

March 26, 2018

The regular meeting of the Pocomoke City Mayor and Council was held in the Council Chambers at City Hall on Monday, March 26, 2018. The meeting was called to order at 6:34 P.M.

Present: First Vice President Esther Troast
Council Members: Diane Downing, Brian Hirshman,
Dale Trotter, George Tasker
City Manager Robert L. Cowger, Jr
City Attorney Roscoe Leslie
City Clerk: Carol L. Sullivan

Review Minutes:

In a motion (Trotter, Downing passed) to approve the minutes of the March 5, 2018 meeting.

Review and approval of bills:

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

Authorize First Vice President to sign Proclamation for Rotary Club Four Way Test:

First Vice President Troast read for the record Proclamation for Rotary Club Four Way Test March 26-30, 2018.

In a motion (Downing, Trotter passed) to authorize the First Vice President to sign Proclamation for Rotary Club Four Way Test March 26-30, 2018.

Authorize Emergency Resolution No. 514 to borrow money from Hebron Savings Bank in the amount of \$1.123 million for the water line replacements in Pocomoke Heights:

City Manager Cowger stated that it was decided at the last council meeting to continue replacing the water lines in Pocomoke Heights. It is cheaper for us to do this project in house it will be somewhere in the amount of \$800,000 to a million-dollar range. If we had to hire an engineer it would cost anywhere from \$2.9 million-dollars or more. This is something that we can do in-house. We will not be paying the mark-up of construction and engineering fees.

Councilwoman Downing asked if they were approving the Resolution before a Public Hearing.

City Manager Cowger stated no, that we were just introducing the Resolution for the first reading.

Councilwoman Downing again stated that we need to have a Public Hearing first.

Councilman Trotter made a motion, seconded by Councilman Tasker to open a Public Hearing on Emergency Resolution No. 514 concerning the water rates and borrowing money from Hebron Savings Bank.

First Vice-President Troast stated that as she understands it there will be an increase of \$1.00 per 1000 gallons for ten (10) years to pay the debt. Once the debt is paid the water rates will revert back to \$6.06 per 1000 gallons. She said that the Council was 150% committed to having the water problems in the Heights corrected. What the City is proposing to do is raise the water fees by \$1.00 per/1,000 gallons up to \$2.00.

City Manager Cowger stated that the increase for a water bill that has the minimum use of 2,000 gallons would be \$2.00. He said the average water usage is about 3,000 gallons and the water bill increase would be approximately \$3.00 that is strictly on water usage. The sewer and trash rates do not change. This is for ten years, after the loan is paid off the water rates will revert back to \$6.06 per 1,000 gallons. The purpose of this is to pay for replacing the water pipes in the Heights.

Mr. Bruce Krancicz, 912 Walnut Street, Pocomoke City, stated that he and his wife like to reserve water. For seventeen (17) months they have used below the minimum amount of water but are billed the minimum amount. He would like to have the water billed on usage, not a minimum use. He feels that it's not fair to charge a minimum when he would only be paying for the month of February \$6.91, month of January \$4.30, and the month of December \$6.54, on the actual usage he and his wife used; instead he paid \$12.12 per month. Now you would like to increase that to \$14.12 per month. He stated that they just passed the Four-Way Test for the Rotary, if you are familiar with the Four-Way Test one of the rules are "is it fair" and it's not fair.

With no other comments from the audience Councilman Trotter made a motion to close the Public Hearing, seconded by Councilwoman Downing.

Comments from Council:

Councilman Hirshman stated that the sign for the Industrial Park at Broad St. and Pocomoke Beltway needs to be put back up, as it is laying on the ground.

First Vice President Troast stated that in previous years the Council has supported a little league team. The cost is \$500.00. They will be ordering their uniforms this week, and the City will have its own team with the sponsorship. She thinks it's very important to support the youth.

In a motion (Tasker, Trotter passed) to donate \$500.00 to the Little League.

Comments from Audience:

Thelma Aaron, 3103 Lankford Hwy, New Church, VA. She said that she was here to speak about the American Legion. She has been a volunteer for 30 years, and at the last council meeting she didn't hear one person mention that the American Legion is a memorial to our veterans; to the men and women who served our Country honorably. The American Legion has donated almost \$200,000 to different non-profit organizations; Wounded Warriors, Pocomoke Volunteer Fire Company, Samaritan Shelter, and to homeless veterans. Last year the American Legion helped a homeless veteran who was living in the woods with a six-year old child. The Post stepped up to the plate. They took a truck load of furniture to a house that the VA got for him. Also, the Post gave the family a \$200 gift card to Wal-Mart to get small supplies that he may need. The American Legion sponsored a spaghetti dinner at the legion to help this family; the cost of the dinner was a toy for a six-year old boy and \$5.00. The American Legion had a benefit for the Worcester County Developmental Center when their building burned, they raised \$10,000. When the mid-west had their flood, the American Legion raised \$8,000. For their size

they were put on the National for raising that much money. When Arthur Bishop became Commander there, the American Legion was ready to close their doors, they didn't have enough money to pay their electric bill. They are surviving by the things that they do. The American Legion is about helping the community and helping veterans. Sgt. Bailey called the group out at the Legion "a gang", she begs the difference. Rated X is a motorcycle group. They rented the hall at the American Legion. If they are doing a benefit, the hall is given to them free of charge. This year Rated X held a benefit at the Legion and raised enough money to buy 200 backpacks for school, filled with school supplies. They gave 100 bicycles to children. This past Thanksgiving, the "gang" bought two truckloads of food to be given away. They give them away for free. They didn't care who you were, all you had to do was drive the circle at the Legion. These are men and women who served our country also. They are not a gang, they are people, veterans that care about their country. This past Christmas Parade they had a float, "Remember those that can't be home for Christmas." They asked the citizens of Pocomoke and the businesses of Pocomoke to help fill the sledge. The American Legion sent 200 packages to Afghanistan to the troops. She stated that the night of the shooting, it was a birthday party with less than 100 people. When the American Legion is rented, you are told that you can have up to 150 people and you are given 150 wristbands. Every person is wand, no purses, no backpacks are allowed at the American Legion. They have five (5) security personnel. They had no incidents to lead up to the shooting. Everybody was moving out peacefully. There was a big fight and argument in Virginia and they brought it the to Legion. One of the security personnel came in and stated that the police needed to be called, the road was blocked at Eddie Holland's house. When the people came here, they had intention in doing what they did. The American Legion is an innocent victim. There were eleven (11) people at the American Legion after 1:30 and not one officer from Pocomoke or any other agency spoke to them about the incident. She stated that the American Legion doesn't get a pat on the back for the work they do. They are quiet, they do their work. The people that know us know what we do and they feel safe in asking them for help. She asked, "does the good the that American Legion does, out weigh the bad. When you think about the American Legion, think about the good the Legion has done. On May 6, there will be a pork chop dinner to benefit Puerto Rico. She asked them to challenge her, show her another place that does what the American Legion has done.

Eddie Holland, 2042 Bypass Road, Pocomoke, just down the street from the American Legion. He said that he has been putting up with this non-gang stuff for fourteen years. He is tired of picking up trash and picking up bottles after there is a party there. He said he wasn't saying they don't do wonderful things for the Veterans, as they do. He supports all they do, but the time has come when they threaten our lives, our neighborhood, by bringing this crap- up from Virginia with these parties, motorcycles running up and down the street at 100 mph plus at 2:00 o'clock in the morning. Now shooting is involved, anybody could have been hurt or killed. The violence has escalated throughout the years, its just getting worse. Something needs to be done about who we invite into our town or do away with it altogether. Our property value is not increasing with the trash and noise in the neighborhood, since all of this is going on. He feels like he has bought his property and lost money because of the nonsense that goes on at the American Legion. They do wonderful things, but the nonsense has got to come to an end. He stated that this one incident at 1:15 in the morning, people fighting in his front yard. He tells them to get off his property, they leave, he walks to his backyard and hears noise, that's when the shots are fired. He said that he is ducking as he doesn't know where the bullets were coming

from or where they were going. He said that he has been dealing with it for fourteen (14) years, something needs to be done.

Chief Quiet Bear, Bethany Beach, DE. He thanked the Mayor and Council for letting them use the Cypress Park for the past years for the Pow-wow. He was upset, after receiving a letter from the March 5th meeting, stating that their request to use the park this year was denied. He stated that February 16th, his wife called City Hall to speak with Mr. Cowger. Mr. Cowger assured her that they would have use of the park. At which time, they sent out contracts for performance and vendor apps, we have spent thousands of dollars and stand to lose the money, because one person threatened to protest the Pow-wow. The governor, and congressmen have all been invited to this event. We now have to withdrawal our invitations, it's an embarrassment. This is our 25th year. We are a 501 (c), (3) non-profit educational organization. We do this for your community, to educate American history and our culture. He asked them to reconsider their decision on using the park. If not, he asked them to reimburse them the money they have spent this year.

Councilman Tasker ask for proof for their 501 (c) (3) and in good standing.

Chief Quiet Bear stated that he does.

Councilman Tasker asked for him to send to us proof of good standing 501 (c)(3).

Chief Quiet Bear stated that Gayle Weber was the new treasurer and she has paid back taxes. He will get the paper work to them. He stated that if Mr. Cowger hadn't assured them that they had the use of the park, they would not have sent the contracts and invitations out.

First Vice President Troast stated that each year the Council has to approve the event. He should not have taken the City Manager's word, without our okay.

Chief Quiet Bear asked if the City Manager was their representative.

First Vice President stated that they were his boss.

Councilman Trotter asked him why he didn't come in and address the Council after the last three meetings and it wasn't approved.

Chief Quiet Bear stated that he wasn't aware of this until he received a phone call saying it was not approved. He stated that his wife had called Mr. Cowger on February 15, and he said that the Pow-wow was a go and he had never been to one and was looking forward to attending this year.

City Manager Cowger stated that he talked to his wife, he stated that he told her that the decision had to be made by the Council and he did not see any reason why they would not approve the request. He said that they found out that only 10 people were there last year. Our Public Works Dept. spend three days preparing the park, and the City can't justify spending that much time for only 10 vendors.

Chief Quiet Bear stated that his tribe cleans the park. He said that they put down a \$250 deposit and its return when they leave. As his tribe cleans the bathroom upon arriving and before leaving. He is sorry if Mr. Cowger has been misinformed. They would not have been doing this for 24 years, if they didn't keep the park clean.

City Manager Cowger said it wasn't the same Pow-wow as it was originally.

Chief Quiet Bear stated that it is the original Pow-wow. He also stated that in his phone conversation he asked for the minutes of the meetings. He would also like to know who sent the text message or Facebook page. They would be filing a Public Information Act to receive all the information.

City Manager Cowger stated that it wasn't on the City's e-mails.

Councilman Trotter asked if they would be willing to hire or enter into an agreement with our law enforcement during the Pow-wow due to the threat.

Chief Quiet Bear stated that the person hasn't been involved in the organization for years. He said that she is a trouble maker. She couldn't get ten (10) people to come. They have their own security and could not afford to pay for the police to be there.

Councilwoman Downing asked if the police have been there before.

Chief Quiet Bear stated that the police do come out during their shift, but there has never been any trouble in 24 years.

Councilwoman Downing stated that they should not pay for the police when they go out there to see what's going on.

First Vice President Troast asked Chief Quiet Bear to send proof of non-profit showing that the tribe is in good standing.

Chief Quiet Bear stated that he would send it in an email and where they refiled.

First Vice President Troast asked that it be sent to them ASAP and they would re-visit.

Councilwoman Downing made a motion, second by Councilman Trotter to re-visit the Pow-wow and to discuss it in the closed session.

Steve Gibbons, Atlantic Va. He stated he is a member of the American Legion. The American Legion helped him and his family when his son died in a car accident. He said that he was there the night of the incident. He would go pick the trash-up in the neighborhood if he knew there was trash in the neighborhood.

Councilman Trotter asked how many people he thought was there that night.

Mr. Gibbons said that Ms. Aaron said there were 100 but he didn't think it was that many.

Councilman Trotter asked how many people in the parking lot.

Mr. Gibbons said that it was not that many people in the parking lot. The club was getting ready to close.

Councilman Trotter stated that he thought it was at least 200 or more. He said that they have to worry about houses next to the legion and the business in the area. Also have to worry about all the gun shots and it was more than a couple. Councilman Trotter thanked him for everything he does for the community.

Ms. Aaron stated that she was sorry for correcting him, but since she gave out the tickets she can guarantee that there was less than 100 people there. She doesn't like for him to say something that wasn't true.

Councilman Trotter stated that he can only go on what he saw that night. They may not have been in the legion, but there were cars in the parking lot and surrounding area.

Councilman Tasker stated that there were 80 there, but how many others that came from Virginia.

Ms. Aaron said how much more can I do, I know how many were in the legion. Is it my responsibility that they are outside?

Diane Baldwin, New Church, Va. She stated that she was here to back-up Chief Quiet Bear. Years ago, they were there the first day until the last day they left. Nobody left the park until it was cleaned. There were more than 50 people there and the park was cleaned. The Assateague People of Delmarva bring revenue to your town. They use the motels, restaurants, they get their food from Lankford -Sysco and Walmart. She asked the Council to reconsider and

let the Assateague People once again use the park. Twenty-four years they have used it and there has never been one problem. Why should one person cause you to deny them use of the park.

Chief Bill Harden, Pocomoke City Police Department, in reference to the American Legion issue, he too is a Veteran. What they see from a police point is that it is a safety issue and a quality of life issue. That being said, number one priority is safety of people in the American Legion and the safety of the community. Trash being thrown on the ground, that is a quality of life issue. We applaud the American Legion for what they do for the community. The Liquor Control Board for Worcester County Rules and Regulations, section 3-D reads, "The Board may fine and suspend or revoke any license issued under the provision of Article 2-B for any cause which in the judgement of the Board shall be necessary to promote peace and safety of the community in which the business may be situated and these causes the fine to be included but not limited to: (6) The licensee, his/her agents or employees permitting continuous disturbances or disorders to occur on or about the licensed premises." The argument is going to be with the Liquor Board primarily whether or not you get to keep your liquor license. The quality of life issue, people deserve to come home and be able to relax and enjoy their home. If these types of events continue, then we need to have as a community, City Council and Police Department a better plan.

Chief Harden stated that if the Council moves forward with the Pow-wow, he would like to have a heads-up so that his department can be prepared.

First Vice President Troast stated that we are now going into a budget work session for FY2019, the audience may stay but will not have any input at this time.

City Manager Cowger stated that he and Finance Director Janet Wilson had taken the last three-years of budgets and compared them to this year's budget. We took the department head request, with all of the expenses and revenues together and we have a bare bone budget. There are no salary increases in this budget, we have a reserve of \$100,000 for the year. The City should have a \$600,000 reserve. We will start building our reserve account. They looked at the department's request and divided up the money with their request. The health insurance is a huge expense, we budgeted it for \$1M. At this time, we are looking at \$1.2M for health cost. At this time the budget is balanced with \$100,000 in reserve.

First Vice President Troast stated that at this time, we will allow Chief Harden to present his budget.

Chief Harden presented his budget wish list. He would like to have a full-time community police officer, a special traffic enforce unit, and once again would like to see some pay raises for his employees, in addition to the capital outlay.

Councilman Tasker asked Chief Harden what the City could do about the American Legion.

Councilwoman Downing stated that at one time didn't the Police Department have an agreement with American Legion?

Chief Harden stated that in the past they would call and keep the department informed when they had an event, but she hasn't been doing that.

City Clerk Sullivan stated that she asked for codification of The Code Book, and it was in the budget. Some other line items were reduced, for example the Election. If it goes over there is nothing that she could do about it, as it is an expense that she doesn't have control over. She stated that everything else looks good.

Councilman Tasker stated that we need to ask the Mayor to retire and appoint or have an election to fill the seat.

First Vice-President Troast stated that he wasn't going to retire.

City Manager Cowger stated that nobody wants him to come back here more than he does. He said that he needed to go on Medicare.

Attorney Leslie stated that we needed to go back into closed session.

First Vice-President Troast stated that they had agreed to have Avon-Dixon to come back and explain the insurance to the Mayor.

City Manger Cowger stated yes, he would contact them.

First Vice-President Troast asked if they would like to wait until April to make a decision about the Pow-wow.

In a motion (Tasker, Downing passed) to allow the Assateague People to use Cypress Park for their Pow-wow once they receive their 501(C), (3).

With no further business Councilman Hirshman made a motion to adjourn at 8:10 PM second by Councilwoman Downing.

Approved: April 9, 2018

Carol L. Sullivan

Carol L. Sullivan