

The Fruitland City Council met in Regular Session at City Hall on Tuesday, October 11, 2016, at 7:30 p.m. with the following members present:

President Darlene Kerr, Treasurer Gloria Ortiz, Councilor Raymond Carey, Councilor Roland Palmer and Councilor Charles Nichols.

Also present at the table were:

City Manager John Psota, Chief Michael Phillips, Deputy Treasurer Mark Swift, Public Works Director Mike Gibbons, City Clerk Raye Ellen Thomas and City Solicitor Andrew Mitchell.

Our guests included:

Bob Marvel, Delegate Carl Anderton, Delegate Carl Anderton's assistant Bunky Luffman, Katherine McAllister, Margaret Pennewell, L. Mac Pusey, Betty Cottman, Charles and Yvonne Carroll, Laura Harris, Kara Miciotto, Councilor –elect Mark Miciotto, Judy Watson, Kip and Sharon Powers, Darius Brittingham, Marc Henderson, Gail Boursett and several others who did not sign in.

President Kerr called the regular Council meeting to order at 7:30 p.m. and welcomed all in attendance. Treasurer Ortiz led all in Prayer and all recited the Pledge of Allegiance.

President Kerr acknowledged receipt of the minutes of the Regular Meeting of August and called for additions or corrections. As there were none, **Councilor Carey moved to adopt the minutes as presented; Treasurer Ortiz seconded and the motion passed on a vote of five to zero.**

Treasurer Ortiz delivered the September Treasurer's Report. For September 2016, the City recorded \$41,146 of revenues for the month. Of that total, \$160,000 was for business taxes, \$137,000 was highway user revenues, and \$65,000 was for the ENR upgrade. The total billed revenues for the fiscal year are now almost \$3.8 million, including real estate taxes and one quarter of utility billing. The City incurred \$562,677 of expenses for the month of September, including \$128,000 of expenses for the ENR upgrade and \$58,000 in loan payments. The total expenses for the fiscal year to date are almost \$1.25 million bringing the net income for the month to \$146,531 and the net income for the fiscal year to date is just over \$2.5 million. **Councilor Palmer moved to accept the Treasurer's Report as presented. Councilor Nichols seconded and the motion passed on a vote of five to zero.**

Chief Phillips gave the Police and Code Enforcement reports.

City Manager Psota stated that the Tree Lighting will be December 5, 2016 at City Hall. He also stated that Administrative Assistant Powell informed him that the Wicomico County Housing Authority is working on nine of the HUD houses in the City.

Public Works Director Mike Gibbons stated that there is one item left on the punch list for Slab Bridge Water Tower, the ENR upgrade is almost complete just working on minor punch list items, and the Main Street concrete work will be pushed back further due to the rain. He is looking into the possibility of having the milling done before the concrete. Public Works Director Mike Gibbons reminded everyone of the free bulk pickup October 17th through October 20th. It is for three items and is on the regular trash day. A lady asked what was considered three items. Public Works Director Gibbons gave examples.

UNFINISHED BUSINESS

1. **Paid Bills**

President Kerr acknowledged receipt of the paid bill report. **On a motion made by Councilor Palmer and seconded by Treasurer Ortiz the paid bills were approved by a vote of five to zero.**

2. **Morris Street Paving/Drainage Update**

City Manager Psota stated there is an ongoing problem with flooding on the 200 block of Morris Street. The flooding is due in part to a 16 inch pipe dumping into a 10 inch pipe near Carey Distributors. Paving is projected from Leslie to

Cedar on Morris Street and the City is trying to alleviate the flooding there. The City has been in contact with GMB's, Katherine McAllister, and one of the suggestions is to install a rain garden in the 200 block of Morris Street. Engineering services, soil samples and surveying will be cost between \$18,500.00 to \$21,500.00. City Manager Psota will be asking a request for approval of \$22,500.00 to cover the expenses. The City is also looking into the problem on the Carey Distributor end. The City would like to start on this as soon as possible, so it would not affect the paving. Permission would have to be obtained from property owners in that area. This project does qualify for State Highway Aid Grant money. The cost to the City after using the grant money should be approximately \$4500.00. Councilor Palmer asked if the property owners donate property for the rain garden, would their lots still be buildable. City Manager Psota stated that the lots are 9000 square feet in that area and over 5000 square feet would be needed for the rain garden, so the lots would not be buildable. **On a motion made by Councilor Palmer to not exceed \$22,500.00 for the GMB study on Morris Street to alleviate flooding, contingent to approval agreement from the Property owners for donating land, seconded by Councilor Carey, the motion was approved by a vote of five to zero.**

3. South Brown Paving Contract Approval

Public Works Director Gibbons stated this was a second bid. Due to the high cost of the last bid for paving on South Brown Street, the scope of work was changed and the project was rebid. Four companies attended the pre bid meeting, only two companies responded with a bid. George and Lynch bid \$465,000.00 and Chesapeake Paving and Sealing bid \$285,800.00. He is requesting approval to enter into a contract with Chesapeake Paving and Sealing plus a 10% percent contingency. **On a motion made by Councilor Carey to accept the bid from Chesapeake Paving and Sealing not to exceed \$315,000.00 and to allow the City Manager to sign the contract, seconded by Treasurer Ortiz, the motion passed on a vote of five to zero.**

4. Water Meter Purchase Approval

Public Works Director Gibbons stated the stock of water meters needs to be replenished. The City is in the process of replacing approximately 100 meters that are beginning to fail. The cost to replace 100 meters would be \$13, 973.00. Councilor Palmer asked if there is a way to update the meters through modern technology, Public Works Director Gibbons stated that he is working with the Badger representative on that issue at this time. **On a motion made by Councilor Carey to purchase 100 water meters at a cost to not exceed \$14,000.00, seconded by Councilor Nichols the motion passed on a vote of five to zero.**

5. Water Service Line Replacements South Brown Street

Public Works Director Gibbons suggested that the water service lines be replaced and one new line installed on Brown Street before repaving the road. In order to obtain quotes, Public Works Director Gibbons called five different plumbing companies and got responses from two. The lowest quote was \$6500.00 from W.M. Water and Sewer. Public Works Director Gibbons requested to accept a contract with W. M. Water and Sewer to not exceed \$7500.00. **On a motion made by Councilor Palmer to allow W. M. Water and Sewer to replace water lines on South Brown Street, at a cost not to exceed \$7500.00, seconded by Treasurer Ortiz, the motion was approved by a vote of five to zero.**

6. City's Growth Tiers map Discussion

City Solicitor Mitchell stated that the City's growth tier map was originally approved October 9, 2012. There was a change in law that requires it be re-adopted as part of the Comprehensive Plan. It has been adopted by the Planning Commission on October 6, 2016, City Solicitor Mitchell read the document, stating it has already been sent to Maryland Department of Planning, and once it is approved, the Planning Commission will have to hold a public hearing. Once it is approved by the Planning Commission it will come back before the Council for approval.

7. Other

Council President Kerr personally thanked Councilor Carey for all his dedication to the City, and he was a great asset to the Council, which will be missed. Delegate Carl Anderton then presented Councilor Carey with a citation of appreciation from the Maryland House of Delegates.

NEW BUSINESS

1. 2016 Final Election Report

City Clerk Thomas stated that an election was held at City Hall on Monday, October 3, 2016. Polls were open from 7:00 a.m. until 7:00 p.m. 70 voted at City Hall and 1 voted by absentee ballot. At the conclusion of the voting, the

votes were counted by the 3 members of the Fruitland Board of Supervisors of Elections. Also tallying the votes were the City Manager and City Clerk as read by the City Solicitor, in the presence of Current Council President Kerr, Councilor Raymond Carey, Councilor Roland Palmer and Bob Marvel. The official vote totals were **Gloria Ortiz 51, Mark Miciotto 40, Wayne Parsons 17, and Alexander Travers 9**. There was one write in candidate. Accordingly, the board of Supervisors of Elections unanimously certified the election of Gloria Ortiz and Mark Miciotto to the Fruitland City Council.

2. **Introduction and Swearing in of New City Councilors**

City Manager Psota introduced Gloria Ortiz and Mark Miciotto. City Clerk Thomas administered the oath of office to the new councilors. The new council members then selected their seats.

3. **Elect and Swear in Council President and Treasurer**

City Solicitor Mitchell said at this time the Council must reorganize. He took the chair and accepted nominations for Office of the President of Council. **A motion was made by Treasurer Ortiz to nominate Darlene Kerr as President of the City Council, which was seconded by Councilor Palmer. Councilor Miciotto moved to close the nominations, which was seconded by Councilor Palmer with all in favor. City Solicitor Mitchell asked if all were in favor of Darlene Kerr, as Council President, all five councilors were in favor, none opposed.** City Solicitor Mitchell then asked for nominations for Treasurer. **On a motion made by President Kerr to nominate Gloria Ortiz as Treasurer, which was seconded by Councilor Miciotto. Councilor Palmer moved to close the nominations, which was seconded by President Kerr with all in favor. City Solicitor Mitchell asked if all were in favor of Gloria Ortiz, as Council Treasurer and all five councilors were in favor, none opposed.** The meeting was then turned back over to President Kerr.

At this time City Clerk Thomas administered oath of office to Darlene Kerr as Council President and Gloria Ortiz as Council Treasurer.

4. **Introduction and Swearing in of Code Enforcement Officer**

Chief Phillips introduced Marc Henderson as the new Code Enforcement Officer. City Clerk Thomas administered the oath of office to him.

5. **Re-subdivision of Lands on Poplar and Church Streets**

City Solicitor Mitchell stated that Ms. Stevens would like permission to purchase land from her neighbor to increase her property size and eliminate an encroachment matter. The issue has been before the Planning Commission and the re-subdivision which affect both Poplar and Church Streets, which was approved. By purchasing the land from her neighbor, both properties meet the requirement size. **On a motion made by Councilor Palmer to approve the re-subdivision of lands of Mary Jane Stevens and Larry and Bertina Farrahe, seconded by Treasurer Ortiz, the motion was passed on a vote of five to zero.**

6. **Highway User Revenue Update**

City Manager Psota stated that the City recently and unexpectedly received \$137,245.48 in highway user revenue. This is in addition to the \$52,000.00 the City was to scheduled to receive. City Manager Psota stated that a resolution is needed for a budget amendment. Delegate Anderton explained why the increase of money was sent to the City. **On a motion made by Treasurer Ortiz by resolution for budget amendment \$137,245.48 be transferred into the highway user revenue account for capital improvements, seconded by Councilor Nichols, the motion passed by a vote of five to zero.**

7. **Money Conversion**

Chief Phillips stated that the Council had previously approved to sell two surplus police cars. Both were sold on EBay. One car sold for \$1725.00 and the other for \$1625.00. Chief Phillips is requesting the revenue made from the sale be put into the vehicle maintenance repair account. Councilor Miciotto asked if police cars were leased or bought outright. Chief Phillips explained they were brought outright. **On a motion made by Councilor Palmer to convert the revenue made from the two vehicles totaling \$ 3350.00 in the vehicle maintenance repair budget, seconded by Councilor Miciotto, the motion passed by a vote of five to zero.** [Note: The status of this sale will be updated at the November Council Meeting.]

8. **Vehicle Repair Approval**

Chief Phillips explained that the City had acquired a surplus military vehicle, which is being outfitted for the Fruitland Police Department tactical team. The tactical team has been funded by a grant, and the vehicle needs alterations to benefit the team. Chief Phillips has received three bids from fabricators, with the lowest bid being \$3400.00 from Pirate Fabrication and Mobile Welding. The additional bids were \$9350.00 and \$8500.00. Council President Kerr asked if this will make the vehicle complete and Chief Phillips advised that it will. **On a motion made by Councilor Miciotto to not exceed \$3400.00 for repairs done by Pirate Fabrication and Mobile Welding, seconded by Treasurer Ortiz, the motion passed by a vote of five to zero.**

9. Water Plant Upgrade/New Well MDE Application Results and Discussion

City Manager Psota advised that Katherine McAllister from GMB made an application to MDE in January on behalf of the City to upgrade the water plant and add a well. GMB has estimated the project will cost approximately \$ 2, 080,000.00. The City recently received notice that the project scored high on MDE's projects list. As a result, MDE has offered, through the Drinking Water State Revolving Fund (DWSRF), a Principal Forgiveness loan for half the project amount; approximately \$1,040,000.00. Additionally the City qualifies for a DWSRF loan for the balance at a rate of .60% for 30 years. A general discussion followed between the Council, City Manager Psota and Katherine McAllister. Concern was raised by Councilor Palmer as to where a new well would be located as to not possibly be effected by TCE. Deputy Treasurer Swift explained the loan process and how the City could fund the project by using revenue from the Water Reserve Fund. The Council decided to schedule a work session to discuss the matter further.

10. Other

City Manager Psota stated that he will be contacting dealers who sell electronic signs that Council President Kerr had asked about last meeting. He is contacting local businesses, fire houses and others that have LED signs to see about prices and options.

Public Comment/General Discussion

Kip Powers from West Main Street asked if the culvert will be replaced at the entrance to Shady Lane by the water tower. He stated that with all the recent rain, it is creating a pond in the woods. Public Works Director Gibbons stated it was removed when the City widened the lane, but he will look into the issue.

Lawrence Howard from School Street presented pictures of his yard during the recent flooding, showing how his out buildings were flooded. He would like someone to look at it. Public Works Director Gibbons will check it out.

Gail Boursett stated that she just recently purchased her house on Park Avenue and did not realize that there was a ditch in her yard. She cannot access her mailbox due to water in the ditch. She has called about having a bridge put over the ditch, and was told that she could not because the City needs access to cut the ditch. She also inquired who was responsible for cleaning the trash in the ditch, and when the City would clean it out. Councilor Nichols asked if her mailbox could be moved so she could access it. She stated that the Post Office would not like that. City Solicitor Mitchell advised Ms. Boursett that the trash in her ditch was her responsibility to clean out. Public Works Director Gibbons will check it out.

Yvonne Carroll, Judy Watson and Betty Cottman complained about a rental house on West Main Street. Chief Phillips stated he will have all the records regarding that house pulled and will contact each of the complainants in reference to what he finds out.

Mac Pusey thanked the Public Works Department for quickly fixing his water issues.

With no further business to discuss or comments, **on a motion made by Councilor Palmer to adjourn at 9:34 p.m., seconded by Treasurer Ortiz the motion passed on a vote of five to zero.**

Raye Ellen Thomas

Raye Ellen Thomas / City Clerk

Approved, November 8, 2016
