

The Fruitland City Council met in Regular Session at City Hall on Tuesday, October 14, 2014, at 7:30 p.m. with the following members present:

President Darlene Kerr, Treasurer Gloria Ortiz, Councilor Cowell and Councilor Carey.

Also present at the table were:

Sergeant Dan Holland, City Manager John Psota, City Clerk Raye Ellen Thomas, Public Works Director Michael Gibbons and City Solicitor Andrew C. Mitchell Jr.

Our guests included:

Charles Nichols, Alicia Thomas, Roland Palmer, Bob Marvel, Jay Disharoon, Darius Brittingham and John Frederickson.

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

President Kerr acknowledged receipt of the minutes of the Regular Meeting of September 9, 2014 and the Special Session of September 23, 2014 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 three to zero.**

Treasurer Ortiz delivered the September Treasurer's Report.

Cash on Hand 09/01/14	\$ 215,176.27
Deposits	\$ <u>2,176,474.01</u>
Subtotal	\$ 2,391,650.28
Disbursements	\$ <u>(1,843,769.41)</u>
Total Ending 09/30/14	\$ 547,880.87

Councilor Cowell moved to accept the Treasurer's Report for September as presented. Councilor Carey seconded and the motion passed on a vote of three to zero.

Sergeant Holland gave the Police and Code Enforcement reports, Public Works Director Gibbons gave the Public Works report and City Manager Psota gave the City Manager's report.

City Manager Psota explained that when Chesapeake Gas put in new gas lines they had to cut through the street and had partnered with Thompson Propane to pave the patches for \$34,000. The City would like to add to that amount and pave from the round about on North Division Street to Main Street, and install ADA ramps by the Church and help eliminate the drainage problems. Public Works Director Gibbons has received bids in reference to the paving of the entire area. During the previous work session, City Manager Psota presented the bids to the Council for review. At this time City Manager Psota asked permission to award the concrete bid to Worth Construction for the amount of \$55,231.64. On a motion made by Treasurer Ortiz to award the concrete bid to Worth Construction, not to exceed \$56,000.00, in reference to the repairs to be made on North Division Street, Councilor Cowell seconded and all were in favor of the motion. City Manager Psota explained that there were also asphalt bids received and all were rejected. The lowest bid was \$57,277.00, however George and Lynch has a bid contract through Wicomico County, and the City would like to use that unit bid price and award the asphalt contract to them. City Manager Psota asked permission to award the contract to George and Lynch as the asphalt company and not to exceed \$54,000.00. On a motion made by Councilor Cowell to award the asphalt work to George and Lynch, not to exceed \$54,000.00, pending a contract, Treasurer Ortiz seconded, and all were in favor of the motion.

City Manager Psota stated that at the work session, the Council had agreed to a 3% pay increase for all employees. On a motion made by Councilor Cowell to approve a 3% across the board raise to all Fruitland City employees for cost of living as previously discussed at a work session, seconded by Treasurer Ortiz, the motion approved with all in favor.

UNFINISHED BUSINESS

1. Paid Bill Report

President Kerr acknowledged receipt of the paid bill report; as there were no questions, **on a motion made by Councilor Carey, and seconded by Councilor Cowell, the paid bills were approved as listed by a vote with all in favor.**

2. Noise Ordinance # 271 amendment to #221 update.

President Kerr explained that the Council reviewed all the comments at a previous work session. City Solicitor Mitchell read the proposed ordinance. The only change will be the morning time from 7:00 a.m. to 8:00 a.m., the night time will remain at 10:00 p.m., as with everything already included in the previous ordinance. **On a motion made by Councilor Cowell to accept the amendment to Ordinance #221, which will be Ordinance 271 as read by City Solicitor Mitchell, which was seconded by Treasurer Ortiz, the motion passed with all in favor.**

3. Morris Mill – Urban Service Agreement

City Solicitor Mitchell advised that the agreement is still not final. Almost everything that the City asked for the County agreed. City Manager Psota was approached by a citizen who resides on South Division Street, not in City limits, which also has a chemical problem and a failing well and septic. City Solicitor Mitchell asked the County to include that residence into the project and that has been approved. There are two other issues, one is the tap fee and the other is the rehab of the old tower which is not specifically covered by the agreement, and should be. City Solicitor Mitchell recommended that the Council not vote on the agreement until all changes have been made. President Kerr asked what will happen if other residents discover the chemicals, City Solicitor Mitchell stated that all houses are included, if built before 2013, but newer homes will be in the district, but not subsidized by the County. The Council, by consensus agreed to hold off a vote to approve the agreement until all changes have been approved by the County.

NEW BUSINESS

1. 2014 Final Election Report

City Manager Psota stated the election was held at City Hall on Monday, October 6, 2014. Polls were open from 7:00 a.m. until 7:00 p.m., 71 voters came out to vote and 5 voted by absentee ballot. At the conclusion of the voting, the votes were counted by the 3 members and the substitute 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, Candidate Roland Palmer, Candidate Charles Nichols and a number of citizens. The official vote totals were **Darlene Kerr 45, Charles Nichols 30 and Roland Palmer 58.** Two ballots were disallowed in their entirety and there were 9 write in votes. Accordingly, the Board of Supervisors of Elections unanimously certified the election of Darlene Kerr, Charles Nichols and Roland Palmer to the Fruitland City Council.

2. Introduction and Swearing in of New City Councilors

Before the introduction of the new Council members, President Kerr thanked Councilor Cowell for his service on the Council. Councilor Cowell expressed that his experience on the Council was a wonderful time and he really wishes that more people would vote and understand how much work is involved on being a Councilor.

City Manager Psota introduced Darlene Kerr, Charles Nichols and Roland Palmer and City Clerk Thomas sworn in the new Councilors.

The new Council Members then selected their seats.

3. Reorganization of Council President and Treasurer

City Solicitor Mitchell said that at this time the Council must reorganize. He took the chair and accepted nominations for Office of the President of Council. **A motion made by Treasurer Ortiz to nominate Darlene Kerr as President of the City Council, which was seconded by Councilor Carey. There were no other nominations. Councilor Nichols moved that the nominations be closed, which was seconded by Councilor Palmer with all in favor. City Solicitor Mitchell asked Council if all were in favor of Darlene Kerr, also known as Dodie, as Council President, all five Councilors were in favor, none opposed.**

City Solicitor Mitchell stated that President Kerr was back in charge, and a new Treasurer must be selected along with the open slots on the Commissions. President Kerr asked for nominations for Treasurer. **On a motion made by Councilor Carey to nominate Gloria Ortiz as Council Treasurer, which was seconded by President Kerr, all were in favor.** President Kerr then proceeded with the other Commissions. **On a nomination by President Kerr to have Councilor Nichols serve as the liaison for Recreation Commission all Council members were in favor.** President Kerr is currently serving as liaison for Planning Commission and would like to remain in that position. All Council members agreed. It was also discussed that Councilor Palmer could no longer serve on the Ethics Commission. The position was not filled.

At this time City Clerk Thomas swore in Darlene Kerr as Council President and Gloria Ortiz as Council Treasurer.

4. **Recommendation of Tammy Seaton to Recreation Commission**

City Manager Psota stated that Mrs. Seaton was not present; however she was nominated at the last Recreation Commission meeting and agreed to becoming a member. **On a motion made by Councilor Nichols to accept Tammy Seaton to the Recreation Commission, which was seconded by Treasurer Ortiz, all members were in favor.**

5. **Re-appointment of Bob Janeski and Sheila Nichols to Recreation Commission**

City Manager Psota stated that both Bob Janeski and Sheila Nichols would like to remain on the Recreation Commission. **On a motion made by Councilor Palmer to allow Bob Janeski and Sheila Nichols to remain on the Recreation Commission, which was seconded by Treasurer Ortiz, all members approved.**

6. **Other**

City Manager Psota introduced Dr. John Fredericksen, Superintendent of Wicomico County Schools. Dr. Fredericksen provided the Council with a proposed five year Implementation plan and a list of future plans and expressed that he wanted the opportunity to discuss the future plans. Some of the changes involve all schools having air conditioning, combining schools and trying to not use portable classrooms. He also stated that the new middle school will be called Bennett Middle School and explained the policies and procedures of why the name is that.

Public Comment/General Discussion

With no other comments, President Kerr asked for a motion to recess the open session, and announced that after a short recess, the Council would reconvene. **On a motion made by Treasurer Kerr to recess, seconded by Councilor Palmer, all members were in favor.**

After a short recess, the Council reconvened in Open Session. Council President Kerr stated that the Council should proceed to closed session to discuss personnel matters. **On a motion made by Treasurer Ortiz to close the open session and proceed in closed session, which was seconded by Councilor Carey, all were in favor.**

The Council returned to open session at 9:00 p.m. It was reported that while in closed session they had discussed personnel matters. A short discussion was held, in which Councilor Palmer stated that he would like to tour the water/wastewater treatment plants and learn the operation of them. President Kerr suggested that Councilor Palmer call Public Works Director Gibbons for a time to tour.

With no further business to discuss or comments, **Treasurer Ortiz made a motion to adjourn, seconded by Councilor Carey, and with all in favor and the meeting was adjourned at 9:15 p.m.**

Raye Ellen Thomas

Raye Ellen Thomas / City Clerk

Approved, November 11, 2014