

Regular Meeting Minutes

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

Present: Mayor Susan Marshall Harrison
First Vice President: Esther Troast
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-El Soloh

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

Approval of Minutes from Meeting of April 18, May 2 and May 16, 2022:

Motion to approve minutes for April 18, May 2 and May 16, 2022 as written (Nock, Troast passed)

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

Review and Approval Current Bill List:

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

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

Receipt of Annexation Petition and Survey Map for 833 Ocean Highway, Paul J. and William R. Swartz (owners) with Supporting Documents:

Planning Director, Dan Brandewie, said the City received a petition for annexation for a property located at 833 Ocean Highway, Pocomoke City, MD 21851 owned by Paul J. and William R. Swartz. They are represented by Deborah Ullmann. The matter was presented to the Planning Commission at their last May meeting. The Commission recommended moving forward with the petition and placing a Zoning Code designation of B-2. A public hearing and a resolution must be part of the process. Ms. Ullmann has prepared a resolution. The public hearing will most likely be scheduled for August with the 1st and 2nd reading of the resolution being done around the same time.

Public Hearing & Adopt Resolution No. 550, Establish RFP Process for CIPP Lining Project, 2nd Reading:

Grant Administrator, Linda McNeil, read:

**Resolution No. 550
Establish RFP Process for CIPP Lining Project
Pocomoke City, Maryland**

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

Motion to adopt Resolution No. 550, Establish RFP Process for CIPP Lining Project (Holland, Tarr)

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

Public Hearing & Resolution No. 551, Maryland Circuit Rider/City Manager Program Grant, 2nd

Reading:

Grant Administrator, Linda McNeil, read:

**Resolution No. 551
Maryland Circuit Rider/City Manager Program Grant
Pocomoke City, Maryland**

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

Motion to adopt Resolution No. 551, Maryland Circuit Rider/City Manager Program Grant (Troast, Downing)

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

Public Hearing & Adopt Resolution No. 552, Gun Violence Reduction Grant, 2nd Reading:

Grant Administrator, Linda McNeil, read:

**Resolution No. 552
Gun Violence Reduction Grant
Pocomoke City, Maryland**

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

Motion to adopt Resolution No. 552, Gun Violence Reduction Grant (Downing, Nock)

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

Introduce Resolution No. 553, Budget FY2022-23, 1st Reading:

Mayor Susan Marshall Harrison read:

**Resolution No. 553
Budget FY 2022-23
Pocomoke City, Maryland**

Finance Director, Janet L. Wilson, read the new balanced budget expenses and/or revenue for each department.

Introduce Resolution No. 554, PCPD Recruit and Retain Grant, 1st Reading:

Grants Administrator, Linda McNeil, read

**Resolution No. 554
Police Recruitment and Retention Grant
Pocomoke City, Maryland**

Introduce Resolution No. 555, PCPD Community Initiative Grant, 1st Reading:

Grants Administrator, Linda McNeil, read

**Resolution No. 555
Police Community Initiative Grant
Pocomoke City, Maryland**

Introduce Resolution No. 556, PCPD Body Armor Procurement Grant, 1st Reading:

Grants Administrator, Linda McNeil, read **Resolution No. 556**
Body Armor Procurement Grant
Pocomoke City, Maryland

Introduce Resolution No. 557, DHCD Downtown Rehabilitation Grant Façade Program, 1st Reading:

Grants Administrator, Linda McNeil, read: **Resolution No. 557**
DHCD Downtown Rehabilitation Grant Façade Program
Pocomoke City, Maryland

Introduce Resolution No. 558, MDE Grant/Loan/ARPA Discussion for Mixers/Tanks, 1st Reading:

Grants Administrator, Linda McNeil, read: **Resolution No. 558**
Mixers/Tanks #1 & #2
Pocomoke City, Maryland

Councilmember Tarr asked if this was a new loan. Mrs. McNeil said this grant was written by Kristy Eberly, two years ago and she was not with Pocomoke City for a long time. The City got the award letter last year but has not signed any acceptance documentation yet. The grant application or award confirmation have not been presented to Council. Instead of a loan, ARPA funds can be used to cover the expense for the City that the grant does not cover. There is a fifty percent forgiveness. Councilmember Nock said the City Council needs to have work sessions instead of finding out things at last minute. He wanted to know why it was not given to the City Clerk to be placed on the agenda. It is believed that it was the time between City Managers and the prior Grant Writer didn't know Pocomoke's process. The Grant Writer mentioned the project in the minutes from 2021 and that the grant was being written but after that there was no communication on the status of the grant submission with the City Clerk.

Action: Before adopting Resolution No. 558, the Council would like to determine the terms of the grant before committing to any spending.

ARPA Funding Update for E.M.S. and Other Project Obligations:

Grants Administrator, Linda McNeil, read a list of current grant awards and ARPA funds that have been committed for each project to date. Approval was tabled until the next meeting. Councilmember Troast asked for a complete list of all projects under ARPA funding with totals and wants to review it before voting.

Comments from Council

Councilmember Nock reiterated that fact that the Council needs to have work sessions. One weekend is not enough time to review documents to prepare for a meeting. There are times when incomplete information or information is not received soon enough to be able to comment. There are many houses and neighborhoods that aren't up to code. Mr. Mason said the city has limited control over issues of private property. The Code Enforcement has been feverishly working in areas to clean up but it takes time and litigation, in some cases.

Comments from the Mayor

None

Comments from City Manager

None

Comments from Chief of Police

None

Comments from Audience

Attorney, Deborah Ullmann stated that she is representing Paul J. and William R. Swartz for a property annexation for 833 Ocean Highway, Pocomoke City, MD 21851. On January, 13, 2022 she filed a petition, on behalf of her clients, for the annexation and paid the \$1,000.00 filing fee. The \$3,500.00 hook-up fee was also paid. Neighbor consents were received and sent to the City Attorney on February, 18, 2022. She inquired as to when the public hearing would take place before the Council and did not receive an answer. She inquired again on February 22, 2022 and still did not get an answer. On March 28, 2022, she again asked for an update and was told that the City had not yet heard back from the City Attorney. On April 27, 2022, she was told that the City Attorney did not want to write a resolution. Mr. Brandewie said that he would have time to write the resolution but that she could also write it along with the annexation plan. She consulted with her clients, on May 6, 2022 and they felt that it was more appropriate to be done by the City and annexation plan. She later learned, that according to statute, the City is required to write the annexation plan. She was told that the annexation plan had been sent to the Planning & Zoning Commission for approval and drafts would be done the following week. After waiting two weeks, on June 1, 2022, she asked that the annexation matter be placed on the City's agenda. She was told that the County was authorized to initiate a hook-up. She is not sure how that can be approved when the property is not yet part of the City. She was told that an annexation agreement had been drafted. There is no such thing in the statute as an annexation agreement and was the first time it was mentioned in six months since the beginning of the petition. She was also told that the resolution would be drafted the next week. On June 3, 2022 she verified that the matter was placed on the City agenda but it was just for acknowledgement of receipt of the petition. She was told to look over the annexation but it was not attached to the paperwork that she received. She did not understand why the resolution had not been submitted to Council as it is the resolution that starts the clock ticking for the public hearing. She then submitted a resolution that she drafted on behalf of her clients. She doesn't understand why there is such a delay when it benefits the City as the owners will start paying City taxes and will improve the environment around the area.

Dan Brandewie said that the normal time for the annexation is 3 to 6 months. This has taken longer than anticipated but the City has been dealing with the County requirements also. Chesapeake Bay grant assistance for funding is being looked at. The contract is the same one used when Carlton Mason annexed property. It is simply a contract that states the property owner and the city agree on certain things. A time frame has been laid out. The City tried to expedite a few things to enable the hook up.

Ms. Ullmann said that she was not aware that permission had been given to her clients to proceed with the hook up. Mr. Mason said he had not responded quickly to a few emails while waiting to work through certain legal issues. There were several inspections done by Public Works to determine environmental issues and equipment needed for a proper hook up. Ms. Ullman said she can make amendments to the resolution if needed but the process of reading the resolution needs to happen. The County statute calls to promptly read a resolution.

Ms. Ullmann has not contacted him at all to discuss the process. The issue is the zoning of the property. The City Attorney, Andrew illuminati, said his interpretation of the stature is different from hers. Attorneys have to follow procedures. There are numerous parts of the petition that have conflicts. The City and County have different zoning requirements to meet the needs of the property owners. Ms. Ullmann has not specifically inquired as to what the City or County is allowed to require for zoning. He would be willing to have a conversation about the process.

Motion to adjourn meeting (Troast, Tarr)

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

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