debt to finance such current capital needs; and

WHEREAS, the City Council now desires to reappropriate the Excess Proceeds to undertake the cost of the Project, which is an improvement or purpose for which bonds may be issued; and

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The following amounts of Excess Proceeds of the Ordinance are no longer necessary for the purposes for which they were authorized and issued:

<u>Bond Ordinance Number</u>
2878

<u>Excess Proceeds Amount</u>
\$127,561.80

**Bond
Ordinance Number**

**Excess
Proceeds Amount**

SECTION 2. The total amount of \$127,561.80 in Excess Proceeds is hereby reappropriated pursuant to N.J.S.A. 40A:2-39 and other applicable law, and shall be used to finance a portion of the cost of the Project, which is a general capital improvement or purpose for which bonds may be issued and, which general improvement or purpose is set forth in Section 3 of this bond ordinance.

SECTION 3. (a) The improvement hereby authorized and purpose for which the Excess Proceeds shall be utilized is improvements to Municipal Parks And Buildings and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto (the "Project"), which Project is an improvement for which bonds may be issued.

(b) The estimated cost of said purpose is \$127,561.80, which is the reappropriation of the Excess Proceeds.

SECTION 4. The capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the office of the Clerk and is available for public inspection.

SECTION 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement or purpose which the City may lawfully undertake as a general improvement or purpose, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvement or purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15 years.

(c) An amount not exceeding \$25,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose herein before described.

SECTION 6. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Motion to introduce Ordinance 2016-14.

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

Public hearing is scheduled for April 13, 2016.

2. Second Reading/Public Hearing:

2016-07 An Ordinance Amending and Supplementing Article VIII
 “Authorities, Boards, Commissions, Committees, and Volunteers”
 Creating A New Section 2-59 “Beach Utility”

**Asbury Park, New Jersey
 ORDINANCE NO. 2016-07**

**AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE VIII
 “AUTHORITIES, BOARDS, COMMISSIONS, COMMITTEES, AND VOLUNTEERS”
 CREATING A NEW SECTION 2-59 “BEACH UTILITY”**

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 Article VIII “AUTHORITIES, BOARDS, COMMISSIONS, COMMITTEES, AND VOLUNTEERS” that Section 2-59 “Beach Utility” is hereby created and added to the “Code of the City of Asbury Park, New Jersey is hereby amended and supplemented in order to add the following:

**ARTICLE VIII
 BEACH UTILITY**

2-59 BEACH UTILITY

2-59.1 Establishment

The City of Asbury Park Beach Utility is hereby created and established for the purposes of collecting expense, both direct and indirect, and revenue data with regard to the operation, maintenance and improvement of the beach, boardwalk and related facilities.

2-59.2 Official Name

The name by which the Utility shall be known is "The Asbury Park Beach Utility," hereinafter the "Utility."

2-59.3 Functions.

It shall be the function of the Utility to manage all fiscal, operational, maintenance and improvement of the beach, boardwalk and related facilities.

2-59.4 Governing Regulations.

The Utility shall be governed by the ordinances, the Administrative Code, applicable State and Federal laws and the resolutions adopted by the Mayor and City Council and by administrative directives.

2-59.5 Financial Affairs.

The financial affairs of the Utility shall be governed in accordance with the statutes applying to the financial affairs of the municipality and utilities in general.

2-59.6 Acquisition of Property.

The Utility may, from time to time, acquire such real property as may be authorized by the Mayor and City Council by duly adopted ordinances according to the laws of the State of New Jersey.

2-59.7 Appointment of Employees, Salaries and Compensation.

The City Manager shall have the full authority to appoint and employ all necessary employees for the Utility. Salaries of the employees will be in accordance with classification and salary ordinances duly adopted by the Mayor and City Council. Portions of salaries of existing employees may be prorated based on the amount of time spent on parking operations compared to the employees' full-time City responsibilities.

2-59.8 Utility Charges.

The Utility shall have authority to charge and collect monies for the use of the utilities facilities whether they be user charges, rental fees, or lease payments, and to use these monies to defray the cost of acquisition of lands, buildings and facilities, rights and interests therein, to equip the facilities, to pay the Utility's current expenses and to pay the interest and principal on notes and bonds.

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, pursuant to N.J.S.A. 40:69A-181(b), the Mayor and Council (not less than two-thirds thereof affirmatively concurring) hereby declare an emergency so that this Ordinance may take effect immediately after its final passage, so that the Ordinance may be implemented as soon as possible.

Motion made by Deputy Mayor Quinn and seconded by Council Member Kendle the open Ordinance 2016-07 to the public. Werner Baumgartner spoke. Motion made by Mayor Moor and seconded by Council Member Clayton to close Ordinance 2016-07 to the public.

Motion to adopt Ordinance 2016-07.

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

2016-08 Approving and Adopting an Amendment to the Central Business District
Redevelopment Plan Relating to the Subdivision of Overlook Park

Asbury Park, New Jersey
ORDINANCE NO. 2016-08

**APPROVING AND ADOPTING AN AMENDMENT TO THE CENTRAL BUSINESS
DISTRICT REDEVELOPMENT PLAN RELATING TO THE
SUBDIVISION OF OVERLOOK PARK.**

WHEREAS, on June 26, 2003 the Mayor and City Council adopted Ordinance No. 2646 entitled “AN ORDINANCE ESTABLISHING A CENTRAL BUSINESS DISTRICT REDEVELOPMENT PLAN FOR THE CITY OF ASBURY PARK” (the “Ordinance”); and

WHEREAS, pursuant to the Local Redevelopment and Housing Law (*N.J.S.A.* 40A:12A-1 *et seq.*, the “Act”) the Ordinance adopted a plan (the “CBD Redevelopment Plan” or the “Plan”) for the redevelopment of an area (the “Central Business District Redevelopment Area” or the “Area”); and

WHEREAS, the CBD Redevelopment Plan has led to an increase in public and private investment within the Area since its adoption, however, the Plan may benefit from amendments to remove barriers to further investment; and

WHEREAS, the Act sets forth the process by which amendments to any redevelopment plan shall be considered and, if appropriate, adopted; and

WHEREAS, the City wishes to sell a 25’ x 100’ portion of the property known as Block 3105 (formerly identified as Block 117), Lot 1, to the adjacent property owner (the “applicant”) so that the applicant may have a conforming sized lot to develop pursuant to the standards of the Plan; and

WHEREAS, the parcel to be sold was previously part of “Overlook” (a/k/a “Kennedy”) Park, and is located in the Area; and

WHEREAS, in connection with this proposed sale, it is necessary for the City to amend the Plan in certain respects; and

WHEREAS, a copy of the proposed amendments to the Plan, as prepared by the City's Director of Planning and Redevelopment, are attached hereto as Exhibit "A" (the "Proposed Amendments"); and

WHEREAS, the Mayor and City Council adopted a Resolution on October 29, 2015 referring this matter to the Planning Board for its review and comment pursuant to N.J.S.A. 40A:12A-7(e); and

WHEREAS, on March 7, 2016 the Planning Board adopted a resolution finding that the Proposed Amendments are consistent with the City Master Plan, and setting forth certain findings and recommendations, as follows:

- "1. The Board recommends that a 3 foot setback along the easterly side of the proposed lot area be maintained.
2. The Board recommends that the Director of Redevelopment, Michele Alonso, prepare the appropriate amendments to the Plan and Plan Maps and Schedules to reflect the amendment and the proposed setback referred to in number 1 above."

WHEREAS, the Mayor and the City Council have considered the recommendations of the Planning Board, and wish to incorporate the same herein; and

WHEREAS, the Mayor and City Council now wish to adopt the Proposed Amendments as 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, as follows:

1. That the recitals hereto are hereby incorporated herein as if set forth at length.
2. That the CBD Redevelopment Plan is hereby amended in order to incorporate the Proposed Amendments as set forth in Exhibit "A," along with the comments from the Planning Board as set forth above (which are incorporated herein by reference).
3. That the Proposed Amendments shall supersede the prior language of the affected sections of the Plan.
4. That the Official Zoning Map of the City of Asbury Park is hereby amended in accordance with the requirements of this Ordinance.
5. 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 that portion of the Ordinance actually adjudged to be invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

6. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
7. 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 Council Member Kendle the open Ordinance 2016-08 to the public. Werner Baumgartner spoke. Motion made by Deputy Mayor Quinn and seconded by Council Member Kendle to close Ordinance 2016-08 to the public.

Motion to adopt Ordinance 2016-08.

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

2016-09 Ordinance of the Mayor and City Council of the City of Asbury Park Authorizing the Sale of Certain Real Property Which is No Longer Needed for Public Use (Block 1003, Lot 68 – 1413 ½ Springwood Avenue)

Ordinance # 2016-09

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

**ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE
CITY OF ASBURY PARK AUTHORIZING THE SALE OF CERTAIN REAL
PROPERTY WHICH IS NO LONGER NEEDED FOR PUBLIC USE
(Block 1003, Lot 68 – 1413 ½ Springwood Avenue)**

WHEREAS, The City of Asbury Park (the “City”) is the record owner of certain real property situated within the City which is known and designated as Block 1003, Lot 68 on the Official Tax Map (located at 1413 ½ Springwood Avenue) (also referenced as the “Property”); and

WHEREAS, the Property is undersized and cannot be developed without the approval of variances; and

WHEREAS, the Mayor and City Council do hereby determine that the Property is no longer needed for any public use(s) or purpose(s) of the City; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) provides that a parcel such as the Property may be sold by private sale to an adjacent property owner pursuant to an ordinance and without conducting a public auction, provided that (i) the property is less than the minimum size required for development under the municipal zoning ordinance; (ii) there are no capital improvements on the property; (iii) the sale of the property is made for at least fair market value; (iv) the purchaser is both an adjacent property owner and the highest bidder of all of the adjacent property owners, and (v) the purchaser shall abide by certain conditions and/or requirements, if any, imposed by the City at the time of sale of the property; and

WHEREAS, the Mayor and City Council do hereby wish to authorize the sale of the Property, through a private sale to the highest bidder of all of the adjacent property owners, pursuant to N.J.S.A. 40A:12-13(b)(5), in accordance with the provisions set forth below.

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

Section 1. Authorization for and Condition(s) of Sale:

The sale of the property located at Block 1003, Lot 68 on the Official Tax Map of the City (located at 1413 ½ Springwood Avenue) is hereby authorized pursuant to N.J.S.A. 40A:12-13(b)(5), subject to the following conditions and restrictions:

1. The Property shall be sold for not less than Five Thousand Dollars (\$5,000), the fair market value thereof, along with the payment of any and all expenses incurred by the City in connection with the sale and transfer of the title to the Property, including but not limited to the payment by the purchaser of the City's legal, survey, title and environmental fees, if any;
2. The purchaser shall take all necessary steps to formally merge the Property with its adjacent property and provide the municipality with proof thereof;
3. The purchaser and/or any subsequent owner shall not be permitted to subdivide the Property or any portion thereof and shall not be permitted to construct another principal structure thereon;
4. The deed transferring the Property to the purchaser shall incorporate the restrictions set forth in items 2. and 3. above;
5. The Property shall be sold "as is" with regard to any and all conditions, including but not limited to environmental and title issues;
6. The purchaser shall be required to provide ten percent (10%) of the purchase price of the Property with the sealed bid via cash or certified funds, which percentage shall be deemed a non-refundable deposit;
7. The purchaser shall be required to execute a contract of sale in connection with the payment of the balance of the purchase price and the closing of title within thirty (30) days

of the adoption of a Resolution by the Mayor and City Council awarding the sale of the Property, as specified in Section 3 below; and

8. The closing shall occur by no later than sixty (60) days from the date of the executed contract of sale, or by such other date as mutually agreed to by the parties, and the City shall provide a quitclaim deed in connection therewith; an affidavit of title will not be provided.

Section 2. Submission of bids:

The City shall solicit bids, through a sealed bid process, from all owners of parcels adjacent to the Property and shall require that such bids be submitted to the City Clerk by 10:00 a.m. (EST) on Tuesday, May 10, 2016. The City Clerk shall open and read aloud all bids received at 10:00 a.m. (EST) on Tuesday, May 10, 2016.

Section 3. Determination of Award; Reservation of Rights; Authorization of City Officials:

The Mayor and City Council shall authorize the award of the sale of the Property within sixty (60) days of the date of opening of the bids. Such award may be made by Resolution.

The City reserves the right to reject all bids where the highest bid is not accepted or does not meet the requisite conditions and restrictions, or for any other reason whatsoever.

All relevant City officials, including but not limited to the City Manager, the City Clerk, the Director of Planning and Redevelopment and the City Attorney, are hereby authorized to perform any actions that are deemed necessary in furtherance of the intentions of the within Ordinance.

Section 4. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 6. This Ordinance shall take effect upon its passage and publication according to law, following the required twenty (20) day wait period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

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

- a. Michele Alonso, Director of Planning and Redevelopment;
- b. Michael Capabianco, City Manager
- c. Frederick C. Raffetto, Esquire, City Attorney.

Motion made by Deputy Mayor Quinn and seconded by Council Member Kendle the open Ordinance 2016-09 to the public. Rita Marano spoke. Motion made by Council Member Kendle and seconded by Council Member Clayton to close Ordinance 2016-09 to the public.

Motion to adopt Ordinance 2016-09.

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

2016-10 An Ordinance Authorizing the Sale of Certain Real Property Located at 1506 Park Avenue (Block 3603, Lot 19) to the Asbury Park Board of Education

**Asbury Park, New Jersey
ORDINANCE NO. 2016-10**

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY
LOCATED AT 1506 PARK AVENUE (BLOCK 3603, LOT 19) TO THE ASBURY PARK
BOARD OF EDUCATION.**

WHEREAS, the City of Asbury Park (the “City”) is the record owner of the real property located at 1506 Park Avenue in the City, more commonly known and designated as Block 3603, Lot 19 (the “Property”) on the Official Tax Map of the City; and

WHEREAS, the Property is improved with an Administration Building measuring approximately 5,098 square feet, which has been leased for public purposes to the Asbury Park Board of Education (the “Board of Education”) for a number of years; and

WHEREAS, the City has determined that the Property is no longer needed for any public purpose(s) or use(s) of the City, and has determined to offer the Property for sale to the Board of Education; and

WHEREAS, the New Jersey Local Land and Buildings Law, N.J.S.A. 40A:12-1, et seq., authorizes a municipality to sell any real property not needed for public use at a private sale, when authorized by Ordinance, to “any political subdivision, agency, department, commission, board or body corporate and politic of the State of New Jersey...” [N.J.S.A. 40A:12-13(b)(1)]; and

WHEREAS, the parties have each received appraisals concerning the fair market value of the Property, and have negotiated the mutually agreed upon sale price of \$425,000.00 (Four Hundred and Twenty Five Thousand Dollars); and

WHEREAS, the Mayor and City Council now wish to authorize the proposed sale of the Property as referenced above, and to authorize all relevant City officials to perform all actions that are necessary in order to consummate said transaction.

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, as follows:

1. That the sale of the Property to the Board of Education for the sum of \$425,000.00 (Four Hundred and Twenty Five Thousand Dollars) is hereby authorized.
2. That the Mayor is hereby authorized to execute, and the City Clerk to attest, a Contract for Sale of Real Estate, and subsequently a Deed, in order to convey the Property from the City to the Board of Education for the above-referenced consideration. The Contract for Sale of Real Estate and Deed shall be in a form satisfactory to the City Attorney and City Manager.
3. That all other City officials are hereby authorized and directed to undertake such actions as are necessary, and to execute such documents, as are necessary in order to further the intentions of the within Ordinance.

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 Council Member Clayton the open Ordinance 2016-10 to the public. No one spoke from the public. Motion made by Deputy Mayor Quinn and seconded by Council Member Clayton to close Ordinance 2016-10 to the public.

Motion to adopt Ordinance 2016-10.

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

2016-11 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. 2016-11**

**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>Fifth Avenue</u>	<u>East</u>	<u>Between Webb Street and Ocean Avenue (Eastbound)</u>	<u>Both Sides</u>
<u>Sunset Avenue</u>	<u>West</u>	<u>Between Ocean Avenue and Kingsley Street</u>	<u>Both Sides</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 Deputy Mayor Quinn and seconded by Council Member Kendle the open Ordinance 2016-11 to the public. No one spoke from the public. Motion made by Council Member Kendle and seconded by Council Member Clayton to close Ordinance 2016-11 to the public.

Motion made by Mayor Moor and seconded by Deputy Mayor Quinn to table Ordinance 2016-11. All were in favor.

The meeting was adjourned.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk