



Carol Sullivan <carol@cityofpocomoke.com>

For agenda and packet

1 message

Ernie Crofoot <ernie@pocomokemd.gov>
To: Carol Sullivan <carol@cityofpocomokemd.gov>

Fri, Dec 2, 2016 at 9:12 AM

Delmarva Discovery Center

Pocomoke City, Maryland

Dear Mrs. Weisner,

The Chesapeake Conservancy is eager to advance its Capt. John Smith Cross program to further public interest in the Bay and its history. As you probably know, Capt. Smith left 24 brass or carved-in-treebark crosses at various points to signal the extent of his explorations. These are shown on his famous map as Maltese-type symbols. One of these sites is on the Pocomoke River in the immediate vicinity downstream of the Discovery Center.

The Conservancy would very much appreciate your cooperation in replacing/commemorating Smith's cross with a suitable monument, namely one of our 6x6-inch granite markers. We suggest two sites: 1) the boat landing by Salem Cemetery; or 2) the grounds of the Delmarva Discovery Center.

Our project website link is: <http://www.chesapeakeconservancy.org/john-smith-chesapeake-trail-cross-markers>

The Conservancy will of course be responsible for all labor and expenses.

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3. AND BE IT FURTHER RESOLVED THAT

This Resolution shall become effective forty (40) days after passage, in accordance with § 4-304 of the Local Government Article of the Annotated Code of Maryland.

This Resolution was introduced and read at a meeting of the Mayor and Council of Pocomoke City held on the 21st day of November, 2016, and passed for Second Reading.

The Resolution was finally passed and signed and approved by the Mayor and Council of Pocomoke City on the ___ day of December, 2016.

Attest:
POCOMOKE CITY, MARYLAND

THE MAYOR AND COUNCIL OF

Carol L. Sullivan, City Clerk

Bruce Morrison, Mayor

R. Dale Trotter, First Vice-President

Publish:

Section C-37. Special elections.

All special City elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular City elections.

Section C-38. Vote count.

A. Within twelve hours after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the City Manager who shall cause the results to be recorded in the minutes of the Council. **SAID CERTIFICATION SHALL STATE CLEARLY WHETHER THERE IS A TIE VOTE FOR ANY OFFICE AND WHETHER THERE ARE ANY ISSUES SURROUNDING THE ELECTION TO WHICH THE BOARD OF SUPERVISORS OF ELECTIONS WISHES TO BRING TO THE ATTENTION OF THE MAYOR AND CITY COUNCIL. IT SHALL BE UP TO THE CITY COUNCIL TO ACCEPT THE CERTIFICATION IN WHOLE OR IN PART AND/OR TO CAUSE ANY INVESTIGATION OR REVIEW OF ANY MATTER ARISING FROM THE ELECTION. NOTHING HEREIN SHALL AFFECT OR IMPEDE THE RIGHT OF ANY CANDIDATE TO CHALLENGE AN ELECTION WITH THE MAYOR & COUNCIL OR SEEK ANY LEGAL REMEDY AVAILABLE.**

B. The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The candidate ~~or candidates~~ for Councilman **IN EACH DISTRICT** with the highest number of votes ~~in each general election~~ shall be declared elected as Councilman**MAN**.

C. **IN THE EVENT THAT THERE IS A TIE IN THE NUMBER OF VOTES FOR AN OFFICE, AT THE NEXT MEETING OF THE MAYOR & CITY COUNCIL, EACH OF THE AFFECTED CANDIDATES SHALL DRAW FROM A PREVIOUSLY UNOPENED DECK OF PLAYING CARDS PROVIDED BY THE CITY MANAGER AND MIXED AND SHUFFLED BY THE THEN CURRENT MAYOR. THE CANDIDATE WITH THE HIGHEST RANKING CARD SHALL BE DECLARED THE WINNER AND SWORN IN AS OTHERWISE PROVIDED FOR IN THIS CHARTER.**

2. AND BE IT FURTHER RESOLVED THAT

In accordance with § 4-304 of the Local Government Article of the Annotated Code of Maryland, the City Manager shall:

- a. Post a complete and exact copy of this Charter Amendment at the City Hall Office, for at least forty (40) days after the passage of this Resolution; and
- b. Publishing a fair summary of this Resolution once per week for four (4) weeks in a newspaper of general circulation beginning immediately after the passage of this resolution.

period of two years until the first Tuesday in April in 2002 and every three years thereafter, to serve for a period of three years.

B. The City shall be divided by law into five (5) legislative districts for the election of members of the City Council. Each legislative district shall contain one Councilmember who shall be elected by the registered voters of that legislative district only. All Councilmembers shall serve for a period of three years. Notwithstanding the above, all presently elected Councilmembers shall be allowed to complete their present terms regardless of which district they reside in.

Each legislative district shall consist of adjoining territory, be relatively compact in form, and include substantially the same population as other districts. Due regard shall be given to all constitutional standards in creating the legislative districts.

From time to time as based on the latest U.S. Census Bureau data and after public hearing, the Council may reestablish boundaries of the legislative districts for elections of the members of the Council.

The City shall retain the present staggered-term election system as originally established by Resolution No. 1 of 2-7-66 and included in the Charter of 1968. On the first Tuesday of April in 1986 the qualified voters of Legislative Districts 1 and 2 shall elect their respective Councilmembers. On the first Tuesday of April 1987 the qualified voters of Legislative District 3 shall elect their Councilmember. On the first Tuesday of April in 1988, the qualified voters of Legislative Districts 4 and 5 shall elect their respective Councilmembers. On the first Tuesday of April in 1989, and every year thereafter, each position on the Council which shall become vacant on the second Tuesday in April of that year shall be filled by an election of the qualified voters in that legislative district of the City. (Res. No. 151, 2-25-86; Res. No. 323, 7-4-00.)

Section C-36. Conduct of elections.

It shall be the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and **FOR** suitable ballot boxes ~~and ballots and/or voting machines~~. **ALL ELECTIONS SHALL BE CONDUCTED BY PAPER BALLOT.** The ballots ~~and/or voting machines~~ shall show the name of each candidate nominated for elective office, in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. The Board of Supervisors of Elections shall keep the polls open from 7:00 a.m. to 7:00 p.m. on election days or for longer hours if the Council requires it. In the event that there is no contest for any of the offices for which an election shall be proper, the Board of Supervisors of Elections ~~are authorized and directed to~~ **SHALL** cancel the election with respect to said office or offices ~~after giving public notice thereof by publication for two successive weeks in a newspaper or newspapers having general circulation in the City, and to certify as elected, in~~ **THE CERTIFICATION REQUIRED PURSUANT TO SECTION C-38 OF THE CHARTER**, the candidate or candidates therefore who have filed a valid certificate of nomination pursuant to Section C-34 of the Charter. **NO WRITE-IN CANDIDATES ALLOWED.** (Amended 3-19-73 by Res. No. 50, approved 3-20-73.)

employees to assist it in any of its duties-, **PROVIDED, HOWEVER, THAT FUNDING FOR SUCH STAFFING OR ASSISTANCE IS SUBJECT TO THE SOLE DISCRETION OF THE COUNCIL.**

B. THE BOARD OF SUPERVISORS OF ELECTIONS SHALL OBTAIN FROM THE WORCESTER COUNTY BOARD OF ELECTIONS, AT A REASONABLE TIME PRIOR TO ANY CITY ELECTION, BUT NOT EARLIER THAN TWENTY-ONE DAYS PRIOR TO AN ELECTION, A LIST OR ROLL OF VOTERS RESIDING IN THE CITY, BY DISTRICT OR DISTRICT DISCERNIBLE, FOR USE IN A PENDING ELECTION. SUCH LIST OR ROLL SHALL BE PRESUMED TO BE CORRECT AND COMPLETE. VOTERS MUST HAVE REGISTERED WITH THE WORCESTER COUNTY BOARD OF ELECTIONS TO BE ELIGIBLE TO VOTE.

Section C-31. Notice.

The Board of Supervisors of Elections shall give at least four weeks' notice of every election by an advertisement published in at least one newspaper of general circulation in the City, and by posting a notice thereof in some public place or places in the City, and are authorized to give two weeks notice of the deadline for filing a certificate of nomination or election to the offices of the city council or mayor in a manner the Board deems appropriate. (Amended 2-3-75 by Res. No. 71, approved 2-3-75; Res. No. 307, effective 8-4-98; Res. No. 326, 7-4-00.)

Section C-32. Reserved. (Res. No. 443, 6-21-11.)

Section C-33. Reserved. (Res. No. 443, 6-21-11.)

Section C-34. Nominations.

A. Persons may be nominated for elective office in the City by filing a certificate of nomination. The fee to file a certificate of nomination shall be \$25.00. The certificate of nomination shall state the following: (1) the office for which the candidate is seeking the nomination, and (2) the name of the candidate. The certificate shall be filed with the Board of ~~Election~~ Supervisors **OF ELECTIONS** at least sixty calendar days prior to the election, except in the event a person currently holding a municipal elective public office files a certificate of nomination and a letter of resignation from the currently held municipal elective public office, a candidate may file a certificate of nomination for the office affected by the resignation until a day which is thirty calendar days prior to the election. No person shall file for nomination to more than one elective public office or hold more than one elective public office at any one time. (Res. No. 307, effective 8-4-98; Res. No. 325, 7-4-00; Res. No. C-03-01, 8-5-03.)

Section C-35. Election of Mayor and Councilmen.

A. On the first Tuesday in April in 1966 the Mayor shall be elected for a two-year term. On the first Tuesday in April every two years thereafter a Mayor shall be elected to serve for a

Section C-28. Board of Supervisors of Elections.

A. There shall be a Board of Supervisors of Elections consisting of five (5) members who shall be appointed by the Mayor with the approval of the Council on or before the fourth Monday in January in every even-numbered year. The terms of members of the Board of Supervisors of Elections shall begin on the first Monday in February in the year in which they are appointed and shall run for two years. Members of the Board of Supervisors of Elections shall be qualified voters of the City and shall not hold or be candidates for any elective office during their term of office. The board shall appoint one of its members as Chairman. Vacancies on the board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. The compensation of the members of the board shall be determined by the Council.

B. IN ADDITION, THERE SHALL BE TWO (2) ALTERNATE MEMBERS OF THE BOARD OF SUPERVISORS OF ELECTIONS APPOINTED WITH TERMS, AND WITH PROVISIONS FOR FILLING VACANCIES, THE SAME AS FOR REGULAR MEMBERS. ALTERNATES SHALL SERVE AT THE DIRECTION OF THE CHAIRMAN IN CASES WHERE A REGULAR MEMBER OF THE BOARD OF SUPERVISORS OF ELECTIONS IS UNABLE TO SERVE FOR ANY REASON INCLUDING, BUT NOT LIMITED TO, A CONFLICT OR POTENTIAL CONFLICT OF INTEREST.

C. NO MEMBER OF THE BOARD OF SUPERVISORS OF ELECTIONS SHALL PARTICIPATE IN ANY MATTER OR ELECTION IF SAID MEMBER HAS A CONFLICT OF INTEREST WITH RESPECT TO ANY CANDIDATE AS IS DEFINED AND SPECIFIED IN CHAPTER 37 OF THE CODE OR IF A FAMILY MEMBER IS A CANDIDATE IN THE ELECTION OR MATTER AT ISSUE OR IF A FAMILY MEMBER IS A MEMBER OF A CANDIDATE'S STAFF OR SERVING IN A CAMPAIGN POSITION INCLUDING, BUT NOT LIMITED TO, CAMPAIGN CHAIR, TREASURER, OR SPOKESPERSON. FOR PURPOSES HEREOF, FAMILY MEMBER INCLUDES ANY FAMILIAL RELATIONSHIP BY BLOOD OR MARRIAGE. NO MEMBER MAY ASSIST ANY CAMPAIGN OR CANDIDATE IN ANY MANNER.

Section C-29. Removal.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Council. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the ~~charges against him~~ **GROUND FOR SUCH REMOVAL** and shall have a public hearing on them before the Council, if he so requests within ten days after receiving the written copy of the ~~charges against him.~~ **GROUND FOR REMOVAL.**

Section C-30. Duties.

A. The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations and all City elections. The board may appoint election clerks or other

CHARTER AMENDMENT RESOLUTION NO. 503

A RESOLUTION TO AMEND THE CHARTER OF POCOMOKE CITY, MARYLAND BY ADDING AND DELETING LANGUAGE TO SECTION C27-C37 CONCERNING THE CONDUCT OF ELECTIONS

WHEREAS, the Municipal Corporation Charter of Pocomoke City, Maryland, § C27-C37 sets the rules and procedure the conduct of elections; and

WHEREAS, the Mayor and Council of Pocomoke City have concluded that it is appropriate for them to amend §C27-C37 of the Charter; and

WHEREAS, the Mayor and Council have determined that these proposed changes are for the peace, order, and benefit of Pocomoke City and its citizens;

- 1. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Pocomoke City, by virtue of the authority granted in Article XI-E of the Constitution of Maryland, that Sections C27-C37 of the Municipal Charter of Pocomoke City, be amended to read as follows:***

**TITLE VII
Registration, Nominations, and Elections**

Section C-27. Voters.

Every person who, (a) is a citizen of the United States, (b) is at least eighteen years of age, (c) has resided in the City for at least thirty days next preceding ~~and~~ ANY City election, and (d) is registered in accordance with the provisions of this **CHARTER AND THE WORCESTER COUNTY BOARD OF ELECTIONS**, shall be a qualified voter of the City. Every qualified voter of the City shall be entitled to vote at ~~any or all~~ City elections, subject to the provisions of Section C-35 and any other applicable provisions of this **CHARTER AND** Code.

* Italicized print indicates material added to existing law. Deleted material from the existing Charter is indicated by bold double bracketed [[]] language.

Mayor Morrison asked about the speed camera contract.

City Manager Crofoot stated that he has asked Snow Hill if they could share a copy of their contract. He hasn't heard back from them, and stated that he would look for other vendors to see what was available. He stated that MML had records for other companies he would call to get that list.

Mayor Morrison asked if City Manager Crofoot contacted the Discover Center regarding the Nature Trail and Cypress Park.

City Manager Crofoot stated that he did not get an answer today, but Public Works Department will be replacing the boards on the boardwalk and cleaning the Nature Trail up.

Councilman Tasker asked about curb side recycling as to why we didn't offer it.

Mayor Morrison stated that it is very expensive, but we could look into it.

City Manager Crofoot stated it is more expensive if you don't multi streaming, it is a fluctuating economic model, he stated that he would look into it.

Comments from Audience:

Mr. John Haynie stated that he had not seen the changes to the Charter regarding elections. He asked if it addressed the definition of a voter; as to who is and who isn't allowed to vote.

City Attorney Crofoot stated that is addressed, it is a list of voters that is maintained with the Worcester County Board of Elections. If you are not a registered voter on the list then you will not be allowed to vote in the municipal election.

Mayor Morrison stated that there was a public meeting to address the changes but nobody showed up. They made changes and some more changes were made before the reading tonight.

The next meeting will be December 5, we will only have one meeting in December.

Mayor Morrison asked if Councilman Tasker would like to stay on the Worcester County Solid Waste Advisory.

Councilman Tasker stated that he would if nobody else would like to be nominated.

In a motion (Hirshman, Troast passed) to adjourn at 6:51 P.M.

Approved:

Carol L. Sullivan
City Clerk

November 21, 2016

The regular meeting of the Pocomoke City Mayor and Council was held in the Council Chambers at City Hall on Monday, November 21, 2016. The meeting was called to order at 6:30 P.M.

Present: Mayor Bruce Morrison
Council Members: Diane Downing, Brian Hirshman,
Esther Troast, George Tasker
City Manager/City Attorney: Ernie Crofoot
City Clerk: Carol L. Sullivan

Review Minutes:

In a motion (Tasker, Downing passed) to approve the minutes of the November 7, 2016 meetings as presented.

Review and approval of bills to be paid:

City Manager Crofoot stated that is a bill from CES which has already been approved, he wanted the Mayor and Council to review the final bill of a total cost of \$26,653.13.

Discuss Charter changes to Elections:

Mayor Morrison asked if all had reviewed the Charter changes.
Councilwoman Troast stated that she had read it several times, and is to her liking.
With no other discussion, all Council was in agreement.

First reading of Resolution No. 503 to amend Charter by adding and deleting language to Section C26-C36 Concerning the Conduct of Elections:

Mayor Morrison read for the record.
Councilwoman Troast made a motion, seconded by Councilman Tasker to adopt this for the second reading. Roll call: Tasker, aye; Troast, aye; Downing, aye; Hirshman, aye; Trotter was not present.

Mayor and Council items:

City Manager Crofoot stated that there was a break in the 8th Street Lift Station. Because of the complexing of the job we hired an outside contractor to repair. The cost will be approximately \$8,000. Public Works Department returned the street sweeper today. He publicly thanked Snow Hill for allowing us to borrow their sweeper. All streets were cleaned, Christmas lights are up, he thanked the Public Works Department. City Manager Crofoot stated that the Circuit Rider position would begin work on November 28, it is a no benefit, grant funded position. He asked permission to execute the contract, with approximately 20 hours in Pocomoke and 20 hours in Crisfield. The computer is on order, we are really excited getting Ms. Rafter started on November 28.

AGENDA

POCOMOKE CITY MAYOR AND COUNCIL MEETING

6:30 P.M., MONDAY, DECEMBER 5, 2016

CITY HALL

1. Call to Order, Pledge of Allegiance.
2. Review and approval of minutes from meetings of November 21, 2016.
3. Second reading of Resolution No. 503 to amend Charter by adding and deleting language to Section C26-C36 Concerning the Conduct of Elections.
4. Request from Chesapeake Conservancy to replacing/commemorating Capt. John Smith's cross on the grounds of Delmarva Discovery Center.

Correspondence

Comments from the Audience

Mayor and Council items.

Adjourn

AGENDAS ARE SUBJECT TO CHANGE UNTIL THE TIME OF CONVENING.