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MINUTES

The Mayor and City Council met in regular session on Wednesday, November 8, 2017 at 6:00 p.m. in the meeting room in City Hall.

PRESENT

Kimberly B. Lawson, Mayor  
LaVerne Johnson, Council Vice President  
Charlotte Scott, Councilwoman  
Erik Emely, Councilman  
Mark Konapelsky, Councilman  
Barbara Ward, Councilwoman  
Richard M. Pollitt, Jr. City Manager  
Joyce L. Morgan, Clerk-Treasurer  
Michael Sullivan, City Solicitor

Also in attendance; Valerie Swift, Secretary; Mike Tabor, Chief of Police; Dean Bozman, Code Enforcement/Public Works; Dennis Parkinson, Supt. Public Utilities. (see list for others in attendance)

Mayor Lawson called the meeting to order opening with the Lord's Prayer and the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Pollitt requested that the Agenda be amended to add an Event Application for Mary Beth Corozza. Approval so moved by Councilman Emely, seconded by Councilwoman Scott and carried unanimously.

Councilman Konapelsky requested that the Agenda be amended to add an Event Application

for Christmas In Crisfield to be held on Saturday, November 25<sup>th</sup>. Approval so moved by Councilman Emely, seconded by Councilwoman Scott and carried unanimously.

Mayor Lawson requested that the Agenda be amended to remove from Unfinished Business, the Arts Council Lease, for a work session next Wednesday. Approval so moved by Council Vice President Johnson, seconded by Councilman Emely, and carried unanimously.

APPROVAL OF MINUTES

Councilman Emely made a motion to approve the minutes from the Regular Meeting of 9/27/17. Motion seconded by Council Vice President Johnson and carried unanimously.

Councilman Emely made a motion to approve the minutes from the Regular Meeting of October 11, 2017. Motion seconded by Councilwoman Scott and carried unanimously.

Councilman Emely made a motion to approve the minutes from the Regular Meeting of October 25, 2017. Councilwoman Scott noted a correction on Page 4 concerning the roof. Motion seconded by Council Vice President Johnson and carried with abstention from Councilman Konapelsky, who was not present.

Councilman Emely made a motion to approve the minutes from the Special Meeting of October 9, 2017 and the Closed Meeting of October 4, 2017. Motion seconded by Councilwoman Scott and carried unanimously.

PRESENTATION – CERTIFICATE OF RESPECT AND APPRECIATION TO HANDY’S – TERRY CONWAY, CHRIS OWENS AND PATTY LAIRD

Councilman Emely noted that he and Councilwoman Scott had attended the Handy Anniversary

event in October and read aloud the certificate from the Mayor and Council.

Mr. Conway noted that they have been able to stay in Crisfield for 114 years because of wonderful people and employees and tradition.

After the presentation, Mayor Lawson advised the attendees from Handy's that they are welcome to stay for the meeting or leave.

#### FIRST PUBLIC INPUT SESSION

JOHN SOMERS made reference to the testimony given at the past few meetings and asked who chose the Carvel Hall location for bio fuel production. He urged the Mayor and Council not to ruin our home.

CASEY TODD commented that this would be an industrial scale manure plant. He commented that Spangler is making it out to be something that it's not and that a pig wearing lipstick is still a pig. He commented that it is bad for the City.

MIKE CORBIN thanked the Mayor and Council for their time. He stated that he is not opposed to the development of the site, but the negative effect on business owners such as himself.

Mr. Corbin noted that he purchased the former Puff's Place, with no grant money. Mr. Corbin advised that he is concerned his venting system will suck in odors and dust from Carvel Hall.

Mr. Corbin asked the Mayor and Council to have another tenant on board at the site before approving anything.

DEBORAH SORENSON, local artist, commented that Crisfield is authentic, so don't ruin it.

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DAVID WILSON asked the Mayor and Council who would want this in their backyard.

TIM HOWLETT read a list of names that he had gotten from an elderly Cullen Parkway resident, of those who had lived around the Carvel Hall area and had died from cancer.

He asked why it is still a Brownfield.

STEVE FLAHERTY advised that he wants to see the issue resolved and gone away.

He commented that he can't find any information concerning the economic longevity of these programs. He stated that we need a business to enhance the town and stated that we need to keep the process in the county, or there will be many issues. Mr. Flaherty stated that there are many residents that live in the city that are not in favor either.

TAMMY TRUITT noted that Crisfield is an important bird area and manure puts them at risk. She also made reference to the risk of run-off to seafood businesses. She stated that this is the worst possible location. She also made reference to the \$700,000 in taxes Clean Bay says it will be paying the City and would like a validation on that.

DANNY MROHS commented that the voting citizens have said loud and clear that they do not want this. He stated that the Mayor and Council owe it to the Citizens of Crisfield to listen to their concerns and encouraged them to vote "no" to this absurd ordinance change.

CATHY PHILIPS, ASSATEAGUE COAST KEEPER/CLEAN WATER commented that Clean Bay's statement is unsubstantiated concerning odor at the storage site. She stated that the storage of manure in the bays with plastic sheeting will create an ammonia plume and advised that this

type of facility needs to be in the county. She also commented that the Carvel Hall site is a low area and is Brownfield site, and any flood or hurricane would pollute waters. She stated that this is not the place, on behalf of the Creeks, the Sound, and the Watermen.

CITY MANAGER'S REPORT

Mr. Pollitt presented his bi-weekly report highlighting its contents.

POLICE DEPARTMENT REPORT

Chief Tabor advised that the police department will be collecting for the annual Thanksgiving food drive until November 21.

Councilman Emely inquired of the Chief about re-opening Charlotte Avenue. Chief Tabor advised that he would check with Mr. Pollitt.

PUBLIC WORKS REPORT

Mr. Bozman advised that the city sweeper needs major repairs. He advised that this is not a maintenance issue, but is due to wear and tear. He advised the cost is \$6,000.

After a brief discussion, Councilman Konapelsky made a motion to approve the repair.

Motion seconded by Council Vice President Johnson.

During discussion, it was noted that the money would come out of the General Fund, as there was no choice that the repair must be made. Councilwoman Scott inquired if this is in addition to annual maintenance costs. Mrs. Morgan advised that it was.

Motion carried unanimously.

Councilman Emely advised Mr. Bozman that he would like an inspection done on the old library before we rent or lease it. Mayor Lawson advised deferring this discussion to the work session.

Councilman Emely advised that he wants the inspection done before the work session.

Councilwoman Scott advised that she would also like a ballpark dollar figure on the roof.

Council Vice President Johnson inquired about the tree on Locust Street. Mr. Bozman advised that it has been topped.

Council Vice President Johnson also made reference to the condition of Canal Street.

Mr. Bozman advised that it can be patched.

#### PUBLIC UTILITIES DEPARTMENT

Mr. Bozman noted that the leak repairs are going slow.

#### CLERK-TREASURER

Mrs. Morgan noted an email from the Fire Department requesting \$4,000 from the City on the replacement of the appliances for the upstairs kitchen. She advised that Mr. Bozman helped with the RFP for the replacement of the upstairs kitchen floor, and only one bid had been received from Ken Build LLC.

Mrs. Morgan noted that the appliances are 54 years old and in disrepair.

Mrs. Morgan made reference to offering a payment per year of \$1,000 or taking it from the Recreation Budget, which has \$3,000, as a line item. She advised that there is no spare money for it to come from.

Mayor Lawson noted that the Fire Department is working on a USDA grant for major items and is asking for support from the City in the amount of \$4,000 and asked for a motion for that amount allowing Mrs. Morgan to administer it.

Approval so moved by Councilman Emely, seconded by Council Vice President Johnson and carried unanimously.

Councilman Emely also noted that the fire suppression system upstairs has expired and also needs to be considered. Councilwoman Scott commented on the fact that the equipment at the Fire Hall had lasted for so long.

Mayor Lawson commented that it would take \$.5M to bring the fire hall up to code.

Mrs. Morgan reviewed a property donation from the County, located on Collins Street, for the park. She advised that we would have our legal counsel prepare the deed, noting that these were tax sale properties that did not sell.

Councilman Emely inquired why we would want these properties.

Councilman Konapelsky advised that the County surrendered them and it makes a clean map.

At this time, Councilman Konapelsky made a motion to accept the properties with the legal preparation. Motion seconded by Councilwoman Ward, and carried 4-1 with Councilman Emely voting "Nay".

Mrs. Morgan reviewed an update on the wind turbine. She advised that she had met with

Delmarva Power concerning the fluctuating treatment plant bill and was advised that there will always be a delivery charge; there will be no "0" bill. She advised that they are correcting some duplicate charges. Mrs. Morgan noted that the more wind, the less electricity we have to purchase. She advised that Mr. Loar can explain the details in depth.

Councilwoman Scott inquired when there would be an average.

Mayor Lawson advised that it changes subject to variables and we may see a cost savings by the end of March. Mrs. Morgan noted that the delivery charge is also a variable.

Tim Howlett inquired if a savings proposal was ever presented. Mayor Lawson advised that the engineer gave one. Councilman Konapelsky commented that it changed.

Councilman Emely commented case in point – the promise for Carvel Hall.

Mayor Lawson also noted that there is nobody from City staff responsible for answering turbine questions.

UNFINISHED BUSINESS – 2<sup>ND</sup> READER ORDINANCE AMENDING CHAPTER 112-47(A)

At this time, Councilman Konapelsky made a motion to defer the 2<sup>nd</sup> Reader of the Ordinance amending Section 112-47(A), Chapter 112, Article X I-1, for the first meeting in January, on January 10, 2018. Motion seconded by Councilwoman Scott.

Councilman Emely commented that 1) he heard that this was going to be done from a County Commissioner, not from anyone in the City, and was embarrassed.

2) the Council still does not have the correct information. Some visited a plant, but he could



not go, but it is not the Mayor's decision on who to take.

He commented that we don't need a Council because the decision to defer was made at

11:30 today. Councilman Konapelsky commented that we are looking for more knowledge.

Mr. David Wilson stated that he anguishes every night about the decision and urged the Mayor and Council to make a decision tonight.

Council Vice President Johnson noted that she was supposed to meet with the Mayor earlier

in the week, but didn't get to, but she can vote tonight, as Councilman Emely can, if she has to.

She advised she didn't make the decision to table the motion and agrees that Councilman

Emely should not have heard about this from another source. She advised she wants the

Mayor and Council to explain to the public why it was tabled until January.

Mr. Pollitt advised that, based on Council Vice-president Johnson's assurances, he had

contacted Mr. Spangler's team to confirm that the vote on the Second Reader would be

postponed and that their attendance was not necessary. He shared that, otherwise, the

Spangler group would have been present. He added that Mr. Spangler had a commitment in

Mississippi, also, and he would go ahead with his trip there.

Councilwoman Scott stated that there are two different subjects being discussed;

1) the Council finding out things from others, outside of City government; and

she recommends we know in advance and;

2) Carvel Hall – the late notice on the site visit to Virginia with no choice of dates, and she

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suggested

being given two dates for options.

Councilwoman Scott advised that more discussion is needed before making a decision on big projects. She noted that this is project complicated and she has looked for a deal-breaker.

Councilman Emely commented that Mr. Pollitt had said previously that a vote on 2<sup>nd</sup> reader means nothing.

Mr. Pollitt noted that the vote on 2<sup>nd</sup> Reader is only a zoning text change; there are no approvals for a project as Spangler must first purchase the property. It opens the door, but there is a ton of process which involves public input beginning with the City Planning Commission.

Council Vice President Johnson advised that she has made her decision.

Councilwoman Ward advised that she needs to weigh things in the balance and make no decision yet.

Mayor Lawson stated that there continues to be questions. He advised that he had not yet seen a site plan and noted that Tammi Truitt raised questions about taxes that he also had.

Mr. Pollitt reported that he had suggested to Mt. Spangler that he spend a day at City Hall and meet with Council members and citizens in a one-on-one setting to specifically address their concerns. He noted that Mr. Spangler was eager to do just that and that he would have his

team available to help explain their concept.

Mayor Lawson commented that he is upset with the perception that we want to hurt

Crisfield. He also noted that it is not legal for more than two Council members to gather at one Time and place, due to the Open Meetings Act.

Mr. Pollitt reiterated that Mr. Spangler has indicated he would come to City Hall to meet with people.

Councilman Emely stated that the audience has done their research and don't want to meet.

Mayor Lawson called for a vote on the motion to table 2<sup>nd</sup> reader until the January meeting. Motion carried 4 to 1, with Councilman Emely voting "Nay".

#### EVENT APPLICATIONS

Councilman Emely made a motion to approve the Christmas Parade, the Political Event for Mary Beth Carozza and the Christmas In Crisfield Miracle on 10<sup>th</sup> Street. Motion seconded by Council Vice President Johnson and carried unanimously.

Mr. Pollitt thanked Billie Jo Chandler and Councilman Konapelsky for organizing Christmas in Crisfield again this year.

#### MAYOR AND CITY COUNCIL COMMENTS

Councilman Emely advised that the Ambulance Squad is holding a fundraiser on December 23 at CHS. This will be a competition between choirs. He also reminded everyone to pick up

red ribbons at Crisfield Fire Department this Thursday and Sunday for opiate awareness month.

Councilwoman Ward commented that she is glad that the 2<sup>nd</sup> reader of the zoning ordinance was tabled until January, adding she will pray for God's will for Crisfield.

Council Vice President Johnson apologized for the miscommunication concerning the tabling of the ordinance.

Council Vice President Johnson made reference to her recent Open Meetings training and offered kudos to Mr. Sullivan for already assisting the City with following these requirements.

Council Vice President Johnson noted that she learned that you need to ask people to turn off their cell phones during meetings, that Council can vote on minutes, even if they were not present, if they trust their other councilmembers; and that if a meeting gets out of hand, it can be adjourned. She wished everyone a Happy Thanksgiving and advised that it is her hope and prayer that the Mayor and Council can communicate better to avoid discord.

Councilman Konapelsky wished everyone a Happy Thanksgiving.

Councilwoman Scott commented that she is glad for more time to consider the vote regarding Carvel Hall. She stated that she is also concerned about the tax revenue and if Spangler's figures are real. She advised she also wants to know about the proposed jobs.

Councilwoman Scott noted that the Prayer walk went well.

Council Vice President Scott noted that she is also concerned about tax abatement.

Mr. Pollitt noted that the property is in the Enterprise Zone, so there will be tax incentives available to any developer of the property.

Mayor Lawson advised that he appreciates that Council Vice President Johnson attended the Open Meeting training since it is required that one member of the Council be trained and certified.

Mayor Lawson also noted that he will be contacting the State Assessment Department to discuss what at Carvel Hall can be waived and taxed.

Mayor Lawson thanked Councilman Emely for his work concerning opioid awareness.

#### FINAL PUBIC INPUT SESSION

Jenny Tawes commented that she does not agree with people leaving a meeting before it is over. She also made reference to a comment at the October 9<sup>th</sup> meeting about EDC pushing Spangler for the zoning change, due to a grant.

LIZ WARFIELD inquired if he City got the grant to improve Carvel Hall for jobs and are we on a time crunch to pay the money back. Mayor Lawson advised that he would speak to her about this.

Mrs. Warfield also stated that as citizens, we need to be a resource to the Mayor and Council.

There being no further business for discussion, Councilman Konapelsky made a motion to adjourn, seconded by Council Vice President Johnson and carried unanimously.

Meeting adjourned at 8:18 p.m.

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Respectfully submitted,

Joyce L. Morgan, Clerk-Treasurer

Prepared by Valerie Swift, Secretary