

MINUTES

The Mayor and City Council met in regular session on Wednesday, October 22, 2014 at 6:00 p. m. in the meeting room in City Hall.

PRESENT

Kimberly B. Lawson, Mayor  
Charlotte Scott, Council Vice President  
LaVerne Johnson, Councilwoman  
Mike Atkins, Councilman  
Erik Emely, Councilman  
Mark Konapelsky, Councilman  
Joyce L. Morgan, Clerk-Treasurer  
Michael Sullivan, City Solicitor

Also in attendance; Valerie Swift, Secretary; Irving Saltz; Richard Crumbacker; John Dize; Phil Johnson; Mr. & Mrs. Klaus Trepczyk; Matt Lawson; Norris Howard; David & Carolyn Marquis; Billie Jo Chandler; Reuben Evans; Eddie Heath; Keith Campbell.

INVOCATION – LORD’S PRAYER AND PLEDGE OF ALLEGIANCE

Mayor Lawson called the meeting together, opening with the Lord’s Prayer and the Pledge of Allegiance.

**MOTION TO ACCEPT AGENDA**

Councilman Emely made a motion to accept the agenda, seconded by Councilwoman Johnson and carried unanimously.

**APPROVAL OF MINUTES**

Mayor Lawson requested approval of the minutes from the October 8, 2014 meetings. Councilman Atkins made a motion to approve the minutes from the regular meeting of October 8, 2014, with a correction on page 9, and the closed meeting, as written. Motion seconded by Councilwoman Johnson and carried unanimously.

**2<sup>nd</sup> READER OF ORDINANCE 641 – REZONING OF PROPERTY LOCATED ON CALVARY AND WOODSON SCHOOL ROAD**

Councilman Atkins advised that he has some concerns regarding the zoning change versus a zoning exemption. He commented that he may be over-reacting, but if the property was sold, someone could put what they want there. Mr. Phil Johnson, property owner, assured Councilman Atkins that his intent is for turbines only, at this time.

Councilman Konapelsky stated that they went before the Planning Commission and received a unanimous vote. He advised that the City should move forward and stated that he trusts the Planning Commission's recommendation.

With no further discussion, Councilman Atkins made a motion to accept Ordinance 641 for Second Reader. Motion seconded by Councilwoman Johnson and carried unanimously. Motion carried with abstention from Councilman Emely, due to a conflict of interest.

**VOTE BY THE COUNCIL IN SUPPORT OF IT TAKES A VILLAGE/HEADSTART PROPOSAL**

Mayor Lawson read aloud the following proposal, which was also read at the recent County Commissioners meeting; At a workshop meeting, held on Wednesday, October 15, 2014, It Takes A Village, in agreement with the Council, proposed that the \$3M be split equally; half for Head Start and half for It Takes A Village, with each having an equal portion of the demolition of Whittington Primary deducted from their half, and with that, It Takes A Village would like the remainder of their half to be utilized in the construction of a new facility at the site of the former Whittington Primary, to be owned by the County, both land and facility. Details are to be worked out with It Takes a Village and their architect, of what they can get in construction for their use.

Councilman Emely made a motion to accept the proposal, seconded by Councilwoman Johnson and carried unanimously.

**CITY MANAGER FUNDING – COUNCILMAN KONAPELSKY**

Councilman Konapelsky requested that the \$36K budgeted for equipment, be used to fund the salary of a City Manager. Motion seconded by Councilman Emely to open for discussion.

During Discussion, Councilman Emely inquired if the funding is available. Mrs. Morgan advised that it is in the annual payment amount that was budgeted for equipment.

Councilman Konapelsky stated that it is important to have a City Manager and rather than borrow the money to pay him, if equipment is needed, we could borrow money to purchase it.

Mayor Lawson advised that next Wed. at 5:30 City equipment will be available for the Council to look at. He noted that the last new piece of equipment purchased was the sweeper and that some equipment can be salvaged, but some is not safe.

Councilwoman Johnson made reference to the budget item. Mrs. Morgan advised that it is budgeted as an annual payment for equipment.

Councilwoman Johnson commented that the equipment was in deplorable condition last year.

Councilman Emely advised that the City would have to borrow money for equipment.

Council Vice President Scott stated that the City needs both equipment and a City Manager, but could borrow the money for equipment, as a City Manager would help the City save money; people need the proper equipment to work with.

Councilman Konapelsky advised that he understands the need for equipment, but the money

will help get a City Manager, which is the greater need. He commented that everyone has their own opinion.

Mr. Sullivan noted that in this instance, the Council would be amending the Budget Ordinance. He also advised that to pass the amendment to the Budget, Maryland Law requires a Super Majority Vote of 4 to 1.

Councilman Konapelsky commented that the City would need to advertise for a City Manager in the next few weeks.

Councilman Atkins made reference to changing the budget and a set of priorities. He stated that #1, replacement of equipment that is dangerous for our workers to use should take priority over a City Manager.

Mr. Sullivan advised that the motion should direct the Clerk to amend the Budget Ordinance to reflect the line item change as proposed.

Councilman Konapelsky made a motion to direct the Clerk-Treasurer to amend the budgeted line item amount of \$36,000 for the employment of a City Manager. Motion seconded by Councilman Emely and carried with four votes of "aye" and one vote of "nay" by Councilman Atkins.

Councilman Konapelsky advised that the next two items he would be discussing concerning the hiring of a City Manager, were the \$15,000 previously distributed between three department heads and reducing the City Solicitor to \$25K per year/on demand basis.

At this time, Councilman Konapelsky made a motion to bring back in the \$15,000 from the three department heads' \$5,000 per year and add it to the cost of the City Manager's salary.

Mr. Sullivan advised that these are line items, so the amounts have to be changed and the legal

struck down to \$25K; the money withheld from the department heads on a pro-rated basis. He commented that the changes will affect their duties.

At this time, Councilman Konapelsky made a motion to allow the funds in the amount of \$15,000, added to three employees' salaries (remaining) and move this money back into the General fund to be used for the City Manager's salary and amend the legal line item to \$25K from \$50K.

Motion seconded by Councilman Emely for discussion.

Discussion – Council Vice President Scott acknowledged that when Mayor Purnell gave the increase, it was a savings of \$45K per year. Councilman Atkins also noted when considering benefits, the savings were more than \$45K per year. Council Vice President Scott noted that Mayor Purnell advised her that the three department heads did all of the City Manager's job. She stated that she doesn't want this to appear as a lack of appreciation, but the City needs a City Manager now, and she does appreciate their work.

Councilman Konapelsky commented that he also appreciates it, but has to disconnect from workers here. He stated that a City Manager is needed and this area is needed to get money from. He added that he is not attacking anyone.

Councilman Atkins stated that he feels proposing to cut salaries from valuable workers is a mistake and a poor business decision; a City Manager is not the answer to all problems nor will the City see a huge revenue savings. Councilman Atkins noted that looking at years with a paid City Manager showed a loss in revenue. He stated that when Mayor Purnell did the job, less money was lost – the trend was better when the City did not have one. Councilman Atkins stated that the City would incur new expenses and it is wrong to cut salaries to maintain having a City Manager.

Councilman Emely stated that having a City Manager follows what is set in the Code Book and everything comes back to the Code.

Councilman Atkins commented that this is no violation of the law and does not break any laws.

Councilman Emely stated that the Code reflects having a City Manager. He stated that he does not want to cut salaries, but the money was added for the additional work, which they will not have when a City Manager is on board.

Councilman Atkins noted that when Mr. Dize retired, the Council was flexible in deciding not to hire a replacement. He advised that he does not feel it is wrong to have the Mayor act as City Manager.

Council Vice President Scott stated that she agrees hiring a City Manager won't solve all of the City's problems, but they are needed for day to day operations. She added that this is one step of future steps. She noted that the City is missing some revenue streams, ways to generate and grow the City, and also the need to look at employee raises.

Councilman Atkins reiterated we would be taking the wrong direction to cut salaries to hire a City Manager. He commented that this would be only the first of salary cuts needed if we hire a City Manager. He noted that Mr. Dize and also Mr. Gerald did the best job they could as City Manager, but the City wasn't better off financially by having a paid City Manager.

Councilman Konapelsky commented that this is not a salary cut; the department heads were paid for extra work. The funding would be put in a different direction if a City Manager was hired.

Councilman Atkins noted that these positions were voted on when the Budget was adopted

and to say that the reduction in salaries is not a salary cut is just double-speak.

Councilman Konapelsky commented that this new Council has the vision to find the funds to pay a City Manager.

Councilwoman Johnson advised that she agrees a City Manager is needed, but 8 years ago, these department heads did not have the same responsibilities that they do now. She stated that she is not in favor of taking away their money. She advised that she understands Councilman Konapelsky's position, but they still have additional job duties.

Councilman Atkins reminded that they voted for the budget each year.

At this time, Mayor Lawson called for a vote from the Council.

Councilman Konapelsky, Emely, and Council Vice President Scott voted "aye". Councilman Atkins voted "opposed" and Councilwoman Johnson abstained.

Mr. Sullivan advised the Council that this was just a motion; at the next meeting, an Ordinance would have to be adopted for First Reader to amend the Budget and must have a 4 to 1 vote to pass.

Councilman Konapelsky made a motion to reduce the line item for Legal Services to \$25K per year, stating that this is no reflection on the law firm, but a waste of money at this point, to be used on an as-needed basis. Motion seconded by Councilman Emely, for discussion.

Councilman Emely stated that Mr. Sullivan has been a great help, but cost \$500 for the last meeting. He questioned what has been accomplished in the last few years and what it has saved the City. He stated that it shows weakness in the Council to need him at every meeting.

Councilman Atkins stated that none of them are lawyers, and noted that Mr. Sullivan had been used four times during this meeting. He also noted that at the last Closed Meeting, his advice saved

the City from making a \$4,700 mistake. Councilman Atkins noted that the average lawyer in Salisbury charges \$270 to \$300 per hour, and Cockey, Brennan, and Maloney reduced their fees to the City to to \$140 per hour to help us.

Councilman Emely commented that the City should be able to make decisions. Councilman Konapelsky commented that we shouldn't make decisions if legal advice is needed – don't give an answer and consult with the lawyer afterwards, but we don't need Mr. Sullivan present all of the time.

Councilman Emely stated that he feels the City can see a saving.

Councilman Atkins stated that we will spend more than \$50K by doing things wrong. He noted that Mr. Sullivan is not present during Work Sessions. He also noted that during this meeting, three votes that were to be made, were wrong.

Councilman Konapelsky commented that other towns don't have attorney's present at meetings and it doesn't add up for us to have one. Councilman Atkins noted that the County Commissioners don't make any laws and added that having a City Manager won't generate money.

Councilwoman Johnson advised that she doesn't feel a motion is needed, just review the agenda and advise Mr. Sullivan, so he will know whether or not he is needed.

Councilman Konapelsky advised to have a legal line item to have the City Solicitor on an "as needed" basis.

Mr. Sullivan noted that if the line item is changed, the meetings would have to be customized as needed.

Councilman Konapelsky stated that he wants to keep his motion the same "\$25K for a legal line item."

Council Vice President Scott stated that it is helpful to have him here, but it is a luxury to have him all the time. She stated that Snow Hill only calls on their attorney as needed. She made reference to the experience of Mayor Lawson, who knows legal ramifications and will be aware if issues on the agenda need legal review.

Councilman Atkins inquired as to who will be reviewing the Agenda and deciding if the attorney should be present; the Mayor? Councilman Atkins added that he does not have the legal expertise, and is not smart enough to know what it is that he does not know, but a lawyer does know.

Mr. Sullivan also noted that you cannot predict the customization of a line item.

Councilman Atkins stated that it is hard to put money back in when it is taken out of the Budget, therefore we would have to find more money at the end of the year.

Council Vice President Scott noted that there are revenue streams. Councilman Atkins suggested that maybe we need to wait for them.

Mayor Lawson noted that 25 years ago, he was elected as a Councilmember, and in three months, there was a lawsuit against the Mayor and Council for \$1.5M from Logan Manders. He noted that it cost the City \$57K in legal fees, and the case was thrown out.

Mayor Lawson stated that items need to be run by our legal team daily. He stated that it is irresponsible to cut legal fees to \$25K.

Councilman Konapelsky commented as an example, that he doesn't have a doctor on call all day, and the City doesn't need a legal lifeline.

Councilman Atkins stated that if the City budgets \$25K for legal fees, and it costs us \$66K, as in the past, we will have to make up the shortfall.

At this time, Mayor Lawson called for a vote.

Council Vice President Scott, Councilman Konapelsky, and Councilman Emely voted “aye”, Councilman Atkins voted “Nay” and Councilwoman Johnson abstained from the vote for a 3-1-1 vote.

**NEW BUSINESS – AUDIT RENEWAL RESOLUTION #425**

Mrs. Morgan, Clerk-Treasurer, reviewed a Resolution extending the audit services contract of Scott Tawes and Associates and PKS & Company to include fiscal years 2015, 2016 and 2017.

Approval so moved by Councilman Atkins, seconded by Council Vice President Scott, and carried unanimously.

**JASON LOAR – RE: PROPOSAL – OLD STATE ROAD WATER LINE**

Mayor Lawson made reference to a meeting on October 29, 2014 with Danny Thompson and Renee Stephens, DBED, concerning Carvel Hall. Mayor Lawson requested an engineering proposal (proprietary) . He advised that Mr. Loar would present to the Council an envelope of low and high figures for this proposal.

Mayor Lawson made reference to the Old State Road Water Line, which is a private line starting at the Mariners Church. He advised that there are 34 people on the line with water only. He advised that the line has failed four times this year and there are also no fire hydrants.

Mr. Loar advised that this line meets no standards and went on to review the proposal.

Mayor Lawson noted that some of the users were opposed to having a new line installed before, but it is not fair to everyone else.

Councilman Atkins commented that there is an option of annexing the property, as it is contiguous with Carvel Hall. He stated that it is unfair to upgrade the water line for non-tax payers

and pass the cost on to the taxpayers.

Mayor Lawson noted that the cost to install this line will also be provided to the Council in a sealed envelope. He also inquired if Mr. Sullivan is familiar with this type of issue. Mr. Sullivan advised that he was, and stated that the City has the authority to levy benefit assessment if the property is in the City.

Mayor Lawson noted that the water line also failed at Byrd Road, but the property owners worked out the installation themselves.

#### **MAYOR AND COUNCIL DISCUSSION**

Councilman Emely made reference to a Pilot Program through the Developmental Center where adults with disabilities can work in the public, paid for through the Developmental Center. He suggested putting a client in the garage to paint, clean, etc., at no cost to the City.

Council Vice President Scott inquired about liability. Councilman Emely advised that there would be no liability to the City.

At this time, Councilman Emely made a motion to contact Somerset Community Services for the position. Motion seconded by Council Vice President Scott and carried unanimously, with abstention by Councilwoman Johnson, who is an employee of Somerset Community Services.

Councilman Emely advised that there will be a Community Clean Up Day on November 22<sup>nd</sup> from 9:00 a.m. to noon.

Councilman Emely made reference to the Mayor's earlier comment about being a "weak Mayor" and stated that this was not true.

Councilman Emely directed Councilman Atkins to come up with solutions instead of saying

that something is not going to work.

Councilman Emely also reviewed the list of Council Action Items.

Councilman Atkins stated that he does not want to come across as negative. He advised that he feels Crisfield's best days are ahead. He advised that he does not feel that a City Manager is crucial and that the City did well during the worst economic downturn of our lives without one. He advised that he feels the City is going in the wrong direction to pay for a City Manager now, and there is no evidence that he or she will turn the City around. He also advised that he can't agree with cutting salaries.

On a lighter note, Councilman Atkins reminded everyone of the annual Kiddies Day parade this Saturday.

Councilman Konapelsky advised that he feels Mayor Lawson is a strong mayor and that their disagreements are not personal. He advised that he will be moving forward with hiring a City Manager and will be getting out the job description through emails for input, and then advertise.

Council Vice President Scott thanked tonight's attendees. She made reference to having an Impound Lot and noted that Princess Anne gets over \$10K per year from theirs. She noted that Mr. Reuben Evans has been researching revenue streams such as boat dockage, room tax, and beautification.

Council Vice President Scott advised that she would be meeting with HUD on October 30<sup>th</sup> concerning the Housing Authority proposal. She also noted that the next Open Door session would be on Saturday, November 1<sup>st</sup> from 1:00 p.m. to 3:00 p.m.

Council Vice President Scott commented that she is enjoying being part of the team and

likes everyone. She advised that they are doing the best for Crisfield.

Councilwoman Johnson advised that she had abstained from two earlier issues because all members of City personnel have taken on extra jobs due to Hurricane Sandy. She advised that she appreciates Councilman Atkins comments. Councilwoman Johnson advised that she is ok with having a City Manager, even though she did not vote. She stated that the "old regime" did want things to happen and that Mayor Lawson is not at all weak. She also noted that she too, calls Mr. Sullivan concerning matters. She also thanked those in attendance.

Councilman Emely also noted that Chief Tabor's mother had recently passed away.

#### **MAYOR'S REPORT**

Mayor Lawson advised anyone wishing to speak in the upcoming Public Input session to keep their comments to a minute and a half.

He also commented about the loss of several family members at the police department; the loss of Chief Tabor's mother, the loss of CAC Evans' aunt, the loss of PCO Daums' father, and the loss of CPL Daisey's grandmother. He requested that we keep them in our prayers.

Mayor Lawson also noted that parts of the wind turbine will be coming in at the end of the week.

Mayor Lawson noted that Mr. Noah Bradshaw, Inspector, has tendered his resignation, effective 10/31/14 and that Mr. Bradshaw advised that it had been a pleasure working for the City. Mayor Lawson advised that his position would be sent for advertisement tomorrow, with the salary reflecting the \$5,000 reduction.

Mayor Lawson advised Council Vice President Scott of a Governor's Grants Conference

on November 13<sup>th</sup>.

Mayor Lawson advised that there had been a delay in finishing the blacktopping of a portion of the depot and it will be done next week.

Mayor Lawson made reference to a letter from the County Commissioners office concerning an unmanned aircraft at the airport in November.

Mayor Lawson briefed concerning the unlicensed taxi and emails concerning same.

He also briefed concerning the Supplemental Police Services agreement with the Housing Authority.

Mayor Lawson made reference to revenue streams and noted that the City charges \$15 for rental inspections, but Princess Anne charges \$75/year.

He also made reference to the need for a Rental Unit Licensing Registration Ordinance and an Ordinance to codify the handling of abandoned properties.

Mayor Lawson commented that he is the administrator of the City of Crisfield and is not against having a City Manager but questioned where the money will come from in a couple of years.

He commented that the new administration is 1/3 of the way through the first of four years. He also stated that municipal employees morale has been destroyed.

#### **PUBLIC INPUT**

David Marquis made reference to attorney fees and commented that this costs the City money by him attending Ethics and BZA meetings and offering instructions to the Board.

Mr. Irving Saltz advised that he had offered to do the City Manager's job for \$1.00 per year and was now offering to do the City Solicitor's job for \$3.00 per year.

Mrs. Billie Jo Stern advised that a City Manager is needed to come up with good ideas and bring in people. She urged the Mayor and Council to think of the businesses in town.

Ms. Debbie Gates questioned that if three people are doing the City Manager's job, does the Mayor do it also? Mayor Lawson advised Ms. Gates that he would not answer the Press in a Public Input forum.

Mrs. Carolyn Marquis made reference to the diagram concerning replacement of the Old State Road water line and inquired why the City was helping since it was a county issue. She thanked the Council for the positive vote for a City Manager and stated that she feels this will help sustain businesses.

Klaus Trepczyk stated that he is in favor of renewable energy but would like the rules concerning wind turbines.

Mayor Lawson advised that there are codes for residential wind turbines, but none for commercial based turbines.

Mr. John Dize made reference to the ceremony that was to have been held concerning the benches at the depot. He also suggested looking at the minutes concerning the \$15K for the 3 department heads to see if this was temporary or permanent.

Mayor Lawson apologized for the delay in the bench ceremony and advised that three of the benches are still on hold.

Norris Howard made reference to his property on Calvary Road and the consideration to adjacent properties when the Calvary Estates property was rezoned and what is envisioned when wind turbines are put there. Mayor Lawson advised that he would put together a letter of re-

sponse.

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

Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Joyce L. Morgan, Clerk-Treasurer

Prepared by Valerie Swift, Secretary