

CALENDAR
for
SPECIAL MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
WEDNESDAY, MAY 30, 2018

PUBLIC HEARING: For the purpose of giving citizens an adequate opportunity to publicly present their views on the General Summary of the Capital Improvement Program for the Five-Year Period from July 1, 2018 to June 30, 2023.

PUBLIC HEARING: For the purpose of giving citizens an adequate opportunity to publicly present their views on the General Summary of the Proposed Budget for the year July 1, 2018 through June 30, 2019.

1. Resolution Authorizing the Adoption of a Capital Improvement Program for Five Years from July 1, 2018 to June 30, 2023, Inclusive.
2. Resolution Authorizing the Adoption of the Budget for the Fiscal Year Commencing July 1, 2018 and Ending June 30, 2019, Appropriating Sums Set Forth Therein and Determining and Fixing the Real Estate Tax Levy.
3. Resolution Authorizing the City Manager to Purchase Recreation, Youth & Family Services and Lifeguard T-Shirts, Sweatshirts, Sweatpants, Jackets and Hats from the Lowest Responsible Bidders.
4. Resolution Re-Scheduling Publication for Hearing, and Re-Scheduling the Public Hearing, Regarding an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Garbage and Refuse.
5. Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Special Events.

May 30, 2018

Item No. 1
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Adoption of a Capital Improvement
Program for Five Years from July 1, 2018 to June 30, 2023, Inclusive.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York,
that the Capital Improvement Program for the five year period from July 1, 2018 to June 30,
2023, inclusive, which is on file in the Office of the City Clerk, be and the same is hereby
adopted.

May 30, 2018

Item No. 2
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Adoption of the Operating Budget for the Fiscal Year Commencing July 1, 2018 and Ending June 30, 2019, Appropriating Sums Set Forth Therein and Determining and Fixing the Real Estate Tax Levy.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York, as follows:

Sec. 1. The Operating Budget of the City of Long Beach for fiscal year commencing July 1, 2018 and ending June 30, 2019, providing for the expenditure of \$111,796,778 and the Personnel Schedule, all of which are attached hereto and made a part hereof, are in all respects adopted, confirmed, fixed and determined.

Sec. 2. The sums of money designated in the Operating Budget as appropriations for the fiscal year commencing July 1, 2018 and ending June 30, 2019, and the sums of money set forth for debt service and capital outlay are hereby appropriated and authorized to be expended for debt service and current expenses of the departments, agencies and purposes enumerated therein, in such manner as may be provided by law.

Sec. 3. The amount of real estate taxes required in addition to such other current revenues and other receipts is hereby determined to be \$41,270,324. The rate of tax required to produce such amount is determined to be \$18.5980 per \$100 assessed valuation, as shown on the Assessment Roll last completed for Homesteading properties, and \$25.9460 per \$100 of assessed valuation as shown on the Assessment Roll last completed for non-Homesteading properties. The said Assessment Roll is in all respects confirmed.

Sec. 4. The Council hereby directs that the said amount be levied and raised by an ad valorem tax on all of the taxable property in the City according to the valuation on the last completed Assessment Roll.

Sec. 5. The City Manager is hereby directed to cause the amount heretofore directed to be levied and raised, and to extend such tax and issue the warrant required by law for the collection of same.

Sec. 6. The City Manager is hereby authorized to allocate the expending and/or encumbering of appropriations on a monthly, quarterly or other basis to assure availability of appropriations throughout the fiscal year.

Sec. 7. This Resolution shall be determined to repeal any inconsistent provision of the personnel schedule or roster.

Sec. 8. This Resolution shall take effect immediately.

May 30, 2018

Item No. 3
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Purchase Recreation,
Youth & Family Services and Lifeguard T-Shirts, Sweatshirts,
Sweatpants, Jackets and Hats from the Lowest Responsible Bidders.

WHEREAS, after due advertising therefore, bids were received in the Office of the City Purchasing on Thursday, May 10, 2018 at 11:30 a.m. for the purchase of various t-shirts, sweatshirts, sweatpants, jackets and hats for the Recreation, Youth & Family Services, and Lifeguard Departments, as per specifications on file in the Office of the City Purchasing Agent and the following named firms were the lowest responsible bidders in each instance;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and he hereby is authorized to purchase from the following lowest responsible bidders in accordance with specifications on file in the Office of the City Purchasing Agent, on an "as needed" basis for a period of one year, various t-shirts, sweatshirts, sweatpants, jackets and hats at various prices according to sizes and artwork, as per bid:

Five Bees d/b/a E-Van Creations, 54 S. Long Beach Road, Rockville Centre, New York 11569 - white and colored long sleeve t-shirts; baseball caps; yellow short sleeve t-shirts; Dry Blend adult jersey sport shirts; Lifeguard men's and women's wicking tank tops; and

Front Nine Capital LLC d/b/a Star Screen, 260 W. Nyack Road, West Nyack, New York 10994 – white and colored tank tops; white and colored short sleeved t-shirts; Dry Blend Classic Fit adult and youth t-shirts; and

Lacrosse Unlimited, 59 Gilpin Avenue, Hauppauge, New York 11788 – classic fleece pants; adult Hi-Vis jackets; adult size fusion pullover jackets; Lifeguard tank tops (navy and white); Lifeguard short sleeve navy and white t-shirts; Lifeguard long sleeve t-shirts (navy and white); Sofee low-rise women's shorts; drawstring backpacks; Lifeguard adult pocketed sweatpants; Lifeguard rain gear; short sleeve collared Featherlite shirts; Polytech polo shirts; polytactical short sleeve polo shirts; and

Riddell, 7501 Performance Lane, North Ridgeville, OH 44039 – Badger B-Core t-shirts; youth reverse weave hooded sweatshirts; and

Van Vliet Ent., Inc. d/b/a Special Tees, 57 Main Street, Geneseo, NY 14454 – adult dedication jackets; pack-n-go pullover jackets; Adirondack fleece pullovers; Nor'Easter jackets; fleece vests; women's legend windshirts; men's windshirts; Lifeguard hooded sweatshirts; adult classic fit DryBlend long sleeve t-shirts; youth sized reverse weave crew sweatshirts; adult sized reverse weave hooded sweatshirts; roller hockey jerseys; and snap front coach's jackets; and

WB Mason, 90 Nicon Court, Hauppauge, NY 11788 – adult sized reverse weave crew sweatshirts; knit caps; Flexfit wooley visors; short sleeve white collar shirts; windward jackets; and Lifeguard 6-panel twill caps.

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Item No.3
Resolution No.

Funds are available now and will be available in fiscal year 2018-2019 in Account Nos. A7140.54410 (Recreation-Supplies & Materials), A7310.54410 (Youth & Family Services-Supplies & Materials) and A7186.54419 (Lifeguards-Uniforms).

May 30, 2018

Item No. 4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Re-Scheduling Publication for Hearing, and
Re-Scheduling the Public Hearing, Regarding an Ordinance
to Amend the Code of Ordinances of the City of Long
Beach Re: Garbage and Refuse.

WHEREAS, pursuant to Resolution No. 51/18, duly adopted on May 15, 2018,
the public hearing for the below proposed Ordinance was scheduled for June 5, 2018; and

WHEREAS, the City Council desires to reschedule said Public Hearing from June
5, 2018 to June 19, 2018; and

WHEREAS, there has been presented to this Council the following proposed
Ordinance:

“ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE
CITY OF LONG BEACH RE: GARBAGE AND REFUSE.”

(See Ordinance Attached)

NOW, THEREFORE, be it

RESOLVED, that the Public Hearing scheduled for June 5, 2018 for said
proposed Ordinance is hereby cancelled; and be it further

RESOLVED, by the City Council of the City of Long Beach, New York, that the
City Clerk shall cause to be published in the official newspaper of the City of Long Beach the
title, and a summary or the full text of said Ordinance; and be it further

RESOLVED, that said Ordinance shall be on the calendar for public hearing at a
meeting of the City Council to be held at City Hall, 1 West Chester Street, Long Beach, New
York, on June 19, 2018 at 7:00 p.m. on that day.

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: GARBAGE AND REFUSE.

BE IT ENACTED, by the City Council of the City of Long Beach, New York, as follows:

Sec.1. Chapter 12, Article II, Division 1, Section 12-24(a) of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby amended to read as follows:

“Sec. 12-24. Sanitation charges for collection of garbage imposed on residential properties.

(a) The owner or owners of every parcel of real property in the city in which one (1) or more residential units is or are located shall pay to the city annually in advance one-half (1/2) on July 1 of each year, beginning **July 1, 2018**, and one-half (1/2) on January 1 of each year, beginning **January 1, 2019**, sanitation charges in the amount of **six hundred and five dollars (\$605.00)** for each residential unit contained in such parcel of property for the collection of garbage, paper and refuse from said premises.”

Sec. 2. This Ordinance shall take effect immediately.

May 30, 2018

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of an
Ordinance to Amend the Code of Ordinances of the City
of Long Beach Re: Special Events.

WHEREAS, pursuant to the City's Charter, all Code amendments require
publication in the official newspaper of the City and a public hearing to be held following said
publication, thereby requiring two council meetings to amend the City Code; and

WHEREAS, there has been presented to this Council the following proposed
Ordinance:

“ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: SPECIAL EVENTS.”
(See Ordinance Attached)

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the
City Clerk shall cause to be published in the official newspaper of the City of Long Beach the
title, and a summary or the full text of said Ordinance; and be it further

RESOLVED, that said Ordinance shall be on the calendar for public hearing at a
meeting of the City Council to be held at City Hall, 1 West Chester Street, Long Beach, New
York, on June 19, 2018 at 7:00 p.m. on that day.

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: SPECIAL EVENTS.

BE IT ENACTED, by the City Council of the City of Long Beach, New York, as follows:

Sec.1. Chapter 14, Article XV of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby repealed, revoked and rescinded, and the following Article XV is hereby adopted and enacted in place and stead of said Article, to read as follows:

“ARTICLE XV. SPECIAL EVENTS

Sec. 14-310. Legislative intent.

The intent and purpose of this Article is to establish a process for permitting the use of City property, streets, facilities or services and to establish reasonable regulations governing the time, place and manner for the holding of certain activities defined as “special events”.

It is the intent of the City to regulate special events; to provide a coordinated process for applicants in regard to the granting or denial of a special event permit; to protect the rights and interests of the residents of the City; and to recoup any costs borne by the City during the special event, to include, but not be limited to: the use of personnel, consultants, equipment and supplies, sanitation (litter and debris clean-up) and utilities.

Sec. 14-311. Definitions.

As used in this article the following words and phrases shall have the meanings assigned:

Amusement ride. Any kind of machine, apparatus or device which is designed or used to propel, project or move a person through the air, along the ground or otherwise, and shall include a carousel, Ferris wheel, gravity steeplechase, scenic railway, parachute jump and other similar machinery and rides customarily associated with amusements or carnivals.

Athletic event. **An organized competitive or recreational event in which a group of people collectively engage in a sport or comparable activity on any City street or other City property.**

Building. **A structure wholly or partially enclosed within exterior or party walls, containing a roof and a single standalone foundation, affording shelter to persons, animals or property.**

Charitable or religious event or activity. Any special event conducted by a charitable or nonprofit organization which is either duly registered or exempt from registration with the Board of Social Welfare of the State of New York in accordance with the provisions of the Social Welfare Law, or by a religious corporation or property owned or leased by it for its own charitable fund-raising purposes and utilizing its own members as operating personnel and conducted in compliance with all rules and regulations of the State of New York, or any subdivision thereof, and the applicable provisions of this article.

City. The land area located within the boundary of the City of Long Beach under the jurisdiction of the Long Beach City Council.

City Clerk. The City Clerk of the City of Long Beach, **and/or his or her designee.**

***Festival.* A thematic, organized celebration, performance, exhibition or competition occurring upon public or private property, or a combination of private and public property, as a result of a private non-governmental event organizer, during which commerce may occur, for a defined period of time, advertised and promoted inside or outside the City, that will, in the determination of the City, have an impact on City resources, due to the anticipated amount of people attending.**

***Parade.* Any march, race, presentation, ceremony, pageant or procession of any persons and conveyances of any sort moving upon any public street or sidewalk of the City, which is inconsistent with normal traffic regulations.**

Person. Any individual, firm, partnership, corporation, association, company or organization of any kind.

***Special event.* Any athletic event, entertainment event, filming event, demonstration (political or otherwise) or other organized event, whether held for profit, nonprofit, or charitable purposes, that involves the use of streets, sidewalks, parks or other City property in a way that is inconsistent with normal or usual traffic, pedestrian, park or similar laws, rules, regulations or controls. A special event has a specific start and stop date. Examples of special events include, but are not limited to: concerts, parades, circuses, fairs, festivals, filming, automobile or motorcycle shows, community events, marathons and running events, bicycle races or tours, as well as participant and/or spectator sports, such as volleyball, surfing, boat races, beach polo, beach soccer, beach tennis, football, basketball, baseball and hockey games.**

***Special event permit.* A permit or instrument granted or issued by the City Clerk pursuant to the provisions of this article.**

***Temporary structure.* Structures built or erected for shelter, shade or enclosure of persons, animals, or property of any kind, including but not limited to tents.**

Sec. 14-312. Permit required.

It shall be unlawful for any person, corporation, partnership, association or other entity, public or private, to conduct a special event in the City unless there is compliance with the following provisions:

(a) A special event permit issued by the City Clerk shall be required in order to conduct a special event, except that no such permit shall be required for a charitable or religious event or activity conducted wholly within a building which complies with the provisions of the building and zoning requirements of the City's Code of Ordinances and the **New York State** laws, rules and regulations relating to places of public assembly.

(b) Amusement rides may be permitted in any special event, including a charitable or religious event or activity, only upon compliance with the following:

- (1) Amusement rides shall not exceed six (6) per acre of vacant land.**
- (2) Compliance with the applicable provisions of the New York State Labor Law and Industrial Board.**
- (3) Compliance with the applicable provisions of the City's Code of Ordinances.**
- (4) Any time, place and manner restrictions set forth in the relevant permit, including but not limited to any restrictions relating to duration.**

(c) Notwithstanding Section 9-112 of the Code of Ordinances, the City Clerk may issue a permit allowing for the temporary placement of tents in parking lots during Special Events, considering the impact (if any) said tent(s) may or will have on public safety, and other quality of life concerns. Issuance of such permits is subject to and conditioned upon:

- (1) the Building Commissioner's separate determination that the proposed tent(s) is/are fully compliant with all applicable New York State and/or City of Long Beach laws, rules and regulations; and**
- (2) any time, place and manner restrictions that are set forth in the relevant permit, including but not limited to any restrictions relating to duration.**

Sec. 14-313. Permit application procedures.

(a) All requests for special event permits shall be made on a special event permit application form prescribed by the City and shall include the following information:

- 1. Type and description of the special event;**
- 2. Name of the organizer and the organizer's contact person, and such contact person's address and telephone number;**
- 3. A certification that the applicant will be jointly and severally liable for any City fees or costs that may be imposed for the event;**
- 4. Services requested from the City, such as (for example) police, fire, sanitation, public services, water, stage, sound system, bandwagon, bleachers, commercial vehicles, parking, tables, beach admission;**
- 5. Proposed date of the special event, together with beginning and ending times;**
- 6. Proposed location(s);**

7. Estimated numbers of event staff, security personnel, participants, spectators, structures and/or vehicles;
8. Proposed use of any alcoholic beverages during or in the conduct of the event (see Subsection e below);
9. Insurance and surety bond information;
10. Signature of applicant.

(b) **Submission Time:** Applicants must submit a completed application to the City forty-five (45) days prior to the event in order to allow adequate time for review.

(c) **Notwithstanding anything contained in this Article, any application for a filming event may be submitted to the City two (2) weeks before the filming event is scheduled to occur.**

(d) **Application Fee:** Each initial application for a special event permit shall be accompanied by a processing fee of two hundred and fifty dollars (\$250). Payment of the processing fee does *not* guarantee a Final Permit. The processing fee is strictly for entering an application into the permit process for further review. This fee is non-refundable.

(e) **Application for Use of Alcohol:** Whenever an applicant wishes to sell or serve alcohol at a Special Event, an additional application for a separate Special Event Permit for the use of alcohol shall be submitted to the City Clerk, along with an additional application fee of one hundred fifty (\$150.00) dollars. The City Clerk shall then determine whether the character, size and location of the proposed event is consonant with the public safety, health, character, and general welfare of the surrounding neighborhood. Such permit, if issued, is subject to and conditioned upon the applicant's written agreement to comply with the terms of such permit, and provide such additional insurance, and defense and/or indemnification protections that may be necessary to safeguard the City's interests. Sales and service of alcohol at Special Events is strictly prohibited absent such permit.

Sec. 14-314. Issuance of a special event permit does not obligate City services.

Issuance of a special event permit does not obligate or require the City to provide or contribute services, equipment or personnel in support of an event. Consistent with applicable law, the City Manager may, in his/her sole discretion, provide or contribute City services, equipment, or personnel, contingent upon whatever terms and conditions the City Manager deems just.

Sec. 14-315. Consideration of approval and reasons for denial of a special event permit.

No applicant will be given less favorable treatment as to time, manner or place on account of any message or viewpoint that may be conveyed at an event, or on account of identity or associational relationships of the applicant.

The City Clerk shall deny a special event permit to an applicant who has not:

- 1) Provided complete responses on the City's application;
- 2) Provided all ancillary documentation as requested on the City's application;
- 3) Demonstrated an ability or willingness to conduct an event pursuant to the terms and conditions of this Article;

4) Not complied with any term of this Article, or with any condition of a special event permit previously issued to the applicant; and

A permit may also be denied when:

- 5) The event, as proposed, will violate public health or safety laws;**
- 6) The event fails to conform to the requirements of law;**
- 7) The event or events create an unreasonable demand on City staff and services or pose an unreasonable burden upon the City, or its residents;**
- 8) The applicant failed to provide sufficient evidence of insurance coverage; or**
- 9) The applicant is in arrears or has defaulted on any payment obligation to the City.**

Sec. 14-316. Insurance required to conduct a Special Event; hold harmless.

The event organizer must possess or obtain comprehensive general liability insurance to protect the City against loss from liability imposed by law for damages on account of bodily injury or property damage. Such insurance shall name the City of Long Beach as the certificate holder and additional named insured. Defense, indemnification, and hold harmless provisions may also be required, in the discretion of the City. Insurance coverage must be maintained for the duration of the event in accordance with the following conditions:

- (a) For events where the City (in its estimate) anticipates that a Special Event will attract less than 15,000 individuals:**

the City requires general liability insurance (CGL), or GGL with excess umbrella coverage, or special event insurance, in amounts not less than \$1,000,000 per person and \$1,000,000 per occurrence and property damage liability insurance in an amount not less than \$300,000/\$1,000,000 per occurrence; or

the City requires minimum coverage of \$1,000,000 per occurrence with a \$2,000,000 general aggregate, equaling a total aggregate of \$3,000,000.

- (b) For events where the City (in its estimate) anticipates that a Special Event will attract 15,000 individuals or more:**

the City requires general liability insurance (CGL), or GGL with excess umbrella coverage, or special event insurance, in amounts not less than \$5,000,000 per person and \$5,000,000 per occurrence and property damage liability insurance in an amount not less than \$1,500,000/\$5,000,000 per occurrence; or

the City requires minimum coverage of \$5,000,000 per occurrence with a \$10,000,000 general aggregate, equaling a total aggregate of \$10,000,000.

Sec. 14-317. Cost recovery for special events.

Cost recovery is a method by which the City can recover costs expended. Cost recovery is established to reimburse City departments for services they provide before, during and after a special event, or in any way related to special events, and to ensure that residents are not unduly financially burdened by special events.

The process involves providing an estimate of the costs to the applicant and suggested changes that may lower projected costs. The City shall require payment of a reasonable estimate of costs, in full, before a permit will be issued.

The City shall charge for the actual cost of the salaries of City personnel, including but not limited to, policing, fire safety, emergency medical services, clean-up or other facility or event support, consultant costs, and for the use of City equipment and other non-personnel expenses related to the event(s). A final accounting document will be generated that will contain the actual costs and could result in a zero balance, refund or invoice.

Shortly after the conclusion of an event, the City Comptroller will prepare an official accounting of services provided for the event. The City Clerk will distribute to the permit holder the final accounting document within thirty (30) days of the event, and an invoice for additional funds should that be necessary, in the case of additional costs incurred during the event, which shall be payable to the City no later than thirty (30) days following the date of invoice. In the event that the permit holder is owed a refund, the City shall make said payment within sixty (60) days of the event.

Sometimes an event incurs additional costs because of issues including, but not limited to, changes made during the event planning phase, problems encountered during the event or extra services deemed necessary to maintain health and safety by City officials. While some costs can be projected and submitted to the applicant early, others may be charged due to an emergent need. The applicant is responsible for any cost recovery associated with emergent issues that arise from any part of the activity, including but not limited to property damaged by attendees. Such additional costs shall be itemized and distributed to the permit holder within thirty (30) days of the event, and may be: (i) invoiced and made payable to the City within thirty (30) of the date of invoice; (ii) used by the City as an offset against any refund(s) owed to the permit holder; or (iii) any combination of the above.

Sec. 14-318. Closing hour.

No special event shall be operated beyond or after 11:00 p.m. That notwithstanding, the City Clerk may set forth earlier closing hours in the permit, which shall be binding and enforceable on the permit holder.

Sec. 14-319. Dismantling or removal of equipment.

No equipment used in connection with a special event shall be dismantled or removed after 11:30 p.m.

Sec. 14-320. Noise.

The provisions of Chapter 16 of the Long Beach Code of Ordinances, entitled "Noise," shall be applicable to every special event, including charitable and religious events and activities.

Sec. 14-321. Penalties for offenses.

(a) Any person who violates any provision of this article shall be guilty of a violation punishable by a fine not exceeding two hundred fifty dollars (\$250.00) or imprisonment for a period not exceeding fifteen (15) days, or by both such fine and imprisonment, for each such offense.

(b) In the event of a continuing violation, each day such offense continues shall constitute a separate additional violation.

(c) In addition to the foregoing penalties, the license or licenses issued for the special event shall be subject to revocation by the issuing city official or officials.”

and

Sec.2. Chapter 17, Section 17-2(g) of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same is hereby amended to read as follows:

“Chapter 17. Offenses-Miscellaneous

Sec. 17-2. Possession and consumption of alcoholic beverages in public places.

...

(g) *Permits for special events. Refer to Chapter 14, Article XV, Section 14-313 (e).*”

Sec. 2. This Ordinance shall take effect immediately.