

MINUTES

In accordance with Section 112-13(C) of the Crisfield City Code, the Mayor and Council of the City of Crisfield will held a Public Hearing on Tuesday, September 12, 2017 at 5:30 p.m. at Crisfield High School, regarding an Ordinance amending Chapter 112 (“Zoning”) of the Crisfield City Code. The proposed Ordinance will amend Section 112-47(A) (Chapter 112, Article X, “I-1 Light Industrial District”) of the Crisfield City Code, entitled “Permitted uses,” to remove garbage incineration or reduction as a permitted use of property located in the zoning district designated as “I-1 Light Industrial District”. The proposed Ordinance will further amend Section 112-47(A) of the Crisfield City Code to allow for generating renewable energy from solar and certain biomass resources, as defined in § 7-701(r)(9) of the Public Utilities Article of the Annotated Code of Maryland, as a permitted use of property located in the zoning district designated as “I-1 Light Industrial District” and to define “biomass resources”, “solar energy” and “solar energy power system” as those terms relate to such permitted uses.

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
Michael Sullivan, City Solicitor

Also in attendance; Members of the Spangler Group; Valerie Swift, Secretary. Others in attendance on various sign-up/sign-in sheets.

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

Mayor Lawson read aloud the speaking rules for tonight’s meeting. He asked that everyone conduct themselves in a manner respectful to others. Mayor Lawson thanked Crisfield High School Principal, Mr. “B” for use of the auditorium for this meeting.

Mr. Sullivan reviewed the Ordinance. He advised that Mr. Spangler would be doing a presentation, followed by questions pro and con, a rebuttal by Spangler and a wrap up of the meeting.

Mr. Sullivan briefed those in attendance concerning the text of the proposed Ordinance change, the history behind the proposal, the grant funding pertaining to the Carvel Hall building and the previous annexation of the property. He noted that an RFP was put out for the building in 2016, to which no response was received; then reissued again in December 2016, which one response was received from the Spangler group.

Mr. Sullivan advised that the option to purchase Carvel Hall granted Spangler 360 days and expires in 6 months.

Mr. Sullivan advised that the Ordinance change had been adopted for first Reader, with the 2nd Reader scheduled for the meeting tomorrow. Mr. Sullivan reviewed the text of the Ordinance and the additions and deletion.

Mayor Lawson introduced Mr. Tom Spangler, Dr. Kristie Shaw of Raush Environmental, and Mr. Kevin Hill of Javelin 19. At this time, Mr. Spangler reviewed a Power Point presentation.

Mayor Lawson advised that at this time, Secretary Swift would begin calling those who had signed up to speak.

SPEAKERS

MITCH SIMPSON advised that he is a resident of Crisfield and a proponent of alternative energy. He made reference to an accident at the Industrial Park in Princess Anne, which was the contractor's responsibility. He made reference to possible biogas issues and leaks. He asked if the City and County has a Hazmat team. He also made reference to water usage. He closed by saying he is a proponent of alternative energy with facts and assurances.

MARON ATKINS made reference to possible problems with the tanks during hurricanes and asked if there were any other tenants committed to Carvel Hall.

JOHN SOMERS advised that he is opposed to the project and reviewed data concerning tourism and the Janes Island State Park. He advised that he feels the project will impact tourism at the Park.

JUDY SCHOFFSTALL advised she is concerned about noise and odor and traffic on 413. She requested a copy of the zoning change.

MIKE CORBIN advised that he has a business about 100 feet away from Carvel Hall. He expressed concern about traffic on 413 and also about the fact that nobody had talked to the businesses on the 413 corridor. He noted that Spangler gave a great presentation but it doesn't give any easiness to concerns, noting that having another tenant would relieve suspicions

LEE ANN SCHOFFSTALL requested a copy of the proposed change.

CASEY TODD made reference to the lack of transparency, noting the document that he received did not give details. He also questioned oyster farming as one of the possible uses.

At this time, Mayor Lawson requested a 5 minute intermission

TIM HOWLETT thanked the Mayor and Council for allowing the opposition to speak. He expressed his concern about trucks on the highway and odor. He asked for compassion about people's fear. Mr. Howlett expressed his concern about the amount of manure to be processed. He agreed about having renewable energy, but not at that location. After lengthy discussion, he closed by saying that we need to keep Crisfield the way it is and protect our elders, adding that this is not a good idea.

STEVE FLAHERTY commented that the key item is to sustain potential tenants. He advised he is not opposed to the concept, just the location

JOHN SCHERNERHORN commented that Spangler is involved in a similar operation in Princess Anne and worries that the essence of Crisfield will be challenged with this program. During further comments, he urged the City to say "no" to the project.

BILL BUTTRILL commented that knowledge is power and ignorance is chaos. He commented that we have lived with chicken manure forever and the proposal is for an anaerobic digester without oxygen. He commented that he is not going to get hysterical about chicken manure and we need to put our faith in the people who are bringing the process.

DON D'AQUILA commented that he is not a resident, but owns property in the City. He stated that he is in awe of the level of intelligence of all involved tonight. He commented that Carvel Hall is environmentally friendly on the inside, but outside it is not. He made reference to the area contaminants in the retention pond and storm water. During further discussion he asked the Mayor and Council to hold their decision until questions are answered and it is put to a referendum vote, as they owe it to residents.

JOHN TAWES, resident of Cullen Parkway, stated that he is concerned with the proposal. He stated that he was a member of the Somerset County Hazmat Team, which is now not in existence, so the closest responder would be the Salisbury Fire Department. He commented that he wants what is best for the City, and in the SRP, a manure plant was not in the plan. Mr. Tawes said the focus was on tourism. He urged the Council to take their time and use common sense for the City of Crisfield.

BONNIE BRADSHAW thanked everyone in attendance and noted that she had not heard anyone who was "hysterical", noting that to say this, was demeaning. She stated that technical questions have been answered, and asked that the motion be tabled until a facility is visited. She made reference to the property value of neighboring properties and asked for a promise that it won't change.

RONALD DE CLEMENT, resident of Old Princess Anne Road, made reference to the other proposed site. He stated that at a Clean Bay public hearing in Somerset County in 2015, perfume was to be created from egg shells, powered by methane. There was no mention of electricity for the grid; the intention was to process chicken manure. During further comment he stated facts about the proposal concerning water usage and proposed jobs, noting that it was rejected in Sussex County. Mr. De Clement made reference to various changes in the proposal and false testimonies. He commented that the company is either not truthful or this is an experimental

project. He also commented that they have not adhered to specs and statements and that Somerset County property values dropped 5% last year.

GEORGE FRIEDLEY, Chesapeake Avenue, advised that he had worked at a Brownfield site in Florida, and PCB's are a cancer causing agent. He commented about water in the pond getting into drinking water and asked the Mayor and Council to look for a better use, since this is not ideal for the location.

TAMMY TRUITT questioned where Spangler 's grant funding was coming from and his tax credibility.

ANDRE DORMAN advised that he worked on the City of Crisfield SRP and asked the Mayor and Council to put the proposal for Carvel Hall on hold and re-read the SRP to see if the use is best for the City.

MARIA CONIER, Sussex County, advised she was involved with the Princess Anne project. She reviewed the chemical discharge list. She made reference to the liability of a Brownfield site.

DEREK WALTERMAN, Cullen Parkway resident, asked what happens if the plan goes wrong and is concerned with increased accidents on the highway.

GARY PUSEY, Director of Somerset County Planning and Zoning, explained the zoning process in 2015, which allowed the project by Special Exception. He commented that minor details did not require public hearings. He felt the applicant (Spangler) was up front and he had no issues with minor details. He noted that the County Commissioners were not involved in the project in Westover.

DANNY MROHS advised he is concerned with the methane extraction process and reviewed a list of questions. He urged the Mayor and Council to take a step back.

REBUTTAL

TOM SPANGLER noted that in its current state, Carvel Hall is a Brownfield site. He advised that the company has invested about \$50K already and that there is no grant funding for a Brownfield. He advised that there are no commitments from any tenants, but it will be locked down. He advised that a Risk Management Plan will be prepared, but not until the zoning is approved. Mr. Spangler advised that Clean Bay is a \$50M project with 12 proven contractors who are willing to all they need to do, but first need the change in zoning.

DR. KRISTI SHAW noted that the methane moves up through slurry and is not pure methane, but wet gas which goes into a generator. She advised that this process is MDE regulated. She noted that they will be working with a department of MDE that does voluntary clean up. She also noted, in reference to infiltration, that in 1990, there was no well contamination.

MR. SPANGLER also noted that trucks will be regulated by SHA and covered with tarps.

MR. SPANGLER noted that had received 2 grants; for Clean Bay Biofuel in the Westover facility. He noted that they had already spent \$6M before they got \$1.4M and this money can only be used by the Westover plant. The other grant, DHCD, is City of Crisfield.

At this time, Mayor Lawson called for a wrap up of the meeting, noting that the zoning will be addressed tomorrow at the Regular Meeting. He thanked everyone for their courtesy. The meeting ended at 9:43 p.m.

Respectfully submitted,

Joyce L. Morgan, Clerk-Treasurer

Prepared by Valerie Swift, Secretary