

MINUTES

The Mayor and City Council met in regular session on Wednesday, April 22, 2015 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 – see list of others in attendance.

INVOCATION, PRAYER AND PLEDGE OF ALLEGIANCE

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

APPOINTMENTS – TOURISM PRESENTATION BY PHIL RIGGIN

Mr. Riggins reviewed information concerning the County Tourism Commission, which is comprised of Duke Marshall, Billie Jo Chandler, and himself. Mr. Riggins reviewed the background, goals, and areas of emphasis of the Commission. He also commented on the unveiling of the J. Millard Tawes Historic Marker and suggested further meetings with other local groups and the City of Crisfield.

MOTION TO ACCEPT THE AGENDA

At this time, Councilman Atkins made a motion to accept the agenda for this evening's meeting. Motion seconded by Councilman Konapelsky and carried unanimously.

APPROVAL OF MINUTES

Councilman Atkins made a motion to approve the minutes from the regular meeting of April 8, 2015 and the closed meeting of April 8, 2015. Motion seconded by Councilwoman Johnson, and carried unanimously.

ROUGH DRAFT OF 2015-2016 BUDGET

Mayor Lawson advised that he would like to jump ahead on the Agenda to the Rough Draft of the Budget, as Mrs. Morgan was feeling under the weather this evening.

Mrs. Morgan reviewed the first round of budget figures. She advised that we are \$94,741 short of a balanced budget, which we are normally \$250,000 short at this time of the year.

Mayor Lawson noted that a balanced budget must be adopted by the 2nd meeting in June.

Mrs. Morgan noted that there are ten working departments, the rest is fixed; such as insurances and debt obligations.

Councilwoman Johnson inquired about the BNR Grant. Mrs. Morgan advised that the City did not receive the grant this year.

BORROWING RESOLUTION

Mrs. Morgan made reference to the Borrowing Resolution done in March for \$30,000. from PNC Bank and advised that the City must first adopt a Resolution rescinding that Resolution.

Councilman Konapelsky noted that PNC Bank gave a quote, and then raised it.

At this time, Councilman Konapelsky made a motion to adopt Resolution 430 which nullifies the previous Borrowing Resolution with PNC Bank. Motion seconded by Councilman Atkins and carried unanimously.

Mayor Lawson presented for adoption, Resolution 431 for the borrowing of \$30,000 from Hebron Bank. Councilman Konapelsky made a motion to adopt Resolution 431, seconded by Council Vice President Scott, and carried unanimously.

Mayor Lawson presented for adoption, Resolution 432. Mrs. Morgan made reference to sewer issues the City had recently encountered, which amounted to a cost incurred of \$72,000. She advised that \$70,000 is needed for a short term, 6 month loan.

Mayor Lawson advised that the City would be getting an explanation from Davis, Bowen, and Friedel as to why the issues occurred. He advised that the City will have to look at ongoing maintenance.

At this time, Council Vice President Scott made a motion to adopt Resolution 432. Motion seconded by Councilwoman Johnson, and carried unanimously.

Mrs. Morgan made reference to paperwork concerning the equipment the City is planning on purchasing from Manokin Inc. At this time, (7:40 p.m.), Councilman Emely excused himself from the meeting, due to a conflict of interest.

Mr. Sullivan advised that the Mayor and Council could review the packet and terms. He also

advised that he had prepared a Borrowing Resolution, and suggested that this be held, as the Seller would like to review it. He advised that this was drafted to have a clear title.

Mayor Lawson requested that adoption of this Borrowing Resolution be deferred until the next meeting.

UNFINISHED BUSINESS -

DRUG AND ALCOHOL POLICY

Councilman Konapelsky advised that he had felt rushed to his best judgement to adopt the Policy at the last meeting. He posed the following; 1) Who pays for the test 2) He advised that he doesn't feel that City Council should review anything, due to City employees; and 3) He is concerned with the section about OTC medications and called for an independent drug challenge to see what your private Doctor would say.

Councilman Atkins advised that your personal physician would give clearance on these types of medications.

Councilman Konapelsky also commented that he does not feel it is ethical for a sitting Council-member to be the physician who does the drug screening.

Councilman Emely noted that the City pays for the testing. Councilman Konapelsky inquired from whose budget. Councilman Atkins advised it comes from the General Fund.

Councilman Emely advised that the drug testing protects citizens.

Mayor Lawson noted that the drug tests are random. Councilman Atkins noted that you are

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not asked what medications you are taking at the test.

Councilman Konapelsky stated that the Policy was pushed through and Department Heads should have been given the Policy to review.

Mr. Sullivan made reference to the highlighted change and noted that LEOBR (Law Enforcement Bill of Rights) supersedes any City policy.

Councilman Konapelsky reiterated that he does not think that Councilman Atkins should do the drug testing.

Mr. Sullivan advised addressing this with Mayor Lawson, as Dr. Atkins is not named as the examiner.

Council Vice President Scott commented that the Council had received the Policy in advance for review.

Mr. Sullivan noted that it is ok to adopt the amendment.

Councilman Konapelsky commented that he felt justified to ask these questions.

Mr. Sullivan reviewed the amendment to the Policy, reviewing the statement about Reasonable Suspicion, and noted that under LEOBR, the Chief makes the decision.

Mayor Lawson presented for adoption Res. 433. Approval so moved by Councilman Emely, seconded by Councilwoman Johnson, and carried unanimously.

ELECTRIC RATES

Mr. Sullivan reviewed information concerning electric rate proposals, which excluded the

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Waste Water Treatment Plant. He advised that it can be included in the contract at a flat rate.

He advised that he is working with Constellation Energy and APPI and noted that the City must enter into a contract by May 13th.

Council Vice President Scott inquired as to whose idea it was to review the contract again, looking at the inclusion of the Waste Water Treatment Plant. Mrs. Morgan advised that, she, the Mayor and Mr. Sullivan determined that it needed to be reviewed again. Mayor Lawson added that Mr. Sullivan pursued the matter.

Councilwoman Scott commented that there will be a gap, since the turbine is not in operation. She also commended the former and current Mayor and City Councilmembers who worked so hard to get the wind turbine, as well as Mrs. Morgan and Mr. Sullivan.

SMALL BOAT HARBOR TRANSFER OF PROPERTY

Mayor Lawson reviewed the request from Mr. Jamie Marshall.

Council Vice President Scott noted that the letter from Massey had the wrong name.

At this time, Councilman Konapelsky made a motion to approve the transfer of the wharfs/docks 106A and 106B from Weldon H. Massey, III, to Jamie Marshall. Motion seconded by Councilman Atkins and carried unanimously.

Mayor Lawson made reference to the need for a transfer tax at the Small Boat Harbor, which could be a discussion with Mr. Sullivan.

NEW BUSINESS

PLANNING COMMISSION MEMBER APPOINTMENT – ADAM THOMPSON

Mayor Lawson made reference to the need for an additional Planning Commission member, as one of the current members Sam Ward, had not been attending meetings. He also noted that Mr. Steve Marshall, Chairman, who has been very ill, has asked to remain on the Commission. Mayor Lawson recommended that Mr. Ward be removed and replaced by Mr. Adam Thompson. He noted that there is still an opening for a person of color.

At this time, Councilman Konapelsky made a motion to accept the appointment of Mr. Adam Thompson to the Planning Commission. Motion seconded by Councilwoman Johnson and carried unanimously.

Councilman Emely made a motion requesting Mr. Sam Ward's resignation. Motion seconded by Councilman Konapelsky. Councilman Atkins noted to thank him for his many years of service.

APPROVAL OF AIRPORT CAPITAL IMPROVEMENT PROGRAM

Mayor Lawson reviewed the letter from County approving the Airport Capital Improvement Program as presented for FY 2015-2020. Mayor Lawson requested acceptance of the Program.

Councilman Atkins reconfirmed that the cost to the City is \$2,000. Mayor Lawson advised that this was correct.

At this time, Councilman Atkins made a motion to move forward with the Airport Capital Improvement Program. Motion seconded by Councilman Konapelsky and carried unanimously.

EVENT APPLICATIONS

Mayor Lawson reviewed the event application for the After Prom Party to be held at the beach on May 2nd which includes a bonfire and music.

Councilman Emely advised that this needs to be reviewed by the American Legion. Mayor Lawson advised that too many situations could occur.

No motion for approval was made.

Council Vice President Scott noted that she was not strongly opposed, but concerned.

MAYOR AND COUNCIL Q & A AND DISCUSSION

Councilman Atkins advised that he had nothing to discuss.

Councilman Konapelsky made reference to 1) the greenspace at the depot, which has turned into a parking lot. He advised that “No Parking” signs need to be installed; and 2) Pod storage containers.

Mayor Lawson advised having the Planning Commission consider the length of time allowed to have them. He also made reference to them reviewing the time allowed for houses to be raised up on frames, while waiting for elevation, i.e. the house on Main & Somerset. He also noted that the owner of this house may be walking away from it.

Councilman Konapelsky stated that the permit for the elevation of that house should no longer be valid. Councilman Emely stated that according to the City Code, this structure is unsafe. Councilman Konapelsky advised that the raiser assumes responsibility for safety.

Councilman Konapelsky also noted that he appreciates Mr. Phil Riggin's presentation and noted that the Tourism Board is a solid board.

Mr. Sullivan made reference to preparing a draft ordinance for the Planning Commission.

Councilman Konapelsky advised that he would check with other municipalities.

Council Vice President Scott advised that on a positive note, the City may be picking up more water hook-ups. She noted that Linton's Seafood advised that they had received nine new customers who bought homes here in the past six months. She advised that one contractor said he's preparing for a 30% increase in construction work.

Council Vice President Scott also noted that a friend of hers had visited and noted the diversity of people while eating at the Water's Edge restaurant. She advised that the City needs to make sure everyone feels welcome.

Councilwoman Johnson advised that she had nothing to discuss.

Councilman Emely advised that Mr. Bozman's 90 day probation is up. He also noted that Mr. John French was interested in serving on the Marina Commission and inquired who appoints for committees.

Mr. Sullivan advised that the Mayor appoints, with or without approval of the Council.

Councilman Emely made reference to the Maryland Municipal League Convention in Ocean City and advised that he feels Councilmembers need to attend without paying any part of the cost. Councilwoman Johnson agreed.

At this time, Councilman Emely made a motion that anyone wishing to attend the MML Conference should be allowed to attend, with the City paying the fee. Motion seconded by Councilman Konapelsky for discussion. Councilman Konapelsky commented that it is costly to the City if you register and don't attend. He advised that he would forego attending this year to allow someone else to attend.

Mayor Lawson noted that years ago a councilmember in another town stayed in Ocean City to attend the convention at the tax payers expense. He noted that the fee for attendance has increased greatly from last year, but noted that the convention is very important and offers many workshops. He advised that he had suggested City attendees pay \$230 up front to defray some of the expense.

With no further business, the motion carried with ayes from Councilman Emely, Konapelsky, Councilwoman Johnson and Council Vice President Scott, and abstention by Councilman Atkins.

Councilman Emely advised that he agrees with Councilman Konapelsky about the greenspace parking problem. He stated that signs haven't helped anything and advised that two hour parking in front of the stores there is needed. He advised that the City needs to get the downtown parking lot back open.

REVIEW OF ACTION PLAN – COUNCILMAN EMELY

Councilman Emely reviewed and highlighted the Action Plan and noted that #1 is the condition

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of the former “Tighty’s” pool hall. Councilman Emely also requested that everyone bring one goal to the table by June.

Mr. Jason Loar made reference to the park Walking Trail and advised that he is waiting on wetland permits.

Councilman Emely noted adding to the Action List, the clean-up of the Carvel Hall building for rental of office space and advised that two interested parties are United Heat and Air and Campbell Collision.

Councilman Emely made reference to expediting the repair of City streets.

Councilman Konapelsky advised the funds have just been released and are in line.

Councilman Emely countered that Lori Quinn Drive is not included in Hurricane Sandy money.

Mr. Sullivan advised that the streets must be bid out for paving.

Councilman Emely inquired about putting out bids to clean up Carvel Hall. Mayor Lawson advised that he went about it in a different manner.

Mayor Lawson made reference to the proposed 18 parking signs for 12 a.m. to 6 a.m., but had gotten the “24 hour parking by permit only” signs.

Mayor Lawson made reference to pole lights and a loose guywire by the downtown parking lot.

Mayor Lawson noted that Community Legacy funding paperwork for \$75K had been received and will be used for downtown infrastructure, curb, gutter and sidewalk.

Mayor Lawson made reference to bidding for street paving and advised that Mr. Gary Pusey, Director of Technical and Community Services and Mr. Woody Barnes, Director of the County Roads Department, would be putting out an RFP for engineering firms. He advised that this process has to go through the County.

Mayor Lawson noted that USDA funds have been cleared to be used for cleaning up Carvel Hall. He also advised that the County will be providing a front end loader and operator.

Council Vice President Scott inquired about the cost. Mayor Lawson advised that we would be paying the cost of the operator.

Mayor Lawson made reference to a discussion with Mr. Gary Catlin, Water Operator, about safety and standards for the Plant.

Mayor Lawson advised that broadband distribution would be handled by the City Manager when they come on board.

Mayor Lawson noted that the bottle digging at the municipal park must cease and will be posted.

Mayor Lawson noted that he had contacted Mr. Mike Marvel, SHA, for an estimate to pave Lori Quinn Drive. He advised that there is \$75K to pave higher income level area. Also looking at Mercury Drive 5th Street and Tyler Street. He advised that the process must be followed.

Council Vice President Scott inquired about the street paving guidelines. Mayor Lawson advised that it must be a cross-traffic street that serves everyone and in a Low to Moderate

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Income area.

Mrs. Morgan reminded Mayor Lawson that the \$75,000 had already been designated.

Councilman Emely stated that of \$70, 400 there is \$58,700 left. He commented that the City needs to show that we are working on the process.

Councilman Konapelsky advised that the main arteries need to be done first.

Councilman Emely suggested putting down Tar & Chip at Hammock Pointe, right now.

Councilman Atkins noted that in the past, a street grading chart had been prepared.

Councilman Atkins advised that he wants to know what our action will be.

Councilman Konapelsky commented that we may get a better price when we get a paving crew in.

PUBLIC INPUT

Mrs. Betsy Thompson advised that on June 20th, there will be a one day plein-air art event presented by the Somerset County Arts Council at a location not yet disclosed. She asked the Mayor and Council to make an appearance.

Carolyn Marquis made reference to a listing on the website that the Budget for City Boards was \$52K. She also advised that she would like to see notification of Board meetings.

George Friedley noted that there had been a pipe out of one of the municipal park play structures and advised that he had notified the police dept. Mr. Friedley also made reference to the storage Cube facilities issue, and suggested implementing permits and fees, with a time

limit.

Mr. Jimmy Charles, Public Works Foreman, advised that he would check on the 24 hour signs.

He noted that Public Works has been cleaning up the downtown restrooms. He also noted that the guywire had been addressed and he will be following up on the pipe from the playground in the morning.

Mayor Lawson thanked Mr. Charles for having Public Works drop everything to tend to preparation of the J. Millard Tawes sign dedication location.

Mr. Friedley also suggested chaining off the greenspace. Mayor Lawson advised that this had been done before.

Mr. John Tawes provided the Mayor and Council with documents concerning the proposed kayak launch.

Mr. Paul Register, a new resident, suggested that the City address things such as parking too long in places, harder. He inquired about what happens to abandoned houses when people walk away from them. Mayor Lawson advised that the mortgage company works through the process. Mr. Register suggested selling them for \$1.00 with a caveat of what the buyer must do to improve them, as well as offering a tax break to generate interest.

Mayor Lawson advised that the City would need a housing administrator to facilitate this type of program. He advised that there is a lack of desire here for home ownership.

Mr. Register discussed his own background and commented that tourism can save the City,

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suggesting it be called the "Village of Crisfield".

VOTE TO CONVENE IN CLOSED SESSION

Councilman Atkins read aloud the Closed Meeting notification and appropriate sub-sections as per the Annotated Code of Maryland.

He then made a motion to adjourn the regular meeting, seconded by Councilwoman Johnson and carried unanimously.

Respectfully submitted,

Joyce L. Morgan, Clerk-Treasurer

Prepared by Valerie Swift, Secretary