

Regular Meeting Minutes

September 04, 2018

The regular meeting of the Pocomoke City Mayor and Council was held in the Council Chambers at City Hall on Tuesday, September 04, 2018. The meeting was called to order at 6:27PM.

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

Prayer & Pledge of Allegiance

In a motion to open regular meeting (passed) @ 6:27PM

Review Minutes:

In a motion (Downing, Trotter passed) to table approval the minutes from August 20, 2018 after meeting in closed session @ 6:28 PM

Councilwoman Downing stated that council will approve August 20, 2018 minutes but would like to first address an issue in closed session.

Review and approval of bills:

Councilwoman Troast asked if everyone has had time to read and review bill list. City Manager stated there was a bill added after the list was printed. Didn't want it to be held for another 2 weeks because the contractor has to pay for the asphalt and is going to be a big bill. This is for the street work that was previously approved. City Manager Cowger stated that he had been on the job sites several times and inspected the work and was very satisfied with the job. The contractor did an excellent job and strongly recommends that he be paid. He stated he's sorry that it was presented late but it didn't come in until just before the meeting.

In a motion (Trotter, Nock passed) the bills presented to be paid @ 6:40PM

Discuss Major East III bow hunting privileges on city-owned land @ Old Virginia Rd and Dunn Swamp Rd:

Councilwoman Troast stated Major East is here tonight and the Council has been approving his hunting on the property for years. He has been very responsible and Councilwoman Troast would like to suggest that his request be approved.

In a motion (Tasker, Trotter passed) approval for Major East III to hunt on Old Virginia Rd and Dunn Swamp Rd City properties @ 6:50 PM

Councilman Nock asked for clarification of the type of hunting on the City properties. Major East III, 1511 Lincoln Dr, stated just simple bow hunting of deer on the properties that are City annexed but are actually more out in the country. Councilman Nock clarified that no rifles are used. Major East III confirmed that no rifles used. It's a regular compound bow and arrow. Councilwoman Troast stated that he takes his children with him. Major East III stated that he turned in 2 permission sheets that need to be signed. City Manager Cowger stated council will sign forms and they be mailed back to him.

Request to Waive Bidding Procedures for Professional Services and Authorization to Enter into Contract with Middle Department Inspection Services (MDIA) for Plan Review and Building Inspections Services:

Dan Brandewie, Director of Planning & Zoning, stated as we are probably aware the City had been in a professional services contract relationship with MDIA since 1993 as he recalls after reviewing documents in fact they are embedded into the City ordinance as being responsible for certain city inspection services such as electrical and plumbing. We have been doing that for a number of years. When Harvey Davis, the previous Housing Inspector, retired last year he took the building inspection services with him and we were left to rely on MDIA at that point for all the additional building inspection services which we have been operating under a memorandum of understanding since about July of last year. This document further defines and identifies all the specifics of the contract. We want get them more onboard with our computer software that we use for tracking permits, so they are being asked to adopt the software and use a tablet when they go out into the field, confirm inspections are made and confirm certificates of occupancy are ready to be issued. It doesn't change any of the fee structure. They are more than reasonable. On the list of fee schedules for a single-family home they identified a fee of \$151.00 and they do approximately 5 visits for a home to inspect footers, framing, etc. That works out to less than \$30.00 a visit. What we are asking is to waive the professional services bidding component of our procurement policy which is somewhat ambiguous as to how to deal with professional services to begin with. And we enter into the contract and move forward with bringing MDIA onboard with our computer system and software. We actually think it could be a cost savings to our citizens. Under the electrical and plumbing permits we charge \$100.00 which was the fee last year and MDIA charges separately for the visit so what we are asking is that we absorb that visit fee if MDIA makes the inspection visit. Other than that, there are no

changes as far as the fee structure to be aware of, this just further defines the relationship with MDIA. City Manager Cowger stated he has spoken to several contractors that have been inspected by them. They say that they have been very fair. They don't nitpick but they are very thorough. Councilman Nock stated that the initial contract period is for 1 year and termination must be made in writing within 60 days. Is there a fee to end the contract early? Dan Brandewie answered, no fees. We will be collecting all the money upfront for inspection services. That's going to improve our service to the citizens where they don't have to pay individually each time MDIA comes out for an inspection. We are going to charge upfront and MDIA will send us a bill for their inspection services and we will then pay MDIA. That will streamline the process for our citizens.

In a motion (Nock, Downing) to pass to waive bidding procedures for professional services and authorization to enter into contract with Middle Department Inspection Services (MDIA) for plan review and building inspections services @ 7:10 PM

Discuss Revision & Boat Docking Fees:

City Manager Cowger stated there is a new dock rate fee schedule. After we put our fuel tanks in and spoke with a few boat owners. Three different boat owners said that Pocomoke boat dock fees are double what other locations charge. That's why they don't see boats docked here for the spring, summer or even winter seasons. City Manager stated he called Shad Landing, Crisfield and a few other local docks and confirmed what the boat owners told him was true. Pocomoke's fees were way out of line with the other locations. The new fees are in line with fees in the area. We have a few slips on the end where fuel tanks are so it's no problem to get this going. We have very little cost. Boat owners will also pay the electric fees in addition. Right now, dock fee is \$700.00 and we maybe get 1 boat a year. This will fill the slips and bring in some revenue.

In a motion (Nock, Trotter passed) to accept new boat dock fees @ 7:20 PM

Discuss 3-year Incentives for New Business Start Up:

City Manager stated he had a meeting with Harriet, Economic Development for the State, in Crisfield last week. IOREX is looking to have a facility here in the near future. The State has come up with several nice incentive plans for a business to start up here. Dan and City Manager were both impressed after meeting with her as to how many opportunities there are to set up in Maryland. City Manager Cowger stated as of August 28 he has been here a year and hasn't seen where the City has been able to attract many businesses to come in. Some of that is because of the clean-up situation with downtown area. After speaking with several towns like Cambridge, the cities put up their own incentive plans to attract business. The council doesn't have to approve this particular plan. It can be revised and brought back. Something like this would certainly help to attract new business into the City. This proposal is a 3-year incentive that if a

business comes into town and sets up as a total new business. Right now, the City has no existing incentives to offer. If a big business came in and wanted to buy one of the buildings downtown and are going to have to fix it up, the City would waive for the 1st year the property tax, water & sewer and business. That would be somewhere around \$4,000.00 to \$5,000.00 incentive the 1st year. Right now, there is no business there so the City wouldn't really loose in the deal. Councilman Nock stated that we need to understand that the problem in Cambridge is the City does offer incentives but the businesses usually leave after 3 years. We can avoid that by mandating businesses to stay at least 5 years. We should go ahead and approve this but with the amendment of staying for 5 years added. Councilwoman Downing asked if we had any comparisons to incentives in other small towns. City Manager Cowger stated that his plan is a little more aggressive than some other towns. Others get City & business tax exemptions but the City Manager also wanted to add the water and sewer incentives. They offer \$50.00 to \$70.00 range for water and sewer about \$840.00 per year. Councilwoman Downing stated that she isn't necessarily against this plan but to compare to Berlin and Snow Hill. Berlin is booming right now. City Manager Cowger stated that they have Ocean City as a big advantage with 250,000 people already there. Councilman Nock said that Ocean City is not Berlin's drawing card. Berlin has its own drawing card as a small town on the eastern shore with its own unique abilities and the casino nearby. City Manager stated that when people go to the Ocean City businesses they are already in Ocean City. Pocomoke has to survive on what's down here near us. Councilwoman Troast asked if a major box store wants to come in, do they get the same incentives? City Manager Cowger answered yes and they would be eligible for the same City incentives and the State incentives too. For the first year, if they buy a piece of property, we haven't lost anything because we weren't earning anything anyway. That is a bigger input to what the city is getting. That's the drawing card. Councilman Nock asked how will the business incentive plan be set up? How long will the incentives be offered once a business starts up? Is it part of the 5-year plan or a 10-year plan? We don't want it to become the status quo because business will stop coming and think they can just come in next year. City Manager Cowger stated it can always be done individually year to year. Then at the end of the year it comes back to be voted on. That's what we are doing with the TAP fees. Since we dropped the TAP fees we've had 15-18 houses were issued building permits this year in the last 8 months. We haven't had but 5 building permits issued in the last 3 years. It's little incentives like that add and help draw in business. Pocomoke has to survive on it's own. We have to do what we can to draw people and business in. We don't get a lot of help from County or State. We are looking for incentives that doesn't cost the City a lot but can mean a huge return for us. Dan Brandewie stated he is familiar with some Cambridge incentive program that have merit. They have Downtown Development District Tax Credit and Impact Fee waiver. Worcester County does not have impact fees. What this does for Cambridge is that if you put in over \$50,000.00 of improvements regardless if residential or a commercial building, you can write off the taxes on those improvements over a 4-year period with an 80, 60, 40 or 20 percent reduction in the taxes on the value of improvements. That has

had some impact on the downtown area. One other thing they offer is a new resident senior tax credit. This was designed to attract seniors and retirees to their community. If you are over the age of 60 you can get a 50 percent reduction in the annual property tax over a 3-year period. So, they started to market the area as a second home or vacation home type community. We would have to do some follow up to see how successful that particular program has been. That incentive was somewhat controversial because seniors said why are new resident seniors getting tax credits but not seniors who are established there. They have one other fairly good program that we are applying for here Façade Improvement Grant Program for both business and residence that offers for up to a \$15,000.00 improvement the City will match and reimburse up to \$7,500.00 back to a residence or business owner. We have done the business side for a couple years now. According to their website since 2012 they have helped 65 projects leveraging approximately \$250,000.00 public investments to support \$588,000.00 private investment. They have had some success with this Façade Improvement Grant Program. If we are approved, funding from the State will come later in the fall. Those are 3 examples of programs that Cambridge has tried. Keep in mind that Cambridge was a very distressed community also about 10 years ago. They felt that they had to do something and they have had quite a bit of success with these tax incentives. City Manager Cowger said we would like to continue over a period of time coming up with ideas and suggestions and trying things that have been successful in other small towns and municipalities. Councilman Nock asked about the Lusby building structure and how much longer the supports will be up. Dan Brandewie answered that as a condition of the building permits that were issued they have 30 days to come back with a plan that shows improvements to be made otherwise they would get an unsafe building notice with 30 days to demolish or. Frank Hawk, retired architect who is working with Mr. Lusby, was contacted today. He stated that they are getting estimates on how to pin that structure safely so that they can continue to remove that brick work. Councilman Nock stated that the support structure has been up for almost 30 days already. Dan Brandewie stated that the notice was formally issued just last week but he authorized the support structure ahead of that for safety reasons to shore it up. There is a great deal of rot that you can see across the horizontal beam up front. One of the ideas for that structure was to take the entire stucco and brick façade off the structure and recover it with another material. They know they have to decide and it can't be left sitting for an indefinite amount of time.

Councilwoman Troast said moving back to item #7 of the agenda, it is her suggestion to revise the business plan with the 5-year 'in business' stipulation.

In a motion (Nock, Trotter passed) to approve the 3-year Incentive for New Business Start Up with the 5-year in business revision @ 7:35 PM

City Manager Cowger stated the plan will be drawn up and sent to Worcester County Economic Development and State Economic Development and will be advertised on our website.

Council Comments:

Councilman Trotter commented the street repaving really looks good. He noticed today that with the heavy rains the water was flowing and not puddling and seemed to clear out.

Councilman Nock stated he had mentioned hosting a kickball tournament. Maybe doing it for as a charity or downtown event. Something out of the box. We have beautiful fields here. Possibly plan it as a 4th Friday or Saturday event.

Councilwoman Troast suggests getting the hanging dead plants removed when Public Works can do that. And in September we were supposed to have a work session to revise City Charters.

Councilman Nock asked if the position for Chief of Police has been posted. City Manager Cowger answered yes, it was sent to MML, Pocomoke website and National League of Cities.

Audience Comments:

William Sparrow, 1955 Orchard Dr, Question for Dan, he was explaining about the computer for the company to interact with the city and wanted to know if that computer would have safeguards to block accessing other city business information.

City Manager Cowger explained that the company would not have access to any unauthorized city information.

William Sparrow further commented that a business that participates in beautification needs an award or certificate to be recognized for their efforts and advertise their city. The Chamber of Commerce used to do that but not sure if they still do. The business incentives are a good thing but we can't compete with Berlin because Berlin gets 295,000.00 a year from the slots and he has spoken with Jim Mathias about us getting a part of it and all he says is that it has to go to legislation but he won't make it happen.

Councilman Nock said he has also spoken to Jim Mathias about it too. He said William Sparrow should speak with his friend in the county seat. Jim Mathias isn't going to step on any toes to get casino money to this area. Berlin and Ocean Pines get 5 percent each, Ocean City gets 10 percent of casino revenue. They think that the casino doesn't affect our area but the truth is our residents are going to the casino and spending their

income. We are aware of the lawsuit filed by Ocean City against the County. They did that and they are the ones reaping the benefits now. We don't want to have to file a suit, we think that we should just get our fair share.

City Manager Cowger stated that he wrote a letter regarding the casino revenue to Merrill W. Lockfaw, Jr. at Worcester County Commissioners office. He's been told that everyone will have a copy of the letter when it comes time to review this issue. But it's an election year and so far, Pocomoke City has not had any representation for this issue.

William Sparrow further stated that Cambridge has some money to be able to offer good business incentives but Pocomoke doesn't have that kind of money. We do need incentives to draw people here. The business plan needs to be structured so that Pocomoke covers itself.

Councilman Nock stated that Cambridge does have money but they are neglecting their neighborhoods. The families are living in homes with holes in the rooves, no running water. Some conditions are almost slum dog conditions. We aren't allowing our citizens to live like that.

William Sparrow stated he is on the development board of Worcester County. Pocomoke has been designated as an industrial park. They don't see Pocomoke as being affected by tourism. Pocomoke needs to look at businesses to draw people in NASA with good salaries and can pay taxes toward infrastructure. Mary Mears has left and Cathy Gordon hasn't been officially appointed but she is now heading up the department. I've always been for Pocomoke City and I see us getting cut short by the casinos. The advice I can offer is that when you do a budget for Worcester County ask for the moon and maybe you'll get something.

Pastor Doretha Whittington, St John AME Church on Cedar St, stated she is having a property issue with a neighbor. Across from the church they have a parsonage and the property owner in back of the parsonage was sent a certified letter in March asking him to deal with the large trees that had grown over the parsonage property and are in close proximity almost leaning on their roof. She stated that several months ago a branch fell off the tree and damaged part of the roof. The church paid for it and didn't ask for damages. Now something needs to be done before something else happens. City Manager Cowger asked Dan Brandewie to explain ordinances regarding property and trees. Dan advised that it is a private property issue and normally the City would not get involved unless it was trees over the streets or sidewalks. In that case, we have the legislation to cut or take down the tree. Councilman Nock stated that fines need to be imposed for this because we get a lot of complaints regarding trees and property owners neglecting them. Councilwoman Downing said Maryland law states that you can cut down the part of the tree that's on your property.

Councilman Nock asked Dan if they can go to the homeowner's house and ask him to cut the tree away from the parsonage property. Dan said he will look into the City ordinances. There is some kind of language for diseased and dying trees being a hazard or nuisance. He stated that this is one area that has room for discussion and improvement. Vines contribute to a lot of problems with trees in this area. Dan will check and see what constitutes a nuisance, He will take the Pastor's contact info and try to resolve this issue.

City Manager Cowger said there has been quite a few calls about dark water especially in the heights today. He stated that he isn't sure if something got stirred up when they put the new McDonalds line in. They flushed all the hydrants in the area today until it cleared up. He stated that with all the pipework and flushing and cold weather coming on that should all help.

Tonya Ginn of 732 9th St stated she is seeing dark stains in the bathroom from the water and smelling an odor again. She said it clears up for a couple days then starts again. It's even with her cold water.

Wendell White asked if any of the proceeds from the fire house community center come back to the City. He said if the price of renting it was less, the citizens would have more incentive to use it. City Manager Cowger stated that the fire department is in charge of setting their own rates for the hall. They went out and did a study of all the prices in the area and they tried to stay competitive when setting their prices.

Councilwoman Troast said she knows they are half the price than what the Elks charge.

Councilman Nock asked about the fire department getting their allotted money. City Manager stated he has to set up a meeting to address that with the chief and president and board of directors.

In a motion (Trotter, Tasker passed) to adjourn meeting @ 7:40PM

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: _____
City Clerk