

July 13, 2015

The regular meeting of the Pocomoke Mayor and Council was held in the Council Chambers at City Hall on Monday, July 13, 2015. The meeting was called to order at 7:30 P.M.

Present: Mayor Bruce Morrison
Council Members: Diane Downing, Brian Hirshman,
George Tasker, Esther Troast, Dale Trotter
City Attorney Bill Hudson
City Clerk Carol L. Sullivan

Review Minutes:

In a motion (Downing, Trotter passed), to approve the minutes of June 15, 2015

Review Bills:

In a motion (Tasker, Troast passed), the bills presented to be paid. (Copy of bill list attached to original minutes).

Mayor Morrison introduced Lt. Earl Starner from the Maryland State Police Department as the acting Chief of Police for Pocomoke City.

Authorize Mayor to sign resolution to authorize the submission of a grant application for Maryland Community Legacy Funding:

EMERGENCY RESOLUTION NO. 489

A RESOLUTION OF THE MAYOR AND COUNCIL OF POCOMOKE CITY, MARYLAND APPROVING THE A SUSTAINABLE COMMUNITIES PLAN AND APPLICATION AND RECEIPT OF FINANCING FOR A COMMUNITY LEGACY PROJECT(S) IN POCOMOKE CITY, MARYLAND TO BE FINANCED EITHER DIRECTLY BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (THE"DEPARTMENT") OF THE STATE OF MARYLAND OR THROUGH OTHER DEPARMENTS OR AGENCIES OF THE STATE OF MARYLAND.

In a motion (Trotter, Downing) to authorize the Mayor to sign Resolution No 489 to submit Community Legacy Grant Application. Roll call: Downing, aye; Tasker, aye; Trotter, aye; Troast aye; Hirshman aye.

Authorize Mayor to sign proclamation recognizing Social Security Administration's 80th Anniversary:

Mayor Morrison read for the record Proclamation recognizing August 14, 2015 as the 80th anniversary of signing the Social Security Act.

Mayor Morrison will present proposal from Rusty Merritt for website maintenance:

Mayor Morrison presented a proposal from Rusty Merritt for basic website maintenance in the amount of \$200; this would include updating minutes, agendas, job listing, keeping City Charter and Code updated, adding photos and press releases as needed, etc.

In a motion (Tasker, Trotter passed) to accept the proposal from Rusty Merritt for website maintenance in the amount of \$200 per month.

Pastor Ronnie White and Rev. James Jones to address Mayor and Council of community concerns:

Pastor Ronnie White, of 804 Walnut Street, and Rev. James Jones addressed the Mayor and Council concerning the termination of Kelvin Sewell as Police Chief. They wanted to know by whose authority was the Chief terminated.

Mayor Morrison stated by the authority of the Council.

Pastor White stated that the City Charter C-19 states that the Council shall appoint a City Manager and C-23, states that only the City Manager could hire and fire employees. Pastor White passed out a copy of the City Charter section §C-19 through §C-23 and Rev. James Jones read for the record.

Pastor White stated that the question is "who has the authority". According to the Charter the only person who has the authority to remove the Chief of Police is the City Manager and he was still on duty when the Chief was dismissed. Pastor White stated that he was still on duty.

Mayor Morrison stated that he was not on duty.

Pastor White stated that he was in the building.

Mayor Morrison stated that the City Manager notified him on Thursday that it was his last administrative day.

Pastor White stated that he didn't leave until Tuesday, June 30 and the Chief was dismissed on Monday and that means he was still on duty when the Chief was dismissed. The Mayor and Council did not have the power to fire Chief of Police according to your own City Charter.

Attorney Hudson stated that they had the power to fire the Chief of Police.

Pastor White stated according to this paper they don't unless this paper is no good.

Pastor White asked if the Charter was good.

Attorney Hudson stated that it was very good.

Pastor White again asked if the Charter was any good because it stated that only the City Manager could fire the Chief of Police.

Attorney Hudson stated that it is your interpretation.

Pastor White stated that it wasn't his interpretation, we are reading it together. It's common sense. You can read it.

Rev. Jones stated that it was the consensus of the people that it was not done properly.

Pastor White stated that he was not going on the consensus of the people; he was going on the paperwork. "You all don't know your own Charter and your own Code?"

Pastor White stated that he had a letter from the ACLU and stated that you have a copy of it.

Mayor Morrison asked if Pastor White could show Attorney Hudson the letter, as he did not have it with him to recall if he had received the letter.

Attorney Hudson stated that he had received the letter.

Pastor White had another piece of paper that was an email that was sent to Attorney Hudson.

Pastor White read for the record. This email was regarding Chief Sewell's termination. While an EEOC investigation going on can you fire him.

Attorney Hudson stated that he could.

Pastor White stated that he had already researched the information and he could not be terminated.

Attorney Hudson stated that he should consult with an attorney.

Pastor White stated that he had already consulted with an attorney and he could not be fired. Pastor White stated that he was there to get the truth.

Mayor Morrison stated that the truth is this was not racial.

Pastor White stated that it is, and he stated that he had a right to his own opinion and you have a right to your opinion. "What I'm looking at and what I'm seeing and what I'm reading I see an element of racist and I'm not taking it back".

Mayor Morrison stated that's your opinion. My opinion is that it is not racial.

Pastor White stated that Brian Hirshman was put on the Council without notifying the newspaper. He stated that "this young lady gave up her seat". The proper process is that be put in the paper so the citizens from that district could have the opportunity to elect somebody from that district to put in that council seat. According to this statement from ACLU. He read a letter from the ACLU regarding the election.

Mayor Morrison stated that even though the notice was not advertised concerning the cancelation of District 4 election, it was past the filing deadline for a candidate to run and Pocomoke does not allow write-ins.

Pastor White asked why there wasn't proper notification in the paper.

Mayor Morrison stated he didn't know that answer.

Pastor White stated that was wrong, right there. If it was in the paper that would have given the community time to get somebody to run.

Rev. Jones stated that the newspaper checked to see if it was in the paper. "We haven't been twiddling our thumbs".

Pastor White stated that “this young man is sitting in a City Council seat illegally” and we are not taking it back”. When you take an oath to be a law officer, it is an oath to uphold the law. So if the law is broken and you are a law officer what are you supposed to do?

Mayor Morrison stated that the deadline had already passed for candidates to submit their applications.

Pastor White asked how did he get in there.

Mayor Morrison stated that he had already filed earlier.

Councilman Tasker stated that he had filed before the deadline.

Mayor Morrison stated that he had called Councilwoman Cottman and begged her to not withdraw her application.

Pastor White stated that he “came here tonight to have the Chief restored to his position because you acted out of the law according to this paper, I’m not going to take it back and you violated the voters’ right in the State of Maryland”.

Rev. Jones stated that they had in their procession in excess of five hundred legally signed petition for reinstatement of Chief Sewell. You terminated him because he would not do what you wanted.

Pastor White stated that they voted the Council and Mayor in and they could vote them out.

Councilwoman Downing stated that she could speak for herself; she did not vote for his firing, it was 4-1. “I’m not going to let anybody else speak for me, I didn’t agree, I do not agree with it, I think that Chief Sewell has done a remarkable job”. “They know how I feel, but I want the people to know how I feel.” A lot of things have changed in the City since he has come; I’m on your side.

Rev. Jones stated that they had done their homework, 4 years and 5 months he has been with us. Prior to that 4 years straight we average 3.2 deaths by violence in this community. We have our statics. There has not been one killing of any nature since he has been here. The “elderly people in the community sits on their porch now”. The police officers are walking the streets in the community. He has made a difference. The people are puzzled as to how somebody that has made such an impact in their environment be terminated on bases that we are hearing. We haven’t heard from you, you want tell us anything, your attorney will not speak to us. “You have terminated a man that has made a difference and the appearance that it has it that he wouldn’t terminate two black officers”.

Mayor Morrison stated that is far from the truth.

Rev. Jones asked Mr. Hudson is it far from the truth.

Attorney Hudson, stated that you said I wouldn’t talk to you, have you contacted me.

Rev. Jones stated no we haven’t.

Attorney Hudson, so what you said earlier about me refusing to talk to you wasn’t that factorial.

Rev. Jones stated that he accepted that and would apologize for that.

Mayor Morrison stated that as it is right now we are unable to discuss the reasons why he was terminated. We have received papers from his attorney in Washington D.C. and we can't discuss it anymore.

Attorney Hudson stated that prior to the separation Chief Sewell has been with in conversation with the Mayor and Council; he knows what many of their concerns were.

Councilwoman Downing stated don't say they.

Attorney Hudson stated that he could certainly tell you what their concerns were.

Chief Sewell stated "tell me because I don't know, I really don't".

Attorney Hudson stated, "You were there".

Chief Sewell asked him to tell him again.

Attorney Hudson stated that since we got the letter from your attorney, "first of all you are represented by counsel we can't talk."

Chief Sewell stated you are right we can't talk.

Attorney Hudson, stated that Chief Sewell's present was at the station where we convened and where many of the concerns were expressed.

Councilwoman Downing stated that she was there and there was no justification.

Attorney Hudson stated he knows what those concerns were.

Councilwoman Downing stated there was no justification. She stated that she doesn't understand what the concerns were. She was a councilmember, and that she had been there since 2010, she stated again there was no justification.

Rev. Jones stated the people request a reinstatement of Chief Kelvin D. Sewell. Understand this Mr. Mayor, when you all tried to throw it under the rug, trying to get rid of the situation and at the same time you are replacing productive people, you can't expect for people to sit back and absorb it. "We don't want anything in this community but love, Pocomoke is for unity, and please send somebody down on the south end and take the "Friendliest Town on the Shore" off that marque.

Mayor Morrison stated that you are not being friendly to us right now.

Councilman Tasker stated that right now you folks are upset.

Pastor White asked the Mayor to address Councilman Tasker to address them in a better manner, "We are not you folks".

Councilman Tasker stated that he was sorry and he apologizes for his selection of words.

Ms. Wanda White, 804 Walnut Street, she stated that she knew her husband, he is not racist. If this had this been a white chief who was doing the same thing as this chief had done, we would be standing here today to do the same thing. God knows the truth. We are here to represent the "City", City of Pocomoke City. We are going to stand for what is right. We just want some answers that we can live with and try to understand why we are in the state we are in at this moment.

Rev. Jones read a letter from Maryland Black Caucus. The letter was in support of reinstating Kelvin D. Sewell as Chief of Police.

Pastor White asked what the procedure of bringing an outside person to be acting Chief of Pocomoke.

Mayor Morrison stated that the Council voted on it and they thought it was the best interest of the City.

Pastor White asked if there was a memorandum or a understanding between Pocomoke City Police Department and Maryland State Police to bring in this town to bring in and become an active Chief of Police of Pocomoke City.

Mayor Morrison stated that they have the service available to all municipalities.

Lt. Starner stated that the Mayor requested Maryland State Police to help in this situation. It is not uncommon, it is part of our mission, it is to support local law, and we do it throughout the State. We go wherever we are called. It is my job to be here to help with the transition. We have people in place to do that, in a smaller organization it is harder to shuffle employees around. I'm here to help with this transition.

Pastor White stated that he had not heard from one council person.

Attorney Hudson stated that they were instructed not to discuss any details because we are in litigation.

Pastor White asked his council person why she had not reached out to him.

Councilwoman Troast stated that she was instructed not to speak about the issue. She further states that when she ran for this office, she had every intention of revitalizing downtown Pocomoke, getting involved with the events, making Pocomoke a better place; she stated that she did not bargain for what they are going through now. With that you don't have to worry about me running again, I will not do this for the little bit of money we get paid. She continued to say that she respected that man, looked up to him, revered him, thought of him as a friend. I made my decision based on not what, he said, she said. I am my own woman, I stand before you today and I will stand before my God, I will not take my vote back, I am looking out for each and every one of you, your safety, your health and your well-being.

Sheila Sherrell Jones Nelson, 236 Morgans Court, Pocomoke City, MD, stated that she knows most of you all, and that she has been pleased. "I'm very much not pleased at what has happened, we may not know of all the fine print of things that you all have alleged that the Chief has done". The man is a family man, the man is a Christian, and the man is a good husband. People of Pocomoke just don't understand why you are destroying someone's reputation. Reconsider what you have decided and let this man do what he does best.

Pastor White stated that he speaks on behalf of himself; some things that he says are what he believes. Everything that he has said, he believes in what he said, he is standing on what he said; if you see me he will not treat you any different. If he sees you he will walk to you and talk to you and he will be at every meeting and getting involved. He wants to know what's going in his city. This is what makes people out-raged when stuff is done and that they don't know.

Miriam Golden, she stated that in 2006 her son was stabbed to death on the streets of Pocomoke. At that time the police were not friendly.

Connie Parks, Frank Savage's mother, stated she feels his pain, and she stated that she forgives each and every one of you. She stated that she would like for everyone to come together as one. The "good ole boy" got to stop.

Mayor Morrison stated that he could understand her pain.

James Purnell of Berlin Maryland stated that he knows that the community can work together and make a change. He stated that he applauds the Mayor for doing his service to the community, but not for his decision. Pocomoke is a good town; don't let it this town fails. The Council needs to work together and revisit and do what is best for the town.

Jill Carter, a representative for Maryland Black Caucus, stated that they were 58 members strong and they became aware of Chief Sewell's dismissal. They support Chief Sewell and look for the trust between community and police to be restored. It makes common sense to keep Police Chief Sewell that has the trust with the community, let Pocomoke City be a model for others to follow.

Rev. Frank Daniels stated that Mayor Morrison wasn't racist when Chief Sewell was made Chief of Police. He stated that he was willing to give the Mayor and Council time to sort everything out and everything will come to light. The Mayor and Council have his support. He also thanked them for the service they provide to the City.

Aaron Perkins stated that he worked for the Police Department for a while. He stated that he has taken phone calls, and he is sorry that they are not here. He knows about being truthful and that's what's inside a police department. He stated that when it comes to the livelihood of police officers it's within the department it has to have a sound infrastructure. Infrastructure is important to keep your crime at a level. But when your officers in their heart black and white are crying inside when no one is there to listen, no one there to give them profound guidance and profound decisions. You have an issue. He also stated that he wished Green and Savage were present to tell the truth. They talk to him and told him. He stated that it hurts him. That's why he left, that has to stop. He stated that he supports the police department, he supports the decision. Being impartial is so important. As a police officer you take your time investigating, so let's take our time investigating as to what happened. He stated that he supports the police officers. He again stated that he has taken so many phone calls, and he has listened. Again he stated that he is sorry that Savage and Green are not there. He stated that he has been with Baltimore City for 21 years, never had one complaint on him, because he has stood his ground. He stood and told the truth.

Mayor Morrison thanked everyone for coming out tonight and sharing their concerns.

Bishop Jenkins asked if it was possible for Chief Sewell be re-instated tonight.

Mayor Morrison stated no.

Rev. Jones thanked the Mayor and Council for their time and stated that these folks are not happy at this time.

Councilman Tasker stated that he would like to apologize for saying the wrong words, "I'm a mountain boy I just say words, I got in trouble for saying you all at one other meeting. I don't know how to address the African American people I'm very sorry for that.

Following a motion by Councilman Hirshman and seconded by Councilman Trotter the Council voted to meet in a closed session at 8:55 P.M. in the Council Chambers. Present were Mayor Morrison, Councilman Hirshman, Councilman Trotter, Councilman Tasker, Councilwoman Downing, Councilwoman Troast, City Attorney Hudson, and City Clerk Carol Sullivan. The Mayor and Council discussed legal and employee issues as permitted under the provisions of Section 10-508 (a), (1), (7) and (8) of the State of Maryland Government Article of the Annotated Code of Maryland. With no further discussion the meeting adjourned at 9:25 PM.

Approved: _____

Carol L. Sullivan
City Clerk