



Agenda
Meeting of the Municipal Council
Wednesday, May 27, 2015

I. Executive Session – 4:30 p.m.

Resolution 2015-203 Authorizing a Meeting which Excludes the Public

A. Personnel Matters:

1. Chief of Police Position
2. Deputy Chief of Police Employment Contract
3. Superintendent of Public Works Position

B. Contract Negotiations:

1. Paddle Board Concessions

C. Attorney-Client Privilege

D. Litigation:

1. Famularo Disciplinary Proceeding
2. Charles Lomack vs. City of Asbury Park (Workers Compensation) – Eric Nemeth, Esq.
3. Tyron Smith vs. City of Asbury Park (Workers Compensation) – Eric Nemeth, Esq.
4. Ronald Slinger vs. City of Asbury Park (Workers Compensation) – Eric Nemeth, Esq.

E. Potential Litigation:

1. AP Restaurant II vs. Asbury Park

II. Work Session – 6:30 p.m.

- A. Clerk to Call Work Session to Order/Roll Call.
- B. Review/Follow-Up Regarding Any Issues Addressed at Work Session of Tuesday, May 26, 2015.
- C. Matters from City Council.
- D. Matters from City Manager.
- E. Matters from City Attorney

III. Regular Meeting – 7:00 p.m.

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

- E. Public Participation **(Announcement by City Clerk):**

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

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

- F. Consent Agenda Resolutions.

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

- 2015-204 Approving Special Events/Wedding Applications as Presented on May 26, 2015
- 2015-205 Resolution Authorizing Tax Collector to Cancel 2015 Q2 Taxes and Refund 2015 Q1 Taxes for Block 1205, Lot 11 (130 Union Avenue) Owned by Second Baptist Church
- 2015-206 Declaring an Emergency so that the Provisions of Ordinance No. 2015-24 (Concerning Deal Lake Dredging Project) May Take Effect Immediately”
- 2015-207 Declaring an Emergency so that the Provisions of Ordinance No. 2015-25 (Concerning Parking) May Take Effect Immediately”

- G. Individual Resolutions

- 2015-208 Resolution Authorizing the Payment of Payroll in the Amount of \$843,636.75

2015-209	Resolution Authorizing the Payment of Bills in the Amount of \$413,885.13
2015-210	Resolution Authorizing the Purchase of Two (2) Kubota RTV 4WD Utility Vehicle for the Department of Public Works
2015-211	Resolution Authorizing the Purchase of an Asphalt Hot Patcher Trailer for the Department of Public Works
2015-212	Resolution Amending Temporary Appropriations For 2015
2015-213	Resolution Awarding Bid for Transportation of Liquid Sewage Sludge from Asbury Park Waste Water Treatment Facility to Passaic Valley Sewerage Commission
2015-214	Authorizing the City of Asbury Park to Implement the Competitive Contracting Process to Procure Vendors to Operate Various Concessions on the Beach within the City of Asbury Park
2015-215	Authorizing Advertisement for Request for Proposals from Interested Vendors Specializing in Marketing/Event Management Services to Create, Plan, Market and Operate the 25 th Asbury Park Jazz Festival to be Held on June 25 and June 26, 2016 in Sunset Park
2015-216	A Resolution Establishing Additional Fees Relating to Special Events Within the City
2015-217	Establishing Time Duration for Metered Parking in the Municipal Parking Lot Located at One Municipal Plaza and in the Bangs Avenue Parking Garage
2015-218	Extending the Temporary Adoption of the New City Code
2015-219	Authorizing Settlement of a Worker's Compensation Claim Captioned <u>Charlie Lomack vs. City Of Asbury Park</u>
2015-220	Resolution of the City of Asbury Park Designating the 2015 Menu Items Pursuant to Certain Agreement Between the City and Madison-Asbury Retail, LLC

H. Ordinances:

1. First Reading/Introduction:

2015-26	An Ordinance Amending Section 7-36, Entitled "Handicapped Parking," of Chapter VII, Entitled "Traffic," of the "Revised General Ordinances of the City Of Asbury Park, New Jersey."
2015-27	Establishing A Restricted Parking Space for Use by Handicapped Persons at Property Located at 1701 Ocean Avenue, Designated As Block 4303, Lot 1, in the City Of Asbury Park, and Amending and Supplementing Section 7-36, Entitled, "Handicapped Parking," of Chapter VII, "Traffic," of the "Revised General Ordinances of the City Of Asbury Park, New Jersey."
2015-28	Amending and Supplementing Chapter VII, "Traffic," of the "Revised General Ordinances of the City of Asbury Park, New Jersey."
2015-29	Adopting a Code of Ordinances of the City of Asbury Park in the County of Monmouth, State of New Jersey

- 2015-30 An Ordinance Amending and Supplementing Section 4-20, Currently Entitled “Vending on the Beachfront,” of Chapter IV, “General Licensing,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey.”
- 2015-31 An Ordinance Amending and Supplementing Section 30-73, Entitled “Supplemental Use Regulations,” of Chapter XXX, Entitled “Land Development Regulations,” of the “Revised General Ordinances of the City Of Asbury Park, New Jersey,” Specifically Relating to Arcade Games

[Set Public Hearing Date for Each Ordinance Introduced.]

2. Second Reading/Public Hearing:

- 2015-17 An Ordinance Amending and Supplementing Section 4-15 Entitled “Street Performers,” of Chapter IV, Entitled “General Licensing,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey”
- 2015-19 Establishing a Restricted Parking Space for Use by Handicap Persons Along Lake Avenue in the City of Asbury Park, and Amending and Supplementing Section 7-36, Entitled, “Handicapped Parking,” of Chapter VII, “Traffic,” of the revised General Ordinance of the City of Asbury Park, New Jersey.
- 2015-20 Establishing a Fifteen (15) Minute Time Limit for a Single Parking Space Along Summerfield Avenue, in the City of Asbury Park, New Jersey, and Amending and Supplementing the “Revised General Ordinances of the City of Asbury Park” Accordingly.
- 2015-21 An Ordinance Setting the Salary or Compensation of Employees of the City of Asbury Park who are members of the AFSCME Union
- 2015-22 An Ordinance Setting the Salary or Compensation of Employees of the City of Asbury Park who are members of the IFPTE Union, Local 196
- 2015-23 An Ordinance Setting the Salary or Compensation of Non-Union Employees of the City of Asbury Park
- 2015-24 An Ordinance Authorizing the City of Asbury Park to Convey a Temporary Easement Over the Property Located at Block 3702, Lot 1 To The State Of New Jersey (Department Of Environmental Protection), And To Execute Necessary Documents In Connection Therewith, In Order To Facilitate The Proposed Deal Lake Dredging Project
- 2015-25 An Ordinance Amending and Supplementing Chapter VII, “Traffic,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey,”

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

I. Adjournment.



MINUTES
Meeting of the Municipal Council
Wednesday, May 27, 2015
WORK SESSION AND REGULAR MEETING

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

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

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

WORK SESSION

REVIEW/FOLLOW-UP REGARDING ANY ISSUES ADDRESSED AT WORK SESSION OF TUESDAY, MAY 26, 2015

Acting City Manager Nuccio responded to Council's inquiries regarding Resolutions 2015-210 and 2013. He also responded to their inquiry regarding the damaged traffic lights. He indicated that the City is waiting for FEMA funding.

MATTERS FROM CITY COUNCIL

Council Member Woerner provided updates on the search for a new City Planner, recreation programs, Code and Quality of Life Committee and Workforce Development.

Council Member Clayton provided an updated regarding the Code and Quality Life Committee stating that additional street cleanups will be scheduled. She reminded the community of the RCA program seminar. She indicated that the City Fire Department is sponsoring a free smoke detector program. She indicated that the City is continuing to look for grants for recycling.

Council Member Kendle stated that he has been receiving phone calls at his home and requested that these not continue.

Deputy Mayor Quinn provided an update on the APTV Committee. She stated that the Council will be handling vacancies on Boards and Commissions per State statute. She thanked Arnold for the fence around the community garden.

MATTERS FROM CITY MANAGER - None

MATTERS FROM CITY ATTORNEY - None

Motion made by Council Member Kendle and seconded by Council Member Clayton to adjourn the workshop session. All were in favor

REGULAR MEETING

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

PUBLIC PARTICIPATION

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

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

The following members of the public spoke: Lori Ross, Rita Marano, Robert Frances, Robert Weiner, Edward Meyers, Werner Baumgartner, Mark Clark, Gail Halfrage, Maureen Nevan, Abby Quinton, Jerry Scarano, Vince Mark and Bob Stevens.

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

CONSENT AGENDA RESOLUTIONS

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

2015-204 Approving Special Events/Wedding Applications as Presented on May 26, 2015

Resolution of the City of Asbury Park 2015-204

WHEREAS, AT WORK SESSION MEETING OF THE Mayor and Council held on May 26, 2015, the following Special Events Applications were presented for approval by the Director of Commerce:

1. Triumphant Life Carnival
2. Chamber of Commerce weekly radio broadcasts
3. Asbury Park Loves Jazz Weekend

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

2015-205 Resolution Authorizing Tax Collector to Cancel 2015 Q2 Taxes and Refund 2015 Q1 Taxes for Block 1205, Lot 11 (130 Union Avenue) Owned by Second Baptist Church

**Resolution of the City of Asbury Park
2015-205**

WHEREAS, property located at 130 Union Avenue, owned by Second Baptist Church, also known as **Block 1205 Lot 11** has been deemed Tax Exempt by way of Memorandum of Judgment for the 2015 tax year, and

WHEREAS, this property was billed for customary taxes for 2015 Preliminary Taxes (2015 Q1 and Q2) based upon the 2014 assessed value, billing which is done in the second half of the previous year (2014), and

WHEREAS, **Second Baptist Church** paid 2015Q1 in the billed amount of \$627.35;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Asbury Park authorize the Tax Collector to **cancel 2015 Q2 tax in the amount of \$627.35** and **refund the 2015 Q1 tax in the amount of \$627.35 to:**

**Second Baptist Church
124 Atkins Avenue
Asbury Park, NJ 07712**

2015-206 Declaring an Emergency so that the Provisions of Ordinance No. 2015-24 (Concerning Deal Lake Dredging Project) May Take Effect Immediately"

Resolution # 2015-206

**DECLARING AN EMERGENCY SO THAT THE PROVISIONS OF
ORDINANCE NO. 2015-24 (CONCERNING THE DEAL LAKE DREDGING PROJECT)
MAY TAKE EFFECT IMMEDIATELY.**

WHEREAS, on May 13, 2015, the Asbury Park Mayor and Council introduced Ordinance No. 2015-24, which authorizes the City to convey a temporary easement over the property located at Block 3702, Lot 1 to the State of New Jersey (D.E.P.), and to execute necessary documents in

connection therewith, in order to facilitate the proposed Deal Lake Dredging Project (the “project”); and

WHEREAS, it is anticipated that Ordinance No. 2015-24 shall be finally adopted by the Mayor and Council on May 27, 2015; and

WHEREAS, given that funding and permitting issues associated with the project are time sensitive, the Mayor and Council believe that it is imperative for Ordinance No. 2015-24 to become effective immediately following its adoption, rather than twenty (20) days after its final passage, as specified in N.J.S.A. 40:69A-181(b); and

WHEREAS, the Mayor and Council therefore wish to declare an emergency pursuant to N.J.S.A. 40:69A-181(b), so that the provisions of Ordinance No. 2015-24 may become effective and may be implemented immediately following its adoption; and

WHEREAS, the Mayor and Council believe that this action is in furtherance of the health, safety and welfare of the City’s residents.

NOW, THEREFORE, BE IT RESOLVED, (not less than two-thirds (2/3) of the Council affirmatively concurring) as follows:

1. That an emergency is hereby declared so that the provisions of Ordinance No. 2015-24 shall take effect immediately following its adoption, rather than twenty (20) days after its final passage, per N.J.S.A. 40:69A-181(b).
2. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Anthony Nuccio, Acting City Manager;
 - b. Robert Bianchini, Superintendent of Public Works; and
 - c. Frederick C. Raffetto, Esq., City Attorney.

2015-207 Declaring an Emergency so that the Provisions of Ordinance No. 2015-25 (Concerning Parking) May Take Effect Immediately”

Resolution # 2015-207

**DECLARING AN EMERGENCY SO THAT THE PROVISIONS OF
ORDINANCE NO. 2015-25 (CONCERNING DEAL LAKE DREDGING PROJECT)
MAY TAKE EFFECT IMMEDIATELY.**

WHEREAS, on May 13, 2015, the Asbury Park Mayor and Council introduced Ordinance No. 2015-25, which effectuates certain revisions to the parking regulations within the City of Asbury Park (the “City”); and

WHEREAS, the title of Ordinance No. 2015-25 is as follows: “An Ordinance Amending and Supplementing Chapter VII, ‘Traffic,’ of the ‘Revised General Ordinances of the City of Asbury Park, New Jersey’”; and

WHEREAS, it is anticipated that Ordinance No. 2015-25 shall be finally adopted by the Mayor and Council on May 27, 2015; and

WHEREAS, given the Mayor and Council's expectation that the already-overburdened parking situation in the City will become exacerbated with the impending commencement of the 2015 summer season, the Mayor and Council believe that it is imperative for Ordinance No. 2015-25 to become effective immediately following its adoption, rather than twenty (20) days after its final passage, as specified in N.J.S.A. 40:69A-181(b); and

WHEREAS, the Mayor and Council therefore wish to declare an emergency pursuant to N.J.S.A. 40:69A-181(b), so that the provisions of Ordinance No. 2015-25 may become effective and may be implemented immediately following its adoption; and

WHEREAS, the Mayor and Council believe that this action is in furtherance of the health, safety and welfare of the City's residents and the summer visitors who will travel to the City.

NOW, THEREFORE, BE IT RESOLVED, (not less than two-thirds (2/3) of the Council affirmatively concurring) as follows:

1. That an emergency is hereby declared so that the provisions of Ordinance No. 2015-25 shall take effect immediately following its adoption, rather than twenty (20) days after its final passage, per N.J.S.A. 40:69A-181(b).
2. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Parking Advisory Committee;
 - b. Anthony Salerno, Deputy Police Chief;
 - c. Anthony Nuccio, Acting City Manager;
 - d. Robert Bianchini, Superintendent of Public Works; and
 - e. Frederick C. Raffetto, Esq., City Attorney.

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

INDIVIDUAL RESOLUTIONS

2015-208 Resolution Authorizing the Payment of Payroll in the Amount of \$843,636.75

Resolution #2015-208

**RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF
\$843,636.75**

WHEREAS, the May 15, 2015 payroll in the amount of \$843,636.75, has been approved by the Chief Financial Officer and has subsequently been audited and found correct.

BE IT RESOLVED, that the payroll payable totaling \$843,636.75 is hereby authorized to be paid, and;

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

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

2015-209 Resolution Authorizing the Payment of Bills in the Amount of
\$413,885.13

Resolution #2015-209

**RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF
\$413,885.13**

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 \$413,885.13
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 - ALL FUNDS \$ 413,885.13

Mayor Moor abstained from account number 5-01-23-220-000-209.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member		X	X		

Jesse Kendle					
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2015-210 Resolution Authorizing the Purchase of Two (2) Kubota RTV 4WD
Utility Vehicle for the Department of Public Works

Resolution #2015-210

**RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) KUBOTA RTV 4WD
UTILITY VEHICLE FOR THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the City has determined that the purchase of two (2) Kubota RTV 4WD utility vehicles is reasonable and necessary for the Department of Public Works; and,

WHEREAS, N.J.S.A. 40A:44-11(5) authorizes contracting units to establish a Cooperative Pricing System and enter into a Cooperative Pricing Agreement for its administration; and

WHEREAS, a resolution authorizing the City membership in the Middlesex Regional Education Services Commission (MRESC) Cooperative Purchasing System was approved by the Mayor and Council in 2014; and

WHEREAS, sufficient funds exist in General Capital Account Number C-04-55-998-014-002 (Ordinance #3084) to purchase these vehicles, as per the attached Certification of Funds.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park, in the County of Monmouth, and in the State of New Jersey hereby ratifies and approves the use of the MRESC Cooperative Pricing System with Cherry Valley Tractor Sales, Marlton, New Jersey in the amount of \$54,005.36 for the purchase of two (2) Kubota RTV 4WD utility vehicles.

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

2015-211 Resolution Authorizing the Purchase of an Asphalt Hot Patcher Trailer for
the Department of Public Works

Resolution #2015-211

**RESOLUTION AUTHORIZING THE PURCHASE OF AN ASPHALT HOT
PATCHER TRAILER FOR THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the City has determined that the purchase of a 4-Ton Falcon RME Asphalt Hot Patcher Recycling Dump Trailer is reasonable and necessary for the Department of Public Works; and,

WHEREAS, N.J.S.A. 40A:44-11(5) authorizes contracting units to establish a Cooperative Pricing System and enter into a Cooperative Pricing Agreement for its administration; and

WHEREAS, the City has membership in the Monmouth County Cooperative Purchasing System; and

WHEREAS, sufficient funds exist in General Capital Account Number C-04-55-998-014-002 (Ordinance #3084) to purchase these vehicles, as per the attached Certification of Funds.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park, in the County of Monmouth, and in the State of New Jersey hereby ratifies and approves the use of the Monmouth County Cooperative Pricing System with McGrath Municipal Equipment, LLC, Springfield, New Jersey in the amount of \$32,500.00 for the purchase of a 4-Ton Falcon RME Asphalt Hot Patcher Recycling Dump Trailer.

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

2015-212 Resolution Amending Temporary Appropriations For 2015

Resolution #2015-212

RESOLUTION AMENDING TEMPORARY APPROPRIATIONS FOR 2015

WHEREAS, N.J.S.A 40A:4-20 provides that the Governing Body by a 2/3 vote of the full membership thereof may make emergency temporary appropriations for any purpose for which appropriation may lawfully be made for the period between the beginning of the current fiscal year and the final adoption of the budget for the said year; and

WHEREAS, the previously adopted temporary budget did not provide sufficient funds for the operational costs prior to the final adoption of the 2015 budget,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Asbury Park that the following Emergency Temporary Appropriation for the year 2015 be adopted and a certified copy of this resolution be provided to the Borough's Chief Financial Officer and the Director of Division of Local Government Services, Department of Community Affairs, State of New Jersey.

	<u>FROM</u>	<u>TO</u>
Current Fund:		
Tax Assessor – Salaries and Wages	\$ 40,275.00	\$ 45,575.00
Computerized Data Processing	9,000.00	13,500.00
Police – Other Expenses	160,000.00	185,000.00
Buildings and Grounds – Other Expenses	35,000.00	40,000.00
Senior Center – Other Expenses	22,500.00	32,500.00
Street Lighting	100,000.00	110,000.00
Light, Heat, Power	149,600.00	169,600.00
Telephone	60,000.00	65,000.00
Municipal Court – Other Expenses	23,000.00	26,000.00
Interlocal – Monmouth County 911		
Dispatch Services	0.00	657,362.00

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

2015-213 Resolution Awarding Bid for Transportation of Liquid Sewage Sludge from Asbury Park Waste Water Treatment Facility to Passaic Valley Sewerage Commission

Resolution #2015-213

RESOLUTION AWARDING BID FOR TRANSPORTATION OF LIQUID SEWAGE SLUDGE FROM ASBURY PARK WASTE WATER TREATMENT FACILITY TO PASSAIC VALLEY SEWERAGE COMMISSION

WHEREAS, the City of Asbury Park duly advertised on March , 2015 for the receipt of bids for transportation of liquid sewage sludge from Asbury Park Waste Water Treatment Facility to Passaic Valley Sewerage Commission; and

WHEREAS, the following bids were received on April 8, 2015 and reviewed by the Chief Financial Officer:

Vendor	Standard Fee Per Gallon	Add-On Fee Per Gallon	Add-On/Deduct Fee Per Mile	Saturday, Sunday & Holiday Per Gallon
1) Russell Reid Waste Hauling	0.0816	0.03	\$12.00	0.02
2) Accurate Waste Systems Inc.	0.0415	0.00	\$8.00	0.05
3) SpectraServe Inc.	0.053	0.03	\$7.56	0.11

WHEREAS, the Sewer Plant Operator, Director of Public Works and Chief Financial Officer reviewed the bids and it has been determined that Accurate Waste Systems Inc. submitted the lowest responsible bid in accordance with the bid specifications, said bid being in the amounts above; and

WHEREAS, it is the desire of the governing body to award a contract for the transportation of liquid sewage sludge from Asbury Park Waste Water Treatment Facility to Passaic Valley Sewerage Commission for year 1 with the option of renewing the contract for two (2) one year extensions at the submitted bid prices; and

WHEREAS, there are sufficient funds in the Sewer Operating Budget to cover the cost of this contract.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park in the County of Monmouth, and in the State of New Jersey that it hereby awards a contract to Accurate Waste Systems Inc. for the transportation of liquid sewage sludge from Asbury Park Waste Water Treatment Facility to Passaic Valley Sewerage Commission for year 1 with the option of renewing the contract for two (2) one year extensions at the submitted bid prices.

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

Mayor Moor requested that this bid move forward immediately.

2015-214 Authorizing the City of Asbury Park to Implement the Competitive Contracting Process to Procure Vendors to Operate Various Concessions on the Beach within the City of Asbury Park

Resolution # 2015-214

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

WHEREAS, the City of Asbury Park (the “City”) is interested in seeking proposals from interested vendors to operate various types of concessions on the beach within the City, including but not limited to massage services, physical fitness classes, etc., in limited areas to be determined by the City; and

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

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

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

WHEREAS, in order to initiate the “competitive contracting” process, the Governing Body must pass a Resolution authorizing the use of this procurement method.

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

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

BE IT FURTHER RESOLVED, that, following the receipt of proposals from interested vendors for the said concession services, the Mayor and Council shall consider making an award of these concessions at a future Council meeting.

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

- d. Anthony Nuccio, Acting City Manager;
- e. Richard J. Gartz, CPA RMA CMFO, CFO
- f. Tom Gilmour, Director of Commerce
- g. Frederick C. Raffetto, Esq., City Attorney

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

Quinn					
Mayor John Moor			X		

2015-215 Authorizing Advertisement for Request for Proposals from Interested Vendors Specializing in Marketing/Event Management Services to Create, Plan, Market and Operate the 25th Asbury Park Jazz Festival to be Held on June 25 and June 26, 2016 in Sunset Park

Resolution # 2015-215

AUTHORIZING ADVERTISEMENT FOR REQUEST FOR PROPOSALS FROM INTERESTED VENDORS SPECIALIZING IN MARKETING/EVENT MANAGEMENT SERVICES TO CREATE, PLAN, MARKET AND OPERATE THE 25TH ASBURY PARK JAZZ FESTIVAL TO BE HELD ON JUNE 25 AND JUNE 26, 2016 IN SUNSET PARK.

WHEREAS, the City of Asbury Park (the “City”) is interested in seeking proposals from interested vendors specializing in marketing and/or event management services to create, plan, market and operate the 25th Asbury Park Jazz Festival (the “Jazz Festival”), to be held on June 25 and June 26, 2016 in Sunset Park; and

WHEREAS, the Mayor and Council believe that the Jazz Festival will promote tourism and create revenues for the City, and therefore, the Mayor and Council believe that holding this event is in the best interests of the City; and

WHEREAS, the services which are being sought from marketing/event management firms are original, artistic and creative in character; and

WHEREAS, in order to procure a vendor to perform these services, the City wishes to advertise a “Request for Proposals” under the competitive contracting process specified in New Jersey “Local Public Contracts Law,” N.J.S.A. 40A:11-4.1, *et seq.*, [specifically, N.J.S.A. 40A:11-4.1(i)].

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, as follows:

1. That the City hereby authorizes the preparation and advertising of a “Request for Proposals” to procure a marketing/event management firm to create, plan, market and operate the 25th Asbury Park Jazz Festival (the “Jazz Festival”), to be held on June 25 and June 26, 2016 in Sunset Park.
2. That all relevant City officials are hereby authorized and directed to undertake all actions that are necessary in order to implement the intentions of this Resolution.
3. That, following the receipt and ranking of the proposals received, the Mayor and Council may make an award of a contract to the firm whose proposal is deemed

most advantageous to the City, price and other factors considered. Such action will take place at a future Council meeting.

4. That a certified copy of this Resolution shall be provided to each of the following:
- a. Anthony Nuccio, Acting City Manager;
 - b. Thomas Gilmour, Director of Commerce;
 - c. Richard J. Gartz, CPA RMA CMFO, CFO; and
 - d. Frederick C. Raffetto, Esq., Municipal Attorney.

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

2015-216 A Resolution Establishing Additional Fees Relating to Special Events Within the City

This resolution has been tabled until additional information is received regarding other municipalities' fees.

2015-217 Establishing Time Duration for Metered Parking in the Municipal Parking Lot Located at One Municipal Plaza and in the Bangs Avenue Parking Garage

Resolution # 2015-217

**ESTABLISHING TIME DURATION FOR METERED PARKING
IN MUNICIPAL PARKING LOTS AND IN THE
BANGS AVENUE PARKING GARAGE.**

WHEREAS, on May 13, 2015, the Mayor and Council of the City of Asbury Park (the "City") adopted Ordinance No. 2015-11, which established regulations regarding metered parking in the municipal parking lot (located at One Municipal Plaza) and in the Bangs Avenue Parking Garage (located at 605 Bangs Avenue), and amended and supplemented the City Code accordingly; and

WHEREAS, the Schedule annexed to said Ordinance indicated that the "Metered Parking Duration" applicable to each of these two (2) City-owned and/or controlled parking lots would be determined by Resolution of the Asbury Park City Council; and

WHEREAS, it is anticipated that on May 27, 2015, the Mayor and Council shall adopt Ordinance No. 2015-25, which shall, among other things, include the municipal parking lot

situated immediately to the south of the Asbury Park Transportation Center as a “City-controlled” parking lot subject to metered parking; and

WHEREAS, the Mayor and Council wish to establish the time duration associated with the metered parking contained within these three (3) City-owned and/or controlled parking lots in the within Resolution.

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, as follows:

1. That the metered parking to be implemented in the municipal parking lots referenced above and in the Bangs Avenue Parking Garage (located at 605 Bangs Avenue) is hereby established as follows:

<i>Name</i>	<i>Location</i>	<i>Metered Parking Duration</i>
Asbury Park Municipal Parking Lot	One Municipal Plaza	Weekdays (M-F): 5 p.m. – midnight Saturdays, Sundays and Holidays: 9 a.m. – midnight
Asbury Park Municipal Parking Lot	Parking lot situated immediately to the south of the Asbury Park Transportation Center	Weekdays (M-F): 5 p.m. – midnight Saturdays, Sundays and Holidays: 9 a.m. – midnight
Bangs Avenue Parking Garage	605 Bangs Avenue	Weekdays (M-F): 5 p.m. – midnight Saturdays, Sundays and Holidays: 9 a.m. – midnight

2. That the provisions set forth in this Resolution concerning metered parking spaces in the Bangs Avenue Parking Garage shall be contingent upon the approval of the State of New Jersey and/or any agencies thereof having jurisdiction over the Bangs Avenue Parking Garage.

3. That a certified copy of this Resolution shall be provided to each of the following:

- a. Parking Advisory Committee;
- b. Anthony Nuccio, Acting City Manager;
- c. Anthony Salerno, Acting Chief of Police;
- d. Robert Bianchini, Superintendent of Public Works; and
- e. Frederick C. Raffetto, Esq., City Attorney.

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

Mayor John Moor			X		
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2015-218 Extending the Temporary Adoption of the New City Code

Resolution # 2015-218

EXTENDING THE TEMPORARY ADOPTION OF THE NEW CITY CODE.

WHEREAS, on January 1, 2015, the City of Asbury Park (the “City”) adopted Resolution No. 2015-04, temporarily adopting a new City Code, providing for the temporary organization and administration of the new municipal government, pending full adoption of the City Code, as required by N.J.S.A. 40:69A-207c; and

WHEREAS, the City is diligently finalizing the revisions to the Administrative Code; however, it is not anticipated that the new Administrative Code can be adopted, by Ordinance, and become effective, within the period originally set forth in Resolution No. 2015-04, as modified by Resolution No. 2015-133; and

WHEREAS, the Mayor and Council wish to extend the duration and validity of the temporary City Code (as adopted on January 1, 2015) through July 31, 2015, or through such earlier date as the new Administrative Code is adopted by Ordinance and becomes effective pursuant to N.J.S.A. 40:69A-207d, so as to afford the City with the additional time that is necessary in order to finalize this project.

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, as follows:

1. That Resolution No. 2015-04, as modified by Resolution No. 2015-133, temporarily adopting a new City Code, is hereby extended through July 31, 2015, or such earlier date as the new Administrative Code is adopted Ordinance and becomes effective pursuant to N.J.S.A. 40:69A-207d, so as to afford the City with the additional time that is necessary in order to finalize this project.
2. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Anthony Nuccio, Acting City Manager;
 - b. Coded Systems, LLC (Attention: Nancy Hayduk)
 - c. Frederick C. Raffetto, Esq., Municipal Attorney.

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

2015-219 Authorizing Settlement of a Worker’s Compensation Claim Captioned
Charlie Lomack vs. City Of Asbury Park

Resolution # 2015-219

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

WHEREAS, the City of Asbury Park (the "City") was named as a Respondent in a Worker's Compensation claim entitled Charlie Lomack vs. City of Asbury Park, bearing Case No. 2005-27348, which claim pre-dates the City's membership in the New Jersey Intergovernmental Insurance Fund (the "NJIFF"); and

WHEREAS, pursuant to an Order Approving Settlement (the "Order") entered by the Honorable Lionel Simon, III, J.W.C., the claim has been settled; and

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

- Permanency award to the Petitioner in the amount of 165 weeks at \$201.15 per week, for a total of \$33,189.00, less \$25,404.00 paid = **\$7,785.00 balance due**;
- Petitioner's counsel fees payable to Chamlin, Rosen, Uliano & Witherington, in the amount of \$935.00;
- Fees payable to Dr. Floyd Krengel in the combined total amount of \$600.00; and
- Stenographic service fees in the amount of \$90.00.

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

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

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

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

- a. Eric J. Nemeth, Esq
- b. Anthony Nuccio, Acting City Manager
- c. Richard J. Gartz, CPA, RMA, CMFO, CFO
- d. Frederick C. Raffetto, Esq., City Attorney

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

2015-220 Resolution of the City of Asbury Park Designating the 2015 Menu Items Pursuant to Certain Agreement Between the City and Madison-Asbury Retail, LLC

Resolution # 2015-220

DESIGNATING THE 2015 MENU ITEMS PURSUANT TO A CERTAIN AGREEMENT BETWEEN THE CITY AND MADISON-ASBURY RETAIL, LLC.

WHEREAS, on June 5, 2002 the City Council adopted Ordinance No. 2607 entitled “Ordinance Adopting Amended Waterfront Redevelopment Plan for the City of Asbury Park” which provided for the redevelopment of certain properties situated in the City pursuant to the Waterfront Redevelopment Plan; and

WHEREAS, on May 5, 2010, the City Council adopted a Resolution authorizing the execution of a certain agreement (the “Boardwalk SDA”) by and between the City and Madison-Asbury Retail, LLC (“MA Retail”) for, among other things, the rehabilitation of certain properties owned by MA Retail along the City’s boardwalk; and

WHEREAS, the City and MA Retail executed the Boardwalk SDA as of June 1, 2010; and

WHEREAS, the Boardwalk SDA provides that MA Retail will make \$100,000.00 available on an annual basis to undertake “Menu Items” selected by the City; and

WHEREAS, the Boardwalk SDA defines Menu Items to mean the work which shall be undertaken on behalf of the City by MA Retail using contractors reasonably satisfactory to the City and funded by MA Retail up to the limits set forth in the Boardwalk SDA and shall include: (i) the permitting and design and later construction of the New Lifeguard Facility (which may be undertaken as a multi-year item with design and permitting done first and construction undertaken in a later year); (ii) the installation of two public ADA compliant modular restroom facilities pursuant to the Boardwalk SDA and (iii) such other capital projects for the benefit of the Boardwalk, including the Entire Boardwalk, as may be designated by the City in accordance with the timeframes set forth in the agreement; and

WHEREAS, Section 4.01 (i)(iii) provides for an annual schedule to be followed by the City in selecting Menu Items and further provides that “if the City and the MA Retail cannot agree on the Menu Items to be undertaken in any year, then the City will be entitled to make the final determination”; and

WHEREAS, the City's representatives have met with representatives of MA Retail to discuss potential Menu Items for 2015; and

WHEREAS, on May 26, 2015, representatives of the City and MA Retail made a presentation to the Mayor and Council during a workshop meeting regarding a list of potential Menu Items that could be undertaken in 2015; and

WHEREAS, after careful consideration, the Mayor and Council have decided that the following items should be funded:

- Maintenance and Operations of Public Restrooms located on the boardwalk at 1st and 4th Avenue Green Spaces for the period of 2010-2014 not to exceed \$120,000.00.
- Purchase of a Four Wheel Drive Pick-Up Truck not to exceed \$26,000.00.
- Purchase of two (2) seven cubic yard compactor containers to facilitate automated litter removal from the public beaches at actual cost of \$15,879.00.
- Waterfront beautification and wayfinding signage not to exceed \$10,000.00.
- Wireless Public Internet Service (Wi-Fi) to Beach not to exceed \$30,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, that the 2015 Menu Items designated above are hereby approved.

BE IT FURTHER RESOLVED, that the funds in an amount not to exceed \$40,000.00 may be utilized for the design of the new lifeguard facility as identified in the Boardwalk SDA by and between the City and MA Retail; subsequent construction of the lifeguard facility utilizing Menu Item funds will be subject to separate/additional review and approval of the Mayor and Council.

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

1. Carrie Turner
Director, Retail Services
Madison Asbury Retail, LLC
1100 Ocean Avenue
Asbury Park, NJ 07712
2. Madison Asbury Retail, LLC
1100 Ocean Avenue
Asbury Park, NJ 07712
Attention: Gary Mottola, President
3. Madison Marquette
2001 Pennsylvania Avenue NW – 10th Floor
Washington, DC 20006
Attention: Phil Akins, Vice President

	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		

ORDINANCES

First Reading/Introduction:

2015-26 An Ordinance Amending Section 7-36, Entitled “Handicapped Parking,” of Chapter VII, Entitled “Traffic,” of the “Revised General Ordinances of the City Of Asbury Park, New Jersey.”

The Clerk read by title Ordinance 2015-26.

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

Public hearing is scheduled for June 24, 2015.

2015-27 Establishing A Restricted Parking Space for Use by Handicapped Persons at Property Located at 1701 Ocean Avenue, Designated As Block 4303, Lot 1, in the City Of Asbury Park, and Amending and Supplementing Section 7-36, Entitled, “Handicapped Parking,” of Chapter VII, “Traffic,” of the “Revised General Ordinances of the City Of Asbury Park, New Jersey.”

The Clerk read by title Ordinance 2015-27.

	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		

Public hearing is scheduled for June 24, 2015.

2015-28 Amending and Supplementing Chapter VII, “Traffic,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey.”

Acting Manager Nuccio stated that this ordinance is being pulled so that additional information can be provided.

2015-29 Adopting a Code of Ordinances of the City of Asbury Park in the County
of Monmouth, State of New Jersey

The Clerk read by title Ordinance 2015-29.

	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 June 10, 2015.

2015-30 An Ordinance Amending and Supplementing Section 4-20, Currently
Entitled “Vending on the Beachfront,” of Chapter IV, “General
Licensing,” of the “Revised General Ordinances of the City of Asbury
Park, New Jersey.”

The Clerk read by title Ordinance 2015-30.

	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		

Public hearing is scheduled for June 10, 2015.

2015-31 An Ordinance Amending and Supplementing Section 30-73, Entitled
“Supplemental Use Regulations,” of Chapter XXX, Entitled “Land
Development Regulations,” of the “Revised General Ordinances of the
City Of Asbury Park, New Jersey,” Specifically Relating to Arcade Games

The Clerk read by title Ordinance 2015-31.

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

Public Hearing is scheduled for June 24, 2015.

Second Reading/Public Hearing

2015-17 An Ordinance Amending and Supplementing Section 4-15 Entitled “Street Performers,” of Chapter IV, Entitled “General Licensing,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey”

ORDINANCE NO. 2015-17

**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 4-15
ENTITLED “STREET PERFORMERS,” OF CHAPTER IV,
ENTITLED “GENERAL LICENSING,”
OF THE “REVISED GENERAL ORDINANCES OF THE
CITY OF ASBURY PARK, NEW JERSEY.”**

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

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that Section 4-15, entitled “Street Performers,” of Chapter IV, entitled “General Licensing” of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” is hereby amended and supplemented in the following respects (additions are shown with underline; deletions are shown with ~~strikeout~~):

CHAPTER IV

GENERAL LICENSING

4-15 STREET PERFORMERS.

4-15.1 Definition. *[No changes are hereby made to this Subsection.]*

4-15.2 Permit Required; Fee; Term.

No street performer shall conduct his or her performance in the public areas of the City of Asbury Park, including the boardwalk, without first obtaining a permit from the City Clerk. Such permits shall be issued annually, on a first-come-first-served basis, upon presentation of a valid form of identification and payment of a permit fee of ~~twenty (\$20.00)~~ fifty (\$50.00) dollars. Such permits shall be valid only during the year in which they are issued.

4-15.3 Performance Regulations.

a. *[No changes are hereby made to this Subsection.]*

b. *[No changes are hereby made to this Subsection.]*

c. Street performers shall not remain in the same location for more than three (3) hours. At the conclusion of a three (3) hour period, and at the request of any law enforcement officer of the City of Asbury Park, street performers shall move to a new location that is a minimum distance of one hundred (100) feet from the immediately prior location.

- ~~e.~~ d. Street performers may conduct performances between the hours of 9:00 a.m. and 10:00 p.m.
- ~~d.~~ e. Street performances are prohibited on the boardwalk during the July 4th weekend due to the extremely high volume of pedestrian traffic and other activities historically encountered at the beachfront at such times.
- ~~e.~~ f. Notwithstanding the provisions of paragraph c. above, the City Council may by a majority vote designate other times or dates during which performances may be restricted or prohibited in order to protect the public interest.
- ~~f.~~ g. No street performer may sell any merchandise without first obtaining a mercantile license for same pursuant to Section 4-1 of the City Code or, if the proposed sales are intended to take place within the “boardwalk vending area” (Section 4-14, as defined in Ordinance No. 2979, adopted on May 18, 2011, or as defined in any successor Ordinance adopted thereafter), obtaining a permit to engage in such boardwalk/beachfront vending activities in accordance with the requirements set forth in Section 4-14, or in accordance with the requirements set forth in any successor ordinance adopted thereafter.
- ~~g.~~ h. No street performer shall include any activity which is inimical to the health, safety and welfare of the general public. Examples include but are not limited to activities involving fire, flammable liquids, knives or swords, or language or conduct that is likely to incite violence or a riot.
- ~~h.~~ i. All street performers shall be required to have their permit on display in public view at the site of the street performers at all times.
- ~~i.~~ j. No street performer shall utilize amplifiers for music or other sounds without first receiving appropriate approval(s) from the City’s Special Events Committee.

4-15.4 Enforcement. *[No changes are hereby made to this Subsection.]*

4-15.5 Violations and Penalties.
[No changes are hereby made to this Subsection.]

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 immediately upon final passage and publication in accordance with the law.

Motion made Deputy Mayor Quinn and seconded by Council Member Clayton to open the meeting to the public for Ordinance 2015-17. All were in favor.

The following members of the public spoke regarding Ordinance 2015-17: Mike (last name not audible), Werner Baumgartner, Rita Marano and Robert Frances. There being no further public comment, motion made by Mayor Moor and seconded by Deputy Mayor Quinn to close the public hearing for Ordinance 2015-17. All were in favor.

Motion to adopt Ordinance 2015-17.

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

2015-19 Establishing a Restricted Parking Space for Use by Handicap Persons Along Lake Avenue in the City of Asbury Park, and Amending and Supplementing Section 7-36, Entitled, "Handicapped Parking," of Chapter VII, "Traffic," of the revised General Ordinance of the City of Asbury Park, New Jersey.

ORDINANCE NO. 2015-19

ESTABLISHING A RESTRICTED PARKING SPACE FOR USE BY HANDICAPPED PERSONS ALONG LAKE AVENUE IN THE CITY OF ASBURY PARK, AND AMENDING AND SUPPLEMENTING SECTION 7-36, ENTITLED, "HANDICAPPED PARKING," OF CHAPTER VII, "TRAFFIC," OF THE "REVISED GENERAL ORDINANCES OF THE CITY OF ASBURY PARK, NEW JERSEY."

WHEREAS, the Asbury Park Police Department (the "Department") has reviewed the amount of handicapped parking spaces available along Lake Avenue in the business district located within the City of Asbury Park (the "City"), and has determined that while the 600 Block has two (2) available handicapped parking spaces, the 500 Block currently has only one (1) available handicapped parking space; and,

WHEREAS, it is the Department's recommendation that a second parking space be designated as a handicapped parking space in the 500 Block of Lake Avenue, also known as parking space #5100, to accommodate the increase in the number of visitors in this area; and,

WHEREAS, pursuant to N.J.S.A. 39:4-197.5, a municipality may, by Ordinance, establish restricted parking space(s) in front of residences, schools, hospitals and other public buildings, and in shopping and business districts, for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles pursuant to the provisions of N.J.S.A. 39:4-

205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206; and

WHEREAS, the City therefore wishes to designate an additional restricted parking space for use by handicapped person(s) along the 500 Block of Lake Avenue, known as parking space #5100, and to amend and supplement Section 7-36, entitled, “Handicapped Parking,” of Chapter VII, “Traffic,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” accordingly.

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 there is hereby established a restricted parking space along the 500 Block of Lake avenue, in the City, which is known and designated as parking space #5100, in accordance with the requirements set forth in this Ordinance.

2. That the City Engineer is hereby designated to determine whether or not the said parking space and the erection of any signs associated therewith conform to the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways, as adopted by the Commissioner of Transportation, and any other Department of Transportation rules and regulations governing parking spaces and signs, and shall certify his approval of the same to the Commissioner of Transportation in accordance with the requirements of N.J.S.A. 39:4-8.1.

3. That the City is authorized to erect appropriate signage to designate the handicapped parking space established herein and may mark the street appropriately.

4. That any signs erected or street markings employed to identify the subject parking space shall clearly and conspicuously state “Parking for Handicapped Persons Only.”

5. That Section 7-36, entitled, “Handicapped Parking,” of Chapter VII, “Traffic,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” is hereby amended and supplemented to include the following:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Lake Avenue	North	Beginning at a point located 164 feet east of Press Plaza, positioned on the westbound side of Lake Avenue, and extending 20 feet on center therefrom.

6. That all other Ordinances or parts of Ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistencies.

7. That, 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 the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

8. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

9. That a certified copy of this Ordinance shall be provided to the Commissioner of Transportation within thirty (30) days of the adoption thereof.

Motion made Council Member Woerner and seconded by Deputy Mayor Quinn to open the meeting to the public for Ordinance 2015-19. All were in favor.

There being no public comment, motion made by Council Member Woerner and seconded by Council Member Clayton to close the public hearing for Ordinance 2015-19. All were in favor.

Motion to adopt Ordinance 2015-19.

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

2015-20 Establishing a Fifteen (15) Minute Time Limit for a Single Parking Space Along Summerfield Avenue, in the City of Asbury Park, New Jersey, and Amending and Supplementing the “Revised General Ordinances of the City of Asbury Park” Accordingly.

ORDINANCE NO. 2015-20

AN ORDINANCE ESTABLISHING A FIFTEEN (15) MINUTE TIME LIMIT FOR A SINGLE PARKING SPACE ALONG SUMMERFIELD AVENUE, IN THE CITY OF ASBURY PARK, NEW JERSEY, AND AMENDING AND SUPPLEMENTING THE “REVISED GENERAL ORDINANCES OF THE CITY OF ASBURY PARK” ACCORDINGLY.

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

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

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

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, that a

thirty (30) minute time limit is hereby approved and adopted on three (3) parking spaces along Prospect Avenue and Bangs Avenue, in accordance with the provisions set forth below.

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

7-11 TIME LIMIT PARKING.

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

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

<u>Summerfield Avenue</u>	<u>South</u>	<u>15 minutes</u>	<u>all day</u>	<u>Beginning at a point located 25 feet east of the southeast corner of Summerfield Avenue and Emory Street and extending east on Summerfield Avenue, measuring 20 feet in length.</u>
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BE IT FURTHER ORDAINED, that the City is hereby authorized to erect appropriate signage to designate the time limitation referenced herein and may mark the street appropriately.

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

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

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

Motion made Deputy Mayor Quinn and seconded by Council Member Woerner to open the meeting to the public for Ordinance 2015-20. All were in favor.

The following member of the public spoke regarding Ordinance 2015-20: Rita Marano. There being no further public comment, motion made by Mayor Moor and seconded by Council Member Woerner to close the public hearing for Ordinance 2015-20. All were in favor.

Motion to adopt Ordinance 2015-20.

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

2015-21 An Ordinance Setting the Salary or Compensation of Employees of the City of Asbury Park who are members of the AFSCME Union

Ordinance 2015-21 is attached hereto and made a par of these minutes.

Motion made Council Member Kendle and seconded by Council Member Clayton to open the meeting to the public for Ordinance 2015-21. All were in favor.

The following members of the public spoke regarding Ordinance 2015-20: Lori Ross, Tracey Roge, Rita Marano and Mary Vallino. There being no further public comment, motion made by Deputy Mayor Quinn and seconded by Council Member Woerner to close the public hearing for Ordinance 2015-21. All were in favor.

Motion to adopt Ordinance 2015-21.

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

2015-22 An Ordinance Setting the Salary or Compensation of Employees of the City of Asbury Park who are members of the IFPTE Union, Local 196

Ordinance 2015-22 is attached hereto and made a par of these minutes.

Motion made Council Member Woerner and seconded by Council Member Clayton to open the meeting to the public for Ordinance 2015-22. All were in favor.

There being no public comment, motion made by Mayor Moor and seconded by Deputy Mayor Quinn to close the public hearing for Ordinance 2015-22. All were in favor.

Motion to adopt Ordinance 2015-22.

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

2015-23 An Ordinance Setting the Salary or Compensation of Non-Union
Employees of the City of Asbury Park

Ordinance 2015-23 is attached hereto and made a par of these minutes.

Motion made Deputy Mayor Quinn and seconded by Council Member Woerner to open the meeting to the public for Ordinance 2015-23. All were in favor.

There being no public comment, motion made by Deputy Mayor Quinn and seconded by Council Member Clayton to close the public hearing for Ordinance 2015-23. All were in favor.

Motion to adopt Ordinance 2015-23.

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

2015-24 An Ordinance Authorizing the City of Asbury Park to Convey a
Temporary Easement Over the Property Located at Block 3702, Lot 1 To
The State Of New Jersey (Department Of Environmental Protection), And
To Execute Necessary Documents In Connection Therewith, In Order To
Facilitate The Proposed Deal Lake Dredging Project

ORDINANCE NO. 2015-24

**AN ORDINANCE AUTHORIZING THE CITY OF ASBURY PARK TO CONVEY A
TEMPORARY EASEMENT OVER THE PROPERTY LOCATED AT BLOCK 3702,
LOT 1 TO THE STATE OF NEW JERSEY (DEPARTMENT OF ENVIRONMENTAL
PROTECTION), AND TO EXECUTE NECESSARY DOCUMENTS IN CONNECTION
THEREWITH, IN ORDER TO FACILITATE THE PROPOSED DEAL LAKE
DREDGING PROJECT.**

WHEREAS, the City of Asbury Park (the “City”) is the owner of certain land situated in the City which is more particularly known and designated as Block 3702, Lot 1 on the Tax Map of the City (the “Property”), which property is located immediately adjacent to the Deal Lake; and

WHEREAS, in order to facilitate a proposed dredge of the Deal Lake (the “Project”), it is necessary for the City to dedicate a temporary easement over the Property to the State of New Jersey (Department of Environmental Protection), for the time period from September 15, 2015

through December 31, 2015, for the use and purpose of depositing all material excavated, dug or dredged from Deal Lake, in connection with the Project; and

WHEREAS, pursuant to the New Jersey “Local Lands and Buildings Law,” N.J.S.A. 40A:12-1, et seq., a municipality may convey any interest in land to any political subdivision, agency, department, commission, board or body corporate and politic of the State of New Jersey through a private sale, which may be for nominal consideration, through the adoption of an Ordinance [N.J.S.A. 40A:12-13(b)(1)]; and

WHEREAS, the terms and conditions of the proposed undertaking are set forth in a proposed Standard Dredge Material Disposal Agreement (the “Agreement”), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Mayor and Council of the City of Asbury Park wish to authorize the appropriate City officials to execute the attached Agreement (or one which is substantially similar thereto and which meets with the approval of the City Attorney and City Engineer), in order to authorize the conveyance of the necessary temporary easement to the State of New Jersey (Department of Environmental Protection) in order to facilitate the Project.

NOW, THEREFORE, BE IT 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, pursuant to the New Jersey Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., and specifically N.J.S.A. 40A:12-13(b)(1), the City is hereby authorized to convey the above-referenced temporary easement over the Property to the State of New Jersey (Department of Environmental Protection), in order to facilitate the Project. A copy of the proposed Standard Dredge Material Disposal Agreement (the “Agreement”) is attached hereto and made a part hereof (a copy is on file and available for review with the Asbury Park City Clerk’s office).
2. That the Mayor is hereby authorized to execute, and the City Clerk to attest, the attached Agreement between the City and the State of New Jersey, or one which is substantially similar thereto and meets with the approval of the City Attorney and City Engineer.
3. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
4. 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.
5. That this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

Motion made Deputy Mayor Quinn and seconded by Council Member Clayton to open the meeting to the public for Ordinance 2015-24. All were in favor.

The following member of the public spoke regarding Ordinance 2015-24: Jerry Scarano. There being no further public comment, motion made by Council Member Kendle and seconded by Council Member Clayton to close the public hearing for Ordinance 2015-24. All were in favor.

Motion to adopt Ordinance 2015-24.

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

2015-25 An Ordinance Amending and Supplementing Chapter VII, "Traffic," of the "Revised General Ordinances of the City of Asbury Park, New Jersey,"

ORDINANCE NO. 2015-25

AMENDING AND SUPPLEMENTING CHAPTER VII, "TRAFFIC," OF THE "REVISED GENERAL ORDINANCES OF THE CITY OF ASBURY PARK, NEW JERSEY."

WHEREAS, the City of Asbury Park (the "City") previously established certain traffic regulations concerning metered parking within the City, as set forth in Ordinance No. 2982 (adopted on May 18, 2011) and Ordinance No. 2015-11 (adopted on May 13, 2015), which have been or shall be incorporated into Chapter VII, entitled "Traffic," of the "Revised General Ordinances of the City of Asbury Park, New Jersey" (collectively referenced as the "existing regulations"); and

WHEREAS, the City is currently reviewing the recommendations made by its professional parking consultant (Desman Associates), relating to parking issues, generally, within the City; and

WHEREAS, it is anticipated that the Mayor and Council shall be taking action in the future to adopt, by Ordinance, a comprehensive set of new parking regulations within the City, based upon the "Comprehensive Parking Management Plan" prepared for the City by Desman Associates; and

WHEREAS, in the meantime, the City's Parking Advisory Committee has made certain recommendations to the Mayor and Council in an effort to provide interim parking solutions to alleviate the existing parking problems that are currently negatively affecting the City until such time as the comprehensive set of new parking regulations referenced above have been formally adopted; and

WHEREAS, the Mayor and Council wish to adopt the within Ordinance so that the interim parking solutions referenced herein shall become effective prior to the anticipated influx of summer visitors to the City

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, as follows:

1. That, as of the effective date of the within Ordinance, Guest Passes/Permits shall no longer be available for purchase in the City for any of the existing Parking Zones. This provision shall not affect the validity of existing 2015 Guest Passes/Permits that have already been purchased from the City prior to the effective date of the within Ordinance. However, any such existing 2015 Guest Passes/Permits shall expire as of December 31, 2015, and shall not be available to be renewed.
2. That seventy-five (75) parking spaces in the Bangs Avenue Parking Garage, located at 605 Bangs Avenue (Block 2505, Lot 3), shall become available for use by City residents, on a first come first served basis, for assigned residential parking. A per-month fee of forty dollars (\$40.00) per space shall be charged. Those City residents who buy and maintain assigned residential parking passes/permits in the Bangs Avenue Parking Garage in 2015 shall be provided the first option to renew said passes/permits in 2016, but not necessarily at the same rate (depending upon the rate schedule which may be in effect by Ordinance concerning said Parking Garage at that time). Any spaces in the Bangs Avenue Parking Garage that are not used by residential permit holders may be made available to the general public, on a first come first served basis.
3. That Employee Passes/Permits in Zone 4 (Central Business District) shall be limited to a maximum number of three hundred (300), which shall be available on a first come first served basis. This provision shall not affect the validity of existing 2015 Employee Passes/Permits in Zone 4 that have already been purchased from the City prior to the effective date of the within Ordinance. However, any such existing 2015 Employee Passes/Permits in Zone 4 shall expire as of December 31, 2015, and the same may not be available to be renewed depending upon numeric constraints.
4. That permit parking in Zone 4 (Central Business District) shall be extended on Lake Avenue for a distance of one block east, between Grand Avenue and Heck Street. The block of Lake Avenue between Grand Avenue and Heck Street shall also service Zone 2 (Wesley Grove) permit parking. Additionally, Press Plaza shall be open to public parking only.
5. That the City Hall Parking Lot situated immediately to the east of the Asbury Park Municipal Building, located at One Municipal Plaza (Block 2401, Lot 1) in the City, which shall become subject to metered parking upon the adoption of Ordinance No. 2015-11 on May 13, 2015, shall be added to the Zone 4 (Central Business District) permit zone as paid public parking and employee/residential permit parking. The hours of operation of the City Hall Parking Lot shall be 5:00

p.m. to 9:00 a.m. on Mondays through Fridays, and at all hours on Saturdays, Sundays and holidays. The hours during which metered parking shall be enforced in the City Hall Parking Lot shall be determined by Resolution of the Asbury Park City Council.

6. That Ordinance No. 2015-11, and Schedule “A” attached thereto, are hereby amended and supplemented in order to add the Municipal Parking Lot situated immediately to the south of the Asbury Park Transportation Center, as a “City-controlled parking lot” subject to metered parking. This Municipal Parking Lot shall be subject to all of the same requirements applicable to the other “City-controlled parking lots” as set forth on Schedule “A” of Ordinance No. 2015-11.
7. That Ordinance No. 2982 and Schedule “A” annexed thereto are hereby amended and supplemented in order to include the following areas to be subject to on-street metered parking in Zone 2 (Wesley Grove):

- (a) Heck Street, from Sewall Avenue to Cookman Avenue; and
- (b) Heck Street, from Cookman Avenue to Lake Avenue (west side only).

All requirements as set forth in Ordinance No. 2982 and Schedule “A” annexed thereto which pertain to “Lake Avenue, from Wesley Lake Drive to Bond Street,” shall likewise apply to these two (2) new areas along Heck Street (as referenced in this paragraph).

8. That the terms and conditions referenced in Ordinance No. 2982 and Ordinance No. 2015-11 shall hereby be applicable to the matters/areas set forth above, as amended by this Ordinance.
9. That Chapter VII, entitled “Traffic,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” is hereby amended and supplemented in order to incorporate the provisions of this Ordinance.
10. That, upon the effective date of this Ordinance, all relevant City officials are hereby authorized and directed to undertake all actions necessary in order to implement this Ordinance.
11. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
12. 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.
13. That this Ordinance shall take effect immediately upon final passage and publication in accordance with the law; however, the following specific matters

shall require the following additional actions before the same may be implemented:

- (a) As to the use of the Bangs Avenue Parking Garage for assigned residential parking, per Paragraph 2 above, the approval of the State of New Jersey and/or any agencies thereof having jurisdiction over the Bangs Avenue Parking Garage, for the contemplated activity.
- (b) As for the implementation of metered parking in any “City-controlled parking lot” or other area referenced herein, said metered parking shall not be implemented until the following actions have been completed by the City:
 - 1. Striping and marking of the parking spaces in any “City-controlled parking lot” or other area referenced herein;
 - 2. Activation of meters in any “City-controlled parking lot” or other area referenced herein; and
 - 3. Notification to the public via publishing in an official newspaper and posting on the City’s website as to the metering referenced herein.

14. 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 rather than twenty (20) days after its final passage, so that it may be implemented as soon as possible in order to help avoid traffic and safety problems that could negatively affect the health, safety and welfare of the City’s residents and summer visitors to the City.

Motion made Deputy Mayor Quinn and seconded by Council Member Clayton to open the meeting to the public for Ordinance 2015-25. All were in favor.

The following member of the public spoke regarding Ordinance 2015-24: Werner Baumgartner. There being no further public comment, motion made by Council Member Kendle and seconded by Council Member Clayton to close the public hearing for Ordinance 2015-25. All were in favor.

Motion to adopt Ordinance 2015-25.

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

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

The meeting was adjourned.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk