Agenda
Meeting of the Municipal Council
Wednesday, July 27, 2016

I. <u>Executive Session – 5:00 p.m.</u>

Resolution 2016-313 Authorizing a Meeting which Excludes the Public

A. <u>Contract Negotiations</u>:
   1. Amendment to Waterfront Redevelopment Agreement
   2. Potential Amendment to Redeveloper Agreement with Madison Asbury Retail – 5th Avenue Pavilion
   2. Sale of portion of Overlook Park a/k/a Kennedy Park

B. <u>Potential Litigation</u>:
   1. Tax Title Liens

C. <u>Litigation</u>:
   1. <u>William Gray v. City of Asbury Park</u> (Worker's Compensation)
   2. <u>Jason Fazio v. City of Asbury Park</u> (Worker's Compensation)

D. <u>Personnel:</u>
   1. Personnel Policy

II. <u>Regular Meeting – 7:00 p.m.</u>

A. Clerk to Call Meeting to Order/Roll Call.

B. Silent Prayer/Moment of Reflection.

C. Salute to the Flag

D. **(Announcement by City Clerk):** As to comply with the "Open Public Meetings Act," Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and The Star Ledger on January 6, 2016, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

E. **PROCLAMATION RECOGNIZING JACQUELINE PAPPAS, EXECUTIVE DIRECTOR OF THE ASBURY PARK CHAMBER OF COMMERCE**

PROCLAMATION SUPPORTING THE MOVE OF GARDEN STATE EQUALITY TO THE CITY OF ASBURY PARK

PROCLAMATION RECOGNIZING CHELSIE KAY'S TENURE AS AMERICORPS VISTA FOR THE ASBURY PARK COMMUNITY DEVELOPMENT INITIATIVE

PROCLAMATION FOR FIBRODYSPLASIA OSSIFICANS PROGRESSIVA (FOP) AWARENESS

F. Matters from City Council

G. Matters from City Manager

1. Report of Audit by City Auditor

H. Matters from City Attorney

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

J. Minutes

- July 11, 2016 – Workshop Meeting
- July 13, 2016 – Executive Session
- July 13, 2016 – Regular meeting

I. Consent Agenda Resolutions.

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

2016-314	Approving Special Events/Wedding Applications as Presented on July 25, 2016.
2016-315	Resolution Authorizing the Payment of Payroll in the Amount of $1,033,566.53
2016-316	Resolution to Credit Sewer Account (1505 Summerfield Avenue, Block 1403 Lot 14)
2016-317	Resolution to Credit Sewer Account (1112 Sewall Avenue, Block 1604 Lot 7)
2016-318	Resolution to Transfer Sewer Overpayment (609 Ridge Ave., Block 1505 Lot 10)
2016-319	Resolution to Terminate Sewer Account Billing (711 Mattison Avenue, Block 2508 Lot 5)
2016-320	Resolution to Terminate Sewer Account Billing (205 Bond Street, Block 2402 Lot 6)

J. Individual Resolutions

2016-321 Accepting the 2015 Municipal Audit

2016-322	Resolution Authorizing the Payment of Bills in the Amount of $2,999,253.38
2016-323	Resolution of the City of Asbury Park Declaring its Official Intent to Reimburse Expenditures for Project Costs from the Proceeds of RAB Bonds
2016-324	Authorizing Person to Person Transfer for Liquor License 1303-33-055-003 from Asbury Equities Liquors, LLC to Hemmings at Asbury, LLC
2016-325	Rejecting Request for Proposals for Architectural Services for Ada Ramps for a Community Development Block Grant (CDBG) Activity
2016-326	Authorizing the Award of a Lease of Space ("Fixed" Space "A") within the James J. Howard Transportation Center to Tops Taxi, Inc.
2016-327	Authorizing the Award of a Lease of Space ("Kiosk" Space "B") within the James J. Howard Transportation Center to Theodore Johnson/J&A Concession
2016-328	Shared Service Agreement between the City of Asbury Park and the Village of Loch Arbour relating to the Office of the Tax Assessor
2016-329	Resolution of the Mayor and City Council of the City of Asbury Park Determining that the Development of the Project located at 147 Borden Avenue, Block 1101, Lot 30, will address an Existing Housing Need in the City of Asbury Park for Home Financing
2016-330	Authorizing Settlement of a Worker's Compensation Claim Captioned <u>William Gray Vs. City Of Asbury Park</u>
2016-331	A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Redevelopment Entity, Regarding the Application of Madison Asbury Retail, LLC for Conceptual Review of the Fifth Avenue Pavilion Proposal for the Bandshell and Other Uses on the Roof on Block 4502, Lot 1.16
2016-332	Appointments to the Sunset Lake Commission

K. Ordinances:

1. <u>Introduction:</u>

2016-23	An Ordinance Amending Chapter VIII Section I "Property Improvement and Neighborhood Preservation – Property Maintenance Code"
2016-32	Bond Ordinance Amending and Supplementing Bond Ordinance Number 3036 (Which Provides for the Reconstruction of a Footbridge at Sunset Lake) Heretofore Finally Adopted by the City Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, on January 16, 2013, as Amended and Supplemented Heretofore, to Increase the Appropriation by $150,000
2016-33	An Ordinance Creating Chapter XIII Section 5 "Chapter XIII Property Improvement and Neighborhood Preservation – Rental Property"
2016-34	An Ordinance Establishing Salaries of Certain Employees within the City of Asbury Park, Monmouth County, NJ

2. <u>Second Reading/Public Hearing</u>:

2016-31 An Ordinance Amending and Supplementing Section 7-16, Entitled "Angle Parking," of Chapter VII, "Traffic," of the "Code of the City of Asbury Park, New Jersey."

L. Adjournment.

MINUTES
Meeting of the Municipal Council
Wednesday, July 27, 2016
REGULAR MEETING

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

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

City Clerk Dye announced the following: "As to compliance with the "Open Public Meetings Act," Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and Star Ledger on January 6, 2016, and posted on the bulletin board the same date. All notices are on file with the City Clerk."

PROCLAMATION RECOGNIZING JACQUELINE PAPPAS, EXECUTIVE DIRECTOR OF THE ASBURY PARK CHAMBER OF COMMERCE – Councilwoman Chapman read the proclamation and presented it to Jackie Pappas.

PROCLAMATION SUPPORTING THE MOVE OF GARDEN STATE EQUALITY TO THE CITY OF ASBURY PARK – Deputy Mayor Quinn read and presented the proclamation.

PROCLAMATION RECOGNIZING CHELSIE KAY'S TENURE AS AMERICORPS VISTA FOR THE ASBURY PARK COMMUNITY DEVELOPMENT INITIATIVE – Councilwoman Clayton read and presented the proclamation.

PROCLAMATION FOR FIBRODYSPLASIA OSSIFICANS PROGRESSIVA (FOP) AWARENESS – Councilwoman Clayton read and presented the proclamation.

MATTERS FROM CITY COUNCIL

Councilman Kendle commended the Police Officers and adults socializing and playing with the children during the concerts at the Springwood Avenue Park..

Councilwoman Chapman stated that concerts are being held every Monday evening at the Springwood Avenue Park. If it rains they will be held at the Transportation Center.

Council Member Clayton stated that there will be another expungement session on August 5 at 8 p.m. at St. Stephens Church.

MATTERS FROM CITY MANAGER

City Manager Capabianco introduced City Auditor David Kaplan to give a synopsis of the 2015 Audit.

MATTERS FROM THE CITY ATTORNEY - None.

PUBLIC PARTICIPATION

Motion made by Council Member Kendle and seconded by Council Member Chapman 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: Curtis Barns, Anthony Wings, Reverend John Bradley, Carol Jones, Marty Bradshaw, Susan Rosenberg, Nina Byard, Tracy Rogers, Lori Ross, Felicia Simmons, Maureen Nevin, Rita Marano, Jerry Scarano and Tyrone Small.

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

A. Minutes

- July 11, 2016 – Workshop Meeting
- July 13, 2016 – Executive Session
- July 13, 2016 – Regular meeting

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

Consent Agenda Resolutions.

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

2016-314 Approving Special Events/Wedding Applications as Presented on July 25, 2016.

Resolution # 2016-314

City of Asbury Park
County of Monmouth
State of New Jersey

WHEREAS, at work session meeting of the Mayor and Council held on July 25, 2016 the following Special Events Applications were presented for approval by the Director of Recreation:

1. Optimum Little Rio
2. National Night Out
3. End of Summer Camp Fun Day
4. Sunday Worship Experience
5. Back to School Carnival
6. 4th Asbury Park Bell Buoy Row
7. Indian Summer
8. Weddings:
1. Wong/Calcagino 9/3
2. Revilla/Dalessandro 9/10
   Pimpinella/Keung 9/17

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

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

2016-315 Resolution Authorizing the Payment of Payroll in the Amount of $1,033,566.53

Resolution #2016-315
City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF $1,033,566.53

WHEREAS, the June 30, 2016 payroll in the amount of $1,033,566.53, has been approved by the Chief Financial Officer and has subsequently been audited and found correct; and

BE IT RESOLVED, that the payroll payable totaling $1,033,566.53 is hereby authorized to be paid; and

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

2016-316 Resolution to Credit Sewer Account (1505 Summerfield Avenue, Block 1403 Lot 14)

Resolution #2016-316

Resolution of the City of Asbury Park

RESOLUTION TO CREDIT SEWER ACCOUNT

WHEREAS: The Tax Collector was notified by Ms. Karen Lloyd, owner of the property located at 1505 Summerfield Avenue, Block 1403 Lot 14 that a discrepancy exists between the billing from New Jersey American Water Company and the City of Asbury Park for water and sewer consumption, account 10356752-0; and

WHEREAS, it was made certain that New Jersey American Water Company re-billed for 76,000 gallons due to a cancel rebill, and the City of Asbury Park uploaded and billed for 76,000 gallons at a rate of $298.80 for October 2013 – April 2016; and

WHEREAS, it has been determined by the City of Asbury Park Sewer Department that the reading from New Jersey American Water Company for 76,000 gallons was previously billed and satisfied and should be billed for 0 usage; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 76,000 gallons, and should have billed for 4,000 (times the rate of $4.15 per 1,000 gallons and demand charges in the amount of $80.00) at the rate of $16.60 plus $80.00; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park authorize the Tax Collector to credit the sewer account # 10356752-0 for the 2016 3rd QTR sewer billing in the amount of $298.80 for 72,000 gallons (times the rate of $4.15 per 1,000 gallons and demand charges in the amount of $80.00).

2016-317 Resolution to Credit Sewer Account (1112 Sewall Avenue, Block 1604 Lot 7)

Resolution # 2016-317

City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION TO CREDIT SEWER ACCOUNT

WHEREAS: The Tax Collector was notified by Mr. John Duhig, owner of the property located at 1112 Sewall Avenue, Block 1604 Lot 7 that a discrepancy exists between the billing from New Jersey American Water Company and the City of Asbury Park for water and sewer consumption, account 10285757-0; and

WHEREAS, it was made certain that New Jersey American Water Company re-billed for 348,000 gallons due to a cancel rebill, and the City of Asbury Park uploaded and billed for 348,000 gallons at a rate of $1,444.20 for October 2013 – April 2016; and

WHEREAS, it has been determined by the City of Asbury Park Sewer Department that the reading from New Jersey American Water Company for 348,000 gallons was previously billed and satisfied and should be billed for 9,000 gallons' usage for May 2016; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 374,000 gallons, and should have billed for 35,000 (times the rate of $4.15 per 1,000 gallons and demand charges in the amount of $80.00) at the rate of $225.25.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park authorize the Tax Collector to credit the sewer account # 10285757-0 for the 2016 3rd QTR sewer billing in the amount of $1,406.85 for 339,000 gallons (times the rate of $4.15 per 1,000 gallons).

2016-318 Resolution To Transfer Sewer Overpayment (609 Ridge Ave., Block 1505 Lot 10)

Resolution #2016-318
Resolution of the City of Asbury Park

RESOLUTION TO TRANSFER SEWER OVERPAYMENT

WHEREAS, Pursuant to N.J.S.A 40A:5-17a(1), the governing body of a municipality may adopt a resolution authorizing the transfer of any funds from one quarter to another; and

WHEREAS, Ridge Realty made several monthly payments for 2016 quarterly sewer in the amount of $389.50 on Block 1505 Lot 10, owned by Ridge Realty, located at 609 Ridge Ave.; and

WHEREAS, the credit of $70.00 will be transferred from (inactive) account number 10267254-0, to account number 10267254-2; and

WHEREAS, the credit of $319.50 from account number 10267254-1, will be transferred to account number 10267254-2; and

WHEREAS, the balance of $366.16 will be satisfied, leaving a credit of $23.34 which will be applied to 515 Fourth Avenue, Block 3503 Lot 15 per owner's request; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of Asbury Park authorize the Tax Collector to transfer the amount of $389.50 as follows:

A. The credit of $70.00 will be transferred from (inactive) account number 10267254-0, to account number 10267254-2.

B The credit of $319.50 from account number 10267254-1, will be transferred to account number 10267254-2.

C. The balance of $366.16 will be satisfied, leaving a credit of $23.34 which will be applied to 515 Fourth Avenue, Block 3503 Lot 15.

2016-319 Resolution to Terminate Sewer Account Billing (711 Mattison Avenue, Block 2508 Lot 5)

Resolution # 2016-319

City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION TO TERMINATE SEWER ACCOUNT BILLING

WHEREAS, Pursuant to N.J.S.A 40A: 5-17 the governing body of a Municipality may adopt a resolution authorizing the tax collector to make adjustments to a property owners account: and

WHEREAS, the owner of 711 Mattison Avenue also known as Block 2508 Lot 5 notified the Tax Collector of the demolition of the property and capping of the sewer line for the accounts at said property; and

WHEREAS, the property owner provided a copy of the demolition permit from the construction department; and

WHEREAS, the Tax Collector has verified this with the NJ American Water's billing records and they confirmed the property is no longer receiving service we have stopped billing on account #'s 10536255-0 related to Block 2508 Lot 5.

THEREFORE, LET IT BE RESOLVED, that the Mayor and Council for the City of Asbury Park Authorize the Tax Collector to cancel the amount of $80.00 for the quarterly demand charge due for 2016 3rd quarter and label this account as inactive

2016-320 Resolution to Terminate Sewer Account Billing (205 Bond Street, Block 2402 Lot 6)

Resolution # 2016-320

City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION TO TERMINATE SEWER ACCOUNT BILLING

WHEREAS, Pursuant to N.J.S.A 40A: 5-17 the governing body of a Municipality may adopt a resolution authorizing the tax collector to make adjustments to a property owners account; and

WHEREAS, the owner of 205 Bond Street also known as Block 2402 Lot 6 notified the Tax Collector of the merging of the property with 209 Bond Street also known as Block 2402 Lot 5; and

WHEREAS, the property owner provided information that was verified by the Tax Assessor; and

WHEREAS, the Tax Collector has verified this with the NJ American Water's billing records and they confirmed the property is no longer receiving service for account # 10535259-0 related to Block 2402 Lot 6.

THEREFORE, LET IT BE RESOLVED, that the Mayor and Council for the City of Asbury Park Authorize the Tax Collector to cancel the amount of $80.00 for the quarterly demand charge due for 2016 3rd quarter and label this account as inactive.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton	X		X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

J. Individual Resolutions

2016-321 Accepting the 2015 Municipal Audit

Resolution # 2016-321

City of Asbury Park
County of Monmouth
State of New Jersey

ACCEPTING THE 2015 MUNICIPAL AUDIT

WHEREAS, N.J.S.A. 40:A5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transaction, and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body, and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled: General Comments and Recommendations; and

WHEREAS, the members of the Governing Body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: Comments and Recommendations as evidenced by the group affidavit form of the Governing Body, and

WHEREAS, such Resolution of Certification shall be adopted by Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and, and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgation's of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52-27BB-52 to wit: R.S. 52:27BB-52 – "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office".

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Asbury Park, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this Resolution and required affidavit to said Board to show evidence of said compliance.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman		X	X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-322 Resolution Authorizing the Payment of Bills in the Amount of $2,999,253.38

Mayor Moor abstained from item 6-01-23-220-000-209. Councilwoman Chapman abstained from 6-05-55-502-000-201 and T-20-56-850-915-801.

Resolution #2016-322
City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF $2,999,253.38

WHEREAS, the following listed vouchers payable have been approved by the Chief Financial Officer and have subsequently been audited and found correct:

BE IT RESOLVED, that these vouchers payable totaling $2,999,253.38 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 $ 2,999,253.38

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-323 Resolution of the City of Asbury Park Declaring its Official Intent to Reimburse Expenditures for Project Costs from the Proceeds of RAB Bonds

Resolution # 2016-323

City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION OF THE CITY OF ASBURY PARK DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT COSTS FROM THE PROCEEDS OF RAB BONDS

WHEREAS, the City of Asbury Park, in the County of Monmouth (the "*City*"), a municipal corporation of the State of New Jersey (the "*State*"), as redevelopment entity, and Asbury Partners, L.L.C., (the "*Master Developer*"), a New Jersey limited liability company, as redeveloper, have previously entered into that certain "Amended and Restated Redeveloper and Land Disposition Agreement" dated October 28, 2002 (the "*Redeveloper Agreement*") pursuant to and in accordance with applicable law, including the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 *et seq*., as amended and supplemented (the "*Redevelopment Law*");

WHEREAS, pursuant to the Redeveloper Agreement, the Master Developer is obligated to implement certain infrastructure improvements (the "*Infrastructure Projects*") over time in the waterfront redevelopment area located within the City designated therein (the "*Redevelopment Area*");

WHEREAS, in accordance with the terms of the Redeveloper Agreement, the City and the Master Developer are negotiating the terms of a subsequent developer agreement (the **"Subsequent Developer Agreement"**) with AP Block 176 Venture Urban Renewal LLC (the **"Subsequent Developer"**) with respect to the redevelopment of 1101 Ocean Avenue; and

WHEREAS, the City, the Master Developer and the Subsequent Developer are presently negotiating the possibility of the City issuing bonds, notes or other obligations (collectively, the "*RAB Bonds*") pursuant to the Redevelopment Area Bond Financing Law, *N.J.S.A.* 40A:12A-64 *et seq*., as amended and supplemented (the "*RAB Law*");

WHEREAS, the City, the Master Developer and the Subsequent Developer reasonably anticipate that the RAB Bonds, the interest on which is to be excluded from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended (the "*Code*"), shall be issued by the City to finance the Infrastructure Projects on a long-term basis; and

WHEREAS, the City desires to preserve its right to treat an allocation of proceeds of the RAB Bonds to the reimbursement of the costs of the Infrastructure Projects (the "*Project Costs*") prior to the issuance of the RAB Bonds as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The City reasonably expects to reimburse the Master Developer's, the Subsequent Developer's or City's expenditure of Project Costs paid prior to the issuance of the RAB Bonds with proceeds of its RAB Bonds.

Section 2. This resolution is intended to be and hereby is a declaration of the City's official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the RAB Bonds with the proceeds of a borrowing to be incurred by the City, in accordance with Treasury Regulations §1.150-2, but does not obligate the City to issue said RAB Bonds.

Section 3. The maximum principal amount of the RAB Bonds expected to be issued to finance the Project Costs is $18,000,000.

Section 4. The Project Costs to be reimbursed with the proceeds of the RAB Bonds will be "capital expenditures" in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the RAB Bonds used to reimburse the City, the Master Developer or the Subsequent Developer for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of the RAB Bonds or another issue of debt obligations of the City, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the RAB Bonds is paid, or (ii) the date the Infrastructure Projects are "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 7. Nothing in this resolution shall be deemed to grant the Master Developer or the Subsequent Developer any approvals or authorization regarding any of the RAB Bonds, the Subsequent Developer Agreement or any other related agreement, all of which are presently under discussion between the City and the Master Developer and subject to approval and authorization under applicable law. However, should such parties agree upon the terms of the RAB Bonds, the Subsequent Developer Agreement and any other related agreements, this resolution would preserve the Master Developer's and the Subsequent Developer's right to reimburse certain equity expenditures for Project Costs made after the date of adoption hereof from the proceeds of any such RAB Bonds.

Section 8. This resolution shall take effect immediately.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman		X	X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-324 Authorizing Person to Person Transfer for Liquor License 1303-33-055-003 from Asbury Equities Liquors, LLC to Hemmings at Asbury, LLC

Resolution # 2016-324

City of Asbury Park
County of Monmouth
State of New Jersey

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1303-33-055-003, heretofore issued to Asbury Equities Liquors, LLC for premises to be determined in the City of Asbury Park, New Jersey; and

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

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

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

NOW, THEREFORE BE IT RESOLVED that the City of Asbury Park City Council does hereby approve, effective July 27, 2016, the transfer of the aforesaid Plenary Retail Consumption License to Hemmings at Asbury, LLC, and does hereby direct the City Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Hemmings at Asbury, LLC, effective July 27, 2016."

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton		X	X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-325 Rejecting Request for Proposals for Architectural Services for Ada Ramps for a Community Development Block Grant (CDBG) Activity

Resolution # 2016-325

City of Asbury Park
County of Monmouth
State of New Jersey

REJECTING REQUEST FOR PROPOSALS FOR ARCHITECTURAL SERVICES FOR ADA RAMPS FOR A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ACTIVITY

WHERAS, the City of Asbury Park is rejecting the Proposals for "REMOVAL OF ADA BARRIERS FOR Community Affairs Resource Center" that were submitted on June 16, 2016 as per the New Jersey Local Public Contracts Law N.J.S.A 40A:11-13.2a). Rejection of bids – Lowest bid substantially exceeds the cost estimate; and

WHEREAS, N.J.S.A 40A:11-5(3) allows for the negotiation of a contract when said request has been issued two times and have been rejected as per applicable law; and

WHERAS, the City Manager as per N.J.S.A 40A:11-3a is hereby authorized to award a contract as the contract shall be under the $17,500 amount; and

WHERAS, final award is contingent upon the completion of a CAF from the CFO and be on file with the City; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park (the "City"), in the County of Monmouth, State of New Jersey that responses the responded for the Community Affairs Resource Center are hereby rejected and the City Manager is hereby authorized to award a contract contingent upon a CAF being on file.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-326 Authorizing the Award of a Lease of Space ("Fixed" Space "A") within the James J. Howard Transportation Center to Tops Taxi, Inc.

Resolution # 2016-326
City of Asbury Park
County of Monmouth
State of New Jersey

AUTHORIZING THE AWARD OF A LEASE OF SPACE ("FIXED" SPACE "A") WITHIN THE JAMES J. HOWARD TRANSPORTATION CENTER TO TOPS TAXI, INC.

WHEREAS, on January 27, 2016, the Mayor and Council of the City of Asbury Park (the "City") adopted Resolution No. 2016-64, which authorized the City to solicit competitive bids through a publicly advertised bidding process for the renting of various spaces located within certain City-owned property known as the "James J. Howard Transportation Center," located at 111 Main Street, which is also known and designated as Block 2408, Lot 1 on the Asbury Park City Tax Map (referenced as the "property"), in accordance with N.J.S.A. 40A:12-14(a), for a three (3) year term; and

WHEREAS, in furtherance thereof, a public advertisement appeared in an official newspaper of the City (Asbury Park Press) on June 22 and June 29, 2016, which advertised that the City was seeking bids from prospective bidders who were interested in leasing certain spaces within the property, pursuant to the terms and conditions set forth in a formal "Notice to Bidders and Specifications, Instructions and Statutory Requirements" packet (the "Bid Specifications") which was available from the City Clerk's office; and

WHEREAS, in response to said advertisement, the City received one (1) bid for "fixed" Space "A" on or prior to the advertised due date; and

WHEREAS, the bid received was as follows:

Tops Taxi, Inc. – Space "A" - $1,050.00/month for the 1st year's lease (representing $12,600.00/year); and

WHEREAS, the bid submitted by the aforesaid Bidder meets or exceeds the minimum amount required for the rental of "fixed" Space "A" as set forth in the City's Bid Specifications; and

WHEREAS, the City Attorney has confirmed that the bid received complies in all other respects with the requirements set forth in the Bid Specifications; and

WHEREAS, the Mayor and Council now wish to authorize the award of a lease to the aforesaid Bidder for "fixed" Space "A" at the property, in accordance with the bid received, and to authorize appropriate City officials and/or employees to take certain actions.

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

1. That a lease for <u>"fixed" Space "A"</u> located at the property is hereby awarded to <u>Tops Taxi, Inc.</u>, for a three (3) year term, in accordance with the bid submitted and the Bid Specifications.

2. That the City is hereby authorized to enter into a Lease Agreement with the aforesaid Bidder relating to the said space located within the property, which Lease Agreement shall incorporate all of the requirements set forth in the Bid Specifications and shall be in a form satisfactory to the City Attorney and City Manager.

3. That the Mayor is hereby authorized to execute, and the City Clerk to attest, said Lease Agreement.

4. That all other City officials and/or employees are hereby authorized to perform such actions as are necessary in order to further the intentions of the within Resolution.

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

   (a) Tops Taxi, Inc.;
   (b) Michael Capabianco, City Manager;
   (c) Erick Aguiar, CTA;
   (d) Michele Alonso, Director of Planning and Redevelopment;
   (e) Frederick C. Raffetto, Esq., Municipal Attorney.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman	X		X		
Council Member B. Yvonne Clayton		X	X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2016-327 Authorizing the Award of a Lease of Space ("Kiosk" Space "B") within the James J. Howard Transportation Center to Theodore Johnson/J&A Concession

Resolution # 2016-327
City of Asbury Park
County of Monmouth
State of New Jersey

AUTHORIZING THE AWARD OF A LEASE OF SPACE (“KIOSK” SPACE “B”) WITHIN THE JAMES J. HOWARD TRANSPORTATION CENTER TO THEODORE JOHNSON/J&A CONCESSION.

WHEREAS, on January 27, 2016, the Mayor and Council of the City of Asbury Park (the “City”) adopted Resolution No. 2016-64, which authorized the City to solicit competitive bids through a publicly advertised bidding process for the renting of various spaces located within certain City-owned property known as the “James J. Howard Transportation Center,” located at 111 Main Street, which is also known and designated as Block 2408, Lot 1 on the Asbury Park City Tax Map (referenced as the “property”), in accordance with N.J.S.A. 40A:12-14(a), for a three (3) year term; and

WHEREAS, in furtherance thereof, a public advertisement appeared in an official newspaper of the City (Asbury Park Press) on June 22 and June 29, 2016, which advertised that the City was seeking bids from prospective bidders who were interested in leasing certain spaces within the property, pursuant to the terms and conditions set forth in a formal “Notice to Bidders and Specifications, Instructions and Statutory Requirements” packet (the “Bid Specifications”) which was available from the City Clerk’s office; and

WHEREAS, in response to said advertisement, the City received one (1) bid for “kiosk” Space “B” on or prior to the advertised due date; and

WHEREAS, the bid received was as follows:

> Theodore Johnson/J&A Concession – Space “B” - $3,600.00/year for the 1st year’s lease; and

WHEREAS, the bid submitted by the aforesaid Bidder meets or exceeds the minimum amount required for the rental of “kiosk” Space “B” as set forth in the City’s Bid Specifications; and

WHEREAS, the City Attorney has confirmed that the bid received complies in all other respects with the requirements set forth in the Bid Specifications; and

WHEREAS, the Mayor and Council now wish to authorize the award of a lease to the aforesaid Bidder for “kiosk” Space “B” at the property, in accordance with the bid received, and to authorize appropriate City officials and/or employees to take certain actions.

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

1. That a lease for <u>“kiosk” Space “B”</u> located at the property is hereby awarded to <u>Theodore Johnson/J&A Concession</u>, for a three (3) year term, in accordance with the bid submitted and the Bid Specifications.

2. That the City is hereby authorized to enter into a Lease Agreement with the aforesaid Bidder relating to the said space located within the property, which Lease Agreement shall incorporate all of the requirements set forth in the Bid Specifications and shall be in a form satisfactory to the City Attorney and City Manager.

3. That the Mayor is hereby authorized to execute, and the City Clerk to attest, said Lease Agreement.

4. That all other City officials and/or employees are hereby authorized to perform such actions as are necessary in order to further the intentions of the within Resolution.

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

(a) Theodore Johnson/J&A Concession;
(b) Michael Capabianco, City Manager;
(c) Erick Aguiar, CTA;
(d) Michele Alonso, Director of Planning and Redevelopment;
(e) Frederick C. Raffetto, Esq., Municipal Attorney.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman	X		X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

2016-328 Shared Service Agreement between the City of Asbury Park and the Village of Loch Arbour relating to the Office of the Tax Assessor

Resolution # 2016-328

City of Asbury Park
County of Monmouth
State of New Jersey

SHARED SERVICE AGREEMENT BETWEEN THE CITY OF ASBURY PARK AND THE VILLAGE OF LOCH ARBOUR RELATING TO THE OFFICE OF THE TAX ASSESSOR

WHEREAS, Sections 1 through 35 of P.L.2007, c.63 (C.40A:65-1 through C.40A:65-35) shall be known and may be referred to as the “Uniform Shared Services and Consolidation Act and allows local units to share services via adoption of a resolution; and

WHEREAS, the City of Asbury Park and the Village of Loch Arbour have an interest in promoting management efficiency, best practices, and shared services; and

WHEREAS, exploring and implementing shared services is an item on the State of New Jersey's Best Practice Checklist; and

WHEREAS, the goal of this shared service is to increase service to the property owners of Loch Arbour while providing payment to the City of Asbury Park for use of its existing office infrastructure; and

WHEREAS, the Village shall pay the City of Asbury Park the lump sum of one thousand dollars and zero cents ($1,000.00) on September 1 of each year for this service which shall be billed by the City of Asbury Park; and

WHEREAS, the 2016 payment shall be prorated at six months for a total of $500; and Whereas, this agreement shall last ten (10) years and may be terminated at any time by February 1 of each year and shall provide Loch Arbour thirty (30) days to remove any files from the City of Asbury Park; and

WHEREAS, this agreement shall be terminated in the event the two municipalities do not share the same individual as their tax assessor; and

WHEREAS, the following operational process shall apply with the discretion of the Assessor's duties:

- Tax Assessor Office Hour Availability
    - Loch Arbour residents will be able to visit the Tax Assessor at Asbury Park City Hall during regular office hours to conduct business
    - The Tax Assessor will be accessible to conduct property inspections, meet with Loch Arbour officials & residents and conduct other Loch Arbour related business during regular office hours
    - Current regular office hour availability:
        - Tuesday and Thursday (9am-5pm)*
        - Available by appointment on weekends*

        14. *Office hours subject to change
- City of Asbury Park Phone and Voicemail
    - Loch Arbour residents will be able to utilize the Tax Assessor's direct line and voicemail to contact and conduct business with the Tax Assessor (732-502-5750)
- City of Asbury Park Email
    - Loch Arbour residents will be able to utilize the Tax Assessor's email to contact and conduct business with the Tax Assessor (erick.aguiar@cityofasburypark.com)
- Office Space and Office Supplies
    - Tax Assessment records and files for Loch Arbour may be stored in the Tax Assessor's Office at Asbury Park City Hall (subject to discretion of the Tax Assessor and Loch Arbour Municipal Officials)

- Typical office supplies used in support of the office will be covered by the hosting municipality (City of Asbury Park)

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Asbury Park hereby approves the shared services agreement with the Village of Lock Arbour for Tax Assessor Services.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-329 Resolution of the Mayor and City Council of the City of Asbury Park Determining that the Development of the Project located at 147 Borden Avenue, Block 1101, Lot 30, will address an Existing Housing Need in the City of Asbury Park for Home Financing

Resolution # 2016-329

City of Asbury Park
County of Monmouth
State of New Jersey

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK DETERMINING THAT THE DEVELOPMENT OF AFORDABLE HOUSING AT 147 BORDEN AVENUE, BLOCK 1101, LOT 30 WILL ADDRESS AN EXISTING HOUSING NEED IN THE CITY OF ASBURY PARK FOR HOME FINANCING

WHEREAS, Interfaith Neighbors, Inc. (hereinafter referred to as "Sponsor") proposes to construct an affordable housing project consisting of a two-family duplex consisting of two-rental housing units located at 147 Borden Avenue, Block 1101, Lot 30 as shown on the official assessment map of the City of Asbury Park which shall be available to low or moderate income residents as part of Interfaith Neighbors 'Rent to Own' program, and

WHEREAS, the Project will be subject to the County of Monmouth HOME Investment Partnership Act Program (hereinafter "HOME Program"); and

WHEREAS, pursuant to the HOME Program requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

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

(1) The Mayor and Council find and determine that 147 Borden Avenue (Block 1101, Lot 30), as proposed by the Sponsor, meets or will meet an existing housing need; and

(2) The Mayor and Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity within the provisions of the HOME Program to enable the County of Monmouth to process the Sponsor's application for HOME Program funding to finance the Project.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman	X		X		
Council Member B. Yvonne Clayton		X	X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2016-330 Authorizing Settlement of a Worker's Compensation Claim Captioned William Gray Vs. City Of Asbury Park

Resolution # 2016-330

City of Asbury Park
County of Monmouth
State of New Jersey

AUTHORIZING SETTLEMENT OF A WORKER'S COMPENSATION CLAIM CAPTIONED WILLIAM GRAY 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 William Gray vs. City of Asbury Park, bearing Case No. 2010-20115, which claim pre-dates the City's membership in the New Jersey Intergovernmental Insurance Fund (the "NJIIF"); and

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

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

- Lump sum settlement payable to the Petitioner in the amount of $30,000.00.

- Stenographic service fees payable to Guy J. Renzi & Associates, in the amount of $90.00.

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

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

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

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

a. Eric J. Nemeth, Esq.;
b. Michael Capabianco, City Manager; and
c. Frederick C. Raffetto, Esq., City Attorney.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton		X	X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn	X				x
Mayor John Moor			X		

2016-331 A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Redevelopment Entity, Regarding the Application of Madison Asbury Retail, LLC for Conceptual Review of the Fifth Avenue Pavilion Proposal for the Bandshell and Other Uses on the Roof on Block 4502, Lot 1.16

Resolution # 2016-331
Resolution of the City of Asbury Park

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ASBURY PARK, ACTING AS THE REDEVELOPMENT ENTITY, REGARDING THE APPLICATION OF MADISON ASBURY RETAIL, LLC FOR CONCEPTUAL REVIEW OF THE FIFTH AVENUE PAVILION PROPOSAL FOR THE BANDSHELL AND OTHER USES ON THE ROOF ON BLOCK 4502, LOT 1.16

WHEREAS, on June 5, 2002 the City Council adopted Ordinance No. 2607 adopting the Amended Waterfront Redevelopment Plan for the City of Asbury Park (the "**Plan**") which provides for the redevelopment of certain properties situated in the Waterfront Redevelopment Area (the "**Area**"); and

WHEREAS, in furtherance of the Plan, the City and Asbury Partners, L.L.C. (**"Partners"**), a limited liability company formed under the laws of the State of New Jersey with offices located at 1100 Ocean Avenue, Asbury Park, New Jersey 07712, entered into the Amended and Restated Redeveloper and Land Disposition Agreement dated October 28, 2002 (as amended to date and as may hereafter be amended, the **"Redeveloper Agreement"**) pursuant to which Partners was appointed "Master Developer" for the Area; and

WHEREAS, pursuant to the Redeveloper Agreement, in order to implement the development, financing, construction, operation and management of certain areas in the Area, the City entered into a Subsequent Developer Agreement dated June 1, 2010 (the "**Subsequent**

Developer Agreement") with Partners and Madison Asbury Retail, LLC, with principal offices located at 1100 Ocean Avenue, Asbury Park, New Jersey 07712 ("**MA Retail**"); and

WHEREAS, MA Retail now proposes a renovation of the building which primarily includes constructing a new bandshell on the roof of the building (known as the Pryor Bandshell) with stairs and the reconstruction of an extensive elevated walkway to serve as pedestrian access to the roof/bandshell area. There will also be a new enclosed structure on the roof that will have sliding glass and accordion-style glass panels that can be opened during nice weather. The new enclosed structure is proposed to contain three to four restaurants including dining areas, bar(s), and restrooms. MA Retail advises that the existing bandshell cannot be saved because it is so deteriorated. The bandshell's size and shape shall be recreated, but it will have steel columns and beams of gray galvanized weathering steel and exposed wood parts will be recreated in steel. The reconstructed bandshell will accommodate 200 people. (Collectively the "**Proposal**"); and

WHEREAS, the City's Technical Review Committee (the "**TRC**") reviewed the Proposal at a meeting held on May 31, 2016; and

WHEREAS, the City Director of Planning and Redevelopment reviewed the application, and issued a Memo of July 20, 2016 to the Mayor and Council, which includes the TRC report, and is attached hereto as **EXHIBIT A**; and

WHEREAS, MA Retail presented the Proposal and reviewed the plans with the Mayor and City Council during a workshop session on July 11, 2016; and

WHEREAS, the Mayor and City Council, acting as the City's Redevelopment Entity, wish to set forth their conceptual review of MA Retail's Proposal, with conditions,

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

1. The recitals are incorporated herein by reference.

2. The Mayor and Council find that the Proposal is generally consistent with the Plan which permits "amusements, restaurants and retail spaces" and refers this proposal to the Planning Board for appropriate review and approvals in accordance with the provisions of the Plan and the Municipal Land Use Law.

3. The Mayor and Council, make the following additional comments and recommendations to the Planning Board:

   (i) The Coastal Area Facility Review Act (CAFRA) Permit allows the removal of the bandshell and the construction of a new pavilion not to exceed 25 feet in height. MA Retail wishes to restore the bandshell and enclose a portion of the roof area. The finished roof height of the new enclosed structure and the reconstructed bandshell will be 35 feet which is the same height as the existing bandshell. MA Retail has made an application to CAFRA for an interpretation of the Permit to allow the Proposal. As a condition of the City's approval, MA Retail shall keep the City fully apprised of all communications to and from CARFA, including copies of all submission to CAFRA, correspondence to and from CAFRA and the details of meetings and/or other communication to and from CAFRA.

(ii) The Redeveloper Agreement requires that the Proposal shall be completed within 30 months of final Planning Board approvals. As a condition of the City's approval, MA Retail shall submit a schedule and construction costs to the City, DEP, and Planning Board, prior to the granting of final Planning Board approvals for any component or element of the Proposal.

(iii) A lighting plan is to be submitted for review by the City Planner to ensure that lighting glare is minimized.

(iv) MA Retail is requesting a variance for direct lit signage, yet presented no signage details. The City does not recommend granting a variance for direct lit signage and recommends that the signage match the existing signage in the boardwalk area, which is indirectly lit (halo or spotlight), in order to maintain the character of the boardwalk and provide a cohesive aesthetic.

(v) MA Retail agreed that MA Retail in conjunction with the rooftop operator would host certain free public events in the bandshell space at their cost. As a condition of the City's approval, MA Retail shall enter into an agreement detailing the parameters of the free public events prior to the issuance of any building permits for any component or element of the Proposal.

4. This Resolution shall take effect immediately.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman		X	X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2016-332 Appointments to the Sunset Lake Commission

Resolution # 2016-332

City of Asbury Park
County of Monmouth
State of New Jersey

AUTHORIZING APPOINTMENTS TO THE "SUNSET LAKE COMMISSION"

WHEREAS, pursuant to Section 2-47 of the "Revised General Ordinances of the City of Asbury Park, New Jersey," a Sunset Lake Commission (the "Commission") has been duly created in and for the City of Asbury Park (the "City"); and

WHEREAS, the Mayor and Council now wish to appoint certain individuals to serve on the Committee, in accordance with the provisions set forth in the Section referenced above.

NOW, THEREFORE, BE IT RESOLVED, that the following individuals are hereby appointed to serve on the Sunset Lake Commission:

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 following individuals are hereby appointed to serve on the Commission:

Eileen Chapman – City Council Representative	Term Expire: 6/30/2018
William McClave, Superintendent of Public Works City Manager's Representative	Term Expire: 6/30/2018
Sue Henderson, Commission Member	Term Expire: 6/30/2018
Patrick Reihing, Commission Member	Term Expire: 6/30/2017
Mark Ax, Commission Member	Term Expire: 6/30/2017
Angelo Chinicci, Commission Member	Term Expire: 6/30/2017
Randi Moore, Commission Member	Term Expire: 6/30/2017

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

   a. Michael N. Capabianco, City Manager;
   b. Frederick C. Raffetto, Esq., Municipal Attorney.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton		X	X		
Council Member Jesse Kendle	X		X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

K. Ordinances:

1. Introduction:

2016-23 An Ordinance Amending Chapter VIII Section I "Property Improvement and Neighborhood Preservation – Property Maintenance Code"

This Ordinance is being carried to a future meeting.

2016-32 Bond Ordinance Amending and Supplementing Bond Ordinance Number 3036 (Which Provides for the Reconstruction of a Footbridge at Sunset Lake) Heretofore Finally Adopted by the City Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, on January 16, 2013, as Amended and Supplemented Heretofore, to Increase the Appropriation by $150,000

City Clerk Dye read by title Ordinance 2016-32.

Motion to introduce Ordinance 2016-32.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman	X		X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

Public hearing for this Ordinance is scheduled for August 10, 2016.

2016-33 An Ordinance Creating Chapter XIII Section 5 "Chapter XIII Property Improvement and Neighborhood Preservation – Rental Property"

City Clerk Dye read by title Ordinance 2016-33.

Motion to introduce Ordinance 2016-33.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman		X	X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

Public hearing for this Ordinance is scheduled for August 10, 2016.

2016-34 An Ordinance Establishing Salaries of Certain Employees within the City of Asbury Park, Monmouth County, NJ

City Clerk Dye read by title Ordinance 2016-34.

Motion to introduce Ordinance 2016-34.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton		X	X		
Council Member Jesse Kendle			X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor				X	

Public hearing for this Ordinance is scheduled for August 10, 2016.

2. Second Reading/Public Hearing:

2016-31 An Ordinance Amending and Supplementing Section 7-16, Entitled "Angle Parking," of Chapter VII, "Traffic," of the "Code of the City of Asbury Park, New Jersey."

Asbury Park, New Jersey
ORDINANCE NO. 2016-31

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII "TRAFFIC" SECTION 7-16 "ANGLE PARKING" OF THE "CODE OF THE CITY OF ASBURY PARK, NEW JERSEY."

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the "City"), in the County of Monmouth and State of New Jersey, that Chapter VII "Traffic" Section 7-16 "Angle Parking" of the "Code of the City of Asbury Park, New Jersey is hereby amended and supplemented in order to add the following:

CHAPTER VII
TRAFFIC

7-16 ANGLE PARKING

The table found in this Section is hereby amended to include:

Name of Street	Side	Location
Deal Lake Drive	Westbound (along north side curb line)	Kingsley Street to NJ DOT Right-Of-Way

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.

Motion made by Deputy Mayor Quinn and seconded by Council Member Clayton to open Ordinance 2016-31 to the public. All were in favor Maureen Nevin spoke from the public. Motion made by Deputy Mayor Quinn and seconded by Council Member Kendle to close the Ordinance 2016-31 to the public.

Motion to adopt Ordinance 2016-31.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Eileen Chapman			X		
Council Member B. Yvonne Clayton			X		
Council Member Jesse Kendle		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

The meeting was adjourned.

Respectfully submitted by:

____
Cindy A. Dye, RMC, City Clerk