The Mayor and Council of Hurlock

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MAYOR
JOHN H. AVERY
CLERK / TREASURER

COUNCIL MEMBERS
CHRISTOPHER J. ADAMS
CHARLES T. CEPHAS, SR.
PARKER J. DURHAM
GARY L. HENRY
MICHAEL D. NORDSTROM

MINUTES
OPEN SESSION MEETING
October 15, 2013
6:00 P.M.

Mayor Spratt called the meeting of October 15, 2013, to order at 6:00 p.m. in the Hurlock Town Office located at 311 Charles Street. Following the Pledge of Allegiance, Reverend Paul Bovankovich said the opening prayer. The roll call was then taken. Those in attendance were: Councilmembers Durham, Cephas, Adams, Henry, Mayor Spratt, Attorney Robert Merriken, and Clerk Avery. Councilman Nordstrom was absent.

The Agenda was approved with a Motion made by Councilman Durham, seconded by Councilman Henry and with no discussion, passed with a vote of 4-0.

The Minutes of the Open Session Meeting held on September 23, 2013 were approved. Councilman Durham made a Motion to approve. Councilman Henry seconded the Motion. The Motion was passed and carried with a vote of 3-1. Councilman Adams abstained.

Mayor's Report – Mayor Spratt announced the Hurlock Fall Festival was the best the Town has ever had. The Mayor wished to thank everyone involved; Clerk Avery, Les Hutton and the Police Department, and the Public Works Department. The Train Rides all sold out and people are already talking about coming back next year.

Mayor Spratt also informed the Town that the Medical Center would be reopening in the middle of November. Nanticoke Health Services is taking over the center.

No report from County Councilman Rick Price.

Department Reports - Chief Les Hutton announced the police department is holding another drug take back program. People should not empty their pills into the toilet or trash. If you have any or know of anyone who has outdated pills, bring them to the police station on October 26th between 10 a.m. and 2 p.m. When the PD receives the pills, they

in turn hand them over to the Drug Enforcement Agency to dispose of properly.

Old Business - Clerk Avery explained the street repairs that are getting ready to take place. Streets that are targeted for work are Charles Street and Taylor Avenue from Railroad to Travers Street. North Main Street from Mapleton Avenue to the northerly end of Glen Oak was scheduled for two repairs; at this time it would be better to repave that section of the street. Clerk Avery's recommendation is to make a budget amendment and move $10,000.00 from the contingency fund into road repairs, totaling $80,000.00 for the repair work. Councilman Cephas made a Motion to approve moving $10,000.00 from the contingency fund into the road repairs. Mayor Spratt stated that the total estimated cost for roadwork is $72,065.00. Councilman Cephas asked if there were other roads that needed to be fixed. Clerk Avery answered there were others in need of roadwork, but these named roads were in the worst shape. Councilman Adams seconded the Motion. With all in favor and no one opposed, the Motion was passed and carried with a vote of 4-0.

Mr. Robert Merriken informed the Mayor and Council that the State has approved the draft Ethics Ordinance the Town proposed. This Ordinance, 2013-1, is ready to be introduced. The draft states "An ordinance of the Mayor and Council of Hurlock to repeal in its entirety Ordinance 1985-2 and enact a new ethics ordinance to provide conflict of interest and financial ethics provisions applicable to local elected officials, employees, and appointees to the boards and commissions of the Town of Hurlock". Now that the Draft has been approved by the State it is on the table to be introduced and there are copies available. The Draft of Ordinance 2013-1 has to be advertised. Mayor Spratt asked if there were questions from the Council. Councilman Cephas asked Mr. Merriken about an issue brought up in prior discussions of the Ethics Ordinance concerning being in violation overall. Secondly, Councilman Cephas stated he still has a problem with there just being 3 members on the board, and would this be the proper time to discuss this topic. Mr. Merriken responded that once the Ordinance is introduced as has been done, the Council could amend it. It can be discussed tonight or at the next meeting, before the Council passes it. Mr. Merriken further stated that even once the Ordinance is passed it could be revisited. It would need to be submitted to the Ethics Commission for approval before that is done. The next step is to advertise the Ethics Ordinance before the next Council Meeting on October 28, 2013. Councilman Cephas made a Motion to advertise the Ethics Ordinance 2013-1. Councilman Henry seconded the Motion. With a vote of 4-0, the Motion was passed and carried. There was no opposition.

New Business - Councilman Durham spoke regarding tethering animals. At the next meeting, he intends to propose an ordinance restricting when animals can be left outside. Councilman Adams asked if our police department would have to monitor this issue. Councilman Durham answered the County will respond to rules and regulations that they control, any ordinance put in place beyond that would be something addressed by the Town Code Enforcement Office or the police would have to enforce. Councilman Cephas asked if, before proposing the ordinance, Councilman Durham would let Counsel answer any legal questions there may be regarding animal owners and cruelty. At this time, the police department refers anything regarding animal control to Dorchester County Dog

Control. There was more discussion regarding the responsibility of the County versus the Town between Councilman Cephas, Councilman Durham, Councilman Adams, and Mr. Merriken.

Mayor Spratt gave each Councilmember a copy of the last legal bill for the Town and asked if each member received a copy of the budget ending in June.

Agenda Requests - Dr. Kay McElvey spoke regarding the Harriet Tubman Program. Dr. McElvey thanked the Council for their help from the last time she was at a meeting for giving them a waiver of rent for the summer. She said things seem to be back on track for the year. She had hurt feelings from things said at that meeting and she felt like she needed to make some things clear. She wanted to thank Reverend Cephas for his help. She stated he told her how the Council really felt about the Harriett Tubman House, however, she said she was already aware of these feelings. Dr. McElvey previously worked with Councilman Durham and had issues with him. She explained what has been done to the building. Most of the work was done by the community; including rails on back steps, fixed cabinet knobs, painting by Chesapeake College, one room scraped and painted, limbs were cut & trimmed, a dangerous pipe was removed and a science lab was installed. She showed pictures of other damages that were not repaired by the Town. Dr. McElvey stated at the last meeting it was suggested she move to Cambridge. She said they do not want to move from Hurlock, and feels that generally Hurlock has some awesome people. Dr. McElvey expressed feelings that Hurlock has been blessed with wonderful people, but thinks there is a core that do not support blacks. Dr. McElvey said she wants her children to be liked. Councilman Nordstrom voted to donate to the elementary school and make sure our children get what they need, but what about her school and them getting what they need. Citizens that visit her school comment how nice it is. She asks why is there a different tone when talking about her school. She has a web site, www.harrietttubmancenter.com, with pictures of the Harriett Tubman House. She again expressed that her children are doing excellent in school. She ended with a thank you. Councilman Cephas asked how long have repairs been ignored by the Town. Dr. McElvey answered some since 2006. There was discussion about a Monument outside of Town representing the people who helped get representation for the northern part of the county. Councilman Durham said that Councilman Adams is aware of him helping others. He has helped others of all races. Mayor Spratt stated that in defense of the Council, Dr. McElvey had been back twice in a year asking for a waiver for rent. She said the Mayor does not have a vote. Councilman Cephas interjected that there are people on the Council that do not like him. There is racism in Dorchester County. Councilman Cephas said Dr. McElvey's program is an excellent program. He further feels you will not achieve your goals on Main Street in Hurlock. He commented on the disrepairs at the Harriett Tubman house and said that should not be. He asked Clerk Avery to look into these issues.

Councilman Cephas said this Town has been hit with lawsuit after lawsuit through the years. After much discussion regarding the lawsuits and settlements, Councilman Cephas made a Motion that the Council as well as the Mayor, along with Clerk Avery have a meeting with Mr. Karpinski to attempt to formulate a settlement and resolution of current

litigation that is in Circuit Court for Dorchester County and make every effort to put controls on any further litigation. Mayor Spratt asked for a second. Councilman Adams asked what the Motion was, so Councilman Cephas repeated his motion. Councilman Adams seconded the Motion. Councilman Durham asked for clarification on what was being voted on. Mr. Merriken explained that what the Motion was intended to do is to attempt to settle the two lawsuits pending with the Town. One case has been dismissed and Mrs. Clough has filed an appeal. There has been a motion to dismiss the other case, so in his opinion, why do anything before the motion to dismiss is heard in November. Councilman Cephas asked for a vote on his Motion. Mr. Merriken suggested several ways to do things. There was more discussion by Councilman Cephas and Councilman Adams. Based on legal counsel's opinion, a vote was taken as follows: Councilman Durham – Nay, Councilman Cephas – Aye, Councilman Adams – Aye, Councilman Henry – Nay. With a vote of 2-2 the Motion died.

The next item Councilman Cephas wished to discuss was Section 404 in the Charter where the Mayor and Council shall appoint all department heads. Councilman Cephas stated he would like the Council to review this and determine if this needs to be changed. Councilman Cephas feels there are areas in the charter that contradict each other. A strong Mayor is only as strong as the Council. He wants to reduce the powers of the Mayor and have a Town Manager. Councilman Cephas asked Mr. Merriken to review papers he had prepared and let his know his opinion at the next meeting. He went on to say that with this being an election year and with new councilmembers possibly coming on board it would be a good idea to have a Council Orientation, so they know what the law is before taking their seats. Councilman Cephas made a Motion that all new councilmembers be required to take the courses necessary to work as a team. People need to know where their money is going and all Councilmembers should be able to take the Open Meetings Act program. They should have to know municipal budgeting, ethics course, and how to utilize Roberts Rule of Order. Mayor Spratt stated she does not know if this is legal and anything would be for future councils. Councilman Cephas said there are resources that MD Non-Profit has certified accountants that will come to the office and educate with terminology. It is far better when you have ethics and open meetings instructions. He showed a book that he said is like a Bible that will tell you all the dos and don'ts, and what you can get in trouble for. Councilman Cephas wants the Council to move forward. The Ethics class is going to be required by the State for a minimum of 2 members to take. He thought it was a great idea to provide the opportunities for the different classes, budgeting; etc., but as a councilmember I don't think you can fire me if I do not take the classes as an elected official. Mayor Spratt asked if it could be recommended to the new Council that they think about doing these things and citizens would be made aware ahead of time they would be required to take certain courses. Councilman Cephas feels people should have an opportunity to learn. The Council should have its own procedures in place. Councilman Durham asked the question, why have a law if you cannot enforce it. Mayor Spratt agreed with Councilman Cephas that it was something to think about.

Councilman Cephas asked for everyone's thoughts and prayers to go to the family of Octovene Saunders. He acknowledged how much she helped him and how much he

learned from her when he was elected to the Council. She encouraged him to attend the MML Convention. Councilman Cephas asked for a Resolution from the Council for him to take to the funeral. Mayor Spratt said a woman told her a story last week how her grandmother was killed in an accident and she had lived in Hurlock for 91 years. She was 93 years old last week. The young lady was upset that the Dorchester Star had omitted her obituary in the paper. The Mayor took her into the office and asked Terri to do a Resolution for her grandmother and framed it. She left the office so happy and appreciative.

Council Remarks - Councilman Henry stated he chose not to run for re-election. He said he went to MML Conventions and he learned a lot from the classes he took there.

Councilman Adams stated he is running for re-election. On the 1st Friday of the month at 6:00 p.m., there are prayer services at Reverend Paul's house, to pray for the people and the Town of Hurlock. On the 2nd Friday there are prayer services at the old bank building. Councilman Adams invited everyone to attend these prayer services.

Councilman Cephas had no comments.

Councilman Durham spoke about Town government and that as a whole; he feels there is a tendency to make too many laws and restrictions on people. He is not in favor of changing how Hurlock is run. He thanked Councilman Henry and stated it has been an honor working with him. He made a tremendous impact on the Town and hopes whoever takes his seat serves as well as he has. Councilman Durham further stated that the Mayor does not have a vote. At the end of the minutes, there is a list of Motions, who made them and how they were voted on. The Mayor's name is never on this list. He said he saw some misinformation in Town last week. He stated he raised the taxes 11% as a Councilmember for Hurlock with approval of the majority of the Councilmembers to adopt the Constant Yield Tax Rate. The Mayor did not raise your taxes. He said he sat at the table and told citizens their taxes were not being raised, the Constant Yield Rate was being used. This rate is what the State of Maryland tells the local government to use to keep property tax revenue the same when assessments change. The appraised value of your property has dropped, however it is not technically a tax increase, the taxes will stay the same due to the Constant Yield Rate. Councilman Cephas did not vote for this, and the Mayor did not vote for this.

Public Comment - Earl Murphy asked about the standards Councilman Durham was using regarding the animal issue. Councilman Durham said he is using the American Kennel Association and the SPCA guidelines. These guide lines are the ones the County follows. Mr. Murphy also wanted to mention he is running as a candidate for the Town Council. He feels that if a citizen votes a candidate into office, they have a right to expect that Councilman to do what is expected of him/her. Mr. Murphy said he looks forward to representing his district.

A resident spoke in support of the Harriett Tubman Center and that it goes beyond the four walls. The children that enter into that comes out different people. Progress needs to

continue in our Town. These children are our future and we need to invest in them. The resident invited citizens to come by the Center and see what goes on in the program. Councilman Durham responded that no one is saying the Harriett Tubman Center is not a good program, the house is not however, a good place for that program. Councilman Adams agreed that Councilman Durham was right about the house. He stated that Councilman Durham helped out at the Adams' Center.

Councilman Cephas asked Mr. Merriken what his company's office was. Mr. Merriken said the offices were two old houses. Councilman Cephas continued with considerable discussion regarding the Harriett Tubman House, and the building of a community center in conjunction with the fire department and police station.

Dr. Kay McElvey made comments about the Town building a center for children.

Cedric Turner announced that September 27th notice was given that Hurlock Village was under foreclosure. This means residents will have to leave their homes. There is a meeting with the Maryland Health Initiative being held at Hurlock Elementary School on Thursday from 5:30 -7:00 p.m.

Mayor Spratt said there was a meeting held in the spring regarding the foreclosures, so it is not something that just came up.
She also announced there are three businesses coming to Town. She will be able to announce who they are at the next meeting.

A resident asked about the Council voting to adjust taxes for lower assessment and will the Council vote to lower the taxes if the assessments go up? Councilman Durham explained how the Constant Yield Rate works. There was considerable discussion on the Constant Yield and questions about the value of homes going up.

Ms. Kathleen Clough asked why didn't the Town use $100,000 from their surplus instead of using the raise in the constant yield and why doesn't the Town live within its means? Councilman Cephas stated the Town has the right to reduce the taxes. There continued to be more discussion.

Mayor Spratt asked if everyone had spoken. She asked for a Motion to adjourn. Councilman Cephas made a Motion to adjourn the meeting. The meeting was adjourned at 8:15 p.m.

Respectively submitted,

John Avery
Clerk/Treasurer

Approved: Mayor Spratt:

Joyce Spratt

Councilmembers:

Gary L. Henry
Christopher J. Adams
Michael D. Moodie
[illegible]
Parker [illegible]

MOTIONS AND VOTES BY COUNCIL MEMBERS
OPEN SESSION MEETING
OCTOBER 15, 2013

Motion to approve the Agenda was made by Councilman Durham. Councilman Henry seconded the Motion and it passed with a vote of 4-0, with no one opposed.

Councilman Durham made a Motion to approve the minutes of September 23, 2013. Councilman Henry seconded the Motion. With a vote of 3-1, the Motion to approve the minutes was passed and carried. Councilman Adams abstained. Councilman Nordstrom was absent.

Councilman Cephas made a Motion to approve moving $10,000.00 from the contingency fund into the road repairs. Councilman Adams seconded the Motion. With all in favor and no one opposed, the Motion was passed and carried with a vote of 4-0, no one opposed.

Councilman Cephas made a Motion that the Council as well as the Mayor, along with Clerk Avery have a meeting with Mr. Karpinski to attempt to formulate a settlement and resolution of current litigation that is in Circuit Court for Dorchester County and make every effort to put controls on any further litigation. Councilman Adams seconded the Motion. The vote was as follows: Councilman Durham – Nay, Councilman Cephas – Aye, Councilman Adams – Aye, Councilman Henry – Nay. With a vote of 2-2 the Motion died.