

The Fruitland City Council met in Regular Session at City Hall on Tuesday, October 9, 2018 at 7:30 p.m. with the following members present:

*President Darlene Kerr, Councilor Roland Palmer, Councilor Mark Miciotto and Councilor Chuck Nichols.  
(Councilor Gloria Ortiz resigned at the close of the September 2018 City Council meeting)*

Also present at the table were:

*City Manager John Psota, Chief Brian Swafford, Deputy Treasurer Mark Swift, City Solicitor Andrew Mitchell and City Clerk Raye Ellen Thomas.*

Our guests included:

*Public Works Director Michael Gibbons, Ray and Judy Carey, Bob and Dee Marvel, Cornella Harmon, Lee Outen, Michael and Sheila Hammond, Annette Noble, Terrance Lawrence, Homer Bounds, Kevin Lynch, Bill and Kathy Dykes, Kip and Sharon Powers, JP and Stephanie Merritt, Patricia Mapp and Delegate Carl Anderton.*

At 7:30 p.m. President Kerr called the regular Council meeting to order and led all in the Lord's Prayer. All recited the Pledge of Allegiance.

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

#### **Reports- Treasurer, City Manager and Department Heads**

**Council President Kerr delivered** the Treasurer's Report. For September 2018, the City recorded \$254,000 of revenues, including \$161,000 in state highway grants. The total billed revenues for the fiscal year are \$3.85 million, including real estate taxes and one quarter of utility billing. The City incurred \$356,000 of expenses for the month and the total expenses for the fiscal year to date are \$2.6 million. The net deficit for the City for the month of September is \$102,000 and the net income for the fiscal year to date is \$1, 273, 000. **Councilor Nichols moved to accept the Treasurer's Report as presented, Councilor Palmer seconded, and the motion passed on a vote of four to zero.**

**Chief Swafford delivered** his report on behalf of the Police Department and Code Enforcement.

- Fruitland will have additional officers out for Halloween and trick or treating will be between the hours of 6:00 p.m. – 8:00 p.m.
- Reminder for all residents to lock their vehicles. There was a rash of break ins last night in the County and Fruitland.

**City Manager Psota** delivered his report.

- The Virginia Flight Space Academy will be presenting a Drone demonstration at the Community Center tomorrow night from 4:00 p.m. – 5:00 p.m.
- City Manager Psota reminded all that the Christmas Lighting will be held on December 3<sup>rd</sup>, 2018 at City Hall.
- Free bulk pick up will be Monday, October 15<sup>th</sup> – Thursday, October 18<sup>th</sup>.

**Public Works Director Gibbons** delivered his report on the Roads, Water and Sewer Departments.

- Well 1 rehab has been completed and bacteria testing will be done on Thursday, once the test is approved, rehab will start on well 2.

#### **UNFINISHED BUSINESS**

##### **1. Paid Bills**

President Kerr acknowledged receipt of the paid bill report. **On a motion made by Councilor Nichols and seconded by Councilor Miciotto, the paid bills were approved by a vote of four to zero.**

2. **Water Treatment Plant/Well Update**

City Manager Psota advised that the Well 2 and 3 the project is moving forward, and plans will be submitted to MDE.

3. **Water Treatment Plant Solar Project Update**

City Manager Psota advised the project is moving forward with no change at this time.

4. **HVAC/Furnace Purchase Approval for WWTP Admin Building Ratification**

City Manager Psota requested ratification of the approval granted regarding replacing the non-functioning A/C at the WWTP lab testing area. After obtaining three quotes he had requested to go with the lowest bid from Wicomico Heating and Air. the unit has two systems, A/C and a gas furnace. Wicomico Heating and Air recommends replacing both due to the age of the units. City Manager Psota advised the quote is for installing a Goodman 96% gas furnace with a 14 SEER, 5-ton air conditioning condenser unit and coil. There is a lifetime warranty on the heat exchanger, a 10-year warranty on all other parts and a 2-year warranty on workmanship. On a motion made by Councilor Miciotto to ratify the purchase of the HVAC unit at the WWTP lab testing area be awarded to Wicomico Heating and Air not to exceed \$7400 including 10% contingency, seconded by Councilor Nichols, the motion was approved by a vote of four to zero.

5. **City Phone System Discussion**

City Manager Psota advised that the City is looking into a new VOIP (Voice Over Internet Protocol) phone system. The server that the current phone system is on is currently dying and could go down at any time. City Manager Psota would like the old and new Council to be aware.

6. **Other**

1. **Sewer Rate Budget Issue**

In the meeting, while the old Council was still in place, City Solicitor Mitchell explained that there had been a scrivener's error creating a mistake in the FY 2019 budget as passed in May in June which had caused an ambiguity. He asked the Council whether they were willing to confirm that when they voted on the budget it was their understanding and intention that the non-residential sewer rates were adopted at the same rate as they were in FY 2018 for non-residential users. (Gloria Ortiz having previously resigned). He then stated for the record that Rev. Ortiz had authorized him to say that she also understood that they were voting to retain the rates from FY 2018.

2. **Paving Plan Approval Ratification**

City Manager Psota advised that the paving plan was previously approved. Bids were received for paving of West Main Street from Camden to the County Line, N. Brown St., and Camden Ave. from Clyde to School St. Chesapeake Paving and Sealing, Inc. submitted the lowest bid at \$171,516. City Manager Psota requested authority to award and sign the contract with Chesapeake Paving and Sealing, Inc. City Manager Psota also thanked Delegate Anderton for his support with the Highway funding. **On a motion made by Councilor Nichols to ratify the approval for Chesapeake Paving and Sealing, Inc. to complete the paving work not to exceed \$190,000 including 10% contingency, and allow City Manager Psota to sign contract, seconded by Councilor Palmer, the motion was approved by a vote of four to zero.** City Manager Psota also advised that William Mills would be replacing the water service lines on West Main Street ahead of the paving project and that should be started soon.

3. **Pole Building Approval Ratification**

City Manager Psota advised that approval was previously received. Bids were received with the lowest being Delmarva Pole Building Supply, Inc. in the amount of \$28,583. The pole building/salt barn will be located At the WWTP. City Manager Psota requested approval to award the contract, with his signature, to Delmarva Pole Building, not to exceed \$30,000. **On a motion made by Councilor Nichols to ratify awarding the bid to Delmarva Pole Building, not to exceed \$30,000, seconded by Councilor Miciotto, the motion was approved by a vote of four to zero.**

#### 4. **Other**

Council President Kerr advised that there will be a meeting on October 17<sup>th</sup>, at 6:30 p.m. at City Hall regarding Sustainable Communities. Anyone interested in attending is welcome. Contact Linda Powell at City Hall or President Kerr for further information.

### **NEW BUSINESS**

#### 1. **2018 Election Report**

City Manager Psota delivered the 2018 Final General/Special Election Report which concluded with the Board of Supervisors of Elections unanimously certifying the Election of Darlene Kerr for the two year term of the Special Election and the Election of Raymond Carey, Michael Hammond and Richard Lee Outen Jr. in the General Election to the Fruitland City Council. Their Oaths of Office will be administered by the City Clerk in Public Session at the Regular City Council Meeting held this evening. The next regular Election for City Council will be held on Monday, October 5, 2020. At that time the seat now held by Councilor Mark Miciotto and the seat to which Councilor Darlene Kerr will be sworn to fill tonight will be up for contest.

#### 2. **Induction of New City Councilors**

City Clerk Thomas administered the Oath of Office to Councilors – Elect Darlene Kerr, Raymond Carey, Michael Hammond and Richard Lee Outen Jr. Outgoing President Kerr then turned the meeting over to City Solicitor Mitchell.

#### 3. **Election of Council President and Treasurer**

*Pursuant to Fruitland Charter 2-2B City Solicitor Mitchell then presided over the Meeting while reorganization of the Council took place. City Solicitor Mitchell opened the Council floor to nomination for the Office of Council President. Ray Carey nominated Darlene Kerr and Michael Hammond nominated Mark Miciotto. Mrs. Kerr made a motion to close nominations, that motion was seconded and passed, and the nominations were closed. Solicitor Mitchell then called for the vote. Mrs. Kerr received Three (3) votes and Mr. Miciotto received Two (2) votes, therefore Mrs. Kerr was voted in by a majority votes as Council President; Solicitor Mitchell then turned the meeting back over to President Kerr.*

President Kerr then opened the Council floor to nominations for the Office of Council Treasurer. Mr. Outen nominated Mr. Carey. No other nominations were received, Mr. Outen made the motion to close the nominations, seconded by Mr. Hammond and it passed, closing the nominations. Mr. Carey was voted in by a vote of five to zero as Council Treasurer.

#### **Council Nomination/Committee Assignments**

President Kerr nominated Mr. Outen Jr. to the FRED (Fruitland Economic Development Commission), Mr. Outen Jr., agreed and the Council was in favor.

President Kerr nominated Mr. Hammond to the Planning Commission, he is currently on the Board of Zoning Appeals and is unsure if he can remain on both. Mr. Hammond, Mr. Miciotto and Mr. Carey all declined. President Kerr will remain on the Planning Commission.

#### 4. **Surplus Items**

City Manager Psota advised that as the continual upgrading of the Finance Department continues, he has a list of items, which have accumulated over time that he is asking for approval to appropriately dispose of. The items to be disposed are desk top computers, servers, spam filters, routers, a lap top computer, a battery backup, printers, a table television, VHS/DVD player, sound equipment, media cart, and miscellaneous office supplies/furniture. Computer and sound equipment has been evaluated by the IT vendor and have no value. Any equipment/hard drivers/servers/routers/spam filters containing sensitive information will be destroyed. Items of any value will be auctioned off or offered through on-line channels. A list will be provided to the Clerk once final disposition is made.

HP personal computer, serial number MXL3421XY7. Administrative Assistant Linda Powell asked to have her recently retired computer, HP personal computer, serial number MXL3421XY7, donated to her church, The Rose of Sharon

Church, after the hard drive is removed and destroyed. **On a motion made by Councilor Carey to allow City Manager Psota to surplus the items mentioned with a list provided to the Clerk detailing the items, seconded by Councilor Hammond, the motion was approved by a vote of five to zero. On a motion made by Councilor Outen to donate the HP personal computer, serial number MXL3421XY7, to The Rose of Sharon Church, seconded by Councilor Carey, the motion was approved by a vote of five to zero.**

5. **Terminal Server Purchase**

Chief Swafford advised the next step of upgrading the IT services to replace the terminal server. He would like to use speed monitoring funds to purchase the server. He has received a quote from Vantage in the amount of \$10,400 which includes the hardware and labor. City Manager Psota, on inquiry from City Solicitor Mitchell, advised that Vantage is the sole source provider for the City's IT services. City Manager Psota also requested to add a 10% contingency on the quote. **On a motion made by Councilor Hammond recognizing Vantage as a sole source provider for the City's IT services, seconded by Councilor Carey, the motion passed on a vote of five to zero. On a motion made by Councilor Outen to award to Vantage the purchase of the terminal server not to exceed \$11,500 and award Chief Swafford or City Manager Psota to sign the contract, seconded by Councilor Carey, the motion was approved by a vote of five to zero.**

6. **Wind/Solar Ordinance Discussion**

City Solicitor Mitchell advised that this has been discussed at the Planning Commission. There is an Ordinance #241 that was never passed dealing with wind only and the Planning Commission has asked City Solicitor Mitchell to revisit the ordinance and add solar to it. The new ordinance will possibly be presented to Council at the November meeting.

7. **Other**

City Manager Psota advised that the LESMA meeting (Lower Eastern Shore Mayors Association) will be hosted by Fruitland, October 18<sup>th</sup> at Black Diamond Lodge. Speaker will be Len Foxwell from the Comptroller's Office if any Council Members would like to attend to let him know.

**Public Comment/General Discussion**

Terrance Lawrence from 317 Dulany Avenue, asked to read a letter from his neighbor Lorice Bounds at 319 Dulany Avenue. Mr. Lawrence proceeded to read the letter regarding the condition of Dulany Avenue and how bad the condition of houses, shopping carts in the road and paving of the roadway. City Manager Psota advised that he is working with Public Works Director Gibbons and Code Enforcement Officers to help clean up the area. Dulany Avenue is on the list to be paved but before the paving can be done the sewer pipes may need to be replaced.

Patricia Mapp from 217 Dulany Ave inquired about the condition of a couple of dilapidated houses on Dulany Avenue. Chief Swafford will have Code Enforcement investigate the residences. Ms. Mapp also asked what she could do regarding citizens walking through her yard, she has posted no trespassing signs in her yard and would like to know what else to do. Chief Swafford advised to call the Police Department when they are walking through the yard, and if Ms. Mapp knows who the person is she can file papers at District Court for trespassing.

Annette Noble asked why City vehicles (Police Cars) are left parked with the engine running. Chief Swafford advised that it is to keep the computers in the vehicles cool, however the computers have been replaced and that should not happen unless it is extremely cold. City Manager Psota advised if Public Works Vehicles are running to let him know. Council President Kerr advised that the K-9 unit may be an exception. City Manager Psota advised Ms. Noble that the work in her area of Nentengo Woods should be completed soon regarding the drainage issues. Ms. Noble advised she would like it on record that she has not complained about the flooding, there have been major rain storms. Council President Kerr advised that the City is working on trying to fix the areas that flood worse throughout the City, but it will take time.

Delegate Carl Anderton congratulated the new Council members.

**With no further business to discuss or comments, on a motion made by Councilor Outen to adjourn at 8:26 p.m., seconded by Councilor Hammond, the motion passed by a vote of five to zero.**

*Raye Ellen Thomas*  
Raye Ellen Thomas / City Clerk  
Approved, November 13, 2018

