



Agenda
Meeting of the Municipal Council
Wednesday, April 13, 2016

I. Executive Session – 6:00 p.m.

Resolution 2016-178 Authorizing a Meeting which Excludes the Public

A. Contract Negotiations:

1. Carter Sackman Redevelopment Agreement - 607 Mattison Ave.
2. Carter Sackman - Savoy Theater Financial Agreement

B. Personnel:

1. Deputy Chief of Police Contract

C. Attorney-Client Privilege

D. Litigation:

1. Refuse Collection

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 ARBOR DAY – APRIL 29, 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 28, 2016 – Workshop Session

- March 30, 2016 – Executive Session
- March 30, 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.]

- 2016-179 Approving Special Events/Wedding Applications as Presented on April 11, 2016
- 2016-180 Resolution Authorizing the Payment of Payroll in the Amount of \$866,377.71
- 2016-181 Resolution of the City of Asbury Park, County of Monmouth, State of New Jersey, Authorizing Compensation Payment to Tracy Lizardi-Clifton Upon Her Separation of Employment
- 2016-182 Resolution of the City of Asbury Park, County of Monmouth, State of New Jersey Authorizing a Refund Due to a Subsequent Payment Made in Error on an Exempted Property
- 2016-183 Resolution Authorizing Cancellation, Correction and Reissuance of Tax Sale Certificates Due to Erroneous Name
- 2016-184 Authorizing the Tax Collector to Prepare and Deliver Estimated 2016-3rd Quarter Tax Bills
- 2016-185 Resolution of the City of Asbury Park, County of Monmouth, State of New Jersey Authorizing a Refund Due to a Subsequent Payment Made in Error on a Redeemed Lien
- 2016-186 Resolution to Authorize Year End Tax Sale
- 2016-187 Approve Tax Sale Costs
- 2016-188 Resolution to Defer P.I.L.O.T. Erroneously Billed From Tax Sale
- 2016-189 Resolution to Execute Agreement to Participate in Electronic Tax Sale PILOT Program
- 2016-190 Appointing Phoenix Consulting to Conduct a Search for a CFO
- 2016-191 Awarding LSRP Services for the DPW Facility Located at 9 Main Street
- 2016-192 Rejecting Request for Proposals for IT Consulting Professional
- 2016-193 Authorizing the Submission of a Grant to the NJ DEP's Flood Hazard Risk Reduction and Resiliency Grant Program

L. Individual Resolutions

- 2016-194 Resolution Authorizing the Payment of Bills in the Amount of \$2,125,603.55
- 2016-195 Authorizing the Award of the Ocean Outfall and Difuser Repair Bid
- 2016-196 Authorization to Create a Seasonal Bike Rack Request Program for the CDC and Commercial Businesses
- 2016-197 Approval of the Bradley Cove Open Space Project, Authorization of the Asbury Park's Financial Participation in the Project, Authorization of the Signing and Execution of all Required Documents, and Indicates its

- Readiness to Proceed with the Project in Terms of Matching Funds for Application to the Monmouth County Municipal Open Space Grant Program for Acquisition Funds
- 2016-198 A Resolution of the Mayor and Council of the City of Asbury Park Authorizing an Escrow and Funding Agreement with Bond Galleries, LLC for the Property Located at 205-209 Bond Street
- 2016-199 A Resolution of the Mayor and Council of the City of Asbury Park Authorizing a Development Agreement with Bond Galleries, LLC for the Property Located at 205-209 Bond Street
- 2016-200 Resolution of the Mayor and City Council of the City of Asbury Park Issuing a New Hotel Liquor License to 210 5th Ave. Venture Urban Renewal LLC
- 2016-201 Authorizing the Award of a Contract Regarding the Operation of Seasonal Rental of Umbrellas and Beach Chairs

M. Ordinances:

1. Introduction:

- 2016-15 Ordinance of the City of Asbury Park Authorizing the Execution of a Financial Agreement With AEF II Urban Renewal, LLC And Savoy Urban Renewal, LLC, And Granting A Tax Exemption
- 2016-16 Bond Ordinance Providing for Various 2016 Capital Improvements, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey; Appropriating \$1,750,000 Therefor and Authorizing the Issuance of \$1,662,500 Bonds or Notes of the City to Finance Part of the Cost Thereof
- 2016-17 Bond Ordinance Providing for Various 2016 Roadway Improvements, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey; Appropriating \$1,250,000 Therefor and Authorizing the Issuance of \$1,187,500 Bonds or Notes of the City to Finance Part of the Cost Thereof

2. Second Reading/Public Hearing:

- 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.”
- 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

N. Adjournment.



MINUTES
Meeting of the Municipal Council
Wednesday, April 13, 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, 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 6, 2016, and posted on the bulletin board the same date. All notices are on file with the City Clerk.”

PROCLAMATION RECONIZING ARBOR DAY – APRIL 29, 2016

Deputy Mayor Quinn read the proclamation.

MATTERS FROM CITY COUNCIL

Council Member Clayton stated that the Code Enforcement/Quality of Life Committee will have their annual clean-up on April 30. There will be a follow-up expungement seminar on May 7 at St. Stephen’s Church.

Deputy Mayor Quinn thanked all the volunteers who came out for the cleanup hosted by the Environmental/Shade Tree Commission this past weekend at Merchant’s Park.

Mayor Moor stated that the Asbury Park Fishing Club will be holding the annual Carpe Fishing Tournament on May 10. The Mayor’s Rodeo will be held on April 21.

MATTERS FROM CITY MANAGER

City Manager Capabianco followed-up on inquiries from the April 11 workshop meeting.

MATTERS FROM THE CITY ATTORNEY

City Attorney Raffetto reviewed with Council the request made from the vendor for beach chairs and umbrellas.

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: Henry Vaccara, Robert Weiner, Loshon Anderson Gray; Linda Leighee, Trace Grant, Rita Marano, Maureen Nevin, Tracy Rogers, Felicia Simmons and Jerry Scarano.

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 28, 2016 – Workshop Session
- March 30, 2016 – Executive Session
- March 30, 2016 – Regular Session

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

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.]

2016-179 Approving Special Events/Wedding Applications as Presented on April 11, 2016

Resolution # 2016-179

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

WHEREAS, AT WORK SESSION MEETING OF THE Mayor and Council held on April 11, 2016 the following Special Events Applications were presented for approval by the Director of Recreation:

1. Spring Fair
2. Bonfires on the Beach
3. Fireworks Display on the Beach
4. Big Splash
5. Super Safe Summer Event

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.

2016-180 Resolution Authorizing the Payment of Payroll in the Amount of
\$866,377.71

**Resolution #2016-180
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF
\$866,377.71**

WHEREAS, the March 30, 2016 payroll in the amount of \$866,377.71, 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 \$866,377.71 is hereby authorized to be paid, and;

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

2016-181 Resolution of the City of Asbury Park, County of Monmouth, State of
New Jersey, Authorizing Compensation Payment to Tracy Lizardi-Clifton
Upon Her Separation of Employment

**Resolution # 2016-181
Resolution of the City of Asbury Park**

**RESOLUTION OF THE CITY OF ASBURY PARK,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY,**

**AUTHORIZING COMPENSATION PAYMENT TO TRACY LIZARDI-CLIFTON
UPON HER SEPARATION OF EMPLOYMENT**

WHEREAS, Tracy Lizardi-Clifton and the City of Asbury Park have agreed on a separation and release agreement effective April 1, 2016; and

WHEREAS, Tracy Lizardi-Clifton as accumulated earned time that he is entitled to be compensated for as follows:

4.5 Vacation Days	\$ 1,182.19
11.5 Compensatory Hours	\$ 431.59
Total Amount Due	<u>\$ 1,613.69</u>

WHEREAS, in accordance with N.J.A.C. 5:30-15.4 and the Fair Labor Standards Act, sufficient documentation has been provided to Chief Financial Officer, Richard Gartz for the above accumulated

2016-182 Resolution of the City of Asbury Park, County of Monmouth, State of New Jersey Authorizing a Refund Due to a Subsequent Payment Made in Error on an Exempted Property

Resolution # 2016-182

**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 A REFUND DUE TO A SUBSEQUENT
PAYMENT MADE IN ERROR ON AN EXEMPTED PROPERTY**

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 Tax Collector has requested to refund on Block 1504 Lot 18, assessed to Masjidul Bayaan Inc., in the amount of \$1,715.74 for the first quarters of 2016, to TTLBL, LLC.

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

1. The Mayor and City Council do hereby authorize the Tax Collector for the City of Asbury Park to reverse the 2016 1st quarter tax payment in the amount of \$1,715.74.
2. The Mayor and City Council do hereby authorize the Tax Collector for the City of Asbury Park to refund \$1,715.74, for the first quarters of 2016 to the payment to TTLBL, LLC.

3. A certified copy of this resolution shall be forwarded to the Tax Collector and CFO of City of Asbury Park.

2016-183 Resolution Authorizing Cancellation, Correction and Reissuance of Tax Sale Certificates Due to Erroneous Name

Resolution # 2016-183

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

**RESOLUTION AUTHORIZING CANCELLATION, CORRECTION AND
REISSUANCE OF TAX SALE CERTIFICATES DUE TO ERRONEOUS NAME**

WHEREAS, Certificate of Sale #15-00291 was issued to US Bank Cust BV002 Trust & Crdtrs erroneously in the name of BV002 Trust for delinquent taxes on Block 3603 Lot 8 commonly known as 304 Seventh Avenue, at a Tax Sale held on December 22, 2016; and

WHEREAS, Certificate of Sale #15-00303 was issued to US Bank Cust BV002 Trust & Crdtrs erroneously in the name of BV002 Trust for delinquent taxes on Block 3606 Lot 10.50 C0706 commonly known as 321 Sunset Avenue Unit P6, at a Tax Sale held on December 22, 2016; and

WHEREAS, by the way of evidence provided via Tax Sale Bidder Information Sheet from US Bank Cust BV002 Trust & Crdtrs, lien holder, the tax sale certificates were issued with the incorrect name; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Asbury Park; hereby authorized the Tax Collector to reissue the above tax sale certificates to reflect the name US Bank Cust BV002 Trust & Crdtrs.

2016-184 Authorizing the Tax Collector to Prepare and Deliver Estimated 2016-3rd Quarter Tax Bills

**Resolution #2015-184
Resolution of the City of Asbury Park**

**AUTHORIZING THE TAX COLLECTOR TO PREPARE AND DELIVER ESTIMATED
2016-3RD QUARTER TAX BILLS**

WHEREAS, notwithstanding any provisions of the law, rules or regulations to the contrary, whenever a municipal governing body determines that the tax collector will be unable to complete the mailing or delivery of the final tax billing; and

WHEREAS, the municipal budget has not been adopted at this time, the city may by resolution of the governing body choose to send 3rd quarter estimated tax bills; and

WHEREAS, pursuant to N.J.S.A. 54:4-67 this 3rd quarter estimated bill shall be due 25 days from the date it was mailed; and

WHEREAS, any payment received after the 25th day shall be considered delinquent and subject to interest calculated from the statutory due date of August 1st to the date of payment, which is in accordance with New Jersey state statutes.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park to authorize the tax collector to prepare and deliver the 2016-3rd quarter estimated bills, if necessary.

2016-185 Resolution of the City of Asbury Park, County of Monmouth, State of New Jersey Authorizing a Refund Due to a Subsequent Payment Made in Error on a Redeemed Lien

**Resolution # 2016-185
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 A REFUND DUE TO A SUBSEQUENT
PAYMENT MADE IN ERROR ON A REDEEMED LIEN**

WHEREAS, the Tax Collector has requested authorization to issue a refund of a subsequent payment made by Pro Capital II, LLC, previous lien holder, on redeemed tax sale property, tax sale certificate # 13-00018; and

WHEREAS, the Tax Collector has requested to refund on Block 501 Lot 13, assessed to Mr. Walter F. Jushchuk, in the amount of \$657.43 for 2015 sewer and cost of sale charges, to Pro Capital II, LLC; and

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

- 1.) The Mayor and City Council do hereby authorize the Tax Collector for the City of Asbury Park to reverse the 2016 sewer payment in the amount of \$592.43 and cost of sale payment in the amount of \$65.00, totaling \$657.43, and rebill the account in the same amount allowing a 14 day grace period to pay without additional interest.
- 2.) The Mayor and City Council do hereby authorize the Tax Collector for the City of Asbury Park to refund \$657.42, for 2015 subsequent payment to Pro Capital II, LLC.
- 3.) A certified copy of this resolution shall be forwarded to the Tax Collector and CFO of City of Asbury Park.

2016-186 Resolution to Authorize Year End Tax Sale

Resolution # 2016-186

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

RESOLUTION TO AUTHORIZE YEAR END TAX SALE

WHEREAS, pursuant to P.L. 1997, Chapter 99, a municipality may hold a tax lien sale within the last month of a calendar year for any unpaid taxes or other municipal liens or charges that are in arrears as of the 11th day of the eleventh month of the calendar year; and

WHEREAS, the Tax Collector has advised the City Council that it is advisable for the City to hold such sale during December of 2015 in order to maximize the percentage tax collection rate in calendar year 2015, and minimize the budget requirement for the Reserve for Uncollected Taxes in calendar year 2016; and

WHEREAS, the Council acknowledges that all proper notification of taxpayers will still be made in accordance with applicable State regulations and that all taxpayers will be given ample opportunities to bring their accounts up to date;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asbury Park that the Tax Collector is hereby authorized and directed to schedule and conduct a tax sale during December, 2016, for all taxes and municipal charges unpaid as of November 11, 2016; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Tax Collector and Finance Director forthwith.

2016-187 Approve Tax Sale Costs

Resolution # 2016-187

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

APPROVE TAX SALE COSTS

WHEREAS, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the rules and regulations require a municipality to send three (3) notices of tax sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

WHEREAS, Pursuant to NJSA 54:5-38, the officer conducting a tax sale shall collect and pay into the municipal treasury a fee for all costs incurred by the municipality in holding the sale. The amount of fee so paid shall be 2% of the existing lien as stated in NJSA 54:4-19 and 54:5-2 but not less than \$15.00 and not more than \$100.00 for each parcel in the sale.

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the City of Asbury Park wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base and 2% of the existing lien as stated in NJSA 54:4-19 and 54:5-2 but not less than \$15.00 and not more than \$100.00 for each parcel in the sale..

BE IT FURTHER RESOLVED by the City Council of the City of Asbury Park that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2015 electronic tax sale.

2016-188 Resolution to Defer P.I.L.O.T. Erroneously Billed From Tax Sale

Resolution # 2016-188

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

RESOLUTION TO DEFER P.I.L.O.T. ERRONEOUSLY BILLED FROM TAX SALE

WHEREAS, the City of Asbury Park had undertaken the P.I.L.O.T. Program (the “Program”) consisting of the redevelopment of the City of Asbury Park; and

WHEREAS, over 700 homeowners were participants in the above mentioned program;
and

WHEREAS, previous years billed incorrectly for various parcels; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asbury Park that are deferred from the tax sale for the year 2016.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forward to the Chief Financial Officer and the Tax Collector forthwith.

2016-189 Resolution to Execute Agreement to Participate in Electronic Tax Sale
PILOT Program

Resolution # 2016-189

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

**RESOLUTION TO EXECUTE AGREEMENT TO PARTICIPATE
IN ELECTRONIC TAX SALE PILOT PROGRAM**

WHEREAS, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services; and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs; and

WHEREAS, the Director of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct pilot programs; and

WHEREAS, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale;

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the City of Asbury Park wishes to participate in the pilot program for an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asbury Park that the City Administrator is hereby authorized to sign the agreement to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Tax Collector and Finance Director forthwith.

2016-190 Appointing Phoenix Consulting to Conduct a Search for a CFO

Resolution # 2016-190

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

APPOINTING PHOENIX CONSULTING TO CONDUCT A SEARCH FOR A CFO

WHEREAS, the City of Asbury Park is desirous of engaging a search firm to assist in the hiring of a full time CFO; and

WHEREAS, as part of the award of Transitional Aid between the State of New Jersey's Division of Local Government Services (DLGS) and the City, the Director of DLGS is authorized to assign management, fiscal and operational specialists to assess the City's needs; and

WHEREAS, the City and DLGS have discussed the need for a full time CFO for improved management, fiscal and operational controls and; and

WHEREAS, the Director of DLGS, the DLGS appointed Fiscal Monitor, the Mayor and Council and City Manager have determined it would be in the best interest of the City to award the contract to perform a CFO search to Phoenix Advisors in an amount not to exceed \$5,000; and

WHEREAS, this contract period shall be between April 1, 2016 and December 31, 2016; and

WHEREAS, this contract does not require public bidding as DLGS has the power to appoint professionals and furthermore qualifies as an exemption to the Local Public Contracts Law (LPCL) under Section 40A;11-5(1).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asbury Park, County of Monmouth and State of New Jersey that a contract shall be awarded to Phoenix Consulting to conduct the search for a CFO in an amount not to exceed \$5,000; and

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

2016-191 Awarding LSRP Services for the DPW Facility Located at 9 Main Street

Resolution # 2016-191

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

AWARDING LSRP SERVICES FOR THE DPW FACILITY LOCATED AT 9 MAIN STREET

WHEREAS, twenty-two (22) bids were received by the City of Asbury Park on March 11, 2016, for the “LSRP Services at the DPW Garage ” project; and

WHEREAS, the lowest responsive bid was submitted by French and Parrello Associates. on the base bid in the amount of \$29,410.00; and

WHEREAS, the City Manager has reviewed the responses and recommends French and Parrello Associates; and

WHEREAS, the Mayor and Council have determined it would be in the best interest of the City to award the contract for the “LSRP Services at the DPW Garage” project to French and Parrello Associates on the base bid in the amount of \$29,410.00.

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 “LSRP Services at the DPW Garage “ be and is hereby awarded to French and Parrello Associates on the base bid in the amount of \$29,410.00; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to fully execute a contract and other required document; and

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.

2016-192 Rejecting Request for Proposals for IT Consulting Professional

Resolution # 2016-192

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

REJECTING REQUEST FOR PROPOSALS FOR IT CONSULTING PROFESSIONAL

WHEREAS, the City of Asbury Park is rejecting the Proposals for IT Consultant as per the New Jersey Local Public Contracts Law N.J.S.A 40A:11-13.29d). Rejection of bids – Substantially revise the specifications.

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 responses to the request for IT Consultant are rejected as per N.J.S.A 40A:11-13.29d). Rejection of bids – Substantially revise the specifications

2016-193 Authorizing the Submission of a Grant to the NJ DEP’s Flood Hazard Risk Reduction and Resiliency Grant Program

Resolution # 2016-193

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

AUTHORIZING THE SUBMISSION OF A GRANT TO THE NJ DEP’S FLOOD HAZARD RISK REDUCTION AND RESILIENCY GRANT PROGRAM

WHEREAS, the State of New Jersey, Department of Environmental Protection has notified all municipalities of the availability of funding under the Flood Hazard Risk Reduction and Resiliency Grant Program; and

WHEREAS, the City of Asbury Park is desirous of submitting an application under this program for the following purpose:

- Deal Lake Flood Improvements

WHEREAS, the improvements, as proposed, will consist of the following scope of work:

- Installation of a flap gate to address ocean storm surge through the main culvert
- Reconstruction of existing surge chamber to accommodate the new flap gate
- Install suction pipe, submersible pump and pump house (this will be utilized to lower the pond from riverine flood when the flap gate is down)
- Discharge piping system for pumping system

- Water Quality treatment devices to address grant component for water quality & sand containment and removal near the ocean Storm water grates.
- Dune shore protection to address ocean storm surge
- Channel Dredging to address suction pipe and other blockages.

WHEREAS, the City of Asbury Park shall serve as the lead applicant for the grant as part of the Deal Lake Commission; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Asbury Park, County of Monmouth, State of New Jersey, formally approves the grant application for the above stated project.

	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		

Individual Resolutions

2016-194 Resolution Authorizing the Payment of Bills in the Amount of
\$2,125,603.55

Per the request of the City Manager, Purchase Order 16-01090 was pulled.

**Resolution #2016-194
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF \$2,125,603.55

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 \$2,121,653.55

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

CURRENT VOUCHERS	\$ 1,568,675.55
BOARD OF EDUCATION	\$ 552,978.00
TOTAL VOUCHERS	\$ 2,121,653.55

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

2016-195 Authorizing the Award of the Ocean Outfall and Difuser Repair Bid

Resolution # 2016-195

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

**AUTHORIZING THE AWARD OF THE OCEAN OUTFALL AND DIFUSER REPAIR
BID**

WHEREAS, on April 5, 2016 the City of Asbury Park received three (3) bids for the project named “Ocean Outfall and Difuser Repair”; and

WHEREAS, TNJ Marine Inc., has been recommended to be awarded the bid in a letter dated April 6, 2016 written by the City Engineer:

WHEREAS, TNJ Marine Inc., is recommended to be award the base bid and Alternate A-1 in the amount of \$365,700; and

WHEREAS, TNJ Marine Inc.’s bid is deemed complete; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the Capital Account; and

WHERAS, the City Manager is hereby authorized to sign any contracts with the vendor.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Asbury Park, County of Monmouth, State of New Jersey, awards the Ocean Outfall and Difuser Repair project to TNJ Marine Inc., in the amount of \$365,700 for work to be conducted under the base bid and Alternate A-1.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this Resolution be provided to the CFO, Superintendent of Public Works, City Engineer and City Manager.

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

2016-196 Authorization to Create a Seasonal Bike Rack Request Program for the
CBD and Commercial Businesses

Resolution # 2016-196

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

**AUTHORIZATION TO CREATE A SEASONAL BIKE RACK REQUEST PROGRAM
FOR THE CBD AND COMMERCIAL BUSINESSES**

WHEREAS, the City of Asbury Park is a bicycle friendly city with strong bicycle ridership; and

WHEREAS, there are limited public bicycle racks in the Central Business District (CBD) area of the City; and

WHEREAS, businesses in Asbury Park have requested permission to install bicycle racks in the public R-O-W; and

WHEREAS, the City of Asbury Park wishes to adhere to the streetscape design standards set forth for CBD; and

WHEREAS, the municipality believes the best mechanism to maintain a standard design and fulfill the requests of business owners is to establish a program where a commercial business owner can purchase a City standard bike rack through the municipality and the municipality shall install it; and

WHEREAS, this program will be run through the Department of Planning and Redevelopment in conjunction with the Department of Public Works; and

WHEREAS, the City would request reimbursement of the cost of the rack and installation materials from the applicants.

NOW, THEREFORE, BE IT RESOLVED, that the City of Asbury Park will implement a “Bike Rack Program” in which commercial businesses can purchase bike racks specified in the Central Business District Redevelopment Plan and the City of Asbury Park shall install them if the location is deemed suitable for a bike rack by the Director of Planning and Redevelopment and Public Works for the cost of the rack and materials.

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

2016-197 Approval of the Bradley Cove Open Space Project, Authorization of the Asbury Park's Financial Participation in the Project, Authorization of the Signing and Execution of all Required Documents, and Indicates its Readiness to Proceed with the Project in Terms of Matching Funds for Application to the Monmouth County Municipal Open Space Grant Program for Acquisition Funds

Resolution # 2016-197

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

APPROVAL OF THE BRADLEY COVE OPEN SPACE PROJECT, AUTHORIZATION OF THE ASBURY PARK'S FINANCIAL PARTICIPATION IN THE PROJECT, AUTHORIZATION OF THE SIGNING AND EXECUTION OF ALL REQUIRED DOCUMENTS, AND INDICATES ITS READINESS TO PROCEED WITH THE PROJECT IN TERMS OF MATCHING FUNDS FOR APPLICATION TO THE MONMOUTH COUNTY MUNICIPAL OPEN SPACE GRANT PROGRAM FOR ACQUISITION FUNDS.

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of Asbury Park desires to obtain County Open Space Trust Funds in the amount of \$250,000 to fund Bradley Cove (North Ocean Avenue Street bed); and

WHEREAS, the total cost of the acquisition project including all matching funds is approximately 3.2 million dollars; and

WHEREAS, the City of Asbury Park seeks to reacquire the development rights of the project site.

NOW, THEREFORE, BE IT RESOLVED BY ASBURY PARK MUNICIPAL COUNCIL THAT:

1. Michael Capabianco, City Manager or his successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and

2. The City of Asbury Park is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of

non-county matching funds as required in the Policy and Procedures Manual for the Program; and

3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and

4. Michael Capabianco, City Manager or his successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and

5. This resolution shall take effect immediately.

	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		

2016-198 A Resolution of the Mayor and Council of the City of Asbury Park
Authorizing an Escrow and Funding Agreement with Bond
Galleries, LLC for the Property Located at 205-209 Bond Street

Resolution #2016-198
Resolution of the City of Asbury Park

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF
ASBURY PARK AUTHORIZING AN ESCROW AND FUNDING
AGREEMENT WITH BOND GALLERIES, LLC FOR THE PROPERTY
LOCATED AT 205-209 BOND STREET**

WHEREAS, has adopted the Central Business District Redevelopment Plan in accordance with N.J.S.A. 40A:12A-7 for an area which includes the Property, as defined below (as may be amended and supplemented from time to time, the “**Redevelopment Plan**”); and

WHEREAS, the Developer is the owner of properties located at: 205 and 209 Bond Street in the City, more fully described on the official tax maps of the City as Block 2402, Lot 5.01 (previously Block 2402, Lots 5 and 6, and formerly known as Block 112, Lots 5 and 6) which is subject to the Redevelopment Plan (the “**Property**”). The Developer proposes to renovate each property in accordance with the Redevelopment Plan as follows:

205 Bond Street. The existing two (2) story building will be renovated and enlarged by adding an additional story for a new building of three (3) stories. Additionally, the rooftop will accommodate decks and a new stairwell to the roof. The ground floor will contain one (1) commercial unit. The upper two (2) floors will contain two (2) residential units; and

209 Bond Street. The existing two (2) story building will be renovated and enlarged by adding an additional story for a new building of three (3) stories. Additionally, the rooftop will accommodate decks and a new stairwell to the roof. The ground floor will contain one (1) commercial unit. The upper two (2) floors will contain two (2) residential units,

as further detailed in the Planning Board approvals (the “**Project**”); and

WHEREAS, in connection therewith, the City has determined that it is necessary to engage the firm of McManimon, Scotland and Baumann, LLC, as “**Special Counsel**” and related professionals to, among other things, review and advise the City in regard to the Project including the negotiation of a development agreement (collectively, the “**Municipal Undertakings**”); and

WHEREAS, the Developer recognizes that the City will incur costs and expenses in connection with the Municipal Undertakings and other City Reimbursable Activities, as defined below, and is required to defray those costs and expenses pursuant to Ordinance 2015-50 as codified in City Code Section 2-86, with no assurance of a particular result from the City; and

WHEREAS, the Developer and the City desire to enter into an Escrow and Funding Agreement that sets forth terms and conditions of the funding of an escrow account and procedures for the payment therefrom of moneys to pay City costs and expenses in furtherance of Ordinance 2015 50 as codified in City Code Section 2-86, attached hereto as **EXHIBIT A**; and

WHEREAS, the Mayor and City Council wish to approve and authorize the execution of the Escrow and Funding Agreement; and

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

1. The Escrow and Funding Agreement attached hereto as **EXHIBIT A** is approved subject to additions, deletions, modifications or revisions deemed necessary and appropriate in consultation with counsel and authorizes the City Manager, City Clerk and other necessary City Officials to execute, deliver and accept the Agreement and all other necessary documents and undertake all actions reasonably necessary to effectuate the Agreement and this Resolution.

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			X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2016-199 A Resolution of the Mayor and Council of the City of Asbury Park
Authorizing a Development Agreement with Bond Galleries, LLC
for the Property Located at 205-209 Bond Street

Resolution #2016-199
Resolution of the City of Asbury Park

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF
ASBURY PARK AUTHORIZING A DEVELOPMENT AGREEMENT
WITH BOND GALLERIES, LLC FOR THE PROPERTY LOCATED AT
205-209 BOND STREET**

WHEREAS, has adopted the Central Business District Redevelopment Plan in accordance with N.J.S.A. 40A:12A-7 for an area which includes the Property, as defined below (as may be amended and supplemented from time to time, the “**Redevelopment Plan**”); and

WHEREAS, the Developer is the owner of properties located at: 205 and 209 Bond Street in the City, more fully described on the official tax maps of the City as Block 2402, Lot 5.01 (previously Block 2402, Lots 5 and 6, and formerly known as Block 112, Lots 5 and 6) which is subject to the Redevelopment Plan (the “**Property**”). The Developer proposes to renovate each property in accordance with the Redevelopment Plan as follows:

205 Bond Street. The existing two (2) story building will be renovated and enlarged by adding an additional story for a new building of three (3) stories. Additionally, the rooftop will accommodate decks and a new stairwell to the roof. The ground floor will contain one (1) commercial unit. The upper two (2) floors will contain two (2) residential units; and

209 Bond Street. The existing two (2) story building will be renovated and enlarged by adding an additional story for a new building of three (3) stories. Additionally, the rooftop will accommodate decks and a new stairwell to the roof. The ground floor will contain one (1) commercial unit. The upper two (2) floors will contain two (2) residential units,

as further detailed in the Planning Board approvals (the “**Project**”); and

WHEREAS, the Redevelopment Plan requires this Project to provide a total of six (6) parking spaces for the four (4) residential units in the Project which the Developer may provide in accordance with the Redevelopment Plan by contributing an amount equal to the calculated parking impact fee times the number of spaces required to a fund dedicated to providing and improving parking in the Central Business District in lieu of constructing the parking spaces; and

WHEREAS, Developer intends to move forward with the development of the Project and in lieu of constructing the for six (6) parking spaces to pay the \$3,000 per parking space fee payable to the City (“**Parking Impact Fee**”); and

WHEREAS, the City and Developer desire to enter into this Development Agreement, in accordance with the Redevelopment Plan and the Approvals to set forth certain obligations in regard to the Project, attached hereto as **EXHIBIT A**; and

WHEREAS, the Mayor and City Council wish to approve and authorize the execution of the Development Agreement; and

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

1. The Development Agreement attached hereto as **EXHIBIT A** is approved subject to additions, deletions, modifications or revisions deemed necessary and appropriate in consultation with counsel and authorizes the City Manager, City Clerk and other necessary City Officials to execute, deliver and accept the Agreement and all other necessary documents and undertake all actions reasonably necessary to effectuate the Agreement and this Resolution.

2. This Resolution shall take effect immediately.

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

2016-200 Resolution of the Mayor and City Council of the City of Asbury Park
Issuing a New Hotel Liquor License to 210 5th Ave. Venture Urban
Renewal LLC

Resolution # 2016-200
Resolution of the City of Asbury Park

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF
ASBURY PARK ISSUING A NEW HOTEL LIQUOR LICENSE TO 210 5TH
AVE. VENTURE URBAN RENEWAL LLC**

WHEREAS, pursuant to Resolution # 2015-189 adopted on May 13, 2015 and in conformance with the New Jersey Alcoholic Beverage Control Act and related regulations, the City authorized the issuance of one (1) or more licenses with plenary retail consumption privileges for hotels or motels with more than 100 guest sleeping rooms in the Prime Renewal Area of the City of Asbury Park's Waterfront Redevelopment Area ("Hotel Liquor License") pursuant to N.J.S.A. 33:1-12.20 including, the publication of notice of the same in the Asbury Park Press newspaper, the distribution of Application Packages to interested parties and the receipt of application form interested parties; and

WHEREAS, one Application Package was received by Wednesday, July 1, 2015 at 1:00 p.m. and the City Council reviewed the application on Monday, July 6, 2015 at the City Council's work session, and no objections pursuant to N.J.A.C. 13:2-2.7 were received; and

WHEREAS, the City Council pursuant to Resolution # 2015-269 adopted on July 8, 2015, and pursuant to the "historic method," determined to issue one (1) new Hotel Liquor License to the most qualified applicant, 210 5th Ave. Venture Urban Renewal LLC, for a new hotel or motel to be constructed and operated at 200-210 Fifth Avenue, Asbury Park, New Jersey 07712, subject to the favorable outcome of the required background checks and other investigations required by law; and

WHEREAS, the City Council has received a report from the City Police Department advising of the satisfactory results of the background checks and other investigations required by law of the applicant 210 5th Ave. Venture Urban Renewal LLC; and

WHEREAS, the City Clerk received the payment of the required State and City fees on April 5, 2016; and

WHEREAS, 210 5th Ave Venture Urban Renewal LLC published notice concerning the Hotel Liquor License on June 16, 2015, June 23, 2015, September 24, 2015, and October 1, 2015 in accordance with N.J.A.C. 13:2-2 et seq.; and

WHEREAS, 210 5th Ave Venture Urban Renewal LLC has admitted member Si Op Co AP LLC into the limited liability company and submitted an amended application disclosing such; and

WHEREAS, the Division of Alcoholic Beverage Control has requested that the license be issued to “210 5th Ave Venture Urban Renewal (with its member Si Op Co AP LLC)” and the City wishes to accommodate this request,

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

1. The City of Asbury Park hereby authorizes the City Clerk to issue a Hotel Liquor License pursuant to N.J.S.A. 33:1-12.20 to 210 5th Ave. Venture Urban Renewal LLC (with its member Si Op Co AP, LLC); however the City Clerk shall not deliver the license to 210 5th Ave. Venture Urban Renewal LLC until the Clerk receives a copy of a Certificate of Occupancy or Temporary Certificate of Occupancy, whichever is first duly issued pursuant to the New Jersey Uniform Construction Code. This license shall be subject to the special condition that it is issued as a hotel exception license for a facility containing 100 or more sleeping rooms pursuant to N.J.S.A. 13:1-12.20 and that the license shall only be used in connection with such a hotel or motel and amenities related to the hotel or motel.

2. Should the Clerk not receive a copy of a Certificate of Occupancy or Temporary Certificate of Occupancy, whichever is first issued, within two (2) years from the date of this Resolution, the City Clerk shall not deliver the license to 210 5th Ave. Venture Urban Renewal LLC and shall so notify the City Council. Thereafter the City Council by Resolution and after notice to 210 5th Ave. Venture Urban Renewal LLC and a chance for them to be heard, and for good cause shown may determine to extend the time to obtain a Certificate of Occupancy or Temporary Certificate of Occupancy or the City may determine to revoke the license if good cause is not shown.

3. The City Clerk, Mayor, Acting City Manager, counsel, Police Department and other necessary City officials/employees are authorized to publish, distribute, execute, deliver and accept all other necessary documents and undertake all actions reasonably necessary to effectuate this Resolution and issue a Hotel Liquor License.

4. A certified copy of this Resolution shall be provided to each of the following:
- a. Michael Capabianco, City Manager
 - b. Frederick C. Raffetto, Esq., City Attorney
 - c. Glenn F. Scotland, Esq., City Redevelopment Counsel
 - d. 210 5th Ave. Venture Urban Renewal LLC, the successful applicant

	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		

2016-201 Authorizing the Award of a Contract Regarding the Operation of Seasonal Rental of Umbrellas and Beach Chairs

**Resolution # 2016-201
City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING THE AWARD OF A CONTRACT REGARDING THE
OPERATION OF A SEASONAL CONCESSION INVOLVING THE RENTAL OF
UMBRELLAS AND BEACH CHAIRS ON THE CITY’S PUBLIC BEACHES.**

WHEREAS, on 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 seasonal rental of umbrellas and beach chairs on the City’s public beaches during the summer 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 17, 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 Pimco, LLC (the “Contractor”), with an address of 614 Cookman Ave., Asbury Park, New Jersey 07712; 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 Summer Season:\$5,100.00;
2. 2017 Summer Season:\$6,100.00;
3. 2018 Summer Season:\$7,100.00; 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 summer 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 summer seasons of 2016, 2017 and 2018 is hereby awarded to Pimco, LLC, , 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) Pimco, LLC;
 - (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) 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			X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

Ordinances:

1. First Reading/Introduction:

2016-15 Ordinance of the City of Asbury Park Authorizing the Execution of a Financial Agreement With AEF II Urban Renewal, LLC And Savoy Urban Renewal, LLC, And Granting A Tax Exemption
The City Clerk introduced by title Ordinance 2016-15.

Motion to introduce.

	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		

Public hearing is scheduled for April 27, 2016.

2016-16 Bond Ordinance Providing for Various 2016 Capital Improvements, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey; Appropriating \$1,750,000 Therefor and Authorizing the Issuance of \$1,662,500 Bonds or Notes of the City to Finance Part of the Cost Thereof

The City Clerk introduced by title Ordinance 2016-16.

Motion to introduce.

	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 April 27, 2016.

2016-17 Bond Ordinance Providing for Various 2016 Roadway Improvements, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey; Appropriating \$1,250,000 Therefor and Authorizing the Issuance of \$1,187,500 Bonds or Notes of the City to Finance Part of the Cost Thereof

The City Clerk introduced by title Ordinance 2016-17.

Motion to introduce.

	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 April 27, 2016.

2. Second Reading/Public Hearing:

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.

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 made by Mayor Moor and seconded by Deputy Mayor Quinn to open Ordinance 2016-12 to the public. No one spoke from the public. Motion made by Council Member Clayton and seconded by Council Member Woerner to close Ordinance 2016-12 to the public.

Motion to adopt Ordinance 2016-12.

	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		

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 made by Deputy Mayor Quinn and seconded by Council Member Kendle to open Ordinance 2016-13 to the public. The members of the public who spoke are: Rita Marano.
 Motion made by Council Member Kendle and seconded by Council Member Woerner to close Ordinance 2016-13 to the public.

Motion to adopt Ordinance 2016-13.

	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		

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>	<u>Excess Proceeds Amount</u>
2878	\$127,561.80

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 made by Deputy Mayor Quinn and seconded by Council Member Woerner to open Ordinance 2016-14 to the public. The members of the public who spoke are: Maureen Nevins. Motion made by Deputy Mayor Quinn and seconded by Council Member Woerner to close Ordinance 2016-14 to the public.

Motion to adopt Ordinance 2016-14.

	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		

The meeting was adjourned.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk