

The Fruitland City Council met in Regular Session at City Hall on Tuesday, November 14, 2017 at 7:30 p.m. with the following members present:

*President Darlene Kerr, Treasurer Gloria Ortiz, Councilor Roland Palmer, Councilor Chuck Nichols and Councilor Mark Miciotto.*

Also present at the table were:

*City Manager Psota, Chief Michael Phillips, Deputy Treasurer Mark Swift, City Clerk Raye Ellen Thomas and City Solicitor Andrew Mitchell.*

Our guests included:

*Public Works Director Mike Gibbons, Bob Marvel, Katherine McAllister from GMB, Alison Grice, Alexis Dashield, Lennart Elmlund, Pastor Dana Stauffer and Mike Hammond.*

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

President Kerr acknowledged receipt of the minutes of the Regular Meeting of October 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 five to zero.**

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

**Treasurer Ortiz** delivered the October Treasurer's Report. For October 2017, the City recorded \$1,014,133 of revenues, of which \$195,000 were for business and income taxes, \$144,000 from state highway grants and \$640,000 in utility fees. 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 \$446,023 of expenses for the month, including \$25,000 for the basketball court, and \$42,000 for the purchase of a new utility truck. The total expenses for the fiscal year to date are \$1.9 million. The net deficit for the City for the month of October is \$568,110 and the net income for the fiscal year to date is \$2.8 million. **Councilor Miciotto moved to accept the Treasurer's Report as presented. Councilor Nichols seconded and the motion passed on a vote of five to zero.**

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

- Christmas for Kids will be held during the month of December.

**City Manager Psota** reported on upcoming meetings and events.

- December 4, 2017 6:30 p.m. Tree Lighting at City Hall.
- December 9, 2017 Holiday Parade at 2 p.m.
- Basketball program will be begin on November 25<sup>th</sup>.

**Deputy Treasurer Swift** reported on the annual Audit performed by Wigglesworth, Layton, Moyers and Chance.

- City is financially strong.
- 53% decrease in Audit fees in three years.

**Public Works Director Gibbons** reported on the Water and Sewer Departments.

- St. Luke's water service line replacement is complete other than clean up.
- Paving on St. Lukes, Morris St. and Dulany Avenue will begin on November 27<sup>th</sup>.
- Basketball Court should have the base course put on before the end of the week.
- Posts have been put up at the Falcon's field regarding the parking, but the rope not been installed.

## UNFINISHED BUSINESS

### 1. Paid Bills

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

### 2. Test Well Bid Approval – City Manager Psota

- Three bids were received for the test wells.
- Bids were reasonably priced.
- Somerset Well Drilling submitted the lowest bid and met all qualifications.
- GMB and the City have both dealt with Somerset Well Drilling and recommend them for this project.
- Recommendation against accepting the deduct alternative bid item to drill a 6 inch test well instead of 8 inch.
- GMB recommends Somerset Well Drilling for the project at the cost of \$74,563.65, and City Manager Psota asks the City Council to approve the bid and award the contract.

**On a motion made by Councilor Palmer to approve the test well bid approval to Somerset Well Drilling Company Inc. in the amount of \$74,563.65 and to allow City Manager Psota to sign contract after reviewed by City Solicitor Mitchell, seconded by Councilor Nichols, the motion was approved by a vote of five to zero.**

### 3. Basketball Court Change Order Ratification – City Manager Psota

- Change order # 2, involves decreasing the square footage from 6600 to 4950 to fall below the threshold of the requirements of storm water and sediment erosion control.
- Decreases the price \$3,464 which brings the total to \$50, 931.

**On a motion made by Councilor Palmer to ratify change order # 2 for the basketball court, seconded by Councilor Nichols the motion was approved by a vote of five to zero.**

### 4. Cellular Meter Software Purchase Approval – City Manager Psota

- Council had previously approved the installation of cellular meters in the City. Starter pack of meters has been installed for two months
- A cellular meter software program is required. City Manager Psota advised that National Meter Automation is a sole source provider. A quote was received which includes a Beacon Engagement fee initial cost of \$2500, Annual mobile read software license \$2300.04, a Beacon AMA field application suite, user login license (two required) \$720 for year and a three day on site training at \$2240 for a combined quote of \$7760.04. The recurring annual fee will be the license priced at \$720 and mobile read software license, which will lower next year to an annual fee of \$1149.97.
- City Manager Psota is asking approval to accept the quoted price and to sign the contract.

**On a motion made by Councilor Miciotto to approve the cellular meter software not to exceed \$8000.00 and allow City Manager Psota to sign the agreement, seconded by Treasurer Ortiz, the motion was approved by a vote of five to zero.**

### 7:40 Public Hearing – Ordinance # 285 Amend Purchasing Policy- City Solicitor Mitchell

City Solicitor Mitchell read Ordinance # 285 which amends the purchasing policy established by Ordinance # 179, as amended by Ordinance # 200 and # 228, by increasing the City Manager's Authority in informal bidding, increasing City Manager's approval to \$5000 and updating procedures. **On a motion made by Councilor Miciotto to approve Ordinance # 285 as read by City Solicitor Mitchell, seconded by Treasurer Ortiz, the motion was approved by a vote of five to zero.**

## NEW BUSINESS

### 1. Computer Server Purchase City Hall – City Manager Psota

- Quote was received from Vantage in the amount of \$7724.25, which includes the server, hardware for installation and labor estimate.
- The computer equipment that is mounted to the wall in the server room is recommended by Vantage to be moved to server rack and a quote has not been received for that cost.
- City Manager Psota is asking approval for \$8774.25 and to allow him to sign the quote for Vantage, a sole

source provider, to replace the SB 20011 server at City Hall, which would include the reorganization of the server room.

**On a motion made by Councilor Nichols to allow City Manager to replace the computer server at City Hall per recommendation of Vantage and to sign the contract, not to exceed \$8775.00, seconded by Treasurer Ortiz, the motion was approved by a vote of five to zero.**

**2. Salisbury Arts Space – Alison Grice**

- City Manager Psota introduced Alison Grice, Lennart Elmlund and Alexis Dashield.
- Lennart stated that Alison is from the Salisbury Arts Space and has partnered with Fruitland Community Center.
- Salisbury Arts Space welcomes donations from local businesses and individuals.
- Alexis presented her students artwork.
- See “other” below.

**3. Surplus Vehicles -Chief Phillips**

Chief Phillips requested vehicle # 233 be retired and moved to surplus so it can be sold at auction. It is a 2006 Crown Victoria, capital inventory # 479, VIN # 2FAFP71W4GX120210. **On a motion made by Councilor Nichols to allow Chief Phillips to surplus vehicle # 233, 2006 Crown Victoria to be sold at auction, seconded by Treasurer Ortiz, the motion was approved by a vote of five to zero.** Chief Phillips is requesting to purchase the second Chevrolet Tahoe that was approved during the July budget meeting at a cost of \$42,959 purchased via state contract. **On a motion made by Treasurer Ortiz to allow Chief Phillips to purchase the second Chevrolet Tahoe not to exceed \$42,959, seconded by Councilor Nichols, the motion was approved by a vote of five to zero.**

**4. Appointment and Ratification of Code Enforcement Officer to Enforce Zoning Code – Discussion Item – City Solicitor Mitchell**

- City Solicitor Mitchell advised the Zoning Ordinance # 67, Section VII, titled Administration and Enforcement Building Permits and Zoning Compliance, Sub Section A, states that A code official designated by the City Council shall administer and enforce this ordinance. It may be provided with assistance of such other persons that the Council may direct.
- City Solicitor Mitchell believed the Code Enforcement officers had filled that role since they are appointed by the Council; however, the oath taken by Officer Henderson only names him as Building Inspector/Code Enforcement Officer.
- City Solicitor Mitchell believes that position could be ratified for that appointment.
- Council President Kerr asked who had been filling the role and if the current officers would have enough time to fulfill that role. She suggests having a meeting with the Code Enforcement Officers, City Manager, Linda Powell and Chief Phillips.
- Chief Phillips advised that when Officer Henderson was hired it was not listed in his job duties; however, he is to report the problems. Chief Phillips would like to have the job description clarified and how it would be handled.
- Councilor Palmer asked how other municipalities operate.
- City Solicitor Mitchell advised that the Zoning code states that someone must be designated.
- An open meeting will be held on November 27<sup>th</sup> at 9:30 am to discuss in further detail.

**5. Ethic Commission New regulation/Vacancy Discussion Item – City Solicitor Mitchell**

- City Solicitor Mitchell advised there is a vacancy since one of the members is deceased.
- City Solicitor Mitchell advised that Ethics forms are filed every year and State Legislation has recently made numerous changes to Ethic laws, some mandatory and some not.
- State Ethics Commission requires a review of any changes to the Ethics Ordinance.

**6. Other**

Council President Kerr advised she believes the Salisbury Arts Space was asking for financial support. Council President Kerr suggests a onetime \$500 donation. Councilor Palmer believes it should be higher; however, he is on the board for The Community Center and cannot vote. Councilor Miciotto agreed with Council President Kerr and would like to have it donated the night of November 30<sup>th</sup>, when the art show is held at the Community Center. **On a motion made by Councilor Miciotto to approve a \$500 donation to the Salisbury Arts Space, seconded by Treasurer Ortiz, the motion was approved by a vote of five to zero.**

Chief Phillips submitted information to the Council regarding an attorney who could handle Code Enforcement and handle court cases. Paul Wilbur's office handles other municipalities and the rate would be \$175 per hour, not including postage or any costs that would be needed. Chief Phillips has spoken with others who use this firm and has received good reviews. Council President Kerr advised that when the Council meets on November 27<sup>th</sup>, this could also be discussed in full detail.

**Public Comment/General Discussion**

There were no comments.

With no further business to discuss or comments, **on a motion made by Treasurer Ortiz to adjourn at 8:55 p.m., seconded by Councilor Nichols, the motion passed by a vote of five to zero.**

*Raye Ellen Thomas*  
Raye Ellen Thomas / City Clerk  
[Approved, December 12, 2017](#)