

Regular Meeting Minutes

The meeting of the Pocomoke City Mayor and Council was held in the Council Chambers at City Hall on Tuesday, February 19, 2019. The meeting was called to order at 6:30 PM.

Present: Mayor Bruce Morrison
First Vice President Esther Troast
Council Members: Diane Downing,
Dale Trotter, George Tasker, Todd Nock/Not Present
City Manager: Robert L. Cowger, Jr
City Attorney: Roscoe Leslie
City Clerk: Michelle Beckett-El Soloh

Call to Order, Prayer and Pledge of Allegiance @ 6:29 PM.

Review and Approval of Minutes from Meeting of February 4, 2019:

Motion to approve Minutes from Council meeting February 4, 2019 (Tasker, Trotter passed) @ 6:31 PM.

Acclamation: Trotter-aye, Troast-aye, Downing-aye, Tasker-aye, Nock-not present; none opposed

Review and Approval of Bills:

Motion to Approve and pay bills on current bill list (Tasker, Trotter passed) @ 6:32 PM.

Acclamation: Trotter-aye, Troast-aye, Downing-aye, Tasker-aye, Nock-not present; none opposed

Public Hearing and Motion Requested: to confirm, set aside or modify an order that the building or structure identified, at location described, be declared an "unsafe building" in accordance with Chapter 107 authorize staff to proceed with orders to repair or demolish the building: 128 Market St, Tax Account: 01-017624, Owner: Michael Dunn

Planning Director Dan Brandewie stated tonight is a Public Hearing requested by staff to consider the conditions of the building at 128 Market St. The background of the building is that a letter was sent to various downtown business owners in December of 2017. The City wanted to meet with the owners to discuss building conditions. The City conducted detailed building evaluations. Those results and recommendations for repair were sent to property owner's in April of 2018. One of those buildings was 128 Market St which is now owned by Michael Dunn. A letter was sent to Mr. Dunn stating building was in need of roof, brickwork, limbs growing out of the cornice. The City did not receive a response from Mr. Dunn. An "unsafe building" notice was sent to Mr. Dunn pursuant to Chapter 107, City Codes. Puddles of water can be seen in the storefront through the windows. The letter from LP design stated 6 corrective actions; 1. Repair roof over main body and rear of building 2. Repair windows 3. Remove standing water from building 4. Remove trash and debris 5. Repair loose or dislodged brickwork 6. Address settlement of foundation system. It also stated a permit must be applied for within 10-days. Mr. Dunn did come in to apply for a building permit on Thursday or Friday of last week. A staff person told him more documentation was needed. He did not return to the office. The Council needs to make a decision why Mr. Dunn or the City should not be able to move forward with repair or demolition plans. Councilmember Trotter clarified that the first letter was sent out in December 2017. Planning Director Brandewie answered yes, that was the first letter. Councilmember

Troast called Mr. Dunn forward. Mr. Dunn stated he had a couple clarifications. Planning Director Brandewie said he did not respond to the letter that was sent in December 2017. Mr. Dunn said he has a copy of the letter that he wrote and sent in response. And secondly, when he came in to get a permit, he was told by the staff member that the Planning Director would follow up with him and he never received a call. Mr. Dunn feels that he and the Planning Director started off on the wrong foot. Mr. Dunn felt that the City was intending to demolish the whole block, not just individual buildings. He has bought a total of 13 buildings in City limits. He has tried to make a serious effort to repair buildings and get business in and renovate the Downtown area. He bought the Market St building with intentions to renovate. He knew he wouldn't get to it right away. He made a business decision to do smaller renovations first and get the buildings occupied. Mr. Dunn wants to figure out how to get back on track with the City and complete the necessary renovations. He also said there was another issue. He had gotten a national tenant in to lease a building that was a 2-year contract. As soon as they moved in the City gave them a letter to vacate because the building next door was unsafe. That caused him an \$800.00 per month loss. Mr. Dunn felt that there was a better way to handle the situation because it's not easy to get a national tenant. Councilmember Troast said she knew the selling price of the building because she also considered buying it. She did not buy the Market St building because she knew it would be more than she could handle to get it occupiable and up to code again. She said the price should have been a red flag for the amount of work that it would require to get it up to code. Councilmember Downing wanted to know what his timeline was and the plan would be to start renovations. Mr. Dunn stated that he could start in 3 months. He thinks it would be best to put a roof on and gut it to the brick walls. It would be a shell so that way the tenant can decide on design options. The café was in worse shape than this building when he started renovations on that building. Councilmember Troast asked if he had insurance on the building. He stated no, he paid cash and not necessary at this time to have insurance on it. She also wanted to know his timeline and if he has a projection of the renovation totals. Mr. Dunn said he can start in 3 months. It would be a 6-month time frame to finish. Councilmember Tasker asked if it would be safe for workers to go in and start work. Mr. Dunn said yes, there are secure rafters that they can work from while replacing damaged portions of the roof. Councilmember Trotter clarified that Mr. Dunn was here tonight due to the letter that he received on February 8 of this year and what did he do after the the letter in April 2018 was received? Mr. Dunn stated he sent a letter of response back in. City Manager Cowger explained that The Lusby building was boarded up for 8 months. After 8 months, they decided not to spend money on renovations and deeded the building back to the City. As soon as deed transfer was done. That building was a liability and could not be left standing. The building that the national tenants of Mr. Dunn's were in was built attached to the exterior wall of the brick building on Willow St. The roof has caved in and there are cracks in the part of the brick wall that is still standing. Any given day that wall can fall down. The tenant had to be notified of an unsafe structure. They were advised that the brick building was going to be condemned and demolished. The tenants were not told to leave but to use their own discretion. It is the City's responsibility to notify the public of unsafe conditions. Mr. Dunn doesn't think it's fair for him to have to sit vacant while the City shuffles money around instead of making Willow St a priority. Planning Director Brandewie said he is asking the Council to confirm, modify or table the recommendation that the Market St building is demolished because it has been declared unsafe by the City. Councilmember Troast asked the City Attorney if the Council has the authority to demolish the building. The Attorney stated that the City is compliant with the Charter. They do have that authority. Mr. Dunn stated that his letter said repair or demolish. He came in on Tuesday to obtain the necessary permits to begin repair. Planning Director Brandewie said site-plans had to be presented, within the time limit, by a registered design professional licensed in the State of MD. That was not done. Councilmember Downing confirmed that there is no site-plan in existence. Councilmember Trotter said the fact is that the building was purchased in 2017. It is now 2019. At least 2 letters have gone out and the building is still standing untouched. Mr. Dunn said he has explained that other renovations were going on. Mr. Dunn said he

invested \$5,000.00 into the building. The letter he received stated repair or demolition. He was not prepared today for a conversation about demolition. He said he doesn't feel it's a safety issue. City Manager Cowger stated it is a safety issue, it has been declared unsafe by the City.

Motion to demolish 126 Market St due to unsafe conditions and lack of site-plan by a licensed design professional in the State of MD in place.

Councilmember Trotter stated he would like to amend the motion to include a reimbursement of \$5,000.00. Mr. Dunn said there were also closing costs.

Amended motion to demolish 126 Market St due to unsafe conditions and lack of site-plan in place by a licensed design professional in the State of MD and to reimburse \$5,000.00 plus closing costs (Trotter, Tasker passed) @ 7:18 PM.

Acclamation: Trotter-aye, Troast-aye, Downing-aye, Tasker-aye, Nock-not present; none opposed

Approve 1-Day Beer/Wine Permit and Street Closure for Pocomoke Bike Event on September 14, 2019

Karah Lacey, Downtown Events Coordinator, stated she was told to put together a Bike Week committee, she did that and the committee met 2 weeks ago. She felt confident with the possibilities of what the event could be. She wanted to fill the Council in on some changes, ideas and requests. There was talk about doing the event in May but the committee decided it would be more beneficial to coincide with Delmarva Bike Week. It would be held on Saturday, September 14, 2019 from 11 PM to 8:00 PM. The committee also wanted to change the name to Pocomoke Bike Fest. They felt that Bike Week was misleading since it is actually only for the day. We hope to be invited back as a must-stop on Crusin' the Coast. It depends on the damage that was done last year and if they will still view us as a competing event. We have already booked a band/DJ through the City Clerk's connections. The Facebook page from last year is still up, that needs to come down so it won't be confused with this year's event. The Committee this year is asking the Council for permission to close Market St from Front St to Clarke Ave, so it is just 1 block. The parking lot by Sturgis School and Farmer's Market will probably also be needed. Plenty of volunteers should be available to get bikes in and out safely. The committee is also asking for Council approval for a 1-day beer/wine permit for the event.

Motion to approve Market St closure and 1-day beer/wine permit for Saturday, September 14, 2019 (Trotter, Downing passed) @ 7:22 PM

Acclamation: Trotter-aye, Troast-aye, Downing-aye, Tasker-aye, Nock-not present; none opposed

City Manager Cowger confirmed that the DPA did not have any objections to the street closure this year because it was a major issue last year. Ms. Lacey said no objections have come up in any discussions. Lisa Taylor is on the committee and she represents both the DPA and the Chamber of Commerce and again, there have been no objections.

Cypress Park Grant/Non-Scheduled Agenda Item

City Manager Cowger stated that the City had applied for a grant for \$40,000.00 to replace the boards on the Cypress trail. The grant amount was approved. The Council must approve a motion for the

City to write a check for any amount over \$20,000.00. The City has to write a check to Lowes for materials then be reimbursed with the grant money.

Motion to write check for \$40,000.00 to Lowes for boards to replace trail at Cypress Walk (Tasker, Trotter passed) @ 7:23 PM.

Acclamation: Trotter-aye, Troast-aye, Downing-aye, Tasker-aye, Nock-not present; none opposed

Council Comments:

Councilman Trotter said according to Ordinance, the City does not allow year-round occupancy on docked boats at the riverfront. Other Cities do allow that. If they have paid the dock fee and paid electric fees, they should be allowed to stay on board year-round. He would like an Ordinance to revise dock rental stipulations. Councilmember Tasker, if the Ordinance is changed and is popular, the City might consider designating a certain percentage of live-aboard docks so as not to interfere with short-term boat traffic.

Action: Research Ordinances on boat docking and write new Ordinance allowing year-around live-aboard options.

Councilmember Tasker stated Public Works in the Heights water project are doing a good job.

Audience Comments: None

Motion to adjourn open meeting (Tasker, Downing passed) @ 7:30 PM.

Adjourn to closed session under the provisions of Sec. 3-305 (b), (1) of the General Provisions Annotated Code of Maryland to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees or officials over whom this public body has jurisdiction or any other personnel matter that affects one or more specific individuals.

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