

REGULAR MEETING MINUTES

CITY COMMISSION – MARGATE CITY

JUNE 21, 2018

MARGATE CITY, NEW JERSEY

THE PRESS AND THE DOWNBEACH CURRENT WERE NOTIFIED OF THIS MEETING AND A COPY OF THE SAME WAS POSTED ON THE BULLETIN BOARD AND THE MUNICIPAL WEBSITE.

The Regular Meeting of the Board of Commissioners was held on the above date at 5:00 p.m. at the Margate City Hall, 1 South Washington Avenue, Margate, NJ 08402. The meeting began with a flag salute and roll call: Mayor Michael Becker, Commissioner John Amodeo and Commissioner Maury Blumberg were present. Rich Deaney, Chief David Wolfson, Chief Dan Adams, Lisa McLaughlin, Roger McLarnon, Jim Galantino, Frank Ricciotti, and Johanna Casey. Scott Abbott was also present. The minutes from the May 17, 2018 Capital, Workshop and Regular Meetings were approved as read on motion by Commissioner Blumberg, seconded by Mayor Becker with a vote two ayes. Commissioner Amodeo abstained.

Public Comment:

John Sewell: 22 West Drive: He speaks about the school system. He wants everyone to read a brief and take it to heart.

Roz Tymman: 9413 Ventnor Avenue: Mrs. Tymman speaks about the parking problem that she has noticed outside of Jamaican Me Crazy. The customers drive around and around with anger because they cannot find parking. She thinks that the city should buy the parking lot for the stores that are across the street.

Mari Elena: 9313 Ventnor Avenue: Mrs. Elena pleads about parking. It is her 36th year at this location and she wants to figure out the parking.

Ray Romito: 9408 Amherst Avenue: Mr. Romito speaks about the parking issue as well. He asks about the parking at the school buildings. He thinks we could use those and trolley people around. He also spoke upon needing a superintendent for the school system.

Seeing that there were no additional comments, a motion to close the Public Comments was put forth by Mayor Becker, seconded by Commissioner Blumberg with a vote of three ayes

Public Comment on Second Reading of Ordinances and Resolutions:

Seeing that there were no additional comments, a motion to close Public Comments on Second Reading of Ordinances and Resolutions was put forth by Commissioner Blumberg, seconded by Commissioner Amodeo with a vote of three ayes.

ORDINANCES: Introduction:

A motion to introduce Ordinance #14-2018 was put forth by Mayor Becker, seconded by Commissioner Amodeo, with a vote of three ayes.

CITY OF MARGATE CITY
NEW JERSEY

ORDINANCE #14-2018
Amending
Chapter 95 – Buildings, Numbering of

§ 95-1. Purpose.

The purpose of this chapter shall be to require the clear display of house numbers from public streets for all properties that contain principal buildings within the City of Margate City in order to assist the general public or the authorities in identifying any property in case of an emergency, as well as for the welfare of the general public in conducting their normal affairs, pursuant to N.J.S.A. 40:67-1 et seq.

§ 95-2. Display of numbers in conformity with Tax Maps Assessor required.

All dwelling houses, stores or other buildings erected within the City of Margate City shall display numbers in conformity with the street numbers ~~on the Tax Maps~~ of the City of Margate City as they appear on file in the office of the Tax Assessor of the City of Margate City.

§ 95-3. Assignment of numbers.

Said street numbers shall be assigned, ~~placed on the Tax Maps~~ and allotted to the owners of said lands by the Tax Assessor of the City or by such other person as may be designated from time to time by resolution of the Board of Commissioners. When assignment of a number takes place, ~~said numbers shall be placed upon the Official Map of the City of Margate City, and, thereafter,~~ all persons shall take due notice thereof and shall comply with the provisions of this chapter. Said Tax Assessor, or such other person as may be designated, shall also have the power and duty of correcting any errors with respect to assignment of said street numbers if and when they are discovered.

§ 95-4. Application for street number.

Every owner or occupant of said lands shall apply to the Tax Assessor, who shall furnish them with the correct street number assigned thereto.

§ 95-5. Numbering of subdivision lots.

The Tax Assessor shall be responsible for assigning proper number sequences to each lot which is created as the result of a subdivision or resubdivision. Said number shall be in proper municipal sequence in relation to the number assigned to other lots fronting on the same street and shall be properly recorded on the Tax Map of the City.

§ 95-6. Specifications.

In order to comply with this chapter **and with Section R319 of the International Residential Code 2015, New Jersey**, house numbers shall be Arabic in design, shall have a minimum height of ~~three~~ **four (4) inches, with a stroke width of not less than 0.5 inch (12.7 mm)** and shall be mounted in a secure fashion to the building's front wall or to a porch or other fixed appurtenance in front of the building in the general vicinity of the main entryway or main path of travel which leads to the main entrance from a public street or shall be otherwise separately mounted in an approved manner upon

the face of a wall or upon a post in the front yard of the premises. Auxiliary numbers shall be mounted at a height between four feet and 10 feet upon the adjacent grade or exterior landing beneath, but never higher than 15 feet above the adjoining grade. They shall be sufficiently legible **and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background** ~~as to contrasting background,~~ arrangement, spacing, size and uniformity of integers so that the numbers may be read with ease during daylight hours by a person possessing at least 20/40 vision if he views the numbers from the center line of the abutting street. The numbers shall be so placed that trees, shrubs and other obstructions do not block the line of sight of the numbers from the center of the street to any appreciable degree. **Where access is by means of a private road and the building address cannot be view from the public way, a monument, pole or other sign or means shall be used to identify the structure.**

§ 95-7. Authority for determining numbers; enforcement.

The final authority for determining and assigning the number or numbers to be used upon any particular property, as well as the enforcement of this chapter, shall be the office of the Tax Assessor of the City of Margate City, his agent or employee, or such other person as is provided for in § 95-3 of this chapter.

§ 95-8. Violations and penalties.

The absence of house numbers, the insecure fastening or absence of any integers thereof, the use of any number not assigned by the Tax Assessor, the attempt to comply by using the numbers on or attached to a mailbox or the failure of a number to meet the elevation requirement or the visibility requirement shall be considered a violation of this chapter. Failure on the part of the property owner to comply with the provisions of this chapter within a period of 15 days from the date of issuance of a notice of violation shall be sufficient cause for the Tax Assessor or his designated representative to proceed with carrying out the provisions of this chapter, and, upon conviction thereof, the person shall be fined not more than \$25, at the discretion of the Judge. **Certificates of Occupation shall not be issued without the address numbers as specified above.**

A motion to introduce Ordinance #15-2018 was put forth by Commissioner Amodeo, seconded by Commissioner Blumberg, with a vote of three ayes.

ORDINANCE #15 – 2018

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE LAND USE
ORDINANCE OF THE CITY OF MARGATE CITY, CHAPTER 103,
SECTION 103-2, LOCATION, OF THE CODE OF THE CITY OF MARGATE
CITY, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY**

NOW THEREFORE BE IT ORDAINED by the Commissioners of the City of Margate, County of Atlantic and State of New Jersey as follows:

SECTION 1. Margate City Code Chapter 103, Land Use, Section 103-2, Location, is hereby amended as follows:

§103-2. Location. The location for the construction of any bulkhead shall be as authorized by the New Jersey Department of Environmental Protection. The minimum finished elevation shall be Elevation 8.0 (NAVD 88) or a maximum elevation to be determined by the City Engineer for bayfront, canal and lagoon front bulkheads and Elevation 13.0 (NAVD 88) for beachfront bulkheads. The Construction Official shall determine any dispute as to location, height or construction requirements of a bulkhead. Prior to the issuance of a certificate of compliance by the City of Margate confirming compliance with the provisions of this chapter, the applicant shall submit to the Construction Official an elevation certification from a licensed professional certifying that the minimum finished elevation of the bulkhead is Elevation 8.0 (NAVD 88) or the elevation approved by the City Engineer for bayfront, canal and lagoon front bulkheads and Elevation 13.0 (NAVD 88) for beachfront bulkheads. The Construction Official may allow three-inch plus or minus tolerance in finished bulkhead elevation. When drainage-related issues are in dispute, the City Engineer shall review same with the Construction Official. Property owners shall eliminate stormwater drainage impact to adjacent properties through the installation of any necessary drainage devices.

SECTION 2. All ordinances or parts of ordinances inconsistent with any terms of this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 3: This ordinance shall take effect upon its final passage and publication as required by law.

A motion to introduce Ordinance #16-2018 was put forth by Commissioner Blumberg, seconded by Commissioner Amodeo, with a vote of three ayes.

ORDINANCE #16-2018

AN ORDINANCE AMENDING CHAPTER 257, VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF MARGATE CITY, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY

BE IT ORDAINED by the Commissioners of the City of Margate City, County of Atlantic and State of New Jersey as follows:

SECTION 1. Margate City Code **Chapter 257-15** shall be amended to **add** the following locations for handicapped parking within the City of Margate City:

257-15 Handicapped Parking on Street

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
10 South Franklin Ave	west	From a point 209 feet from the southwest corner of Franklin and Ventnor Avenues to a point 22 feet thereof.
107 North Madison Ave	east	From a point 310 feet from the southeast

corner of Madison and Monmouth Avenues to a point 22 feet thereof.

SECTION 2. All ordinances or parts of ordinances inconsistent with any terms of this ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 3. This ordinance shall take effect upon its final passage and publication as required by law.

A motion to introduce Ordinance #17-2018 was put forth by Mayor Becker, seconded by Commissioner Blumberg, with a vote of three ayes.

ORDINANCE NO. 17 – 2018

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 175 “LAND USE” OF THE CODE OF THE CITY OF MARGATE CITY, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY

NOW THEREFORE BE IT ORDAINED by the Commissioners of the City of Margate, County of Atlantic and State of New Jersey as follows:

SECTION 1. Section 175-2 Definitions is amended as follows:

1. Add: **ADA** The Americans with Disabilities Act (42 U.S.C.A. ~ 12101 et. seq.)
2. **Add: ADULT FAMILY CARE HOMES FOR PERSONS WHO ARE ELDERLY AND ADULTS WITH PHYSICAL DISABILITIES**

Any residence regulated by the Department of Health and Senior Services and housing no more than three elderly or persons with physical disabilities in which personal care and other supportive services are provided by an individual who has been licensed by the Department of Health and Senior Services as an adult family caregiver. Adult family care home shall not include a rooming or boarding house used and operated under license of the Department of Community Affairs pursuant to P.L. 1979, c.496 (C.5513B-1 et seq.).

3. **ADVISORY BASE FLOOD ELEVATION (ABFE)**

Delete existing language and replace with :

The elevation shown on a community’s Advisory Flood Hazard Map that indicates the advisory still water elevation plus wave effect (ABFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceed in any given year.

4. BASE FLOOD ELEVATION (BFE)

Delete existing language and replace with:

The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the Stillwater elevation (SWEL) plus wave effect (BFE=SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

5. Delete: BASE FLOOD ELEVATION DESIGN COMMITTEE.**6. Add: CERTIFICATE OF NON-CONFORMITY**

A document, issued pursuant to N.J.S.A. 40:55D-68, certifying that a Non-Conforming Use or Structure was lawfully in existence on a particular Lot or in a particular building at the time of adoption of this Chapter, or an amendment to this Chapter impacting such Lot or building, and may therefore be continued upon such Lot or in such building so occupied. A Certificate of Non-Conformity may be issued by the Administrative Officer within one year of the adoption of the ordinance which rendered the use or structure non-conforming, or at any time by the Planning Board, acting in its capacity as a Board of Adjustment.

7. Add: COMMERCIAL PARKING LOT

A parking area intended for use in return for a fee and which is the principal use on the lot which it is located. Commercial parking lots shall not be manned, contain attendant booths and shall be fully automated.

8. Add: COMMUNITY RESIDENCE FOR PERSONS WITH HEAD INJURIES

Any community residential facility licensed pursuant to P.L.1977, c.448 (N.J.S.A. 30:11B-1 et seq.) providing food, shelter, and personal guidance, under such supervision as required, to not more than 15 persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, halfway houses, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act," P.L.1971, c.136 (N.J.S.A. 26:2H-1 et al.).

9. Add: COMMUNITY RESIDENCE FOR PERSON WITH TERMINAL ILLNESS

Any community residential facility operated as a hospice program providing food, shelter, personal guidance, and health care services, under such supervision as required, to not more than 15 persons with terminal illnesses.

10. Add: DORMER

A secondary element that projects from a sloping roof that contains a window.

11. DRAINAGE EASEMENT: Add the following language at the end

Drainage easements shall be a minimum of twenty (20) feet wide, unless the depth of pipe, soil conditions or additional utilities require a greater width. No permanent structures shall be placed in a drainage easement.

12. FAMILY DAY-CARE HOME: Delete existing language and replace with the following:

The private residence of a family day care provider which is registered as a family day care provider which is registered as a family day care home pursuant to the "Family Day Care Provider Registration Ac," P.L. 1987, c.27 (C.30:5B-16 et seq.)

13. Change to FINISH TO FIRST FLOOR ELEVATION and amend as follows:
[Amended 1-31-2013 by Ord. No. 01-2013; 8-15-2013 by Ord. No. 17-2013]

A. The minimum elevation at which a structure's lowest floor must be elevated or flood-proofed to be in accordance with state or community floodplain management regulations. For the City of Margate, first floor elevation is:

(1) For FEMA "A" Zones: three feet above BFE (NAVD 1988) to the bottom of the flooring system; and

(2) For FEMA "V" zones: two feet above BFE (NAVD 1988) to the lowest horizontal structural member.

(3) For all FEMA "X" Zones: Shall be based on the most conservative (or highest) adjacent AE Zone Base Flood Elevation plus the required freeboard as indicated above.

B. See "lowest floor."

14. HEIGHT OF BUILDING - Delete current language and replace with the following:

The vertical height of a structure or building measured from the minimum first floor elevation of the structure or building to the highest point of the coping of a flat roof, or the highest gable of a pitched roof.

15. IMPERVIOUS COVERAGE – Delete parking areas.**16. Add: INVESTMENT CONDOMINIUM UNITS**

Individually-owned units within a Resort Hotel made available for sale for investment purposes only. Investment Condominium Units shall be designed and

operated as transient Resort Hotel Units only and shall not be considered or used as Ownership Condominium Units.

17. LANDSCAPING – Replace with revisions as follows:

For the purpose of determining compliance with the minimum landscape requirements in the City's residential zone, landscaping shall be limited to vegetative cover, including grass, shrubs and trees. Areas devoted to parking and walkways, driveways and patios shall not count toward this requirement, whether impervious or not, with the exception of grass strips adjacent to paved residential driveway ribbons. Areas under projections and cantilevers, except roof overhangs and projections permitted by § 175-30C(4) and C(6), shall not count. Non-Natural vegetative surfaces (artificial turf) shall not be considered landscaping.

18. LOT DEPTH – Delete existing language and add the following:

The shortest distance between the Front Lot Line and a line drawn perpendicular to the Front Lot Line through the midpoint of the rear Lot Line, provided that, in irregularly-shaped Lots or Lots having no readily-discernable rear Lot Line, the distance shall be measured to the midpoint of a line parallel to the Front Lot Line, which shall be not less than 10' in length, measured to a point where such line intersects with the two (2) Side Lot Lines.

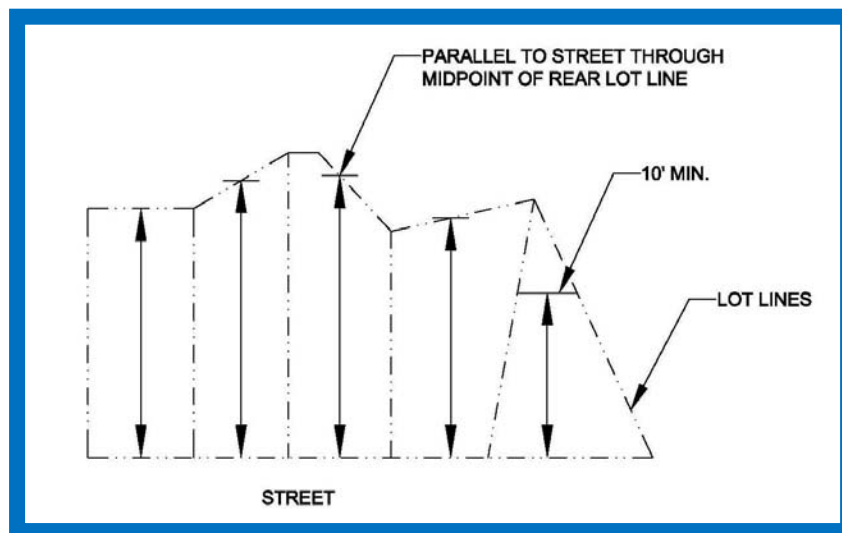
Depiction of Lot Depth

19. LOWEST FLOOR

[Added 1-31-2013 by Ord. No. 01-2013; amended 8-15-2013 by Ord. No. 17-

2013] – Delete current language and replace the

for A.
with



following:

The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor

provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44CFR Section 60.3.

20. Add: OWNERSHIP CONDOMINIUM UNITS

Individually-owned units within a Resort Hotel made available for sale for residential use.

21. Add: RESORT HOTEL

A structure which contains, but is not necessarily solely comprised of, Resort Hotel Units which are designed, designated and intended to be used, let or hired out for compensation for transient occupancy to the general public by reservation or walk-up without reservation, but in any case without lease, for occupancy in periods of not less than one (1) night and not more than 20 continuous nights; except that resident management shall not be subject to the occupancy limitation.

22. Add: RESORT HOTEL UNITS

Transient lodging units within a Resort Hotel. This definition shall specifically be construed to prohibit Resort Hotel Units from being occupied or otherwise used as multiple dwellings as defined by the New Jersey Department of Community Affairs under the Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A-1 et seq.).

23. SUBSTANTIAL IMPROVEMENT [Added 8-15-2013 by Ord. No. 17-2013]

Change A to read as follows:

Any reconstruction, rehabilitation, addition, or other improvement of a structure during a 7 year period the cost of which exceeds 50% of the market value of the structure as determined before the start of construction of the improvement. Substantial improvement also means accumulative substantial improvement.” This term includes structures that have sustained substantial damage regardless of the actual repair work performed or “repetitive loss”.

SECTION 2. Article II, Planning Board and Zoning Board of Adjustment shall be amended as follows:

1. Section 175-10, Base Flood Elevation (BFE) Design Committee is deleted in its entirety.
2. Section 175-13, Transition policies is deleted in its entirety.
3. Section 175-14 (b) shall be changed to read: Construction work found by the Construction Code Official to constitute ordinary repairs.

SECTION 3. Article IV, Development Requirements and Standards shall be amended as follows:

1. Section 175-26 – Specific design standards D- Landscaping shall be changed as follows:

D (1) Landscaping.

- (1) All residential lots shall have a minimum of 35% of the lot landscaped. All areas not occupied by buildings, paving, patios, walkways and/or any other impervious surface shall be suitably landscaped. No landscaping shall interfere with required sight triangles. Such landscaping minimum of 35% may be reduced to the minimum extent required to accommodate stairs, steps, ADA-compliant ramps and related elements providing access to the first floor necessary to conform with lowest floor requirements. In no case, however, shall such percentage be lower than 30% of the lot. **[Amended 1-31-2013 by Ord. No. 01-2013; 8-15-2013 by Ord. No. 17-2013]**
- (2) Deciduous trees shall have a caliper of at least 2 inches and be 10 feet in height at planting, and evergreen trees shall be at least six feet tall. All trees shall be balled and burlapped and be of specimen quality as established by the American Association of Nurserymen. **[Amended 4-3-2008 by Ord. No. 12-2008]**
- (3) Section 4 (d) shall be changed as follows: The plantings between the principal structure and the front property line detailed herein may be reduced to the minimum extent required to accommodate stairs, steps, ADA-compliant ramps and related elements providing access to the first floor necessary to conform with lowest floor requirements.
- (4) Section 6 shall be changed as follows: In all single-family and duplex districts, grass, shall be maintained between the sidewalk line and the curbline. All applications for development shall provide this grass strip **[Amended 4-3-2008 by Ord. No. 12-2008]**
- (5) Section 9 shall be changed as follows: Stone mulch may be used in landscaping beds if less than 15% of the front landscaping area and not more than 10% of the total lot landscaping. Stone mulch shall not be permitted within 3 feet of a public sidewalk or street.
- (6) Section K Signs – Add new Section 8 as follows:
 - (8) Signage in the Hotel Overlay Zone
 - (a) All exterior signs shall identify uses, activities or functions of the development on which the sign is located. No advertising of any product, use or activity outside of the development shall be permitted.
 - (b) To the extent practicable, signage for similar project elements shall be coordinated and similarly themed to provide a unifying style. This regulation shall not be construed to mean that all signs must be identical or to prohibit unique sign designs where necessary and appropriate, but rather that, absent specific justification, sign design shall be complimentary and consistent.
 - (c) No vacant signs or sign boxes shall be permitted. Where vacancies occur, corresponding signage shall be immediately replaced with general

development or other appropriate signage. Similarly, any sign which falls into a state of disrepair shall immediately be repaired or replaced.

- (d) All signs must be professionally designed and constructed. Homemade-type plywood, coroplast or cardboard signs or home-computer generated-type signs are expressly prohibited.
- (e) Sign lighting shall be appropriate for the type and style of sign proposed, and may include LED, neon or other illumination. Similarly, the use of neon lighting or similar material to create sculptural logo or iconographic images is encouraged.
- (f) No restrictions are established for Interior Project Signage. Developers are encouraged to establish a creative interior sign package consistent with the type and scope of Project proposed.
- (g) Project Identification Signage.

[1] Each elevation of a Principal Building may have one (1) building-mounted Project Identification Sign depicting the name of the Project and such other logo or corporate iconography as may be appropriate. While the size, location and configuration of such signage shall be appropriate to the elevation on which such sign is located, such sign shall be located at the upper-most section of the building, but shall be no higher than the roofline of the wall on which such sign is affixed, and shall have a total sign area not exceeding 10' in height multiplied by the width of the building elevation on which such sign is affixed.

The bottom edge of such sign shall be a minimum of 10' from finish grade, but in no case project below the awning, canopy or other element on which such sign is affixed.

[2] In addition to the Project Identification Sign, each porte-cochere or primary entranceway of a Principal Building may have one (1) building-mounted Project Identification Sign depicting the name of the Project and such other logo or corporate iconography as may be appropriate.

While the size, location and configuration of such signage shall be appropriate to the porte-cochere or entranceway on which such sign is located, such sign shall not exceed the length of the awning, canopy or other element over which such sign is affixed. The bottom edge of such sign shall be a minimum of 10' from finish grade, but in no case project below the awning, canopy or other element on which such sign is affixed.

The height of such sign shall be 12' from finished grade, but in no case higher than the awning, canopy or other element on which such sign is affixed, and shall have a total sign area not exceeding 2' in height multiplied by the width of the awning, canopy or other element in which such sign is affixed.

(h) Use-Oriented Identification Signage

In addition to the foregoing:

[1] Each Permitted Principal Use within but visible from the outside of a Resort Hotel may have one (1) Use-Oriented Identification Sign mounted above the storefront of such Use, depicting the name of the Use and such other logo or corporate iconography as may be appropriate.

[2] Each individual Use-Oriented Identification Sign shall not exceed the length of the storefront over which such sign is affixed. The bottom edge of such sign shall be a minimum of 10' from finish grade, but in no case project below the awning, canopy or other element on which such sign is affixed.

Such sign shall be no higher than the awning, canopy or other element on which such sign is affixed, and shall have a total sign area not exceeding 2' in height multiplied by the width of the awning, canopy or other element on which such sign is affixed.

(7) Current section (8) shall become (9).

(8) Add New **L. Resort Hotel Overlay Zones**

Unless specifically indicated, such standards shall apply to all development in the Resort Hotel Overlay.

The following regulations are considered design elements subject to waiver and not Variance relief.

- (1) The entirety of all Building elevations fronting the Beach, Atlantic Avenue or a north/south right-of-way, regardless of building height, shall be considered a Front Yard and Primary Elevation, with facades and appurtenances treated accordingly.
- (2) Elevations of all Buildings which do not front the Beach, Atlantic Avenue or a north/south right-of-way when visible from the Beach or a right-of-way (i.e., above the height of adjacent buildings, whether present or prospective), shall be considered a Front Yard and Primary Elevation, with facades and appurtenances treated accordingly.
- (3) All building elevations shall coordinate form, materials, color and detailing to achieve design harmony and continuity.
- (4) In considering façade treatment, the developer is encouraged to include a combination of rich detailing, texture, shadow lines and color. Such treatment may include, but need not be limited to:

- a. Awnings & canopies.
 - b. Building Articulation.
 - c. Coping, Fascia, Soffits & Architectural Filigree.
 - d. Use of Color, light & shadows.
 - e. Signage.
- (5) The above notwithstanding, the main entrance to a Resort Hotel need only be located on a single elevation, with façades and appurtenances treated accordingly.
- (6) The public lobby, registration (check in) and information station (front desk) serving a Resort Hotel may have its public entrances from Atlantic Avenue and/or a north / south right-of-way

Additionally, Resort Hotels fronting the Beach shall be designed with a direct access to the lobby and registration area from the Beach.

- (7) Freestanding garages or storage sheds are not permitted as part of a Resort Hotel. Accordingly, all garages and storage structures shall be physically attached to the Resort Hotel, and all recycling and refuse storage shall be within the Resort Hotel.

Parking garages may be attached by way of an enclosed walkway, which may be elevated or at grade.

- (8) In order to create an attractive and inviting pedestrian-scaled environment in the Resort Hotel Overlay Zone, long runs of blank, unarticulated or unadorned walls, at the pedestrian level or above, are prohibited. Designers are encouraged to include both horizontal and vertical building articulation, combinations of windows (faux or real), architectural detailing and ornamentation to create an attractive and exciting design on all building facades.

In furtherance of this requirement:

- (9) No exterior Building wall shall have an uninterrupted horizontal run along a single plane for more than 50 lf., and no exterior Building wall shall have an uninterrupted vertical run for more than 24'.
- (10) Horizontal articulation of rooflines is strongly encouraged.
- (11) While glass elements are permitted as architectural features, blank walls and the use of glass curtain wall construction is prohibited.

- (12) Where the exterior wall(s) of a Building abut an adjacent residential use, the façade shall be heavily landscaped and buffered from such residential use.
- (13) Above the ground-floor, all Building elevations shall present the illusion of an active Permitted Use (if such actual use is not practicable) or shall be heavily treated with architectural or ornamental elements so as to avoid a monolithic façade both during the day and nighttime hours, for the full 12 months of the year.
- (14) It is the City's intention not to permit traditional, open parking decks wherein parked vehicles are visible to the public. Window-like cutouts and/or other architectural elements are required so as to resemble Resort Hotel Units while providing for garage ventilation as necessary.



Discouraged



Encouraged

- (15) Street Frontages

- (a) With the exception of ground-floor garage entry- and exit-ways, the ground-floor frontage of all Structures within the Resort Hotel Overlay Zone abutting Atlantic Avenue or a north / south right-of-way shall be devoted to active uses, or shall be designed as a decorative streetscape with such treatment and features as may be required to provide a sense of excitement and vibrancy along an otherwise lifeless façade.
- (b) Excessive building runs on the same plane at the ground-floor level shall be avoided. A combination of building articulation, facade differentiation and other architectural treatments shall be required to provide the illusion of active uses (e.g., storefronts).
- (c) Where designed as an active use, such ground-floor frontage shall include clear storefront glass areas to display the nature of the use within. Such windows may be either typical large, single panes or multiple smaller panes separated by mullions.
- (d) Each individual use shall have its own, independent entryway from the right-of-way. Frontage may either have identical designs to reinforce the overall design of the building or varied designs to express individual uses.
- (e) Where designed as a decorative streetscape, such treatment may include, but need not be limited to, landscaping and hardscaping, benches and other street furniture, decorative lighting (both pedestrian and architectural), statuary and other public art, and like and similar features which achieve the stated goal both during the day and nighttime hours, for the full 12 months of the year.
- (f) With the exception of the decorative streetscape treatments described herein, sidewalks shall extend from the building facade to the curb.
- (g) For the purposes of this section, Setbacks shall be clear, unoccupied and unobstructed space measured at right angles between a lot line and the building envelope, and shall extend from grade to sky, except for the following permitted encroachments, provided that such encroachments do not inhibit the free flow of pedestrian traffic:

- [1] Awnings*, canopies* & porte-cocheres*;
- [2] Ornamental architectural features*;
- [3] Pedestrian walkways, Breezeways & Atria;
- [4] tables for alfresco dining*;
- [5] Bicycle racks*, benches*, trash receptacles* & other street furniture*;
- [6] parking areas & access drives thereto;
- [7] flag / banner poles;

- [8] signage & lighting;
- [9] fences & landscaping*; and
- [10] like and similar features

Such permitted encroachments shall apply to at-grade setbacks.

Setbacks shall be construed as minimum distances. Greater setbacks are permitted, provided that the specific distances and design relate to the architecture of the subject building elevation, and further provided that the setback area is heavily treated with a combination of elements designated by asterisk (*).

Setbacks shall not apply to vacated rights-of-way.

Awnings and canopies servicing street-level commercial space may extend into a right-of-way at a distance approved by the Planning Board.

(16) Rooftop Treatment

- (a) All flat roofs which are less than the Maximum Building Height for the Resort Hotel Overlay and therefore visible from taller Buildings, whether present or prospective, including the rooftop decks of parking structures and decks and balconies when accessible as open spaces, shall be treated with decorative roofing materials in order to create an aesthetic appearance from above. Alternatively, such rooftops may be aesthetically developed as pedestrian accessible promenades, rooftop gardens and/or active or passive recreation areas as appropriate.
- (b) Where said surfaces are pedestrian accessible, a minimum of 35% of the total exposed surface area shall be landscaped as roof gardens. Said treatment may or may not include live vegetation.

The balance of all accessible flat roof surfaces shall be treated in such a way as to blend with the roof gardenscape in an aesthetically acceptable manner. Said areas shall be constructed of non-reflective material in order to secure an agreeable visual condition.

- (c) Where said surfaces are not pedestrian accessible, surfaces shall be treated with non-reflective, decorative materials in order to secure an agreeable visual condition.
- (d) Developers are encouraged to incorporate tiled shingles or colored, patterned shingle designs on pitched roofs less than the Maximum Building Height.



(17) Screening

- (a) Delivery and loading areas, mechanical equipment, garbage and recycling storage and similar back-of-the-house functions shall be enclosed within the Building and shall be screened so as not to be visible from the Beach, any right-of-way or any adjacent property.
- (b) Pergolas, trellises or other screening above parked vehicles is required where exposed flat roofs are used as parking decks and for mechanical and related items.
- (c) With the exception of miniature golf courses or similar outdoor venues, no merchandise, products, equipment or similar material or objects shall be displayed or stored outside.

M. STREETSCAPING

- (1) Streetscaping: Street scaping shall be required for all development within the Washington Avenue Pedestrian Corridor District (WAPC), Commercial District (C-1), Commercial/Business District (C-2) and the Central Business District (CBD) (Details of streetscape improvements are contained in Appendix C).
- (2) Decorative pavers shall be installed from the curb to the property line.
- (3) Tree grates and frames shall be provided for all trees planted within the right of way.

- (a) Where streetscaping is required, trees may be planted adjacent to the street curb
- (4) Decorative sign posts and signage shall be installed street intersections.
- (5) Decorative street lights shall be installed within the right of way.

SECTION 4. Article V – Zoning, shall be amended as follows:

- (1) Section 175-29 – Zoning Districts, shall be amended as follows:

A. Purpose. The purpose of this zoning article is to implement the goals, objectives and recommendations contained in the City of Margate 2017 Master Plan

B. Establishment of Zones. The following zones shall be added:

S-60-WF Single Family Residential
S-40-WF Single Family Residential
WAPC Washington Avenue Pedestrian Corridor
I Institutional Use
B Beach
HO Hotel Overlay

The following zone is deleted:

GO Government and Open Space

C. Zoning map. The date for the Zoning Map of the City of Margate in Atlantic County shall be June, 2018.

D. Interpretation of zone boundaries shall be amended as follows:

(3) In case of uncertainty or disagreement as to the true location of any zone boundary line, the determination thereof shall be with the Planning Board.

(4) All City-owned beachfront parcels or portion thereof contiguous and landward of existing bulkheads designated on the Zoning Map as B (Beach), shall upon termination of government ownership, be considered designated the same zone as the contiguous nongovernmental owned parcel. The adjacent zones are S-30, S-40, CBD, and MF.

- (2) Section 175-30 – Supplementary regulations, shall be amended as follows:

D- Driveways – The existing language is deleted and the following language is added:

- 1. On corner lots. Driveways shall be required to be located on north-south streets (i.e., generally parallel to Jerome Avenue) and a minimum of 10 feet from the corner and one (1') foot from any side lot line. **[Added 9-24-2006 by Ord. No.**

2006-26]

2. Other than corner lots: Driveways shall be setback a minimum of one (1') foot from the property line.
 3. On lots with alternate access (rear access): Driveways shall be located on the rear access only.
 4. Single residential driveways shall be a minimum of ten (10') feet wide.
 5. Double residential driveways shall be a minimum of twenty (20') feet wide.
- (3) Section 175-31 – Principal buildings – the following shall be added:
- B. Within the Hotel Overlay District a permitted principal use and conditional use may be undertaken in a maximum of two (2) buildings constructed on a single lot.
- (4) Section 175-32 – Height exceptions, shall be amended as follows:
- E. Height exceptions for buildings shall be amended as follows:
- (3) Until such time as this chapter is amended to conform with final FIRM mapping and related regulations, determination of "minimum extent necessary to achieve proper crawl space clearance" shall be made by the Planning Board.
 - (5) Building heights in the S-25, S-30 (north of Atlantic Avenue), S-40 (north of Ventnor Avenue), S-40 WF, S-50, S-60 (not abutting and north of Ventnor Avenue), S-60 WF, TF, MF (east of Decatur Avenue) Districts shall permit, for 30 feet of building height provided, that the distance from the finished first floor to the top plate of the second habitable floor does not exceed 20 feet. **[Added 11-2-2017 by Ord. No. 17-2017]**
- (5) Section 175-33 Accessory structures and uses, shall be amended as follows:
- B.4 A one foot setback is required for an accessory building. The setback shall be measured to the face of the building or any roof overhang, whichever is closer to the property line. No encroachments or drainage on adjacent properties are permitted. **[Amended 9-24-2006 by Ord. No. 2006-26]**
- B.7 Single-car detached garages shall be permitted in all residential districts with the exception of the WF-60-WF and WF-40 districts. Single-car and two-car garages shall be permitted in the S-30 district (south of Atlantic Avenue), S-40 district (south of Ventnor Avenue), S-60 district abutting Ventnor Avenue and south of Ventnor Avenue) and the MF district (west of Vendome Avenue. The following standards shall apply. **[Amended 9-24-2006 by Ord. No. 2006-26; 4-3-2008 by Ord. No. 12-2008]**
- (a) A maximum size of 250 square feet for a single car garage; a

maximum size of 450 square feet for a two car garage.

- (d) A one foot setback is required from the side and rear property lines. The setback shall be measured to the face of the building or any roof overhang, whichever is closer to the property line. No encroachments or drainage on adjacent properties are permitted.

D. Requirements for specific accessory structures and uses, add the following:

Add new (e) All beach blocks

[1] Third floor decks shall be permitted.

(all letters thereafter shall be adjusted accordingly.)

D-4 Outdoor showers shall be amended as follows:

- (c) All showers shall have drainage. Runoff from showers shall not be permitted to discharge to adjacent properties.
- (d) All showers and enclosures may be no greater than 9.0 feet in height as measured from the ground nor greater than 32 square feet in area.
- (f) No shower enclosure shall be situate in the front of the structure or in the front yard

D-6 Air conditioning and compressors, shall be amended as follows:

- (6) shall be titled - Air conditioning compressors and standby emergency generators.
- (a) Compressors and standby emergency generators shall not be located in the front yard.
- (b) Compressors and standby emergency generators shall be set back a minimum of five feet from any property line.

Add D-11 Outdoor Fire Pits and Fire Places

- A. Fire pits or other similar devices are authorized within the single family residential districts subject to the restrictions set forth in this chapter. For the purpose of this chapter, a fire pit shall be considered as any outdoor fireplace unit built after obtaining permits and approvals pursuant to the Uniform Construction Code.

- B. All such fireplaces or fire pits as set forth above shall be no larger than three feet in diameter and two feet in height and are required to have an approved screen or spark arrestor.
- C. Such fireplaces or fire pits may only be used at residential properties containing two or fewer units and are prohibited from being used at any commercial establishment or for any commercial use or at any multifamily dwelling in excess of two units.
- D. All such devices shall be kept at ground level and must be placed upon a noncombustible surface such as brick or cement. No such devices shall be permitted on any type of elevated landing, surface, deck, stairway, roof or other elevated platform or portion of a structure.
- E. Said devices are prohibited from being used within 15 feet of any structure, including but not limited to homes, garages, sheds, showers or other such structures.
- F. Such devices are prohibited from being used within five feet of any other combustible surface, including but not limited to, bushes, fences, pools, plants, shrubs, houses used for feeding of sheltering animals or other combustible surfaces.
- G. Said devices are prohibited from being used underneath any cave, overhang, roof, wires, tree limbs, vegetation, gutter, downspouts or decks.
- H. No fireplace or fire pit shall be used other than during the hours between 9:00 a.m. and midnight.
- I. No fireplace or fire pit shall be used for cooking.

(6) Section 135-34 Certain permitted uses shall be amended as follows:

- D. Community residences. Community residences for persons with developmental disabilities, community shelters for victims of domestic violence, community residences for persons with terminal illnesses, community residences for persons with head injuries, and adult family care homes for persons who are elderly and adults with physical disabilities shall be a permitted use in all residential districts, and the requirements shall be the same as for single-family dwelling units located within such districts.

(7) Section 135-35 Conditional uses shall be amended as follows:

Add Section C as follows:

- C. Resort Hotel. Resort hotels, as defined in this chapter, may be located, when approved, as a conditional use, in the zones as specified in Schedule A, subject to the following:
- (1) The property on which the structure or building is to be constructed must contain a minimum of 15,000 square feet, with minimum lot dimensions of 100 feet and 150 feet.
 - (2) Parking must be provided on site as required by this chapter.
 - (3) Maintain a public lobby or registration (check in) and information station (front desk) serving the guest rooms with in-house staff available on a 24-hour basis.
 - (4) Maintain a linen closet, ice machine and beverage / candy vending area, at a minimum, on alternating floors.
 - (5) Provide the following amenities: restaurants, banquet or dining rooms, conference rooms, swimming pools and other aquatic facilities designed for use on a year-round basis, room service, linen service and other normal and customary elements to such facilities.
 - (6) Be designed with back-of-the-house linen and garbage chutes accessing all floors.
 - (7) Maintain full-time, on-site staff and management.
 - (8) Maintain a published business phone number and, to the extent that such advertising is part of the facilities' business model, advertise daily rentals and hotel-like services to the general public.
 - (9) Be designed with ceiling heights of not less than 8' for all common and/or habitable areas (with the exception of bathrooms which may have lower ceiling heights to accommodate necessary plumbing);
 - (10) Be designed and managed such that each utility (water, sewer, electric, natural gas, telephone and cable television) servicing a Resort Hotel shall commonly meter its service to all Resort Hotel Units within such Structure and shall commonly bill such service to the Resort Hotel Management Entity.
 - (11) Contain not less than 350 s.f. of net habitable floor area for Traditional Hotel Units with a single sleeping / living room with separate, internal bathroom and 450 s.f. of net habitable floor area for Hotel Suites with more than one (1) sleeping and/or living room with separate, internal bathroom.

- (12) Contain not more than twenty percent (20%) Hotel Suites, the balance being Traditional Hotel Units.
- (13) Other than a coffee maker, small (typical bar size) refrigerator, microwave or honor bar, no Resort Hotel Unit shall contain facilities for the preparation, cooking or heating of food.
- (14) Resort Hotel Units shall be accessed solely through a common public lobby by elevator or other conveyance system.
- (15) Resort Hotel units shall contain, at a minimum, one (1) bedroom and one (1) separate bathroom, which shall be internal to the Resort Hotel Unit.
- (16) Other than an iron/ironing board no Resort Hotel Unit shall contain laundry facilities.
- (17) No Ownership Condominium Unit in a Resort Hotel shall be rented, leased or otherwise offered for use by any entity other than the Resort Hotel Management Entity for such Resort Hotel Structure.
Such regulation shall not extend to the sale of Ownership Condominium Units. Owners who wish to sell their Units may employ the real estate professional of their choice.
- (18) Ownership Condominium Units shall be permanently and irrevocably restricted against rental, lease or similar use by any entity other than by the Resort Hotel Management Entity. In addition to the regulations contained herein, an appropriate restriction shall be placed in each individual deed for each individual Ownership Condominium Unit as well as in the Master Deed for the Resort Hotel, which deeds shall be properly recorded with the Atlantic County Clerk.
- (19) Ownership Condominium Units may have individually-metered utilities and may contain full kitchens and laundry facilities.
- (20) Where Resort Hotels contain Investment and Ownership Condominium Units, the ratio of such units shall be, subject to the following:
 - a. Not less than 55% of the total number of units in the Resort Hotel shall be designed and operated as Transient Resort Hotel Units. All such units shall be under common ownership and control.
 - b. Not more than 25% of the total number of units in a Resort Hotel shall be Investment Condominium Units. Such Units shall be designed and operated as Transient Resort Hotel Units.

- c. Not more than 20% of the total number of units in the Resort Hotel shall be designed and operated as Ownership Condominium Units. Any third party rental of such Units shall be in conformance with these regulations.
- d. These regulations shall specifically be construed to prohibit Resort Hotel Units within a Resort Hotel from being occupied or otherwise used as multiple dwellings as defined by the New Jersey Department of Community Affairs under the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq.

- (21) The specific Conditions underpinning the approval of Resort Hotels shall be memorialized in the Master Deed for the development as well as any individual deeds for Investment Condominium Units or Ownership Condominium Units, which deeds shall be properly recorded with the Atlantic County Clerk. The inclusion of such language and the recording of such deeds shall be made a condition of approval by the Planning Board.

- (8) Section 175-36 Off-street parking shall be amended as follows:

Add to Parking Schedule I, Parking Requirements for Nonresidential Uses:

Hotels	1 space for each hotel room
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SECTION 5. Article VII Fees and Deposits shall be amended as follows:

- (1) Section 175-42 Fee schedule shall be amended as follows:

A. At the time of filing any application with the Planning Board or Board of Adjustment, including any application for amendment to or extension of any development approval, any request for a zone change or recommendation of a zone change, any request for amendment of the Master Plan, and/or any request for concept review of a development proposal, each applicant shall pay to the City of Margate a nonrefundable application fee and technical review fee deposit in accordance with the following schedule. The applicant shall pay the fee required for each application which is submitted. Where more than one hardship variance is required pursuant to N.J.S.A. 40:D-70(c), the applicant shall escrow the base escrow fee plus \$100 for each additional “c” variance up to 4. No additional escrow to be posted for more than 4 “c” variances.

- (2) B. In addition, a performance guarantee of \$2,000 is to be placed in escrow, which will be released upon submittal of an as-built survey prepared by a licensed professional land surveyor and approved by the building official prior to release.

The following changes have been made to the Fees:

1. The following have been deleted:
 - a. Site plan application
 - b. Land area under 10,000 sq. feet
 - c. Land area 10,000
 - d. Site plan application for commercial changes with no physical alteration except redecorating and conforming
 - e. Site plan application for commercial changes other than above
 - f. Engineering inspection fee for site plans wherein land area is 10,000 square feet or more

The following have been added or changed:

	<u>App. Fee</u>	<u>Escrow Fee</u>
- Major Site Plan		
Preliminary	\$500.00	\$1,000.00
Final	\$250.00	\$ 500.00
Minor Site Plan	\$350.00	\$ 700.00
Minor Subdivision	(no change)	\$700 (By-Right)
		\$1,000.00 (with variances)
- Major Subdivision		
Sketch plat classification (no change)		\$ 500.00
Preliminary plat review (no change)		\$1,000.00 plus \$200 per lot
Final Plat review (no change)		½ preliminary escrow fee
- Appeals		\$ 600.00
- Hardship Variance per		
N.J.S.A. 40:55-70(b)		\$ 600.00
- Zoning Interpretations	\$200.00	\$ 600.00
per N.J.S.A. 40:55-70(b)		
- Zoning Permit		
- New Construction	\$300.00	
Plan Review		
- All others (fences	\$ 50.00	
sheds, signs, additions)		

SECTION 6. Attachment 5 – APPENDIX C Streetscape Standards Construction Details has been added.

SECTION 7. All ordinances or parts of ordinances inconsistent with any terms of this

Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 8. This ordinance shall take effect upon its final passage and publication as required by law.

A motion to introduce Ordinance #18-2018 was put forth by Mayor Becker, seconded by Commissioner Blumberg, with a vote of three ayes.

ORDINANCE #18-2018

**AN ORDINANCE AMENDING CHAPTER 257, VEHICLES AND
TRAFFIC, OF THE CODE OF THE CITY OF MARGATE CITY,
COUNTY OF ATLANTIC AND STATE OF NEW JERSEY**

BE IT ORDAINED by the Commissioners of the City of Margate City, County of Atlantic and State of New Jersey as follows:

SECTION 1. Margate City Code **Chapter 257-15** shall be amended to **add** the following locations for handicapped parking within the City of Margate City:

257-15 Handicapped Parking on Street

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
9001 Winchester Ave	north	From a point 25 feet west of the westerly curbline of Union Avenue to a point 22 feet west thereof

SECTION 2. All ordinances or parts of ordinances inconsistent with any terms of this ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 3. This ordinance shall take effect upon its final passage and publication as required by law.

ORDINANCES: Public Adoption:

A motion to adopt Ordinance #13-2018 was put forth by Mayor Becker, seconded by Commissioner Blumberg, with a vote of three ayes.

**CITY OF MARGATE CITY
NEW JERSEY**

ORDINANCE #13-2018

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE
CITY OF MARGATE CITY, COUNTY OF ATLANTIC, STATE OF NEW JERSEY,**

**AMENDING CHAPTER 242 ENTITLED “STREETS AND SIDEWALKS”, TO PERMIT
WIRELESS COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY
AND WHERE PERMITTED BY EASEMENT**

WHEREAS, the Governing Body of the City of Margate City (hereinafter “City”) deems it necessary and appropriate to supplement and/or amend the City Code to address issues associated with the deployment of wireless communications facilities in the public rights-of-way; and

WHEREAS, the City acknowledges that wireless communications carriers may enter into written agreements with parties that have the lawful right to erect poles in the public rights-of-way pursuant to N.J.S.A. 48:3-18, and that the consent of the municipality is required pursuant to N.J.S.A. 48:3-19, if the party seeking to install such facilities does not have an independent lawful right to construct such facilities; and

WHEREAS, the consent by the City for the Facilities to be installed shall be limited to structure poles, commonly known as utility poles, for which no new poles of any material shall be erected within the City by a Wireless Company or other entity. It being understood that the setting of poles is regulated by the New Jersey Board of Public Utilities (“BPU”) the City authorizes only those that have an independent lawful right to construct utility poles to set poles in the City’s public rights-of-way; and

WHEREAS, the City acknowledges that wireless communications carriers may seek to install facilities on private property pursuant to easement agreements which installation shall require authorization by the City which authorization is intended by the adoption of this Ordinance; and

WHEREAS, the City acknowledges that in connection with the use of those public rights-of-way under the jurisdiction of the County of Atlantic, municipal consent is required in addition to the consent of the County pursuant to N.J.S.A. 27:16-6; and

WHEREAS, the City acknowledges that notwithstanding the proscriptions of 47 U.S.C. §253(a), it has the authority to manage the public rights-of-way as provided in 47 U.S.C. §253(c); and

WHEREAS, this Ordinance only effects the limited installation of Facilities in the public rights-of-way and where authorized by easement on poles or towers and shall have no effect on the application of wireless telecommunication equipment and facilities regulated by the Land Use Ordinance Chapter 175 of the City; and

WHEREAS, the purpose of this Ordinance is to allow the prompt deployment of wireless communications facilities in the public rights-of-way and where allowed by easement while also effectively managing the rights-of-way in the interests of the public health, safety and welfare; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Margate City, County of Atlantic and State of New Jersey as follows:

SECTION I. Chapter 242 ” is hereby amended by the addition of Article 6 captioned

“Wireless Communication Facilities in the Public Rights-of-Way and in Easement Areas in Existence as of the Adoption of this Ordinance”, to add the following Section in its entirety as follows:

ADDED SECTION:

Article VI. Wireless Communications Facilities in the Public Rights-of-Way and Easements in Existence at the Time of this Ordinance.

SECTION II. Chapter 242-29 is hereby amended to add the following Section in its entirety as follows:

ADDED SECTION:

242-29 Definitions.

(a) For the purposes of this Ordinance, the following terms, phrases, words, and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Any term not defined in this section shall have the meaning ascribed to it in the New Jersey Municipal Land Use Law, 40:55D-1, et seq., unless the context clearly requires otherwise. In the event that a term is not defined by this Ordinance, said term shall have its common and/ordinary meaning.

(b) Definitions:

Carrier means any firm, partnership, association, corporation, limited liability company, or any other legally recognized organization, licensed by the Federal Communications Commission to provide Personal Wireless Services or authorized by the New Jersey Board of Public utilities to provide telecommunications services in the State of New Jersey.

City of Margate City means the City of Margate City, County of Atlantic, State of New Jersey.

Conduit means a casing or encasement for wires or cables.

County means the County of Atlantic, State of New Jersey.

Easement means all those areas within the City of Margate City which have an existing right granted to utility companies such as, but not limited to, the electric company, telephone company, cable company, allowing the erection and maintenance of utility facilities.

Facility or Facilities means all structures, devices, and materials, including but not limited to: antennas, radios and radio cabinets, electrical wires and cables, fiber optic cables, communications and video cables and wires, poles, conduits, pads, backup power supply and other components of Personal Wireless Service Facilities, and appurtenances thereto, located in the public rights-of-way. Each pole mounting set up shall be a separate Facility for regulatory purposes, applications, and fees.

Governing Body means the Mayor and Council of the City of Margate City, County of Atlantic, State of New Jersey.

Municipality means the City of Margate City, County of Atlantic, State of New Jersey.

Permittee means the Carrier to which a permit has been issued pursuant this Ordinance and Master License Agreement for Use of Public Rights-of-Way.

Personal Wireless Services means any technologies defined in 47 U.S.C. 332(c)(7) including commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, provided to personal mobile communication devices through wireless Facilities or any fixed mobile wireless services provided using personal wireless Facilities.

Personal Wireless Service Facilities means equipment at a fixed location that enables Personal Wireless Service between user equipment and a communications network, including but not limited to: (a) equipment associated with Personal Wireless Services such as private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services ; and (b) Tower, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies and comparable equipment, regardless of technological configuration.

Public Right-of-Way means the surface, the air space above the surface, and the area below the surface of any Street, road, highway, lane, alley, boulevard, or drive, including the sidewalk, shoulder and area for utilities owned by the City of Margate City or within an easement to the public or other easement owned by the City of Margate City.

Street means any street, avenue, boulevard, road, parkway, viaduct, drive or other way as defined in the Municipal Land Use Law, 40: 55D-7.

Stealth Structure means a new structure for the mounting of Facilities, such as a light pole with integrated antenna, with aesthetics found to be reasonably acceptable to the Zoning Officer, with input from the Governing Body, if deemed necessary.

Utility pole a tall wooden pole that is used to support telephone wires, electrical wires, etc.

Zoning Officer means the Administrative Officer as defined in N.J.S.A. 40:55D-3 and the Zoning Officer of the City of Margate City or his/her authorized designee.

Zoning Permit means the document signed by the Zoning Officer pursuant to N.J.S.A. 40:55D- 18 that is required as a condition precedent to the installation of an individual Facility and which acknowledges that the Facility complies with the provisions of this Ordinance, or approved deviation therefrom.

SECTION III. Section 242-30 is hereby amended to add the following Section in its entirety as follows:

ADDED SECTION:

242-30 Facilities in the Public Rights-of-Way.

(a) *Purpose.* The purpose and intent of this Ordinance is for the City to exercise, and where authorized by easement, its lawful authority to grant consent to the limited use of the public rights-of-way and to allow the attachment of Facilities only to existing utility poles located therein pursuant to N.J.S.A. 48-19, subject to certain conditions as stated herein, in order to allow the prompt deployment of Facilities while also effectively managing the public rights-of-way and protecting the aesthetic and safety interests of the public.

(b) *Facilities subject to this Ordinance.* This Ordinance applies to all Facilities, as herein defined, within the public rights-of-way, except as otherwise provided in any existing franchise, license or similar agreement. The deployment of Facilities on private property and public property outside of the public rights-of-way shall not be controlled by this Ordinance or the Master License Agreement, but by the City Zoning Ordinance and the New Jersey Municipal Land Use Law. In no event shall this Ordinance apply to the City or facilities owned or operated by the City.

(c) *Master License Agreement Required.* Every Carrier seeking to install Facilities in the public rights-of-way, excluding those holding a franchise, license or similar agreement with the City, shall first enter into the Master License Agreement substantially complying with the requirements of this Chapter and apply for and obtain a Zoning Permit as provided herein. The execution of the Master License Agreement by the Carrier and the City shall grant the City's consent to the Carrier to utilize the public rights-of-way pursuant to N.J.S.A. 48-19 and N.J.S.A. 27:16-6 and shall control the installation, maintenance, and removal of the Facilities.

(d) *Duration of Consent and Removal.* The non-exclusive consent granted to the Carrier shall expire in twenty five (25) years unless earlier terminated. Carrier may cancel this Agreement upon sixty (60) days prior written notice to the City of Margate City. Upon expiration of such consent, or at such earlier date that the Carrier ceases to operate its facilities for a period of ninety (90) consecutive days, the Carrier shall remove its facilities and restore the right-of-way at its sole cost and expense.

SECTION IV. Section 242-31 is hereby amended to add the following Section in its entirety as follows:

ADDED SECTION:

242-31

Permit Required; Application and Fees.

(a) *Permit required.* No Carrier, without first filing an application and obtaining a Zoning Permit from the City Zoning Officer pursuant to N.J.S.A. 40:55D-18, shall construct any Facility within any public right-of-way.

(b) *Application requirements.* The application shall contain, at a minimum, the following:

- (1) The Carrier's name and address and telephone number of the contact person for such Carrier;
- (2) The applicant's name and address, if different than the Carrier, and telephone number of the contact person for such applicant;
- (3) The names, addresses, telephone number of the professional consultants, if any, advising the applicant with respect to the application;
- (4) A brief description of the proposed work;
- (5) A plan with specifications of the Facility showing the work proposed, including sufficient information regarding the components of the Facility, including their types and quantities;
- (6) Any request for a deviation from one or more provisions of this Ordinance, and
- (7) Such additional information as may be reasonably required by the City Zoning Officer.

(c) *Application fees.* All applications for Zoning Permits pursuant to this Ordinance shall be accompanied by a fee of \$500.00 for each independent Facility as compensation to the City for

expenses incurred in processing the application as permitted by N.J.S.A. 54:30A-124.

SECTION V. Section 242-32 is hereby amended to add the following Section in its entirety as follows:

ADDED SECTION:

242-32 Conditions and Requirements.

- (a) *Installation of Facilities.* It shall be lawful for wireless communication carriers to install facilities in the public rights-of-way on existing poles only, shall comply with all requirements of this Ordinance and the terms and condition of the Master License Agreement. All applicants shall obtain any and all approvals necessary from the owner and/or operator of the utility poles to be used;
- (b) *Other approvals.* All applicants shall obtain any and all approvals necessary from any other governmental agency in addition to the owner and/or operator of the wooden utility poles to be used;
- (c) *Height.* No antenna or attachment to an existing utility pole shall exceed the height of that pole by more than six feet (6’);
- (d) *New poles.* No new poles shall be erected for the purpose of placing Facilities regulated herein. The setting of utility poles is regulated by the New Jersey Board of Public Utilities (“BPU), the City authorizes only the utility company to set utility poles in the public rights-of-way in their normal course as they deem appropriate and/or necessary subject to BPU regulation.
- (e) *Pole-Mounted equipment.* equipment shall be pole mounted at a minimum of 8’ feet from the ground and/or shall conform to all Flood Prevention Ordinance requirements of the City including but not limited to base flood plus elevations required, whichever is higher in height and shall be limited to one (1) antenna and one (1) cabinet or other mounted device at each site per carrier. A single antenna shall not exceed a height of four (4) feet and two (2) feet in width or two (2) antennas each of a maximum dimension of a height of two (2) feet and width of one (1) foot. The cabinet or other mounted device may project beyond the side of the pole no more than thirty (30) inches.
- (f) *Ground-mounted equipment.* No ground-mounted equipment is permitted on or around any pole;
- (g) *Color & Conduit.* All antennas, Conduit and equipment shall be a color that blends with the wooden utility pole on which it is mounted. Any cables or wiring attached to the utility pole shall be covered with an appropriate Conduit;
- (h) *Construction Permits.* Subsequent to the issuance of the Zoning Permit, the Permittee shall obtain any necessary permits required pursuant to the current Uniform Construction Code adopted in New Jersey prior to installation;
- (i) *Underground work.* All underground work shall follow standard road opening permit requirements; and

(j) *Co-locate.* All carriers shall co-locate and cooperate with each other to minimize the impact and number of Facilities on and in the public rights-of-way.

(k) No permit shall be issued which would permit the construction or installation of any facilities east of Atlantic Avenue between Atlantic and the Beach, along Ventnor Avenue between Wilson Avenue and Lancaster Avenue, inclusive (Parkway area), or in the Marven Gardens area which area is situate between Ventnor Avenue, Winchester Avenue, Fredericksburg Avenue and Brunswick Avenue unless a deviation is granted by the Governing Body.

SECTION VI. Section 242-33 is hereby amended to add the following Section in its entirety as follows:

ADDED SECTION:

242-33 Action on Zoning Permit Applications.

The Zoning Officer shall approve or reject the permit application within thirty (30) days, unless the Zoning Officer determines that the permit application is incomplete and insufficient for him to either approve or reject, in which case the Zoning Officer shall inform the applicant in writing what information is missing. If the application does not conform to the requirements of this Ordinance and no request for a deviation is made with the application, the Zoning Officer shall reject such application in writing, stating the reasons therein. If the Zoning Officer is satisfied that the application conforms to the requirements of this Ordinance, the Zoning Officer shall issue a permit therefor within 30 days.

SECTION VII. Section 242-34 is hereby amended to add the following Section in its entirety as follows:

ADDED SECTION:

242-34 Effect of Permit.

A Zoning Permit from the Zoning Officer shall confirm compliance with this Ordinance and shall authorize the Permittee to apply for construction permits to undertake the work set forth in the plans filed with the permit application. The permit shall not grant authority to the Permittee to impinge upon the rights of others who may also have an interest in the public rights-of-way.

SECTION VIII. Section 242-35 is hereby amended to add the following Section in its entirety as follows:

ADDED SECTION:

242-35 Deviations.

(a) *Request for deviations.* A Carrier proposing to deviate from one or more of the provisions of this Ordinance shall do so in writing to the Zoning Officer as part of the permit application. The request shall identify each provision of this Ordinance from which a deviation is requested and the reasons why a deviation should be granted.

(b) *Authority to grant deviations.* The Zoning Officer shall have no authority to grant a deviation from any conditions of Section 15-8.4 "Conditions and Requirements". The Zoning Officer shall decide for all other requests whether a deviation is authorized by this

Ordinance and the Carrier requesting the deviation has demonstrated that:

- (1) One or more conditions not under the control of the Carrier (such as terrain features or an irregular public rights-of-way line or condition) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
 - (2) All other designs, methods, materials, locations or Facilities that would conform to the provision from which a deviation is requested are impracticable in relation to the requested approach.
- (c) *Additional conditions for granting of a deviation.* As a condition for authorizing a deviation, the Zoning Officer may require the Carrier requesting the deviation to meet reasonable standards and conditions that may or may not be expressly contained within this Ordinance but which carry out its purposes.
- (d) *Material deviations.* In the event the actual size, type, material, or location of any Facilities installed in the public rights-of-way deviate in a materially significant way from that which was shown on the plans submitted with the Zoning Permit application, the Permittee shall file new plans with the Zoning Officer within 30 days of request or be subject to a stop work order, an order of removal, or a requirement to apply to the Governing Body for relief.
- (e) *Referral to Governing Body.* If the Zoning Officer determines that that the deviation requested (or existing) is a major deviation and/or that practical hardship has not been properly demonstrated, , the request shall be referred to the Governing Body for review. If the Governing Body denies the request for a deviation, then the Permittee shall, within thirty (30) days of said denial, either remove the Facility from the public rights-of-way (if installed) or modify the Facility so that it conforms to this Ordinance and submit revised plans to the Zoning Officer therefore for approval.
- (f) *Review fees.* Any reasonable professional fees incurred by the City in its review of a request for a deviation or as a result of the installation of a Facility in violation of this Ordinance, and for which no approval is granted, shall be paid to the City within thirty (30) and prior to the issuance of the Zoning Permit as permitted by N.J.S.A. 54:30A-124. An escrow of twenty-five hundred dollars (\$2,500.00) shall be submitted with the request for deviation to the construction office to cover such fees and be replenished as deemed appropriate by the Zoning Officer.

SECTION IX. Section 242-36 is hereby amended to add the following Section in its entirety as follows:

ADDED SECTION:

242-36 Insurance.

- (a) *Required coverage and limits.* Each Carrier constructing a Facility in the public rights-of-way shall secure and maintain commercial general liability insurance with limits of \$5,000,000 per occurrence for bodily injury (including death) and for damage or destruction to property and \$5,000,000 general aggregate insuring the Carrier as named insured and including the City as an additional insured as their interest may appear under this Agreement on the

policies.

(a) *Copies required.* The Carrier shall provide copy of certificates of insurance reflecting the requirements of this section to the City within ten (10) days following zoning approval and prior to obtaining a construction permit pursuant to this Ordinance.

(b) *Self-insurance.* A Carrier may self-insure all or a portion of the insurance coverage and limit requirements required by subsection (a) of this section. A Carrier that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insured under subsection (a) or the requirements of subsections (b) of this section. A Carrier that elects to self-insure shall provide to the City evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit required under subsection (a) of this section. Proof of such financial ability to self-insure shall be provided to the City within (10) days following the effective date of the Master License Agreement and prior to obtaining a permit pursuant to this Ordinance.

(c) *Effect of insurance and self-insurance on Carrier's liability.* The legal liability of the Carrier to the City and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder, however neither the City nor the carrier shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this Ordinance.

SECTION X. Section 242-37 is hereby amended to add the following Section in its entirety as follows:

ADDED SECTION:

242-37

Indemnification.

Prior to constructing a Facility in the public rights-of-way or where authorized by easement, and as a precondition to the issuance of a permit pursuant to this Ordinance, the Carrier shall execute the Master License Agreement, agreeing, among other things, to indemnify and hold harmless the City against any claim of liability or loss from personal injury or property damage resulting from or arising out of the negligence or willful misconduct of the Carrier, its employees, contractors or agents, except to the extent such claims or damage may be due to or caused by the negligence or willful misconduct of the City, or its employees, contractors or agents. The City will provide the Carrier with prompt, written notice of any claim covered by this indemnification; provided that any failure of the City to provide any such notice, or to provide it promptly, shall not relieve the Carrier from its indemnification obligation in respect of such claim, except to the extent the Carrier can establish actual prejudice and direct damages as a result thereof. The City shall cooperate with the Carrier in connection with the Carrier's defense of such claim. The Carrier shall defend the City, at the City's request, against any claim with counsel of the City's choosing that is reasonably satisfactory to the Carrier.

SECTION XI. Section 242-38 is hereby amended to add the following Section in its entirety as follows:

ADDED SECTION:

242-38

Permit Suspension and Revocation.

(a) *Right to revoke permit.* The City Zoning Officer may revoke or suspend a permit issued pursuant to this Ordinance for one or more of the following reasons:

(1) Materially false or incomplete statements in the permit application,

- (2) Non-compliance with one or more provisions this Ordinance for which a deviation has not been allowed,
- (3) The Permittee's Facilities within the public rights-of-way presents a direct or imminent threat to the public health, safety, or welfare,
- (4) Permittee's failure to construct the Facilities substantially in accordance with the permit and approved plans, or such additional time as reasonably necessary provided that send care is being pursued diligently and in good faith.
- (5) Violation of the terms and conditions of the Master License Agreement.

(b) Notice of revocation or suspension. The City Zoning Officer shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Ordinance stating the reason or reasons for the revocation or suspension and the alternatives available to Permittee under this section.

(c) Permittee alternatives upon receipt of notice of revocation or suspension. Upon receipt of a written notice of revocation or suspension from the City Zoning Officer, the permittee shall have the following options:

- (1) Immediately provide the City with evidence that no cause exists for the revocation or suspension;
- (2) Immediately correct, to the satisfaction of the City Zoning Officer, the deficiencies stated in the written notice, providing written proof of such correction to the City Zoning Officer within ten (10) business days after the receipt of the written notice of revocation, or
- (3) Within 10 days remove the Facilities located within the public rights-of-way and restore the public rights-of-way to the satisfaction of the City Zoning Officer providing written proof of such removal to the City Zoning Officer within ten business days after receipt of the written notice of revocation. The City Zoning Officer may, in his discretion, extend the time periods provided in this subsection. To be effective extensions must be in writing.

SECTION XII. Section 242-39 is hereby amended to add the following Section in its entirety as follows:

ADDED SECTION:

242-39 Change of Ownership, Owner's Identity, or Legal Status

Notification of change. A Carrier shall notify the City no less than thirty (30) days following the transfer of ownership of any Facility in the public rights-of-way or change in identity of the Carrier. The rights and obligations given to the Carrier pursuant to the Master License and Zoning Permit shall be binding on and benefit the new owner of the Carrier or the Facility, its successors and assigns, who shall have all the obligations and privileges enjoyed by the former owner under the Master License Agreement, Zoning Permit, and all applicable laws, ordinances, rules and regulations, including this Ordinance, with respect to the work and Facilities in the public rights-of-way.

SECTION XIII. Section 242-40 is hereby amended to add the following Section in its entirety as follows:

ADDED SECTION:

242-40 Traffic Control.

(a) *Warning signs, protective devices, and flaggers.* The Carrier is responsible for providing and installing warning signs, protective devices and flaggers, when necessary for protection of the public and the Carrier's workers when performing work on the public rights-of-way.

(b) *Interference with traffic.* All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

(c) *Compliance.* The Carrier shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the Carrier's attention by the City Zoning Officer, City Engineer, Fire Department, or Police Department.

SECTION XIV. Section 242-41 is hereby amended to add the following Section in its entirety as follows:

ADDED SECTION:

242-41 Removal, Relocation, or Modification of Facilities.

(a) *Notice.* Within 30 days following written notice from the City, any Carrier with Facilities in the public rights-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Facilities whenever the City determines that (a) such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon the public rights-of-way; or (b) because the equipment is interfering with or adversely affecting proper operation of the light or other poles; or (c) the widening of the public rights-of-way. In such instance, the City of Margate City shall cooperate with Carrier to find a replacement location for the Facility that will provide similar radio frequency coverage to the Facility removed or relocated.

(b) *Removal of unauthorized Facilities.* Within thirty (30) days following written notice from the City Zoning Officer to any Carrier that owns, controls, or maintains any unauthorized Facility or related appurtenances within any public rights-of-way shall, at its own expense, remove all or any part of such Facilities or appurtenances. A Facility is unauthorized and subject to removal, but not limited to, in the following circumstances:

- (1) Upon expiration or termination of the Permittee's license, unless otherwise permitted by applicable law,
- (2) If the Facility was constructed without the prior grant of a Zoning Permit,
- (3) If the Facility was constructed without prior issuance of a required construction permit,
- (4) If the Facility was constructed at a location not permitted by the Permittee's permit, or
- (5) Upon abandonment of the Facility. Abandonment will be presumed where a Facility has not been used for the purpose for which it was installed for a period of ninety (90) consecutive days, or more, and where there have been no efforts to repair or renew the use during the ninety (90) day period. The Carrier owning, controlling or maintaining the Facility shall have the burden of establishing to the City Zoning Officer that the Facility is still being used within thirty (30) days of the notice. All notices described herein shall be in writing and sent by recognized national overnight courier (e.g., U.S. Postal, Federal Express or UPS) for which proof of delivery is supplied. Failure to respond to the City Zoning Officer's request for information regarding the abandonment of the Facility shall constitute a presumption of abandonment. Upon the City Zoning Officer's determination and final written notification to the Carrier of such abandonment the Carrier shall have sixty (60) days within which to:

- a. Reactivate the use of the Facility or transfer the Facility to another entity which makes actual use of the Facility promptly, or
- b. Dismantle and remove the Facility and notify the City Zoning Officer in writing of the completion of such removal.

If the Entity believes that the determination of abandonment by the City Zoning Officer is incorrect it may file a written appeal with the Governing Body within forty-five (45) days of the City Zoning Officer's determination. If the Entity fails to prevail on appeal, or fails to reactivate, or transfer to another active user or remove the service facility the City shall have the right to have the Facilities removed at the Carrier's sole expense. The City shall be entitled to reimbursement for all costs and expenses associated with the removal of any Facility thereafter.

SECTION XV. Section 242-42 is hereby amended to add the following Section in its entirety as follows:

ADDED SECTION:

242-42 Cleanup and Restoration.

Upon completion of all construction or maintenance of Facilities, the Carrier shall remove all debris and restore the right-of-way to a clean and safe condition in a timely manner and to the satisfaction of the City Zoning Officer.

SECTION XVI. Section 242-43 is hereby amended to add the following Section in its entirety as follows:

ADDED SECTION:

242-43 Maintenance and Emergency Maintenance.

(a) *General.* Facilities within public rights-of-way shall be maintained by or for the Carrier at the Carrier's sole expense. Carrier shall not damage the Public Right-of-Way and shall keep the Public Right-of-Way free of all debris. If any portion of the Public Right-of-Way suffers damage by reason of access by Carrier, then in that event, Carrier, at its sole cost and expense, shall immediately repair all such damage or replace the damaged portion of the Public Right-of-Way and restore the damaged portion of the property to its condition prior to the occurrence of such damage.

(b) *Emergency maintenance procedures.* The noncompliance with normal procedures for securing a required permit shall be excused when a Carrier reasonably determines that an emergency exists.

- (1) If an emergency creates a hazard on the traveled portion of the public rights-of-way, the Carrier shall take immediate steps to provide all necessary protection for traffic on the roadway including the use of signs, lights, barricades or flaggers.
- (2) In an emergency, the Carrier shall, as soon as practical, notify the City Zoning Officer or his or her duly authorized agent and the Margate City Police Department of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. On nights and weekends, the Carrier shall notify the Margate City Police Department of an emergency if the City Zoning Officer is unavailable. If the nature of the

emergency is such as to interfere with the free movement of traffic, the Margate City Police Department shall be notified immediately. To the extent that the City of Margate City has actual knowledge of the displacement or damage to any Facility, it shall inform Carrier upon learning of the same.

SECTION XVII. Section 242-44 is hereby amended to add the following Section in its entirety as follows:

ADDED SECTION:

242-44 Enforcement.

Nothing in this Ordinance shall be construed as limiting any additional or further remedies that the City may have for enforcement of this Ordinance or the right of a Carrier to appeal any decision to the state courts of New Jersey or the United States District Court for the District of New Jersey.

SECTION XIX. Severability. If for any reason any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remain in full force and effect, notwithstanding.

SECTION XX. Repealer. Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION XXI. Publication. This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.

RESOLUTIONS:

A motion to adopt Resolution #128-2018 was put forth by Commissioner Amodeo, seconded by Commissioner Blumberg, with a vote of three ayes.

**RESOLUTION #128-2018
MARGATE CITY BILL LIST / PAYROLL
JUNE 21, 2018**

WHEREAS, the Board of Commissioners of the City of Margate City, are in receipt of the semimonthly claims submitted by the Chief Financial Officer for payment:

<u>BILLS LIST AMOUNT:</u>	\$2,117,234.42
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<u>PREVIOUSLY PAID:</u>	\$ 1,386.25
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PAYROLL ACCOUNT – June 21, 2018

<u>CURRENT ACCOUNT</u>	\$ 538,435.06
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WATER & SEWER

\$ 56,303.36

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners does hereby approve the Margate City Bill List / Payroll, and that all claims and bills attached here to be paid in full.

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo	X		X			
Blumberg		X	X			

DATE: June 21, 2018

June 19, 2018
03:15 PM

City of Margate City
Purchase Order Listing By P.O. Number

Page No: 1

P.O. Type: All		Open: N	Paid: N	Void: N
Range: First	to Last	Rcvd: Y	Held: N	Aprv: Y
Format: Condensed	First Enc Date Range: First	Bid: Y	State: Y	Other: Y
Include Non-Budgeted: Y	to 12/31/18	Exempt: Y		

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
17-00163	01/24/17	GARDENST	GARDEN STATE HIGHWAY PRODUCTS	Traffic Signs & Supplies	Open	36.00	0.00
17-01388	10/04/17	REMGINTO	REMGINTON & VERNICK	SRTS Plan project management	Open	202.50	0.00 B
17-01715	12/21/17	LAFAYETT	LAFAYETTE UTILITY CONSTRUCTION	Beach Street End Storm Sewer	Open	311,240.28	0.00 C
Contract No: U1250000							
18-00009	01/16/18	GOLDEN	Golden Equipment Co., Inc.	Sweeper - Material/Supplies	Open	3,928.39	0.00
18-00011	01/16/18	SAMS	San's Club	Supplies	Open	219.90	0.00
18-00012	01/16/18	SAMS	San's Club	Supplies	Open	551.41	0.00
18-00015	01/16/18	PROFORMA	PROFORMA DYNAMIC RESOURCES	Shirts and Uniforms	Open	125.00	0.00
18-00017	01/16/18	HOT BAGE	HOT BAGELS AND MORE MMM LLC	Bagels	Open	642.41	0.00 B
18-00022	01/17/18	STEINER	Robert & Marilyn Steiner	refund tax payment in error	Open	3,000.43	0.00
18-00025	01/17/18	LOWES	Lowe's Commercial Services	Materials & Supplies	Open	2,267.15	0.00
18-00028	01/17/18	ACELECTR	ATLANTIC CITY ELECTRIC	2018 General Accounts	Open	10,632.37	0.00
18-00029	01/17/18	ACELECTR	ATLANTIC CITY ELECTRIC	2018 Water and Sewer Accounts	Open	13,806.70	0.00
18-00030	01/17/18	ACELECTR	ATLANTIC CITY ELECTRIC	2018 Street Light Accounts	Open	16,900.47	0.00
18-00031	01/17/18	ACELECTR	ATLANTIC CITY ELECTRIC	2018 Temp Accounts	Open	228.81	0.00
18-00038	01/18/18	J CINCOT	Joseph Cincotta	2018 Lifeguard Pension	Open	535.76	0.00
18-00039	01/18/18	JGALLAGH	JAMES GALLAGHER	2018 Lifeguard Pension	Open	247.15	0.00
18-00040	01/18/18	JOHN SLA	John Slattery, III	2018 Lifeguard Pension	Open	157.72	0.00
18-00041	01/18/18	KING	GEORGE KING	2018 Lifeguard Pension	Open	384.13	0.00
18-00042	01/18/18	MICHAELB	Michael Baylinson	2018 Lifeguard Pension	Open	532.64	0.00
18-00043	01/18/18	RICHKUG	RICHARD H. KUGEL	2018 Lifeguard Pension	Open	1,959.75	0.00
18-00044	01/18/18	SMALLWOOD	CARL SMALLWOOD	2018 Lifeguard Pension	Open	536.62	0.00
18-00045	01/18/18	TPGALL2	Thomas P. Gallagher	2018 Lifeguard Pension	Open	122.00	0.00
18-00049	01/18/18	CASA	CASA PAYROLL SERVICE	2018 Payroll Billing	Open	644.85	0.00
18-00050	01/18/18	THISTHAT	THIS & THAT UNIFORMS LLC	Uniformand Supplies	Open	2,851.97	0.00
18-00056	01/01/08	BARRIER	BARRIER PEST CONTROL	17/18 Pest Control Contract	Open	650.00	0.00 B
18-00062	01/09/18	WILLIAMS	WILLIAMS SCOTSMAN, INC.	Sta. 2 Trailer Rental - 12-17	Open	286.13	0.00
18-00064	01/03/18	NJOIVPEN	NJ DIV OF PENSION & BENEFITS	2018 employee health benefits	Open	229,901.92	0.00 B
18-00092	01/22/18	SCHMAAB	SCHMAAB, INC	finance pads/payroll stamps	Open	30.25	0.00
18-00111	01/23/18	ACPRESS	PRESS OF ATLANTIC CITY	city clerk Legal Notices	Open	152.88	0.00
18-00128	01/01/18	CIOETACD	Cioeta Consulting, LLC	2018 HR Consultant	Open	4,050.00	0.00 C
Contract No: C1800001							
18-00132	01/01/18	INNOVATI	Innovative Risk Solutions, Inc	2018 Health Broker	Open	1,041.67	0.00 C
Contract No: C1700025							
18-00133	01/01/18	PBC	PROFESSIONAL BENEFIT	2018 Health Ins Broker	Open	1,041.67	0.00 C
Contract No: C1700026							
18-00134	01/01/18	DM MEDIC	DM MEDICAL BILLINGS, INC.	2018 Ambulance billing	Open	977.97	0.00 C
Contract No: C1800003							
18-00135	01/01/18	FORDSCOT	FORD, SCOTT & ASSOCIATES, LLC	Auditing services	Open	12,500.00	0.00 C
Contract No: C1800004							
18-00136	01/01/18	FORDSCOT	FORD, SCOTT & ASSOCIATES, LLC	2018 Accounting services	Open	1,900.00	0.00 C
Contract No: C1800005							
18-00137	01/11/18	GRUCCIO	GRUCCIO, PEPPER, DeSANTO&BRUTH	Labor attorney	Open	1,735.50	0.00 C
Contract No: C1800006							
18-00140	01/01/18	ANIMAL	SAMUEL W. HOLLAND DBA	2018 Animal Control Services	Open	650.00	0.00 C
Contract No: C1700010							
18-00141	02/01/18	BESTHNDY	Best Handyman & Clean Serv LLC	2018 Janitorial services	Open	3,462.70	0.00 C
Contract No: C1800008							
18-00144	03/22/18	FASTENAL	Fastenal Company	MATERIALS & SUPPLIES	Open	273.18	0.00

City of Margate

Additional Bill List - Previously Paid

For meeting on 7/7/2018

CURRENT FUND

PO #	Vendor	Description	Amount	Date Paid	Check #
18-00941	Comcast	monthly interest	\$1,386.25	6/13/2018	79852

TOTAL CURRENT ACCOUNT \$2,772.50

WS UTILITY FUND

Total Water /Sewer Account \$-
CAPITAL FUND

Total Capital Account \$-

Total Paid All Funds \$-

CITY OF MARGATE				6/18/201
PAY #13				
PAY PERIOD	6/21/2018			
(GET FROM PAYROLL EXPENSE REPORT PM53)		PAY FROM:		PAYABLE TO:
CURRENT FUND	510,809.16	Current ck #	231498	PAYROLL ACCT
UTILITY FUND				
8000 SEWER	25,410.27			
9000 WATER	30,893.09			
	56,303.36	Water & Sewer ck #	231499	PAYROLL ACCT
TOTAL PAYROLL EXPENSE(ADJUSTED GROSS + WKRS COMP)	567,212.52			
EMPLOYER PAYROLL TAXES				
SOCIAL SECURITY (FICA + MEDICARE)	26,296.59			
DISABILITY (SDI + SUI + WFD)	1,006.01			
DCRP	223.30			
TOTAL EMPLOYER EXPENSE	27,525.90	Current ck #	231500	PAYROLL ACCT
ADJUSTED GROSS + ER EXPENSE	594,738.42			
(GET FROM CASA VOUCHERS)				
GARNISHMENTS	253,540.10	Payroll ck #	231501	PAYROLL DEDUCTION ACCT
INDIVIDUAL CHECKS & DIRECT DEPOSIT	341,198.32			
TOTAL PAYROLL EXPENSE	594,738.42			

A motion to adopt Resolution #129-2018 was put forth by Mayor Becker, seconded by Commissioner Blumberg, with a vote of three ayes.

RESOLUTION #129- 2018

REQUEST OF DLGS FOR APPROVAL TO INSERT GRANT MONEY

WHEREAS, a grant from the State of NJ Department of Environmental Protection in the amount of THIRTY THOUSAND FOUR HUNDRED NINETEEN DOLLARS AND FORTY EIGHT CENTS (\$30,419.48) has become available to the City of Margate City; and

WHEREAS, the Director of the Division of Local Government Services under authority of NJSA 40A: 4-87 may approve the insertion of any special item of revenue in a budget of any county or municipality when such an item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Margate City, Atlantic County, New Jersey hereby requests the Director of the Division of Local Government Services approve the insertion of the following item of revenue into the budget of the year 2018 in the sum of \$30,419.48 which is now available; and

BE IT FURTHER RESOLVED that a like sum of THIRTY THOUSAND FOUR HUNDRED NINETEEN DOLLARS AND FORTY EIGHT CENTS (\$30,419.48) be and the same is hereby appropriated under the caption "Clean Communities Grant".

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo	X		X			
Blumberg		X	X			

DATE: June 21, 2018

A motion to adopt Resolution #130-2018 was put forth by Commissioner Amodeo, seconded by Commissioner Blumberg, with a vote of three ayes.

R E S O L U T I O N #130 - 2018

**RENEWAL OF THE 2018-2019 LIQUOR LICENSE FOR THOSE LICENSEES
WHO HAVE MET ALL CITY AND STATE REQUIREMENTS
AND PAID ALL APPLICABICAL FEES**

WHEREAS, the Retail Renewal Application forms for the 2018-2019 license term has been deemed complete in all respects, the annual fees have been paid to both the City of Margate and the State of New Jersey, Division of ABC; and

WHEREAS, the City Commissioners of the City of Margate of the County of Atlantic,

hereby authorizes the renewal of the following Retail Alcoholic Beverage Licenses for the 2018-2019 license term effective as of July 1, 2018 and subject to the conditions and limitations contained therein.

CLUB LICENSES

LICENSEE	TRADE NAME
Margate City Fire Company 0116-31-021-001	MARGATE LOG CABIN \$180

PLENARY RETAIL CONSUMPTION

LICENSEE	TRADE NAME
Sensational Desserts, LLC 0116-33-001-013	JOHNNY'S CAFÉ \$600
Margate License Inc. 016-33-003-013	TOMATOES RESTAURANT \$600
South End Suds & Suds, Corp 0116-33-004-006	SOUTH END LIQUORS \$600
Miyako Japanese Rest Corp 0116-33-005-005	MIYAKO JAPANESE RESTAURANT \$600
Lah Lah Land LLC 0116-33-006-010	SOPHIA RESTAURANT \$600
Lamberti Margate 0116-33-010-007	Lamberti's Restaurant \$600.00
New Gold Inc. 0116-33-010-002	MEMORIES \$600
Robert's Place Inc. 0116-33-014-003	ROBERT'S PLACE \$600
CSST, Inc. 0116-33-016-010	STEVE & COOKIES' BY THE BAY \$600
Yo-Levin Inc 0116-33-017-005	VENTURA'S GREENHOUSE REST. \$600

LICENSEE	TRADE NAME
7805 BOCCA LLC 0116-33-018-012	BOCCA \$600
Maynard's Inc	MAYNARD'S CAFE

0116-33-019-003

\$600

PLENARY RETAIL DISTRIBUTION**LICENSEE****TRADE NAME****JayJala, LLC**
0116-44-015-009**DOWNBEACH LIQUORS**
\$345

NOW, THEREFORE, BE IT RESOLVED by the City Commissioners of the City of Margate, County of Atlantic, State of New Jersey that authorization is hereby given to renew said licenses, effective July 1, 2018, the aforesaid liquor licenses for the license term 2018-2019; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

1. David Wolfson, Chief of Police
2. Lisa McLaughlin, Chief Finance Officer
3. Division of Alcoholic Beverage Control

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo	X		X			
Blumberg		X	X			

DATE: June 21, 2018

A motion to adopt Resolution #131-2018 was put forth by Mayor Becker, seconded by Commissioner Amodeo, with a vote of three ayes.

RESOLUTION #131-2018

**Renewal of the 2017-2018 Liquor Licenses for those Licensees
who have met all City and State requirements
and paid all applicable fees**

WHEREAS, the Board of Commissioners of the City of Margate City, County of Atlantic, State of New Jersey are in receipt of a Special Ruling to permit Consideration of a Pocket License renewal application; and

WHEREAS, Plenary Retail Consumption License for 2017-2018 had been deemed incomplete and rescinded awaiting Special Ruling from the Director of the Division of Alcohol Beverage Control; and

WHEREAS, a Special Ruling in accordance with N.J.S.A 3:1-12.39 granted conditional approval for liquor license #0116-33-020-007 along with a letter by the Director of Alcoholic Beverage Control, David P. Rible dated March 9, 2018; and

WHEREAS, the Retail Renewal Application forms for the 2017-2018 license term has been deemed complete in all respects, the annual fees have been paid to both the City of Margate and the State of New Jersey, Division of ABC; and

WHEREAS, the City Commissioners of the City of Margate of the County of Atlantic, hereby authorizes the renewal of the following Retail Alcoholic Beverage Licenses for the 2017-2018 license term effective as of July 1, 2017 and subject to the conditions and limitations contained therein.

LICENSEE**TRADE NAME**

Karen Sherman .
0116-33-020-007

Pocket License (*not sited*)
\$600.00

NOW, THEREFORE, BE IT RESOLVED by the City Commissioners of the City of Margate, County of Atlantic, State of New Jersey that authorization is hereby given to renew said license, effective July 1, 2017, the aforesaid liquor licenses for the license term 2017-2018; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

1. David Wolfson, Chief of Police
2. Lisa McLaughlin, Chief Finance Officer
3. Division of Alcoholic Beverage Control

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker	X		X			
Amodeo		X	X			
Blumberg			X			

DATE: June 21, 2018

CONSENT AGENDA:

A motion for the approval of the consent agenda was put forth by Mayor Becker seconded by Commissioner Blumberg. The motion to approve the consent agenda was carried with three affirmatives.

RESOLUTION # 132-2018**AUTHORIZING THE EXECUTION OF A CONTRACT RENEWING MEMBERSHIP IN THE**

ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, City of Margate City (hereinafter the "MUNICIPALITY") is a member of the Atlantic County Municipal Joint Insurance Fund (hereinafter the "FUND"); and

WHEREAS, the MUNICIPALITY'S membership terminates as of January 1, 2019 unless earlier renewed by a Contract between the MUNICIPALITY and the FUND; and

WHEREAS, N.J.S.A. 40A:11-5 (1) (m) provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the subject matter is for the purchase of insurance coverage and consultant services, provided that the award is in accordance with the requirements for extraordinary unspecifiable services; and

WHEREAS, N.J.S.A. 40A:11-6.1(b) provides that the MUNICIPALITY shall make a documented effort to secure competitive quotations; however, a Contract may be awarded upon a determination, in writing, that the solicitation of competitive quotations is impracticable; and

WHEREAS, in accordance with N.J.A.C. 5:34-2.3, a designated official of the MUNICIPALITY, has filed a certificate with the governing body describing in detail, as set forth below in this Resolution, why this Contract meets the provisions of the statutes and the regulations and why the solicitation of competitive quotations is impracticable; and

WHEREAS, it has been determined that the purchase of insurance coverage and insurance consultant services by the MUNICIPALITY requires a unique knowledge and understanding of the municipal exposures and risks associated with the operation of a municipal entity, and many insurance professionals are not qualified to assess these risks and exposures based upon their inherent complexity; and

WHEREAS, insurance coverage for municipal entities can vary greatly in the type, limits, and exceptions to coverage, and therefore particularized expertise in determining and obtaining the appropriate coverage is required to protect the MUNICIPALITY; and

WHEREAS, it is the goal of the MUNICIPALITY to obtain a single integrated program to provide all types of insurance coverage with a plan to limit the MUNICIPALITIES exposure; and

WHEREAS, the FUND has provided comprehensive insurance coverage to member municipalities since 1987; and

WHEREAS, since 1987, the Fund has continually refined all of the types of coverage that it provides to its members so that it offers comprehensive insurance coverage and limits to all members that is unique and cannot be purchased from a single entity in the commercial insurance market; and

WHEREAS, the FUND has also developed and made available to its members Safety, Risk Management and Litigation Management programs that address the specific exposures and risks associated with municipal entities; and

WHEREAS, the FUND provides the MUNICIPALITY with Fund Administration, Claims Review, Claims Processing, Claims Administration, Actuarial and Legal services; and

WHEREAS, the FUND is one of the most financially sound Municipal Joint Insurance Funds in New Jersey, and the FUND operates with strong fiscal controls, member oversight, and meets all of the requirements promulgated by the New Jersey Department of Community Affairs and the Department of Banking and Insurance; and

WHEREAS, as an existing member of the FUND, the MUNICIPALITY would be renewing its membership in an organization with experienced and dedicated FUND Professionals who provide specialized services to the members; and

WHEREAS, the membership of the FUND includes many neighboring municipalities that have uniquely similar exposures to the MUNICIPALITY, and with whom the MUNICIPALITY has existing inter-local arrangements; and

WHEREAS, all of the aforementioned factors categorize the award of this Contract as an “extraordinary, unspecifiable service” that cannot be duplicated, accounted for, accurately detailed, or described in a manner that truly depicts the value of the MUNICIPALITY’S membership in the FUND; and

WHEREAS, for all of the aforementioned reasons, it is impracticable for the MUNICIPALITY to seek competitive quotations for a Contract to provide the procurement of insurance coverage and consultant services; and

WHEREAS, the FUND has been organized pursuant to N.J.S.A. 40A:10-36 et seq., and as such is an agency of the municipalities that created it; and

WHEREAS, N.J.S.A. 40A:11-5(2) also provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the Contract is entered into with a municipality or any board, body, officer, agency or authority thereof; and

WHEREAS, the FUND meets the definition of an agency as set forth in N.J.S.A. 40A:11-5(2); and

WHEREAS, for all of the aforementioned reasons, the MUNICIPALITY desires to enter into a Contract to renew its membership with the FUND for a period of three (3) years, for insurance coverage and consultant services, as an exception to the public bidding requirements of the Local Public Contracts Law.

NOW THEREFORE, be it resolved by the governing body of the MUNICIPALITY as follows:

1. The MUNICIPALITY agrees to renew its membership in the FUND and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the FUND.
2. The Mayor and Clerk of the MUNICIPALITY shall be and hereby are authorized to execute the "Contract to Renew Membership" annexed hereto and made a part hereof and to deliver same to the FUND evidencing the MUNICIPALITY’S renewal of its membership.
3. In accordance with N.J.A.C. 5:34-2.3, the certificate of a designated official of the MUNICIPALITY, which details why the solicitation of competitive quotations is impracticable, is attached hereto and made a part of this Resolution.

4. The Clerk of the MUNICIPALITY is authorized and directed to place a notice of the adoption of this Resolution and the award of this Contract in the official newspaper of the MUNICIPALITY.

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker	X		X			
Amodeo			X			
Blumberg		X	X			

DATE: June 7, 2018

RESOLUTION #133-2018
AUTHORIZING THE APPOINTMENT OF CITY SOLICITOR
JOHN SCOTT ABBOTT

WHEREAS, the Board of Commissioners of the City of Margate City has determined it has a need for a City Solicitor to assist with legal matters on behalf of the City of Margate City; and

WHEREAS, John Scott Abbott, Esquire, 9 South Washington Avenue, Margate City, New Jersey 08402, has performed the services of City Solicitor for the time period of June 16, 2017 through June 15, 2018; and

WHEREAS, the Board of Commissioners desires to reappoint John Scott Abbott, Esquire, as City Solicitor for the year June 17, 2018 through June 15, 2019; and

WHEREAS, this contract is awarded without competitive bidding because it is a Professional Services Contract and is as an exception to the Local Public Contracts Law *N.J.S.A. 40:11A-5 (1) (a) (i)*.

NOW, THEREFORE BE IT RESOLVED by the Commissioners of the City of Margate City, County of Atlantic and State of New Jersey as follows:

- 1.** The Mayor is hereby authorized to execute on behalf of the City of Margate City and the City Clerk to attest to a contract with a retainer amount of \$84,000.00 and a Contract amount including legal services litigation and special projects not to exceed \$209,000.00 between the City of Margate City and John Scott Abbott, Esquire, to serve as City Solicitor and to provide services as stated in the Contract.
- 2.** This contract is awarded without competitive bidding because it is a Professional Services Contract and is as an exception to the Local Public Contracts Law *N.J.S.A. 40:11A-5 (1) (a) (i)*.
- 3.** The hourly fee for legal services is \$150.00 for all work outside the scope of services as stated in the contract.

4. The contract shall not exceed twelve consecutive months in accordance with N.J.S.A. 40A:11-5.

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker	X		X			
Amodeo			X			
Blumberg		X	X			

DATE: June 21, 2018

Certification Of Availability of Funds

This is to certify to the of the City of Margate City that funds for the following resolutions are available.

Contract Amount: 209,000.00
Resolution Date: 06/21/18
Resolution Number: 133-2018

Vendor: J SCOTT John Scott Abbott, Esq.
9 South Washington Avenue
Margate, NJ 08402

Contract: C1800024 City Solicitor
6/17/18-6/15/19

Account Number	Amount	Department Description
8-01-20-155-254	80,000.00	LEGAL
Total	80,000.00	

Only amounts for the 2018 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.


Chief Financial Officer

RESOLUTION #134-2018

AUTHORIZATION OF CREDIT CARDS AND CREDIT CARD SIGNATORIES

WHEREAS, the Board of Commissioners of the City of Margate City, County of Atlantic, State of New Jersey are desirous to establish and maintain credit cards with designated signatures at Sam's Club, and

BE IT RESOLVED by the Board of Commissioner that the following persons are hereby authorized to use the credit card at Sam's Club for Margate City use;

SAM'S CLUB
Daniel Adams
Lisa McLaughlin
Andrew Miles

William Walsh
Marianne Christian
Edmund Allen
Brian Casey

NOW, THEREFORE BE IT RESOLVED, that the above authorization of credit card use and signatories be adopted by the governing body of the City of Margate City, effective immediately.

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker	X		X			
Amodeo			X			
Blumberg		X	X			

DATE: June 21, 2018

**RESOLUTION #135-2018
AUTHORIZING THE EXTENSION OF CONTRACT TO
CIOETA CONSULTING, LLC
TO PROVIDE HUMAN RESOURCES SERVICES**

WHEREAS, the City of Margate City has a need for a Human Resources Professional; and

WHEREAS, Cioeta Consulting LLC submitted a proposal for 2018 dated November 10, 2017 at a rate of \$60/hour, in the amount not to exceed \$34,560.00; and

WHEREAS, The City of Margate has the need to extend the contract of Joann Cioeta of Cioeta Consulting, LLC for an additional 164 hours for a total of 740 hours, at the rate of \$60.00, not to exceed \$44,400; and

WHEREAS, the Chief Financial Officer has certified to the City Commissioners that there are sufficient funds available for in the following account 8-01-20-135-301 in the amount of 9,750.00; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Margate that a contract be increased to Cioeta Consulting, LLC.

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise the award of contract according to law in the Atlantic Press; and, to forward a certified copy of this resolution to the following:

1. Cioeta Consulting, LLC
2. Lisa McLaughlin, CFO

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker	X		X			
Amodeo			X			

Blumberg		X	X			
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DATE: June 21, 2018

Certification Of Availability of Funds

This is to certify to the of the City of Margate City that funds for the following resolutions are available.

Contract Amount: 44,400.00
Resolution Date: 06/21/18
Resolution Number: 135-2018

Vendor: CIOETACO Cioeta Consulting, LLC
808 Seaclyff Road
Ocean City, NJ 082264730

Contract: C1800001 2018 Human Resource Consultant

Account Number	Amount	Department Description
8-01-20-135-301	9,750.00	FINANCIAL ADMINISTRATION
Total	9,750.00	

Only amounts for the 2018 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.


Chief Financial Officer

RESOLUTION #136-2018
AWARD OF CONTRACT FOR
2016 STATE AID RECONSTRUCTION OF WINCHESTER AVENUE

WHEREAS, the City of Margate authorized the receipt of rebids for 2016 State Aid Reconstruction of Winchester Ave. on October 5, 2017; and

WHEREAS, the City Clerk did duly advertise the receipt of said bids in The Press of Atlantic City on March 22, 2018; and

WHEREAS, in connection therewith the following three (5) bids were received by the City of Margate on April 12, 2018:

Perna Finnigan, Inc., Vineland, NJ	\$ 927,903.05
Mathis Construction Co., Inc. Little Egg Harbor Twp., NJ	\$ 962,892.47
Asphalt Paving Systems, Hammonton, NJ	\$ 983,000.00
Lexa Concrete, LLC, Hammonton, NJ	\$1,026,974.00
Lafayette Utility Construction Co. Inc., Egg Harbor Twp.,	\$1,055,106.55

WHEREAS, the City Engineer, Edward Walberg of Remington, Vernick & Walberg recommended that a contract be awarded to Perna Finnigan, Inc., Vineland, NJ , as per their proposal for 2016 State Aid Reconstruction of Winchester Ave. at a cost not to exceed \$927,903.05; and

WHEREAS, the Chief Finance Officer has certified to the City Commissioners that there are adequate funds available for the purpose of award of this contract in the following account c- 04-55-980-902, c-04-55-982-904, c-06-55-909-902, and c-06-55-910-904; and

NOW, THEREFORE, BE IT RESOLVED, by the City Commissioners of the City of Margate, County of Atlantic that it does hereby award a contract to Perna Finnigan, Inc., Vineland, NJ, as per their proposal for 2016 State Aid Reconstruction of Winchester Ave. at a cost not to exceed \$927,903.05; and

BE IT FURTHER RESOLVED that this award of contract is conditioned upon the delivery and execution thereof within ten (10) days from the date of the within resolution accompanied by such appropriate insurance certificate, Affirmative Action certificate and performance bonds as may be required by the specifications; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

1. Remington, Vernick & Walberg Engineers
2. Chief Financial Officer
3. Perna Finnigan, Inc., 1921 East Sherman Ave., Vineland, NJ

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker	X		X			
Amodeo			X			
Blumberg		X	X			

DATE: June 21, 2018

Certification Of Availability of Funds

This is to certify to the of the City of Margate City that funds for the following resolutions are available.

Contract Amount: 927,903.05
 Resolution Date: 06/21/18
 Resolution Number: 136-2018

Vendor: PERNA Perna Finnigan, Inc.
 1921 East Sherman Avenue
 Vineland, NJ 08361

Contract: U1190001 2016 State Aid- Winchester
 Avenue Reconstruction

Account Number	Amount	Department Description
C-04-55-980-902	396,119.00	Ordinance 04-2017
C-04-55-982-904	200,000.00	Ordinance 07-2018
C-06-55-909-902	171,541.00	ORDINANCE 05-2017
C-06-55-910-904	160,243.05	ORDINANCE 08-2018
Total	927,903.05	

Only amounts for the 2018 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.


 Chief Financial Officer

R E S O L U T I O N #137-2018
AUTHORIZING REFUND OF REDEMPTION
MONIES TO OUTSIDE LIEN HOLDER

WHEREAS, at the Margate City Municipal Tax Sale held on December 15, 2017 a lien was sold on Block 124 Lot 23.32 also known as 9105 Atlantic Avenue in Margate City for 2016 water & sewer,

WHEREAS, this lien, known as Tax Sale Certificate #17-00004 was sold to Early Out Investment for 0% redemption fee and a \$3,400 premium; and,

WHEREAS, Certificate #17-00004 has been redeemed in the amount of \$4,251.76.

NOW, THEREFORE, BE IT RESOLVED, that the treasurer be authorized to issue a check in the amount of \$4,251.76 payable to Early Out Investment for redemption of Tax Sale Certificate #17-00004,

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$3,400 (Premium) to the aforementioned lienholder.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

1. Lisa McLaughlin, Finance Manager
2. Linda Morgan, Tax Collector

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker	X		X			
Amodeo			X			
Blumberg		X	X			

DATE: June 21, 2018

RESOLUTION #138-2018**AUTHORIZING RECEIPT OF BIDS
HISTORIC CITY HALL EMERGENCY GENERATOR REPAIR**

WHEREAS, the City Commissioners is desirous of receiving bids for the Historic City Hall Emergency Generator Repair; and

WHEREAS, specifications for the aforesaid items will be on file in the City Clerk's Office, and will be available for inspection.

NOW, THEREFORE, BE IT RESOLVED by the City Commissioners of the City of Margate, County of Atlantic that it does hereby authorize the City Clerk to advertise June 28, 2018 for bids for the aforesaid item as per the specifications on file and will be received by the City Clerk's Office in the Municipal All Purpose Room, 9001 Winchester Avenue, Margate, New Jersey on July 12, 2018 at 11:00 AM.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

1. Lisa McLaughlin, Finance Manager
2. Frank Ricciotti, Public Works Department
3. Ed Walberg, City Engineer

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker	X		X			
Amodeo			X			
Blumberg		X	X			

DATE: June 21, 2018

RESOLUTION #139-2018**RESOLUTION AUTHORIZING EMPLOYMENT
AND RETIRMENT AGREEMENT WITH
DEPUTY FIRE CHIEF
SCOTT WINNEBERGER**

WHEREAS, an Employment and Retirement Agreement (hereinafter “Agreement”) with Deputy Fire Chief Scott Winneberger, (hereinafter “Winneberger”), and the City of Margate City (hereinafter “City”) has been negotiated in order to resolve all retirement issues concerning Tabasso; and

WHEREAS, upon review and approval the Governing Body has determined to approve the Agreement, a copy of which is attached hereto and made a part hereof; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Margate City that it does hereby accept the proposed Agreement and authorizes the Commissioner of Public Safety to execute said Agreement on behalf of the City; and

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

1. Commissioner John Amodeo
2. Lisa McLaughlin, Chief Financial Officer
3. Deputy Fire Chief Scott Winneberger

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker	X		X			
Amodeo			X			
Blumberg		X	X			

DATE: June 21, 2018

RESOLUTION #140-2018**AUTHORIZING CHANGE ORDER #1 (INCREASE)
BEACH STREET END STORM SEWER SYSTEM
LAFAYETTE UTILITY CONSTRUCTION COMPANY, LLC**

WHEREAS, the Board of Commissioners of the City of Margate City in the County of Atlantic, State of New Jersey has on December 21, 2017 authorized the awarding a contract to Lafayette

Utility Construction Company, Inc. PO Box 944, Pleasantville, NJ 08232, as per their proposal in an amount of \$521,311.00; and

WHEREAS, the City Engineer , Edward Walberg, has prepared a letter dated June 19, 2018 regarding increase in Change Order #1 that related to a change in contract requiring additional dewatering, inlet depths, excavation and pipes in the amount of \$102,999.25, resulting in a new contract total of \$624,310.25; and

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available under Capital Ordinance 2017-04 C04-55-980-904; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Margate City in the County of Atlantic, State of New Jersey, does hereby authorize the issuance of Change Order No. 1 to the contract with Lafayette Utility Construction Company, Inc. PO Box 944, Pleasantville, NJ 08232,: and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

1. Lisa McLaughlin, Chief Financial Officer
2. Edward Walberg, City Engineer
3. Lafayette Utility Construction Company, Inc. PO Box 944, Pleasantville,
NJ 08232

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker	X		X			
Amodeo			X			
Blumberg		X	X			

DATE: May 3, 2018

Certification of Availability of Funds

This is to certify to the of the City of Margate City that funds for the following resolutions are available.

Contract Amount: 624,310.25
Resolution Date: 06/21/18
Resolution Number: 140-2018

Vendor: LAFAYETTE LAFAYETTE UTILITY CONSTRUCTION
COMPANY, INC.
9 ATLANTIC AVENUE
EGG HARBOR TOWNSHIP, NJ

Contract: U1250000 Beach Street End Storm Sewer

Account Number	Amount	Department Description
C-04-55-980-904	102,999.25	Ordinance 04-2017
Total	102,999.25	

Only amounts for the 2018 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.


Chief Financial Officer

RESOLUTION #141-2018
AUTHORIZING REFUND OF CREDIT CARD PAYMENT OF
PROPERTY TAXES

WHEREAS, the 2018 First Quarter tax was paid by credit card in the amount of \$1,620.95 for Block 613.01 Lot 28, 406 N Lancaster Avenue, assessed to Doyle, Joseph & Linda; and

WHEREAS, the cardholder, Joseph & Linda Doyle, initiated a chargeback for this transaction and

WHEREAS, inquiry was decided to be in the cardholder's favor and a refund is due to Fidelity National Information Services (FIS).

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer be authorized to issue a check in the Amount of \$1,620.95 payable to FIS.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

1. Lisa McLaughlin, Chief Financial Officer
2. Linda Morgan, Tax Collector

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker	X		X			
Amodeo			X			
Blumberg		X	X			

DATE: June 21, 2018

Adjournment:

There being no further business, Mayor Becker called for a motion to adjourn the meeting. Whereupon, the motion was made by Commissioner Blumberg and seconded by Commissioner Amodeo to adjourn the meeting. A unanimous voice vote was taken adjourning the meeting at 5:20 p.m.

Board of Commissioners of the City of Margate City, New Jersey

Mayor, Michael Becker

Commissioner John F. Amodeo

Commissioner Maury Blumberg

Attest: _____ Johanna Casey, Municipal Clerk