

The Fruitland City Council met in Regular Session at City Hall on Tuesday, November 8, 2016, at 7:30 p.m. with the following members present:

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

Also present at the table were:

City Manager John Psota, Chief Michael Phillips, Deputy Treasurer Mark Swift, Public Works Director Mike Gibbons, City Clerk Raye Ellen Thomas and City Solicitor Andrew Mitchell.

Our guests included:

Bob Marvel, Katherine McAllister, Kip and Sharon Powers, Dana Stouffer and Robert "Sonny" Worth.

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 August 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.**

Treasurer Ortiz delivered the October Treasurer's Report. For October 2016, the City recorded \$878,137 of revenues for the month. Of that total, \$130,000 was for business taxes, \$600,000 was for utility user fees. The total billed revenues for the fiscal year are now \$4.6 million, including real estate taxes and two quarters of utility billing. The City incurred \$527,530 of expenses for the month of October, including \$161,000 of expenses for the ENR upgrade. The total expenses for the fiscal year to date are \$1.8 million bringing the net income for the month to \$350,608 and the net income for the fiscal year to date is \$2.9 million. **Councilor Miciotto moved to accept the Treasurer's Report as presented. Councilor Palmer seconded and the motion passed on a vote of five to zero.**

Chief Phillips gave the Police and Code Enforcement reports. During the Police report Chief Phillips advised there had been a robbery and a shooting. The suspect in the shooting was brought into custody. During the Code Enforcement report, he brought to attention that the two houses that were discussed at the last Council meeting have been addressed. The first house was inspected and 27 violations were found. The second house is to be inspected tomorrow.

City Manager Psota stated that on November 19 and 20th, the U.S. Quidditch Mid Atlantic Championship will be held at the Falcons field. He also reminded everyone of the Christmas lighting on December 5th at City Hall.

Public Works Director Mike Gibbons stated that there are approximately 70 homes connected in Morris Mill. Shady Lane water tower will be sandblasted this week and should start on the primer next Monday. Brown and Main Streets are progressing nicely.

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 Miciotto the paid bills were approved by a vote of five to zero.**

2. **Water Plant Upgrade/New Well MDE Application Results and Discussion**

City Manager Psota stated that the Council had discussed the water plant upgrade at a previous work session. Katherine McAllister from GMB was available to answer any additional questions. Katherine stated that the recommendation is for the City to move forward with the project to address the raw water supply issues in spite of the final well design parameters regarding location and depth. MDE does stress the competitiveness of the Loan Forgiveness funding. If the City has not selected the well design parameters and are not into design and permitting by fall of next year the funding may be reallocated. The next step would be a hydro geological study and then to be into design hopefully by the summer 2017. Discussion followed between the Councilors and Katherine. **On a motion**

made by Councilor Miciotto to initiate the process to follow through with the A & E procurement and to allow the cost of advertising and preparing the RFP not to exceed \$10,000.00 seconded by Councilor Palmer, the motion was passed by a vote of five to zero.

3. **IT Discussion**

Chief Phillips had previously advised the Council of a virus that affected the computer system at the Police Department. He also stated that had previously approved an analysis of the computer system by Vantage Point. Chief Phillips advised that there have been numerous problems with the current company (Inacom) and the contract with them is now expired. Vantage Point is certified to work on the Cisco system which the City uses. Chief Phillips would like to switch providers. After a discussion between the Council, City Manager Psota, Chief Phillips and City Solicitor Mitchell it was decided that Chief Phillips will determine what services are needed, and will informally contact companies that are certified in the system the City currently has to determine who can handle the work and report to City Manager Psota for a sole source determination.

4. **Ratify Change Order Request – Main Street Concrete Project**

Public Works Director Gibbons advised that change order for additional concrete work was needed for Main Street. Other areas have been identified as trip hazards and additional ADA ramps are needed. He is requesting ratification of a change order for the additional ramps and to fix the sidewalks not to exceed \$20,000.00. **On a motion made by Treasurer Ortiz to ratify the change order not to exceed \$20,000 and retain the contingency already in place of \$6600.00, seconded by Councilor Palmer, the motion was approved by a vote of five to zero.**

5. **Basketball Court Project Discussion**

The funds to build a basketball court have been approved from Program Open Space contingent on a 10% match from the City, which the funds are available. Chief Phillips stated that in the past, there was a basketball court that was a source of trouble. He stated that the planned location across the street from the Police Department will be better, but wanted the Council to be aware of the problems from before. Councilor Miciotto asked if the Police Department could have cameras on the court. Chief Phillips stated that the camera system is being looked into at this time. The Council asked Chief Phillips and City Manager Psota their opinions on the court. The court will have an eight foot fence but no lighting. After discussion of the location and possible problems that occurred in the past. **On a motion made by Councilor Palmer to approve and proceed with the basketball court project, seconded by Councilor Nichols, the motion was approved by a vote of three in favor, with one opposed and one abstaining.**

6. **City Hall LED Sign Update**

City Manager Psota has contacted vendors to receive quotes for the electronic sign. At this time, the quotes have not been received, but the sign is expected to cost around \$20,000.00. If that is the cost then the sign would need to be bid out. Council President Kerr asked if the quotes are received before the next meeting for them to be emailed to the Councilors so the bid process could start. City Manager Psota will send out quotes by email.

7. **Other**

City Manager Psota passed out information about additional paving in the areas of Church, Poplar, Cedar Lane and Clyde Avenue. He would like approval to pave down the streets to cover the worst pot holes, at a cost of approximately \$15,000.00. Council President Kerr advised that she has been to look at the areas and they are in need of paving. **On a motion made by Treasurer Ortiz to allow the additional paving not to exceed \$15,000.00 and retain the contingency that was already approved of \$9000.00, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.**

NEW BUSINESS

1. **Adopt And Incorporate the Growth Tier Map**

City Solicitor Mitchell advised that the Growth Tier Map was adopted in 2012, by the City; however it was not adopted as part of the comprehensive plan, which now must be done by resolution due to a change in the law. City Solicitor Mitchell proceeded to read the resolution which incorporates the City's growth tier map as adopted by resolution 5-2012 into the 2008 City of Fruitland comprehensive plan for purposes of fully implementing the Sustainable Growth and Agricultural Preservation Act of 2012. **On a motion made by Councilor Palmer to adopt resolution 4-2016 as read by City Solicitor Mitchell, which was seconded by Councilor Nichols, the motion was approved by a vote of five to zero.**

2. Valve Replacement Purchase Request

Public Works Director Gibbons stated that three air relief valves are needed for the Clyde Avenue pump station. The old valves are leaking. He has checked with Ferguson Water Works and the cost is \$3903.00 with the City installing them. **On a motion made by Councilor Miciotto to purchase the valves from Ferguson not to exceed \$4000.00, seconded by Councilor Palmer, the motion was approved by a vote of five to zero.**

3. Appointment of Robert Worth to Planning Commission

Council President Kerr nominated Robert Worth to the Planning Commission, which was seconded by Treasurer Ortiz; the nomination was approved by a vote of five to zero. Mr. Worth was a previous member of the Planning Commission for approximately 20 years.

4. Other

City Manager Psota stated that Chief Phillips several years ago had looked into having fiber optic for the City. City Manager Psota has again looked into the possibility of getting fiber optics for the City. As a way to offset costs, the City could bundle all charges through Comcast, such as local and long distance calls, cable, and Comcast would waive almost \$60,000.00 for initial construction and installation cost. The cost would be an additional \$800.00 a month to include fiber optic. City Manager Psota will check into this issue further and advise the Council.

Public Comment/General Discussion

With no further business to discuss or comments, **on a motion made by Councilor Palmer to recess at 8:59 p.m., seconded by Treasurer Ortiz the Council will resume and go into closed session. At 9:10 p.m., the Council reconvened in regular session, on a motion made by Councilor Palmer to go into closed session to take up a personnel matter, discuss litigation and seek legal advice, seconded by Treasurer Ortiz, the Council voted unanimously to close the meeting. At 10:05 p.m. the Council reconvened in open session and City Solicitor Mitchell immediately stated that whine in closed session the Council discussed Personnel and Legal advice. On a motion made by Councilor Palmer recorded and passed unanimously the meeting was adjourned at 10:10 p.m.**

Raye Ellen Thomas

Raye Ellen Thomas / City Clerk

Approved, December 13, 2016
