

The Fruitland City Council met in Regular Session at City Hall on Tuesday, November 13, 2018 at 7:30 p.m. with the following members present:

President Darlene Kerr, Treasurer Ray Carey, Councilor Mark Miciotto, Councilor Lee Outen Jr. and Councilor Mike Hammond.

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, Bob Marvel, Katherine McAllister from GMB, Pastor Dana Stauffer, and Officer Zach Douglas and his wife.

Pastor Dana Stauffer offered prayer. All recited the Pledge of Allegiance.

At 7:30 p.m. President Kerr called the regular Council meeting to order.

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

Reports- Treasurer, City Manager and Department Heads

Treasurer Carey delivered the Treasurer's Report. For October 2018, the City recorded \$852,000 of revenues, including \$649,000 in utility usage fees and \$140,000 in corporate taxes. The total billed revenues for the fiscal year are \$4.7 million, including real estate taxes and two quarters of utility billing. The City incurred \$389,000 of expenses for the month and the total expenses for the fiscal year to date are \$2.97 million. The net deficit for the City for the month of October is \$463,000 and the net income for the fiscal year to date is \$1, 728, 000. **Councilor Hammond moved to accept the Treasurer's Report as presented, Councilor Outen seconded, and the motion passed on a vote of five to zero.**

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

- Code Enforcement is a year ahead of schedule doing rental inspections.
- Corporal Mills will be organizing Christmas for Kids again this year. Looking to deliver the items on December 15th.
- Officer First Class Weldon will be the Officer of the Year and announced at the Fruitland Chamber Banquet on Thursday, November 15th.
- All Citizens should remember to lock their vehicle especially with the Holiday's approaching.
- Bike and foot patrols will continue around the City, as there has been positive feedback.
- A new officer will be sworn in later tonight.
- President Kerr expressed the Council's thank you for the Officers that stood by for retired Chief Jackson's memorial service.

City Manager Psota delivered his report.

- Paving is complete on North Brown and Camden.
- Waiting on the service lines to be completed on West Main so that can be paved.
- Sonic was totaled by a fire a few weeks ago and will not be rebuilt.
- Christmas lighting will be December 3rd at 6:30 p.m.
- An offer was made to donate land in Prosperity Park to the City. The land is the lot on which the storm water

management pond is located fronting Monroe Street. The City will decline the offer.

- City Manager Psota would also like to commend the Police Department for their participation at the Memorial Service for retired Chief Jackson.

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

- The pole building for the Waste water treatment plant has been delivered.
- Well 1 and 2 rehab has been completed and bacteria testing was approved.
- Public Works Department is working on finishing asphalt patching for this calendar year.

Deputy Treasurer Swift delivered his report.

- The annual audit was completed by Wigglesworth, Layton, Moore and Chance last month. Everything was approved.
- City Manager Psota thanked the Finance Department and Deputy Treasurer Swift for saving money on fees with the auditing process.

UNFINISHED BUSINESS

1. Paid Bills

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

2. Water Treatment Plant/Well Update

Katherine McAllister advised that the Well 2 and 3 the project is moving forward, and plans were submitted to MDE. The allocation permit is needed in July.

3. Water Treatment Plant Solar Project Update

Katherine McAllister advised the project is moving forward with the water plant design and the solar panel design. City Manager Psota advised that the Election House Museum that is located at the water treatment plant needs to be moved due to the solar project.

4. Election House

The Election House has been donated to the City by the Wicomico County Historical Trust and they have agreed to contribute \$8000 towards the cost of the move to City Hall. The Election House contains lead paint and it is expected to cost \$13,000 to remove the paint, plus the cost of the move and the concrete pad. City Manager Psota will report more on the Election House at the next meeting. However, he will be asking at another meeting in the future if the Election House can be moved and refurbished in stages once moved. Councilor Outen asked if the lead paint must be removed since it is a historical place. City Manager Psota will look into the matter. Councilor Hammond questioned if the Sustainable Community could assist with the Election House, City Manager Psota will speak with Mr. Lahey in reference to that. Council President Kerr asked the status of Sustainable Communities. City Manager Psota advised he is in contact with Mr. Lahey and they are taking it in steps.

5. Motive Pump Rebuild Ratification

City Manager Psota had sought and received approval for an emergency motive pump rebuild at the sewer plant. The original request has changed due to the repairs being extensive. The cost to rebuild the pump will be \$13,751 and City Manager Psota requested a 5% contingency. City Manager Psota asked for ratification of the approval to rebuild the pump and approval to accept the quote with the contingency. **On a motion made by Councilor Outen to ratify the approval for Hill's to rebuild the motive pump not to exceed \$14,500, seconded by Councilor Carey, the motion was approved by a vote of five to zero.** Public Works Director Gibbons will discuss a plan for the motive pumps under new business.

6. Other

1. VOIP Phone System

City Manager Psota discussed the ongoing phone issue at City Hall regarding getting the phone off the server. He is receiving quotes from VOIP vendors. Comcast is the lowest cost overall, however research is still being conducted. City Manager Psota advised that Comcast is offering a two-month discount on the first two months of a three-year contract. The discount promotion ends soon, however the City could sign an agreement to extend the two-month period until a contract is signed. If the City does not choose to proceed with Comcast, there will be no fees. City Manager Psota is seeking approval to sign the agreement to hold the two-month discount. City Manager Psota advised when he receives the information on the savings for the two-month discount he will send the information to the Council. **On a motion made by Councilor Miciotto to authorize City Manager Psota to sign agreement with Comcast to take advantage of the two-month discount after the cost is obtained and sent to Council, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.**

NEW BUSINESS

1. New Motive Pump Purchase

Public Works Director Gibbons presented a power point in reference to the motive pump process and the importance of those pumps. He stated each pump operates 12 hours a day alternating between the two pumps. He is requesting to purchase a new pump from Sherwood Logan who is the sole source for the pumps. He would like to have two pumps as spares on the shelf in case of an emergency, the second pump would be the one that was previously discussed other old business. The new pump is normally \$50,000 however it was reduced to \$35,000 now with a five-year warranty. Public Works Director Gibbons spoke with the sales representative and advised that some of the parts on the pump the City currently has so the price was reduced to \$33,480. He also advised that one of the other pumps is making a noise and needs to be looked at. City Manager Psota advised that the request is for a new Flight brand motive pump from Sherwood Logan in the amount of \$33,480 as a sole source. **On a motion made by Councilor Outen to purchase a new motive pump from Sherwood Logan as a sole source not to exceed \$33,480, seconded by Councilor Carey, the motion was approved by a vote of five to zero.** Councilor Miciotto asked if the other pump that Public Works Director Gibbons mentioned was going to be sent out for repairs, City Manager Psota advised that there is still a spare pump on the shelf at this time that needs \$22,000 repairs and they will discuss repairing the pumps at a later date when needed.

2. Swear in Police Officer Zachary Douglas

City Clerk Thomas administered the Oath of Office to new Police Officer Zachary Douglas. The Council congratulated and welcomed him.

3. Appoint Annette Noble and Charlie Gray to Ethics Commission and Councilor Hammond to Planning Commission

Council President Kerr nominated Annette Noble and Charlie Gray to the Ethics Commission. **On a motion made by Councilor Carey to accept the nominations, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.** Council President Kerr nominated Councilor Hammond to serve on the Planning Commission. **On a motion made by Councilor Outen to accept the nomination, seconded by Councilor Carey, the motion was approved by vote of five to zero.**

4. Surplus Property

Chief Swafford advised that he has seventeen items that are of no further evidentiary value to the Police Department. The list includes items such as printers, 223 ammunition, camera, change, 69 pieces of Canadian silver, vintage currency, Black and Decker sander and a Remington 870 shot gun. A list is available upon request. Chief Swafford is asking to surplus the items so they can be placed for City use. **On a motion made by Councilor Miciotto to surplus the seventeen items for City use, seconded by Councilor Carey, the motion was approved by vote of five to zero.**

Chief Swafford advised that in 2008 – 2010 the Police Department converted from the Beretta to the Glock 21. Two Berettas are still in service, Chief Swafford is asking to surplus those and sell them to the Officers that used the Berettas. In 2010 the Officers purchased the Berettas for \$200 and he is asking to sell these two at the \$200 price. **On a motion made by Councilor Miciotto to surplus the two Beretta's and sell them to the Officers that used them at \$200 each, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.** The Serial Numbers are available upon request.

Chief Swafford advised that he would like to surplus four patrol vehicles (3 Crown Victoria's and 1 Dodge Durango) and twenty-one Panasonic Toughbook CF-30s to be sold at live auction. Serial and VIN numbers are available upon request. **On a motion made by Councilor Miciotto to surplus for auction the four vehicles and tough books with hard drives removed, seconded by Councilor Hammond the motion was approved by a vote of five to zero.**

Chief Swafford advised that there are approximately 100 small items that need to be made surplus, so they can also be sold at live auction. These items were in the property room and include clothing, jewelry, trail cameras, knives and bicycles. The list is available upon request. **On a motion made by Councilor Miciotto to approve the surplus of approximately 100 items (list available upon request) to be sold at live auction, seconded by Councilor Carey, the motion was approved by a vote of five to zero.**

Chief Swafford advised there are several items that are trash that have been in the property room that he would like to surplus for trash and be destroyed. List is available upon request. **On a motion made by Councilor Miciotto to surplus the remaining items and destroy, seconded by Councilor Carey, the motion was approved by a vote of five to zero.**

City Manager Psota advised that the City has a Sanyo DVD/VCR Player serial number # 25X05629BA that is of no use anymore. He is requesting to donate it to The Rose of Sharon Church. **On a motion made by Councilor Carey to donate the Sanyo DVD/VCR Player to The Rose of Sharon Church, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.**

5. **Budget Amendment 2018-10**

Deputy Treasurer Swift read Resolution 10-2018 which amends the fiscal year 2018 -2019 General Fund Budget. **On a motion made by Councilor Miciotto to approve Resolution 10 -2018 as read by Deputy Treasurer Swift, seconded by Councilor Carey, the motion was approved by a vote of five to zero.**

6. **Budget Amendment 2018-11**

Deputy Treasurer Swift read Resolution 11-2018 which amends the fiscal year 2018 -2019 Utilities Fund Budget. **On a motion made by Councilor Hammond to approve Resolution 11 -2018 as read by Deputy Treasurer Swift, seconded by Councilor Carey, the motion was approved by a vote of five to zero.**

7. **Other**

City Solicitor Mitchell advised that Blair Rinnier was the developer of Rowens Mill Subdivision. Several lots have been reconfigured in that subdivision and Mr. Rinnier has seven EDUs that are not in use. Mr. Rinnier would like to turn those in and receive his money back. By ordinance he is able to turn one in, however the rest are beyond the time set by the ordinance. Mr. Rinnier made an agreement with the City to pay for 80 EDUs in advance, which allowed the City to install sewer lines before the Cedar Lane round about was built. In the agreement, Mr. Rinnier could move EDUs in the development or move the EDUs to another development for the cost he paid. Mr. Rinnier paid \$2500 each for water and sewer EDUs. The City has an agreement with the County to buy back sewer EDUs for \$5072. City Solicitor Mitchell will speak to Mr. Rinnier to see if he will sell the sewer only EDUs back to the City for \$2500 each, or both water and sewer for less than \$5000. Even at \$5000 for water and sewer EDUs, the City would save something and also gain a water EDU. **On a motion made by Councilor Miciotto to authorize City Solicitor Mitchell and City Manager Psota to negotiate with Mr. Rinnier and report back to the Council, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.**

Public Comment/General Discussion

Mr. Marvel questioned why large trucks are coming down West Main Street and speeding. City Manager Psota and Chief Swafford advised that they have been receiving complaints due to Camden Avenue prohibiting truck traffic. Councilor Carey advised that the trucks are speeding down West Main Street. Chief Swafford will have Officers patrol the area.

With no further business to discuss or comments, on a motion made by Councilor Carey to adjourn at 8:30 p.m., seconded by Councilor Outen, the motion passed by a vote of five to zero.

Raye Ellen Thomas
Raye Ellen Thomas / City Clerk
[Approved, December 11, 2018](#)