



REVISED

Agenda
Meeting of the Municipal Council
Wednesday, June 24, 2015

I. Executive Session – 4:30 p.m.

Resolution 2015-239 Authorizing a Meeting which Excludes the Public

A. Personnel Matters:

1. Director of Communications Position

B. Contract Negotiations:

1. Appraisal Services for Bradley Cove
2. Negotiations with the Board of Education - Video Camera Agreement
3. Michaels Group and Interfaith Neighbors - Property Transfer Proposal
4. Asbury Partners, LLC/iStar – Financial Agreements Related to Monroe Condominium Project (601 Heck Street)

C. Litigation:

1. Lori Ross vs. City of Asbury Park (Workers Compensation) – Eric Nemeth, Esq.
2. Jesse Kendle vs. City of Asbury Park (Workers Compensation) – Eric Nemeth, Esq.
3. Jonathan King v. Asbury Park (NJIFF Claim) – Eric Nemeth, Esquire
4. Famularo Disciplinary Proceeding

II. Work Session – 6:30 p.m.

- A. Clerk to Call Work Session to Order/Roll Call.
- B. Review/Follow-Up Regarding Any Issues Addressed at Work Session of Monday, June 22, 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. Acceptance of Minutes:

- January 14, 2015 - Regular Meeting
- April 22, 2015 – Regular Meeting
- May 11, 2015 – Workshop Meeting
- May 13, 2015 – Executive Meeting
- May 13, 2015 – Regular Meeting

G. Consent Agenda Resolutions.

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

- | | |
|----------|---|
| 2015-240 | Approving Special Events/Wedding Applications as Presented on June 22, 2015 |
| 2015-241 | Approving Raffle License for Central and South Jersey Affiliate of Susan G. Komen for the Cure for July 17, 2015 |
| 2015-242 | Approving 50/50 Raffle License for Central and South Jersey Affiliate of Susan G. Komen for the Cure for July 17, 2015 |
| 2015-243 | Declaring an Emergency so that the Provisions of Ordinance No. 2015-32 (Allowing the City to Implement and Enforce a Stop Sign at the Intersection of Sunset Avenue and Memorial Drive) May Take Effect Immediately |

H. Individual Resolutions

- 2015-244 Resolution Authorizing the Payment of Payroll in the Amount of \$934,267.55
- 2015-245 Resolution Authorizing the Payment of Bills in the Amount of \$6,755,185.08
- 2015-246 Resolution Amending Temporary Appropriations for 2015
- 2015-247 Authorizing the Disposal of Surplus Property
- 2015-248 Authorizing the City Clerk to Execute All Bingo and Raffle Games of Chance Applications that Meet All Provisions Pursuant to Statute for the Remaining 2015 Calendar Year
- 2015-249 Authorizing Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Year 2015 (Sunset Avenue)
- 2015-250 A Resolution Authorizing the City Engineer to Advertise, Receive Bids and Perform Construction Administration for the Boardwalk Lighting Project
- 2015-252 A Resolution Establishing Additional Fees Relating to Special Events within the City
- 2015-253 Resolution Stating Reasons Related to Adoption of Ordinance No. 2015-31
- 2015-254 A Resolution Authorizing the City of Asbury Park to Implement the Competitive Contracting Process to Procure Vendors to Provide the Following Services to the City: Turn –Key Parking Operations Related to All Regulated Parking Within the City.(Including but not Limited to Management, Maintenance, Enforcement, Revenue Control, Revenue Enhancement, Technology/Innovation, Customer Service , and Consulting.

I. Ordinances:

1. First Reading/Introduction:

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

[Set Public Hearing Date for Each Ordinance Introduced.]

2. Second Reading/Public Hearing:

- 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.”

- 2015-31 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
- 2015-32 Amending and Supplementing Chapter VII, Entitled “Traffic,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” in Order to Implement a Stop Sign at the Intersection of Sunset Avenue and Memorial Drive

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

J. Adjournment.



MINUTES
Meeting of the Municipal Council
Wednesday, June 24, 2015
WORK SESSION AND REGULAR MEETING

Deputy City Clerk Hartsgrove 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 Deputy City Clerk Melody Hartsgrove.

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

WORK SESSION

REVIEW/FOLLOW-UP REGARDING ANY ISSUES ADDRESSED AT WORK SESSION OF MONDAY, JUNE 22, 2015

Acting City Manager Nuccio responded to Council's and resident inquiries from Monday's Workshop meeting.

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

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

Council Member Clayton made a statement on behalf of the City Council regarding the recent tragedies that occurred in the City and in South Carolina.

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.

Deputy City Clerk Hartsgrove 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: Maureen Nebin, Werner Baumgartner, Lois Murray, Rita Marano, Felicia Simmons, Lori Ross, Jerry Scarano, Dan Harris, Derick Grant, Lou Perici.

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

ACCEPTANCE OF MINUTES

- January 14, 2015 - Regular Meeting
- April 22, 2015 – Regular Meeting
- May 11, 2015 – Workshop Meeting
- May 13, 2015 – Executive Meeting
- May 13, 2015 – Regular Meeting

	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		

CONSENT AGENDA RESOLUTIONS

Deputy City Clerk Hartsgrove 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.”

2015-240 Approving Special Events/Wedding Applications as Presented on June 22, 2015

Resolution of the City of Asbury Park

2015-240

WHEREAS, AT WORK SESSION MEETING OF THE Mayor and Council held on June 22, 2015, the following Special Events Applications were presented for approval by the Director of Commerce:

1. Wedding:
2. Fidek/Maccioli

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, that all the above referenced Special Events Applications are hereby approved, so long as all requirements of the City’s “Special Events” Ordinance (Section 4-10 of the City Code) have been satisfied by the respective applicants, as well as any other requirements imposed by the City’s Police Department and/or Special events Committee.

2015-241 Approving Raffle License for Central and South Jersey Affiliate of Susan G. Komen for the Cure for July 17, 2015

Resolution# 2015-241

HEREBY BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, that the application for a Raffle license submitted by the CENTRAL AND SOUTH JERSEY AFFLILIAE OF SUSAN G. KOMEN FOR THE CURE, for an event on July 17 2015, to be held at Club Paradise, 101 Asbury Avenue, Asbury Park, New Jersey is hereby approved.

2015-242 Approving 50/50 Raffle License for Central and South Jersey Affiliate of Susan G. Komen for the Cure for July 17, 2015

Resolution# 2015-242

HEREBY BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, that the application for a 50/50 Raffle license submitted by the CENTRAL AND SOUTH JERSEY AFFILIATE OF SUSAN G. KOMEN FOR THE CURE, for an event on July 17 2015, to be held at Club Paradise, 101 Asbury Avenue, Asbury Park, New Jersey is hereby approved.

2015-243 Declaring an Emergency so that the Provisions of Ordinance No. 2015-32 (Allowing the City to Implement and Enforce a Stop Sign at the Intersection of Sunset Avenue and Memorial Drive) May Take Effect Immediately

Resolution # 2015-243

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

**DECLARING AN EMERGENCY SO THAT THE PROVISIONS OF
ORDINANCE NO. 2015-32 (ALLOWING THE CITY TO IMPLEMENT
AND ENFORCE A STOP SIGN AT THE INTERSECTION OF SUNSET AVENUE
AND MEMORIAL DRIVE) MAY TAKE EFFECT IMMEDIATELY.**

WHEREAS, on June 10, 2015, the Asbury Park Mayor and Council introduced Ordinance No. 2015-32, which authorizes the City of Asbury Park (the “City”) to implement and enforce a STOP sign at the intersection of Sunset Avenue and Memorial Drive for eastbound traffic, through the conclusion of the present improvement project at the Sunset Avenue bridge (the “project”); and

WHEREAS, it is anticipated that Ordinance No. 2015-32 shall be finally adopted by the Mayor and Council on June 24, 2015; and

WHEREAS, in furtherance of health, safety and welfare concerns, the Mayor and Council believe that it is imperative for Ordinance No. 2015-32 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. 2015-32 may become effective and may be implemented immediately following its adoption; and

WHEREAS, the Mayor and Council believe that this action is necessary in order to protect the health, safety and welfare of the City’s residents and the traveling public.

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. 2015-32 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. Anthony Salerno, Deputy Police Chief; and
 - c. 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		

H. Individual Resolutions

2015-244 Resolution Authorizing the Payment of Payroll in the Amount of \$934,267.55

**Resolution #2015-244
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF \$934,267.55

WHEREAS, the June 15, 2015 payroll in the amount of \$934,267.55, has been approved by the Chief Financial Officer and has subsequently been audited and found correct.

BE IT RESOLVED, that the payroll payable totaling \$ 934,267.55 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			X		

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

2015-245 Resolution Authorizing the Payment of Bills in the Amount of
\$6,755,185.08

Resolution #2015-245

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

**RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF
\$6,755,185.08**

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 \$6,755,185.08 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 \$6,755,185.08

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

	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		

2015-246 Resolution Amending Temporary Appropriations for 2015

**Resolution #2015-246
City of Asbury Park
County of Monmouth**

State of New Jersey

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.

CURRENT FUND

	<u>Salaries & Wages</u>		<u>Other Expenses</u>	
	<u>Prior</u>	<u>Amended 6/24/15</u>	<u>Prior</u>	<u>Amended 6/24/15</u>
<u>IN CAP:</u>				
Clerk's Office	\$		17,500.0	
Mayor & Council	19,000.00	21,000.00	\$ 0	25,000.00
General				
Administration	62,000.00	70,000.00		
Tax Collector	120,000.00	125,000.0		
		0		
Legal Services			120,000.	160,000.0
Economic			00	0
Development	43,900.00	46,000.00		
Planning Board	93,500.00	96,500.00		
Fire				
Department/Operati		2,323,000		
ons	2,270,000.00	.00		
Police		4,460,000	185,000.	200,000.0
Uniform	4,400,000.00	.00	00	0
Construction Code	151,000.00	161,000.0		
		0		
Buildings & Grounds	121,500.00	123,500.0		
		0		
Streets and Roads	495,000.00	510,000.0		
Solid Waste	63,250.00	0		
		66,250.00		

Social Services	66,350.00	69,350.00		
Recreation Services and Programs	<u>60,000.00</u>	<u>75,000.00</u>	60,000.0 0	<u>75,000.00</u>
		8,146,600	382,500. 02	<u>460,000.0</u>
TOTAL INSIDE CAP	<u>7,965,500.02</u>	<u>.00</u>		<u>0</u>
Debt Service:				
Bond Interest			203,500. 00	264,444.0 0
Green Acres Loan Payments	<u>-</u>		45,966.0 0	<u>67,021.00</u>
Total Debt Service	<u>-</u>	<u>-</u>	249,466. 00	<u>331,465.0</u> 0
	<u>7,965,500.02</u>	<u>8,146,600</u> <u>.00</u>	<u>631,966.</u> <u>02</u>	<u>791,465.0</u> <u>0</u>
TOTAL CURRENT FUND BUDGET	<u>8,938,065.00</u>			

SEWER UTILITY OPERATING FUND

Other Expenses			550,000. 00	570,000.0 0
Bond Principal			323,772. 00	1,325,638 .00
TOTAL SEWER UTILITY OPERATING BUDGET			<u>873,772.</u> <u>00</u>	<u>1,895,638</u> <u>.00</u>

BEACH UTILITY OPERATING FUND

Salaries & Wages			220,000. 00	230,000.0 0
Other Expenses			156,000. 00	160,000.0 0
TOTAL BEACH UTILITY OPERATING BUDGET			<u>376,000.</u> <u>00</u>	<u>390,000.0</u> <u>0</u>

PARKING UTILITY OPERATING FUND

Salaries & Wages	110,000. 00	120,000.0 0
TOTAL BEACH UTILITY OPERATING BUDGET	110,000. 00	120,000.0 0

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

2015-247 Authorizing the Disposal of Surplus Property

**Resolution #2015-247
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the City of Asbury Park is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the City of Asbury Park is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW THEREFORE BE IT RESOLVED, by the City of Asbury Park, County of Monmouth, as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the City of Asbury Park.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.

#	Item Name	Brief Description	VIN	Year
1	Parking Meters and Bases- 50	Digital Payment Technologies	NA	
2	Tennant 6400	Sidewalk Sweeper - MG51810	64003535	2000
3	CaseTractor Red	MG31KB - License Plate -Model 255	*17646609*	
4	Case 580 Super K Yellow	Back Hoe - MG62902	JJG0167510	1993
5	Car Plymouth Breeze	MG62902 - License Plate	1P3EJ46C4XN629852	1999
6	GMC 2500 Truck- Chevy Pick-up Truck 4 Wheel	MG51803 - License Plate	1GTGK24K4RE518835	1994
7	Chevy GMC 1500 Truck	MG5184 - License Plate	1GCGK24NSE171140	1994
8	Beach Tech 2800	Beach Rake	WKU1805006L010021	2007
9	GMC Top Kick	MG61469 - License Plate	1GDJ9H1M8SJ520990	1995
10	L8000 Diesel	Spreader not included	1FDYR82A0NVA10152	1991
11	Kubota Tractor LA480	12-10119 Serial # - License #554AW	W/LA403-B3030HSDC	1996
12	Walker Rider Lawn Mower	MTGHS - 20HP	Serial 75827	2005
13	Grand Cherokee (fire official)	MG57301 - License Plate	1J4GW4856YC371694	2000
14	Utility Trailer - Trailer Platform Warehouse	Meyers Truck and Caster Co.	Model 87-6850	

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.

(4) A list of the surplus property to be sold is as follows:

(5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The City of Asbury Park reserves the right to accept or reject any bid submitted.

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

Quinn					
Mayor John Moor			X		

2015-248 Authorizing the City Clerk to Execute All Bingo and Raffle Games of Chance Applications that Meet All Provisions Pursuant to Statute for the Remaining 2015 Calendar Year

Resolution #2015-248

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

AUTHORIZING THE CITY CLERK TO EXECUTE ALL BINGO AND RAFFLE GAMES OF CHANCE APPLICATIONS THAT MEET ALL PROVISIONS PURSUANT TO STATUTE FOR THE REMAINING 2015 CALENDAR YEAR

BE IT RESOLVED by the City Council of Asbury Park City that it hereby authorizes the City Clerk to execute all Bingo, 50/50's, and Raffle Games of Chance Applications pursuant to the statutory provisions of N.J.S.A. 5:8-1 et Seq. for the remaining 2015 calendar year; and

BE IT FURTHER RESOLVED that the City Clerk shall furnished the Chief of Police with a copy of each Game of Chance Application, License and Findings and Determination so that he may conduct a background check pursuant to N.J.S.A. 5:8-27.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Asbury Park Acting Chief of Police Anthony Salerno.

	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		

2015-249 Authorizing Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Year 2015 (Sunset Avenue)

Resolution # 2015-249

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

**AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE
A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE YEAR 2015 (SUNSET AVENUE).**

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, as follows:

1. That the Mayor and Council hereby formally approve the grant application for the above stated project.
2. That the City Clerk is hereby authorized to submit an electronic grant application identified as MA-2015-Sunset Avenue-0511 to the New Jersey Department of Transportation on behalf of the City.
3. That the Mayor is hereby authorized to execute, and the City Clerk to attest, the grant agreement on behalf of the City, and that their signatures constitute acceptance of all of the terms and conditions of the grant agreement and approve the execution of said grant agreement.

	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		

2015-250 A Resolution Authorizing the City Engineer to Advertise, Receive Bids and Perform Construction Administration for the Boardwalk Lighting Project

Resolution #2015-250

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

**A RESOLUTION AUTHORIZING THE CITY ENGINEER TO
ADVERTISE, RECEIVE BIDS AND PERFORM CONSTRUCTION ADMINISTRATION
FOR THE BOARDWALK LIGHTING PROJECT**

WHEREAS, the City of Asbury Park (hereinafter referred to as the “City”) has received a grant from the New Jersey Economic Development Authority (NJEDA) in the amount of \$924,318 for new LED lighting on the Asbury Park Boardwalk; and

WHEREAS, the NJEDA has reviewed the bid documents and has determined they are consistent with the funding application.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Asbury Park that the City Engineer is hereby authorized to perform the following:

- a. Finalize specifications and to solicit and receive bids for the above-described project;
- b. The Mayor, the City Clerk and the Borough Engineer are hereby authorized to execute any documents and to otherwise perform any other tasks required for the Boardwalk Lighting Project.
- c. The City Engineer is hereby authorized to perform construction administration services and oversee construction of said improvements.

	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		

2015-252 A Resolution Establishing Additional Fees Relating to Special Events within the City

Resolution #2015-252
Resolution of the City of Asbury Park

**A RESOLUTION ESTABLISHING ADDITIONAL FEES
RELATING TO SPECIAL EVENTS WITHIN THE CITY.**

WHEREAS, Section 4-10 of the “Revised General Ordinances of the City of Asbury Park, New Jersey” governs the issuance of permits for special events within the City; and

WHEREAS, Subsection 4-10.4 of that Ordinance provides that all applicants for special events permits shall be required to pay certain fees associated with the holding of special events within the City, which fees shall be determined by the Mayor and City Council on a case by case basis, depending upon the nature and extent of the proposed event; and

WHEREAS, Subsection 4-10.4 further provides that a fee schedule shall be established by the Mayor and City Council by Resolution; and

WHEREAS, the Mayor and City Council have received a request from the Special Events Committee, submitted through the Director of Economic Development, that the existing fee

schedule be amended in order cover the city costs of hosting the events; and

WHEREAS, the Mayor and City Council wish to revise the existing fee schedule in order to incorporate anew fees as detailed in red on the attached Special events fee listing.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, that the existing fee schedule for special events within the City be amended as listed in the attached fee schedule.

BE IT FURTHER RESOLVED, that no other revisions to the existing fee schedule for special events are necessary at this time.

	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		

2015-253 Resolution Stating Reasons Related to Adoption of Ordinance
No. 2015-31

Resolution # 2015-253

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

**STATING REASONS RELATED TO THE ADOPTION OF ORDINANCE 2015-31
(ARCADE GAMES) IN A FORM DIFFERENT THAN AS RECOMMENDED BY THE
PLANNING BOARD.**

WHEREAS, in accordance with the New Jersey “Municipal Land Use Law,” N.J.S.A. 40:55D-1, *et seq.*, and specifically N.J.S.A. 40:55D-26, the Mayor and Council have previously referred a proposal to amend Section 30-73.2 of the Asbury Park City Code, which deals with arcade games, to the Asbury Park Planning Board (the “Planning Board”) for its review and comment; and

WHEREAS, the proposed amendment was drafted by the City’s former Director of Planning and Redevelopment (the “City Planner”), and relates to the existence of arcade games as an accessory use in certain commercial establishments in non-residential zoning districts; and

WHEREAS, N.J.S.A. 40:55D-26 states that “[t]he governing body, when considering the adoption of a development regulation, revision or amendment thereto, shall review the report of the planning board and may disapprove or change any recommendation by a vote of a majority of

its full authorized membership and shall record in its minutes the reasons for not following such recommendation”; and

WHEREAS, on March 2, 2015, the Planning Board reviewed the proposed amendment to Section 30-73.2, as originally drafted by the City Planner; and

WHEREAS, on March 30, 2015, the Planning Board adopted its formal report (in the form of a Resolution) concerning this matter; and

WHEREAS, in its report, the Planning Board made two (2) recommendations for revisions to the proposed amendment to Section 30-73.2; and

WHEREAS, the Planning Board’s first recommendation was to set a maximum floor area for arcades games located within the commercial establishments which are the subject of the proposed amendment, which is based upon the percentage of usable floor area of such establishments; and

WHEREAS, in this regard, the Planning Board specifically recommended that the Mayor and Council incorporate a provision which limits arcade games within such establishments to no more than 25% of the usable floor area; and

WHEREAS, the Planning Board’s second recommendation was to require that the outside area of a structure which contains such arcade games be enclosed in a permanent structure which contains walls and a roof in order to control the volume of noise emanating from the area, along with a recommendation that such outside area(s) be limited to a maximum of 25% of the public space associated with such establishments; and

WHEREAS, the Mayor and Council have considered these two (2) proposals from the Planning Board at several subsequent public meetings; and

WHEREAS, with respect to the Planning Board’s first recommendation, the Mayor and Council agree that a maximum floor area for arcades games located within the commercial establishments which are the subject of the proposed amendment should be incorporated, as it will help to prevent the use of the space from becoming an “arcade” and will also help to provide guidance to the Zoning Officer so that a subjective judgment call will not be required; however, the Mayor and Council respectfully believe that the amount of space within which arcade games shall be permitted should be lower than that as recommended by the Planning Board. In this regard, the Mayor and Council believe that the limitation should be set at **20%** of the usable interior floor area, as opposed to 25% thereof, and that this lower threshold is more in line with the health, safety and welfare of the City; and

WHEREAS, with respect to the Planning Board’s second recommendation, the Mayor and Council do not believe this provision is necessary, as the Mayor and Council believe that noise concerns can be addressed through other police powers (nuisance code); and

WHEREAS, with these concerns in mind, the Mayor and Council have introduced Ordinance 2015-31, with language that is slightly different than as recommended by the Planning Board; and

WHEREAS, the purpose of this Resolution is to memorialize the reasons for the Mayor and Council's determination to deviate, in certain limited respects, from the Planning Board's recommendations, as set forth above.

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

1. That the Mayor and Council hereby memorialize, in accordance with N.J.S.A. 40:55D-26, the reasons as to why they are proceeding to adopt Ordinance 2015-31 with language that is slightly different than as recommended by the Planning Board. Said reasons are set forth in more detail above.
2. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Asbury Park Planning Board;
 - b. Jack Serpico, Esq., Planning Board Attorney;
 - c. Anthony Nuccio, Acting City Manager;
 - d. Barbara Van Wagner, Zoning Officer; and
 - e. 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		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2015-254 A Resolution Authorizing the City of Asbury Park to Implement the Competitive Contracting Process to Procure Vendors to Provide the Following Services to the City: Turn –Key Parking Operations Related to All Regulated Parking Within the City.(Including but not Limited to Management, Maintenance, Enforcement, Revenue Control, Revenue Enhancement, Technology/Innovation, Customer Service , and Consulting.

Resolution # 2015-254

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

**AUTHORIZING THE CITY OF ASBURY PARK TO IMPLEMENT THE
COMPETITIVE CONTRACTING PROCESS TO PROCURE VENDORS
TO PROVIDE THE FOLLOWING SERVICES TO THE CITY:**

**TURN-KEY PARKING OPERATIONS RELATED TO ALL REGULATED PARKING
WITHIN THE CITY (INCLUDING BUT NOT LIMITED TO MANAGEMENT,
MAINTENANCE, ENFORCEMENT, REVENUE CONTROL, REVENUE
ENHANCEMENT, TECHNOLOGY/INNOVATION, CUSTOMER SERVICE, AND
CONSULTING).**

WHEREAS, the City of Asbury Park (the “City”) is interested in seeking proposals from interested vendors to provide the following services to the City: Turn-Key Parking Operations Related to All Regulated Parking Within the City (Including but not limited to Management, Maintenance, Enforcement, Revenue Control, Revenue Enhancement, Technology/Innovation, Customer Service, and Consulting); 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 within services, as such services are considered by the contracting unit to be specialized and qualitative in nature, requiring expertise, extensive training and proven reputation in the field of endeavor [See N.J.S.A. 40A:11-4.1(i) and N.J.S.A. 40A:11-5]; and

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

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

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 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 and ranking of proposals from interested vendors for the aforesaid services, the Mayor and Council shall consider making an award of these services 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, Acting CFO
- f. Deputy Police Chief Anthony Salerno;
- g. Frederick C. Raffetto, Esq., City Attorney.

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

I. Ordinances:

1. First Reading/Introduction:

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

The Deputy City Clerk introduced Ordinance 2015-28 by title. Public hearing will be held on July 22, 2015.

2. Second Reading/Public Hearing:

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."

ORDINANCE NO. 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."

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, pursuant to the above authorization, the City of Asbury Park (the "City"), has previously designated certain restricted parking spaces for use by handicapped persons throughout the City; and

WHEREAS, upon review of the handicapped parking spaces established citywide, the Asbury Park Police Department has determined that certain handicapped parking spaces are no longer needed; and

WHEREAS, the Mayor and City Council therefore wish to adopt the within Ordinance in order to remove the handicapped-only designation from these parking spaces, and to revise the City Code accordingly.

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, as of the effective date of the within Ordinance, the parking spaces identified herein (see grid below) shall hereby no longer be designated as restricted parking spaces for use by handicapped persons only.

BE IT FURTHER ORDAINED, that Section 7-36, entitled “Handicapped Parking,” of Chapter VII, entitled “Traffic” of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” is hereby amended at Subsection 7-36.1, entitled “Handicapped Parking on Streets,” to remove the following previously designated handicapped parking spaces [i.e., the following spaces will no longer be designated as restricted parking spaces for use by handicapped persons only]:

<i>Name of Street</i>	<i>Side</i>	<i>Location</i>
Deal Lake Drive	South	Beginning at a point 50 feet west from the southwest corner of Kingsley Street and Deal Lake Drive and extending 30 feet westerly therefrom.
First Avenue	North	Beginning at a point located 50 feet west of the northwest corner of First Avenue and Bergh Street and extending 20 feet on center therefrom.
Second Avenue	South	Beginning at a point located 71 feet from the southwest corner of Second Avenue and Heck Street and extending in a westerly direction 25 feet therefrom.
Sixth Avenue	East	Beginning at a point located 78 feet from the southeast corner of the 1400 block of Webb Street and extending in an easterly direction 30 feet therefrom.
Sixth Avenue	North	Beginning at a point located 172 feet west of the northwest corner of Sixth Avenue and Webb Street and extending in a westerly direction for 30 feet on the north side of the 300 block.
Sixth Avenue	North	Beginning at a point located 31 feet east of the northeast corner of Bond Street and Sixth Avenue and extending 20 feet on center therefrom.
Third Avenue	South	Beginning at a point located 97 feet west of the southwest corner of Third Avenue and Bergh Street and extending 20 feet on center therefrom.

BET IT FURTHER ORDAINED, that the City is authorized to remove any appropriate signage or markings which were previously erected or displayed to designate the handicapped parking spaces referenced herein.

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 by Deputy Mayor Quinn and seconded by Council Member Kendle to open the meeting to the public. All were in favor. There being no public comment, motion made by Deputy Mayor Quinn and seconded by Council Member Woerner to close the public portion of the ordinance. All were in favor.

Motion to adopt Ordinance 2015-26.

	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		

2015-27 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."

ORDINANCE NO. 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."**

WHEREAS, the City of Asbury Park (the "City") has been requested to create a an additional handicapped parking space adjacent to property located at 1701 Avenue, in the City,

which is also known and designated as Block 4303, Lot 1, on the Asbury Park City Tax Map, which handicapped parking space shall replace the current parking stall # 1421; 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 Asbury Park Police Department has reviewed and approved this request; and

WHEREAS, the City therefore wishes to designate an additional restricted parking space for use by handicapped person(s) at the aforesaid property, 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 an additional restricted parking space adjacent to the property located at 1701 Ocean Avenue, in the City, which is also known and designated as Block 4303, Lot 1 on the Asbury Park City Tax Map, which parking space shall replace the current parking stall # 1421, 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:

Name of Street
Kingsley Street

Side
North

Location
Beginning at a point located 164 feet south of Kingsley Street’s intersection with Deal Lake Drive and extending 20 feet on center

therefrom, which space shall replace the City's current parking stall # 1421.

6. That on or before January 15th of every year (or the first weekday thereafter), the applicant shall provide proof to the City of Asbury Park Police Department that the handicapped parking space is still needed at the subject property. A failure to do so may result in the City's termination of the designated handicapped parking space.

7. The City reserves the right to terminate the designation of the within handicapped parking space at the City's discretion.

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

9. 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.

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

11. 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 by Council Member Woerner and seconded by Council Member Clayton to open the meeting to the public. All were in favor. The members of the public who spoke were: Rita Marano, Maureen Nebin and Jerry Scarano. There being no further public comment, motion made by Deputy Mayor Quinn and seconded by Council Member Woerner to close the public portion of the ordinance. All were in favor.

Motion to adopt 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		

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

ORDINANCE NO. 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.**

WHEREAS, the City of Asbury Park (the “City”) continues to grow as an entertainment and tourist destination, and a number of new establishments (including bars, restaurants, hotels, etc.) have emerged within the City over the years; and

WHEREAS, often, an amenity within these establishments are arcade games such as pinball machines, video games, skee-ball, etc.; and

WHEREAS, the Mayor and Council agreed to consider an amendment to the City’s Land Development Regulations pertaining to arcade games (the “proposal”); and

WHEREAS, in accordance with the New Jersey “Municipal Land Use Law,” N.J.S.A. 40:55D-1, et seq. [specifically, N.J.S.A. 40:55D-26], the Mayor and Council referred the proposal to the City’s Planning Board, for the Board’s review and comment, by Resolution No. 2015-37, dated January 14, 2015; and

WHEREAS, following the Board’s review of the proposal at its March 2, 2015 meeting, the Board’s formal report was adopted by way of Resolution on March 30, 2015; and

WHEREAS, the Planning Board made certain recommendations to the Mayor and Council in its report, including certain language changes and/or additions to the proposal; and

WHEREAS, the Mayor and Council have considered the Planning Board’s report, and wish to adopt the within amendments to the City’s Land Development Regulations, as set forth below.

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 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,” is hereby amended and supplemented at Subsection 30-73.2, currently entitled “Arcades,” in the following respects (additions are shown with underline; deletions are shown with ~~strikeout~~):

CHAPTER XXX

LAND DEVELOPMENT REGULATIONS

30-73 SUPPLEMENTAL USE REGULATIONS.

30-73.2 ~~Areades.~~ Arcade Games.

~~Establishments containing four (4) or more coin-operated amusements, including video games, pinball machines, jukeboxes, pool tables, or games of chance, shall be considered arcades and may be permitted in the B2 Zoning District Only. Three (3) or fewer coin-operated amusements~~ Arcade games may be permitted as an accessory use in hotels, nightclubs, teen clubs, bars or other entertainment related uses in nonresidential zoning district, (as approved by the Zoning Officer).

a. Each establishment containing ~~coin-operated amusements~~ arcade games must obtain a mercantile license from the Mercantile Officer specifying the number and type of machines to be located in that establishment.

~~b. No establishment containing one (1) or more coin-operated amusements shall be internally accessible from another establishment also containing one (1) or more coin-operated amusements.~~

~~e. b.~~ All establishments containing ~~coin-operated amusements~~ arcade games available for use by minors shall provide proper adult supervision at all times.

~~c.~~ Arcade games may not exceed twenty (20%) of the usable interior floor area of each establishment.

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

3. 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.

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

Motion made by Council Member Woerner and seconded by Deputy Mayor Quinn to open the meeting to the public. Council Member Clayton voted no. The rest of Council were in favor. The members of the public who spoke were: Werner Baumgartner, Joe Pepe, Lois Murray, Rita Marano and Jerry Scarano. There being no further public comment, motion made by Deputy Mayor Quinn and seconded by Council Member Woerner to close the public portion of the ordinance. All were in favor.

Motion to table Ordinance 2015-31.

	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		

2015-32 Amending and Supplementing Chapter VII, Entitled “Traffic,” of the
“Revised General Ordinances of the City of Asbury Park, New Jersey,”
in Order to Implement a Stop Sign at the Intersection of Sunset Avenue
and Memorial Drive

ORDINANCE NO. 2015-32

**AMENDING AND SUPPLEMENTING CHAPTER VII, ENTITLED “TRAFFIC,”
OF THE “REVISED GENERAL ORDINANCES OF THE
CITY OF ASBURY PARK, NEW JERSEY,”
IN ORDER TO IMPLEMENT A STOP SIGN AT THE
INTERSECTION OF SUNSET AVENUE AND MEMORIAL DRIVE
UNTIL THE CONCLUSION OF THE SUNSET BRIDGE CONSTRUCTION PROJECT.**

WHEREAS, due to the present improvement project at Sunset Avenue bridge (the
“project”) in the City of Asbury Park (the “City”), Fourth Avenue has been dedicated as a detour
for the length of the project; and

WHEREAS, during numerous meetings with representatives from NJ Transit, residents
have expressed their opinions about buses utilizing Fourth Avenue due to the detour; and

WHEREAS, after careful consideration, NJ Transit representatives have agreed to utilize
Asbury Avenue for their bus route(s) instead, both entering and exiting the City, through the
conclusion of the project; and

WHEREAS, as a result, NJ Transit representatives have requested that the City implement
a STOP sign at the intersection of Sunset Avenue and Memorial Drive, for eastbound traffic, so as
to allow for the buses to safely turn south on Memorial Drive from westbound Sunset Avenue,
without having to stop on the railroad tracks, so as to avoid that the buses be struck by a train;

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

WHEREAS, the City therefore wishes to implement a STOP sign at the intersection of
Sunset Avenue and Memorial Drive for eastbound traffic, until the conclusion of the project, and
to amend and supplement 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 the City is hereby authorized to implement and enforce a STOP sign at the intersection of Sunset Avenue and Memorial Drive for eastbound traffic, until the conclusion of the project.
2. That the City Engineer is hereby designated to confirm that the area, and the erection of said STOP sign, 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 street signs, and shall certify his approval of the same to the Commissioner of Transportation.
3. That the City shall terminate the implementation and enforcement of said STOP sign upon conclusion of the project.
4. That all other Ordinances or parts of Ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistencies.
5. 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.
6. That this Ordinance shall take effect upon final passage and publication in accordance with the law.
7. 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 by Deputy Mayor Quinn and seconded by Council Member Kendle to open the meeting to the public. All were in favor. There being no public comment, motion made by Deputy Mayor Quinn and seconded by Council Member Woerner to close the public portion of the ordinance. All were in favor.

Motion to adopt Ordinance 2015-32.

	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		

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