

REGULAR MEETING MINUTES

CITY COMMISSION – MARGATE CITY

April 5, 2018

MARGATE CITY, NEW JERSEY

NEW JERSEY THE PRESS AND THE DOWNBEACH CURRENT WERE NOTIFIED OF THESE MEETINGS AND A COPY OF 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 4:35 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 Becker, Commissioner Amodeo and Commissioner Blumberg were present. Ms. Bascelli, Chief Wolfson, Ms. Casey and Mr. Abbott were also present. The minutes from March 15, 2018 Regular, Workshop and Capital Meetings were approved as read on a motion by Commissioner Blumberg, seconded by Commissioner Amodeo with a vote of two ayes.

Public Comment:

John Sewell: 22 West Drive: Mr. Sewell speaks against the choice of the School Board member and wishes to have school district sent to the Ventnor District.

Art Cautilli: 114 N. Lancaster Ave: Mr. Cautilli speaks on the school population and closing Ross School.

Glenn Klotz: 118 N. Barclay Ave: Mr. Klotz speaks on the need for a Margate Boardwalk. Would request looking into the possibility.

Paul van de Rign: 311 N. Jessup Drive: Mr. Paul van de Rign requests to speak on a refund for last year's loss of business selling ice cream due to the dune project .

Steve Worner: 103 N. Sumner Ave: Mr. Worner speaks against a boardwalk due to increasing police work.

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

Public Comment on Resolutions:

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

ORDINANCES: Introduction:

A motion to introduce Ordinance #06-2018 was put forth by Mayor Becker, seconded by Commissioner Blumberg, with a vote of three ayes.

**CITY OF MARGATE CITY
ORDINANCE #06- 2018**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 145 “FLOOD DAMAGE PREVENTION” OF THE CODE OF THE CITY OF MARGATE CITY, COUNTY OF ATLANTIC, STATE OF NEW JERSEY

BE IT ORDAINED by the Board of Commissioners of the City of Margate City as follows:

WHEREAS, The Mayor and Board of Commissioners of the City of Margate City, New Jersey find that the prevention of flooding is an urgent matter; and

WHEREAS, the State of New Jersey, Department of Environmental Protection, Office of Engineering and Construction, Bureau of Dam Safety and Flood Control, by letter of February 4, 2013 has instructed the Mayor and local Floodplain Administrator that in order for the residents of the City of Margate City to be eligible for Increased Cost of Compliance (ICC) and other federal hazard mitigation grant funds, it is recommended that your community readopt its current Local flood Damage Prevention Ordinance to meet or exceed the requirements of the amended Flood Hazard Area Control Act Rules; and

WHEREAS, The Legislature of the State of New Jersey has in *N.J.S.A. 40:48-1, et seq.*, delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry.

THEREFORE, the Mayor and Board of Commissioners of the City of Margate City, New Jersey does ordain as follows.

**SECTION I
STATUTORY AUTHORIZATION, FINDINGS OF FACT,
PURPOSE AND OBJECTIVES**

§145-1: STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in *N.J.S.A. 40:48-1, et seq.*, delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of the City of Margate City, Atlantic County, New Jersey does ordain as follows:

§ 145-2: FINDINGS OF FACT

(A) The flood hazard areas of the City of Margate City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

§145-3: PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§145-4: METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage throughout their intended life span;
- C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

**SECTION II
DEFINITIONS**

§145-5. DEFINITIONS

- A. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its' most reasonable application.

“Advisory Base Flood Elevation (ABFE)” The elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory stillwater elevation plus wave effect ($ABFE = SWEL + \text{wave effect}$) resulting from a flood that has a one-percent (1%) or greater chance of being equaled or exceeded in any given year.

“Advisory Flood Hazard Area (AFH)” The land in the floodplain within a community subject to flooding from the one-percent (1 %) annual chance event depicted on the Advisory Flood Hazard Map.

“Advisory Flood Hazard Map” The official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

“Agency” The Federal Emergency Management Agency, Washington, DC.

AH ZONE

Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

AO ZONE

Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

"Appeal" A request for a *review* of the Construction Official/Floodplain Manager's interpretation of any provision of this ordinance or a request for a variance.

"Appurtenant Structure" "Accessory Structure" A structure that is located on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure.

"Area of shallow flooding" A designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99 or AH.

BASE FLOOD A flood having a one percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation (BFE)" 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 one-percent-or-greater chance of being equaled or exceeded in any given year.

"Basement" Any area of the building having its floor sub-grade (below ground level) on all sides.

"Best Available Flood Hazard Data" The most recent available flood risk guidance FEMA has provided. The best available flood hazard data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM.

"BEST AVAILABLE FLOOD HAZARD DATA ELEVATION" The most recent available flood elevation FEMA has provided. The Best Available Flood Hazard Data Elevation may be depicted on an Advisory Flood Hazard Area Map; Work Map; or Preliminary FIS and FIRM.

"Breakaway wall" A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

"Building" see structure.

"Building Height" (Margate Requirement) 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. The first floor elevation for all new construction, substantial improvements and substantial additions shall be based on *three feet of ~~one foot~~ freeboard to the bottom of the flooring system* in any A Zone and two feet in any V Zone *(to the lowest horizontal structural member)* above the new **Preliminary FIRM** or any subsequent flood hazard maps promulgated by the Federal Emergency Management Administration. *In all "X" zones, the building floor elevation shall be based on the most conservative (or highest) adjacent AE Zone Base Flood Elevation plus the required freeboard as defined above.*

"Certification" means a certification by a registered professional engineer or other party, does not constitute a warranty or guarantee of performance, expressed or implied. Certification of data is a statement that the data is accurate to the best of the certifier's knowledge. Certification of analysis is a statement that the analysis has been performed correctly and in accordance with sound engineering practices. Certification of structural works is a statement that the works are designed in accordance with sound engineering practices to provide protection from the base flood. Certification of "as built" conditions is a statement that the structure(s) has been built according to the plans being certified, is in place, and is fully functioning.

"Coastal High-Hazard Area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30.

"Community Rating System" means the National Flood Insurance Program's (NFIP) Community Rating System (CRS) which is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements.

"Critical Facility" means a facility for which a moderate chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

"Cumulative Substantial Damage" Any reconstruction, rehabilitation, addition or other improvement of a structure that equals or exceeds 50% of the market value of the structure at the time of the improvement or repair when counted accumulatively for seven years.

"Cumulative Substantial Improvement" Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50 percent of the market value of the

structure at the time of the improvement or repair when counted cumulatively for seven (7) years.

“Design Flood Elevation” (DFE) shall be the base flood elevation plus ~~one foot~~ ***three feet*** and in the V-zone shall be base flood elevation plus two feet. ***All materials below DFE shall be water resistant as defined in ASCE -24.***

“Development” means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

“Digital Flood Insurance Rate Map (DFIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Elevated building” A non-basement building (i) built in the case of a building in an Area of Special Flood Hazard to have the top of the elevated floor or in the case of a building in a coastal high hazard area or coastal A zone to have the bottom of the lowest horizontal structural member of the elevated floor elevated above base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of coastal high hazard and coastal A zones “elevated buildings” also includes a building otherwise meeting the definition of “elevated building” even though the lower area is enclosed by means of breakaway walls.

“Enclosure” A non-habitable, unfinished or flood-resistant space below the base flood elevation (BFE) usable solely for parking of vehicles, storage and building access to the first floor. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation. The storage permitted in an enclosure shall be limited to that which is incidental and accessory to the principal use of the structure. Storage should be limited to items such as lawn and garden equipment, beach chairs, and bicycles which either have a low damage potential or that can be easily moved to the elevated portion of the building if there is a flood.

“Erosion” The process of gradual wearing away of land masses.

“Existing construction” For the purposes of determining insurance rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is

completed before the effective date of the floodplain management regulations adopted by a community.

"Flood or flooding" A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map" (FIRM) The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" (FIS) The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

"Floodplain" Any land area susceptible to being inundated by water from any source.

"Floodplain Management" The operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to emergency preparedness plans, requirements for zoning, subdivision or building, and special purpose floodplain management regulations.

"Floodplain Management Regulations" Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such federal, state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Flood-proofing" Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Freeboard" A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

"Higher Regulatory Standard" Any floodplain management regulations adopted by the State or Local Community which are more restrictive than the criteria set forth in the NFIP regulations.

"Highest Adjacent Grade" The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

"Historic Structure" Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

"Increase Cost of Compliance (ICC)" The coverage by a standard flood insurance policy under the NFIP that provides for the payment of a claim for the cost to comply with the State of New Jersey and the City of Margate Floodplain management laws or ordinances after a direct physical loss by flood, the City of Margate City declares the structure to be "substantially" or "repetitively" flood damaged. ICC coverage is provided for in every standard NFIP flood policy, and will help pay for the cost to flood proof, relocate, elevate, or demolish the structure.

"Lateral Addition" Improvements that increase the square footage and footprint of a structure. Commonly, this includes the structural attachment of a bedroom, den, recreational room, enclosed porch, or other type of addition to an existing structure. If the addition is a substantial improvement, then the existing home and addition needs to be elevated to the higher regulatory standard plus freeboard pursuant to the 1) base flood elevation (BFE), 2) advisory base flood elevation (ABFEs), 3) best available data, whichever is greater, or any subsequently released flood hazard maps as established by FEMA.

"Lowest Floor" 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 44 CFR Section 60.3.

"Manufactured Home" A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Manufactured Home Subdivision" A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" The Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

"Market Value" Pertains to the structure in question, not the land, landscaping or detached accessory structures on the property. The market value of a structure reflects its original quality, subsequent improvements, physical age of the building components and current condition.

“Mean Sea Level” For purposes of the report Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), the National Geodetic Vertical Datum (NGVD) of 1929, is the elevation to which base flood elevations shown are referenced in regards to the average height of the sea for all stages of the tide. For the purpose of the Advisory Flood Hazard Maps, the North American Vertical Datum (NAVD) 1988 is the reference to which base flood elevations shown are reference I regards to the average height of the sea for all stages of the tide.

"New Construction" Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

“New Manufactured Home Park or Subdivision” A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality.

“Participating Community” also known as an eligible community, means a community in which FEMA has authorized the sale of flood insurance.

Preliminary Flood Insurance Rate Map (FIRM) – The draft version of the FIRM released for public comment before finalization and adoption.

“Preliminary Regulatory Maps and Working Maps” The flood hazard maps that will supersede the Advisory Flood Hazard Maps and shall be the basis of delineation of the areas of flood hazards applicable to the City of Margate City upon their release to the public by FEMA.

PRE - FIRM PRELIMINARY FLOOD INSURANCE RATE MAP (ADD)
Maps released by FEMA on or about June 14, 2013, which supersede the Advisory Base Flood Elevation (ABFE) Mapping and are considered the best available flood hazard data for the City. Map Numbers 34001C0434F REVISED PRELIMINARY dated JANUARY 30, 2015, Map No. 34001C0432F dated May 30, 2014 and Map No. 34001C0453F dated May 30, 2014 are considered to be the best available data.

PRELIMINARY REGULATORY MAP - (ADD)
The official map that will supersede the Advisory Flood Hazard Map and shall be the basis of delineation of the areas of flood hazard applicable to the City of Margate.

“Primary Frontal Dune” A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach

and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

"Recreational vehicle" means a vehicle which is i) built on a single chassis; ii) 400 square feet or less when measured at the longest horizontal projections; iii) designed to be self-propelled or permanently towable by a light duty truck; and iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Repetitive Loss"

- a. Four or more paid flood losses of more than \$1,000 each or,
- b. Two paid flood losses within a 10-year period that, in the aggregate, equal or exceed the current value of the insured property; or
- c. Three or more paid losses that, in the aggregate, equal or exceed the current value of the insured property.

"Sand Dunes" Naturally occurring or man-made accumulations of sand in ridges or mounds landward of the beach.

"Severe Repetitive Loss"

- (1) Any residential property that is covered under an NFIP flood insurance policy and:
 - (a) That has at least four NFIP claim payments (building payments and contents) over \$5,000 each, and the cumulative amount of such claims payments exceeds \$20,000; or
 - (b) For which at least two separate payments (building payments only) have been made with the cumulative amount of the building portion of such claims exceeding the market value of the building.
- (2) For both (a) and (b) above, at least two of the referenced claims have occurred within any ten-year period, and must be greater than 10 days apart.

"Start of Construction" for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other

structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

Accumulative Substantial Damage – Any reconstruction, rehabilitation, addition or other improvement of a structure that equals or exceeds 50 percent of the market value of the structure at the time of the improvement or repair when counted accumulatively for 7 years.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed **50 percent** of the market value of the structure before the damage occurred. Substantial Damage also means flood-related damages sustained by a structure on two or more separate occasions during a seven year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

"Substantial Improvement" Any reconstruction, rehabilitation, addition, or other improvement of a structure during a **seven year period** the cost of which exceeds **50%** of the market value of the structure before the start of construction of the improvement. Substantial improvement also means cumulative substantial improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed or repetitive loss. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or**
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Variance" A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

"Violation" The failure of a structure or other development to be fully compliant with this chapter. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter or 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5), is presumed to be in violation until such time as that documentation is provided.

SECTION III GENERAL PROVISIONS

§ 145-6 LANDS TO WHICH THIS ORDINANCE APPLIES - APPLICABILITY

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Margate City, Atlantic County, New Jersey.

§145-7. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

1. The areas of special flood hazard for the City of Margate City Community No. 345304, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (a) A scientific and engineering report entitled "Flood Insurance Study Supplement-Wave Height Analysis, City of Margate City, New Jersey, Atlantic County," dated April 18, 1983.
- (b) Flood Insurance Rate Map for City of Margate City, Atlantic County, New Jersey as shown on Panel 0001 C whose effective date is October 18, 1983.
- (b) Advisory Base Flood Elevations from Advisory Flood Hazard Maps "Atlantic City, NW", "Ocean City NE" dated December 14, 2012. These documents shall take precedence over only Base Flood Elevations (BREs) previously derived from effective panels and FIS in construction and development regulations only. Where the Special Flood Hazard Area (SFHA) BFE and the Advisory Base Flood Elevation (ABFE) conflict or overlap, whichever imposes the more stringent requirement shall prevail.
- (d) Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping conflicts or overlaps with the Best Available Flood Hazard Data mapping, whichever imposes the more stringent requirement shall prevail.

2. The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at the Municipal Building, 9001 Winchester Avenue, Margate City, New Jersey 08402.

§145-8. PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than (\$500) or imprisoned for not more than (30) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Each and every day any violation continues shall be considered a separate offense, punishable by a like fine and/or jail sentence. Nothing herein

contained shall prevent the City of Margate City from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 145-9. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§145-10 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes.

§145-11 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the City of Margate City, or by any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

SECTION IV ADMINISTRATION

§ 145-12. Measurement of elevations; development permit.

- A. All elevations shall be measured in feet relative to the North American Vertical Datum of 1988 (NAVD88). The use of National Geodetic Vertical Datum of 1929 shall not be acceptable.
- B. A development permit shall be submitted, prior to undertaking any development activities, to the Floodplain Management Administrator on forms furnished by him or her, and must include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area under consideration for development; existing structure(s) and other features; proposed structure(s), earthen fill, storage of materials or equipment, drainage facilities, perimeter setbacks, environmental features such as base floodplain areas, wetlands, and other protected areas; the location of the foregoing. Specifically, the following information, certified by a professional who is authorized to certify such information in the State of New Jersey, is required:

- (1) Application stage:
 - (a) Elevation, in relation to mean sea level, of the lowest floor (including basement) of all Structures;
 - (b) Elevation in relation to mean sea level to which any structure has been flood proofed.
 - (c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the flood proofing criteria;
 - (d) Existing and proposed infrastructure;
 - (e) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
 - (f) Building plans for any walls to be used to enclose space below the base flood elevation.
- (2) Construction stage. Upon the placement of the top of block, the lowest floor or flood proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor or flood proofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer who is authorized to certify such information in the State of New Jersey, and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk.
- (3) The Floodplain Administrator shall review the lowest floor elevation and flood-proofing certificate. Should these documents be found not in conformance with the requirements of this chapter, the permit holder shall immediately cease further work, and shall correct any deficiencies. Failure of the permit holder to submit the surveyed lowest floor elevation and flood proofing certificate, and failure to correct said deficiencies required hereby, shall be the cause to issue a stop-work order for the project.

§ 145-13. DESIGNATION OF THE FLOODPLAINMANAGEMENT ADMINISTRATOR

The Governing Body of the City of Margate City hereby appoints the Construction Official/Floodplain Administrator to administer and implement the provisions of this ordinance, by granting or denying development permit applications in accordance with its provisions and is hereby referred to as the Floodplain Management Administrator, or the Floodplain Administrator.

§ 145-14. DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Construction Official/Floodplain Administrator shall include, but not be limited to:

A. PERMIT REVIEW. The Construction Official Shall:

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- (2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- (3) Review certified plans and specifications for compliance with the requirements of this ordinance.
- (4) Review all development permits in the areas of special flood hazard except in the coastal high-hazard area to determine if the proposed development adversely affects the flood-carrying capacity of the areas of special flood hazard. For the purpose of this chapter, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface of the base flood more than 0.2 foot at any point.
- (5) Review all development permits in the coastal high-hazard area and coastal A zone of the area of special flood hazard to determine if the proposed development alters sand dunes or other natural coastal protections so as to increase potential flood damage.
- (6) Review plans for walls to be used to enclose space below the base flood elevation.
- (7) Coordinate with Planning, Zoning, and Public Works and other Departments in the community to assure that the requirements of this ordinance are fully met.
- (8) Participate actively in evaluating the variance requests and provide input and recommendations in variance hearings/proceedings.

B. Use of other base flood and floodway data. When base flood elevation and floodway data has not been provided in accordance with §145.7, Basis for establishing the areas of special flood hazard, the Construction Official/Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer §145-18A, Specific Provisions for Flood Hazard Reduction, Residential Construction, and §145-18B, Specific Provisions for Flood Hazard Reduction, Nonresidential Construction.

C. Information to be obtained and maintained:

- (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved flood-proofed structures:
 - [a] verify and record the actual elevation (in relation to mean sea level); and

[b] maintain the flood-proofing certifications required in Section 145-13 B(c).

(3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

(3) In coastal high hazard areas and coastal A zones, obtain certification from a registered professional engineer or architect that the elevation requirements of Section 145-19 B(1) and anchoring requirements of Sections 145-19 B(2).

(5) Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of watercourses:

(1) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

E. Interpretation of firm boundaries: Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

F. Critical facilities: Construction of new Critical Facilities shall have the lowest floor elevated at 2 feet above the base flood elevation. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevations shall be provided to all critical facilities to the maximum extent possible.

G. Substantial damage review.

(1) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.

(2) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.

(3) Ensure substantial improvements meet the requirements of sections 145-17 and 145-18.

§145-15. VARIANCE PROCEDURE

A. APPEAL BOARD

- (1) The Planning Board, as established by the City of Margate City shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The Planning Board of the City of Margate City shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official/Floodplain Manager in the enforcement or administration of this ordinance.
- (3) Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in NJSA 40:55D-17h & 18.
- (4) In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location, where applicable;
 - (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - (k) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges; and
 - (l) The request for a variance is not an after-the-fact request.
- (5) Upon consideration of the factors of this chapter and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

- (6) The Construction Code Official/Floodplain Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

B. CONDITIONS FOR VARIANCES

- (1) Generally variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures below the base flood level, providing items (a-l) in Section 145-16A have been fully considered. As the lot size increases beyond the one-half acre, the technical justification for issuing the variance increases.

- (2) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this ordinance.

- (4) Variances may be issued when there is:

- (a) A showing of good and sufficient cause.
- (b) A determination that failure to grant the variance would result in exceptional hardship.
- (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinance.

- (5) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION V

PROVISIONS FOR FLOOD HAZARD REDUCTION**§145-16. GENERAL PROVISIONS FOR FLOOD HAZARD REDUCTION**

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

A. ANCHORING

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. CONSTRUCTION MATERIALS AND METHODS

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. UTILITIES

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

(4) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. SUBDIVISION PROPOSALS

(1) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least 50 lots or 5 acres (whichever is less).

E. ENCLOSURE OPENINGS. All new construction and substantial improvements having fully enclosed areas below the lowest floor that are non-habitable, unfinished or flood-resistant space below the base flood elevation (BFE) usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one (1) foot above grade.

(3) Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

§ 145-17. Specific Provisions for Flood Hazard Reduction.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 145-7, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 145-15B , Use of Other Base Flood Data, the following standards are required:

A. RESIDENTIAL CONSTRUCTION

1. For coastal A zone construction see section 145-18 Coastal high-hazard areas and coastal A zones.

2. New construction and substantial improvement of any residential structure located in an A or AE zone, shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating , ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the base flood elevation or advisory base flood elevation or as required by ASCE/SEI 24-14, Table 2-1, or the

best available flood hazard data elevation, *three feet to the* underside of floor joist, whichever is more restrictive in any A or AE Zone .

3. Require within any AO, AH or VO Zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at above the advisory base flood elevation or the best available flood hazard data elevation, *three feet to the* underside floor joist, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwater around and away from proposed structures.

4. *New construction and substantial improvement of any residential structure located in an X zone, shall have the lowest floor, including basement, together with the attendant utilities including all electrical, heating , ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the highest adjacent AE Zone base flood elevation or advisory base flood elevation or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, three feet to the underside of floor joist, whichever is more restrictive in any adjacent A or AE Zone .*

b. Non-residential construction. In an Area of Special Flood Hazard Area (SFHA), all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone (for coastal A zone construction see section 145-18), shall either have the lowest floor, including basement, together with the attendant utilities and sanitary facilities:

(1) Elevated to or above the base flood elevation or advisory base flood elevation or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, whichever is more restrictive, plus one foot of freeboard ; and require within any AO, AH or VO zone on the municipality's FIRM that all new Construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number specified) or at or above the advisory base flood elevation or the best available flood hazard data elevation, plus one foot of freeboard ; and require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; or

(2) Be flood proofed so that below the base flood level plus one foot, or advisory base flood elevation plus one foot of freeboard as required by ASCE/SEI 24-14, Table 6-1 ; the structure is watertight with walls substantially impermeable to the passage of water; have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and, be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection shall be required. Such certification shall be provided to the official as set forth in §145-14C(2).

c. Manufactured homes

- (1) Manufactured homes shall be anchored in accordance with §145-16.
- (2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall
 - (a) Be consistent with the need to minimize flood damage,
 - (b) Be constructed to minimize flood damage,
 - (c) Have adequate drainage provided to reduce exposure to flood damage;
 - (d) Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation, or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, whichever is more restrictive, (12) foot 88 datum to underside of floor joist in any A or AE Zone and,
 - (e) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement one foot in any A Zone and two feet in any V Zone.

§ 145-18 Coastal high-hazard areas and coastal A zones

Coastal high-hazard areas (V or VE Zones) are located within an area of special flood hazard established in Section 145-7. These areas have special flood hazards associated with high-velocity waters from tidal surges and hurricane wave wash: therefore, the following provisions shall apply:

A. Location of structures.

- (1) All buildings or structures, with the exception of those buildings or structures currently in existences, shall be located landward of the reach of the mean high tide.
- (2) Any building or structure currently in existence and being beyond the mean high tide may be replaced in the same or lesser footprint, subject to NJ DEP approval.

B. Construction methods

- (1) Elevation – all new construction and substantial improvements shall be elevated on piling or columns so that;
 - (a) the bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns), is elevated to or above the base flood elevation (published FIS/FIRM), the advisory base flood elevation or as required

by the Uniform Construction Code (N.J.A.C. 5:23) ASCE/SEI 24-14, Table 4-1, whichever is more restrictive plus two (2) feet of freeboard, and

- (b) All electrical, heating, ventilating, air-conditioning, mechanical equipment and other equipment servicing the building is elevated to or above the base flood elevation (published FIS/FIRM), the advisory base flood elevation or as required by the Uniform Construction Code (N.J.A.C. 5:23) and ASCE/SEI 24-14, Table 4-1, whichever is more restrictive plus two feet of freeboard,
- (c) All new construction and substantial improvements within the coastal high hazard areas (OJ or VE Zones) as delineated by the published Flood Insurance Rate Map (FIRM) or the best available flood hazard data (whichever is more restrictive) shall have all space below the lowest floor's supporting member open so as to not impede the flow of water, except for breakaway walls as provided or in SECTION 5.4-2 [4].

(2) Structural Support

- (a) All new construction and substantial improvements shall be securely anchored on piling or columns.
- (b) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values, each of which shall have a one-percent chance of being equaled or exceeded in any given year (one-hundred-year mean recurrence interval).
- (c) There shall be no fill used for structural support.

(3) Certification – a registered professional engineer or architect shall develop or review

that the structural design specifications and plans for the construction and shall certify the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of Subsection B(1) and (2)(a) and (b).

(4) Space below the lowest floor (enclosure below BFE)

- (a) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this chapter shall not enclose the space below the lowest floor unless breakaway walls, open wood latticework or insect screening are used as provided for in this section.
- (b) Breakaway walls, open wood latticework or insect screening shall be allowed below the base flood elevation, provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural

damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

- (1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood.
- (2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components, structural and nonstructural. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State and local building standards.
- (3) If breakaway walls are utilized, such enclosed space shall be use solely parking of vehicles, building access or storage and not for human habitation.
- (4) Prior to construction, plans for any breakaway wall must be submitted to the Construction Official for approval.

C. Sand dunes. There shall be no alteration of sand dunes within coastal A zones, VE and V zones on the communities DFIRM which would increase potential flood damage.

Section 6

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency. It is the intention of this Ordinance to replace Chapter 145 Flood Damage Prevention in total and pursuant to the instruction by the State of New Jersey, Department of Environmental Protection, Office of Engineering and Construction, Bureau of Dam Safety and Flood Control,

Section 7

Should any section, subsection, paragraph, clause, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance.

Section 8

This Ordinance shall take effect on final passage, approval, and publication.

A motion to adopt Ordinance #04-2018 was put forth by Commissioner Blumberg, seconded by Commissioner Amodeo, with a vote of three ayes.

**ORDINANCE #04-2018
CALENDAR YEAR 2018
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the City Commissioners of the City of Margate City in the County of Atlantic finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the City Commissioners hereby determines that a 1.0% increase in the budget for said year, amounting to \$225,970.40 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the City Commissioners hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the City Commissioners of the City of Margate City, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the City of Margate City shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$790,896.43 and that the CY 2018 municipal budget for the City of Margate City be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

RESOLUTIONS:**RESOLUTION #75-2018 MARGATE CITY BILL LIST / PAYROLL APRIL 5, 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:

BILLS LIST AMOUNT: \$1,103,152.93

PREVIOUSLY PAID: \$ 34,556.46

PAYROLL ACCOUNT – March 29, 2018

CURRENT ACCOUNT \$ 454,924.71

WATER & SEWER \$ 52,244.52

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		X			
Amodeo			X			
Blumberg		X	X			

REGULAR MEETING

APRIL 5, 2018

April 4, 2018
10:27 AMCity of Margate City
Purchase Order Listing By P.O. Number

Page No: 1

P.O. Type: All
 Range: First to Last
 Format: Condensed
 Include Non-Budgeted: Y

Open: N
 Rcvd: Y
 Bid: Y

Paid: N
 Held: N
 State: Y

Void: N
 Aprv: Y
 Other: Y
 Exempt: Y

First Enc Date Range: First to 12/31/18

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
17-00406	03/17/17	VIDEO	MOBILE DREDGING VIDEO PIPE INC	Clean & televise sewer system	Open	24,862.86	0.00 C
			Contract No: C1700013				
17-01178	08/09/17	STATECON	State Treasurer	Assesor cert renewal- Casey	Open	50.00	0.00
17-01193	08/14/17	GARYGLAS	GARY M. GLASS, M.D.	Court appearance DPW employee	Open	3,000.00	0.00
17-01479	10/30/17	WB MASON	W.B. MASON CO., INC.	Shredders for Fire Department	Open	389.97	0.00
18-00011	01/16/18	SAMS	Sam's Club	Supplies	Open	272.98	0.00
18-00014	01/16/18	WB MASON	W.B. MASON CO., INC.	Supplies	Open	424.03	0.00
18-00015	01/16/18	PROFORMA	PROFORMA DYNAMIC RESOURCES	Shirts and Uniforms	Open	3,470.00	0.00
18-00016	01/16/18	BWSTESTO	B.W.Stetson Warehouse	Coffee Supplies	Open	122.50	0.00
18-00017	01/16/18	HOT BAGE	HOT BAGELS AND MORE MMM LLC	Bagels	Open	404.31	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	329.21	0.00
18-00028	01/17/18	ACELECTR	ATLANTIC CITY ELECTRIC	2018 General Accounts	Open	5,069.81	0.00
18-00029	01/17/18	ACELECTR	ATLANTIC CITY ELECTRIC	2018 Water and Sewer Accounts	Open	4,738.11	0.00
18-00030	01/17/18	ACELECTR	ATLANTIC CITY ELECTRIC	2018 Street Light Accounts	Open	36.00	0.00
18-00031	01/17/18	ACELECTR	ATLANTIC CITY ELECTRIC	2018 Temp Accounts	Open	89.05	0.00
18-00034	01/18/18	SJ ENERG	SJ Energy Services Plus, LLC	Energy Services January	Open	3,425.04	0.00
18-00036	01/18/18	SJGASCOM	SOUTH JERSEY GAS COMPANY	2018 WS Account Services	Open	6,201.39	0.00
18-00037	01/18/18	SJGASCOM	SOUTH JERSEY GAS COMPANY	2018 General Accounts	Open	1,727.12	0.00
18-00049	01/18/18	CASA	CASA PAYROLL SERVICE	2018 Payroll Billing	Open	466.45	0.00
18-00050	01/18/18	THISTHAT	THIS & THAT UNIFORMS LLC	Uniformand Supplies	Open	55.00	0.00
18-00055	01/18/18	J SCOTT	John Scott Abbott, Esq.	2017-2018 Solicitor contract	Open	7,000.00	0.00 C
			Contract No: C1700018				
18-00056	01/01/08	BARRIER	BARRIER PEST CONTROL	17/18 Pest Conrol Contract	Open	650.00	0.00 B
18-00111	01/23/18	ACPRESS	PRESS OF ATLANTIC CITY	City Clerk Legal Notices	Open	328.86	0.00
18-00128	01/01/18	CIOETACO	Cioeta Consulting, LLC	2018 HR Consultant	Open	4,080.00	0.00 C
			Contract No: C1800001				
18-00129	01/01/18	MARGBDED	MARGATE CITY BD OF EDUCATION	2018 School Taxes	Open	875,950.67	0.00
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	984.95	0.00 C
			Contract No: C1800003				
18-00135	01/01/18	FORDSCOT	FORD, SCOTT & ASSOCIATES, LLC	Auditing services	Open	11,100.00	0.00 C
			Contract No: C1800004				
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	5,437.26	0.00 C
			Contract No: C1800008				
18-00144	03/22/18	FASTENAL	Fastenal Company	MATERIALS & SUPPLIES	Open	1,994.76	0.00
18-00155	01/24/18	FIFER	JR FIFER HEATING AC & REFRIG	Salt Shed Furnace	Open	1,785.00	0.00
18-00159	01/25/18	CONTRACT	Contractor Service	WATER/SEWER SERVICE/SUPPLIES	Open	72.34	0.00
18-00164	01/25/18	ACELECTR	ATLANTIC CITY ELECTRIC	Installation of a light pole	Open	1,500.00	0.00
18-00175	01/29/18	DOLCEAMO	Victoria Dolcemore	Piano Lessons	Open	240.00	0.00
18-00176	01/01/18	HORIZON3	Horizon Healthcare	2018 FSA admin fees	Open	25.00	0.00 B
18-00180	01/29/18	STAPLES	STAPLES BUSINESS ADVANTAGE	Office Supplies	Open	72.64	0.00
18-00183	01/29/18	NJLM	NJ STATE LEAGUE MUNICIPALITIES	membership 2018 Johanna Casey	Open	630.00	0.00

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PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Ty
18-00190	01/29/18	CHRIS K	CHRIS KANE	Referee	Open	120.00	0.00
18-00193	01/29/18	ROGER H	Roger Hoover	Referee	Open	120.00	0.00
18-00199	01/29/18	PKILL	Patrick Killian	Referee	Open	120.00	0.00
18-00202	03/26/18	DEBORAH	Deborah Havrilchak	Sound Recorder	Open	200.00	0.00
18-00215	01/30/18	CASA 2	CASA REPORTING SERVICES	2018 Reporting Services	Open	737.00	0.00
18-00218	01/01/18	SWIFT LA	SWIFT LAW FIRM	2018 Public defender	Open	600.00	0.00 C
		Contract No: C1800015					
18-00231	02/01/18	PROMEDIA	New Era Technology	Police Dpt Surviellence Camera	Open	1,995.49	0.00
18-00233	02/01/18	BIANCHI	Christine A. Bianchi	Fitness Classes	Open	270.00	0.00
18-00252	02/02/18	CATERINA	Caterina Supply, Inc.	WATER & SEWER SUPPLIES	Open	5,930.78	0.00
18-00284	02/08/18	ACUA	ATLANTIC COUNTY UTILITIES AUTH	2018 TRASH/TIP FEE/RECYCLING	Open	60,040.87	0.00
18-00285	02/08/18	ACUA	ATLANTIC COUNTY UTILITIES AUTH	2018 WATER TESTING	Open	180.00	0.00
18-00286	02/08/18	BMSDIREC	BMS Direct	posatge 2018 Utility Bills	Open	1,547.27	0.00
18-00303	03/01/18	ASSOLIFE	ASSO. FOR LIFE ENHANCEMENT, INC	Employee Assistance Program	Open	850.00	0.00 C
		Contract No: C1800018					
18-00308	02/14/18	SERVICE	SERVICE STATION SERVICE, INC.	SERVICE OF PUMPS	Open	357.65	0.00
18-00317	02/15/18	USABLU	USA BLUEBOOK	WATER/SEWER PIPE CUTTER	Open	815.60	0.00
18-00328	03/15/18	SJCAA	SJCAA	2018 Dues	Open	30.00	0.00
18-00347	02/21/18	RBOKU	Ron Bokunewicz	Referee	Open	120.00	0.00
18-00349	02/22/18	WB MASON	W.B. MASON CO., INC.	Office Supplies - Fire Dept.	Open	69.80	0.00
18-00359	02/22/18	UNITEDRE	UNITED REFRIGERATION INC	CITY HALL HEATING/COOLING SYST	Open	950.09	0.00
18-00368	02/23/18	CM 3	CM3 BUILDING SOLUTIONS, INC.	POLICE DEPT-DISPATCH HEAT/AIR	Open	8,561.00	0.00
18-00383	02/26/18	ACTION S	ACTION SUPPLY COMPANY	INFIELD MIX FOR BALLFIELD	Open	1,627.85	0.00
18-00384	02/22/18	ACTION U	ACTION UNIFORM CO. LLC	Fire Department Uniforms	Open	510.00	0.00
18-00385	02/26/18	ACTION U	ACTION UNIFORM CO. LLC	Fire Chief Badges/Accessories	Open	679.00	0.00
18-00386	02/26/18	ACTION U	ACTION UNIFORM CO. LLC	FD D/C Badges and Accessories	Open	480.00	0.00
18-00402	02/28/18	CERTSPEE	CERTIFIED SPEEDOMETER SERVICE	Calibrate Speedometers	Open	342.00	0.00
18-00403	03/01/18	ACTION U	ACTION UNIFORM CO. LLC	Inspector Uniforms	Open	118.00	0.00
18-00406	03/01/18	SJWELDI	SOUTH JERSEY WELDING SUPPLY CO	MATERIAL & SUPPLIES	Open	329.53	0.00
18-00422	03/03/18	WELLSFB	WELLS FARGO BANK	Jerome Ave Green Trust debt	Open	13,975.67	0.00
18-00423	03/03/18	WELLSFB	WELLS FARGO BANK	Library Park III debt	Open	4,464.14	0.00
18-00430	03/05/18	LANGUAGE	LANGUAGE SERVICES ASSOC., INC.	Telephonic Interpreter	Open	18.90	0.00
18-00431	03/05/18	GUARD TR	Guardian Tracking, LLC.	Annual Subscription	Open	1,472.00	0.00
18-00438	03/05/18	WB MASON	W.B. MASON CO., INC.		Open	40.38	0.00
18-00439	03/06/18	PCM INC	PCM SALES INC	Color Laser Printers	Open	842.46	0.00
18-00445	03/07/18	ATL TOOL	ATLANTIC TOOL & SUPPLY	CITY HALL - TOOLS	Open	356.52	0.00
18-00448	03/07/18	USABLU	USA BLUEBOOK	SUMP PUMP WATER & SEWER	Open	147.34	0.00
18-00450	03/07/18	CRUZAN	Cruzan's Truck Service, Inc.	M16 - SWEEPER	Open	919.41	0.00
18-00453	03/08/18	KELLI J	Kelli A. Johnson	Referee	Open	240.00	0.00
18-00454	03/02/18	SMHTRAIN	Shore Memorial Hospital	CPR Certification - J. Hiltner	Open	8.00	0.00
18-00464	03/08/18	MARK PAR	Mark Parson	Referee	Open	120.00	0.00
18-00465	03/08/18	PHIL	Phillip Kelly	Referee	Open	120.00	0.00
18-00469	03/09/18	SHOPRITE	Village Super Market, Inc.	Supplies	Open	61.13	0.00
18-00470	03/09/18	CATAMA	CATAMARAN MEDIA COMPANY		Open	823.52	0.00
18-00472	03/09/18	ELLIOTT	ELLIOTT-McELWEE, INC.	Plumbing Repairs	Open	165.00	0.00
18-00473	03/09/18	RUTGERS2	RUTGERS UNIVERSITY	PUBLIC WORKS CONF 3/28&29/2018	Open	930.00	0.00
18-00475	03/09/18	GRAINGER	WW GRAINGER INC.	WELL HOUSE FANS	Open	189.44	0.00
18-00479	03/12/18	RALPHCLA	RALPH CLAYTON & SONS	CONCRETE	Open	843.52	0.00
18-00481	03/12/18	WILLIER	WILLIER ELEC MOTOR REPAIR CO.	FIELD SERVICE	Open	711.74	0.00
18-00482	03/12/18	MIDATLAN	Mid-Atlantic SALT L.L.C	2 TRUCKLOADS SALT	Open	2,910.25	0.00
18-00484	03/12/18	BLUEWATE	BlueWater Graphics	TRASH VIOLATION NOTICES	Open	1,240.00	0.00
18-00491	03/13/18	MAPLE	MAPLE DIRECT, INC.	POSTAGE FOR WATER QUAL REPORTS	Open	708.47	0.00
18-00492	03/12/18	THOM BYR	Thomas Byrd	Plumbing Repairs	Open	405.00	0.00
18-00493	03/09/18	WILLIAMS	WILLIAMS SCOTSMAN, INC.	Sta. 2 Trailer Rental - 2/2018	Open	394.78	0.00

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18-00494	02/28/18	AIRGAS	Air & Gas Technologies, Inc.	SCBA Parts for Fire Dept.	Open	237.03	0.00
18-00495	03/12/18	NJCFA	NEW JERSEY CAREER FIRE CHIEFS	2018 Dues - Daniel E. Adams	Open	375.00	0.00
18-00496	03/12/18	EAST SUR	Eastern Surplus & Equipment Co	24 Volt Headlamps 5 Ton Trucks	Open	200.00	0.00
18-00497	03/07/18	ACTION U	ACTION UNIFORM CO. LLC	Fire Department Uniforms	Open	228.00	0.00
18-00499	02/26/18	VERALPH	V.E. RALPH & SON, INC.	EMS Supplies - Fire Dept.	Open	208.70	0.00
18-00500	03/13/18	FROMUTH	Fromuth Tennis	Tennis/Pickleball Supplies	Open	822.36	0.00
18-00502	03/13/18	BATTERY	Batteries Plus Bulbs	Batteries for FD - SCBA Units	Open	84.95	0.00
18-00506	03/15/18	NETW0005	Networkfleet, Inc.	GPS TRACKING - FEB 2018	Open	327.81	0.00
18-00508	03/15/18	YANA G	Yana Goldberg	refund sewer payments 2016-17	Open	750.00	0.00
18-00509	03/15/18	NORMAN S	Norman Szychter	refund sewer payments 2016-17	Open	750.00	0.00
18-00513	02/26/18	IFPPHILA	The Inst. for Forensic Psych.	Fitness for Duty Evaluation	Open	1,500.00	0.00
18-00514	02/28/18	J MCLERN	John McLernon,MSW,LCSW, LLC	Counseling Sessions - FD	Open	500.00	0.00
18-00517	03/20/18	ATLANTIC	ATLANTIC COAST ALARM, INC.	Replace Fire Panel Batteries	Open	279.00	0.00
18-00518	03/20/18	MOSSMANS	MOSSMANS BUSINESS MACHINE INC	Copier Contracts Feb 2018	Open	292.42	0.00
18-00520	03/19/18	TRI ST	Tri-State Diagnostics Corp.	Fire Dept. Random Drug Testing	Open	252.00	0.00
18-00521	02/28/18	SJWELDIN	SOUTH JERSEY WELDING SUPPLY CO	Oxygen Cylinder Rental - 2/18	Open	35.53	0.00
18-00522	03/15/18	BADGE P	Badge Printer of America	Business Cards - Fire Dept.	Open	77.95	0.00
18-00525	03/22/18	TCTANJ	TCTANJ Spring Conference	2018 Spring Confr-Linda Morgan	Open	395.00	0.00
18-00533	03/26/18	SITEONE	SITEONE LANDSCAPE SUPPLY LLC	FERTILIZER	Open	380.70	0.00
18-00534	03/26/18	RICH FIR	RICH FIRE PROTECTION	INSPECTIONS	Open	781.00	0.00
18-00535	03/26/18	CARL	Carl N. Tripician, Esq.	Conflict Prosecutor	Open	250.00	0.00
18-00536	03/26/18	YPERS	Y-PERS, INC.	4 CASES OF SPILL RAGS	Open	159.64	0.00
18-00543	03/27/18	JOHN SHE	JOHN SHER	Reimbursement for EMT Class	Open	75.00	0.00
18-00544	03/28/18	WATCHGRD	Watch Guard Video	Body Camera Replacement	Open	24.00	0.00
18-00545	03/28/18	BCR	Business Computer Resources	Printer Repairs	Open	302.50	0.00
18-00549	03/29/18	ACMAA	ATLANTIC COUNTY MUNICIPAL	2018 membership and dues	Open	580.00	0.00
18-00550	03/29/18	IAAO	IAAO	2018 membership	Open	210.00	0.00
18-00552	03/29/18	KMATH	Kevin Mathis	Referee	Open	120.00	0.00
18-00553	03/29/18	NJ IAAO	NJ - IAAO	memebership 2018	Open	25.00	0.00
18-00554	03/29/18	TBECK	Thomas Becker, Sr.	Referee	Open	120.00	0.00
18-00555	03/29/18	MGLFORMS	MGL PRINTING SOLUTIONS	name plate	Open	33.00	0.00
18-00556	03/29/18	NATALIEC	Natalie Carlucci	Referee	Open	120.00	0.00
18-00557	02/26/18	ACPRESS	PRESS OF ATLANTIC CITY	Planning Board Ads	Open	35.28	0.00
18-00563	04/04/18	J CIOETA	JOANN CIOETA	Reimbursement	Open	56.38	0.00

Total Purchase Orders: 126 Total P.O. Line Items: 0 Total List Amount: 1,103,152.93 Total Void Amount: 0.00

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Totals by Year-Fund		
Fund Description	Fund	Budget Total
APPROPRIATIONS	7-01	4,329.83
	7-05	24,862.86
Year Total:		29,192.69
APPROPRIATIONS	8-01	1,044,380.37
	8-05	25,371.00
Year Total:		1,069,751.37
	C-04	2,837.95
	T-14	1,370.92
Total of All Funds:		1,103,152.93

RESOLUTION #76-2018 RENEWAL OF POCKET LIQUOR LICENSE KAREN SHERMAN

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, 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 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 2016-2017 license terms effective as of April 5, 2018 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 licenses, effective April 5, 2018, the aforesaid liquor license for the license term 2016-2017; 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			

Resolution #77-2018 A Resolution Authorizing a Grant Application to the New Jersey Department of State for a Cooperative Marketing Grant

Whereas, the New Jersey Department of State, Division of Travel & Tourism in collaboration with the New Jersey travel industry sponsors the Cooperative Marketing Grant Program; and

Whereas, the goal of this Program is to promote New Jersey as a premier travel destination; and

Whereas, funding will be provided to promote and market specific tourism opportunities in New Jersey; and

the Cooperative Marketing Grant Program is open to any New Jersey organization that can demonstrate a significant interest in the New Jersey tourism industry; and

Whereas, organizations must show a match of 25 percent from partners or sponsors that are Non-State funding sources; and

Whereas, City of Margate would like to apply for funding for a multi-faceted marketing campaign; and

Whereas, the City of Margate qualifies for funding through the Cooperative Marketing Grant Program.

Now Therefore Be It Resolved, that the Governing Body does hereby authorize the application for this grant.

Be It Further Resolved that the Mayor and Clerk are hereby authorized to apply to the New Jersey Department of State, Division of Travel & Tourism on behalf of the City of Margate.

Be It Further Resolved that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Margate and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ROLL CALL:

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

RESOLUTION #78-2018 AUTHORIZING BATHING SEASON and GUARDED BEACHES in the CITY OF MARGATE

WHEREAS, the Board of Commissioners of the City of Margate City did on January 24, 1974 adopt an Ordinance entitled "AN ORDINANCE TO ESTABLISH AND MAINTAIN PAID BEACHES, BEACHES AND RECREATIONAL FACILITIES IN THE CITY OF MARGATE CITY, ATLANTIC COUNTY, NEW JERSEY; TO MAKE RULES AND REGULATIONS CONCERNING

THE SAME; TO PROVIDE FOR THE CHARGING, COLLECTING OF SEASONAL AND/OR WEEKLY FEES AND SUCH USE AND FIXING PENALTIES FOR VIOLATIONS THEREFORE” and Section 5A of said Ordinance provided that rules and regulations pertaining to the said Ordinance may be adopted by resolution of the governing body.

WHEREAS, Chapter 75, Section 5A authorized the Board of Commissioners to determine by resolution the period during each year of the paid bathing beaches shall be opened and closed.

NOW, THEREFORE, BE IT RESOLVED that the beaches shall be operating from June 8, 2018 to September 9, 2018.

NOW, THEREFORE, BE IT RESOLVED Chapter 75 Section 5C is hereby suspended for the days of July 5, 12, 19, 26, and August 2, 9, 16, 23, known as “Thrilling Thursday(s)” in the City of Margate City.

AND IT IS FURTHER RESOLVED that Chapter 75 Section 5C is hereby suspended for the days of July 4 and September 3 and there shall be permitted on the beach until 6:00 p.m. the maintenance of small attended fires for the purpose of cooking only.

ROLL CALL:

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

Resolution #79-2018 A Resolution Designating the Bathing Season and the Guarded Beaches in the City of Margate

WHEREAS, it is the interest of the City of Margate, County of Atlantic State of New Jersey, to designate guarded beaches from which persons may bathe and swim; and

WHEREAS, there is an appropriate season to provide guarding services. In 2018, the guarded bathing season is designated as commencing on June 8, 2018 and terminating on September 9, 2018. Weather permitting limited guarding will be provided on designated pre and post season weekends.

Beaches will be opened and closed as indicated below:

Beach	Open Date	Close Date
Argyle Ave	6/16	9/3
Clermont Ave	6/8	9/9*
Gladstone Ave	6/16	9/3
Huntington Ave	6/8	9/9*
Knight Ave	6/8	9/3

Osborne Ave	6/9	9/3
Thurlow Ave	6/9	9/9*
Union Ave	6/23	9/3
Cedar Grove Ave	6/23	9/3
Washington Ave	6/8	9/9*
Jefferson Ave	6/9	9/3
Madison Ave	6/23	9/3

* On the Weekends of 5/26, 6/2, 9/8 and 9/15 the Beaches on Clermont, Huntington, Thurlow and Washington Avenues will be opened for anticipated pre/post season good weather, but may be closed at the discretion of the Chief.

All guarded beaches are open from 10:00 AM to 6:00 PM

The designation of beaches is required under Chapter 75 of the Code of the City of Margate.

This Resolution is promulgated pursuant to the authority of the ordinances of the City of Margate. This Resolution will take effect immediately and all other Resolutions inconsistent herewith are hereby repealed.

ROLL CALL:

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

Resolution #80-2018 A RESOLUTION DESIGNATING THE LOCATIONS AND TIMES PERMITTING THE SPORT OF SURFING, KAYAKING AND SAILING WITHIN THE CITY OF MARGATE CITY

WHEREAS, it is the interest of the City of Margate, County of Atlantic, State of New Jersey, to designate areas and times for surfing and surf riding within the City of Margate.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners as follows:

Designated locations for surfing, kayaking and sailing:

BARCLAY AVE. to CLARENDON AVE.	SURFING + KAYAKING + SAILING
DELAVAN AVE. to ESSEX AVE.	SURFING + KAYAKING

IROQUOIS AVE. to JEROME AVE.	SURFING + KAYAKING + SAILING
PEMBROKE AVE. to SUMNER AVE.	SURFING + KAYAKING + SAILING

No person shall engage in the sport of surfing, kayaking, and sailing within the City of Margate at any other location except as specified above between the hours of 10 AM and 6 PM.

The designation of surfing, kayaking, and sailing beaches is required under Chapter 75 of the Code of the City of Margate.

This Resolution is promulgated pursuant to the authority of the ordinances of the City of Margate. This Resolution will take effect immediately and all other Resolutions inconsistent herewith are hereby repealed.

ROLL CALL:

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

RESOLUTION #81-2018
AUTHORIZING RECEIPT OF MUNICIPAL PARKING LOT BIDS

WHEREAS, the City of Margate City is the owner of a certain Municipal Parking Lot located at 15 N. Washington Avenue, also known as Block 226, Lot 9, as shown on the Tax Map of the City of Margate City. The Commissioners of the City of Margate City have decided that it is of the best interest of the City to rent eighteen (18) of the parking spaces on the parking lot to the local merchants and residents on a yearly basis in accordance with
NJSA 40A:12-14.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Margate City, Atlantic County, New Jersey, that:

1. The City of Margate City, Atlantic County, New Jersey, hereinafter in this Resolution referred to as the "City" shall rent at public sale to the highest bidder, on the 8th day of May 2018 at 11:00 a.m. in the Margate Municipal Building, 9001 Winchester Avenue, eighteen (18) parking spaces on the Municipal Parking Lot located at 15 North Washington Avenue which will be leased.
2. The minimum bid per parking space will be TWO HUNDRED (\$200.00) DOLLARS per year. The City reserves the right to reject all bids where the highest bid is not accepted.
3. The successful bidders shall submit cash or certified check made out to the City of Margate City in the amount of twenty (20%) percent of the bid price. It shall be paid at the time of the

Certificate of lease and bidder shall bind himself to comply with all of the conditions of the sale embodied in this Resolution. Persons bidding on behalf of someone other than themselves shall be required to submit, in writing, satisfactory evidence of their authority. The balance of eighty (80%) percent of the lease price shall be paid in cash or certified check within ten (10) days from the date of this auction. The City shall withhold the lease until full purchase price is paid.

4. Notice of this leasing shall be given by public advertisement in the newspaper circulating in the municipality at least once a week during two (2) consecutive weeks with the last publication to be at least seven (7) days prior to the lease and the notice shall be substantially in accordance with the terms of this Resolution.

ROLL CALL:

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

RESOLUTION #82-2018 RESOLUTION CONFIRMING ACCEPTANCE OF WORK AS COMPLETE 2017 RUBBER TIDE CHECK VALVE REPLACEMENTS PROJECT

WHEREAS, the Commissioners of the City of Margate City, in the County of Atlantic and State of New Jersey previously adopted Resolution #222-2017 on December 7, 2017 which authorized the award of a contract to T. R. Weniger, Inc. in the amount of \$35,300.00 for the 2017 Rubber Tide Check Valve Replacements; and

WHEREAS, the City Engineer, Ed Walberg has advised that the work is complete; and

WHEREAS, the Governing Body desires to establish a date of acceptance of work as complete and to authorize the submission of a Maintenance Bond by the aforesaid contractor.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Margate City that it does hereby confirm and otherwise accept as complete the 2017 Rubber Tide Check Valve Replacements in the final contract amount of \$35,300.00; and

BE IT FUTHER RESOLVED that the contractor, T. R. Weniger, Inc., is now hereby authorized to post a Maintenance Bond in said amount of \$35,300.00 which represents 100% of the total construction costs; said Bond to be in effect for a period of two years from the date of acceptance hereby established as of March 30, 2018; and

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

1. Chief Financial Officer
2. City Engineer
3. T. R. Weniger, Inc.

ROLL CALL:

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

RESOLUTION # 83-2018 AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS

WHEREAS, the Board of Commissioners of the City of Margate find the need for the fiscal year 2018 to adopt an Emergency Temporary Budget. Funds from budgetary appropriations have been submitted and certified by the Chief Financial Officer and,

WHEREAS, N.J.S.A. 40A:4-20 permits an Emergency Temporary Budget to be adopted, and

WHEREAS, the total amount appropriation so made shall not exceed 50% of the total of the appropriations made for the purpose in the budget for the preceding fiscal year and,

WHEREAS, this total excludes in both instances appropriations made for pension, interest and debt redemption charges, capital improvement fund and public assistance.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the City of Margate that the 2018 Emergency Temporary Budget is approved.

Roll Call:

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

RESOLUTION #84-2018 DECLARING CLOSED SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Margate, County of Atlantic as follows:

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:

C1. Potential Litigation

3. It is anticipated at this time that the Municipal Clerk shall on a six (6) month basis, review the minutes of closed sessions of the City of Margate and make a recommendation to the Governing Body which minutes should be considered for public record. The minutes which are made public shall not thereafter be treated as confidential, but may be seen and copied by any person(s) in the same manner as any meeting minutes of the City of Margate.
4. This resolution shall take effect immediately

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

With no further business this meeting was adjourned at 4:47 p.m. on motion by Commissioner Blumberg, seconded by Commissioner Amodeo with a vote of three ayes.

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