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**SNOW HILL MAYOR AND COUNCIL**

**Work Session Meeting Minutes**

**Tuesday, July 25th, 2023**

**5:00pm – Regular Session**

A Work Session of the Mayor and Town Council of Snow Hill, Maryland was held at The Old Fire Hall on Green Street on Tuesday, July 25th, 2023, with Mayor Pruitt presiding.

**PUBLIC OFFICIALS PRESENT**

Mayor Mike Pruitt

Councilmember Janet Simpson

Councilmember Diana Walsh

Councilmember Margaret Ann Fletcher

**STAFF IN ATTENDANCE**

Carol Sullivan, Executive Administrator

Jerry Jeffra, Clerk

Maureen Howarth, Esq. Town Attorney

Marty Sullivan, Code Enforcement Officer

Lorissa McAllister, Economic Development Director

Rick Pollitt, Town Manager

Andy McGee, Police Chief

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1. **Call to Order – Mayor Pruitt**

Mayor Mike Pruitt called the meeting to order at 5:00pm and made several announcements: the public will be allowed to ask or voice any questions or concern during the end of each item on the agenda, and many plans, ideas or promises that the Town may have had intentions on fulfilling may have fallen short due to the high turnover in the past recent years. Mayor Pruitt also commented that code enforcement isn’t easy and the process to enforce and tackle several issues that have been on the mind of the citizens is a lengthy and possibly pricey one.

1. **Code Enforcement**
	1. **Building Permit Process: Application through inspection to occupancy permit**

Mayor Pruitt asked for Code Enforcement Officer Marty Sullivan to approach the podium to speak more on the topic.

Mr. Sullivan said that either the property owner would contact Town Hall to begin the building permit process, and that Snow Hill only inspects structural work with the electrical and plumbing work inspected by the County. The majority of requests for building permits are for fences, roofs and sheds. If someone wants to build a significant structure, such as a house, the process begins with submitting a site plan to show their lot, where it would sit on that lot, etc. There’s also a fee required alongside the submission process, with certain costs either being fixed or adjustable depending on what and how much is being done. There are also multiple phases in which a house must be inspected for the construction to move onto the next step, such as structural, roofing, plumbing & electrical, and more.

Councilmember Walsh asked where the permit process originates. Mr. Sullivan replied that applicants see him first and that some permit applications are submitted to him electronically.

Councilmember Walsh asked if payments need to be made during the permitting process, to which Mr. Sullivan answered no, but prior to issuance of the occupancy permit all payments must be made.

Councilmember Fletcher asked if each phase of the inspection is documented. Mr. Sullivan replied yes, and that there is a spreadsheet that he keeps track of, as well as inspection stickers that are posted on the property.

Attendee asked if someone buys a property do they have to adhere to the same or new inspections, to which Mr. Sullivan replied only if they are changing the property, and the Town doesn’t approach anyone to inquire if changes to that property are being made; it’s based on an honesty policy.

Attendee from 210 S Morris Street is concerned about the compound next to her property which has a lot of structures. The attendee wanted to know if there is a limitation on the number of structures per lot/property.

Councilmember Walsh asked if we have a record of complaints, such as the one for 210 S Morris St. Mr. Sullivan said no, and while it has been logged it wasn’t filed. Mr. Sullivan said he will follow up with an investigation into this complaint.

Councilmember Fletcher asked about the property since Mr. Sullivan mentioned it was sub-divided, and asked if he went through the Planning Commission or knows someone who knows how it became that way. Mr. Sullivan responded that it was sub-divided before his employment with the Town.

Councilmember Walsh also asked if the fence complies with code, which Mr. Sullivan replied he would investigate this as well.

Councilmember Walsh asked about fence contractors trespassing on adjacent properties as they work on their projects. Ms. Howarth suggested that it happens but that property owners should be encouraged to locate their fences inside their property lines in order to avoid intruding on their neighbors’ land.

An attendee announced that the majority of the problem from 210 S Morris St is the neighbor’s properties and structures are on the property line.

Councilmember Walsh asked about renters and their licenses to rent, and Mr. Sullivan answered that during the inspection, they complete a different form to declare that the property would be for rental purposes. Mr. Sullivan also remarked that for the property next to 210 S Morris St, he would investigate into it to see if the second-floor addition passed inspection to be qualified to rent out to people.

Mr. Pollitt asked, for this specific case, if the addition doesn’t pass inspect/qualify for rental purposes, or if there is a significant violation, what are the options to pursue a resolution? Mr. Sullivan said that if it is a movable object, they would need to move it, if not, they would need to demo the structure.

Rita Williams asked if properties need to be inspected before renting them out, and Mr. Sullivan replied that yes for new rentals, and inspections for current rentals would resume.

Councilmember Walsh asked if neighbors are concerned about a possible development to be constructed; is there a way to start working with them that’s public? Mr. Sullivan said that there would be a public meeting to discuss it, and it would only move to a public discussion when the builders are ready to move forward with construction. There would also be meetings with the Planning Commission with a 30-day notification to the public about the construction in question.

Councilmember Walsh asked is a permit granted before these hearings, which Mr. Sullivan replied no.

Mr. Pollitt commented that there are several components of the approval process for a subdivision project, including a storm water management plan, assessment of water and waste water demand, street design and more. He said it is a lengthy process and Mr. Sullivan agreed, adding that he would be involved in each step and that all projects are reviewed and approved by the Planning Commission at every phase of development.

Attendee asked about the property next to 210 S Morris St; is it a house or compound, which Mr. Sullivan responded that it is 2 separate lots, with a single-family home being on one and a duplex on the other.

Attendee via zoom wanted to know about the setback between a driveway and the neighbor’s property. Mr. Sullivan said that there is no set back, and it can go right to the line of the property.

Attendee asked if we can investigate to see if all of the properties are within code, which Mr. Sullivan said he will.

Jan King doesn’t understand how they got permission without the neighbors having a chance to approve or disapprove. Mr. Sullivan replied that he will pull the files to see how it came to be accepted.

* 1. **Property upkeep enforcement: Site conditions, complaint process, ultimate resolution**

Mayor Pruitt asked Mr. Sullivan to explain what the process is when a complaint is made. Mr. Sullivan said that a file is opened, with most of the complaints being cutting grass or trash in yard. Letters are mailed citing the code to the offending parties demanding that they cut their grass or remove their garbage. If they do not respond to the first notice within five days, then another notice is sent with the contractor’s fee to resolve the issue plus an administrative fee of $25. Should the issue continue, the additional fee on top of the contractor’s fee increases to $50, with the final level being contractor’s fee plus $400.

Mayor Pruitt asked what is the success rate of getting people to respond to notices. Mr. Sullivan responded around 95% after he gets in contact with the violator. If a violator doesn’t get around to cutting the grass, the Town will, and only sometimes the Town collects the money on the expense of cutting the grass. There is a note put in the system that the property owner owes money for the violations, when the property is sold that’s when the Town collects the money.

Ms. Creasy from 310 S Bay St spoke about 308 S Bay St; have you sent letters to that address, which Mr. Sullivan said yes but with no response, and will now have to get into discussion with Ms. Howarth about how to move forward. Ms. Creasy also had a concern about groundhogs being a problem, and an attendee suggested animal control to alleviate the issue.

Mr. Pollitt remarked that due to legal constraints, the Town cannot declare what is trash or junk without first going to court.

 Councilmember Walsh remarked that the majority of people’s concerns fall into this category, and asked are courts the only way to resolve issues should the person not comply? Mr. Sullivan said that citations are only issued should the person fail to comply, and the vast majority of those who do get a notice do comply.

Councilmember Walsh asked about a more serious case, such as a hole in the roof, what is the process? Mr. Sullivan said that a repair order, in this case, would be issued, and if left unresolved or if the damage deems the structure unsuitable or dangerous, then by approval of Council, they can consider the property unsafe and condemn the property, resulting in the eviction of the residents.

Councilmember Walsh asked if residents are allowed to be updated on the steps of the process of an inspection. Mr. Sullivan responded yes.

Jen Gilliland asked about condemnable buildings, which Mr. Sullivan replied that he sends a notice to the owner of the property, and can issue an eviction notice.

Attendee asked when a rental property is under such disrepair to be considered condemnable, what is the process? Mr. Sullivan replied that upon hearing a complaint he would investigate and, if valid, send a letter to the owner.

Ms. Howarth confirmed that Chapter 101 authorizes the housing official to issue the eviction notice.

Thomas Davidson shared his concern about a house on Morgan Run, about a car parked on the property for several years. Nothing has been resolved with the car after multiple complaints. Mr. Sullivan spoke to this concern and said that currently there is nothing in the code that states that cars cannot be parked on the front yard. Vehicles without tags must be stored either in an accessory structure (such as a garage), under a cover, or must be a restoration project. Police Chief Andy McGee also spoke to this saying that the car has to be registered under the state of Maryland or in a state of repair for 30 days, but after 30 days it must go under an approved car cover. After a certain length of time, cars can be considered abandoned and may be towed at the owner’s expense. Putting tags on the vehicle ‘restarts’ the 30 days’ time before a vehicle must be covered again.

Councilmember Walsh asked if fines can be issued before the tow? Chief McGee said no, but it would also involve a ticket issued by the police department.

Mr. Davidson shared another concern, on the corner of Covington and Ross, that there is a tree or brush that’s obstructing view from driving. Mr. Sullivan replied that he would investigate this issue. Councilmember Fletcher brought up that specific part of the road may not be the Town’s property but the County’s.

Mr. John Gilliland from 202 Ironshire St wanted to share his feedback about Mayor Pruitt’s comments made at the beginning of the meeting. He wants to see solutions approached less confrontational, such as either giving a person an option to be cited for a fee, or to have the Town to resolve a minor infraction such as tall grass, and bill the people.

Councilmember Walsh asked how do we plan to move forward when it comes to complaints. Mr. Pollitt spoke to her query that it seems that there isn’t much of a paper trail on previous complaints, but believes that documenting these complaints would be the start Councilmember Walsh wants to see.

Councilmember Simpson asked if a motion can be made during Mayor & Town Council to have Council be shown this new recording process, which Mr. Pollitt said yes.

Fran Price asked if a person buys a property, would they have to pay for a new hook-up, which Mr. Sullivan said no. Ms. Price also asked if people can trade an EDU (Equivalent Dwelling Unit) from one empty lot to another, to which Mr. Sullivan was unable to respond.

* 1. **Proposed ordinances on vacant & dilapidated buildings in commercial & residential districts**

Mayor Pruitt passed the floor to Economic Development Director Lorissa McAllister. Ms. McAllister spoke to the ordinance proposed by the Economic Vitality Committee to change the current vacant building ordinance that was passed in 2016. The changes would specifically address commercial properties, and the goal is to tackle vacancy while also emboldening enforceability and proper use of the building. The 2016 ordinance only requires to register a building as ‘vacant’ or ‘blighted’, with a fee of $100 attached to do so. Enforcement has proven to be difficult however. After careful consideration, the process had to begin proposing changes, in both Residential and Commercial aspects. Eighteen percent of all commercial properties are vacant. Ms. McAllister then listed the five primary changes and revisions suggested and passed by the Economic Vitality Committee.

Mayor Pruitt asked about the phrasing of words “vacant and blighted”, versus “vacant or blighted.” There are buildings that are vacant but not necessarily blighted. Ms. McAllister noted that for questions relating to the Residency side of the ordinance, Mr. Sullivan and the Planning Commission would be best to answer that. For commercial use, Ms. McAllister did say the verbiage of “vacant and blighted” is to be used, with the purpose to foster a commercial community.

Mayor Pruitt shared a concern about a specific case: an old chicken house on Ironshire St. was renovated to become a beauty parlor, and this business is outside the commercial district. Would this make this person have to obey the new ordinance? Ms. McAllister responded that there are instances for special exceptions.

Mr. Sullivan spoke to the residency side of the ordinance: the Planning Commission didn’t want to address only blighted buildings but also vacant and blighted ones.

Councilmember Walsh said while a vacant building may not be dilapidated, some buildings may be in the process of being passed to an heir. Councilmember Walsh also shared a concern that the intent of this ordinance is to not have a lot of vacant buildings, and would like to see the verbiage changed to ‘vacant or blighted’.

Councilmember Simpson added that we do have commercial buildings that have been worked on for a long time and that can pose a problem.

Attendee asked who makes the determination of what’s considered blighted? Ms. McAllister replied that the definitions for vacant and blighted are found in the code.

Rita Williams asked about the Town’s properties and that they too should follow the new changes, to which Mayor Pruitt heartily agreed.

Councilmember Walsh asked about the fee schedule for commercial: for buildings unused for a long time, to get action, how high can the Town charge. Ms. McAllister responded that this was a hot topic and the committee looked into other towns to see how they handled it. We are starting at $500, and would double each year up to a maximum of $4,000, but it is up to the Council ultimately to change any of these values.

Mayor Pruitt asked if these fees are suggestions, and Mr. Pollitt responded that for the residential ordinance it was suggested, and Ms. McAllister confirmed that as well for the commercial ordinance. Ms. McAllister also added that there has been a precedent set by other towns in Maryland as well who’ve implemented similar ordinances.

Councilmember Walsh asked for the success rate of implementing such an ordinance. Ms. McAllister answered that there is a high success rate. Councilmember Walsh is still interested in seeing how high a fee the Town can issue. Ms. McAllister noted that buildings need to be vacant for 90 days to be cited. The goal of the ordinance is to give teeth to the process but not to punish people too harshly.

Attendee asked if there could be a sub-section for companies or groups that live outside of town? Ms. McAllister said that a decent number of our problem buildings are owned by out-of-town owners and that the suggestion by the attendee was a great one.

Mr. Pollitt asked if there are other experiences with towns similar to Snow Hill to base with which to compare. Ms. McAllister responded that Denton is of similar size to Snow Hill, and was considered for fees and a similar ordinance.

Mayor Pruitt shared a concern: what if an owner abandons a vacant/blighted building, and if someone wants to purchase that building, wouldn’t this scare off too many people from buying that property? Ms. McAllister said that it is ultimately up to the business owner to make sure that their business strategy would work within Snow Hill’s community and to be able to accommodate or resolve some of the needs the building may have. There are also incentives to help with the process of renovations. The goal is to set a standard for our commercial community but to also provide the support they need as well.

Attendee shared a concern: business owners who are next to vacant/blighted buildings are impacted as well, and there should be harsh penalties for the previous owners.

Diana Nolte shared her frustrations with the vacant buildings as well. She also remarked how some of these vacant buildings clearly has trash viewable within sight and that these buildings do harm to the image of commercial owners who are putting forth the effort.

Councilmember Walsh asked if this will be introduced for first reading at the next Mayor & Town Council Meeting, and Mr. Pollitt answered yes, after any edits suggested and made by Council. There will also be a period of public comment made available. There are two ordinances to be submitted for first reading, one for the commercial side and the other for the residential. Ms. McAllister noted that the ordinances closely mirror one another, except in the difference of the fee structure between commercial and residential.

Councilmember Simpson asked who to talk to about the fees on the residential side, and Fran Price, who was in attendance, said she is on the Planning Commission. The fee starts at $250, and the Commission would be able to answer more inquiries.

Councilmember Simpson asked if we have grants to help residents in this situation. Ms. McAllister said there are a few.

Councilmember Walsh asked if we can soon discuss the inspection of rental units, and to possibly hold rental permits until those people pay them and/or increase the fees associated with them. Mr. Sullivan did warn that revoking renter’s licenses would lead to evicting the tenants.

* 1. **Legal parameters of local enforcement authority and citation avenue to court system**

Mayor Pruitt asked Assistant State’s Attorney Michael Farlow about the prosecution of code enforcement violations. Mr. Farlow said that it usually involves a civil citation, which is drafted by the code enforcer. The citation must contain what the problem is and methods to correct it. Should a fine not be paid, the Town could put a lien on the property. With homes with significant issues, that would bring up the issue of abatement. Should the court agree with the Town’s complaint, the judge would then grant the courts the power to contact the violator and resolve the issues. This will be a lengthy process, possibly taking months to follow through.

Mayor Pruitt asked if these issues actually get resolved, to which Mr. Farlow replied yes.

* 1. **Parking matters: How determined, how enforced**

Mayor Pruitt passed the floor to Chief McGee, who spoke to parking concerns. There are three areas in which problems mostly arise: Commercial, Residential, and School District. On commercial, there is usually a 2-hour parking limit, with a $25 dollar citation issued for violations. There have been historic concerns about county and court employees or people involved in jury duty using the parking spots meant for commercial use. Residential issues stem from cars parking near or on people’s driveways and at fire hydrants. School District issues are from the traffic problems involving school buses and the increased number of parents who are picking their children up from school during dismissal time. Discussions were also had on changing how parking is handled, such as using meters.

Councilmember Walsh asked if officers on school duty spend a good amount of time dealing with school traffic, and Chief McGee responded yes.

Councilmember Fletcher shared that several people have shared with her that they don’t feel comfortable walking distances within town anymore.

Clarification Correction made on

8-8-23

Attendee asked about the parking spot on Washington St, and that people have been occupying a space meant for the business owner. Chief McGee said that he can look into issuing more signs.

Councilmember Walsh wanted to see when the last time parking fines were looked into, and Ms. Howarth responded that the last time it was changed was in 2000.

Mayor Pruitt questioned if we really do have a parking issue or if it’s just the few who complain making it seem worse than it is. Is it more of a “walking” problem?

Attendee shared her concerns that she owns an Air B&B, and the neighbor has cars blocking access to the driveway of her business. Chief McGee said that he can ask people to move but there isn’t much to do without a more aggressive parking enforcement policy.

Councilmember Walsh asked what if an officer investigates and determines that there is drug use, what happens? Chief McGee said it would escalate into a criminal case and a search warrant would be issued.

Councilmember Fletcher asked about speeding and the prevalence of it. Chief McGee stated that there are speed-trap cameras and plenty of signs up to help curb this problem but is still on the lookout for speeders.

Attendee asked about people using dirt bikes. Chief McGee said that he instructed his officers not to chase motorcycles for safety reasons, and for citizens to still call the police and give a description so that later the police can investigate where these bikes are coming from.

* 1. **Other code issues**

The following are questions and comments made on Zoom that were answered after the meeting.

From Dana Schloesser: What (is) the recourse for some house flippers in town that do horrible work - hiding termites, rotted floors, etc. - since these were owned and flipped - it does not appear there is any intensive building inspections during the construction/renovation. Mr. Sullivan answered the following to the question: If they don’t pull a permit that type of stuff unfortunately happens. If they apply for a permit that will usually be caught during the inspections.

From Jim: What happens if they are repeat offenders one week it's a couch the next week it is a large screen tv left at the curb? Mr. Sullivan answered the following to the question: Each incident is considered a new infraction.

From Dana Schloesser: Trash is trash - especially if it is a public health issue - old furniture = mice, rats, and mosquitoes (this comment was in response to the difficulties surrounding the Town declaring what could be trash or junk on a person’s property.)

1. **Future Work Session topics by suggestion?**

Councilmember Walsh wants to follow up on the bikeways project.

1. **Reschedule August 1st Work Session**

Mayor Pruitt noted that there is a scheduling issue with National Night Out taking place at the same time as the next scheduled Work Session. Councilmember Simpson suggested August 2nd at 5:00pm to which the rest of the Council agreed. Mayor Pruitt highlighted several topics to go over during that Work Session, such as responding to Eddie Lee’s presentation from July 11th’s Mayor & Town Council Meeting, what to do about marijuana, and more.

1. **Adjournment**

With no other business to conduct, on a motion from Councilmember Simpson, seconded by Councilmember Walsh, the meeting was adjourned by the following vote. The time was 7:53pm.

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| **NAME** | **AYE** | **NO** | **ABSTAIN** | **RECUSED** | **ABSENT** |
| **Margaret Ann Fletcher** | **X** |  |  |  |  |
| **Janet Simpson** | **X** |  |  |  |  |
| **Diana Walsh** | **X** |  |  |  |  |
| **TALLY** | **3** |  |  |  |  |

 Respectfully Submitted,

 Jerry Jeffra

 Clerk I