



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

I. Executive Session – 4:30 p.m.

Resolution 2016-32 Authorizing a Meeting which Excludes the Public

A. Personnel

1. Personnel Policy

B. Contract Negotiations:

1. Carter Sackman - Savoy Theater
2. Boston Way PILOT Agreement
3. Madison Marquette request for Certificate of Completion for 1st Ave. Pavilion
4. 700 Cookman Avenue – Tax Abatement Agreement
5. 603 Lake Avenue Redevelopment Agreement

C. Litigation:

1. Springwood Avenue Park/Professional Services
2. Famularo Disciplinary Proceeding
3. Refuse Collection

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, January 11, 2016.
- 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 6, 2016, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

E. **HOLIDAY DECORATING CONTEST – AWARD OF PRIZES**

F. 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.]

G. Acceptance of Minutes:

- December 21, 2015 – Workshop Session
- December 23, 2015 – Executive Session
- December 23, 2015 – Regular Session

H. Consent Agenda Resolutions.

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

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|---------|---|
| 2016-33 | Approving Special Events/Wedding Applications as Presented on January 11, 2016 |
| 2016-34 | Resolution Authorizing the Payment of Payroll in the Amount of \$839,873.25 |
| 2016-35 | Authorizing Appointments to the Parking Advisory Committee |
| 2016-36 | Authorizing a \$500 Change Fund to be Utilized by the Parking Utility Operating Fund |
| 2016-37 | Resolution Rejecting Bids for Vehicle Maintenance Repairs |
| 2016-38 | Resolution Rejecting All Bids for Vehicle Transmission Repairs and Associated Maintenance |

2016-39 Resolution Rejecting All Bids for Computer Maintenance/Repair

I. Individual Resolutions

2016-40 Resolution Authorizing the Transfer of 2015 Appropriation Reserve Budget in Fiscal Year 2016

2016-41 Resolution Authorizing the Payment of Bills in the Amount of \$1,866,587.73

2016-42 Resolution Awarding a Contract for Vehicle Collision Repairs

2016-43 Resolution Authorizing a Shared Services Agreement between the City of Asbury Park and the Township of Neptune for Maintenance and Repair of Police Vehicles

2016-44 Resolution Pursuant To N.J.S.A. 40A:11-4.3 Authorizing the Use of Competitive Contracting for the Operation, Management and Administration of Data Processing Services

2016-45 Resolution Amending Special Conditions for Liquor License 1303-33-054-007 House of Independents, LLC

2016-46 Authorizing Approval to Execute an Application and Agreement with the New Jersey Department of Transportation for Urban Aid FY 2011 & 2012 (Prospect Avenue)

2016-47 A Resolution for permission to apply for a FEMA AFG Grant

2016-48 Resolution Approving the Public Health Nursing Contract for 2016

2016-49 A Resolution of the City of Asbury Park, in the County of Monmouth, New Jersey, Authorizing the Execution a Redevelopment Agreement with 603 Lake Avenue LLC

2016-50 A Resolution of the Mayor and Council of the City of Asbury Park, Approving a PILOT Agreement for Boston Way Village, LLC for the Asbury Park Housing Authority Boston Way Village Housing Development

2016-51 Resolution Amending Resolution 2015-410 State of New Jersey Department of Environmental Protection Green Acres Enabling Resolution

2016-52 Resolution Authorizing Execution of Rights-Of-Way Use Agreement with Cross River Fiber, LLC

2016-53 A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Waterfront Redevelopment Entity, Authorizing the Issuance of Certificate of Completion to Madison Asbury Retail, LLC, for the 1st Avenue Pavilion

J. Ordinances:

1. First Reading/Introduction:

2016-01 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,

to Increase the Appropriation by \$550,000 and to Increase the Authorization of Bonds or Notes by \$550,000

2016-02 Revising Traffic and Parking Regulations for Residential and Employee Parking Permits, And Amending And Supplementing Ordinance No. 2015-55

[Set Public Hearing Date for Each Ordinance Introduced.]

2. Second Reading/Public Hearing:

2015-55 Revising Traffic and Parking Regulations for Certain Designated Areas of the City of Asbury Park, and Amending and Supplementing Chapter VII, Entitled “Traffic,” of the “Code of the City of Asbury Park, New Jersey,” Accordingly.

2015-56 Amending and Supplementing Section 2-9, Entitled “Fire Department,” of Chapter II, “Administration,” of the “Code of the City of Asbury Park, New Jersey,” in Order to Establish a New Subsection Thereof to be Known as Subsection 2-9.14, Entitled “Fees for Lockout Services for Motor Vehicles.”

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

J. Adjournment.



MINUTES
Meeting of the Municipal Council
Wednesday, JANUARY 13, 2016
WORK SESSION AND REGULAR MEETING

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

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

City Clerk Dye announced the following: "As to compliance with the "Open Public Meetings Act," Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and Star Ledger on January 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, JANUARY 11, 2016

Council Member Woerner followed-up regarding issues downtown.

MATTERS FROM CITY COUNCIL

Councilman Woerner he acknowledge the article regarding the sewer treatment plant movement.

Councilman Kendle sent is best wishes to Rita Marano on her recovery.

Deputy Mayor Quinn stated that on-line payment for taxes will be accepted by March 1, 2016. She apologized for not having all the names for Boards and Committees announced at the organization meeting.

Mayor Moor clarified that the discussion during Monday's work session regarding concessions were for IT services only.

MATTERS FROM CITY MANAGER - None

MATTERS FROM CITY ATTORNEY

City Attorney Raffetto discussed the parking ordinance amendments.

REGULAR MEETING

The City Clerk announced as in 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.

HOLIDAY DECORATING CONTEST – AWARD OF PRIZES

Councilwoman Clayton and Jackie Pappas of the Chamber of Commerce announced the winners of the holiday decorating contest and distributed prizes.

PUBLIC PARTICIPATION

Motion made by Deputy Mayor Quinn and seconded by Council Member Kendle 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: Theresa Jones, Maureen Nevin, Tracy Rogers, Jerry Scarano, Jay Harmon and Jennifer Lambert.

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

ACCEPTANCE OF MINUTES:

- December 21, 2015 – Workshop Session
- December 23, 2015 – Executive Session
- December 23, 2015 – Regular Session

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

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.]

2016-33 Approving Special Events/Wedding Applications as Presented on January 11, 2016

Resolution #2016-33

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

1. Family Day
2. Charity Kings Back to School Party
3. Music Fest- date only
4. Lobster Run
5. Cold War
6. Asbury Park St Patrick's Day Parade
7. Parade Day in Kennedy Park
8. AP School District requesting City Date to use Paramount

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.

2016-34 Resolution Authorizing the Payment of Payroll in the Amount of \$839,873.25

Resolution #2016-34

RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF \$839,873.25

WHEREAS, the December 22, 2015 payroll in the amount of \$839,873.25, 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 \$839,873.25 is hereby authorized to be paid, and;

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

2016-35 Authorizing Appointments to the Parking Advisory Committee

Resolution # 2016-35

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

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

WHEREAS, the Mayor and Council now wish to appoint certain individuals to serve on the Committee, in accordance with the provisions set forth in Resolution No. 2016-27.

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

Appointee

Term to Expire

Michele Maguire

December 31, 2016

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

2016-36 Authorizing a \$500 Change Fund to be Utilized by the Parking Utility
Operating Fund

Resolution #2016-36

**AUTHORIZING A \$500 CHANGE FUND TO BE UTILIZED BY
THE PARKING UTILITY OPERATING FUND**

WHEREAS, The Parking Utility Operating Fund is in need of a change fund in order to issue City parking permits and a request has been made for the establishment of a \$500 change fund for said purpose.

NOW THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, County of Monmouth, State of New Jersey, that they hereby approve the establishment of a \$500 change fund for the Parking Utility Operating Fund in order to issue City parking permits.

Resolution #2016-37

RESOLUTION REJECTING ALL BIDS FOR VEHICLE MAINTENENACE REPAIRS

WHEREAS, the City of Asbury Park duly advertised on December 3, 2015 for the receipt of bids for vehicle maintenance repairs; and

WHEREAS, the following bids were received on December 16, 2015 and reviewed by the Qualified Purchasing Agent:

Vendor	AAMCO 1420 Asbury Ave Asbury Park	B&K Equipment 622 W. Veterans Way Jackson
Car Hourly Rate Amount	\$55.00	NA
Truck Hourly Rate Amount	\$55.00	\$125.00
Construction Equipment Hourly Rate Amount	\$55.00	\$125.00
% Parts Discount	18%	NA
Towing Charge	\$0.00 up to 5 miles	NA
Mileage Charge	\$3.00 per mile over 5 miles	NA
Fuel Charge	\$0.00	NA
Warranty Description	12 months/12,000 miles, parts & labor	Manufacturer's warranties honored

WHEREAS, the Qualified Purchasing Agent and Chief Financial Officer reviewed the bids and recommends rejecting all bids based on the following: the lowest bidder, AAMCO submitted its bid without a bid guarantee which was required by the bid specification and which is a mandatory item which cannot be waived by the City in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-23.2 et seq., thus rendering such a defect as fatal and requires said bid to be rejected. The second bid, B&K Equipment, substantially exceeds the cost estimate for goods or services pursuant to Local Public Contracts Law N.J.S.A. 40A:11-23-2 et seq.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park in the County of Monmouth, and in the State of New Jersey that it hereby rejects all bids for vehicle maintenance repairs.

Resolution #2016-38

**RESOLUTION REJECTING ALL BIDS FOR VEHICLE TRANSMISSION REPAIRS
AND ASSOCIATED MAINTENENACE**

WHEREAS, the City of Asbury Park duly advertised on November 25, 2015 for the receipt of bids for vehicle transmission repairs and associated maintenance; and

WHEREAS, the following bid was received on December 16, 2015 and reviewed by the Qualified Purchasing Agent:

Vendor	AAMCO 1420 Asbury Ave Asbury Park
Car Hourly Rate Amount	\$65.00
Truck Hourly Rate Amount	\$65.00
Construction Equipment Hourly Rate Amount	\$65.00
% Parts Discount	20%
Towing/Mileage/Fuel Charges	\$0.00
Warranty Description	3yr/50,000 miles nationwide. Parts & labor included.

WHEREAS, the Qualified Purchasing Agent and Chief Financial Officer reviewed the bid and recommends rejecting the bid based on the following: AAMCO submitted its bid without a bid guarantee which was required by the bid specification and which is a mandatory item which cannot be waived by the City in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-23.2 et seq., thus rendering such a defect as fatal and requires said bid to be rejected.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park in the County of Monmouth, and in the State of New Jersey that it hereby rejects all bids for vehicle transmission repairs and associated maintenance.

2016-39 Resolution Rejecting All Bids for Computer Maintenance/Repair

**Resolution #2016-39
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION REJECTING ALL BIDS FOR COMPUTER
MAINTENANCE/REPAIRS**

WHEREAS, the City of Asbury Park duly advertised on November 25, 2015 for the receipt of bids for computer maintenance/repairs; and

WHEREAS, the following bids were received on December 16, 2015 and reviewed by the Qualified Purchasing Agent:

Vendor	On-Site 108 Main Street Ocean Grove	Look 1 st Technologies 10 High Point Drive Chalfont, PA
Hourly Amount	\$72.00	-----
Estimated Hours	250	-----
Fixed Annual Bid Amount	\$18,000	\$56,500

WHEREAS, the City has decided to substantially revise the specifications in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-23.2 et seq.; and

WHEREAS, the City Manager recommends rejecting all bids and re-conducting the bidding process utilizing competitive contracting provisions as set forth by the Local Public Contracts Law N.J.S.A. 40A:4-1(b) (3), for the operation, management and administration of data processing services.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park in the County of Monmouth, and in the State of New Jersey that it hereby rejects all bids for computer maintenance/repairs.

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

I. Individual Resolutions

2016-40 Resolution Authorizing the Transfer of 2015 Appropriation Reserve Budget in Fiscal Year 2016

Resolution #2016-40

Resolution Authorizing the Transfer of 2015 Appropriation Reserve Budget in Fiscal Year 2016

Whereas, it has been determined that certain line items within the 2015 fiscal year operating budget need additional funds to cover necessary expenditures; and,

Whereas, it has also been determined that sufficient balances remain in various expense accounts to cover these expenditures; and,

Mayor Moor abstained from the retirement reimbursements.

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

2016-42 Resolution Awarding a Contract for Vehicle Collision Repairs

Resolution #2016-42

RESOLUTION AWARDING A CONTRACT FOR VEHICLE COLLISION REPAIRS

WHEREAS, the City of Asbury Park duly advertised on November 25, 2015 for the receipt of bids for vehicle collision repairs; and

WHEREAS, in response to the invitation to bidders, one (1) bid was received on December 16, 2015; and

WHEREAS, the bid has been reviewed by the Chief Financial Officer and the Qualified Purchasing Agent and it has been determined that Maaco Auto Painting & Body Works submitted the lowest responsible bid in accordance with the bid specification, said bid being in the amount of \$37.00 per hour, \$0.00 towing/mileage/fuel charge and a 10% discount on parts; and

WHEREAS, it is the desire of the governing body to award a contract for vehicle collision repairs to the lowest responsible bidder;

WHEREAS, there are sufficient funds in the Current Operating Budget, various operating appropriations, as needed, to cover the cost of this purchase.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park, in the County of Monmouth, and in the State of New Jersey hereby awards a contract to Maaco Auto Painting & Body Works of Neptune, NJ, the lowest responsible bidder.

	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		

2016-43 Resolution Authorizing a Shared Services Agreement between the City of Asbury Park and the Township of Neptune for Maintenance and Repair of Police Vehicles

Resolution # 2016-43

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH TOWNSHIP OF NEPTUNE FOR MAINTENANCE AND REPAIR OF POLICE VEHICLES

WHEREAS, the “Uniform Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1, et seq. (the “Act”), authorizes local units of this State to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, the City of Asbury Park desires to entered into a Shared Services Agreement with the Township of Neptune for maintenance and repair of police vehicles; and

WHEREAS, the City of Asbury Park determines that entering into this agreement with the Township of Neptune provides a benefit to City of Asbury Park residents.

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

1. Authorize the Mayor and City Clerk to enter into an Agreement with the Township of Neptune for maintenance and repair of police vehicles, a copy of which is attached hereto.

	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		

2016-44 Resolution Pursuant To N.J.S.A. 40A:11-4.3 Authorizing the Use of Competitive Contracting for the Operation, Management and Administration of Data Processing Services

Resolution #2016-44

RESOLUTION PURSUANT TO N.J.S.A. 40A:11-4.3 AUTHORIZING THE USE OF COMPETITIVE CONTRACTING FOR THE OPERATION, MANAGEMNENT AND ADMINISTRATION OF DATA PROCESSING SERVICES

WHEREAS, the City of Asbury Park desires to contract with a vendor to provide the operations, management and administration of data processing services; and

WHEREAS, the aforesaid services qualify for competitive contracting set forth in N.J.S.A. 40A:4.1 (b) (3); and

WHEREAS, pursuant to the Local Public Contracts Law N.J.S.A. 40A:11-4.1 et seq., the City may use competitive contracting in lieu of public bidding for procurement of professional service the price of which exceeds the bid threshold; and

WHEREAS, under the competitive contracting process, the contract for the operation, management and administration of data processing services will be awarded to the proposal that, when evaluated, most successfully meets the stated criteria and, therefore, achieves the highest ranking, rather than based solely on the lowest prices; and

WHEREAS, the City desires to conduct the bidding process for the aforesaid services pursuant to the competitive contracting provisions as set forth by the Local Public Contracts Law N.J.S.A. 40A:4-1et seq.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park in the County of Monmouth, and in the State of New Jersey that the City is authorized to utilize the competitive contracting services provisions as set forth in the Local Public Contracts Law N.J.S.A. 40A:4-1et seq. to procure a contract with a vendor to provide the operations, management and administration of data processing services.

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

2016-45 Resolution Amending Special Conditions for Liquor License
1303-33-054-007 House of Independents, LLC

Resolution 2016-45

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

**AMENDING THE SPECIAL CONDITIONS ASSOCIATED WITH
LIQUOR LICENSE NO. 1303-33-054-007 (HOUSE OF INDEPENDENTS, LLC).**

WHEREAS, on September 9, 2015, the City of Asbury Park (the “City”) adopted Resolution No. 2015-319 (the “Resolution”), which approved the renewal of alcoholic beverage

licenses for numerous licensed premises within the City for the period of July 1, 2015 through June 30, 2016 (the “license term”); and

WHEREAS, one of the licenses which was renewed per the Resolution related to the premises located at 570-572 Cookman Avenue and 527 Lake Avenue (the “licensed premises”), which is held under the name “House of Independents, LLC,” and which bears license number 1303-33-054-007 (the “licensee”); and

WHEREAS, the aforesaid Resolution imposed four (4) special conditions on the renewal of the licensee’s liquor license relating to the licensed premises for the license term; and

WHEREAS, the first condition requires that seventy five percent (75%) of the floor space of the licensed premises shall be utilized for food service; and

WHEREAS, the next three (3) special conditions require the licensee to hire a certain number of off-duty City police officers, on certain evenings and during specified months, in an effort to minimize issues relating to disorderly patrons and to protect the health, safety and welfare of the public; and

WHEREAS, following the adoption of the aforesaid Resolution, the licensee filed a “Notice and Petition of Appeal and Request for Stay of Institution of Certain Special Conditions” (the “Petition of Appeal”) with the State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control, in order to contest the three (3) special conditions which require the licensee to hire off-duty City police officers for crowd control at the licensed premises; and

WHEREAS, since the filing of said Petition of Appeal, the parties have engaged in a dialogue concerning this matter and have reached an amicable resolution, whereby the City has agreed, based upon the understanding reached between the parties, to remove the three (3) special conditions relating to the hiring of off-duty City police officers for the licensed premises; and

WHEREAS, the settlement reached is premised upon the fact that the licensee has voluntarily proposed a written Security Plan (the “Security Plan”) relating to the licensed premises, which involves the licensee hiring and maintaining sufficient private security personnel to adequately ensure the health, safety, and welfare of the public; and

WHEREAS, the Police Department has reviewed and approved the Security Plan; and

WHEREAS, a copy of the Security Plan is on file with the City Clerk’s office and the Police Department; and

WHEREAS, with the understanding that the licensee shall comply with the Security Plan, and shall additionally engage in an ongoing regular dialogue (which shall occur not less than quarterly on an annual basis) with the City’s Police Department as to the licensee’s business operations and compliance with the Security Plan at the licensed premises, the City is willing to relinquish the three (3) special conditions referenced above; and

WHEREAS, the first special condition, relating to seventy five percent (75%) of the floor space being utilized for food service, shall remain in effect and shall not be disturbed; and

WHEREAS, the City reserves the right to revisit the imposition of additional special conditions relating to the licensed premises if future circumstances warrant the same, either during the term of the license or at the time of its next renewal, upon notice and an opportunity for the licensee to be heard; and

WHEREAS, the aforesaid understanding shall resolve the matter which is currently pending before the State's Division of Alcoholic Beverage Control, and shall supersede the provisions referenced in Resolution No. 2015-319 relating to the licensed premises.

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

1. That, based upon the understanding reached by the parties as referenced above, the three (3) special conditions included in Resolution No. 2015-319, which required the licensee to hire a certain number of off-duty City police officers for crowd control at the licensed premises, on certain evenings and during specified months, are hereby removed.
2. That the first special condition included in Resolution No. 2015-319, relating to seventy five percent (75%) of the floor space of the licensed premises being utilized for food service, shall remain in effect and shall not be disturbed for the remainder of the license term.
3. That the City reserves the right to revisit the imposition of additional special conditions relating to the licensed premises if future circumstances warrant the same, either during the term of the license or at the time of its next renewal, upon notice and an opportunity for the licensee to be heard.
4. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Jason Mandia, Esq.;
 - b. House of Independents, LLC;
 - c. Deputy Police Chief Anthony Salerno;
 - d. Michael Capabianco, City Manager;
 - e. Frederick C. Raffetto, Esq., City Attorney; and
 - f. State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control.

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

Mayor John Moor			X		
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2016-46 Authorizing Approval to Execute an Application and Agreement with the New Jersey Department of Transportation for Urban Aid FY 2011 & 2012 (Prospect Avenue)

Resolution # 2016-46

**AUTHORIZING APPROVAL TO EXECUTE AN APPLICATION
AND AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR URBAN AID FY 2011 & 2012 (PROSPECT 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 application to allocate Urban Aid from FY 2011 & FY 2012 for use in improving Prospect Avenue between Washington Avenue and Asbury Avenue.
2. That the City Engineer is hereby authorized to submit an application identified as Urban Aid FY 2011 & FY 2012 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 Kandle	X		X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2016-47 A Resolution for permission to apply for a FEMA AFG Grant

Resolution # 2016-47

A RESOLUTION FOR PERMISSION TO APPLY FOR A FEMA AFG GRANT

WHEREAS, the Federal Emergency Management Agency (FEMA), Assistance to Firefighters Grant Program, (AFG) is currently accepting applications for the fiscal year 2015. The funding is for vehicles, equipment, fire station modifications, and training.

WHEREAS, the City of Asbury Park and City of Asbury Park Fire Department desires to apply for this grant for the funding of equipment; the grant requires a five percent (5%) match from the City of Asbury Park for the grantee's shared portion of the grant.

THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park that, the City of Asbury Park Fire Department is hereby authorized to submit a grant application to the Federal Emergency Management Agency (FEMA), Assistance to Firefighters Grant Program (AFG) for the funding of the attached referenced equipment not to exceed \$100,000 and a City share of \$5,000.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the City Manager, Chief Financial Officer, and Fire Chief of the City of Asbury Park.

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

2016-48 Resolution Approving the Public Health Nursing Contract for 2016

Resolution # 2016-48

**PUBLIC HEALTH NURSING SERVICES
January 1, 2016 – December 31, 2016**

WHEREAS, The Visiting Nurse Association of Central Jersey, 176 Riverside, Red Bank, N.J. 07701 has provided community nursing services for the City's Department of Social Services since 1996; and

WHEREAS, community nursing services is required by the contract between the City of Asbury Park and the New Jersey Department of Human Services, Division of Mental Health Services; and

WHEREAS, funding for such services is provided through the grant contract between the City of Asbury Park and the State Department of Human Services, Division of Mental Health Services; and

WHEREAS, The Visiting Nurse Association of Central Jersey has agreed to continue to provide professional community nursing services throughout the year of 2016 at the cost of \$46,000 (no increase from 2015); and

WHEREAS, said contract is contingent upon the approval of the State Fiscal Monitor as mandated by our Memorandum of Agreement with the State of New Jersey, Division of Local Government Finances.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Asbury Park that the City Manager is hereby authorized to enter into a contractual agreement with the Visiting Nurse Association of Central Jersey for the provision of professional nursing services for the calendar year 2016 at a cost not to exceed \$46,000.

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

2016-49 A Resolution of the City of Asbury Park, in the County of Monmouth.
New Jersey, Authorizing the Execution a Redevelopment Agreement with
603 Lake Avenue LLC

Resolution # 2016-49
Resolution of the City of Asbury Park

**A RESOLUTION OF THE CITY OF ASBURY PARK, IN THE COUNTY
OF MONMOUTH, NEW JERSEY, AUTHORIZING THE EXECUTION A
REDEVELOPMENT AGREEMENT WITH 603 LAKE AVENUE LLC**

WHEREAS, during the summer and winter of 2002, the City formally designated, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Act”), an eleven block area bounded by Main Street, Summerfield Avenue, Grand Avenue, and Lake Avenue as an “area in need of redevelopment” (the “Central Business District”); and

WHEREAS, on June 26, 2003 the City Council adopted Ordinance No. 2646 entitled “An Ordinance Establishing a Central Business District Redevelopment Plan for the City of Asbury Park” (the “Ordinance”) establishing, pursuant to the Act, a plan (the “Central Business District Plan”) for the redevelopment of the Central Business District; and

WHEREAS, there is a property situated in the Central Business District known as Block 2404, Lot 10 on the tax map of the City (the “Property”) upon which 603 Lake Avenue LLC (the “Developer”) intends to construct and develop a residential project (the “Project”) consisting of a six (6) condominium units on floors two through four, and six (6) ground floor level parking spaces for the Project; and

WHEREAS, the Central District Business Plan requires that developers provide 1.5 parking spaces for each constructed residential unit, resulting in a parking of obligation of the

Developer of nine (9) parking spaces, the result of which being that three (3) parking spaces (the “Parking Spaces”) must be satisfied by other means; and

WHEREAS, the Developer informed the City that it will not provide the Parking Spaces, and therefore shall provide the fee required under the Central Business District Plan to the City; and

WHEREAS, the City desires to see completion of the Project as soon as practicable and to see the Project succeed so that the residents, businesses, and property-owners in the Central Business District may benefit because of the substantial expansion of a stable, year-round retail presence; and

WHEREAS, the City and Developer desire to enter into this Redevelopment Agreement, in accordance with the Central Business District Plan and the Act, to ensure the success of the Project.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASBURY PARK, NEW JERSEY, AS FOLLOWS:

Section 1. The aforementioned recitals are incorporated herein as if fully set forth herein.

Section 2. 603 Lake Avenue LLC is hereby designated as the Redeveloper of the Property, subject to the execution of a redevelopment agreement with the City.

Section 3. Execution of Subsequent Developer Agreement Authorized:

(a) The Mayor is hereby authorized to execute the Subsequent Developer Agreement, substantially in the form as it has been presented to the City Council, and attached hereto as **Exhibit A**, subject to additions, deletions, modifications or revisions deemed necessary and appropriate in consultation with counsel.

(b) The City Clerk is hereby authorized and directed, upon the execution of the Subsequent Developer Agreement in accordance with the terms of Section II (a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the City upon such document.

Section 4. Determination of Matters in Connection with the Subsequent Developer Agreement:

The Mayor is hereby authorized and directed to determine all matters and terms in connection with the Subsequent Developer, all in consultation with the counsel to the City, and the manual or facsimile signature of the Mayor upon any documents shall be conclusive as to all such determinations. The Mayor, Acting City Manager, the Chief Financial Officer, the City Clerk and any other City official, officer or professional, including but not limited to, redevelopment counsel, bond counsel, the financial advisor and the auditor to the City, are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to

facilitate the transactions contemplated hereby, in consultation with, as applicable, redevelopment counsel, bond counsel, the financial advisor and the auditor to the City, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

Section 5. This Resolution shall take effect immediately.

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

2016-50 A Resolution of the Mayor and Council of the City of Asbury Park, Approving a PILOT Agreement for Boston Way Village, LLC for the Asbury Park Housing Authority Boston Way Village Housing Development

Motion made by Councilman Kendle and seconded by Deputy Mayor Quinn to table Resolution 2016-50. All were in favor.

2016-51 Resolution Amending Resolution 2015-410 State of New Jersey Department of Environmental Protection Green Acres Enabling Resolution

Resolution # 2016-51

RESOLUTION AMENDING RESOLUTION 2015-410 STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES ENABLING RESOLUTION

WHEREAS, on November 24, 2015 the City of Asbury Park Council adopted Resolution 2105-410 “State of New Jersey Department of Environmental Protection Green Acres Enabling Resolution”; and

WHEREAS, corrections on the resolution had to be made in order to comply with Green Acres’ requirements; and

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the City of Asbury Park desires to further the public interest by obtaining a loan of \$0.00 and/or a grant of \$1,100,000 from the State to fund the following project(s):

Green Acres Project # 1304-14-027
Bradly Cove Acquisition

NOW, THEREFORE, BE IT RESOLVED, the governing body resolves that Michele Alonso or the successor to the Director of Planning and Redevelopment is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project.

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

1. The City Manager of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Bradley Cove Acquisition, and;

2. The applicant has its matching share of the project, if a match is required, in the amount of \$2,300,000.00; and

3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project; and

4. The applicant agrees to comply with all applicant federal, state and local laws, rules, and regulations in its performance of the project; and

5. This resolution shall take effect immediately.

	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		

Resolution # 2016-52

**RESOLUTION AUTHORIZING EXECUTION OF RIGHTS-OF-WAY USE
AGREEMENT WITH CROSS RIVER FIBER, LLC**

WHEREAS, Cross River Fiber, Inc. (“Cross River”) is a public utility and telecommunications carrier as defined by N.J.S.A 48:2-13; and

WHEREAS, Cross River is authorized to provide service by the New Jersey Board of Public of Utilities and the Federal Communications Commission; and

WHEREAS, Cross River is seeking to install telecommunications facilities on utility poles or within underground conduits located in the public right-of-way in the [municipality] in order to provide telecommunications services to the public, and to operate, maintain and repair facilities; and

WHEREAS, N.J.S.A 48:17-10 through 48:17-12 permits municipalities to enter into a Rights-of-Way Use Agreement with a telecommunications carrier; and

WHEREAS, the City of Asbury Park desires to enter into a Rights-of-Way Use Agreement with Cross River that sets forth the terms of use, occupancy and manner in which Cross River will utilize the City of Asbury Park Rights of Ways (“Use Agreement”); and

WHEREAS, the non-exclusive City consent granted herein shall expire fifty (50) years from the Effective Date of this Use Agreement.; and

WHEREAS, annexed hereto is a copy of the Use Agreement to be entered into by and between the City of Asbury Park and Cross River.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asbury Park, being the governing body thereof, that the Mayor be and hereby is authorized to execute and the City Clerk be and hereby is authorized to witness, the annexed Rights-of-Way Use Agreement between the City of Asbury Park and Cross River Fiber, Inc.

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

2016-53 A Resolution of the Mayor and Council of the City of Asbury Park, Acting as the Waterfront Redevelopment Entity, Authorizing the Issuance of Certificate of Completion to Madison Asbury Retail, LLC, for the 1st Avenue Pavilion

Resolution #:2016-53
Resolution of the City of Asbury Park

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE
CITY OF ASBURY PARK, ACTING AS THE WATERFRONT
REDEVELOPMENT ENTITY, AUTHORIZING THE ISSUANCE
OF CERTIFICATE OF COMPLETION TO MADISON ASBURY
RETAIL, LLC, FOR THE 1ST AVENUE PAVILION

WHEREAS, Madison Asbury Retail, LLC (the “**Developer**”) pursuant to the Subsequent Developer Agreement among the City of Asbury Park and Madison Asbury Retail, LLC and Asbury Partners, LLC dated June 1, 2010 (the “**SDA**”) undertook certain work at the First Avenue Pavilion; and

WHEREAS, the SDA provides that upon completion of the required work on the First Avenue Pavilion, the Developer may apply for a Certificate of Completion, which in part recognizes that the work has been completed and releases the Developer from their responsibilities under the SDA as to the First Avenue Pavilion only; and

WHEREAS, the Developer has requested that the City issue a Certificate of Completion for the First Avenue Pavilion and submits that they have complied with all requirements except for the completion of certain elements of what has been termed the “Art Wall,” specifically “the decorative painting is substantially complete, but the sculptural elements remain to be installed” (the “**Incomplete Items**”). MAR further requests that as the Incomplete Items are “minor finish items”, they should be permitted to post a performance bond (or other security reasonably acceptable to the City) to cover the costs of the Incomplete Items and be issued a Certificate of Completion for the 1st Avenue Pavilion as provided for in SDA Section 4.16(b),

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asbury Park , acting as the City’s Redevelopment Entity, (the “**Council**”) that:

1. The Council finds that, with the exception of the Incomplete Items, the Developer has satisfactorily completed the required work to the First Avenue Pavilion under the terms of the SDA.
2. The Council authorizes the City Manager, in consultation with redevelopment counsel, to determine the appropriate amount and form of a performance bond or other security to secure the completion of the Incomplete Items and upon receipt of the same to execute and deliver a Certificate of Completion for the 1st Avenue Pavilion.
3. The Council also authorizes and directs the City Manager, redevelopment counsel, and all necessary City officials, employees and professionals to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to facilitate

the transactions contemplated hereby, in consultation with, redevelopment counsel, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

4. This Resolution shall take effect immediately.

	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		

J. Ordinances:

1. First Reading/Introduction:

2016-01 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, to Increase the Appropriation by \$550,000 and to Increase the Authorization of Bonds or Notes by \$550,000

The City Clerk read by title Ordinance 2016-01.

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

Public hearing is scheduled for January 27, 2016.

2016-02 Revising Traffic and Parking Regulations for Residential and Employee Parking Permits, And Amending And Supplementing Ordinance No. 2015-55

The City Clerk read by title Ordinance 2016-02.

	MOTION	SECOND	1.AYES	1.NAYES	2.ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy	X		X		

Quinn					
Mayor John Moor			X		

Public hearing is scheduled for January 27, 2016.

Second Reading/Public Hearing:

2015-55 Revising Traffic and Parking Regulations for Certain Designated Areas of the City of Asbury Park, and Amending and Supplementing Chapter VII, Entitled “Traffic,” of the “Code of the City of Asbury Park, New Jersey,” Accordingly.

**Asbury Park, New Jersey
ORDINANCE NO. 2015-55**

**REVISING TRAFFIC AND PARKING REGULATIONS FOR CERTAIN DESIGNATED
AREAS OF THE CITY OF ASBURY PARK, AND AMENDING AND
SUPPLEMENTING CHAPTER VII, ENTITLED “TRAFFIC,” OF THE “CODE OF THE
CITY OF ASBURY PARK, NEW JERSEY,” ACCORDINGLY.**

WHEREAS, the City of Asbury Park (the “City”) has previously established certain traffic regulations concerning metered parking within the City, as set forth in Ordinance No. 2982 (adopted on May 18, 2011), Ordinance No. 2015-11 (adopted on May 13, 2015), Ordinance No. 2015-25 (adopted on May 27, 2015), and Resolution No. 2015-217 (adopted on May 27, 2015); and

WHEREAS, the previous regulations as referenced above shall be collectively referenced herein as the “prior traffic regulations”; and

WHEREAS, since adoption of the prior traffic regulations, representatives of the City, including the City’s Parking Advisory Committee, along with certain City officials, professionals and staff members, have engaged in a detailed and extensive review of the prior traffic regulations, which review has included input from outside consultants and the public; and

WHEREAS, as a result of said review, the Parking Advisory Committee has recommended certain revisions to the prior traffic regulations; and

WHEREAS, the proposed new regulations are set forth in the within Ordinance and are set forth below; and

WHEREAS, it is the intention of the Mayor and Council that the new provisions set forth below shall supersede any inconsistent regulations established previously (only), but that the remainder of the provisions set forth in the prior traffic regulations which are not inconsistent with the provisions set forth herein shall remain in full force and effect; and

WHEREAS, it is also the intention of the Mayor and Council that the revisions set forth herein shall amend and supplement the Traffic Control Regulations contained within the Chapter VII, entitled “Traffic,” of the “Code of the City of Asbury Park, New Jersey,” accordingly; and

WHEREAS, in enacting the within revisions, it is also the intention of the Mayor and Council that the City shall manage its parking through the demand pricing model, which utilizes 85% occupancy rates in order to determine parking prices that will, as best as possible, avert cruising for parking by members of the public, along with the negative impacts associated therewith, including traffic, excess vehicle emissions and hazards to pedestrians, while making parking reasonably available when and where needed; as such, it is the intention of the Mayor and Council that metered parking rates will be managed throughout the year to reach and maintain 85% occupancy.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, that the following parking regulations are hereby approved and adopted for use within the City of Asbury Park, and that Chapter VII, entitled “Traffic,” of the “Code of the City of Asbury Park, New Jersey,” is hereby amended and supplemented accordingly:

Section One. **Purpose.** The purpose of this Ordinance is to establish and/or revise rates, schedules and policies in certain metered and time-limit parking areas of the City as specified herein, and to permit the Asbury Park Parking Utility to establish procedures to be implemented pursuant to these policies.

Section Two. **Definitions.** As used in this Ordinance:

Bangs Avenue Parking Garage shall mean the City-controlled 75 parking spots located within the Bangs Avenue Garage (located at 605 Bangs Avenue) that will be available to the public for monthly residential permits on a first come first served basis, with Zone 4 residents who have no off-street parking option(s) available to them having right of first refusal.

CBD shall mean the Central Business District Redevelopment Area, as previously designated and defined by the City.

Custom card shall mean a card that allows use for a certain period of time, and a certain number of uses. The user can park for the maximum parking duration (of up to 15 hours) for each use.

LPR (License Plate Recognition) is an image-processing technology used to identify vehicles by their license plates.

Non-Peak Season shall mean the time period from September 16th to May 14th of each year.

Pass/Permit shall mean prepaid parking via hang tags, stickers, Personal Identification Numbers (PINS), and/or Prepaid cards (Smart cards, Custom Cards and license plate recognition (LPR)).

Peak Season shall mean the time period from May 15th to September 15th of each year.

Personal Identification Number (PIN) shall mean a unique number that is purchased in bulk (minimum of 10), and can be utilized in the same manner as a Custom card for single day or multi-day events.

Smart card shall mean a prepaid parking card denoted by dollar value. A Smart Card does not have a use restriction, and can be reloaded at a machine.

WRA shall mean the Waterfront Redevelopment Area, as previously designated and defined by the City.

Section Three. Parking Rate Schedule and Regulations for Certain On-Street Parking and Parking in City-Owned or Controlled Parking Lots.

- a. The parking rate schedule and regulations governing on-street metered parking as set forth in the attached Schedule “A” are hereby approved and adopted for use within the City. The rates and other regulations referenced in the attached Schedule “A” shall supersede those set forth in Schedule “A” as attached to Ordinance No. 2982; however, the identification/location of the streets within the CBD and WRA which are subject to metered parking shall remain the same as those identified in the prior traffic regulations.
- b. The parking rate schedule and regulations governing metered parking in certain City-owned or controlled parking lots as also set forth in the attached Schedule “A” are hereby approved and adopted for use within the City. The rates and other regulations referenced in the attached Schedule “A” shall supersede those set forth Schedule “A” as attached to Ordinance No. 2015-11 and Resolution No. 2015-217.
- c. In addition to the above, the following regulations shall be applicable:
 1. The prior 3-hour time limit for on-street permit parking along Ocean Avenue, as previously established pursuant to Ordinance No. 2982, is hereby eliminated.
 2. The \$10.00 per day option for on-street permit parking is hereby eliminated in any area(s) where metered parking is set at \$2.00 or more per hour.
 3. The Transportation Center Parking Lot (area to the south of the Transportation Center), which is a City-owned or controlled parking lot and which was previously identified in Resolution No. 2015-217, shall hereby be subject to metered parking during the hours of 9:00 a.m. to 12:00 a.m., at the rate of \$1.00 per hour and \$10.00 per day, as set forth on the attached Schedule “A.” Said lot shall be available for paid public, resident and employee parking.
 4. The Memorial Drive Parking Lot, which is another City-owned or controlled parking lot, shall hereby be subject to metered parking

during the hours of 9:00 a.m. to 12:00 a.m., at the rate of \$1.00 per hour and \$10.00 per day, as set forth on the attached Schedule “A.” Said lot shall be available for paid public, resident and employee parking.

Section Four. **Fee Schedule for Residential and Employee Permits.** The following fee schedule for residential and employee permits is hereby approved and adopted for use within the various Zones of the City (which Zones have been previously designated and which are shown on a Map which is attached hereto as Schedule “B”):

- a. Zones 1, 2, 3: \$90/year (Permit #1); \$120/year (Permit #2); \$150/year (Permit #3)*; and \$180/year (Permit #4)*.

*Only permitted in approved extenuating circumstances, such as where there exist more than two resident drivers with cars per dwelling unit, subject to City verification.

- b. Zone 4 – Bangs Avenue Parking Garage - \$75/month.
- c. Zone 4 - \$90/year (Permit #1); \$120/year (Permit #2).
- d. Additional regulations concerning residential and employee permits are set forth in Section Five below.

Section Five. **General Regulations.** The following general regulations shall be applicable within the City:

- a. The Governing Body shall be authorized to temporarily amend the parking rates set forth herein through the adoption of a Resolution for years 2016 and later. Said amendments may be based upon the results of the demand pricing model or as otherwise needed.
- b. Metered parking shall be suspended on the following holidays:
 - 1. New Year’s Day;
 - 2. Veteran’s Day;
 - 3. Thanksgiving Day;
 - 4. Christmas Day; and
 - 5. Other dates/time periods as approved by the City Council by Resolution.
- c. The metered rates set forth herein shall take effect in the respective areas when all of the following actions have been completed by the Parking Utility:

1. Striping and numbering of on-street and off-street parking spaces;
 2. Installation of meters; and
 3. Notification of public via publication in an official newspaper as required by law and posting on City website.
- d. Residential parking permits, which shall be in the form of hang tags, stickers, or license plate recognition (LPR), shall be allowed in Zones 1, 2, 3, and 4, as shown on the City Map(s) attached hereto as Schedule “B”.
1. In Zones 1, 2 and 3, all residential permits shall be limited to one (1) per dwelling unit unless the owner demonstrates a lack of garage and/or driveway area, subject to City verification. In such cases, there shall be a limit of two (2) per dwelling unit. In circumstances where additional resident drivers with cars occupy a dwelling unit, or in other approved extenuating circumstances, then up to two (2) additional permits can be awarded subject to City verification.
 2. All Zone 4 residential permits are limited to residents that demonstrate a lack of off-street parking access (garage, driveway, surface lot, or other off-street parking), subject to City verification. Access to one (1) off-street parking spot limits the resident to one (1) permit per unit dwelling. Residents with access to zero (0) off-street parking spots shall be limited to two (2) permits per dwelling unit.
- e. Employee permits shall be allowed in Zones 1, 2, 3, and 4, as shown on the City Map(s) attached hereto as Schedule “B,” with use of pre-programmed smart cards that can be purchased monthly or annually.
1. There will be a 5-day card valid Monday through Friday from 9 a.m. to 5:30 p.m. in all Zones. In Zone 4, parking is allowed on Lake Avenue between Bond Street and Heck Street, Bond Street between Summerfield Avenue and Bangs Avenue, Grand Avenue between Lake Avenue and Cookman Avenue, and the Transportation Center and Memorial Drive parking lots. In Zones 1, 2, and 3, employee parking is allowed as indicated on the City Map(s) attached hereto as Schedule “B”.
 2. A 7-day card will be valid in all locations and times as the 5-Day card but also valid on Mondays through Fridays from 5:30 p.m. to 12:00 a.m. and all day weekends/holidays. In Zone 4, during these times parking will only be allowed in the Municipal, Transportation Center, and Memorial Drive parking lots. In Zone 4, parking will also be allowed on Lake Avenue, between Grand Avenue and Heck Street, on Mondays through Thursdays from 9:00 a.m. to 12:00 a.m., during the non-peak

season. In Zones 1, 2, and 3, employee parking is allowed as indicated on the City Map(s) attached hereto as Schedule “B”.

- f. Legal proof of residence or employment shall be required for all permits. In addition, proof that the vehicle is associated with the particular dwelling unit shall be required for residential parking permits.

Section Six. **Additional Fees and Policies.** The following additional fees and policies are hereby established:

- a. The City of Asbury Park offers the following discount on the initial purchase of smart cards to encourage use by all residents. Such discounted smart cards shall be available at the headquarters of the Parking Utility.
 - 1. Fifty dollars (\$50.00) worth of parking for forth-five dollars (\$45.00).
 - 2. Seventy-five dollars (\$75.00) worth of parking for sixty-five dollars (\$65.00).
 - 3. One hundred dollars (\$100.00) worth of parking for eighty-five (\$85.00).
 - 4. Two hundred dollars (\$200.00) worth of parking for One hundred seventy dollars (\$170.00)
- b. All event parking is and will continue to be handled through the Special Events Committee.

Section Seven. **Penalties.** There shall be a penalty for violation of the within ordinance as follows:

- a. For time limit and expired metered parking for areas not covered in (b) below: thirty-six dollars (\$36.00)
- b. For expired metered parking in fifteen (15) minute zones: fifty-five dollars (\$55.00)
- c. For any other violations, the penalties shall be as prescribed in Chapter 1, Section 1-5 of the City Code, or by applicable State Statute.

Section Eight. **Signage, stickers / decals and smart cards.** The Asbury Park Parking Utility (“APPU”), under the supervision of the City Manager and his/her designee(s), is hereby authorized and directed to install appropriate signage, and to issue appropriate instructions, vehicle identification stickers/decals and smart cards, and to perform all other necessary actions, in order to effectuate the intentions of this Ordinance, as outlined in the Operations Manual of the APPU.

Section Nine. **Guidelines.** The City Manager and his/her designee(s) is hereby authorized to develop and implement guidelines concerning operational enforcement and related issues, in accordance with the policies set forth in this Ordinance. Such guidelines may include the establishment of advertising rates on the meters and establishment of various zones.

Section Ten. **Severability.** 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.

Section Eleven. **Repealer.** All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies (only). It is the express intention of the Mayor and Council that any provisions set forth in the prior traffic regulations which are not inconsistent with the provisions set forth herein shall be saved from repeal and shall remain in full force and effect.

Section Twelve. **Effective date.** This Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b), subject to the receipt of any necessary approvals from the New Jersey Department of Transportation.

Motion to Amend Ordinance 2015-55 was made by Mayor Moor and seconded by Councilman Woerner. All were in favor.

Motion made by Councilman Woerner and seconded by Mayor Moor to open the ordinance to the public. All were in favor.

The following members spoke regarding Ordinance 2015-55: none.

Motion made by Councilman Kendle and seconded by Councilwoman Clayton to close Ordinance 2015-55 to the public. All were in favor.

Motion to adopt Ordinance 2015-55.

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

2015-56 Amending and Supplementing Section 2-9, Entitled “Fire Department,” of Chapter II, “Administration,” of the “Code of the City of Asbury Park, New Jersey,” in Order to Establish a New Subsection Thereof to be Known as Subsection 2-9.14, Entitled “Fees for Lockout Services for Motor Vehicles.”

**Asbury Park, New Jersey
ORDINANCE NO. 2015-56**

**AMENDING AND SUPPLEMENTING SECTION 2-9, ENTITLED
“FIRE DEPARTMENT,” OF CHAPTER II, “ADMINISTRATION,”
OF THE “CODE OF THE CITY OF ASBURY PARK, NEW JERSEY,”
IN ORDER TO ESTABLISH A NEW SUBSECTION THEREOF
TO BE KNOWN AS SUBSECTION 2-9.14, ENTITLED
“FEES FOR LOCKOUT SERVICES FOR MOTOR VEHICLES.”**

WHEREAS, from time to time, the Asbury Park Fire Department (the “APFD”) receives requests for motor vehicle lockout service calls (the “services”); and

WHEREAS, the APFD currently does not charge a fee for said services; and

WHEREAS, the Mayor and City Council wish to establish a fee for said services and to make certain revisions to the City Code accordingly.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, that Section 2-9 entitled “Fire Department,” of Chapter II, “Administration,” of the “Code of the City of Asbury Park, New Jersey,” is hereby amended and supplemented in order to establish a new Subsection thereof to be known as Subsection 2-9.14, entitled “Fees for Lockout Services for Motor Vehicles,” as follows:

CHAPTER II

ADMINISTRATION

SECTION 2-9 FIRE DEPARTMENT

2-9.14 Fees for Lockout Services for Motor Vehicles.

The following fees are hereby established for the Fire Department of the City of Asbury Park:

a. Lockout Services for Motor Vehicles. Lockout service calls for motor vehicles shall be provided to City of Asbury Park residents at no charge up to two (2) times per calendar year. Any resident who exceeds the two (2) calls per calendar year and any non-resident shall be assessed a fifty dollar (\$50.00) charge for each lockout service call.

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

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

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

Motion made by Councilman Kendle and seconded by Deputy Mayor Quinn to open the ordinance to the public. All were in favor.

The following members spoke regarding Ordinance 2015-56: Maureen Nevin and Jerry Scarano.

Motion made by Councilman Kendle and seconded by Councilwoman Clayton to close Ordinance 2015-56 to the public. All were in favor.

Motion to adopt Ordinance 2015-56.

	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 Deputy Mayor Quinn and seconded by Council Member Woerner. All were in favor.

The meeting was adjourned.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk