

MINUTES

The Mayor and Council met in regular session on Wednesday, May 11, 2016 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
Richard M. Pollitt, Jr. City Manager
Joyce L. Morgan, Clerk-Treasurer
Michael Sullivan, City Solicitor

Also in attendance; Valerie Swift, Secretary; Dean Bozman, Code Enforcement Officer; Richard Crumbacker; Darlene Taylor; Catherine Brown; Vanessa Jones; Dorothy Bell-Hutt; Ralph P. Oakes; Billie Jo Chandler; Robert Hannan; William Swift; Newell Volk; Margo and Wood Rybyzynske; L.R. Carson, III; Janet Julian; Cleora Callahan; Ricky Thomas; Maurice Mady and Adam Thompson.

INVOCATION, LORD'S PRAYER AND PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Councilwoman Johnson made a motion to approve the Agenda for tonight's meeting. Motion seconded by Councilman Emely and carried unanimously.

APPROVAL OF MINUTES

Mayor Lawson requested approval of the minutes from the regular and closed meeting of April 27, 2016. Approval so moved by Council Vice President Scott, seconded by Councilman Emely and carried with abstention of Councilwoman Johnson who was not present at these meetings.

APPOINTMENTS

Mayor Lawson called Mr. Woody Rybyzyske forward. He advised Mr. Rybyzyske that he would have two minutes to speak.

Mr. Rybyzyske, a resident of 28 Hammock Point, advised that when he moved there 15 years ago, he was told that the road would be paved, not tar and chip, and was also advised that there would be curb, gutter and sidewalk. He noted that residents there pay some of the highest taxes in the City.

Mr. Gary Brown, the next scheduled appointment, was not present.

Councilman Konapelsky made a motion that if Mr. Brown came in later, he be given the time he needs.

Motion seconded by Councilman Emely and carried unanimously.

CITY MANAGER'S REPORT

Mr. Pollitt reviewed his bi-weekly report and also noted an email he had just received from EDC concerning "Maryland On the Job Training to Hire" on May 26th at the American Legion.

Mayor Lawson also noted that the wind turbine is due to be in the first of June. He thanked Mr. Pollitt, Mr. Bozman and Mr. Sullivan for their hard work.

PUBLIC HEARING – ABANDONED VEHICLE ORDINANCE 659

At this time, Councilman Atkins made a motion to open the public hearing concerning the referenced Ordinance. Motion seconded by Councilman Emely and carried unanimously.

Councilman Konapelsky also noted that the Ordinance includes untagged boats.

Mayor Lawson advised that the Ordinance was reviewed by the Planning Commission for recommendation to the Mayor and Council. He also noted that it pertains to vehicles on private property only.

Mr. Adam Thompson inquired if it pertains to boat trailers. Mr. Sullivan advised that it does.

He advised that it does not pertain to vehicles/boats that are enclosed and blocked from public view.

Mr. Sullivan advised that you must be able to see that it is untagged.

Councilman Konapelsky advised that the County allows for one untagged vehicle per property.

Councilman Emely advised going with the Planning Commission's decision.

Mr. Pollitt advised that the definition for abandoned vehicle came from the State Code.

Mr. Lee Roy Carson, III, made reference to boat dealers. Mr. Pollitt advised that this ordinance only pertains to residential property.

Mr. Robert Hannan inquired if the Inspector can lift the cover to see if the vehicle/boat is tagged.

Mayor Lawson advised that he cannot.

Councilman Atkins inquired about having a complaint by a neighbor.

Mr. Sullivan advised that Mr. Bozman would then address the property owner.

Councilman Konapelsky commented that he is unsure about the Code Enforcement interpretation.

With no further comment, Mayor Lawson declared the Public Hearing duly closed with a motion for adjournment by Councilman Atkins, seconded by Councilman Konapelsky and carried unanimously.

2nd READER ABANDONED VEHICLE ORDINANCE #659

Mayor Lawson noted the Public Hearing previously held and requested adoption for 2nd Reader.

Approval so moved by Councilman Emely, seconded by Councilman Atkins and carried with a vote of "nay" by Councilman Konapelsky. Vote carried 4-1.

RESOLUTION AUTHORIZING THE MAYOR TO PURSUE FINANCING IN AN AMOUNT UP TO \$500,000

FOR NEW STREET PAVING PROJECTS

Councilman Emely made a motion to approve the Resolution. Motion seconded by Councilwoman Johnson.

DISCUSSION

Mayor Lawson advised that he had discussed this matter with all of the Councilmembers. He reviewed the information concerning the use of Hurricane Sandy money for street paving of LMI areas. He noted that other streets didn't qualify because of that requirement. Mayor Lawson noted that during Gov. O'Malley's administration, Highway User Revenues were cut in the amount of \$175K per year for the last 7 years, dropping to \$31K per year.

Mayor Lawson noted that during this time, only road patching had been done, but three years ago, the City started receiving 1 time HUR funds.

Mayor Lawson noted that eight streets are to be paved with Sandy funds by July 1. He also made reference to the Council rating streets in October.

Mayor Lawson noted that the Council have their pros and cons of whether to pave or not.

Mayor Lawson called for discussion from Council.

Councilman Emely advised he has nothing further to add and is ready for the vote to carry.

Councilman Konapelsky advised that he has a list of problems with borrowing the money to pave;

The possible increase in interest after the first five years with a 20 year loan causing a burden on the next Council, with possibly two new Councilmembers after June 15th who would be blindsided.

He suggested postponing this decision until after the election and feels it is irresponsible to vote on this tonight without giving the new Council a voice. Councilman Konapelsky requested a role call on the vote.

Councilwoman Johnson advised that she doesn't feel the new Council will be blindsided. She advised that she doesn't want to borrow money to pave the other streets, but they are bad and need to be done.

Councilman Konapelsky commented that he fought to get the road to the beach paved.

Councilman Emely commented about the amount of taxes paid by Hammock Pointe and Water's Edge and advised that the City needs to look out for these residents also.

Mayor Lawson commented that Council Vice President Scott who lives at Hammock Point was not commenting at this time.

Councilman Atkins commented that borrowing \$.5 M will pave streets, but only a few, with twenty years to pay it back. He reviewed a slide of the actual amount that would be paid back and cautioned against an adjustable interest rate. He advised that he would support purchasing a vehicle or a new water/sewer program, but feels it is a bad decision to borrow money to pave.

Councilwoman Johnson inquired what was done when we borrowed \$1M. Mrs. Morgan advised that this was a 30 year loan for Cove and Seventh Street drainage, curb, gutter and paving.

Mr. Sullivan advised that an Ordinance would have to be adopted to borrow the money and pursue loans.

Councilman Emely noted that there is a paver in town to get the jobs.

Mayor Lawson noted that he had not gotten a vote on this Borrowing Resolution as there had been the lack of a quorum the past two meetings.

Mr. Sullivan advised that approval is needed for the Budget to get the loan, then in July, an Ordinance can be adopted.

At this time, Mayor Lawson called for a vote.

Council Vice President Scott, Councilwoman Johnson and Councilman Emely voted “aye”. Councilman Atkins and Councilman Konapelsky voted “nay”. Motion carried with of a vote of 3 to 2.

GARBAGE DISCUSSION /DECISION

Mr. Bozman briefed concerning outsourcing of garbage collection for the City. He advised that the City had received four bids and all came in above the current cost to the City.

Mr. Bozman advised that the garbage fee would have to be raised to cover the cost.

Mayor Lawson noted that garbage collection is not mandatory of residents and noted that past collection fees went from \$3 to \$10, which resulted in a loss of garbage customers. He advised that this probable loss of customers due to fee increase would make it hard to purchase a new truck. The City’s truck is not repairable. He also made reference to future purchase of uniform cans (\$70 to \$90). Mayor Lawson recommended that the garbage fee be raised to \$12, with \$1 of that fee going toward the purchase of uniform cans, and going with a private collector for two years and then re-examine the service. Mayor Lawson advised that Mr. Pollitt, Mrs. Morgan, and Mr. Bozman thoroughly reviewed the process for this recommendation.

At this time, Councilman Emely made a motion to recommend that the garbage fee be raised to \$12.00 and garbage service be privatized for 2 years with the low bidder.

Motion seconded by Council Vice President Scott.

During discussion, Councilman Konapelsky suggested that this be pushed off for a decision.

Mayor Lawson advised that the City has been borrowing Pocomoke’s truck since October and recently had to have it repaired. He advised that Pocomoke has asked to have it back and he feels we have

worn out our welcome, so it can't be pushed off.

Councilwoman Johnson advised that she hates to raise the fee, but people need their trash picked up.

Council Vice President Scott made reference to saving for the uniform cans. Mayor Lawson advised that the contractor may require this type of can.

Council Vice President Scott advised that eventually we will have to pay the real cost, so we need to raise the fee.

Mr. Sullivan advised that this is a line item included in the Budget.

Councilman Atkins inquired if the budget had been adjusted to lower Public Works salary. Mayor Lawson advised that it had.

At this time, Mayor Lawson called for a vote.

Council Vice President Scott, Councilwoman Johnson, and Councilman Emely voted "aye". Councilman Konapelsky and Councilman Atkins voted "nay". Motion carried 3 to 2.

COMPUTER SOFTWARE DISCUSSION/DECISION

Mayor Lawson advised that this was the proposal from Edmunds and Associates from October for new software for the Clerk's office. He advised that this was a line item of \$9,000 for this coming year and the next and four years at \$17K. He advised that the system is 30 years old and it is included in the Budget.

Mayor Lawson advised that he is working toward a worksession concerning water and sewer rates.

Mrs. Morgan advised that Mrs. Jean Holloway, who is working on this information, has had to use gallons of water pumped. Mrs. Morgan advised that the software is needed for step rates.

NEW BUSINESS

APPOINTMENT OF DENNIS PARKINSON AS DIRECTOR OF PUBLIC UTILITIES

Mr. Pollitt advised that Mr. Parkinson will start work on Monday and will be taking his 8 hour Supervisor test. He noted that the position was widely advertised, but no applications were received.

Mayor Lawson requested approval of Mr. Parkinson to the position, noting that he would fall under the required probationary period.

Approval so moved by Councilman Atkins, and seconded by Councilman Emely. During discussion,

Mr. Sullivan noted that the City of Crisfield Personnel Policy requires a 6 month probation period.

Motion carried unanimously.

RESOLUTION #437 IT TAKES A VILLAGE

Mr. Sullivan reviewed the proposed Resolution, noting that the City is applying for a Community Development Block Grant in the amount of \$800K for It Takes a Village. He noted that the City must adopt the Resolution for submission of the application by June 3, 2016. He also advised that a Public Hearing must be held, and will be scheduled for Wednesday, May 25th at 5:30 p.m.

Mr. Sullivan advised that the Resolution gives Mayor Lawson the authority to sign the grant application.

He advised that the City must enter into a sub-recipient agreement with It Takes A Village, for example, the same way the City has done with the County for Hurricane Sandy funds.

Mr. Sullivan advised that the Resolution establishes the Sub-recipient agreement.

Mr. Sullivan advised that the City must vote on the Resolution at the next meeting on the 25th of May, but must first hold a Public Hearing.

Councilman Konapelsky advised that he supports adoption of the Resolution 100%. Councilman Emely advised that he supports it as well.

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Mayor Lawson noted that adoption of the Resolution would need to be on record to show our support.

Councilman Atkins inquired what would happen if ITAV defaults.

Mr. Sullivan advised that DHCD would 1) require the City to repay the \$800K grant or 2) the City would perform the obligation of the grant requirement and take over the facility. For example – run a community center, etc., for a 20 year term.

Councilman Konapelsky commented that if the building goes back to the City, it will be easy to place a suitable operation in there to fulfill the obligation.

Mr. Sullivan advised that he would have Ms. Darlene Taylor review the grant application at the public hearing.

Mr. Pollitt made reference to a recent discussion with the CDBG office concerning a decision that they had made. Mayor Lawson advised that it would be discussed at the progress meeting with Ms. Taylor on Friday.

REQUEST FROM RICKY THOMAS TO PLACE A SMALL BUILDING ON CITY PROPERTY AT SMALL BOAT HARBOR

Councilman Emely requested that Mr. Ricky Thomas be moved up on the agenda, as he had been waiting a while for his appointment.

Mayor Lawson advised that he would like this request deferred for two weeks to review the lease process/fees.

Mr. Thomas advised that he would be placing a small shed there to hold tools.

Councilman Emely noted that Mr. Thomas keeps his area at the Small Boat Harbor neat and clean.

Mayor Lawson advised that this item would be back on the Agenda on the 25th.

WELLINGTON BEACH AGREEMENT

Mayor Lawson advised that this is the agreement between the Legion and the City of Crisfield concerning use of the Wellington Beach. He noted that a 501c3 had been organized for general beautification of the beach and other city properties. Mayor Lawson requested two weeks to review.

Mr. Pollitt noted that the lease goes from a 3 year to a 20 year term and also a few other minor changes.

At this time, Councilman Emely made a motion to accept the Wellington Beach Lease Agreement. Motion seconded by Councilman Konapelsky.

Mr. Pollitt reviewed the minor changes. He also noted that events held on the beach must be approved by the Legion first.

Mr. Sullivan noted that it is a private beach leased for public purposes.

Motion carried unanimously.

2016-2017 BUDGET

Mrs. Joyce Morgan, Clerk-Treasurer, reviewed the draft budget worksheets. She advised that work on the Budget had started the first week of March.

Mrs. Morgan also noted that the tax rate will remain the same.

Mr. Sullivan made reference to the 2% hotel room tax and reviewed the rate information and the government article. He noted that most counties share their room tax with the City.

Mrs. Morgan continued reviewing the draft budget.

In reference to Councilman Atkins question concerning salary in the Public Works Department,

Mrs. Morgan advised that one employee was transferred to Public Utilities and that employee was not replaced in Public Works.

Mayor Lawson made reference to checking with Charlie Petrocci concerning a passenger dock fee when cruise ships come in. Mr. Pollitt advised he would look into this.

Mayor Lawson noted the \$12K line item in the Police Budget, which was for light bars to equip two new cars obtained through a Federal grant.

Mayor Lawson made reference to Health Insurance expense, advising that this is a saving to employees, but there is no way to predict a rate increase in December.

Mayor Lawson made reference to item 32103 – Front Footage Assessment. He advised that 50¢ is not enough per foot needed for the sinking fund for new pipes.

Council Vice President Scott noted that she would like to meet with Mr. Pollitt concerning the Budget.

1st READER ORDINANCE – HOTEL RENTAL TAX

Mayor Lawson presented for First Reader a proposed Hotel Rental Tax. He noted that Council Vice President Scott and Mr. Reuben Evans had researched this tax. Mayor Lawson advised that the County receives \$55K in hotel taxes. Mayor Lawson advised that the Ordinance allows the City to charge a 2% tax.

At this time, Councilman Konapelsky made a motion to adopt the Ordinance for 1st Reader. Motion seconded by Councilman Emely.

During discussion, Council Vice President Scott inquired if the tax would apply to condos or B & B's. Mr. Sullivan advised that these are not subject to tax. He noted that the money can be used for the General Fund.

Councilman Atkins noted that 2% is a modest fee, \$2.50 added to a \$50.00 hotel bill.

Council Vice President Scott noted that Ocean City uses this tax for marketing.

With no further discussion, the motion carried unanimously.

MAYOR AND COUNCIL REPORT

Councilwoman Johnson noted that this was the first time she had been out since the death of her son.

She thanked the public for all of the compassion and kindness shown to her and her family and excused herself from the meeting at this time.

Councilman Konapelsky commented that he has some strong opinions regarding some of the items passed tonight and stated that he hopes new Council can change some of these decisions.

Council Vice President Scott noted that the grand opening of the new library is June 4th at 10:00 a.m.

She also made reference to the Maryland Job Training Program on May 26th.

Councilman Emely made reference to fishing at the depot and noted that the Town of Cambridge holds a fishing license for users. He suggested that the City sell licenses to fish at the depot, so visitors fishing at the depot would not be fined by the DNR.

Councilman Emely made reference to trash clean up at the Small Boat Harbor last year and advised that we again need to address a trash problem there. He also inquired the process to hook up to water service on the front side. Mrs. Morgan advised that the water portion of the EDU fee would have to be paid.

Councilman Emely made reference to the sign on the highway and an available rental space.

Mrs. Morgan advised that it isn't rented due to the proposed electric sign.

Councilman Emely made reference to the proposal to convert vehicles to propane. Mrs. Morgan advised that Mr. Cox has the information on the vehicles.

Councilman Emely commented that Handy's Seafood has a bad opinion of the City and asked Mr.

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Pollitt to stop by and introduce himself.

Councilman Emely advised that the Salvation Army Youth Club is about to close due to debt.

He asked if the City could contribute \$500.

Councilman Emely advised that he is upset that the CHS Band will now receive Challenge Coins along with the CHS Soccer Team. He stated that he is proud of the accomplishments of the Band, but that the original idea was to recognize the soccer team for their championship, so the meaning is lost.

He noted that Coach Frock is also upset.

Mayor Lawson advised that this was an Executive Decision.

Councilman Atkins advised that he would be very surprised if Coach Frock was upset about any student being recognized for their achievements. He noted that this was discussed at regular scheduled council meetings, including our most recent meeting prior to this one, and Councilman Emely had missed several of those meetings. Band Director Heather McHenry contacted Councilman Atkins prior to tonight's meeting and advised she was very upset to hear from Councilman Emely that he felt the Band did not deserve the same recognition as the soccer team. Councilman Atkins recalled Councilman Emely had complained at an earlier meeting that he had read too many e-mails from Councilman Atkins about the status updates on the Challenge Coins. Councilman Atkins recommended, if he feels recognition of the Band is wrong, Councilman Emely should boycott the presentation to the Band.

Councilman Atkins asked for an update on the Mariner's road water line situation. Mayor Lawson advised that a decision on the ultimate action must be made.

Mr. Pollitt advised that the residents on the line have been notified that they are now being held responsible for all repair costs incurred by the City.

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Councilman Atkins stated that he feels street paving is not a viable project to borrow money for.

Councilman Atkins advised that the Challenge Coins will be presented on Tuesday, May 24th at 2:00 p.m. in the CHS Auditorium to the soccer team and band.

Mayor Lawson commented on a positive note, that the grinding of streets for paving has begun. He noted that these streets are fragile from grinding.

Mayor Lawson noted that last year's grant application to DNR for Parks and Playgrounds was denied due to the large amount of applicants.

Mayor Lawson noted that he would be working in the Tourism office adjacent to the Chamber of Commerce this season.

He also noted the need for an informational kiosk at the depot.

Mayor Lawson noted that the four derelict houses on fourth street, for which the land is supposed to go to St. Paul's Church, have not been demolished yet and advised that Mr. John Phoebus has been working on this process.

PUBLIC INPUT

Mr. Robert Hannan made reference to paving and presented several pictures of areas he felt that should be paved as they are streets that run to the Marina.

Mayor Lawson advised that the roads paved must be used by everyone.

Councilman Emely advised that the roads in the pictures were the ones already scheduled to be paved.

ADJOURNMENT

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

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Respectfully submitted,

Joyce L. Morgan, Clerk-Treasurer

Prepared by Valerie Swift, Secretary