



Legislation Text

File #: ID 2022-517, **Version:** 1

TO: Margate CRA Chair and Members of the Board

FROM: Cale Curtis, CRA Executive Director

DATE: January 19, 2023

APPROVAL OF A TEMPORARY USE AGREEMENT BETWEEN THE MCRA AND HILDEBRAND AMUSEMENT RIDES, INC., FOR USE OF MCRA PROPERTY AT 1000 NORTH STATE ROAD 7 TO HOLD A MARGATE SPRING BREAK FAIR

BACKGROUND: Dr. Mitchell Pellechia, on behalf of the event sponsor Hildebrand Amusement Rides, Inc., submitted a Special Events Application and a Temporary Use Agreement for use of the MCRA property located at 1000 North State Road 7 to hold a Margate Spring Break Fair. The elements of the request are consistent with that of 2022 Margate Waterfront Days Fair request held during spring break.

The applicant is requesting use of the property from March 13, 2023 through April 6, 2023 (total 25 days). The property would be used as follows:

- March 13 thru March 16: Event set-up (4 days)
- March 17 thru April 2: Operation of the Fair (17 days)
- April 3 thru April 6: Event breakdown (4 days)

The request is to operate the Fair during the following hours:

- Monday thru Thursday: 5 p.m. to midnight
- Friday: 5 p.m. to 1:00 a.m.
- Saturday: 1 p.m. to 1:00 a.m.
- Sunday: 1 p.m. to midnight

The Fair would include amusement park rides, kiddie rides, food vendors, games/midway, and live entertainment. The sponsor indicated on the Application that neither use of the City stage nor other MCRA consideration being requested. (The stage was requested in 2022.) Estimated attendance is 499 people on weeknights and 1,000 people on Fridays, Saturdays, and Sundays.

There are several outstanding issues with the request at this time:

- The Development Agreement that exists between New Urban Communities and the MCRA prohibits utilization of the site for carnivals or fairs so this aspect will need to be addressed. The MCRA Board attorney requests that the event sponsor, Hildebrand Amusement Rides, Inc., provide the MCRA with either written authorization from New Urban Communities, LLC, granting permission to use the property, or a written release indemnifying the City and the MCRA against any legal action brought by New Urban Communities, LLC, etc., pursuant to the Developer Agreement.

- The MCRA Event Policy states that use of the property shall be restricted to sponsors who have a business, non-profit organization or religious institution in the City of Margate.
- The request will also need to go through the City's Temporary Use Permit (TUP) process and go before the City Commission for approval due to the length of the event and the hours of operation. City Code Section 3.24 - Temporary Use Permits limits such events to no more than 21 consecutive calendar days (the request is for 25 days); the City Code requires event closure at 10:00 p.m. every night (the request is for midnight during the week and on Sundays, and 1:00 a.m. on Friday-Saturday.)

Hildebrand Amusement Rides, Inc., event sponsor and the amusement rides vendor, will also be required to provide the required general liability insurance and indemnification.

RECOMMENDATION: For Board discussion and direction. If the MCRA Board wishes to grant use of the property, the item will then need to go before the City Commission for approval as part of the City's TUP process, and for approval of the extended length of the event and hours of operation.

FISCAL IMPACT: The MCRA fee for use of the property at 1000 North State Road for 25 days is \$8,928.65 (\$5,000 base fee plus 11 days prorated) per MCRA's Event Policy. Section 1.03 "Rent" on the Temporary Use Agreement submitted was left blank. The request did not include use of any other MCRA properties.

CONTACT PERSON: Cale Curtis, CRA Executive Director