

Regular Meeting Minutes

The meeting of the Pocomoke City Mayor and Council was held in Council Chambers and via Zoom/Facebook livestream on Monday, August 1, 2022. The meeting was called to order at 6:30 pm.

Present: Mayor Susan Marshall Harrison
First Vice President: Esther Troast-Not Present
Council Members: R. Scott Holland, Daniel J. Tarr,
Todd J. Nock, Diane Downing
City Manager: Jeremy Mason
City Attorney: Andrew Illuminati
City Clerk: Michelle Beckett-EI Soloh

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

Approval of Minutes from Meeting of July 5, 2022:

Motion to approve minutes for July 5, 2022 as written (Nock, Tarr passed)

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

Review and Approval Current Bill List:

Motion to approve the bill list (Downing, Nock passed)

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

Recognition of James H. Porter, Jr. Tenure with Pocomoke City:

Mr. James H. Porter, Jr. was presented a plaque to celebrate 40 years of service to the City as legal advisor to the Boards of Elections, Planning and Zoning Commission and Zoning Appeals. Mr. Porter retired in June of 2022.

Request Permission to Hunt on City Property for Dennis Schultz:

Mr. Schultz has hunted on city property of the last six years with no incidences. He would like to be approved for the current year.

Motion to allow Dennis Schultz on property located at Old Virginia Rd and Rt 13, 74.17-acre lot (Nock, Tarr)

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

Eastbound Disc Golf Presentation:

Disc golf is played by throwing a frisbee in a basket that is about 5 feet tall. They are placed at 18 locations on a course. It has become very popular since COVID. It is also a very family friendly sport. They have prepared a proposal. They are prepared to supply half the targets and can get the rest of them at a discounted rate or with donations and fundraisers. The company feels that Winter Quarters golf course is the perfect place and can be easily set up. The target baskets would align with the current greens. The cost of the target baskets is approximately \$375.00 to \$425.00. Mr. Mason said he is looking for minimal disturbance to the current grounds in case it would ever be restored to a golf course again. Councilmember Nock asked if a demographic study had been done that indicates interest in the sport. There has not been an official study but they received a lot of interest when they

were surveying the course. Councilmember Nock said a Public Hearing also needs to be held and give the citizens a chance to speak. He also wanted to know how revenue is generated. The presenters said they are 501-C-3, not-for-profit designated. They hold tournaments and collect a low fee. All proceeds are put back into the community in some way. They have done murals and other community projects. Councilmember Downing asked about the safety of the game. The presenters said it would hurt if you got hit with a frisbee but safety is high priority and small chance of getting in the way. Councilmember Holland says he has friends that play and enjoy the game.

Emergency Resolution No. 570, Declare Ambulance as City Surplus Property:

Councilmember Nock asked why it had to be an emergency resolution. The City Manager said this ambulance has been sitting untagged and uninsured for quite some time. The city has received some inquiries of interest and it is the city's best interest to sell it. If it is made an emergency resolution tonight, the legal process still has to be followed by placing legal ads and considering all incoming offers.

Motion to make Resolution No. 570 an emergency (Holland, Tarr)

Acclamation: Troast-aye, Downing-aye, Tarr-aye, Nock-abstain, Holland-absent; 1 opposed, 1 absent, motion failed

Motion to read as a 1st reading (Tarr, Downing)

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

First reading done by Mr. Mason: **Resolution No. 570
Declare Certain Properties as Surplus (2012 F-550 Ambulance)
Pocomoke City, Maryland**

Public Hearing and Adopt Resolution No. 567, Pathways to Economic Development, 2nd Reading:

Grants Administrator, Linda McNeil, read: **Resolution No. 567
Pathways to Economic Development
Pocomoke City, Maryland**

Public Hearing opened. There were no comments or objections from the public. Public Hearing closed.

Motion to adopt Resolution No. 567, Pathways to Economic Development Feasibility Study (Tarr, Nock)

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

Public Hearing and Adopt Resolution No. 565, Annexation for 833 Ocean Highway, Pocomoke City, Maryland, 2nd Reading:

Planning Director, Dan Brandewie, said certain requirements had to be met such as legal advertisement notices, notify certain State agencies and County agencies. All agencies had no concerns about the annexation. Deborah Ullmann commented that she is the attorney for the applicants and is available to answer any question.

Public Hearing opened. There were no comments or objections from the public. Public Hearing closed.

City Attorney, Andrew Illuminati, read: **Resolution No. 565**
Annexation for 833 Ocean Highway
Pocomoke City, Maryland

Public Hearing and Adopt Resolution No. 566, Annexation Plan for 833 Ocean Highway, Pocomoke City, Maryland, 2nd Reading:

Dan Brandewie read: **Resolution No. 566**
Annexation Plan for 833 Ocean Highway
Pocomoke City, Maryland

Public Hearing opened. There were no comments or objection from the public. Public Hearing closed.

Motion to adopt Resolution No. 565, Annexation for 833 Ocean Highway, Pocomoke City, MD and Resolution No. 566, Annexation Plan for 833 Ocean Highway, Pocomoke City, Maryland (Tarr, Holland)

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

Introduce Ordinance No. 460, Amendments to Zoning Code, Sections 230-5, 230-62, 230-70 & 230-78, 1st Reading

Amendments to the Zoning Code as recommended by the Board of the Zoning Commission.

Dan Brandewie read: **Ordinance No. 460**
Amendments to Zoning Code, Sections 230-5, 230-62, 230-70 & 230-78
Pocomoke City, Maryland

Introduce Resolution No. 568, Health Resource Service Administration Provider Relief Funds Grant for EMS, 1st Reading:

Grants Administrator, Linda McNeil, read: **Resolution No. 568**
Health Resource Service Administration Provider
Relief Funds Grant for EMS
Pocomoke City, Maryland

The proposed amount is \$21,000.00. It is possible that it could be more.

Introduce Resolution No. 569, Governor's Office of Crime and Control Prevention, State Aid for Police Protection FY 2022-23 Grant, 1st Reading:

Grants Administrator, Linda McNeil, read: **Resolution No. 569**
Governor's Office of Crime and Control Prevention, State
Aid for Police Protection FY 2022-23 Grant
Pocomoke City, Maryland

Comments from Council

Councilmember Holland said there are some events coming up. The National Night Out on August 2nd and Splash Zone in Cypress Park on 14th. The Great Pocomoke Fair on August 4th. He wanted to give a shout-out to Backyard Escapes who sponsors the slide. All About Progress will be giving out school supplies. Watch for that date to be announced.

Councilmember Nock said on August 27th, 11 a.m. to 2 p.m. New Macedonia Church will be giving away school supplies. On August 28th Mt. Zion Church and St. James United Methodist Church will have a Sunday worship. New Macedonia Church will organize a community trash pickup for the entire city. Meet at the church and an area will be assigned. It will be from 10 a.m. to 1 p.m. on August 27th. He said it was hard work but they also had fun. Refreshments will be provided.

Councilmember Downing said she has received several complaints this month concerning water bills. Services to one house were accidentally cut off. That was quickly fixed but there were other complaints about usage and higher bills this month. The other Councilmembers also said they have received the same complaints more than usual this month. Water usage goes up when there are no leaks, swimming pools or other activity that would cause usage to go up then usage goes back to normal the next month. Mr. Mason said he will look into the situation. Meters can malfunction and other problems can happen. The city is using ARPA funds to convert the current system to a different, updated auto-read version. Councilmember Nock said the same issue is happening with several people monthly and he will have to talk about the issue privately.

Councilmember Tarr said residents are getting creative and not properly bagging trash for the city workers to pick up. There are 4 containers allowed per residence. There have been pictures of full boxes set out on the curb, broken bags and other improperly bagged trash. It is creating extra time and effort for the city trash crew. There are fines that can be issued although fines are normally not issued on the first offense and will be tagged first. There is a concert in the park on Thursday.

Comments from the Mayor

None

Comments from City Manager

The Fair will be starting this week. Mr. Mason said the city will be needing a new refuse truck. He is working with Bill East on quotes. Both that we have now are constantly being repaired and are really past their lifetime use. The normal use is 6 to 8 years. They have a meeting with Tri-County Council this week. The city will look into ARPA funding or we might need a way to finance the purchase. MDOT will be putting new markings on the northbound crossover on Rt 13 onto Market St. Motorists are turning left into oncoming traffic on the southbound side. This will help prevent head-on collisions. An email was received from a "concerned citizen" about trash accumulating on Railroad Ave, Bonneville Ave. and other areas that don't even belong to the city. Councilmember Tarr picked up over 10 bags of trash by himself. A thank you to Councilmember Tarr! The project for the pump stations for the Wastewater Department will start soon. The crew trucks for GMB and other contractors will be housed at Public Works lot on 7th St. The other project is the mixers in the water towers.

Comments from Chief of Police

None

Comments from Audience

Deborah Ullmann, owns the parking lot in back of the proposed Cypress Roots Brewery on 2nd St. She spoke before on May 2nd and proposed an amendment to the City's Zoning Code. Bars and Brew Pubs are only currently allowed in B2 or M1, manufacturing Districts. Brew Pubs are not restaurants as defined by County or State Codes. Historically, Pocomoke may have limited bars and pubs in the shopping districts. The executive branch is attempting to change the Code through Ordinance No. 460 to allow bars in the downtown shopping district. She doesn't appreciate the executive branch trying to circumvent the administrative appeal presented to the Board of Appeals. Ordinance No. 460, Minutes or Agendas were not readily available on the city's website for her to provide any details. Only 22 days were provided for public comment. She asked, how can the public comment on something that is not published. It is unknown if the Planning Commission was aware of the ongoing appeal. State Statute allows Councilmembers to participate on executive boards but no one from the Council does participate. The decisions by the Planning Commission are not binding on the Council. It is also unknown if the public is aware of the legislation. From her perspective, proper notification was not given and little consideration is given to public comment. She read her definition of "restaurants" and her own proposal version of Resolution No. 460. Her version only contains one definition change for "restaurants" and doesn't change the whole Zoning scheme. To her, it's odd that the Planning Commission would make such changes to the Code to accommodate just one business. The owners didn't do their homework to find out where alcohol beverages are allowed to be sold in the city. The city needs to promote economic development but there are less drastic ways to meet that goal. Residents on Clark St, Front St and Winter Quarters could be exposed to parking issues, damages and potential liabilities previously mentioned. If the Council decides to follow the Planning Commission's recommendation to allow bars in these Districts, then parking should be required. The Council will be going into closed session, the topic was not correctly advertised on the agenda. She was informed by email that the topic of closed session is the sewer system at Royal Farms and trusts that the Council will limit their discussion to that topic.

Joshua Nordstrom, County Commissioner, stated that he recognized the importance of issues on both sides. It is important, from a representative's side, is recognize when changes need to be made. Representatives have to be aware of what changes need to be made so that a city or county can grow and thrive. We make our laws, and from time to time, they need to be reviewed, changed and updated so that an area can grow and thrive. Everyone here has wished for certain changes such as a more vibrant downtown, a bigger arts and business community or more foot traffic. There are opportunities here in Pocomoke. There are opportunities to purchase or lease a building, fix it up and make it your own. That is the reason why Codes and Boards have to be fluent and make changes that are best for the current situation. If you are familiar with the brewery and pub business, you would see the kind of patrons they bring in. people come from all over to visit. This would be a great anchor business for Pocomoke.

Councilmember Nock pointed out that Ms. Ullmann did not say she was opposed to the business coming into Pocomoke. Her concern is that ample parking is provided for all patrons downtown.

Joseph Barth, Pastor at Bethany UMC, said he agrees with Commissioner Nordstrom that there needs to be a plan for business development. He finds it interesting that the city just passed a resolution for Pathways to Economic Development. Other cities are doing similar things. He imagines

that we will be working with the MD Economic Development Association. He wonders why he is voting on Zoning Codes without reviewing long term plans. Commissioner Nordstrom is putting the cart before the horse and wonders if he has had a chance to review the legislation or even the whole plan. He asked why there is an urgency to make changes. He didn't hear any restrictions on hours. He believes that the city has just adopted a plan for economic development and new Zoning is an immediate action. He offered the possibility of meeting in the church for a larger forum.

Councilmember Nock said there have been similar items are on the agenda. The public knows that the Council meets every two weeks but the public normally doesn't take part. The public should come and participate even if they don't have a concern about items on the agenda. He pointed out the the Council gets blamed for things but what the public doesn't realize is that this Council has continually fixed issues from the past. Back in the 90s, prior administrations passed resolutions and ordinances that destroyed the downtown businesses. It also caused African-American ran businesses to not be able to operate. Revenue stopped coming in. Everyone has an opinion and points a finger at this Council. There are plenty of committees that citizens can join and have a voice but we can't find enough people to run the committees. He is more than happy to address the real issues with citizens.

Jessmin Duryea, Cypress Roots Brewery, has lived here for 10 years. He works during the day and only sees the area closed in the evenings. His company wants to bring the nightlife and vitality back to the downtown area. He wants to work with the other businesses and be part of the community. He welcomes anyone to meet and talk with them. They aren't trying to disrupt the town. They want to see it grow.

Councilmember Nock said he has to understand the reservations that people have. People are worried and concerned. Someone could leave their establishment and get runover. He agrees with the gentleman that said there has to be limitations on that kind of establishment. The town needs to work together and understand each other.

Councilmember Holland said there was a 5-year plan that was previously discussed at a Mayor & Council meeting. A lot of things that were brought up tonight were brought up then.

Heather Mitchell, CEO of River Party, LLC, she is from this area. She crossed the bridge a few minutes ago a saw the river and an empty downtown. She thinks she can help. She recently heard of a similar company that brings in 2,000 people a day for river rafting. A company like this could bring in business. Pocomoke has a lot of negatives but it has positives too. She thought she would be welcomed but found people were unavailable and the police department was uninformed. The mayor interjected that she and the City Manager, City Clerk, the Director of Planning and each Councilmember have met with her several times. Everyone told her to submit a business plan but she keeps coming back to talk with nothing in writing. If it is not presented in writing it cannot be presented to Council or be on the agenda. She did not follow the procedural advice that was given to her. Councilmember Nock also asked her to personally send a business plan to him, which she did not do. She never had any direct questions to ask. She did present the first part of a business plan at 4:00 p.m. the Friday before the Council meeting. The City Manager said he had the chance to review what had been submitted and he saw a lot of problems with liability issues. She does not have a place to conduct the business yet. The mayor explained the agenda process. Councilmember Holland said that she might need answers to finish the proposal. Several Councilmembers offered to meet with her.

Motion to meet in closed session after open session (Holland, Downing)

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

Motion to adjourn meeting (Nock Downing)

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

Approved: *K. Michelle Beckett-El Soloh*
City Clerk