

The Fruitland City Council met in Regular Session at City Hall on Tuesday, October 13, 2015, at 7:30 p.m. with the following members present:

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

Also present at the table were:

*City Manager John Psota, Chief Michael Phillips, City Clerk Raye Ellen Thomas and City Solicitor Andrew Mitchell.*

Our guests included:

Delegate Carl Anderton Jr., Bob Marvel, Katherine McAllister, Bunky Luffman aide to Delegate Carl Anderton Jr. and Dave Harrison.

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

President Kerr acknowledged receipt of the minutes of the Regular Meeting of August 11, 2015 and called for additions or corrections. As there were none, **Treasurer Ortiz moved to adopt the minutes as presented; Councilor Nichols seconded and the motion passed on a vote of five to zero.**

**Treasurer Ortiz** delivered the June Treasurer's Report.

Cash on Hand 9/01/15	\$ 392,486.37
Deposits	\$ 1,650,024.75
Subtotal	\$ 2,042,511.12
Disbursements	<u><del>\$(1,705,236.90)</del></u>
Total Ending 9/30/15	\$ 337,274.22

**Councilor Palmer moved to accept the Treasurer's Report as presented. Councilor Carey seconded and the motion passed on a vote of five to zero.**

**Chief Phillips gave the Police and Code Enforcement reports.**

**City Manager Psota gave the City report and would like to ask for approval on projects that the City is working on.**

**City Manager Psota presented the Recreation Commission's request that the building fund monies in the Hebron Savings Bank, currently \$19,245, along with the concession stand proceeds from USSSA 2014 be moved to an endowment fund through the Community Foundation of the Eastern Shore. A motion was made by Councilor Nichols to allow City Manager Psota to sign and start an endowment fund through the Community Foundation of the Eastern Shore by moving the money from aforesaid sources, seconded by Councilor Carey the motion was approved by a vote of five to zero.**

**City Manager Psota also stated that at the last Recreation Commission Meeting it was voted to allow the Little League and Force to put grass sod on fields 5 and 8. If for some reason the grass is not wanted there, they are still City owned fields, and the grass could be removed, at this time Recreation Commission believes that it is best to have the grass. By putting the grass on the field it will limit the use of the fields for USSSA softball tournament.**

**City Manager Psota advised that the Police Department's computer/internet capabilities are tied to the server system at City Hall. Because of this setup, the Police Departments computer efficiency, speed, and reliability are negatively affected, not to mention the possibility of compromising officer safety. The phone system for inter-department is also tied into the computer system and has ongoing reliability issues and impacts the Police Department's reporting system. This compromises the speed with which access can be achieved, and there have been many occasions when the internet has been down at City Hall and the Police Department could not access information or reports. Making the Police**

Department separate from City Hall, will further account for the true cost of running the Police Department. A quote from Inacom, the City's IT vendor with whom we have a contract, has been received not to exceed \$16,000.00. The quote is separated into two parts; the hardware, licenses and a one year update for \$8820.00, and the second part is \$5000.00 - \$8000.00 for labor. Under the terms of our contract with Inacom, the City pays a monthly fee that goes towards service and labor incurred for the year. At this time, there is \$5400.00 in that fund which could be used to offset the labor cost, if not used, that fund will be lost at the end of the contract. City Manager Psota requests approval to authorize Inacom to do this project not to exceed \$16,000.00, noting that \$5400.00 will come from the labor bank; therefore \$10,600.00 would be the new cost to the City. On a motion made by Councilor Carey for City Manager Psota and Chief Phillips to proceed with Police Department internet and phone service to be replaced by Inacom not to exceed \$16,000.00, seconded by Councilor Palmer the motion was approved by a vote of five to zero.

The next project presented was the LED lighting conversion for the Water Waste Water Treatment Plant. In January 2015 approval was given by the Council for McIntyre Electric to replace the lighting in City Hall, the Police Department, the Water Plant, and Concession Stand #3, with energy efficient fixtures in a program approved by Delmarva Power. In addition, McIntyre was working on completing the workbook for the Waste Water Treatment Plant, the City's largest energy consumer. McIntyre submitted a proposal at the end of September to complete the retrofit for \$34,940.00 minus \$600.00 customer discount, with McIntyre receiving \$23,625.00 in Delmarva Power approved incentive discounts, for a total of \$10,715.00; McIntyre estimates a potential annual savings of \$10,500.00. As part of the ENR upgrade project, the City has installed four new blowers with variable frequency drives. 50% to 90% of electrical commercial power at a Water Waste Water Treatment Plant is used to run blower motors. Any improvement of the blower drive system has a significant impact on energy use and operating costs. As such, Delmarva Power offers cash incentives for this retrofit. For the City's retrofit, it has been approved for \$10,000.00. which is not related to the LED project. City Manager Psota requested approval to sign the proposal for McIntyre's Electrical Services to complete the project. Questions were posed as to the savings that have been documented at this time, since it has only been three months an accurate savings is not available at this time. On a motion made by Treasurer Ortiz to allow City Manager Psota to sign proposal contract from McIntyre Electric to complete the LED improvements at the Water Waste Water Treatment Plant not to exceed \$11,000.00, seconded by Councilor Carey, the motion was approved by a vote of five to zero.

City Manager Psota reported that during the ENR upgrade at the Water Waste Water Treatment Plant, a need has been identified which, although not part of the original scope can be added in the form of a change order proposal. That need is for the addition of automated bleach feed system to the two sequencing batch reactor tanks. A system that GMB has recommended as imperative. The automated system would provide the correct amount of material be applied, at the time it is needed, which would reduce the possibility of violating MDE requirements. The proposed total cost for Bearing Construction to add this system to both tanks is \$38,578.00. MDE stated that the City could use the funds from the ENR upgrade project contingency fund. \$116,000.00 was budgeted as contingency on this ENR upgrade project. City Manager Psota requested authorization to approve this change order, not to exceed \$40,000.00, with the funding coming from the ENR upgrade project contingency fund. On a motion made by Councilor Palmer to approve City Manager Psota or Superintendent of Public Works Gibbons to sign a change to add two bleach feed systems not to exceed \$40,000.00 taken from the project contingency fund, seconded by Councilor Carey, the motion was approved by a vote of five to zero.

City Manager Psota stated in the 2014-2015 Fiscal Year Capital Improvement Plan, \$33,100.00 was approved for engineering services regarding North and South Brown Street pavement restoration. The plans did not include obtaining easements or completing surveying work. GMB advised that an additional \$15,000.00 is needed to complete the project, which would provide the City with a final product that could be used for bid submittals. There is a need to obtain legal easements for three properties on South Brown, which can be done by Parker and Associates for an additional \$3200.00. City Manager Psota requested the approval to advise GMB to continue with the project for the sum of \$18,200.00. On a motion made by Treasurer Ortiz to have GMB complete the project on South Brown Streets for a total amount of \$18,200.00 recognizing 80% of that is grant money bringing the total to the City to \$3640.00, seconded by Councilor Carey, the motion was approved by a vote of five to zero.

Public Works Supervisor Mike Gibbons gave the Public Works Department report, including an update on the Water Tower and water distribution.

## UNFINISHED BUSINESS

### 1. Paid Bill Report

President Kerr acknowledged receipt of the paid bill report. **On a motion made by Councilor Carey and seconded by Treasurer Ortiz the paid bills were approved by a vote of 4 with Councilor Nichols abstaining.**

### 2. Home Occupation Ordinance #278

City Solicitor Mitchell reported that he had been advised that the Council will table this item and discuss it at a special work session. The Council noted agreement.

### 3. Amend Landlord Ordinance

City Solicitor Mitchell stated that the Code Enforcement Officers have asked that the Landlord License Ordinance # 266 be amended. City Solicitor Mitchell read the changes. **On a motion made by Councilor Palmer to accept the first reading of the amendment to Landlord Ordinance as presented by City Solicitor Mitchell, and seconded by Councilor Carey the motion was approved by a vote of 5 – 0.** The second reading will be held on November 10, 2015 at 7:40 p.m.

### 4. Resolution 2015-2 (Enterprise Zone Re-designation)

City Solicitor Mitchell explained that the Council has already adopted the resolution for Enterprise Zone Re-designation and it was approved by Wicomico County. Administrative Assistant Linda Powell mailed the documentation.

### 5. Zoning of Churches Review

City Solicitor Mitchell advised that Ordinance #279 would amend zoning ordinance #67 by adding language to permit churches and various types of worship and spiritual gatherings by special exception in the C-4, highway business, and district and in the C-5, shopping center district. Ordinance #279 was recommended to the Council by the Planning Commission and has been reviewed by Council. **On a motion made by Councilor Nichols to accept the first reading of Ordinance #279 as read by City Solicitor, and seconded by Councilor Palmer the motion was approved by a vote of 5 – 0.** The second reading will be held on November 10, 2015 at 7:45 p.m.

### 6. Speed Limit

Chief Phillips advised of his speed limit concerns near Bennett Middle School. He has done a site evaluation of Camden Avenue from Main Street to the split, from the split to Division Street and then on through, as well as Division Street in front of Bennett Middle School. Chief Phillips would like to apply a uniform speed limit of 25 mph on South Camden Avenue from Main Street to the intersection with Rt. 13. A discussion followed concerning the times the speed limit would be in effect. David Harrison approached the Council with concerns of the current speed limits in effect now on those streets he feels as though it should also be lowered to 25 mph, he also complained about the speeders on Hayward Ave. Chief Phillips will take his information and have officers patrol that area. Bob Marvel stated that he believes if Main Street is 25 mph then the area around the school should also be 25 mph. City Solicitor Mitchell stated there should be another speed limit sign on the east bound lane of Division Street. **On a motion made by Treasurer Ortiz to amend ordinance #277 to make a uniform speed limit of 25 mph from Main Street to Allen Road split and continuing to Division Street, and from Division Street to Rt. 13, and seconded by Councilor Palmer the motion was approved by a vote of 5 – 0.** Since this was a first reading, the second reading will be held on November 10, 2015 at 7:50 p.m.

### 7. School Zone

Chief Phillips explained that he has been working with City Solicitor Mitchell on designating Bennett Middle school zone area. When the ordinance was originally created for school zones, Bennett Middle was not completed, therefore it was not included, however the ordinance was left open so it could be updated if schools were built or closed. The City Manager can designate what schools there are and the Chief and Public Works Director can set the school zone. **City Manager Psota designated a half a mile radius around Bennett Middle School as a school zone.**

## NEW BUSINESS

### **1. Resolution 2015-3 (Supplement to Code of Ordinances)**

City Solicitor Mitchell stated that American Legal Publishing Corporation has updated the Code of Ordinances of the City of Fruitland. City Solicitor Mitchell then read the resolution to adopt the supplement to the code of ordinances for the City of Fruitland. **On a motion made by Councilor Carey to pass resolution 2015-3 (supplement to code of ordinances) as read by City Solicitor Mitchell, seconded by Councilor Palmer, the motion passed with a vote of 5 – 0.**

### **2. Fire Prevention Code Obligation Agreement**

City Solicitor Mitchell stated that the Council asked to table the fire prevention code obligation agreement with the County until they have had time to review it. This will be discussed at the next Council meeting.

### **3. Storm Water Management Code Obligation Agreement**

City Solicitor Mitchell stated that the Council asked to table the storm water management code agreement with the County until they have had to review it. This will be discussed at the next Council meeting.

### **4. Surplus Vehicles**

Chief Phillips advised that the new Tahoe's that were purchased will replace two of the older vehicles that he is asking for surplus. The two vehicles for surplus are:

2001 Ford Crown Victoria (maroon/unmarked) VIN # 2FAFP71W31X146872  
2003 Ford Crown Victoria (marked K-9) VIN # 2FAFP71W63X146206

Chief Phillips would like to list the vehicles on EBay for auction; the vehicles have been stripped of all equipment. Chief Phillips stated that he had previously discussed a surplus vehicle that was going to be parted out, however he has learned that a salvage title can be obtained and asking that the Council now approve to maintain the vehicle in surplus, but obtain a salvage title. The vehicle is 1993 Jaguar XJ6 (gold) VIN # SAJHX17XSC742549. **On a motion made by Treasurer Ortiz to surplus vehicles as read by Chief Phillips, seconded by Councilor Palmer, the motion passed on a vote of 5- 0.**

### **5. Chesapeake Utilities**

City Solicitor Mitchell explained that the franchise for Chesapeake Utilities now has a 10 year, \$1000.00 onetime payment, with the City, that expires in December before the Council will meet again, so City Solicitor Mitchell will present the first reading tonight to be subject to changes. City Solicitor Mitchell read the ordinance that would repeal ordinance #224 which granted a non- exclusive natural, mixed or manufactured gas distribution franchise to Chesapeake Utilities Corporation and enacting this ordinance granting a franchise with a new term and conditions, to Chesapeake Utilities Corporation within the City of Fruitland. He stated that Chesapeake Utilities is requesting a 15 year contract instead of the 10 year contract. **On a motion made by Councilor Palmer to accept the first reading of ordinance pertaining to Chesapeake Utilities as read by City Solicitor Mitchell, seconded by Councilor Carey the motion passed on a vote of 5 – 0.** The second reading will be held on November 10, 2015 at 7:55

## Public Comment/General Discussion

Bunky Luffman explained that he or Delegate Carl Anderton will try to attend all of the Council meetings and if there are any questions, please feel free to contact him.

**Ortiz, to return to a closed session, the motion passed with all in favor.** The meeting recessed at 9:30 p.m. **A motion was made by Councilor Palmer to resume and proceed into closed session, seconded by Councilor Nichols at 9:40 p.m.** **Motion to adjourn closed meeting and return to open session was made by Councilor Carey and seconded by Treasurer Ortiz at 10:21 p.m.** With no further business to discuss, **Treasurer Ortiz made a motion to adjourn at 10:25 p.m, seconded by Councilor Carey and all were in favor.**

*Raye Ellen Thomas*

Raye Ellen Thomas / City Clerk

Approved, November 10, 2015

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