

City Clerk File No. Ord. 16.092

Agenda No. 3-B 1st Reading

Agenda No. 4.B. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 16.092

TITLE: AN ORDINANCE AMENDING CHAPTER 69, (SPECIAL IMPROVEMENT DISTRICTS) ARTICLE II (CENTRAL AVENUE SPECIAL IMPROVEMENT DISTRICT)

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, N.J.S.A. 40:56-65 to 89 authorizes municipalities to create Special Improvement Districts by Ordinance; and

WHEREAS, Chapter 69 of the Jersey City Municipal Code authorizes the creation of the City's Special Improvement Districts; and

WHEREAS, Article II of Chapter 69 authorizes the creation of the Central Avenue Special Improvement District; and

WHEREAS, the Central Avenue Special Improvement District Management Corporation asked that the Municipal Council amend Article II in order to provide better clarity.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that Chapter 69, (Special Improvement Districts), Article II (Central Avenue Special Improvement District), shall be amended to read:

§ 69-15. - District established.

The Central Avenue Special Improvement District ("district") is hereby established.

§ 69-16. - District properties.

Subject to § 69-16.1 hereof, the district shall consist of all properties located on Central Avenue between Manhattan Avenue and North Street more specifically designated by tax blocks and lots and street addresses on Schedule A, attached hereto and on file in the office of the City Clerk.

§ 69-16.1. - Exempt property.

The following properties shall be exempt from the special assessment imposed on properties within the district:

- A. Properties which are used exclusively for residential purposes; and
- B. In the case of mixed-use properties, the portions of those properties used exclusively for residential purposes.

§ 69-17. - Annual assessments.

- A. All costs of development, construction and acquisition relating to the provision of improvements shall be financed by and assessed to properties especially benefited thereby, except exempt properties.

- B. All costs of improvements and maintenance, other than the costs of improvements and maintenance ordinarily incurred by the city out of general funds, shall be determined and approved pursuant to N.J.S.A. 40:56-80 or N.J.S.A. 40:56-85 as determined by the District Management Corporation.
- C. The above costs shall be collected as a special assessment against all properties within the district, except exempt properties.
- D. The Central Avenue Special Improvement District annual assessment rate cannot exceed \$15 per linear foot of all building frontage shall not exceed ten percent (10%) more than the prior year's assessment rate.

§ 69-18. - Reports; annual budget.

The Mayor, with the assistance and concurrence of the District Management Corporation, shall submit all reports and plans required by N.J.S.A. 40:56-80 and N.J.S.A. 40:56-89, together with a detailed annual budget as required by N.J.S.A. 40:56-84, to the governing body for approval.

§ 69-19. - District Management Corporation.

- A. Creation. There is hereby created the Central Avenue District Management Corporation (the "Corporation").
- B. Membership. The Corporation shall be composed of the following members: one nonvoting Council representative to be appointed by the Council, one nonvoting municipal agency head or designee appointed by the Mayor and seven Central Avenue business and/or commercial property owners to be appointed according to the bylaws of the District Management Corporation.
- C. Obligations. In addition to the obligations set forth in the Act, the Corporation shall file an annual audit of its books, accounts and financial transactions, which shall be filed with the governing body and the Division of Local Government Services pursuant to N.J.S.A. 40:56-88.
- D. Powers. In addition to the powers otherwise conferred upon it by the Act, the corporation shall have the power:
 - (1) To adopt bylaws for the regulations of its affairs and the conduct of its business and to prescribe rules, regulations and policies for the performance of its functions and duties.
 - (2) To employ such persons as may be required and fix and pay their compensation from funds available to the Corporation.
 - (3) To apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money.
 - (4) To make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the Corporation, including contracts with any person, firm, corporation, governmental agency or other entity.
 - (5) To administer and manage its own funds and accounts and pay its own obligations.
 - (6) To borrow money from private lenders or governmental entities for periods not to exceed 180 days.
 - (7) To fund the improvement of the exterior appearance of commercial properties within the district.
 - (8) To fund the rehabilitation of commercial properties in the district.
 - (9) To accept, purchase, rehabilitate, sell, lease or manage property in the district.
 - (10) To enforce the conditions of any loan, grant, sale or lease made by the Corporation; provided, however, that if the businesses in the district petition to dissolve the district, the city shall have the right to amend the current year budget and schedule fees/and or taxes in order to liquidate outstanding claims against the Central Avenue District Management Corporation.
 - (11) To provide security, sanitation and other services to the district supplemental to those normally provided by the city.

- (12) To undertake improvements designed to increase the safety or attractiveness of the district to businesses which may wish to locate there or to visitors to the district, including but not limited to litter cleanup and control, landscaping, parking areas and facilities, recreational and rest areas and facilities and those improvements generally permitted for pedestrian malls under N.J.S.A. 40:56-66, pursuant to pertinent regulations of the governing body.
- (13) To publicize the district and all of the businesses included within the district boundaries.
- (14) To recruit new businesses to fill vacancies and to balance the business mix of the district.
- (15) To organize and coordinate special business-related events in the district pursuant to pertinent regulations of the city.
- (16) To provide temporary decorative lighting to attract customers to businesses within the district boundaries.
- (17) To provide special parking arrangements for the customers of businesses within the district.
- E. Term of Corporation. The District Management Corporation and the Special Improvement District shall be dissolved in two years from their inception unless a majority of the members of the District Management Corporation voting at an annual a special meeting of the corporation vote to continue the Corporation and the Special Improvement District for an additional two five years. A vote to continue the Corporation and the district shall take place every two five years at an annual a special meeting of the corporation. If the District Management Corporation votes to continue the Corporation and the Special Improvement District, it must file a certified copy of the resolution authorizing the extension with the office of the City Clerk no later than thirty 30 days before the ordinance establishing the SID is scheduled to sunset. For purposes of this section, "members" means all commercial property owners and business owners within the district.

I. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

II. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.

III. This Ordinance shall take effect at the time and in the manner as provided by law.

IV. The City Clerk and the Corporation Counsel be and hereby are authorized and directed to change any chapter numbers, article numbers and section numbers in the event the codification of this Ordinance reveals that there is conflict between those numbers and the existing code.

NOTE: All new material is underlined; words ~~struck through~~ are to be omitted. For the purposes of advertising only, new matter is **boldface** and repealed by *italics*.

APPROVED AS TO LEGAL FORM

Certification Required ☐
Not Required ☐

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

Full Title of Ordinance

AN ORDINANCE AMENDING CHAPTER 69, (SPECIAL IMPROVEMENT DISTRICTS) ARTICLE II (CENTRAL AVENUE SPECIAL IMPROVEMENT DISTRICT)

Initiator

Department/Division	Municipal Council	Office of Councilman Michael Yun
Name/Title	Michael Yun	Councilman, Ward D
Phone/email	201-547-5485	myun@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

To make minor clarifications to the Section of the Municipal Code authorizing the Central Avenue SID.

I certify that all the facts presented herein are accurate.

Michael Yun

Date

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 16.092
TITLE: 3.B May 25 2016 4.B

JUN 15 2016

An ordinance amending Chapter 69, (Special Improvement Districts) Article II (Central Avenue Special Improvement District.)

RECORD OF COUNCIL VOTE ON INTRODUCTION MAY 25 2016 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
				OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JUN 15 2016 9-0											
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
HALLANAN	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
HALLANAN				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JUN 15 2016 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
HALLANAN	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAY 25 2016
Adopted on second and final reading after hearing on JUN 15 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUN 15 2016

(Robert Byrne, City Clerk)

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date JUN 15 2016

APPROVED:

Steven M. Fulop, Mayor
JUN 17 2016

Date

Date to Mayor JUN 16 2016



"A Tradition Reborn"

CENTRAL AVENUE

S.I.D. MANAGEMENT CORPORATION

366 Central Avenue, Suite 201 Jersey City, NJ 07307

Ph: (201) 656-1366

Fx: (201) 656-4037

www.CentralAveSID.org

BOARD OF TRUSTEES

Sanford Fishman, *President*

Joseph Nachbaur, *Vice President N*

Gilbert Mendez, *Vice President S*

Sergio Ferreira, *Treasurer*

Gary Solomon, *Secretary*

Eddy Gallo, *Trustee*

Grace Cutri, *Trustee*

Resolution No. 2016-06-1

RESOLUTION REQUESTING AMENDMENTS TO THE JERSEY CITY MUNICIPAL CODE TO MODIFY THE ASSESSMENT CAP AND SUNSET CLAUSE FOR THE CENTRAL AVENUE SPECIAL IMPROVEMENT DISTRICT

THE TRUSTEES OF THE CORPORATION OFFERED AND MOVED ADOPTION OF THE FOLLOWING RESOLUTION:

WHEREAS, in 1992 the City of Jersey City approved City Ordinance 92-087 establishing the Central Avenue Special Improvement District as the first Improvement District program in Jersey City; and

WHEREAS, under N.J.S.A 40:56-83 b. 11, The District Management Corporation shall have all powers necessary and requisite to effectuate its purposes, including, but not limited to, the power to provide services to the district, supplemental to those provided normally by the municipality;

WHEREAS, in 1992 the majority of stakeholders within the District supported a hard cap on the SID assessment set at \$15.00 per linear foot of the building frontage; and

WHEREAS, the stakeholders within the District had the vision to determine the importance of a SID assessment cap eighteen (18) years ahead of the State of New Jersey's municipal property tax cap legislation enacted in 2010; and

WHEREAS, the SID assessment cap of \$15.00 was reached in 2005; and

WHEREAS, the \$15.00 SID assessment cap has been a very effective tool for 24 years resulting in one of the lowest SID assessment rates in the State of New Jersey and the lowest of the five (5) Improvement District programs in Jersey City (Journal Square = \$40.16; Historic Downtown = \$23.94; Jackson Hill = \$19.35; McGinley Square = \$15.29); and

WHEREAS, the total SID assessment collection on Central Avenue is \$92,370 which is the second lowest in Jersey City (Journal Square = \$708,019; Historic Downtown = \$240,000; Jackson Hill = \$212,200; McGinley Square = \$72,336); and

WHEREAS, under N.J.S.A. 40-56-80 and pursuant to the bylaws of the Corporation, the annual budget (including any increases or decreases in the assessment) must be adopted by the general membership at the Annual Meeting of the Corporation before being submitted to governing body (Municipal Council) for approval; and

WHEREAS, in 1992 businesses and/ or property owners located within the District also supported a Term of the Corporation (sunset clause) to dissolve the District and Corporation unless a majority of members of the Corporation voting at an annual meeting vote to continue to the District and Corporation for an additional two years; and

WHEREAS, pursuant to Chapter 69-19. E, in the Code of the City of Jersey City, NJ, the District and Corporation has been continued by a majority vote twelve (12) consecutive times between 1992 and 2016; and

WHEREAS, the Central Avenue Special Improvement District is distinguished as the only Improvement District program in Jersey City with an assessment cap or a sunset clause; and

WHEREAS, pursuant to the bylaws of the Corporation, the business and affairs of the Corporation shall be managed by a Board of nine (trustees), seven (7) elected from the Members by the Members who shall be voting trustees and two (2) appointed by the City of Jersey City who shall be non-voting Trustees. The seven (7) voting Trustees shall be of the Corporation and elected for a term of two (2) years; and

WHEREAS, the Trustees of the Corporation hereby determine the following:

1. The Central Avenue Special Improvement District continues be an integral, vital economic and social aspect of the community therefore benefits the whole of Jersey City;
2. The needs of the District, and the surrounding community it serves, continues to evolve demanding innovation and new investment;
3. The cap on the assessment is an important tool to responsibly constrain program costs but should not prevent the District from growing or achieving its goals;
4. The sunset clause is an added safeguard that keeps the District and Corporation accountable to all its members by allowing grievances to be expressed through a vote;
5. The District and Corporation is better served by exercising its sunset clause every five years which will encourage effective strategic planning, better long term solutions, and a more cost efficient program; and

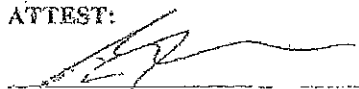
NOW, THEREFORE BE IT RESOLVED, the Central Avenue Special Improvement District Management Corporation Board of Trustees requests an Ordinance of Jersey City, NJ amending Chapter 69, (Special Improvement Districts) Article II (Central Avenue Special Improvement District) to clarify and incorporate the following:

1. **SID Assessment Cap:** The Central Avenue Special Improvement District annual assessment rate shall not exceed ten percent (10%) more than the prior year's assessment rate.

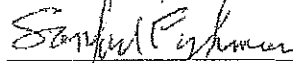
2. **Sunset Clause:** Term of the Corporation. The District Management Corporation and the Special Improvement District shall be dissolved in two years from their inception unless a majority of the members of the District Management Corporation voting at a special meeting of the corporation vote to continue the Corporation and the Special Improvement District for an additional five years. A vote to continue the Corporation and the district shall take place every five years at a special meeting of the corporation. If the District Management Corporation votes to continue the Corporation and the Special Improvement District, it must file a certified copy of the resolution authorizing the extension with the office of the City Clerk no later than thirty 30 days before the ordinance establishing the SID is scheduled to sunset. For purposes of this section, "members" means all commercial property owners and business owners within the district.

PASSED and adopted on this 7 day of June, 2016.

ATTEST:


Gary Solomon, Secretary
(Seal)

APPROVED:


Sanford Fishman, President

Record of Trustee Vote on Final Passage			
TRUSTEE	AYE	NAY	N.V.
CUTRI	✓		
FERREIRA	✓		
FISHMAN	✓		
GALLO	✓		
MENDEZ	✓		
NACHBAUR	✓		
SOLOMON	✓		
TOTAL =	7	0	0

✓ INDICATES VOTE

N.V. - NOT VOTING (Abstain)