

REGULAR MEETING MAYOR AND CITY COUNCIL April 8, 2021

Meeting called to order via ZOOM at 7:00 p.m. by President Johnston with a salute to the flag.

Roll call was recorded as follows:

Present: Bruno, Dill, Ferreri, McCarrie, McGuigan, Owen, Johnston

Also Present: Mayor Glasser, City Administrator Frost, City Clerk Samuelsen, Deputy City Clerk Heath, and City Solicitor Thomas Smith

Absent: None

Open Public Meetings Act:

Pursuant to the Open Public Meetings Act, adequate notice of this meeting has been provided. Agenda for this meeting has been provided to two local newspapers and posted in the City Clerk's Office and on the City's website, somerspointgov.org. The meeting was held via ZOOM platform and limited in person due to the pandemic of COVID-19. Council President Johnston announced the instructions for joining the meeting electronically.

Communications:

Council President Johnston reported she received a letter of resignation from Greg Sykora, Chair of the Economic Development Advisory Commission. City Council accepted the resignation.

Mayor's Report:

Mayor Glasser reported recent discussions with the Veteran's Advisory Board and Post Commanders concerning Memorial Day. They have decided not to have a parade due to COVID19 restrictions They would like to have a short service on Memorial Day, Monday, May 31, at 11 AM at Patriot's Park. Everyone is invited and asked to practice social distancing and wear a mask. He stated the importance of remembering members of the Armed Forces who have fought and died for our Country. Mayor Glasser mentioned he, and the Board are hoping a parade will be possible for Veteran's Day in November.

Administrator's Report:

Administrator Frost reported a letter received regarding a proposed wind farm. Since it is on the agenda under new business, he will address it at that point.

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Solicitors Report:

None

Committee Reports:

- **Marina-** Council President Johnston reported the Marina Sub Committee met to discuss getting ready for this season and to discuss a Request for Proposals for a vendor to manage the marina this summer. She stated the electric work has been completed, and they are waiting for the electric company to complete their work. Council President Johnston stated there is a resolution on tonight's agenda to approve the RFP, which will go out right away when it is passed.
- **Recreation-** Council Member Owen reported the Eagle Scouts are working on a project at Kennedy Park rebuilding a Martin house and also putting up a new one. He also mentioned the Recreation Commission approved the following: a run through Kennedy Park on 10/9/21, contingent on other necessary approvals, Jordan Road School will have a 8th grade dance at Kennedy Park on 6/11/21, Somers Point School District requested use of the fields, and New Logic Marine will host their summer camp. He also mentioned the Commission discussed the possibility of having the beach concerts, which will depend on COVID19 regulations in the State over the coming months. Council Member McCarrie added Mission Point Church has requested to have services on the beach.

Council Member Dill stated there are four cadets graduating from the Academy on 4/9/21 at 1:00 P.M., and he would like to take the time to congratulate them on their success of completing the courses.

Approval of Minutes:

On the motion of Council Member Owen, seconded of Council Member Ferreri and carried to approve the Regular Meeting Minutes of 3/25/21.

Ordinances:

Council President Johnston pulled Ordinance 7 from tonight's agenda due to a legal issue regarding advertisement. It will be addressed at the next meeting on 4/22/21.

Ordinance No. 7 of 2021

(Second Reading/Public Hearing/Adoption)

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M/S-

**ORDINANCE NO. 7 of 2021
An Ordinance Establishing Requirements for the Use
of Municipal Parking Lot and the Imposition of Parking Fees**

WHEREAS, the City of Somers Point (“City”) maintains certain Municipal Parking Lots (“Parking Lots”) within the City, which are used by patrons of various businesses and recreational uses on or near Bay Avenue; and

WHEREAS, the City has determined these Parking Lots provide the potential for income in the form of parking fees to City, which income would not only defray the costs of maintenance associated with these parking lots, but would also provide tax relief to the residents of the City; and

WHEREAS, the City, in reviewing the matter, has determined that the imposition of certain fees associated with the use of these parking lots would not be detrimental to the businesses, recreational uses or neighborhoods in or around the Bay Avenue area.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Somers Point, County of Atlantic and State of New Jersey, that:

SECTION 1. Chapter 200 of the Municipal Code, with the following provisions, is hereby created for purposes of regulating the use and imposition of fees of the Municipal Parking Lots.

§200-1. DEFINITIONS

As used in this Chapter, the following terms shall have the following meanings indicated:

Municipal Parking Lot

Those parcels identified in the tax map of the City of Somers Point, Atlantic County, New Jersey, initially prepared by John R. Walker, Engineer, in November of 1968, and in use in March of 2021, as Block 1513, Lot 6; Block 1612, Lot 2; and Block 1912, Lot 16.

Parking Fee

Rates charged the general public for the use of the Municipal Parking Lots during those time periods and for those time allotments set forth in this Chapter.

Parking Permit

Parking permit means the prepayment for parking in the Municipal Parking Lots by use of any of the following timed means: parking meter, parking kiosk, or any other manner of prepaid parking

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including the use of any type of mobile phone app, electronic or internet technology wherein payment may be made for purposes of parking at said lots.

§200-2. PARKING PERMIT

A parking permit shall be required for all vehicles parked on Municipal Parking Lots during the hours of 7:00 a.m. to 3:00 a.m. during the period of April 15 through October 31 of each calendar year,

§200-3. PARKING FEES

An hourly rate shall be charged for parking motor vehicles on the Municipal Parking Lots in the time period set forth in this Chapter of \$1.00 per hour.

§200-4. PENALTIES

Every person convicted of a violation of the provisions of this Chapter relative to the payment of fees for parking on the Municipal Parking Lots shall be liable of a penalty of not more than \$51.00 or imprisonment for a term not exceeding 15 days, or both.

SECTION 2. This Ordinance shall take effect upon its final passage and publication as provided by law.

Council President Johnston opened to the public for comment on Resolution 79 of 2021, hearing none, the hearing was duly closed.

Resolution No. 79 of 2021

M/S- Dill/Ferreri

The resolution was adopted by unanimous vote of those present.

No. 79 of 2021

Subject: Read Budget by Title Only

Introduced By: Council President Johnston, Council Members McGuigan and Dill

WHEREAS, N.J.S 40A:4-8 provides that the budget be read by title only at the time of the public hearing if the resolution is passed by not less than a majority of the full governing

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body, providing that at least one week prior to the date of the hearing a complete copy of the approved budget as advertised has been posted in City Hall and copies have been made available by the City Clerk to persons requiring them; and

WHEREAS the City Clerk affirms hereto that these two conditions have been met; and

WHEREAS City Council hereby declares that at least one week prior to the date of the hearing a complete copy of the approved budget as advertised has been posted in City Hall and copies have been made available by the City Clerk to persons requiring them.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the budget shall be read by title only.

PUBLIC HEARING OF 2021 MUNICIPAL BUDGET

Council President Johnston stated City Council will not be voting or adopting this budget tonight as the City is waiting for clarification regarding the Federal COVID19 money. City Council wants all the information before adopting the budget as they anticipate an amendment to the budget. Council President Johnston hopes the budget will be adopted at the next meeting on 4/22/21.

Auditor Leon Costello stated the budget right now is the same as the introduced budget, and it will be amended pending the COVID19 stimulus and the hospital monies. He mentioned he expects the rules on the COVID19 money to come out in the next few days. He mentioned currently the budget has a tax increase of approximately 2 cents, which he expects to go down. There are no services or programs being cut. He will prepare a resolution stating the changes of the budget, which should be ready for adoption at the next meeting of 4/22/21.

Council President Johnston opened to the public for comment on the Municipal Budget.

Patricia Pierson of 587 Marks Road stated her hope that the budget amendment will bring the tax increase to zero.

Charlie Falkenstein of 41 Greate Bay questioned if money from proposed parking meters could be used in this year's budget. He also questioned the amount anticipated revenue compared to last year.

Rob Wood of Shore Medical Center stated they will be processing the newly bed tax which will be given to the City for use in the budget. He also mentioned they have previously made voluntary contributions to the City. Council Member McGuigan stated he has appreciated the hospital for many years.

Hearing nothing further, the hearing was duly closed.

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**Resolution No. 66 of 2021 (BUDGET) WILL BE VOTED ON AT A LATER MEETING
M/S-**

This resolution was adopted by a unanimous roll call vote of those present.

Resolutions:

Clerk Samuelsen read by title only the list of resolutions.

Public Portion Resolutions

Council President Johnston opened to the public.

Patricia Pierson of 587 Marks Road questioned the title of Recreation Director and what the job duties will entail. She also voiced her support for shared service for the Construction Office Department.

Hearing nothing further, the public hearing was duly closed.

Resolution No. 75 of 2021

M/S- Ferreri/Dill

This resolution was adopted by unanimous roll call vote of those present.

No. 75 of 2021

**Subject: Authorizing Agreement with The County of Atlantic and the City of Somers Point
Concerning Design, Construction, and Jurisdictional Control of a Bike Lane
Along Somers Point Mays Landing Rd (CR 559)**

Introduced by: Council Members Dill, McGuigan and Owen

WHEREAS, Atlantic County currently owns the right of way of Somers Point Mays Landing Rd (CR 559) and maintains said roadway for vehicular travel between the curb lines; and

WHEREAS, The City applied for and was awarded a \$130,000 bikeway grant through the NJDOT Transportation Alternatives Set-Aside Program (Fiscal Year 2019) for the installation of bike lanes along the north and south side of Somers Point Mays Landing Road (CR 559). The proposed bike lanes will run from the intersection of Route 9 and Somers Point Mays Landing Road (CR 559) through the Route 52 intersection; terminating at the existing municipal multiuse pedestrian path; and

WHEREAS, this project is consistent with the City's Bicycle and Pedestrian Master Plan and will provide connections between the Route 52 shared use path to the proposed shared use path along Route 9 that will be completed by NJDOT.; and

WHEREAS, conceptual plans for the bike lanes have been reviewed by the Atlantic County Department of Regional Planning and Development, Division of Engineering; and

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WHEREAS, upon completion of the work, the County and the City shall jointly maintain the portion of the lane that is located within the right of way of Somers Point Mays Landing Road (CR 559); and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the Mayor is hereby authorized to enter into an agreement with Atlantic County, substantially in the form attached hereto and subject to such modifications as required and authorized by the City Administrator and Solicitor, and that a copy of the executed agreement shall be attached hereto and become a part hereof.

Resolution No. 76 of 2021

M/S- Dill/Owen

This resolution was adopted by unanimous roll call vote of those present.

Council Member Dill thanked the County Representatives, City Engineer Greg Schneider and Administrator Frost for all the efforts regarding the Agreement, so the citizens of this community have a safe bicycle lane. Council President Johnston concurred this is all about safety and will be good for our biking community.

No. 76 of 2021

Subject: Authorizing Agreement with The County of Atlantic and the City of Somers Point Concerning Design, Construction, and Jurisdictional Control of a Bike Lane Along New York Avenue (CR 665)

Introduced by: Council Members Dill, McGuigan and Owen

WHEREAS, Atlantic County currently owns the right of way of New York Avenue (CR 665) and maintains said roadway for vehicular travel between the curb lines; and

WHEREAS, the City has proposed to construct a bike lane within portions of the County right of way along New York Avenue (CR 665) from Shore Road (CR 585) to New Road (NJ Route 9); and

WHEREAS, this project is consistent with the City's Bicycle and Pedestrian Master Plan and will provide connections between the City's existing bike path and the New York Avenue School and Jordan Road School; and

WHEREAS, Atlantic County has agreed to allow the City to design and construct bike lanes along New York Avenue (CR 665) within portions of the County ROW; and

WHEREAS, upon completion of the work, the County and the City shall jointly maintain the portion of the lane that is located within the right of way of New York Avenue (CR 665); and

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the Mayor is hereby authorized to enter into an agreement with Atlantic County, substantially in the form attached hereto and subject to such modifications as required and authorized by the City Administrator and Solicitor, and that a copy of the executed agreement shall be attached hereto and become a part hereof.

Resolution No. 77 of 2021

M/S- Dill/Owen

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan stated he is very excited about this selection as he has known Mr. Dunleavy for many years and thinks he is an excellent choice. He also stated that Mr. Dunleavy was volunteer fire fighter and a few years ago, who was named Firefighter of the Year.

No. 77 of 2021

Subject: Appointment of Donald J. Dunleavy

Introduced By: Council President Johnston, Council Members McGuigan and McCarrie

WHEREAS, due to a vacancy in the position, the position of Code Enforcement Officer Trainee was advertised as required by the personnel policies and procedures of the City; and

WHEREAS, applications for the advertised position were closed on February 26, 2021; and

WHEREAS, a review of the applications and formal interviews were completed and the Construction Official has recommended that Donald J. Dunleavy be appointed; and

WHEREAS, adequate funds are available within the Uniform Construction Codes Department operations in the 2021 budget for this appointment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point as follows:

- 1.) The appointment of Donald J. Dunleavy, to the position of Part-Time Code Enforcement Officer Trainee, New Jersey Civil Service Local Government Job Specification 07594, is hereby approved effective April 12, 2021.

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Resolution No. 78 of 2021

M/S- Ferreri/Dill

This resolution was adopted by unanimous vote of those present.

Council Member McGuigan stated he was part of the interview process, and he believes Mr. Shallcross is an excellent choice. He looks forward to his tenure beginning and some of the exciting things he will be doing such as press releases.

Council President Johnston stated she was also part of the interview process. She and Administrator Frost interviewed several people for the position with many good candidates; however, she believes they made the right choice and looks forward to working with Mr. Shallcross.

Mr. Shallcross thanked City Council and mentioned he looks forward to working with and getting to know everyone.

No. 78 of 2021

Subject: Acknowledging and Approving the Hiring of a Recreation Director

Introduced by: Council President Johnston, Council Members McCarrie and McGuigan

WHEREAS, there existed a need to hire a full time Recreation Director; and

WHEREAS, the City Council's Personnel Committee in conjunction with the City Administrator advertised the positions and interviewed multiple candidates; and

WHEREAS, the City Council's Personnel Committee has made the below recommendation to hire a full-time Recreation Director; and

WHEREAS, the City Administrator and CFO confirmed that this is a budgeted position and made this appointment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby acknowledges and approves the hiring of Douglas Shallcross to the full-time position of Recreation Director in accordance with the New Jersey Civil Service Job Specification 06935, effective April 12, 2021.

BE IT FURTHER RESOLVED that his annual salary is established at \$40,000.00.

Resolution No. 80 of 2021

M/S- Owen/Ferreri

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This resolution was adopted by unanimous vote of those present with Council Members Dill and McGuigan recusing.

No. 80 of 2021

Subject: Extension of Conditions of Employment and Salary for Police Chief Robert C. Somers

Introduced by: Council President Johnston and Council Members McCarrie and Ferreri

WHEREAS, in accordance with Resolution No. 222 of 2019, the conditions of employment and salary were approved and executed by Robert C. Somers and the City of Somers Point; and

WHEREAS, Robert C. Somers and the City of Somers Point agree that all title and duties, terms of employment, compensation and benefits under the existing Conditions of Employment will remain in effect ; and

WHEREAS, the City of Somers Point now desires to formally extend the conditions of employment and salary for Police Chief Robert C. Somers through 2021 and 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that, effective immediately, the conditions of employment and salary of Robert C. Somers shall be extended in accordance with the document attached hereto entitled "Conditions of Employment for Robert C. Somers."

BE IT FURTHER RESOLVED, that, upon execution, a copy of the executed document shall be attached hereto and become a part hereof.

Resolution No. 81 of 2021

M/S- Ferreri/Owen

This resolution was adopted by unanimous vote of those present.

Council President Johnston stated she is looking forward to the Marina activity this summer and how Mr. Shallcross and the vendor will promote it. She believes it is a great venue for the City.

No. 81 of 2021

Subject: Authorizing RFP's for Marina Operations

Introduced By: Council President Johnston and Council Members Owen and Ferreri

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WHEREAS, the City of Somers Point is in possession of a property known as Block 1612, Lots 2 & 2.01 on the tax maps of the City of Somers Point, located at Higbee and Bay Avenue; and

WHEREAS, this property includes a marina facility and small office area; and

WHEREAS, N.J.S.A. 40:61-1. et seq. states that the governing body of any municipality may let out and rent any privilege in any of its parks, beaches, waterfronts and places for public resort and recreation, to the highest responsible bidder therefore, after advertisement of the time and place of such letting, at least ten days prior to receipt of bids, in a newspaper circulating in the municipality, and upon such terms and conditions as it may prescribe.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point as follows:

1. The City Clerk is hereby directed to advertise the Requests for Proposals the City's Marina Operations located at Higbee Avenue and the Bay from the City of Somers Point for use as a marina facility.
2. Said advertisement shall be published as soon as possible, but no later than April 17th 2021.
3. All proposals must be received by the City Clerk no later than 3:00 p.m. on April 29th, 2021 at which time they will be publicly opened, announced, and recorded in the City Council Chambers.
4. It is understood that the use as described in this Request for Proposal must be approved by the Somers Point Board of Recreation.

Resolution No. 82 of 2021

M/S- Dill/Ferreri

This resolution was adopted by unanimous roll call vote of those present.

No. 82 of 2021

Subject: Resolution Authorizing the City of Somers Point to Enter Into a Shared Services Agreement with the Township of Galloway for the Purposes of Sharing Construction Office Services

Introduced by: Council President Johnston

WHEREAS, the "Uniform Shared Services and Consolidation Act," N.J.S.A. 40A:65-1 et seq. ("Act"), allows any local unit to enter into an agreement with any other

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local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating local units; and

WHEREAS, N.J.S.A. 40A:65-5 requires the adoption of a resolution by the local units in order to authorize the execution of a shared services agreement; and

WHEREAS, the City of Somers Point ("City") and the Township of Galloway ("Township") have determined it to be in the mutual interest of each governing body to share Construction Office Services; and

WHEREAS, the City wishes to enter into a shared services agreement ("SSA") with the Township for the purpose of setting forth the terms, conditions, and obligations of each party regarding Construction Office Services, which will benefit both the City and the Township by increasing the efficiency and decreasing costs of those services; and

WHEREAS, the City and the Township plan to negotiate the terms of the SSA and the City Administrator and Conflict Solicitor have recommended that City Council adopt a comparable SSA to previous SSAs with Galloway Township.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, County of Atlantic, State of New Jersey, as follows:

1. The Mayor shall be and is hereby authorized to execute the Shared Services Agreement with the Township of Galloway for Construction Office Services, subject to such modifications as required and authorized by the City Administrator and Solicitor.
2. A copy of the SSA shall be filed with the Division of Local Government Services, Department of Community Affairs, in accordance with the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-4(b).
3. The SSA shall take effect upon the adoption of appropriate resolutions by both parties thereto, and execution of agreements authorized thereunder, N.J.S.A. 40A:65-5(c).

Old Business:

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Council President Johnston mentioned the County initiating shared services for municipal courts. She appointed a subcommittee of consisting of Council Members McCarrie and Ferreri and Council President Johnston. There is a meeting set for Friday, 4/23/21 with County Attorney James Ferguson and Judge Sandson.

New Business:

- On the motion of Council Member McGuigan, seconded of Council Member Owen and carried to approve the Social Affair Permit for Gateway Playhouse for Piano Bar with Michael McAssey on 5/7/2021 from 6-10 PM.
- On the motion of Council Member Owen, seconded of Council Member Ferreri and carried to approve the Social Affair Permit Application for Gateway Playhouse for an Event on 4/23/2021 from 6:30-10:30 PM.
- On the motion of Council Member Ferreri, seconded of Council Member Owen and carried to approve the Application for Bike Races, Foot Races or Other Events in the City of Somers Point for Northfield-Linwood Kiwanis Foundation for an Event on 5/22/21.
- On the motion of Council Member Ferreri, seconded of Council Member Owen and carried to approve the Application for Bike Races, Foot Races or Other Events in the City of Somers Point for Somers Point Historical Society on 5/15/21 with a Rain Date of 5/22/21. This application is for a Flea Market.
- On the motion of Council Member Owen, seconded of Council Member Ferreri and carried to approve the Application for Bike Races, Foot Races or Other Events in the City of Somers Point for PR Racing on 10/9/21 contingent on their submission and approval of their Certificate of Insurance.
- Letter of Support for Somers Mansion Grant- Levi Fox of the Patriots for Somers Mansion is requesting a letter of support for an archeological dig on the property near Somers Mansion in conjunction with Monmouth University. He mentioned they have already received a letter from the County Historical Society endorsing the project. City Council concurred with supplying a letter of support.
- Orsted (dba Ocean Wind LLC) – Invitation to Consult on the Wind Offshore Farm Project- Administrator Frost reported he received a letter from Bureau of Ocean Energy Management who is responsible for reviewing the construction operating plans submitted by Ocean Wind LLC. They have asked the City to be a part of consulting in the permitting process and, if agreed, to submit a letter to that effect. This would allow the City to stay informed of mitigating measures and the permitting process. Administrator

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Frost stated neighboring communities have concerns regarding this process and thinks it is a good idea to become a consulting party to this process. Council President Johnston agrees that it is a good way for the City to stay informed. City Council concurred.

- Storm Ready Recertification- Council President Johnston informed the Office of Emergency Management has applied for and received approval for recertification of the Storm Ready Community designation. This allows the City to use the Storm Ready logo on website, letterhead and brochures. With this certification and since the City of Somers Point participates in the National Flood Program, the City remains eligible for additional insurance service community rating points. Council President Johnston congratulated the Office of Emergency Management for a great job.

Discussion of Bills:

Administrator Frost reported a Bill List dated 4/6/2021 in the amount of \$ 1,366,496.39

Public Portion:

The meeting was duly opened to the public.

Patricia Pierson of 587 Marks Road would like to see the information regarding Storm Ready Community and the possible insurance benefits listed in the newspaper. She also would like City Council to form a committee regarding the Wind Offshore Farm Project consisting of members of Council, as well as members of the public.

Theresa Dougherty of 26 Dogwood Drive mentioned the list of approved volunteers on the website has not been updated since May of 2019. She mentioned there is no updated information for the process of new volunteers. She hopes this will be urgently addressed by the newly hired Recreation Director. She also mentioned the difficulty of safely bicycling to Kennedy Park.

Hearing nothing further from the public, this portion was duly closed.

Payment of Bills:

M/S – Dill/Owen

The Bill List was approved by a unanimous vote of those present. A complete list of bills is on file in the Office of the Municipal Clerk.

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Adjournment:

Council Member Dill stated, regarding the County consolidation of courts, he is sure the Council Committee Members will do an excellent job; however, he would like to ensure that the City Attorney, Chief of Police and City Administrator will be involved in the presentation. He suggested the County make a presentation to City Council at a public meeting so the citizens will also be informed. Council President Johnston mentioned the City Attorney, Chief of Police and City Administrator have been invited to the meeting, and a presentation will be made to City Council.

There being no further business to come before City Council, Council Member McGuigan moved, Council Member Ferreri seconded and carried to adjourn the meeting at 8:01 p.m.

Submitted by:

Lucy R. Samuelsen, RMC
Municipal Clerk
Approved: 04/22/2021