

MINUTES

The Mayor and City Council met in Regular Session on Wednesday, January 28, 2015 at 6:00 p.m. in the meeting room in City Hall.

PRESENT

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

Absent; LaVerne Johnson, Councilwoman – Out of town

Also in attendance; Valerie Swift, Secretary; James Ford; Landon Ford; Tucker Davis; Richard Crumbacker; Jason Loar; Kerry Palakanis; Sue & Eddie Heath; Adam & Betsy Thompson; David Marquis; Reuben Evans; Mary Taylor; Klaus & Nancy Trepczyk; John Dize.

INVOCATION – LORD’S PRAYER AND PLEDGE OF ALLEGIANCE

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

MOTION TO ACCEPT AGENDA

Councilman Atkins made a motion to accept the agenda for this evening’s meeting. Motion seconded by Council Vice President Scott, and carried unanimously.

Councilman Konapelsky requested that an item of new business be added concerning the Marina Commission. Mayor Lawson advised this was ok and would be added at the end of new business.

At this time, Mayor Lawson recognized Scout Leader Jim Ford and Scouts Landon Ford and Tucker Davis, who are working on their Government Badge.

PRESENTATION OF CERTIFICATE OF APPRECIATION TO SUE AND EDDIE HEATH

On behalf of the Mayor and Council, Councilman Konapelsky, presented Sue and Eddie Heath a Certificate of Appreciation for their support in the beautification of Crisfield and specifically their generous donation of materials for the 1st Annual Crab Pot Christmas Tree.

APPROVAL OF MINUTES

Councilman Atkins made motion to approve the minutes from the regular meeting of January 14, 2015, with a correction on Page 8, and the minutes from the closed meeting of January 14, 2015.

Motion seconded by Councilman Emely and carried unanimously.

UNFINISHED BUSINESS

BUDGET AMENDMENT ORDINANCE 1ST READER BUDGET AMENDMENT RE: CITY MANAGER FUNDING

Councilman Konapelsky made a motion to table discussion of the Ordinance, as there was no Super Majority, but noted that the City has enough funds to finish out the year. Motion seconded by Councilman Emely, and carried unanimously.

2nd READER – FLOODPLAIN MANAGEMENT ORDINANCE #643

Mr. Sullivan made reference to revisions made by FEMA on pages 2 and 29. He also noted a change on page 34, from 600 sq. ft. to 300 sq. ft.. He recommended that the Council adopt Ordinance 643 with the changes. He advised that MDE was ok with the Ordinance but FEMA was not.

Councilman Konapelsky commented that this was a hard ordinance for all counties.

At this time, Councilman Atkins made a motion to adopt Ordinance #643. Motion seconded by Councilman Konapelsky and carried unanimously, with one member absent.

NEW BUSINESS

ELECTRICITY RENEWAL

Mrs. Morgan, Clerk-Treasurer, briefed the Mayor and Council concerning information from APP.

She also noted that due to the status of the wind turbine, it would be removed from the contract at this time. She noted that Constellation Energy is currently the low bidder, with the 2nd lowest price in ten years. Councilman Atkins advised electricity costs may go lower still, as the price of oil declines and the possibility of lower demand this winter. Councilman Atkins recommended waiting further before locking in prices ahead of the June deadline.

Mayor Lawson recommended that we wait two weeks and obtain quotes then.

Councilman Emely made a motion to wait two weeks and present quotes then. Motion seconded by Councilman Atkins and carried unanimously.

JASON LOAR – WATER METER WARRANTY ISSUE

Mr. Jason Loar reviewed the history and facts concerning the Crisfield water meter project. He noted that the project was done with a Green Money grant and advised that there had been an issue with gallonage when reading the meters. He noted that the meters began to fail due to tide and ground water and that reprogramming them compromised the gasket, therefore they were replaced with water meters, however those meters weren't waterproof. He advised that the contract warranty has expired and the company is offering a refund, which he doesn't recommend taking. Councilman Atkins asked whether the replacement meters were set in the correct increments; thousands of gallons instead of 10,000 gallon increments, as before, with the meters that required resetting. Mr. Loar offered assurance that they would be correct.

After further discussion, Councilman Atkins made a motion to table the matter till the first meeting in February. Motion seconded by Councilman Emely and carried unanimously.

Mayor Lawson advised that a closed meeting for discussion would be needed next Wednesday.

FORMATION OF A COMMITTEE TO ESTABLISH WATER METER RATES

Mayor Lawson made reference to classes held at Del Tech concerning the calculation of water rates.

He noted that the teacher will come to City Hall. He advised that the Committee could be established after the class.

Mrs. Morgan noted that Jean Holloway, who used to be a City circuit rider, agreed to meet in the evening at a rate of \$250.00 for a 2 hour presentation.

At this time, Councilman Emely made a motion to allocate \$250.00 from the General Fund for the class conducted by Jean Holloway. Motion seconded by Councilman Konapelsky and carried unanimously.

DRUG AND ALCOHOL POLICY

Mr. Sullivan reviewed the proposed policy and noted that the current city policy is outdated. The new policy is compliant with the Maryland Annotated Code. He advised there is not deviation in fairness to employees. Mr. Sullivan advised that he recommends that the Council review the policy for discussion. He advised that the policy is ready to pass tonight, though.

Councilman Atkins advised that he had briefly reviewed the policy; it mirrors state regulations, but he recommends a policy based on Federal Regulations, especially for DOT Urine tests and Alcohol. He advised that the Federal Policy is 40 pages. He also advised that this is the one time the federal government got it right; a fair balance between the safety of the public vs. the rights of the individual.

Councilman Atkins also noted that the State policy does not address all types of urine drug tests. He also advised that writing your own policy may not hold up in court, but a policy based on federal regulations is hard to argue against. The Federal Policy specifies pre-employment and random testing. Councilman Atkins noted that Federal policies indicate that all employee drug test results must be reviewed by a Medical Review Officer who reviews non-negative results with the donor. He noted that the State doesn't address alcohol, random testing, return to duty testing, or periodic testing, which may be important after recent discussions.

Councilman Konapelsky made reference to the cost involved for testing. Councilman Atkins advised that pre-employment testing at McCready is \$50 and alcohol testing is \$50. He advised that the City could determine whether to perform random testing or not, and at what frequency per year.

Councilman Konapelsky commented that the policy is 1) extreme and 2) only one person is looking at prescriptions.

Councilman Emely commented that a policy is needed asap.

Mayor Lawson recommended that Councilman Atkins and Mr. Sullivan review A-1-1(6) and come up with a policy.

At this time, Council Vice President Scott made a motion to move forward with the review of A-1-1(6) to be done by Councilman Atkins and Mr. Sullivan, and present the City of Crisfield Drug & Alcohol Policy for February 11, 2015. Motion seconded by Councilman Emely and carried unanimously.

ORDINANCE FOR FIRST READER – IMPOUND LOT

Mayor Lawson noted that this was prepared through the work of Councilman Emely and Chief Tabor.

Councilman Emely commented about possible repercussion from tow companies when hauling

vehicles due to accidents.

Councilman Atkins commented that he thought the impound lot was only for abandoned vehicles.

Councilman Emely noted that Princess Anne made money through their impound lot.

Mr. Sullivan noted that any money recovered will be split 50/50 City/Police Dept. to help fund overtime.

Councilman Atkins stated that he agrees with the intent of the Ordinance but is concerned with the 50% for P.D. overtime, and that it appears like a “bounty system”. Mayor Lawson advised that this is a point well taken.

Mayor Lawson also made reference to Page 4 1-6A-3 and suggested also making uniform fines for 2nd Reader. Councilman Emely advised he would speak to the Chief.

Council Vice President Scott noted that Princess Anne does not split their revenues from their impound lot; it all goes back into their budget.

With no further discussion, Councilman Emely made a motion to adopt the Impound Lot Ordinance for First Reader. Motion seconded by Council Vice President Scott and carried unanimously.

EVENT APPLICATION

Mayor Lawson reviewed the Event Application for the Wood Stone Retreat to be held at the Depot on June 6, 2015. Councilman Atkins made a motion to approve the Event Application, contingent upon receipt of the liability insurance certificate. Motion seconded by Councilman Emely and carried unanimously.

MARINA COMMISSION DISCUSSION

Councilman Konapelsky stated that the Somers Cove Marina is a huge asset to the city, but how the

Marina Commission appointments have taken place concerns him. He advised that he spoken with Senator Jim Mathias who advised that this is a local issue. He also advised that he spoke to the Attorney General's office, who also advised that it is a local issue.

Councilman Konapelsky cited C-3-4 of the Charter stating that the Mayor and Council approve all boards. At this time, Councilman Konapelsky made a motion to come back to the next meeting with recommendations for the Marina Commission.

Mayor Lawson noted that two representatives are selected from the County, two from the City, and two from DNR. He advised that Tillie Doyle was appointed by Mayor Purnell to fill Casey Todd's unexpired term.

Councilman Atkins noted that the Marina Commission is a State Board, not a City Board.

Councilman Emely inquired about Councilman Atkins term on the Commission. Councilman Atkins advised that his term expires in 2016, after two consecutive terms.

Councilman Emely stated that he feels this position is a conflict of interest, as Councilman Atkins is a City Council member. Councilman Atkins noted that he was appointed to represent the City.

Mayor Lawson advised that Mayor Purnell worked on the creation of a Marina Commission.

Councilman Konapelsky reminded that he has a vote on the floor.

Mr. Sullivan advised that the failure is in the draft of legislation; "Mayor and Council with approval of Council." Councilman Konapelsky stated that all Boards are appointed with Council approval.

Mr. Sullivan advised that Home Rule applies. Mayor Lawson noted that only the Marina Board can remove a member.

Council Vice President commented that the Code can't overrule Marina law. Mr. Sullivan advised yes.

Councilman Emely advised Councilman Konapelsky to bring in the State law letter.

Councilman Konapelsky advised he would work with Mr. Sullivan on who to pursue with at the State concerning appointments to the Marina Commission. Mr. Sullivan advised going to the DNR website for the Attorney General. He also advised contacting the Marina in reference to pending revocations of City appointees. Councilman Konapelsky indicated that he would contact Charles Otto regarding making a change in the law

MAYOR AND COUNCIL DISCUSSION

Councilman Emely noted that the three SHA vehicles are to arrive next week. He also noted that Enterprise Rental has 14,000 used vehicles on their lot right now.

Council Vice President Scott thanked those in attendance. Council Vice President Scott made reference to the Home Ownership proposal and noted that there is a mortgage company and developer who are interested in City property for home ownership purposes.

Council Vice President Scott made reference to finding assistance with writing goals based on the SRP and other plans, along with community input. Then make decisions based on the plan.

She also advised that she is working on the "needs list" for the waste water treatment plant.

Councilman Konapelsky made reference to his requested addition to the agenda per Roberts Rules of Order. He also noted that he will be updating his Facebook site with daily information.

Councilman Konapelsky commended the Police Department on the great job they are doing, but noted that it is becoming a feeder school for officers who leave and go to other jobs. He made reference to looking at higher pay and better retirement, as a way to hold on to officers.

Councilman Konapelsky advised that the 50% of impound fees going to the police department is a good

idea and a good income source.

Councilman Atkins thanked Councilman Emely for his efforts to replace equipment. He also thanked Council Vice President Scott for her work on housing. Councilman Atkins noted that there is a Marina Commission meeting on January 30, 2015 at 6:00 p.m.

Councilman Emely inquired when the last time was that volunteer personnel were recognized.

Councilman Atkins advised that they were recognized after Hurricane Sandy, but that they are not thanked nearly enough.

Mayor Lawson made reference to Mr. Frock's retirement on February 3, 2015 and noted that he had received a proposal for interim assistance from Davis, Bowen and Friedel and had also met with MES.

Mayor Lawson noted that he is glad to hear the support of the Police Department from Councilman Konapelsky, noting that the Department had recently lost two certified officers.

He advised that he had spoken to the Chief concerning this loss, who stated that the City needs more businesses and residents.

He also made reference to the Ambulance Squad paid paramedics with the county contribution to their salary.

Mayor Lawson stated that he, along with the Clerk-Treasurer, carries the fiduciary responsibility for the City. He made reference to the question "does the Mayor run things by the Council, i.e. Marina Commission." He stated that the Mayor is the ultimate boss for day to day decisions.

Mayor Lawson noted that Mr. Lord will now be working at the Airport. He advised that Mr. Bozman would be working as Public Works Superintendent and would have a 90 day probationary period. He

advised that he would like to advertise for a foreman for Public Works with a CDL. He also advised that he is looking for places to get white vehicle and made reference to the letter they had in hand, seeking vehicles from local businesses. He commended Councilman Emely for his work on obtaining State vehicles. Mayor Lawson advised that the City is trying to get a driveable fleet to assign to drivers who will be responsible for the vehicles care.

Mayor Lawson made reference to looking at taking a second line item of \$40,000 divided by 5 years, in February, to start shopping for vehicles.

Mayor Lawson made reference to the airport development plan and advised that he and Doug Taylor would serve on the committee.

COUNCILMAN EMELY – REVIEW OF ACTION ITEMS

Councilman Emely made reference to action item 2, declaring the Cove Street property as surplus. Mr. Sullivan advised that he has the deed, so we can start the process on 2/11/15.

Councilman Emely made reference to Action Item 3) the former pool hall property on 4th & Main and advised that Mr. Bozman is working on that. Mayor Lawson noted that the former extension of building permits to the property owner was unreasonable. This item would be added to the list Due Date, for 2/11/15.

Item 5) Crisfield Marketing – Due Date 4/1/15

Item 6) Beautification – Due Date 4/1/15

9) Master Plan – Due Date 2/11/15

17) Main Street Parking – Needs to go before the Planning Commission

18) Walking Trail 4/1/15

19 Dock 4/1/15

21) Library – needs representative – (Mayor)

22) Community Commission – 2/25/15

Councilman Emely advised adding Action Items; Water Rates, Solar Panels; Fire Department – Floor, Heat, Elevator (for budget) and Vehicles.

Councilman Emely commended Mrs. Morgan and Mrs. Swift for their hard work. Mayor Lawson added Mrs. Soukup and Mrs. Bentley, and all members of City staff.

PUBLIC INPUT

John Dize encouraged residents to shop local.

David Marquis made commented that the Mayor and Council has good discussion and dissension. He stated that the recent closed meeting listed the entire set of reasons for having a Closed Session, rather than the reasons that were pertinent to the meeting. He also commented about promoting a recently hired person to Public Works Supt. and commented that it may cause issues with long term employees.

Kerry Palakanis commented that the Drug and Alcohol policy can't be varied upon. She stated that having Councilman Dr. Atkins testing for drugs is a conflict of interest. She cautioned the Mayor and Council about other areas for conflict of interest. Dr. Palakanis also cautioned Councilman Konapelsky about the use of Social Media. She noted that she is making comments as a member of the audience.

Dr. Palakanis commented that she loves the police department, but questioned splitting the impound fee 50/50 since they are working for the City.

Klaus Trepczyk made reference to the wind turbine. He questioned open grease barrels at the location. He also made reference to plans for two more turbines at Calvary Estates, which he objects to.

Mayor Lawson advised that he would meet with Mr. Trepczyk in the next two days. He noted that the turbines on 7th Street are due to be constructed on 6/1/15. He noted that there has been no other discussion about turbines on Calvary Estates or any personal negotiations.

Dan Kuebler commented about the Open Meeting act and suggested City personnel take a course on line to avoid possible fines. He noted that he loves the Action Item tool. He thanked Mayor Lawson for working with Councilman Emely on the presentation.

Mayor Lawson made reference to Mr. Phil Riggin and a Broadband grant. Mr. Kuebler advised that Crisfield needs to move forward with broadband. He advised he would contact the Eastern Shore Commission for information.

Councilman Emely advised adding Broadband to the Action List, but Mayor Lawson suggested waiting until meeting with the Eastern Shore Commission.

Mayor Lawson made reference to the Community FM Station to be located on 7th Street. He advised that they would be putting a transmitter on top of the Broadway water tower. He advised that he had given them preliminary approval.

George Friedley requested a list of derelict homes. He also made reference to the drainage problem on his property on Chesapeake Avenue. Mayor Lawson reminded Mr. Friedley that he had met with him concerning the matter and the problem is his responsibility.

Adam Thompson noted that the FM radio station is under the auspices of the Arts Council.

Councilman Emely noted for the record, that he had contacted every car dealer in Somerset County concerning vehicles for the City.

Mayor Lawson also noted that the old Welcome to the Ward Brothers sign would be going back to the

MinutesM&C12815

Heritage Foundation. Councilman Emely advised that a new sign is in the works.

ADJOURNMENT

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

Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Joyce L. Morgan, Clerk-Treasurer

Prepared by Valerie Swift, Secretary