

## Regular Meeting Minutes

The meeting of the Pocomoke City Mayor and Council was held in Council Chambers and via Zoom/Facebook livestream on Monday, March 1, 2021. The meeting was called to order at 6:34 PM.

Present: Mayor Susan Marshall Harrison  
First Vice President: Todd J. Nock  
Council Members: R. Scott Holland, Diane Downing, Daniel J. Tarr, Esther Troast  
City Manager: Jeremy Mason  
City Attorney: Andrew Illuminati  
City Clerk: Michelle Beckett-El Soloh

### Pledge of Allegiance, Prayer by Mayor Marshall Harrison and Call to Order:

#### Approval of Minutes from Meeting of February 12, 2021:

Motion to approve minutes for February 12, 2021 as written (Nock, Troast passed) @ 6:34 PM

Acclamation: Troast-aye, Holland-aye, Nock-aye, Tarr-aye, Downing-aye; none opposed; motion carried

#### Review and Approval Current Bill List:

Motion to approve the bill list (Nock, Downing passed) @ 6:36 PM

Acclamation: Troast-aye, Holland-aye, Nock-aye, Tarr-aye, Downing-aye; none opposed; motion carried

#### Enterprise Zone Application for Harbor Freight:

Planning Director Brandewie stated that the City has received an Enterprise Zone application for a company called Lucram, LLC who will own Harbor Freight coming into Pocomoke City. The manager of the property is K.G. Hilton. Enterprise Zoning is based on the value of additional improvements made to a structure and the resulting value of tax assessment. They would get a tax credit for over a period of 10 years. There are approximately improvements valued up to \$1M.

Councilmembers Holland and Tarr said they are happy to see this business come to Pocomoke City.

#### Public Hearing and 2<sup>nd</sup> Reading / Adopt Planning & Zoning Ordinance No. 456, Amendment to Zoning Chapter 230:

Planning Director, Dan Brandewie read:

**Ordinance No. 456  
Amendment to Zoning Chapter 230  
Pocomoke City, Maryland**

Public Hearing opened

Councilmember Nock said he isn't sure why the City is trying to dictate what type of vehicles people can park at their residences. As long as a vehicle isn't an eyesore, it should be allowed to be parked at a residence. He wished that there had been more time to address this ordinance in a work session for more Council input. He doesn't like this ordinance. It jumps around from vehicles to fences to swimming pools. He doesn't like how this ordinance came to fruition but he won't talk about that tonight. Councilmember Holland asked if semi-trucks could have time limits. Mr. Brandewie said that the way this is written, it prohibits tractor trailer parking at all times. It could be set up as a conditional

use to be able to park in a residential neighborhood. Because of the weight, noise and potential disturbance to other property owners most ordinances prohibit semi-truck parking in residential places but this ordinance can be modified. Councilmember Holland's other concern on fences is that the purpose of most fences is to protect children and animals. It might not be pretty but it serves a purpose. He doesn't want to make it impossible for people to afford fencing. Councilmember Downing said she doesn't want to interfere with the livelihood of truck drivers and say they can't park at their residences. Mr. Brandewie said one thing that can be looked at is regulation of commercial vehicles by axel or weight. Councilmember Tarr said some areas of the ordinance are very specific, as with the fencing and other things are vague such as with the commercial vehicles. Councilmember Holland said he has done some research on this type of ordinance in other cities and it is similar. He understands that the Council has to pass rules to help clean up the City.

Bonnie Merritt, 103 2<sup>nd</sup> St, said she keeps hearing the phrase "clean up the town". She wanted to know if the ordinance would be retroactive. Once it is passed, would people get fines for existing fences that don't comply? Could people apply for a variance for structures to be grandfathered in? We are in a recession and that might hurt the City requiring people to spend money for updates and be in compliance. She is asking the same about accessory structures. There are quite a few structures that don't meet setback requirements. There is a recent one on Linden Avenue. There needs to be a published fee schedule. And can site plans be hand written as professional ones can be astronomical in cost. Last year, people were forced to buy pools because most public pools were closed due to COVID-19. A lot of them are deeper than 24" and are temporary structures, is a fence required for those? It is difficult to hold people responsible for structures that have been in bad condition for 20 or 30 years. Mr. Mason said these new ordinances are for moving forward. It doesn't mean that fines will be issued for existing structures. Councilmember Nock said he feels that grandfathering is not mentioned and isn't clear in the ordinance. He feels like it's time to enforce other ordinances that the Council gets calls on. Mr. Brandewie said there are issues with staff availability being able to enforce everything. The more serious issues are being addressed. A standard interpretation of the Zoning Code is that nonconforming structures can continue to exist as long as they don't change or the nonconformity doesn't increase. Language can be added to make it clearer. Councilmember Nock said the City cannot pick and choose what to enforce. Mr. Mason said it is true that we cannot pick and choose what to enforce. Rules have to be enforced for each individual case. The intent is to improve the building code for the City. No one is being targeted. He doesn't feel like anything is left vague but there might be some room to be more specific on types of vehicles and weights. Councilmember Holland said he did see where it says that existing structures will be grandfathered in. He also realizes that variances can be sought if anyone has a need for that. Mr. Mason also said that Ms. Merritt had a point about the expense of site plans. That mostly applies to brand new businesses and buildings but for things like residential fences and accessory structures a hand drawn site plan is acceptable. Mr. Brandewie said the permit fee is \$75.00 for fences and accessory buildings. Councilmember Troast asked for clarity on installation of fences and that they have to be installed with the finished side out. Mr. Brandewie said yes, that is how it is written, that fences must be installed with the finished side out. Council asked that any concerns from citizens need to be addressed before the final vote. Council decided to hold a work session before voting on Ordinance No. 456.

Public Hearing closed.

Motion to hold work session to refine some of the language in certain areas of Ordinance No. 456 (Troast, Tarr passed) @ 7:10 p.m.

Acclamation: Troast-aye, Holland-aye, Nock-aye, Tarr-aye, Downing-aye; none opposed; motion carried

Public Hearing and 2nd Reading / Adopt Resolution No. 536, Worcester County Hazard Mitigation & Resilience Plan:

City Manager Mason read:

**Resolution No. 536**  
**Worcester County Hazard Mitigation & Resilience Plan**  
**Pocomoke City, Maryland**

Public hearing open.

Mr. Mason said copies of this resolution are available to the public. Call City Hall to request.

Public hearing closed. There were no comments from the audience.

Motion to adopt Resolution No. 536, Worcester County Hazard Mitigation & Resilience Plan (Nock, Downing passed) @ 7:32 p.m.

Acclamation: Troast-aye, Holland-aye, Nock-aye, Tarr-aye, Downing-aye; none opposed; motion carried

Public Hearing for USDA Funding Application for Lift Stations

Public hearing opened.

Mr. Mason explained that this is the intent to apply for a federal USDA loan with Department of Agriculture and Rural Development and Rural Service in fiscal year 2021/22. This money will cover the cost of four lift stations on Dorchester Ave, 10<sup>th</sup> and Market St, Cedar St and Payne Ave. These lift stations are over 70 years old and can no longer be retrofitted. The City has been in contact with our State Senators who have stepped up and made this possible for the City. Copies are available to the public upon request. Councilmember Nock said this has been a long time coming to fruition. This is much needed.

Public hearing closed. There were no comments from the audience.

Public Hearing for Winter Quarters Golf Course

Mr. Tim Fry asked what he needed to explain tonight. Councilmember Nock said that the plans needed to be explained to the public. Mr. Fry said his plans for the golf course is a three-phase proposal. His proposal included a revenue generating, passive-income plan with no liability for the City. He believes in Pocomoke City. His family has a long history there. Pocomoke City was good to his family and he wants to be able to return the favor by using his skills and his 25 years of service in Boca Raton, FL. He would like to use the golf course, the bistro and even a phase three water-sport on the river business. He doesn't think the City has a recreational program right now. The Mayor explained the Councilmember Holland is the Chairman of a committee that does some recreation programs. Councilmember Holland said there is some recreation done through the bowling alley but

more is needed. Mr. Fry had offered taking over the old Armory building and make it into a community center but was told it was going to be torn down. He has recently spoken to Mr. Covington and he was pleased to hear that someone local wants to take over and manage the golf course. The City is in a low to mid income level area but golf has been around so long the City can build off of that. With indoor and outdoor dining that will also bring people to that area of town. Water recreation will also increase that. Most areas on waterways have aquatic rentals available. Mr. Mason said the fact that Mr. Fry's proposal that offers a no cost to the City proposal speaks volumes and we would be crazy not to work with him. He also said that he is not opposed to aquatic rentals but that it needs to be phased in after the golf course and bistro is started up. Mr. Fry realizes that fueling and those issues can be worked out as we go. He is in agreement that the golf course and bistro need to be first. Mr. Mason said the Log Cabin is to remain separate from the golf proposal. Mr. Fry said it would be advantageous to be able to redo the kitchen and use the Log Cabin as a partial bistro. Mr. Fry asked if there was an existing beer/wine permit. Mr. Mason said he believes that no longer exists and would have to reapply for that license. Mr. Fry and his wife love the area and want to increase leisure in Pocomoke City. His wife is interested in coming back and working with Habitat for Humanity. Housing does not have to be that expensive. Mr. Mason said there is no equipment to speak of for the golf course. There are a few pieces of older equipment that hasn't been run in a long time. Inventory can be discussed as part of the contract. Councilmember Holland said if this goes through, he will be in contact to set up a connection through the school and create an opportunity for students for work on the golf course and create a scholarship.

Motion to accept Tim Fry's proposal with further legal review for final contract (Tarr, Holland passed) @ 8:01 p.m.

Acclamation: Troast-aye, Holland-aye, Nock-nay, Tarr-aye, Downing-aye; 1 opposed. 4 ayes; motion carried

Councilmember Downing's aye vote was contingent on legal liability for the City being covered and Councilmember Troast's aye was contingent on the Log Cabin not being included in the contract.

#### Comments from Council

Councilmember Holland said anyone having a child interested in little league, please sign them up. Their numbers are down. We need to make sure little league stays in Pocomoke City.

Councilmember Nock said this Friday, a ceremony will be held at Dockside to commemorate the first COVID-19 case in Maryland. Dockside will light the restaurant in amber light, free of charge to the City. There will be a few speakers and reading of ordinances. Anyone that wishes to join can get information. Email [tnoch@pocomokemd.gov](mailto:tnoch@pocomokemd.gov) or call 443-783-6686. He attended a meeting this morning for the Sturgis One Room Schoolhouse Advisory Board. Another Board has been formed. The City's grant writer, LaFabian Marshall, is a board member. They lost their 501(c)(3) designation a while back. They need \$600.00 to restart the designation. He would like the City Council to vote to award the \$600.00 tonight.

Motion to award Sturgis One Room Schoolhouse \$600.00 to regain 501(c)(3) status (Downing, Troast passed) @ 8:12 p.m.

Acclamation: Troast-aye, Holland-aye, Nock-aye, Tarr-aye, Downing-aye; none opposed; motion carried

Councilmember Troast said she received a letter from little league requesting \$500.00. That money was already budgeted.