

MINUTES

The Mayor and City Council met in regular session on Wednesday, May 9<sup>th</sup>, 2018, at 6:15 p.m. in the meeting room in City Hall.

PRESENT

Kimberly B. Lawson, Mayor  
LaVerne Johnson, Council Vice President  
Charlotte Scott, Councilwoman  
Erik Emely, Councilman  
Mark Konapelsky, Councilman  
Barbara Ward, Councilwoman  
Richard M. Pollitt, Jr. City Manager  
Joyce L. Morgan, Clerk-Treasurer  
Michael Sullivan, City Solicitor

Also in attendance; Valerie Swift, Secretary; Mike Tabor, Chief of Police; Dean Bozman; Dennis Parkinson; Jennifer Merritt; Sue Ransom; Nelson Sheppard; Leigh Ann Schoffstall; Tillie Doyle; Richard Crumbacker; and Pastor Polly Canby.

CALL TO ORDER BY MAYOR LAWSON

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

APPROVAL OF AGENDA

Council Vice President Johnson made a motion to accept the Agenda for this evening's meeting. Motion seconded by Councilwoman Scott and carried unanimously.

APPROVAL OF MINUTES

At this time, Councilman Emely made a motion to approve the minutes from the Budget Meeting of April 11, 2018, the Closed Meeting of April 12, 2018, and the Regular Meeting of April 25, 2018. Motion seconded by Council Vice President Johnson and carried unanimously.

FIRST PUBLIC INPUT SESSION

Mayor Lawson introduced Leigh Ann Schoffstall and Nelson Sheppard, Candidates for Council.

Mayor Lawson made reference to climate change information he had received from a student and advised that he will be writing a letter to our Congressional representative, with the approval of the Council. Approval so moved by Councilman Emely, and seconded by Council Vice President Johnson. Councilman Konapelsky and Councilwoman Scott advised that they are not in support of the letter. After further discussion, Councilman Emely advised tabling the motion until the next meeting in order to have time to review the materials.

Mayor Lawson introduced Pastor Polly Canby, from the Lutheran Mission Development. She advised that she would like to continue the ministry started in Crisfield through Long Term Recovery, to serve whatever needs there are in the City. Council Vice President Johnson commented that there are a lot of needs here in homes and Churches.

Mayor Lawson commented that this is the second phase of Pastor Phil Huber's Lutheran ministry in Crisfield.

#### CITY MANAGER'S REPORT

Mr. Pollitt presented and reviewed his bi-weekly report, highlighting its contents.

#### JENNIFER MERRITT – INFORMATION RE: \$50,000 IN FAÇADE GRANTS THROUGH COMMUNITY LEGACY

Mrs. Merritt noted that she would be submitting the application on Monday, modeled on the Pocomoke program. She advised that this would be a 50/50 match grant with the building owner, who would receive an immediate lien on the property. She also noted that she had received two letters of intent from potential clients.

#### DEPARTMENT HEAD REPORTS

Chief Tabor updated on USDA funding.

Dean Bozman, Code Enforcement Officer, advised that the paving contractor would be at Hammock Point next week or the last week in the month. He also noted that the electrical connection has been repaired to the entrance of the City. He also noted that the culvert will be cleaned next week.

Mayor Lawson noted that Jimmy Charles was out this weekend doing finishing touches in the downtown parking lot. Mayor Lawson suggested putting in a load of sand where the sidewalk was in the parking lot and also weed killer on the clam shells. He also commended Mr. Charles for the clean-up of 9<sup>th</sup> Street.

Councilman Emely noted that during the recent painting by members of the Immanuel Wesleyan Church, of the downtown restroom, the condition and evidence of drug use was terrible. Councilman Konapelsky suggested shutting it down and putting out porta-potties.

Councilwoman Scott commented that one clean-up grows into another.

Councilman Emely addressed Mr. Parkinson about getting the job done at Tangier Island Cruise. Mr. Parkinson advised that the contractor was held up today and should be in tomorrow.

Mrs. Morgan noted that the First Reader of the Budget should be done on May 23<sup>rd</sup>, with the Second Reader for June 13. Mayor Lawson noted that the current Council must adopt for the incoming Council. Mayor Lawson advised the Council to submit their wishes to Mr. Pollitt.

#### UNFINISHED BUSINESS

None

#### NEW BUSINESS

##### APPROVAL OF VEHICLE – PUBLIC UTILITIES

Mayor Lawson advised that two local car dealerships have been asked for a proposal to provide three pick-up trucks, for a total not to exceed \$50,000. He advised that Tawes Brothers had submitted a sealed bid to be opened on May 18, 2018. He advised that the City would borrow on a line of credit and then have a 4 to 5 year payment plan.

Councilman Emely commented that trying to deal local is tough because they would not have the inventory on hand, so they would have to buy at auction. Mayor Lawson advised that the award of the bid would be based on their ability to deliver.

After further discussion, Councilman Emely made a motion to make \$55,000 part of the Budget Process going forward, for three vehicles, with not all three vehicles being purchased at once. Motion seconded by Councilman Konapelsky and carried unanimously.

##### Planning Commission recommendation of Text Amendment to Section 112-47(A) Referring to Incineration in the I-1 District

Mr. Sullivan made reference to the recent Planning Commission meeting and their review of the text amendment to Section 112-47(A), for the deletion of Garbage Incineration in the I-1 Light Industrial District. Mr. Sullivan advised that the Commission recommended the amendment for approval by the Mayor and Council. He advised that the Ordinance would be for a text amendment, deleting garbage incineration in the I-1 District. Mr. Sullivan advised that a Public Hearing notice must be advertised 14 days prior to the 2<sup>nd</sup> Reader, which will be the first meeting in June, on the 13<sup>th</sup>.

At this time, Councilman Konapelsky made a motion to adopt the Ordinance for the proposed text amendment to Section 112-47(A) of the City Code to remove garbage incineration or reduction. Motion seconded by Councilwoman Scott and carried unanimously.

Mr. Sullivan made reference to the recent meeting of the Ethics Commission and their recommendation to the Mayor and Council to approve the text amendments to Chapter 44 of the City Code. Mr. Sullivan advised that the text amendments are either edits or new State-mandated provisions, and also an addition to chapter 44-4 § Page 5.

Mr. Sullivan advised that it would be enacted after the first and second reader and after the State Ethics Commission certifies the changes.

At this time, Councilman Konapelsky made a motion to adopt the text amendments as recommended by the Ethics Commission. Motion seconded by Council Vice President Johnson.

Councilman Emely called for discussion. He asked Mr. Sullivan, that as a Fire Department trustee, is he allowed to discuss fire department issues at a City meeting, and vote.

Mr. Sullivan advised that Crisfield Fire Department is a public service and trustees ask for money. Councilman Emely also made reference to membership in any organization with a 501C3. Mr. Sullivan advised that you can speak in support of, but, as a public official, can't participate in a matter before the public body which the official is a member of.

Mr. Sullivan discussed the proposed amendments to Sections 44-4(C)(2)(a) & (c). Mr. Sullivan advised that this is the only amendment not mandated by the Maryland Public Integrity Act.

Mayor Lawson noted that the City had ethics laws before 2011, and a lot is mandated by the State.

Councilwoman Scott commented that in a small town, small groups of people are involved in more than one organization, but the conflict is when there is financial gain. She made reference being allowed to give input for information to help people understand something better. Mr. Sullivan advised that if someone on the Council asks you a question about GCAC, you can answer questions, but you can't participate in the procedure to address a question before the Council; you can't participate in the decision making process, i.e. if GCAC is asking for funding or approval that the City has jurisdiction over; and you can't lobby another person to vote a certain way.

Councilwoman Scott commented that she was not allowed to speak about GCAC at the August 2016 meeting when she had factual information. Mr. Sullivan noted that she would need to wait until asked a question, and not unilaterally participate in the conversation.

Council Vice President Johnson noted that she had to excuse herself when Somerset Community Services made a request, as she is an employee of that organization.

Councilman Emely commented that Councilman Konapelsky works for the County, but had voted on an issue pertaining to the County.

Mayor Lawson commented that sometimes moving forward is not the best, noting that the public distrusts elected officials. Councilwoman Scott commented that she was silenced on GCAC for two years.

Councilman Emely commented that the best solution is “don’t volunteer”. Mayor Lawson commented that he disagrees, but stated that you need to be informed.

Mayor Lawson called for a vote on First Reader of the Text Amendment to Chapter 44 (Ethics) of the City of Crisfield Code. The motion carried with 3 ayes, 0 nays, and 2 abstentions. (Councilwoman Scott and Councilman Emely)

#### EVENT APPLICATIONS

##### ANNUAL CLAM BAKE & CRAB DERBY

Councilman Emely made a motion to accept the Event Applications for the Clam Bake and Crab Derby. Motion seconded by Council Vice President Johnson and carried unanimously.

Mayor Lawson suggested enclosing a cover letter with Event Applications that the police department may charge for services.

##### ANDREA JOYNER MEMORIAL WALK – MAY 19, 2018

After a brief discussion, Councilman Emely made a motion to approve the Andrea Joyner Memorial Walk, pending approval of the Chief. Motion seconded by Councilwoman Scott and carried unanimously.

##### 4<sup>TH</sup> SATURDAY GOLF CART PARADE

Mrs. Merritt requested, on behalf of the Crisfield Art and Entertainment District 501C3, that the City insurance cover the May 26 4<sup>th</sup> Saturday event, even though the Memorandum of Understanding with the A&E Advisory Board starts on June 1, 2018. Approval so moved by Councilman Konapelsky, seconded by Councilman Emely and carried unanimously.

Council Vice President Johnson commented that even though the application includes alcohol, there is no alcohol use on golf carts. It was noted that the event application was for a golf cart parade as part of the regular 4<sup>th</sup> Saturday party. Accordingly, the block checked for alcohol was deleted to indicate no alcohol was associated with the golf cart parade.

CELEBRATION OF GOLF CART LEGISLATION PARADE AT SOMERS COVE MARINA ON JUNE 2, 2018.

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

MAYOR AND COUNCIL Q & A, COMMENTS

Mr. Pollitt noted that Mayor Lawson can't meet with the county Sanitary Commission the next day due to his work schedule and will be meeting with them in June, instead. He and Mr. Pollitt will meet prior to that meeting with the commission's manager.

Councilman Emely asked for an update on the kayak launch. Mayor Lawson advised that the City will need to provide additional funding as the only bid received far exceeded the available grant funds. Mr. Pollitt noted that the launch will have to comply with the Americans with Disabilities Act, a requirement which increased the cost of the proposed facility.

Councilman Emely commented about Bayside Home Center being in business in Crisfield over 25 years, noting they need to be recognized.

Councilwoman Ward commended City staff on their hard work in organizing various events. She noted that the Unity in the Community Event that she organized last year was to bring all segments of the population together and that she wanted to repeat the event again this year.

Councilman Emely noted that the Crisfield Fire Department will be attending church services as a unit on Sunday, May 20<sup>th</sup>, and advised that he would like to present Keys to the City to David Mason at that time, in recognition of his donation of the new Fire Boat.

Council Vice President Johnson made reference to the National Day of Prayer event and thanked office staff and the pastors who participated.

Council Vice President Johnson made reference to the group from Hopewell, Pennsylvania who are doing work in the community with Gordy Taylor and David Thomas. She advised that she would like to recognize them at City Hall.

Council Vice President Johnson noted that there will be another food distribution the next day at Six L's in Kingston and then moving on to Crisfield.

Council Vice President Johnson commented that she would feel better if a member of the Greater Crisfield Action Coalition would be selected to do a presentation on behalf of the organization until the issue of City recognition is resolved. Mr. Sullivan noted that Mr. Pollitt is the GCAC liaison. After a great

deal of discussion and concern about what constitutes an ethical conflict, Mr. Pollitt commented that he had always been taught that if a person has any question in their mind about whether their role in an activity was right or wrong, they should decline to participate. He said that public trust was fragile and that people in the public eye needed to be sensitive not just to a fact of conflict of interest but to the appearance of conflict, as well.

Councilwoman Scott addressed Mr. Pollitt concerning the Carvel Hall clean-up process. Mr. Pollitt advised that Mr. Spangler applied to the Maryland Department of the Environment for a Voluntary Environmental Remediation Plan, but he did not know if the Spangler team has been at the site recently.

Councilwoman Scott commended Council Vice President Johnson on taking the initiative to hold Prayer Around the Flag Pole. Councilwoman Scott thanked the Council for attending.

Councilman Konapelsky asked Mr. Nelson Sheppard, Candidate for Council, to stand and introduce himself.

Mr. Sheppard advised that he wants to give back to the community and reverse issues such as shrinking population and businesses leaving.

Mayor Lawson made reference to the pre-bid meeting at the Armory, and the mess of clothing found there. He advised that he would authorize two dumpsters to be placed there, and removal coordinated with Mr. Phil Parks and the City. Mr. Bozman noted that Mr. Parks had advised that none of what was left in the Armory belonged to the Salvation Army.

Mayor Lawson made reference to the upcoming water and sewer funding round-table meeting and advised sending CDBG a letter asking them to find someone to attend the meeting, as they are a primary source of funding.

Mayor Lawson authorized advertising for Summer Youth workers, noting that there is \$12,000 in the budget for this program. He also suggested looking for a golf cart for the maintenance staff.

Mayor Lawson noted that the bench and volunteer reception at the Crisfield Library Monday evening went well.

Mayor Lawson commented that there will be two more meetings before the election and hopes the Council can make a preliminary adoption of new water and sewer rates.

#### MOTION TO ADJOURN INTO CLOSED SESSION

At this time, Councilman Konapelsky made a motion to adjourn the regular meeting and move to a closed session to consult with legal counsel about a matter of real estate. Motion seconded by Councilman Emely and carried unanimously.

MC5918

Respectfully Submitted,

Joyce L. Morgan, Clerk-Treasurer

Prepared by Valerie Swift, Secretary