

Regular Meeting Minutes

The meeting of the Pocomoke City Mayor and Council was held in Council Chambers and via Zoom/Facebook livestream on Tuesday, September 6, 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, Diane Downing,
Daniel J. Tarr and Todd J. Nock
City Manager: Jeremy Mason
City Attorney: Andrew Illuminati
City Clerk: Michelle Beckett-EI Soloh

Pledge of Allegiance, Prayer by Councilmember Tarr and Call to Order:

Approval of Minutes from Meeting of August 1 and August 18, 2022:

Motion to approve minutes for August 1, 2022 as written (Nock, Holland passed)

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

Motion to approve minutes for August 18, 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, Tarr passed)

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

Engineering Services Award for Waterline Improvement Process (CIPP Lining) Phase 1

Mr. Mason said CIPP stands for “cure in place pipe”. This work will be done on Market Street. The city ran an RFP (request for proposals) twice as required by the grant process. Both times there was only one applicant which was GMB. The release for funds should be received in the next week or so. The project will probably begin in October this year.

Request Permission to Hunt on City Property for Major East

Councilmember Holland said Major East has hunted on city property for about 10 years now.

Motion to allow Major East to hunt on city property located on Old Virginia Rd (Holland, Tarr passed)

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

Request Permission to Hunt on City Property for Mark Speta and Dean Ennis

Councilmember Holland said it is the same situation for Mark Speta. He has also hunted on city property for several years.

Motion to allow Mark Speta and Dean Ennis to hunt on city property located at 1634 Dun Swamp Rd (Holland, Nock passed)

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

Public Hearing for Eastbound Disc Golf Proposal at Winter Quarters Golf Course

Mr. Mason said the Eastbound Disc Golf Proposal that has been presented is that the city invest half of the total setup cost. That works out to be approximately \$4, 075.00. The course set up requires very little and is low maintenance and can mostly be played “as is”.

Public Hearing opened. Two comments were given by the public:

Jonathan Almodovar, 319 Winter Quarters Dr, would like to see the other structures opened and used such as a pro-shop.

Ben Jelley, 12 2nd St, thinks this is a great opportunity to get the community out. He would take his family.

Public Hearing closed.

Introduce Resolution No. 572, Pocomoke City’s Portable Events Stage for Our Parks and Recreation

Mr. Mason read: **Resolution No. 572**
Portable Events Stage for Our Parks and Recreation
Pocomoke City, Maryland

Adopt Resolution No. 568, Health Resource Service Administration Provider Relief Funds Grant for EMS, 2nd Reading

Mr. Mason read: **Resolution No. 568**
Health Resource Service Administration Provider Relief Funds Grant for EMS
Pocomoke City, Maryland

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

Motion to adopt Resolution No. 568, Health Resource Service Administration Provider Relief Funds Grant for EMS (Nock, Tarr passed)

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

Adopt Resolution No. 569, Governor’s Office of Crime and Control Prevention, State Aid for Police Protection FY 2022-23 Grant, 2nd Reading

Mr. Mason read: **Resolution No. 569**
Governor’s Office of Crime and Control Prevention,
State Aid for Police Protection FY 2022-23 Grant
Pocomoke City, Maryland

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

Motion to adopt Resolution No. 569, Governor's Office of Crime and Control Prevention, State Aid for Police Protection FY 2022-23 Grant (Downing, Nock passed)

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

Adopt Resolution No. 570, Declare Ambulance as City Surplus Property, 2nd Reading

The ambulance is a 2012 Ford 550. It has over 200,000 miles. The city has removed the tags and insurance and it has been sitting unused. It is refurbishable. The city has had an offer but is still required to follow the charter process before sale.

Mr. Mason read:

**Resolution No. 570
Declare Ambulance as City Surplus Property
Pocomoke City, Maryland**

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

Motion to adopt Resolution No. 570, Declare Ambulance as City Surplus Property (Holland, Downing passed)

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

Adopt Ordinance No. 460, Amendments to Zoning Code, Sections 230-5, 230-62, 230-70 & 230-78, 2nd Reading

Councilmember Holland made a motion to table this agenda item Ordinance No. 460, Amendments to Zoning Code, Sections 230-5, 230-62, 230-70 & 230-78 (Holland, Nock passed)

Acclamation: Downing-aye, Holland-aye Tarr-aye, Nock-aye; none opposed, motion carried because all Councilmembers are not present and the council wants to review and discuss parts of the resolution. Councilmember Nock agreed that this is a major revision to the Code and would like to schedule a public Work Session. He stated that he is not against a brewery in town but the Code needs to be reviewed. The resolution addresses a certain section P, which includes words such as night clubs which may not be a desired type of business for the downtown area.

Motion to amend the resolution, Section P and strike wording such as "night clubs" (Holland, no second)

The City Attorney, Andrew Illuminati, clarified several points:

1. Councilmember Holland made a motion to table adoption of Ordinance No. 460 that was voted on unanimously.
2. Councilmember Nock expressed desire to have a work session on the 19th of September or before.
3. Councilmember Holland's motion to strike Section P was not seconded so the motion died on the floor.
4. For tonight's purpose, the term "brewery" is a general term for prospective and does not apply to any current situation or application that is already in process. This Council has not voted on the issue and this discussion does not affect the Board of Appeals decision that has already taken place. That is a legal issue that is in litigation and cannot be commented on at this time.

Councilmember Nock said he does wish to make a current motion to remove the wording that would allow night clubs and taverns.

Motion to strike wording such as night clubs and taverns from Resolution No. 460 (Nock, Downing passed)

Acclamation: Downing-aye, Holland-aye Tarr-abstain, Nock-aye; 1 abstain, none opposed, motion carried

Planning Director, Dan Brandewie, read the changes that have been recommended so far for Zoning district changes.

Councilmember Nock said that the residences from downtown to Winter Quarters Drive are classified as a B1 and not residential. B1 boundaries need to be researched. He also said that it is important for employees of the city to remain unbiased on the issue.

Audience Comments

Deborah Ullmann, 203 2nd St, the parking lot of one of her properties is adjacent to the rear property of Cypress Roots property. Both of her businesses are located in the B1 District and the proposed changes to the Code will impact her. She has letters to distribute to the Mayor & Council that mostly point out that more time should be allowed to review the Codes and not make a quick decision. She proposes a change to the ordinance that mandates a bar business should be required to provide its own off-street parking. She said that she has not been able gather enough information in the last month since the Code changes have been proposed.

The City Attorney said that the comments and discussion must be held to generic information and cannot be related to anything that pertains to current litigation.

(Several comments by Ms. Ullmann were omitted because of relation to current litigation.)

She continued that the laws of Pocomoke City need to be interpreted equally when pertaining to all businesses. She was required to provide parking when she purchased her property downtown in the B1 District. All businesses downtown in a B1 District should be required to provide parking.

The City Attorney said this is her personal experience that can be addressed during the audience comments section. What happened personally with past administrations cannot be currently addressed.

Joseph Barth, 200 Market St, many studies have addressed on and off premise consumption contributed to incidences of lifetime consumption of alcohol, heavy drinking, sexual crimes. The crimes are most pronounced in areas located to close proximity of on-premise consumption. Women who live in disadvantaged areas risk being more heavily affected. Our local area is in close proximity to homes and schools. Laws that were put into place by previous Zoning and Council members should not be changed.

Councilmember Holland said those studies might not be relevant as they were done outside of the United States. He also asked Mr. Barth if he himself took part in the consumption of alcohol. He said

yes, he did. Mr. Mason asked Chief Hancock if they received complaints during the Boat Docking event that lasts several hours and is attended by large crowds drinking outside. Chief Hancock said no, they have not had any complaints from the Boat Docking event. Councilmember Nock said that while consumption of alcohol causes people to do many things, that it is not the only or even main cause of crime or violence. The main question at hand is do we want breweries to be allowed in the B1 District?

Nancy Schwendeman, Decatur Property, read a letter from the company CEO in support of the proposed Code changes to bring revenue to the areas that they serve. Craft breweries are different than bars or pubs because they are more involved in the communities.

Lorie Stout, 1503 Princess Anne Lane, we've heard facts and figures and all of other info she didn't expect to hear. She lives here and in the last few years has helped regenerate a business in the downtown. Pocomoke could be a place to be proud of instead of just being a small town. She understands concerns about alcohol being close to homes. She has raised 3 kids of her own. Breweries have a different clientele who want to have access to different tastes. They have a better education, finer tastes and are willing to spend money.

10-minute recess

Ernie Stout, 1503 Princess Anne Ln, he doesn't like alcohol but is in favor of seeing new businesses come to town and downtown be revitalized. He could only hope that new business would create a parking problem.

Jessmin Duryea, 12 Front St, He has lived in the downtown for more than 10 years now. He has not seen much activity happen in the downtown area. He enjoys brewing beer and would like to use it to make positive effects.

Rob Dunne, 202 W. Federal St, Snow Hill, he is a fellow brewer, he is in support of the Code changes. He has seen a lot of positive things happen through this type of business. It creates jobs because it takes several people to run and work the business. It creates social opportunities and tourism. There are places seeking out breweries to come to their town. Councilmember Holland wanted to know if there are smells associated with breweries. He said it's like bread, a little yeasty but the smell attracts people. It's not a bad smell.

Bonnie Merritt, 103 2nd St, her residence is close to the B1 District. She has been there for 30 years. She is not against a brewery in the downtown. She worked for Worcester County. When they did changes to the Code or rezoning there was a laundry list of research before changes were done. We need to consider the future of the town. We are only considering one business for this change. The City's Code does not make adjacent property owners aware of changes. Setbacks were changed near her property which caused her to lose several old trees. Allowing this business might cause other businesses to come and parking will need to be addressed. Some of the buildings on streets are not in good shape and might not allow safe parking. She has never had an issue with events in Pocomoke. Some trash after the Christmas parade but the city has cleaned it up. The Codes need to be closely reviewed and see what is allowed and maybe review Codes from other towns.

Monda Marsh, 1 2nd St, said that the ordinance seems vague. Prior ordinances have more strict requirements. Parking is an issue. She heard the City Attorney say that we are not here to discuss parking. There is nothing in this ordinance regarding parking. She noticed that during the Fall Festival there was parking all the way down Winters Quarters Drive. The business will need employees and serve patrons. Where are they going to park? She has been a bartender and is not opposed to a brewery. She has been blocked in her own driveway because of street parking for events. She is in favor of economic development for the city. Just on this block there are over 10 kids. She has addressed the Council several times about cars speeding on Market St. What will happen if you add in alcohol. In 1922 there was a fire in the downtown. Are provisions being made environmentally to control odor or fire? If the guidelines for solar power are stricter, then it should be more regulated for breweries too. She picks up trash and bottles on Linden Ave now. There needs to be greater emphasis in the ordinance regarding the environment and children. There are other properties in the area that would allow for more parking and room for deliveries. She has learned that part of her property is zoned business. Houses in that area should be zoned residential. At her age, it's an effort to maintain her home and she shouldn't have to pick up trash coming from a business district nor put up with people urinating in her yard. There are a lot of older houses constructed with wood. It wouldn't take much for a whole block to go up in flames. She asks that the Council takes the time to review all of these issues.

Michele Burke, Worcester County Department of Tourism and Economic Development, Successful breweries are a huge draw for areas. They establish a sense of place and serve as community hubs, gathering places and a source of local identity and community pride. They can be catalysts for economic development for a town in a rural area. They help support other individuals such as local musicians and artists. Other businesses such as boutiques and coffee shops also draw foot traffic customers because of breweries. Breweries have become a fun and attractive place to meet. They create a culture of social responsibility and collaboration and community involvement.

Josh Nordstrom, 804 Market St, read a letter of support from Mark Scher from Scher's Bridal Shop. He has heard a lot of commentary at previous meeting that say that downtown needs revitalization. He has also heard how predecessors have negatively impacted downtown business. You have heard from residents, business owners, you have possession of letters in favor and have heard from the Chamber of Commerce and from Economic Development. They are here because they already know what most people in this room know. This is positive. Breweries bring in tourism, tax dollars and are anchors for downtown. Everyone here has different backgrounds and has different jobs and different expectations of what should be downtown. He is asking that the Council recognize the benefits of being a more prosperous place and approve the ordinance.

Council Comments

Councilmember Holland commented on some issues he heard tonight. Concerns were littering and trash, public urination, parking issues. He doesn't foresee an issue with trash and urination. The business will be able to handle those issues. Downtown has several parking lots. We are punishing a future potential business. Davis Strategic Development are ready to start renovation on the old fore house. He also heard concerns about speeding on the way to the recycle bins. That wasn't a Council decision to move the bins but he feels that if you aren't speeding it shouldn't be a concern. The City Manager commented that the few complaints were that it is farther and makes it inconvenient. He measured the distance and it is only 1 mile difference.

Councilmember Nock said we are a small town. He feels that the inconvenience was that people didn't know about it. He said the truth about Ordinance No. 460 is that we don't really know if it will be a financial advantage. The Council could have voted tonight but he seconded the motion to table it because he wants everything that happens in this town to be the best it can be. He saw several issues that still need to be addressed. He is taking the public comments into consideration. He hopes that when the Work Session happens, the room is packed again. He hopes comments and concerns are sent to the Council so that they can be addressed.

Councilmember Downing thanked everyone for coming and commenting no matter which side you are on.

Comments from City Manager

In the last year, demolitions and renovations have been completed. There were 4 demolitions by controlled burn. Some houses that were scheduled to be demolished were actually purchased and renovated which means they are back in the tax base. There were 20 renovated properties. Some are still in process. Planning and Zoning and Code Enforcement office have written \$9,000.00 in violations and grass and overgrowth fines. Christmas parade is being planned and it will be the 50th year. Mike Shannon will be stepping down from that position. Volunteers are always needed for the parade. The Boat Docking was successful and attendance was good. Mr. Shannon is going to repair one of the pylons. There is a land donation to the city. Family of Will Stevenson have reached out with the donation of a 1.29-acre wetlands parcel. The city met with the county today at the library site to discuss plans. M2 Construction will be starting on the lift stations. He thanked the public for coming out to attend the meeting and voicing their comments. He will provide more updates in the future and try to keep the public informed.

Comments from the Mayor

Thanked the public for coming out either in support or in opposition to the brewery issue.

Comments from the Chief of Police

Presented bullet-proof vest inserts purchased from Hardwire, to the public. Red Dot laser sights are placed on weapons. It defines the target area and reduces incidents to bystanders. Each one costs about \$300.00. Vest inserts and red dot sights were both purchased with grant funds. There are 2 officers that will attend red dot training. Over the last few months there have been several complaints about dirt bikes on the street. They are being impounded until ownership is proven. There are also criminal and traffic charges being filed. Pocomoke Police Department will not do active pursuit for dirt bikes as it is too dangerous. There are other ways to track and identify them. A lot of the dirt bikes are salvaged and don't have titles. There is one officer that is resigning as of September 15th, 2022. Statistics for the week are: 13 Arrest (5 traffic / 8 criminal), 1 Juvenile Arrest for Malicious Destruction of Property, 68 Traffic Stops (90 total violations, 39 warnings 51 citations), 2 Motor Vehicle Accidents, 62 Foot Patrols, 77 Business Checks and 119 Patrol Checks. Due to health issues, he had considered retirement but has now decided against it. He has replaced tags on police vehicles with identifiable LG tags.

Councilmember Nock thanked Chief Hancock for always being available and even taking calls while on vacation.

Location of the recycle bins were given again. They are located by the south water tower on Old Virginia Road, across the railroad tracks on the left.

Motion to adjourn meeting (Holland, Downing passed)

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

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