



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 0-18-25

AN ORDINANCE AMENDING CHAPTER 17 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS THAT ESTABLISHED A BUSINESS IMPROVEMENT DISTRICT WITHIN THE BOROUGH OF HIGHLANDS

WHEREAS, the Borough of Highlands, by Ordinance O-11-9 and codified in Chapter XVII of the Code of the Borough of Highlands, established a business improvement district, which Ordinance has been extended until its current expiration date of December 31, 2020; and

WHEREAS, the Borough of Highlands finds that it is in its best interest to amend Chapter 17 of the Borough Code to address additional procedural requirements for the business improvement district.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION ONE: Chapter XVII of the Revised Borough Code of the Borough of Highlands shall be amended as follows (underscores represent additions; strikethroughs represent deletions):

CHAPTER XVII BUSINESS IMPROVEMENT DISTRICT

17-1 DEFINITIONS.

[NO CHANGE]

17-2 FINDINGS.

The Mayor and Council find and declare:

a. That the area within the Borough of Highlands, as described by lot and block number, and by street addresses as set forth in Schedule A of this chapter, will benefit from being designated as a Business Improvement District.

b. The rental apartments containing five (5) or more units on the attached Schedule A as Class 4C are hereby included within the Special Improvement District as established by this chapter, provided, however, that no assessment shall be collected from Shore Landings, L.L.C.

unless the decision of the Superior court, Law Division in Shore Landings v. Borough of Highlands is modified or reversed by appeal or agreement.

~~**All the properties included on Schedule A as Class 4 income producing properties hereto are hereby deemed to be included within the Special Improvement District as established by this chapter.**~~

c. That a District Management Corporation would provide administrative and other services to benefit the businesses, employees, residents and consumers in the Business Improvement District. These services shall be over and above the services already provided to the District by the Borough.

d. That a special assessment shall be imposed and collected by the Borough with the regular property tax payment or payment in lieu of taxes or otherwise, and that all of these payments shall be transferred to the District Management Corporation to effectuate the purposes of this chapter and to exercise the powers given to it by this chapter.

e. That it is in the best interests of the municipality and the public to create a Business Improvement District and to designate a District Management Corporation.

f. That the business community should be encouraged to provide self-help and self-financing programs to meet local business needs, goals and objectives.

17-3 CREATION OF DISTRICT.

[NO CHANGE]

17-4 APPEAL OF PROPERTY OWNER FROM INCLUSION IN THE DISTRICT.

[NO CHANGE]

17-5 ASSESSMENTS.

[NO CHANGE]

17-6 DESIGNATED DISTRICT MANAGEMENT CORPORATION.

[NO CHANGE]

17-7 POWERS AND DUTIES OF THE DESIGNATED DISTRICT MANAGEMENT CORPORATION.

The District Management Corporation, in addition to acting as an advisory board to the Mayor and Council, shall have all powers and responsibilities necessary and requisite to effectuate the purposes of this chapter and the District, including, but not limited to:

a. Adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules, regulations and policies in connection with the performance of its functions and duties; the bylaws and other corporate documents shall provide that the corporation shall conduct its business in accordance with the Open Public Meeting Law; shall conduct regular meetings no less than quarterly and that the Board of Directors shall consist of **no less than fourteen (14) and no more than** twenty-one (21) members. As to the membership of the Board of Directors it shall include (1) a member of the Governing Body selected by the Governing Body; (2) a member of the Borough Planning Board selected by the Governing Body; (3) one (1) resident of the Borough who shall not be an owner or occupant of commercial property within the District. All of these appointments shall serve at the pleasure of the appointing authority.

~~***Additionally the Board of Directors shall consist of one (1) nonvoting member appointed from bodies such as:***~~

- ~~1. _____ ***Northern Monmouth Area Chamber of Commerce***~~
- ~~2. _____ ***Gateway National Park***~~
- ~~3. _____ ***Twin Lights Historic State Park***~~
- ~~4. _____ ***Not named***~~

b. ~~***The members appointed by these bodies shall serve at the pleasure of the appointing body.***~~ The remaining ***fourteen (14)*** members of the Board of Directors shall consist of owners or occupants of commercial property located within the District. The Mayor and Council will designate the BID Steering Committee members to carry on the duties of the nonprofit corporation, to include securing corporate and nonprofit status and creation of bylaws, form a nominating and election committee, utilize technical assistance of the League of Women Voters. The BID Committee shall not expend or commit any District Management Corporation funds without a simple majority vote of BID Committee members. The bylaws shall provide for an election to create the Board of Directors by owners and/or occupants of commercial property included within the District, which election shall be held on or before the third month anniversary from the date of the adoption of the chapter (this chapter was adopted May 5, 1999 by Ordinance No. O-99-06). Said elections will be for a term of three (3) years, except, however, at the first election five (5) members shall be elected for one (1) year; four (4) members shall be elected for two (2) years and five (5) members shall be elected for three (3) years. Any vacancies with regard to these elected members shall be filled by a majority vote of the Board members for the balance of the term. ***The Board of Directors shall also elect a President, Vice President, and Treasurer to two (2) year terms. There shall be no limit to the overall number of terms served, however the President, Vice President, and Treasurer shall not serve more than two (2) consecutive terms.***

c. The Designated District Management Corporation shall also:

1. Employ such persons as may be required, and fix and pay their compensation from funds available to the corporation.
2. Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money.
3. 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.
4. Administer and manage its own funds and accounts and pay its own obligations.
5. Borrow money from private lenders for periods not to exceed one hundred eighty (180) days and from governmental entities for that or longer periods.
6. Fund the improvement for the exterior appearance of properties in the District through grants or loans. Standards for eligibility and standards for terms of such grants and loans shall be established by the Board of Directors.
7. Fund the rehabilitation of properties in the District through grants or loans. Standards for eligibility and standards for terms of such grants and loans shall be established by the Board of Directors.
8. Accept, purchase, rehabilitate, sell, lease or manage property in the District.
9. Enforce the conditions of any loan, grant, sale or lease made by the corporation.
10. Provide security, sanitation and other services to the District, supplemental to those provided normally by the municipality.
11. Undertake improvements designated 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, pursuant to pertinent regulations of the Borough of Highlands.
12. Publicize the District and the businesses included within the District boundaries.
13. Recruit new businesses to fill vacancies in, and to balance the business mix of, the District.
14. Organize special events in the District.
15. Provide special parking arrangements for the District.
16. Provide temporary decorative lighting in the District.

17. Solicit at least two (2) price quotations for any expenditure over \$5,000.

18. Advertise for bids for any expenditure over \$15,000. Such advertisement process shall comply with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. Any such expenditure shall be awarded to the lowest responsible bidder unless otherwise required by statute.

19. Comply with government standards accounting.

20. Appear annually at a public meeting before the governing body to answer any questions from the governing body and from the public. This meeting shall be held in May upon publication of notice in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

17-8 ANNUAL BUDGET, HEARING AND ASSESSMENTS.

[NO CHANGE]

17-9 ANNUAL AUDIT OF DISTRICT MANAGEMENT CORPORATION.

The District Management Corporation shall cause an annual audit of its books, accounts and financial transactions to be made and filed with the Mayor and Council and for that purpose the corporation shall employ a certified public accountant of New Jersey. **The annual audit shall be in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards.** The annual audit **and an accompanying management report** shall be completed and filed with the Governing Body within four (4) months after the close of the fiscal year of the corporations, and a certified duplicate copy of the audit shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs within five (5) days of filing of the audit with the Mayor and Council. **The District Management Corporation shall report out on the annual audit to the Highlands governing body no later than the second public meeting in May.**

17-10 ANNUAL AND QUARTERLY REPORTS TO MUNICIPALITY.

a. The district management corporation shall, within thirty (30) days after the close of each fiscal year, make an annual report of its activities for the preceding fiscal year to the Mayor and Clerk of the Borough.

b. **The district management corporation shall make quarterly reports of its activities for the preceding quarter to the Mayor and Clerk of the Borough. The quarterly report shall set forth all actual expenditures incurred by the district management corporation. The**

quarterly reports must also summarize how the district management corporation has met the elements of its duties as provided in Section 17-7(c) and the purposes as set forth in Section 17-14.1. Quarterly reports shall be due to the Mayor and Clerk of the Borough on April 1, July 1, October 1, and January 1 of each year.

17-11 MUNICIPAL POWERS RETAINED.

[NO CHANGE]

17-12 SEVERABILITY.

[NO CHANGE]

17-13 EFFECTIVE DATE.

[NO CHANGE]

17-14 DOWNTOWN BUSINESS IMPROVEMENT ZONE (~~D-B12~~) (D-BIZ).

[NO CHANGE]

SCHEDULE A
(Section 17-2)

Block	Lot	Qual Class	Property Location
<u>1</u>	<u>11</u>	<u>4C</u>	<u>88 PORTLAND ROAD</u>
<u>6</u>	<u>8</u>	<u>4C</u>	<u>47-49 SOUTH BAY AVENUE</u>
7	1	4C	44 SOUTH BAY AVENUE
8	1	4A	42 SOUTH BAY AVENUE/RIPAR
9	5	4A	PORTLAND & BRIDGE
<u>9</u>	<u>6.01</u>	<u>1</u>	<u>MONUMENT PLACE</u>
<u>9</u>	<u>7</u>	<u>4</u>	<u>1 SOUTH BAY AVENUE</u>
<u>10</u>	<u>2</u>	<u>2</u>	<u>108 HILLSIDE AVENUE</u>

*** FAILED ADOPTION 12/19/2018 ***

11	18	4A	NEW RD & GRAND TOUR
14	1.01	4A	PORTLAND ROAD
20	1	4A	1 NAVESINK AVENUE
34	8	4A	1 WOODLAND STREET
35	17	4C	82 VALLEY AVENUE
38	3	4A	36 NAVESINK AVENUE
38	4	4A	30 NAVESINK AVENUE
38	5	4A	26 NAVESINK AVENUE
38	6	4A	22 NAVESINK AVENUE
38	8	4A	2 NAVESINK AVENUE
38.01	11.01	4A	1 BAY AVENUE
38.01	12	4A	15 BAY AVENUE
38.01	13	4A	19 BAY AVENUE
38.01	15.01	4A	23 BAY AVENUE
38.01	16	1	49 BAY AVENUE
39	7.01	4A	34 BAY AVENUE
39	8	4A	26 BAY AVENUE (DOCK)
39	9	4A	24 BAY AVENUE
39	10	4A	18 BAY AVENUE
39	12	4A	12 BAY AVENUE
39	14	4A	2 BAY AVENUE
39	15	4A	2 SOUTH BAY AVENUE
40	11.02	4A	EXTENSION OF FIRST ST
40	15.01	4A	116 NAVESINK AVENUE
40	18.19	4C	MILLER STREET
41	8	4A	75 BAY AVENUE
41	9	4A	BAY AVENUE
42	10	4A	88 BAY AVENUE

*** FAILED ADOPTION 12/19/2018 ***

42	13	4A	78 BAY AVENUE
42	15	4A	68 BAY AVENUE
45	4.01	4A	102 BAY AVENUE
45	6.01	1	98 BAY AVENUE
45	7	1	92 BAY AVENUE - KAY STREE
46	1	4A	103-107 BAY AVENUE
46	2	4A	111 BAY AVENUE
46	3	4A	123 BAY AVENUE
46	7	4C	143 BAY AVENUE
47	6	4A	132 BAY AVENUE
47	7	4A	130 BAY AVENUE
47	8	4A	128 BAY AVENUE
47	9	4A	126 BAY AVENUE
47	11	4A	122 BAY AVENUE
47	12	4A	120 BAY AVENUE
48	1	4C	45 CENTER STREET
48	7	4A	30 JACKSON STREET
50	1	4A	52 SHREWSBURY AVENUE
50	2	4A	52 SHREWSBURY AVENUE
50	4	4A	56 SHREWSBURY AVENUE
51	2	4A	3 CORNWALL STREET
52	2	4A	140 BAY AVENUE
53	2	4C	65 MILLER STREET
53	8	4A	157 BAY AVENUE
53	9	4A	151 BAY AVENUE
54	1	4A	150 BAY AVENUE
54	3.01	4A 2	146-148 BAY AVE
54	4	4A	144 BAY AVENUE

*** FAILED ADOPTION 12/19/2018 ***

54	24.01	4A	11-13 MILLER STREET
55	1	4A	70 SHREWSBURY AVENUE
55	4.01	4A	88 SHREWSBURY AVENUE
56	14	4C	18 FIFTH STREET
56	15	4C	22-24 FIFTH STREET
56	16	4C	26 FIFTH STREET
<u>58</u>	<u>1</u>	<u>4A</u>	<u>154 BAY AVENUE</u>
58	18	4A	190 BAY AVENUE
58	19	4A	188 BAY AVENUE
58	23.01	4A	182 BAY AVENUE
58	24	4A	170 BAY AVENUE
58	25	4A	168 BAY AVENUE
58	26	4A	164 BAY AVENUE
59	9	4A	165 BAY AVENUE
<u>60</u>	<u>7.01</u>	<u>4A</u>	<u>SHORE DRIVE</u>
<u>63</u>	<u>5</u>	<u>2</u>	<u>197 BAY AVENUE</u>
63	7	4A	205 BAY AVENUE
63	19.01	4A	231 BAY AVENUE
64	1	4A	196 BAY AVENUE
64	24	4A	214 BAY AVENUE
64	28.01	4A	208 BAY AVENUE
66	10	4C	58 FIFTH STREET
66	12	4A	62 FIFTH STREET
69	4.01	4A	242 BAY AVENUE
69	13	4A	ATLANTIC STREET
72	8	4A	FT OF ATLANTIC ST
72	9.012	4A	MARINA ON THE BAY
72	11.01	4A	270 BAY AVENUE

*** FAILED ADOPTION 12/19/2018 ***

72	12	4A	272 BAY AVENUE
<u>73</u>	<u>2</u>	<u>2</u>	<u>SEADRIFT AVENUE</u>
74	9	4A	277 BAY AVENUE
75	1	4C	274-276 BAY AVENUE
81	10.01	4A	295 BAY AVENUE
82	1.01	4A	297-299 BAY AVENUE
82	5.01	4C	83 HUDDY AVENUE
83	1	4A	300 BAY AVENUE
84	2.01	4A	MARINE PLACE
88	1.01	4A	311 BAY AVENUE
88	3	4A	71 WATERWITCH AVENUE
88	4.01	4A	67-69 WATERWITCH AVENUE
88	5	4A	321 BAY AVENUE
89	1	4A	310 BAY AVENUE
96	3	4A	409 BAY AVENUE
100	27	4A	326 SHORE DRIVE
100	27.06	4C	SHORE LANDING APARTMENTS
101	12.01	1	348 SHORE DRIVE
101	14	4A	354 SHORE DRIVE
101	<u>27.03</u>	4A	WILLOW STREET
101	30	4A	LOCUST ST
105.107	1.1	4A	SHADOW LAWN TRAILER PARK
108	1.01	4A	<u>440 NAVESINK AVENUE</u> 450 STATE HIGHWAY 36, also known as 450 NAVESINK AVE.
108	2.04	4A	470 STATE HIGHWAY 36, also known as 470 NAVESINK AVE.
114	1.01	4A	301 SHORE DRIVE
114	1.02	4A	SHORE DRIVE
116	11	4A	404 NAVESINK AVE
116	13	4A	410 NAVESINK AVENUE

116	14	4A	426 NAVESINK AVENUE
120	8.04	4A	254 NAVESINK AVENUE

SECTION TWO. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION THREE. REPEALER.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION FOUR. EFFECTIVE DATE.

This ordinance shall take effect on January 1, 2019.

MOTION to Introduce Ordinance 18-25:

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL					X	
BROULLON			X			
D'ARRIGO				X		
RYAN		X	X			
O'NEIL	X		X			

I, Bonnie Brookes, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held December 5, 2018. WITNESS my hand this 6th day of December 2018.


Bonnie Brookes, RMC
Municipal Clerk

MOTION to Adopt Ordinance 18-25:

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL					X	
BROULLON	X			X		
D'ARRIGO						X
RYAN		X		X		
O'NEIL				X		

I, Bonnie Brookes, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held December 19, 2018. WITNESS my hand this 20th day of December 2018.


Bonnie Brookes, RMC
Municipal Clerk