



TOWN COUNCIL MINUTES

REGULAR MEETING

**June 19, 2018 @ 6:30 p.m.
continued to June 25, 2018 at 5 pm**

The Kure Beach Town Council held its regular meeting on Tuesday, June 19, 2018 at 6:30 p.m. The Town Attorney was present and there was a quorum of council members present.

CALL TO ORDER

Mayor Bloszinsky called the meeting to order at 6:30 pm

COUNCIL MEMBERS PRESENT

Mayor Craig Bloszinsky
Mayor Pro Tem (MPT) David Heglar
Commissioner Joseph Whitley
Commissioner Allen Oliver
Commissioner John Ellen

COUNCIL MEMBERS ABSENT

None

STAFF PRESENT

Finance Officer – Arlen Copenhaver
Town Clerk – Nancy Avery
Deputy Town Clerk – Mandy Sanders
Police Chief – Mike Bowden
Fire Chief – Ed Kennedy
Utility Systems Operator/Crew Leader – Jimmy Mesimer

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Tommy Williams, Lay Pastor, gave the invocation and led the audience in the Pledge of Allegiance

APPROVAL OF CONSENT AGENDA ITEMS

1. Appoint Jonathan Perrotto to the WMPO Bike Pedestrian committee
2. Resolution 18-03 authorizing transfer of \$12,000 from the contingency fund.
Council voted to approve this at the May 15 meeting
3. Budget amendment 18-08 transfer \$12,000 from GF contingency to PW Streets and Sanitation budget for design and engineering cost relating to installation of ADA ramp at beach access # 1004- 1/2 near Myrtle and Ocean View. Council voted to approve this at the May 15 meeting
4. Budget amendment 18-09 increasing the legal expense budgets for both funds for additional legal fees incurred for \$7,000 using an offset of excess projected revenue
5. Budget amendment 18-10 establishing a budget for grant proceeds received by the Police Department for purchase of body cameras for \$4,092
6. Minutes
 - May 15, 2018 Public Hearing on parking code amendments
 - May 15, 2018 Regular Meeting



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- June 5, 2018 Special meeting
- June 5, 2018 Closed Session personnel
- June 5, 2018 Public Hearing on proposed FY19 budget

MOTION –MPT Heglar made the motion to add item number seven to the consent agenda to ‘close Atlantic Avenue between M and N Avenues between 6/18 and 6/20 for a concrete pour’
SECOND – Commissioner Whitley
VOTE – Unanimous

MOTION – MPT Heglar made the motion to adopt the consent agenda as amended
SECOND – Commissioner Whitley
VOTE - Unanimous

ADOPTION OF THE AGENDA

MPT Heglar asked to remove item number six (Emergency Operations Plan) as there is no update.

MOTION – MPT Heglar made the motion to adopt the agenda
SECOND – Commissioner Oliver
VOTE - Unanimous

The mayor invited everyone to a 30-minute reception next door for retiring Public Works Director Beeker.

MOTION – MPT Heglar made the motion to recess the meeting for thirty minutes for a reception
SECOND – Commissioner Whitley
VOTE - Unanimous

Mayor Bloszinsky recessed the meeting at 6:36 pm
Mayor Bloszinsky resumed the meeting at 7:11 pm

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

Resident Craig Galbraith stated his twelve-year-old daughter and her friends have been sexually harassed in the downtown area by young cruising boys and his daughter said there was no police officer in the area.

Mayor Bloszinsky stated that has been discussed with the police chief and he will adjust scheduling to ensure an officer is present in that area.



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DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Community Center Committee
2. Co-chair Linda Brett Kell said:
 - The barbeque fundraiser is August 18 and they need volunteers
 - Frances Regan, previous chair person, passed away recently and the committee wants to know the process to name the center after her

Mayor Bloszinsky stated the town does have a naming process and he will make sure she gets a copy.

3. Shoreline Access and Beach Protection Committee
Commissioner Whitley reported all beach access and no dogs on beach signs are installed.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Finance Department
 - a. Proposed amendment to Chapter 7 (Garbage/Trash), Section 67 (Special pickups) of the Code of Ordinances by the addition of language to specify that items placed in ROW and picked up by Public Works shall be billed to property owner whether requested or not.

Finance Officer Copenhaver stated the wording in the code says you have to schedule a pick-up with Public Works. This has been called into question lately by people putting things out but saying they did not call for a pickup. He is proposing changing language to clarify that if items are put in the town's right of way, they will be picked up and the person will be billed.

MOTION – MPT Heglar made the motion to amend Code of Ordinances, Chapter 7, Section 67, as presented

SECOND – Commissioner Whitley

VOTE - Unanimous

- b. Required changes to policy:
 - Resolution 18-04 authorizing the town to engage in electronic payments as defined by N.C.G.S. 159-28, as presented
 - Amend Section V E (Disbursements – Method of Disbursement) of the Town's Cash Management and Investment Policy, by adding additional language to specifically identify the review, verification and approval procedures to be followed for electronic payments

Finance Officer explained resolution R18-04 is now required by the state for the town to be eligible to engage in electronic payments reimbursed. He requested Council adopt R18-04



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as presented along with required amendments to the town's Cash Management and Investment Policy.

MOTION – MPT Heglar made the motion to approve resolution R18-04 authorizing the town to engage in electronic payments and updates to town procedures, as presented

SECOND – Commissioner Whitley

VOTE -Unanimous

The Finance Officer presented revisions to town policies for new federal requirements for reimbursement from federal funds that include adding two new sections to Purchasing Policy and Procedures, Section IV on Pre-Audit Requirements and Section II on Uniform Guidance Procurement along with a new Uniform Guidance Conflict of Interest Policy.

MOTION – MPT Heglar made a motion to approve this as presented and as directed by the mayor with follow up training for department heads and for follow up scope to be presented to council for pre-approval.

SECOND – Commissioner Oliver

VOTE - Unanimous

2. Building Department

Building Inspector Batson stated:

- A notice was sent to a property owner at 409 F Avenue on May 14 which was returned on June 6 for violation of not keeping the grass mowed
- Per the attorney this is acceptable as notice served
- He is asking Council authorization to have the grass mowed the remained of this year once a month during the growing season and charge the owner by a lien on the property

MOTION – MPT Heglar made the motion to approve the Building Inspector to address the concerned property, as referenced

SECOND – Commissioner Whitley

VOTE - Unanimous



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DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Adoption of the FY18-19 Proposed Budget Ordinance and Fee Schedule with amendments:
 - Property, Liability and Workers Comp insurance premiums \$8,000
 - Recycling increase from vendor \$65,500

Finance Officer Copenhaver presented revisions to proposed FY 18-19 budget stating:

- Two funds are impacted:
- Expenditures are increased in both the General Fund and the Water Fund by \$8,000 for increase in premiums for the town's property and liability insurance
- Expenditures are increased in the General Fund by 52% for recycling
- This is a lot more than anticipated when developing the budget
- There was a proposed increase of 13 cent per cart from 4.88 to 5.01 but new information received from the vendor requires an increase per cart from \$4.88 to \$7.40
- Both of these expenses increase the General Fund by \$73,500 which means revenue also has to increase by the same amount
- Expenditures decrease in the Water Fund for potential capital outlay projects
- Revenue increases in the Water Fund by \$6,000 for water and sewer tap fee projection

Council discussion points:

- May need to look at another bid from a recycling competitor, switching to a centralized location, cut service to every other week, stop having recycling vendor pick up carts at ocean front accesses which is charged at higher amount or switch to a larger cart
- Carolina Beach tried every other week and it did not go well. They recently changed to once a week recycling

MOTION – MPT Heglar made the motion to adopt the FY18-19 budget as amended by the Finance Officer

SECOND – Commissioner Oliver

VOTE -Unanimous

2. Revised proposed amendments to Chapter 10 (Traffic) of the Code of Ordinances on parking Planning and Zoning (P&Z) chairperson Craig Galbraith stated:

- There are two chapters of the code impacted, ten and nineteen
- P&Z discussed this twice and met last night to formulate a formal proposal
- P&Z recommends approval, as presented, of amendments to Chapter 10 with caveats
- A mechanism needs to be put in place where a resident could petition to park in front of his/her house in the right of way (ROW) if impacted by the proposed amendments



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- A strong effort should be made to communicate to the Kure Beach population with visuals and pictures rather than just language to understand ROW, setback and yard

MPT Heglar said:

- He read the proposed amendments in detail and looked at a google map of properties in town
- He thinks 60 properties will be impacted with a lot of them in the older parts of town
- Amendments to Section 222, subsection a of Chapter 10 will cause a deluge of people to park in front of other peoples' houses which will cause problems
- This is written so that you can't park in the gray zone which is really part of the driveway
- Think that subsection a should also say vehicles can park on the unimproved portion of the ROW in front of that person's home
- If people are parked off the pavement, there is not an emergency situation
- The main place where emergency vehicles cannot get is downtown
- If a vehicle is parked on the unpaved portion of the ROW in the street, that is a problem
- If someone parks in front of a home that isn't theirs, then the owner can call the police and say someone is parking in front of their house and police can address
- If a vehicle is parked off street, it doesn't impede emergency services and no one cares
- He is concerned that with this change a huge number of residents will not be able to park their cars where they have been parking for the last 30 years. What happens now if a visitor parks in someone's setback/front yard, is that legal?
- E Avenue median is de facto parking now when we get maxed out and people are not parking in the unimproved ROW in front of residences
- If we pass these amendments, we need to make more designated parking, so people do not park in other people's yards
- A huge number of residences between N and E Avenue are predicated on parking in the ROW
- We are going to pass a rule that we will not enforce or selectively enforce and everyone is going to go to the hearing officer to say you are picking on me. It is going to be a big mess.

P&Z Chair Galbraith said:

- Section 222 amendments are presented that you cannot park in the ROW, improved or not
- P&Z had many discussions about whether you can restrict the ROW to only certain people
- P&Z is trying to have an ordinance that applies to everyone in Kure Beach
- These amendments are not zoning and do not require a public hearing. Council may change it and pass it tonight.



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Mayor Bloszinsky stated:

- The problem is with terminology
- There is no parking in the paved ROW unless in a marked space
- On the pavement (improved ROW), there needs to be a marked space
- Off the pavement (unimproved ROW), the vehicle needs to belong to the owner or renters of that space
- We are close on what we are saying. We have citizens that want to park in the unimproved ROW and these amendments do not allow that.
- It would be an admin nightmare to keep up with permits for only some folks to park in the ROW and for staff to know who can do what and where
- Would like to see unpaved ROW parking for residents and guests
- He suggests a moratorium with warning tickets
- Corner lots are going to have to be addressed with line of site

Commissioner Ellen commented:

- The trouble with improved (paved) or unimproved is that from the curb the first 10 feet is ROW that the town owns, but it could be grass or plantings not dirt
- This says vehicles are only allowed to park on unimproved area
- Some may will think that means dirt area only
- Recommend that part of this, if approved, has a start date that is not right away

Commissioner Allen stated:

We could say on the ROW from the back of the curb except not every street has a curb

Commissioner Whitley commented:

- If you park where you are supposed to be there is no problem, but people park where they are not supposed to, such as in front of the neighbor's house
- An example is someone renting their home without enough parking and cars end up parking on a vacant lot nearby that belongs to someone else – that should not be allowed
- There is nothing police can do on private property
- The police wrote twelve to fourteen tickets this year per the chief for vehicles that were not completely off the street
- If we try to make more changes to these amendments, this will get pushed to next year and miss this season

Ken Richardson, P&Z member, said:

- People are now using the unimproved ROW as a permanent parking space for vehicles that are never moved
- For aesthetic reasons, P&Z and the parking committee were trying to address this



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problem

- Even if a vehicle is parked in the ROW, there can still be a wheel on the pavement

John Cawthorne, P&Z member, stated:

- P&Z also talked about safety in the unimproved public ROW. There could be occasions where parking there may cause safety problems.

P&Z Attorney Eldridge stated:

- His take is that Council recently amended setback provisions and explicitly allowed for off road parking of vehicles on residential lots in the front setback
- It makes sense a driveway extends from the street across the unimproved part
- He took the position that seasonal parking based on surveys and conversations, identified the problem as the streets that are not wide enough with parking in the ROW did present problems, so he wrote language to not allow passenger vehicles in the ROW unless in a designated space
- He is not sure how you would allow parking in ROW in narrow streets
- P&Z's approach has been no parking in the public ROW unless in a designated parking space
- How would you enforce only some vehicles allowed to park in the ROW?
- It is illegal to park in front of someone's setback/front yard, per the amendments, because they are parking on someone else's private property and that is trespassing
- Everything is drafted with the knowledge that the unimproved portion of the ROW, for example a utility or vegetative strip, is to not allow parking unless in a designated parking space
- Concerning citizen complaints, how do visitors coming to town know that they cannot park in a certain place?
- If Council wants to do it for this summer and with P&Z not meeting in July, it will need to be done tonight or it will be August or September before it comes back for approval
- We could look at Section 222, subsection (a) and insert language about the driveway to clear up the driveway issue gray zone and revise that section to permit owners and maybe guests to park on the unpaved portion of the front yard setback/ROW portion abutting private property

MOTION – MPT Heglar made the motion to direct the P&Z attorney to change the language in Section 222, subsection (a) to add the driveway and unpaved ROW parking allowances, as he defines

SECOND – Commissioner Whitley

VOTE – Unanimous



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MOTION – MPT Heglar made the motion to approve Chapter 10, Article VI proposed amendments with the exception of section 222(a) language to be revised by the P&Z attorney for a council vote

SECOND – none

Motion did not carry for lack of a second

MOTION – MPT Heglar made the motion to continue this meeting to June 25 at 5 pm to continue the discussion on the parking amendments

SECOND – Commissioner Whitley

VOTE - Unanimous

3. Proposed amendments to Chapter 19 (Zoning) of the Code of Ordinances, Section 339, Subsection 1 and 2 regarding minimum parking requirements

P&Z Chair Galbraith said:

- Chapter 19 addresses a lot of cars being parked on private property
- P&Z thinks there should be a limit to the number of cars parked on private property
- P&Z recommends adding additional language under Section 339, subsections one and two on required parking for residential use for one and two units and multiple family dwellings, as presented by the P&Z attorney in the packet

Council discussion points:

- If four F150 trucks park on private property and they do not fit, are they still allowed to park?
- What if the residence has an attached unimproved lot?
- What if the parked vehicle extends into the bike lane?

Chairman Galbraith replied:

- The proposed amendment says they could have six F150 trucks
- This limits the number of vehicles that may be parked
- An unimproved lot next to a residence would be considered separate property
- This would have primary effect when there are 12-13 cars parked on a property

P&Z Attorney Eldridge replied that if the parked vehicle is extending into the bike lane or street, then it is in violation of Chapter 10 provisions.



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MOTION – MPT Heglar made the motion to schedule a public hearing for Tuesday, July 17 at 6 pm on proposed amendments to Chapter 19, Section 339 for the Code of Ordinances, as presented

SECOND – Commissioner Whitley

VOTE - Unanimous

4. Adoption of National Flood Insurance Program ordinance and resolutions
Requires vote to adopt the following, as presented:

Building Inspector Batson explained:

- The town began participating in this program in 1992
- Revised maps came out last year but release was delayed because Wrightsville Beach filed an appeal
- The town must adopt maps by August 28, 2018 or no one in Kure Beach will be able to have flood insurance again
- As of last year, there were 992 policies with \$259 million in coverage
- With new maps, only 142 properties will require policies because the number of flood zones have decreased
- What was in the flood zone has been removed on the new maps except the ocean front which is still in the flood zone
- The business district is no longer in a flood zone
- The revised maps are good news for the town

Building Inspector Batson reviewed the proposed ordinance:

Definitions – regulatory flood protection and freeboard requirements

- It is no longer a requirement to enforce one foot of freeboard rule by building code
- He included it in the ordinance anyway, but it is up to Council whether to keep or not
- He recommends keeping one foot freeboard requirement

Page 11, section 3a-2 Certification requirements

- The standard operating procedure now is when there is building in a flood zone, the person is required to provide an elevation certificate at the beginning of construction
- Section 2 adds another time in the middle of construction when the owner has to submit another elevation certificate
- He recommends adding this to the process

Page 13, f V zone cert

- If building in the V zone, an engineer has to certify that what he has engineered will not float away and present that at the beginning of construction



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- We don't currently do this but he recommends we include and start doing this

Page 27 section H standard for coastal A zones

- He was going to take this out because we only have coastal A zones and they are in the Extraterritorial Jurisdiction (ETJ) area
- He recommends leaving this language as it does not negatively impact most of the owners and helps with the town's CRS rating

MOTION – Commissioner Whitley made the motion to adopt Resolution 18-05 flood maps, Resolution 18-06 flood ordinance, and the associated Consistency statement, as presented

SECOND – Commissioner Ellen

VOTE – Unanimous

5. Facility improvement project update

Commissioner Oliver reported:

- Electric and plumbing are being worked on
- A lot of the new roofing for the Town Hall has been completed
- The project is coming along and is within the scope of contract and on schedule

6. Status of requirements for outside patio for business located at 108 K Avenue

Commissioner Whitley reported that the owners of this property said they would have lights and fencing ready by July 4, 2018 and they have not done.

Building Inspector Batson asked for specific directions as to what Council wants the owner to do.

COUNCIL CONSENSUS – owner is to provide the following by July 4, 2018 or Council will revoke the approval until such time as these items are finished:

- Outdoor lighting per the building code
- Four foot high solid or picketed fence of width that people cannot get through

There is no signage requirement at this time.

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Possible state legislation on firefighter special separation allowance

Mayor Bloszinsky explained the possible legislation allows a firefighter to be paid from the time he/she retires until they qualify for social security in a gap payment with the municipality taking the funding responsibility. The recommendation from the league is to send a letter to the



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legislators to identify a funding source or the municipalities do not want to participate. Since it is paid by the last place of work, it limits firefighters in changing employment.

MPT Heglar agreed it puts a huge burden on small towns since a young firefighter could retire at 50 and the town would have to pay this allowance until age 62.

COUNCIL CONSENSUS – work with Wilmington on a joint resolution to oppose this legislation or draft our own

2. Adoption of Proclamation 18-02 Marsy's Law

MOTION – Commissioner Oliver made the motion to approve Proclamation 18-02 as presented

SECOND – MPT Heglar

VOTE – unanimous

3. Reinstate longevity benefit for all full time employees effective July 1, 2018 with no retroactive payments

MOTION – Commissioner Whitley made the motion to reinstate the longevity benefit for all full time employees effective July 1, 2018 with no retroactive payment

SECOND – MPT Heglar

VOTE - Unanimous

COMMISSIONER ITEMS

Commissioner Whitley stated that on July 30 in Carolina Beach there would be the first public meeting on what is being considered with the MOTSU Land Use Plan. More information and details will be coming.

CLOSED SESSION on Personnel

MOTION – MPT Heglar made the motion to go into closed session for a personnel matter per N.C.G.S. 143-318-11(a6) at 9:10 pm.

SECOND - Commissioner Whitley

VOTE - Unanimous

MOTION – MPT Heglar made the motion to return to open session at 9:39 pm

SECOND – Commissioner Ellen

VOTE - Unanimous



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MOTION – MPT Heglar made the motion to promote current Recreation Manager Nikki Keely to a department head position with a title of Recreation Director at a salary of \$61,600 and reorganize to make Recreation a separate department from Administration effective July 1, 2018
SECOND – Commissioner Oliver
VOTE – Unanimous

MOTION – MPT Heglar made the motion to continue the meeting to next Monday, June 25 at 5 pm to discuss revised ordinance language and the Public Works department position
SECOND – Commissioner Oliver
VOTE - Unanimous

JUNE 19, 2018 MEETING CONTINUED TO JUNE 25, 2018 AT 5 PM

COUNCIL MEMBERS PRESENT
Mayor Craig Bloszinsky
Mayor Pro Tem (MPT) David Heglar
Commissioner Joseph Whitley (via phone)
Commissioner Allen Oliver
Commissioner John Ellen

COUNCIL MEMBERS ABSENT
None

STAFF PRESENT
Town Clerk – Nancy Avery
Deputy Town Clerk – Mandy Sanders
Utility Systems Operator/Crew Leader – Jimmy Mesimer

CALL TO ORDER
Mayor Bloszinsky called the meeting to order at 5 pm.

MOTION – MPT Heglar made the motion to move the closed session to the first item on the agenda and to go into closed session for a personnel matter per N.C.G.S. 143-318-11(a6) at 5:01 pm.
SECOND – Commissioner Oliver
VOTE - Unanimous

MOTION – Commissioner Oliver made the motion to return to open session at 5:08 pm
SECOND – Commissioner Ellen
VOTE - Unanimous



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MOTION – MPT Heglar motioned to promote Jimmy Mesimer to a department head position with a title of Public Works and Utilities Director at a salary of \$68,917.68 effective July 1, 2018
SECONDED Commissioner Whitley

VOTE – Unanimous

2. Revised proposed amendments to Chapter 10 (Traffic) Section 222(a) of the Code of Ordinances on parking as per Council's direction to Attorney Eldridge June 19, 2018

Mayor Bloszinsky stated the attorney presented revised language to Section 222(a) as requested with two options for Council to consider: one without a permit requirement and the other with a permit requirement.

*Revised language provided by attorney Eldridge as directed by Council at June 19 meeting:
Section. 10-222. Parking in general and manner of parking.*

*(a) Passenger vehicles shall be parked only in designated parking spaces excepting property owners and lessors in the town's residential districts who shall be permitted to park their vehicles, **without time restrictions, on the unpaved portion of the public right-of-way abutting their front yard and** within the front yard setback of the property they own or lease in accordance with the applicable provisions of chapter 19 of the town code.*

Council discussion points:

- He has no problem with either option but thinks the permit process is too quick for this season - is the right way to go (Whitley)
- It will take a while to get a permit process set up such as what they will look, getting them ready to sell. The permit process does not seem to address visitors and short-term rentals staying in rental property, but only addresses property owners for residences. (Oliver)
- He took it from the last meeting that the permitting process would provide a way for extra cars for parties, but that is not what this is. He is totally anti permit process this year or in the future, because it is the same parking rule – you can park on the unpaved part of the right of way (ROW) and the owner can control that without a permit process. He doesn't think having a piece of paper makes any sense and it will be pain and aggravation for staff (Ellen)
- The permit process will make a bigger mess for the police. He prefers the first option, not the permit process. There are two parts to this and we have to tell people what is coming and warn them first.
- He thinks there are a lot of issues to deal with on a permit process and is not sure it is ideal. When we get to that point in time when we can answer these questions on procedure, we will have the language as provided by attorney Eldridge. Enforcement is



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going to be the population (Bloszinsky)

MOTION –MPT Heglar made the motion to adopt resolution R18-02 to change the parking ordinance with option 1 allowing resident and owner parking in an unpaved ROW in front of his/her home with the law to go into effect July 1, 2018 and direction to Police Department to issue warning tickets through July 14 and tickets from July 15, 2018 on.

SECOND –Commissioner Oliver

VOTE - Unanimous

The mayor is to prepare a notice as soon as possible for the website to get the word out. Notice will not make the Island Gazette until July 4, 2018. The mayor will inform Police Chief Bowden.

ADJOURNMENT

MOTION – MPT Heglar motioned to adjourn at 5:32 pm

SECOND – Commissioner Ellen

VOTE - Unanimous

ATTEST:


Nancy Avery, Town Clerk


Craig Bloszinsky, Mayor

NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting. A recording of the meeting is available on the town's website under government>council.