

The Fruitland City Council met in Regular Session at City Hall on Tuesday, November 11, 2014, at 7:30 p.m. with the following members present:

President Darlene Kerr, Treasurer Gloria Ortiz, Councilor Nichols and Councilor Palmer.

Also present at the table were:

Lieutenant Brian Swafford, City Manager John Psota, Deputy Treasurer Marcie Wooters, Public Works Director Michael Gibbons and City Solicitor Andrew C. Mitchell Jr.

Our guests included:

Bob Marvel, Cornella Harman, Sarah Rayne and Katherine McAllister.

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 October 14, 2014 and called for additions or corrections. As there were none, **Councilor Nichols moved to adopt the minutes as presented; Treasurer Ortiz seconded and the motion passed on a vote of four to zero.**

Treasurer Ortiz delivered the October Treasurer's Report.

Cash on Hand 10/01/14	\$ 547,880.87
Deposits	\$ <u>630,205.55</u>
Subtotal	\$ 1,178,086.42
Disbursements	\$ <u>(945,808.59)</u>
Total Ending 10/31/14	\$ 232,277.83

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.

Lieutenant Swafford gave the Police and Code Enforcement reports, Public Works Director Gibbons gave the Public Works report, and Deputy Treasurer Marcie Wooters gave the Finance Department report.

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 Palmer and seconded by Treasurer Ortiz, the paid bills were approved as listed by a vote with all in favor.**

2. Morris Mill – Urban Service Agreement

City Solicitor Mitchell gave the background for the agreement, describing that Morris Mill was not in the City and the chemical that was found contaminating the water. He then read the highlights of the amendment to the Urban Service Agreement. One of the major items is Fruitland will obtain another water tower and rehab the old tower. **On a motion made by Treasurer Ortiz to pass and accept the amendment to the Basic Water and Sewer Urban Service Agreement for Morris Mill as read, seconded by Councilor Nichols, and all were in favor.**

3. Comcast Franchise Ordinance

City Solicitor Mitchell said this has been discussed and he prepared an ordinance for first reading. City Solicitor Mitchell explained that Comcast has a non exclusive franchise for cable service, and the City had passed ordinance # 192 in 2000. The City charter enables the City Council power to use grant franchisees but it must be done by ordinance. Comcast has provided a draft contract. The ordinance is to adopt Comcast's contract. City Solicitor

Mitchell proceeded to read the ordinance. City Solicitor Mitchell stated that if the first reading was accepted tonight, a Comcast representative will attend the public hearing and answer any questions that may be asked. **On a motion made by Councilor Palmer to accept the first reading of the Comcast Franchise Ordinance as read by the City Solicitor, seconded by Councilor Nichols, all approved in favor.** The second reading will be held December 9, 2014 at 7:40 p.m. at the next Council Meeting. City Manager Psota will contact Comcast with the date and time.

4. APPI

City Solicitor stated that this would be an electric purchase, where the City would buy a certain amount of power from Delmarva Power, and the rest would be purchased from a different supplier. APPI is the broker the City previously used to find the best sources of electric power. The City may exempt from competitive bidding services requiring special training, licensing, confidentially or ongoing relationships with professional services. APPI would fall there, so if the Council chooses, the City could deal with APPI without bidding. If APPI continues to be the broker, the Council can chose to extend now, or in the near future. The meter reading in June ends the current contract. City Manger Psota said the City has been satisfied with APPI. City Solicitor Mitchell suggested that Mr. Katona, from APPI, come in to speak to the Council at the December meeting for any questions they may have. City Solicitor Mitchell suggested that if the Council is in favor, it should approve City Manager Psota's signing APPI's utility usage request form so when Mr. Katona speaks at the next meeting he will have the information. **On a motion made by Treasurer Ortiz to allow the City Manger to sign the utility usage request form, which was seconded by Councilor Palmer, all approved in favor.**

5. Warren Street Easement Donation to State Highway

City Solicitor Mitchell explained that the City has a right of way for Warren Street. The State has asked for a donation of 852 square feet from the right of way to use for the deceleration lane turn off to Division Street. The State has asked for the City to execute a right of entry, allowing them on our part of the right of way, so work can be started while the conveying documents are prepared for the aforesaid donation. **On a motion made by Councilor Nichols to sign the right of entry agreement referring to the Warren Street easement, seconded by Councilor Palmer, all approved in favor.**

NEW BUSINESS

1. Minor Subdivision Plat Approval

City Solicitor Mitchell advised that this property had been brought up before. The purpose is to change the lines at 747 South Camden Avenue so both lots are approximately the same size. The lots have abandoned buildings which will be demolished. A discussion followed involving EDU's and that it was previously three different lots. **On a motion made by Treasurer Ortiz for President Kerr to sign the minor subdivision plat approval for 747 South Camden Avenue, which was seconded by Councilor Nichols, all approved in favor.**

Public Comment/General Discussion

Cornella Harman questioned if the in City water bills will be lowered, since the City will be supplying water to the Morris Mill area. President Kerr stated that it was too early to tell at this time.

With no further business to discuss or comments, **Treasurer Ortiz made a motion to adjourn, seconded by Councilor Palmer, and with all in favor and the meeting was adjourned at 8:30 p.m.**

Raye Ellen Thomas
Raye Ellen Thomas / City Clerk
Approved, December 9, 2014