

Regular Meeting Minutes

The meeting of the Pocomoke City Mayor and Council was held in the Council Chambers at City Hall on Monday, May 6, 2019. The meeting was called to order at 6:32 PM.

Present: Mayor Bruce Morrison
First Vice President: Todd J. Nock
Council Members: Diane Downing,
Dale Trotter, R. Scott Holland, Esther Troast
City Attorney: Roscoe Leslie
City Clerk: Michelle Beckett-El Soloh

Call to Order, Prayer by Pastor Wayne Ayre and Pledge of Allegiance @ 6:32 PM.

Review and Approval of Minutes from Meeting of April 15, 2019 and April 29, 2019:

Motion to approve Minutes from Council meeting April 15, 2019 and April 29, 2019 with amendment to delete City Manager from being present at April 29, 2019 meeting (Troast, Nock passed) @ 6:33 PM.

Acclamation: Trotter-aye, Holland-aye, Nock-aye, Downing-aye, Troast-aye; none opposed

Action: City Clerk Beckett-El Soloh amended Minutes for April 29, 2019 and enter into permanent records.

Review and Approval of Bills:

Motion to approve and pay bills on current bill list (Trotter, Troast passed) @ 6:34 PM.

Acclamation: Trotter-aye, Holland-aye, Nock-aye, Downing-aye, Troast-aye; none opposed

Discuss lorex/Water in Pocomoke Heights:

Frank Daniels, Superintendent of Water/Wastewater stated there was a meeting with GMB regarding what they are working on and what still needs to be fixed in the water/wastewater infrastructure such as lift stations and lorex units currently installed that require permits. Councilmember Nock said because we don't have permits from MDE eventually, the State will say either prove they work or pull them out. Apparently, this has been known for a while. He didn't know and the rest of the Councilmembers didn't know that either. Now we will have to make a decision as to if the City is going to get another lorex unit and install it where the water quality is bad or move one of the lorex that is already installed in the Heights. Superintendent Daniels said the reason the City cannot prove that lorex alone actually improved the water system is that we were doing multiple improvements at once. New pipes in the Heights were being installed and water treatment plant improvements were also being made. The residents in the Heights have been decades without proper water quality. The City wasn't trying to prove what worked, the City was simply trying to get the work done to improve water. MDE policy is they need proof the something is effective before issuing a permit but but MDE said as long as the City installed lorex units as a pilot study permits were not needed. A contract said that when the pilot study was done, and the City had positive results with water quality the City would purchase a certain number of units from lorex. The City did independent and staff water tests as well

as the City Manager went door to door in the Heights and all reports showed water quality improvements in the Heights. Can we believe that the water improved just due to the lorex, probably not but maybe it is a combination of all three things. The water quality still needs to improve. Councilmember Holland had the hydrant near his house flushed recently. There are still links in the middle of the City that need to be changed and flushed. One link is from the nursing home to 14th St. Sediment continues to be evident. This indicates that infrastructure is failing. The more time we wait to replace pipes the worse it gets. Councilmember Downing said we've had complaints from residents on 9th St. Councilmember Trotter said, in regards to testing the lorex unit, if we purchase another one, can we place one where the pipes have not been replaced and conduct an actual study? Superintendent Daniels said the former City Manager had said we were going to try one near the high school and at the water plant. So yes, there are other areas we can try. Councilmember Holland asked, if we cannot prove that lorex works do we need to remove the units? Superintendent Daniels said there is a contract that states if they work in the pilot program, we have to purchase a certain number of units. He isn't sure of the legalities of the contract. As far as MDE goes and making the units permanent, they will require permits. Councilmember Holland asked if Superintendent Daniels was aware of the permit requirements beforehand? Superintendent Daniels said he has operated and supervised water plants since 1992. As far as getting construction permits, he has always relied on the engineers getting permits. In this case, the City Manager wanted to go another route and the paperwork was filled out in house. Councilmember Holland asked if we had relied on the engineers, would we have a permit now? Councilmember Nock said the City does have engineers. Superintendent Daniels said yes, if we had gone through the engineers, we would have a permit. He understands that the City Manager was trying to save money and time. The street was already dug out and this was not anything that was going to compromise the water or the citizens with a long-term water shut off. It was the best decision at the time to get the lorex units in at that time. Councilmember Holland said he appreciates the better water in the Heights and he understands the pressing manner to get better water quality but what good is pressing to get it done if it will have to be dug up anyway? Superintendent Daniels said he doesn't think the units will have to be dug up. The engineers will get involved and get the permits. Councilmember Downing wanted to know if there is a deadline for filing paperwork for permits? Superintendent Daniels said there is no deadline that he is aware of. Councilmember Holland said would his recommendation have been to go through engineers from the beginning? Superintendent Daniels said yes and he let the City Manager down by not being clearer in his communications and recommendations. Councilmember Nock said he thinks Superintendent Daniels is doing a great job and thanked him for his service in the Water/Wastewater Department. Councilmember Trotter said he remembers reading the information on their website. It was a requirement that we conduct tests on the lorex. Pocomoke City was the first municipality to install lorex units and he would not object to installing more units and he thinks it should go in Cedar St area to serve 9th St and south because that side of town has not had infrastructure changes yet. Councilmember Nock said under the current grant the Heights area will be done then we can concentrate in other section of the City.

Discuss Dr. Vander Warner Day:

Pastor Wayne Ayre came forward. He said he is the Senior Pastor at First Baptist Church. This coming Sunday is a special day in the life and history of the church. Dr. Vander Warner was in his first pastory in the 1950s and had a tremendous impact on the local community. Many people here in the audience can testify to that. He is up in years, still preaching and will be a guest at the church this coming Sunday and they would like the City to do something special that they can present to him. He would like to name this Sunday as Dr. Vander Warner Day in Pocomoke. Councilmember Troast said the City can do proclamation but doesn't feel it's appropriate to designate Mother's Day as another

holiday. That's not fair to the mother's in the City. Pastor Ayre said he would appreciate and be satisfied with a proclamation. All other Councilmembers were in agreement with a proclamation.

Discuss Street name for Dr. Isaac Jenkins:

Rotunda Jenkins, 711 Short St, is speaking for her niece, Vanity, who sent a letter to City Hall regarding Bishop Isaac Jenkins, Sr pastored locally for over 60 years and has done a lot for the community. The family would like a street in Pocomoke City to be named after him. Councilmember Nock asked her to decide on a street and petition for signatures of residents who live on the street as well as the community. There are a couple of things. If residents don't want to do an address change then we can put "in honor of" and no address change is needed. Councilmember Trotter said Bishop Jenkins did so much work and would be honored to approve a street being named after him. He thought "Short Street" would be an appropriate street to name after him. All Councilmembers were in agreement of naming a street after Bishop Isaac Jenkins after a petition/signatures are obtained.

Action: Family members of Bishop Isaac Jenkins to get petition/signatures from residents to name a street after Bishop Isaac Jenkins and present petition at first Mayor & Council meeting in June 2019.

Council Comments

Councilmember Trotter said there is grass-cutting issues around town. He has already spoken to Planning Director Brandewie and the issues should be taken care of.

Councilmember Nock said a received a phone call regarding a sinkhole on Homestead. Public Works will go look at it in the morning.

Audience Comments

Laurie Kamps, 1506 Dorchester Ave, she attended the April 15 meeting to express her concern regarding the rumors about the Council terminating the City Manager. She is expressing her support for Mr. Cowger. He has done more for the community than any other City Manager. After living in the Heights community for 22 years, Mr. Cowger was the first City Manager who took her concerns seriously and tried to better the water conditions. As Councilmembers who were elected to be the voice of their Districts they represent and hoped that when the Council is voting on items of concern, they are making decisions for the District and not for personal gain. She hopes that the Council is taking their jobs seriously. She doesn't understand why the District 1 representative decided to terminate/suspend Mr. Cowger, once the City decides which it is, Councilmember Nock interjected that Mr. Cowger is terminated. Ms. Kamps said, go back and check the minutes, because minutes from last meeting say suspended. She doesn't feel that Mr. Holland was in office long enough to gain full understanding of the situation and should have abstained from voting on that particular item. She is not the only person upset with the Council decision and there are many other people who support Mr. Cowger and feel the same way as she does. The City needs to hear from those people as well.

Susan Harrison, 2610 Cambrook Dr, she left her beloved hometown of Pocomoke in 1969 and returned in 2010 to see it in dilapidation and decay. She was dismayed, shocked and literally embarrassed at the City's demise. Bobby Cowger put his heart and soul into improving Pocomoke unlike any other City Manager who served before him. She has seen him on construction equipment doing manual labor and involved in difficult decision making. Election for a 1st District Councilmember was on April 2, 2019 and just a few days later before the Councilmember is allowed to vote per the City Charter, the Council voted to terminate Mr. Cowger on April 8, 2019. According to the City Charter, the new Councilmember's vote is null and void. The new Councilmember never had an opportunity to work with Mr. Cowger. How is a decision immediately following an election intellectually

sound and in the best interest of our City? Did each Councilmember discuss their concerns and differing opinions with the City Manager before his dismissal? From a legal standpoint was the protocol as stated in the City Charter followed? Also, she asked a yes or no question last week that was never answered, is the Mayor able to exercise the functions of his position? Respectfully, Mr. Mayor, are you able to exercise the functions of your position? Mayor Morrison answered yes. According to Robert's Rules of Order the request for the Mayor's medical evaluation in the August 6, 2018 minutes should have been brought up again in the next council meeting and a session regarding updates on his evaluation should have been held monthly following the request. Apparently, our City Council has decided not to follow Robert's Rules of Order and make their own decisions regarding the medical evaluation. Did the Mayor sit in on meetings concerning his daughter and son-in-law's operating the new Downtown restaurant even after he was told he should not be present? Mayor Morrison answered no. For the record she is asking that the Ethics Committee be brought in to investigate the entire scenario. And finally, she would say it is tragic and shameful that Mr. Morrison be caught up in the horrible situation. *(3-minute timer sounded)* former Councilmember Tasker said he was willing to forfeit his 3-minutes and offered it to Mrs. Harrison. Councilmember Nock said that is not allowed, Tasker. Mr. Morrison is being used by the Council and others to perpetrate this entire debacle. *(Audience applause)* Councilmember Nock said there are a lot of rumors swirling from Mr. Tasker. He doesn't tell the truth about anything. You all know that. That's why you didn't vote for him. Bruce was asked by, at that time 1st Vice-president, Councilmember Troast, to excuse himself from the meeting at which we voted. In following meetings, when the County came in to speak with us about the restaurant, he was present but did not participate in any business discussions. Mrs. Harrison said, for the record, her request still stands. Councilmember Nock said she wants the ethics committee to review. Mr. Tasker said the curly-headed Councilmember should not speak about him. *(Several audience members said name calling will not be tolerated)*

Brook Burke, 47 ABC News, said she understands Mr. Cowger has been terminated and Mr. Cowger has 30 days to present why he shouldn't be terminated then a final decision is made. Has a final decision been made or do you have to wait those days? Councilmember said we have to wait those days. Ms. Burke asked if he is on administrative leave? City Attorney Leslie said under the Charter he is immediately suspended by preliminary resolution. "Suspension" is the word that the Charter uses.

George Glover, 1432 Winter Quarters Dr, he has lived in Pocomoke for 66 years. He is a tax-payer on 3 different properties. He has watched this town go from a nice place to live to a blight-ridden town. He was surprised to see Mr. Cowger hired as City Manager because he didn't have a background as a City Manager but in less than 2 years, he has seen more positive progress than he has seen in the last 20 years. He had hope for the City. When he came to the April 29th meeting, he was appalled at this Council. The decision-making, the discussions were appalling. When you talked about the grass-cutting and saving \$20,000.00 was like a deer in headlights. Surplus properties, you want to hold on to them and the City doesn't have the money to do work on them. The new building project that he presented, I don't think you paid attention to what he said because the questions you asked afterward were totally opposite of what he was talking about. And Councilwoman Downing your disdain of the the City Manager was so great that night that she couldn't hide it. It was disgraceful the way you spoke to him. Councilmember Downing Downing said maybe she had a reason to talk to him in the manner that she did. Mr. Glover said he doesn't think that in a situation like this there is no reason to act like that. Councilmember Downing said that's your opinion. Mr. Glover said yes, it is and that's why he's here. With what's happening in this town he is ready to sell his properties and get out. Then a week later the the City Manager was fired. Who needs to be fired are the 3 Councilmembers who votes the City Manager out. Councilmember Downing said, first of all, I'm not hired so you can't fire me. *(Audience applause)*

Howard Crossan, Oxford Chase Development, not a resident but a business owner in Pocomoke and pays a lot of property taxes and has brought in a lot of jobs since 2005. Mr. Cowger was the only City Manager who would go to him as a business owner and ask what does the City need to do to help downtown? He went to other business owners to ask their opinion how to get people into town. His answer was to capitalize on the river. You need to get fuel. You have Shads Landing and Crisfield and that it for supplies. You have a boat docking that you have to bring trucks in for fuel during boat docking. Also, a marina. You have a park that floods 6 months out of the year and flooding on Front St and several other streets. A marina acts as a catch basin and it brings people into town. Mr. Cowger jumped on those suggestions and ideas from businessmen and was putting them into action. Then I found out you fired him. I have properties in Crisfield and all over the Eastern Shore and I have to think how stupid was that to let him go? *(Audience Applause)*

Dawn Sparrow, 1405 Princess Anne La, said she has been there since 1999 under the other City Manager and has had water problems the whole time she has been there and nothing was ever addressed until Mr. Cowger was there. She has seen him out on backhoes working on the street and came to neighbor's houses to give them updates on the work. She has seen him in cold, snow and ice out with the crews working. She has addressed some concerns to Mr. Holland who has not answered yet. Councilmember Holland said he did respond and can show his answers. He did not want to address personnel issues on social media. Ms. Sparrow said there has been no work done in the Heights this week. Councilmember Holland said Public Works has been on Payne St for 2 days this week. If she has a complaint about them not being in the Heights full-time, Mr. Cowger made the decision for them to work in the playground so if there is a complaint, they have to take it up with Mr. Cowger. Mr. Cowger wasn't here 4 years ago when the grant money came in for the project. Mr. Cowger just happened to show up at a time when the grants were approved and the money came in. He lives in the Heights and saw Mr. Cowger walking around taking all the credit for the water project. Councilmember Nock said the audience just heard the conversation with Frank from the Water Dept. the audience is in denial. Councilmember Holland said even though repairs were done it wasn't done in the right order and will have to be redone and lorex units pulled up. The way it was done we can't prove that the lorex helped. Audience member said that's not what she heard. Councilmember Holland said the audience has to be receptive to the answers given. If they aren't receptive, we aren't getting anywhere as a community.

Dr. Brown, 333 Winter Quarters Dr, His question is will former City Manager Cowger ask for a public hearing? He understands that according to the Charter he can request that within 30 days. He saw the City Manager and Public Works working together so well he's wondering if the Council made a fair choice for the public. He sees a lot of tension in the room regarding this matter. As a citizen, he feels a public hearing would be welcome. Councilmember Nock said it is up to Mr. Cowger to request the hearing. The Council would welcome that decision if Mr. Cowger chooses to do so.

Keri Ann Foster, 813 Market St, she was appalled to hear anyone on the Council call anyone in the audience a liar. Rev. Tasker has helped may people in the community out of his own pocket and paid rent for people who got eviction notices. Audience members said it's not right to call people names. Ms. Foster said no one in here should call any one a liar. Councilmember Nock said Rev. Tasker is the one who was outside talking to WMDT news. You need to question his loyalty to the job. When the Council walks away from this, we are really walking away. He is the man that wanted to fight me a couple months ago. Rev. Tasker said he got tired of being called a liar.

Mark Lusby, Downtown business owner, Mr. Lusby agreed that his buildings needed to come down. They tried a couple different things but the amount of money needed was never there. Mr. Cowger tried to work a deal to demolish the buildings and cover the costs if his father's buildings were

included too. Mr. Lusby said no to that because it would put them out of business completely. They met again 2 weeks later. Same deal was discussed and Mr. Lusby asked Mr. Cowger what he wanted to do. Mr. Cowger said he would go to Council and ask what they wanted to do with the buildings. Mr. Cowger called Mr. Lusby and said Council has voted to tear the buildings down. Next thing he knew Harry White was in front of his buildings ready to tear them down. Mr. Lusby said before the buildings are touched, he wanted to sign something. Mr. Cowger said see the buildings over there? I'm going to do the same thing to yours. Mr. Lusby said he called a lawyer and the lawyer said the City did him a \$50,000.00 favor. Councilmember Nock said he was aware that that was approved by the Council to tear down the buildings but it is stated in the minutes that paperwork was done to sign the buildings over to the City. Council was not aware that nothing had been signed.

Shawn Parks, 1511 Snow Hill La, 8 months ago he came to an agreement with Mr. Cowger on the old fish factory place that has been vacant for 20 years. The deal was 2 years rent free for clearing trees off. After 2 years he supposed to start paying monthly rent. A month ago, he got an eviction letter and wants to know where he stands. He would like to be reimbursed for what he's done and know where he stands.

Action: Find copy of lease for 1945 Pocomoke Beltway.

Councilmember Holland would like to speak about the restaurant. There have been some concerns on social media that the Evans are the cause for not being able to open yet. That is not the case. There are many issues being addressed. It was just discovered that 2 TVs are missing and 2 TVs are broken and the walk-in freezer doesn't work which if that needs to be replaced that will be a \$20,000.00 cost. The repair cost spent so far has been almost \$40,000.00 because of the previous business. I appreciate that some people are upset because Mr. Cowger is no longer here but it is wrong to blame it on Caitlin and Jamie and destroy their business before they even get started. They are ready. The restaurant is important for the downtown area. Councilmember Nock said it has also been said that the Council was not willing to work with Mallards and that is false. The Council made them a deal. They had a meeting with the Events Dept and they agreed to sponsor a 4th Friday event. The last meeting was with Mr. Cowger. After that meeting the Council got an email around 5:00PM stating that Mallards was leaving town. Councilmember Holland also addressed Mr. Glovier regarding the April 8th meeting. Councilmembers Holland and Downing both voted no on the grass cutting contracts. Some of the Councilmembers wanted to just review the contracts but Mr. Cowger urged them to vote that night. On the old firehouse, assessments have been done but the Council wanted to see the results of the grant before making a decision. Audience member said most grants you have to match funds anyway.

James Jones, 2216 Worcester Hwy, wanted to know if there are any estimates for revitalizing the Armory building. Planning Director Brandewie said an estimate was done 3 or 4 years ago but it was over one million dollars. Mr. Jones said he understands that the most urgent thing is the roof. He understands that grant money might be available for that building too. He wanted to know if the roof is fixed can the building be used. Planning Director Brandewie said no there are more issues besides the roof. He thanked the Council for the opportunity to speak and admires the support shown for Mr. Cowger. That support could have really been used when Chief Sewell was terminated.

Pastor Wayne Ayre, 1505 Linden Dr, many people at First Baptist Church are very concerned about this matter and he is their pastor and he has to decide to seek the Lord and to talk to Mr. Cowger and to the Council. All this is very discerning to him. When he came to First Baptist Church, he logged onto YouTube to find things about the community. The only thing he could find to show his children was reports about the former police chief. Now here we are in the same situation where something

has happened in the Pocomoke area to scar us and give us a terrible integrity in people's eyes. How are we going to grow churches and see the gospel advance and bring young people into the community? If you have made the decision that the city manager is terminated, we need to sit down as a community and decide what is the best next step so we can begin to rebuild our integrity. He will be praying with us and for us. Let truth prevail. Councilmember Holland said he appreciates the comment about truth. Can he be truthful with everyone tonight and comment on a matter? Pastor Ayre said are you talking about my property damage? A tremendous amount of damage had been done; vehicles were floating. They had just moved there. Family possessions were under water. Mr. Cowger came to look at the damage in the garage. He said he has asked the City Council to pay for the damages and they said yes and agreed on \$2,000.00. Pastor Ayre asked if there would be more money coming. The storm drain had been shut off. When Councilmember Holland looked into it, it seemed to be an integrity issue and the Council had not agreed to pay for damages. Councilmember Nock asked if the money was in cash or a check. Anything involving City Hall should be a check. Councilmember Nock said there are insurances in place that handle those claims. 3 Councilmembers that were here do not have any recollection of a payment being issued. Audience member said the guy who did all the water repairs in the Heights was also the same person that issued a \$2,000.00 payment that his homeowners' insurance should have paid and Councilmembers knew nothing about it? Council agreed yes, that is what happened.

Motion to Adjourn (Downing, Trotter passed) @ 8:00PM

Acclamation: Trotter-aye, Holland-aye, Nock-aye, Downing-aye, Troast-aye; none opposed

Approved: K.M. Beckett-El Salah
City Clerk