

MINUTES

The Mayor and City Council met in regular session on Wednesday, June 10, 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 (arrived at 7:40 p.m.)
Mike Atkins, Councilman
Erik Emely, Councilman
Mark Konapelsky, Councilman
Rick Pollitt, City Manager
Joyce L. Morgan, Clerk-Treasurer
Michael Sullivan, City Solicitor

Also in attendance; Valerie Swift, Secretary. See sign in sheet for others in attendance.

INVOCATION, LORD'S PRAYER AND PLEDGE OF ALLEGIANCE

Mayor Lawson noted that Councilwoman Johnson would either be late or absent, due to an incident at her job.

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

MOTION TO ACCEPT AGENDA

Councilman Emely requested the addition of two event applications to the agenda. At this time, Councilman Atkins made a motion to approve the agenda for this evening's meeting, with the addition of the two event applications. Motion seconded by Council Vice President Scott and carried unanimously.

PLANNING COMMISSION RECOMMENDATION – LOT CONSOLIDATION – MARK GOOD

Mr. Chris Custis, Surveyor and Mr. Mark Good, Property owner, appeared before the Mayor and City Council regarding Mr. Good's proposed lot consolidation and the favorable recommendation made by the Planning Commission. Mr. Custis presented the plat and court order regarding the property.

Councilman Emely commented that this is a cut and dried request because of the Court order and made a motion to approve the consolidation of the lots. Mr. Sullivan noted that the Court order does not require consolidation. Motion seconded by Councilman Konapelsky.

Mayor Lawson requested a 25 foot drainage easement. Mr. Good agreed.

Mr. Pollitt, City Manager, advised that it is appropriate to approve the Planning Commission's recommendation so long as the end result conforms in all respects to City standards.

Councilman Atkins noted that this is a benefit to Hebron Savings Bank, but expressed his concern about it being better for Mr. Good if he should want to subdivide lots in the future.

Mayor Lawson noted that there are many parcels there that Mr. Good can't do anything with, therefore it makes total sense for Mr. Good to consolidate.

Mr. Custis advised that the lots could be subdivided if needed.

Councilman Atkins inquired if this would restrict him from sub-dividing later. Mr. Sullivan advised that it does not.

Mr. Sullivan advised Councilman Emely to amend his motion to say "accept the recommenda-

tion of the Planning Commission.”

Councilman Emely made a motion to accept the recommendation of the Planning Commission for the consolidation of property owned by Mr. Mark Good (see attached letter from Planning Commission in file). Motion seconded by Councilman Konapelsky.

Council Vice President advised that she respects the right of Mr. Good to consolidate his lots for whatever reason.

At this time, Mr. Pollitt read into the record the letter from Hebron Savings Bank recusing them from being involved with any decision made by the Mayor and City Council.

There being no further business for discussion, the motion carried unanimously by those present.

APPROVAL OF MINUTES

At this time, Councilman Emely made a motion to approve the minutes from the regular meeting of May 27, 2015. Motion seconded by Council Vice President Scott, and carried unanimously.

CITY MANAGER'S REPORT

Mayor Lawson introduced Mr. Rick Pollitt, City Manager, reviewing his background.

At this time, Mr. Pollitt greeted the public and reviewed the items he has been working on as well as future plans. (see report)

FIRST READER – WATER RATE INCREASE

Mayor Lawson read aloud the proposed water increase and noted that this is necessary for the adoption of the Budget. He advised that a Public Hearing had been held on Monday and other than the Mayor, Council, and staff, the only person in attendance was Mr. Richard Crumbacker, and no comment, either in person, or written, was offered.

At this time, Councilman Konapelsky made a motion to adopt the Ordinance to Increase the Charge for Water Service for First Reader. Motion seconded by Council Vice President Scott and carried unanimously.

Mayor Lawson advised that the figures needed by Mrs. Jean Holloway, would be prepared in the future. Councilman Atkins commented that he has been hearing negative feedback concerning the increase, which still does not cover the cost of water and sewer services, which the City needs to work toward.

FIRST READER SEWER RATE INCREASE

Mayor Lawson read aloud the Ordinance to Increase the Sewer Rate.

Approval for first reader so moved by Councilman Atkins, seconded by Councilman Emely and carried unanimously.

FIRST READER 2015-2016 BUDGET

Mrs. Morgan reviewed the deficit sheet of \$23,000 and noted that she had made these adjustments in the Budget. She also advised that the City is required to cover up to \$9,000 for mosquito control, but the actual cost is usually around \$5,000.

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Mrs. Morgan answered questions from Councilman Emely concerning ambulance and recreation.

Councilman Konapelsky advised that he would like to suggest adding a new line item for docking fees at the depot. He suggested having the City Manager meet with the boat captains to establish a fee that is fair to them and the City.

Councilman Atkins commented that the City couldn't charge because it didn't fund the dock improvement.

Councilman Konapelsky made a motion to only have the City Attorney present when requested by the Council or the City Manager. Motion seconded by Councilman Emely. Councilman Atkins questioned excluding the Mayor.

Mayor Lawson commented that the City needs Mr. Sullivan present at least 50% of meetings.

Councilman Emely advised that he feels this is up to Mr. Pollitt. Councilman Konapelsky added that the Council should be apprised of the situation.

Councilman Atkins questioned again about excluding the Mayor.

Mr. Sullivan pointed out that he was appointed by the Mayor, so if the Mayor requests him to attend, he is obligated to come.

Councilman Konapelsky stated that the City has a top shelf City Manager, who can obtain advice from the City Solicitor.

Council Vice President Scott advised that she feels the Mayor and City Manager will agree when

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Mr. Sullivan is needed for legal issues.

Councilman Atkins advised that a motion is not needed.

Mayor Lawson advised that he has discussed this with Mr. Pollitt and does not choose to jeopardize the City.

At this time, Councilman Konapelsky made a motion that legal counsel be present when recommended by the Mayor or Council and is accepted by the City Manager. Motion seconded by Councilman Emely and carried unanimously.

FIRST READER BUDGET ORDINANCE

Mayor Lawson read aloud the Budget Ordinance. At this time, Council Vice President Scott made a motion to adopt the Ordinance for First Reader. Motion seconded by Councilman Konapelsky and carried unanimously.

FIRST READER STORAGE CUBES

Mayor Lawson made reference to various email discussions back and forth. Councilman Konapelsky advised striking 9 b & c.

Councilman Atkins made reference to striking page 5 d.

Councilman Emely noted the Haile trailers at the Smith Island Cake Company. He advised that they employ about 30 people.

Councilman Konapelsky advised excluding commercial property.

After further discussion, Councilman Atkins made a motion to strike Subsection F-9, b, c, and

d. Motion seconded by Councilman Konapelsky and carried unanimously.

Councilman Konapelsky noted that fees aren't included in the proposed ordinance.

Mayor Lawson advised that the discussion was \$50 for the first 6 months, \$150 for a second 6 month extension, with no further extensions granted, and removal of the pod.

Councilman Atkins asked if this means any kind of storage trailer on any property.

Councilman Konapelsky advised that commercial needs to be added or just make it in residential areas R 1, 2, 3, and 4.

Following further discussion, Councilman Konapelsky made a motion that a fee of \$50.00 be charged for storage pods for the first 6 months, with an extension given of 6 months for \$150.00, in the Residential District, and after that they must be removed from the premises.

Motion seconded by Council Vice President Scott, and carried unanimously.

Mr. Sullivan advised that Mr. Pollitt will have a draft for the Planning Commission at the next meeting.

Mayor Lawson made reference to Haile trailers, while others add pay taxes on permanent storage units.

Councilman Emely advised that those who have the Haile trailers pay a lot of taxes.

Mr. Sullivan made reference to H (3) that every non-conforming use container must be grandfathered for 60-90 days and take away the non-conforming use January 1, 2016.

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So moved by Councilman Konapelsky, seconded by Councilman Emely and carried unanimously.

2ND READER PARKING ORDINANCE 647

Councilman Konapelsky made a motion to accept Ordinance 647. Motion seconded by Councilman Emely, for discussion.

Councilman Emely stated that with no parking on the Green Space and 2 hour parking at the Depot, Water's Edge restaurant is losing parking space and they need one handicapped space.

Councilman Atkins advised installing it at the very end of the sidewalk. He suggested passing this Parking Ordinance and doing this handicap access as a separate issue.

Motion for 2nd Reader of the Parking Ordinance carried unanimously.

Mayor Lawson noted that the Main Street parking lines have been repainted as well as at the depot. He advised that from 7th Street on down, parking will be re-striped and open for 2 hour parking.

Mayor Lawson made reference to parking on Main Street, and advised that he wants a line painted behind the parking space; if the vehicle parked there exceeds it, they get a ticket.

Mayor Lawson advised that a motion is needed that the last parking spot at Water's Edge be made "Handicapped" and paint "2 Hr." on Main Street in the lots. Approval so moved by Councilman Emely, seconded by Councilman Konapelsky and carried unanimously.

PROPERTY DONATION – PRESENTED BY COUNCILMAN KONAPELSKY

Councilman Konapelsky presented a letter from Mr. Scott Tawes concerning the interest from Somerset Community Services to build additional residential housing in the City, and offering a donation of two lots to Somerset Community Services.

Councilman Atkins stated that weighing the pros and cons can be difficult.

Mr. Pollitt advised that the City needs to follow the proper process and zoning ordinance.

He noted that there is no ordinance for “Group Homes”. He advised that a meeting with the Planning Commission is needed to make sure the property is zoned properly.

Mayor Lawson advised the Council to give Mr. Pollitt thirty (30) days to research the matter and address it at the first meeting in July.

At this time, Councilman Atkins made a motion to table the matter regarding residential housing until the first meeting in July. Motion seconded by Councilman Konapelsky and carried unanimously.

EVENT APPLICATIONS

WHEELS ON THE WATERFRONT – AUGUST 8, 2015

Mayor Lawson reviewed the Event Application, with all of the necessary paperwork in order.

Approval so moved by Councilman Emely, seconded by Councilman Konapelsky and carried unanimously.

CRABI GRAS GRAND OPENING – 6/27/15

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Mayor Lawson reviewed the Event Application and advised that the applicant is tying this event into Freedom Fest and the road closing for that.

(Councilwoman Johnson arrived – 7:40 p.m.)

Approval so moved by Councilman Konapelsky, seconded by Council Vice President Scott, and carried unanimously, with abstention from Councilman Emely.

Mayor Lawson reviewed two additional Event Applications; 1) Chesapeake Cowboys Boat Docking Contest on July 11, 2015, from 9:00 a.m. to 4:00 p.m.

Councilman Atkins inquired where they would be docking. Councilman Emely advised it would be at Philmore Evans condo dock.

Councilman Konapelsky made a motion to accept the event application contingent upon receipt of their liability insurance certificate. Motion seconded by Council Vice President Scott.

Councilman Atkins inquired about what the insurance covers. Councilman Emely advised that it will cover any city property.

Mr. Pollitt added that it will cover all contingencies.

Mayor Lawson suggested allowing Councilman Emely to discuss liability with Mr. Pollitt.

Council concurred.

Councilman Konapelsky inquired if police coverage was needed. Councilman Emely advised that they shouldn't need it, but would ask for police presence.

Councilwoman Johnson made reference to previous discussion about fees associated with

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the use of the depot. Councilman Atkins advised that a fee can't be charged. Councilman Emely advised that there would be no fee charged for the event, but donations would be accepted.

Motion carried with abstention from Councilman Emely.

Council Vice President Scott stated that we need activities for vitality in the City.

Councilwoman Johnson added that we need activities at a public facility such as the depot.

Mayor Lawson reviewed a request from 4H for use of the Depot on July 8th for one hour. Approval so moved by Councilwoman Johnson, contingent upon liability insurance.

Motion seconded by Councilman Atkins and carried with abstention from Councilman Konapelsky, who questioned the need for an insurance certificate for an hour meeting.

Mayor Lawson advised that it covers any accidents or injuries, etc.

MAYOR AND COUNCIL Q & A

Councilman Atkins advised that he had nothing to report.

Councilman Konapelsky welcomed everyone in attendance and congratulated Mr. Pollitt.

Council Vice President Scott noted that she was glad to see the public in attendance.

Councilwoman Johnson apologized for arriving late. She also noted that she is glad to see those in attendance.

Councilman Emely advised that he would take his action items to Mr. Pollitt.

He made reference to the status of the Charter building and advised he had the name of

an interested party. Councilman Emely advised that there will be a Flag Day ceremony at the fire hall on Sunday, June 14, 2015 at 2:00 p.m.

Councilman Emely made reference to signs in the median. Councilman Atkins advised that SHA won't allow them as they impede vision for traffic, and there is no City law.

Mayor Lawson advised that 1) the engineering contract has been let for paving, 2) he is working with a minor subdivision – Hammock Point 3) the pre-bid meeting for the depot bulk heading will be held on Wed. June 24th and bulk heading of the Green Space should be done in September or October.

Mayor Lawson noted that city department heads are working with Mr. Pollitt. He advised that Davis, Bowen & Friedel will be reporting to Mr. Pollitt with a recommendation concerning treatment plant improvements.

Mayor Lawson noted that work is continuing on the Library/Tourism Center.

Mayor Lawson advised that there will be five summer youth onboard.

He noted that Crisfield Pharmacy is developing plans for their relocation.

Mayor Lawson thanked Mrs. Morgan for all of her assistance when he was elected.

COUNCILMAN KONAPELSKY – RE: REZONING FEE

Councilman Konapelsky made reference to the fee of \$500 for rezoning. He asked Mr. Pollitt to research if this fee is unfair and make a recommendation.

PUBLIC INPUT

Mr. Jimmy Charles commented regarding personal information that is on Event Applications which show up on the power point and contact numbers that get in the local paper.

Dr. Kerry Palakanis inquired about the procedure to obtain a letter of support from the City.

Mayor Lawson advised that there must be ample time for the Council and City Manager to review the request. Councilman Konapelsky advised that he would like an in depth explanation.

Dr. Palakanis commented that last minute Event Applications were taken for this evenings meeting and voted on tonight. She advised that she would like a formal response concerning her request for a letter of support.

Councilman Konapelsky noted that he would like to be able to ask questions about what the City is supporting.

Mayor Lawson advised that he would like at least two weeks for review and apologized for not having a formal response. Dr. Palakanis requested that there be equity, across the board.

Councilwoman Johnson noted that there had been event applications turned down due to short notice.

Mayor Lawson advised that Mr. Pollitt would establish a policy. He advised that the City must make sure support of projects doesn't block the availability of grants for the City.

Dr. Palakanis made reference to the sidewalk project and the handling of the handicapped ramp at Water's Edge. Mayor Lawson advised that the City will assume she will pay, if not on a State right-of-way.

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Dr. Palakanis inquired if property owners will be notified when the work will begin. Mr.

Pollitt advised that he would check with SHA.

Councilman Konapelsky noted that the City is not responsible for business parking. Mrs.

Morgan advised that it is first come, first served. Councilman Emely noted that the handicapped spot at Water's Edge would serve four businesses.

Council Vice President Scott commented that unfortunately in grant writing, most requests for letters of support are last minute.

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

Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Joyce L. Morgan, Clerk-Treasurer

Prepared by Valerie Swift, Secretary