

The Fruitland City Council met in Regular Session at City Hall on Tuesday, December 12, 2017 at 7:30 p.m. with the following members present:

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, Katherine McAllister from GMB, Alexis Dashield, Mike Hammond, Roland Somers, Sarah Rayne, Cornella Harmon and Salisbury City Councilman Jack Heath.

Treasurer Ortiz 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.

Treasurer Ortiz acknowledged receipt of the minutes of the Regular Meeting of November and called for additions or corrections. As there were none, **Councilor Miciotto 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

Treasurer Ortiz delivered the November Treasurer's Report. For November 2017, the City recorded \$243,225 of revenues, of which \$107,000 were for income taxes. The total billed revenues for the fiscal year are just under \$5 million, including real estate taxes and two quarters of utility billing. The City incurred \$502,109 of expenses for the month. The total expenses for the fiscal year to date are \$2.4 million. The net deficit for the City for the month of November is \$258,884 and the net income for the fiscal year to date is \$2.5 million. **Councilor Miciotto moved to accept the Treasurer's Report as presented. Councilor Nichols seconded and the motion passed on a vote of four to zero.**

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

- Officer Hogan and Corporal Jackson received MADD awards.
- Officer Shellenberger was Officer of the Year.

City Manager Psota reported on upcoming meetings and events.

- Tree Lighting at City Hall was a success.
- Bowser Jones retired December 1, 2017 with 31 years of service.

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

- Paving projects are completed.
- State Highway put stripes down on the roads at no cost.
- Basketball Court needs to be seeded.
- In the recent snow, plowing started at 11:00 p.m. and was completed at 8:00 a.m.

UNFINISHED BUSINESS

1. **Paid Bills**

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

2. **Chesapeake Paving Change Order Ratification – Public Works Director Gibbons**

- Fabric needed to be applied to St. Lukes Road to decrease the cracking for an additional \$1500.
- Morris Street had an additional set of train tracks that needed to be removed. Additional base course was

needed to replace that area. That was a cost of \$800. Also additional length of paving the railroad was previously approved.

- Total change order amount is \$6287.

On a motion made by Councilor Miciotto to approve the ratification for Chesapeake Paving, seconded by Councilor Palmer, the motion was approved by a vote of four to zero.

3. ALW Contract Addendum (Well Project Budget Increase) Approval – City Manager Psota/GMB Katherine McAllister

- City Manager Psota advised that in March of this year, an agreement was established with Advanced Land and Water for the well and Water Plant upgrade.
- The original contract was for \$44,800. Advanced Land and Water have advised after doing research, they have run into problems with MDE.
- Advanced Land and Water is asking for a budget increase of between \$9700 -\$11,002 depending on well observations in the further.
- City Manager Psota is asking authority to sign a change order, honoring the contract and to describe the difference between the \$9700 -\$11,002 budget request.

On a motion made by Councilor Miciotto to allow City Manager Psota to sign Advanced Land and Water contract change order # 1, seconded by Councilor Palmer, the motion was approved by a vote of four to zero.

4. Appointment and Ratification of Code Enforcement Officer to Enforce Zoning Code – City Manager Psota

- City Solicitor Mitchell advised that the City's Zoning Ordinance #67, section VII, titled Administration and Enforcement Building Permits and Zoning Compliance, sub section A, requires a code official designated by the City Council to administer and enforce the ordinance, who may be provided with assistance of such other persons that the Council may direct.
- City Solicitor Mitchell advised that the City Council had indicated that City Manager Psota, will be the designated person, however, since City Manager Psota does not go into the field, Administrative Assistant Linda Powell and Code Enforcement Officers should be designated to assist City Manager Psota.

On a motion made by Councilor Miciotto to approve City Manager Psota as the designated person, with Administrative Assistant Powell and Code Enforcement Officers to assist City Manager, seconded by Councilor Palmer, the motion was approved by a vote of four to zero.

5. WWTP Screen Installation Change Order Approval – Public Works Director Gibbons

- Public Works Director Gibbons advised that the screen has been installed at the WWTP.
- An option is needed to bypass the screen, in case there were problems with the screen, gear pump or motor.
- Public Works Director Gibbons is requesting a change order in the amount of \$9311.55, preliminary information states MDE will agree with 2/3 grant and the City would pay approximately \$3500.

On a motion made by Councilor Palmer to approve the change order for a bypass, seconded by Councilor Nichols, the motion was approved by a vote of four to zero.

7:40 First Reading – Ordinance # 286 Amend Landlord and Rental Registration Ordinances - City Solicitor Mitchell

City Solicitor Mitchell read Ordinance # 286, which is an Ordinance of the City Council of the City of Fruitland, Maryland, repealing Ordinance # 266 and # 280, and enacting a new Ordinance # 286 thereby replacing section 114 of Title XI, business regulations of the Fruitland Code of Ordinances. This request was put in by Code Enforcement Officers. **On a motion made by Councilor Miciotto to accept the first reading of Ordinance # 286, seconded by Councilor Palmer, the motion was approved by a vote of four to zero.** The Public Hearing will be held on January 9, 2018 at 7:40 p.m.

NEW BUSINESS

1. Appointment of Roland Somer to Planning Commission – City Manager Psota

City Manager Psota introduced Roland Somer Jr. to the Council. Mr. Somer will be serving on the Planning Commission.

2. **Rezoning Request – City Solicitor**

Taken off the agenda.

3. **City Hall Phone System Replacement – City Manager Psota**

City Manager Psota advised that the City's phone system is on the main server and there are some issues with the phones. Once the server is replaced, the City will monitor the phones and if problems continue, the phone system may need to be replaced.

4. **Resolution 15-2017 Budget Amendment – Deputy Treasurer Swift**

Deputy Treasurer Swift read Resolution 15-2017 to amend the fiscal year 2017-2018 General Fund Budget. **On a motion made by Councilor Miciotto to approve Resolution 15-2017, seconded by Councilor Nichols, the motion was approved by a vote of four to zero.**

5. **Resolution 16-2017 Budget Amendment – Deputy Treasurer Swift**

Deputy Treasurer Swift read Resolution 16-2017 to amend the fiscal year 2017-2018 Utilities Fund Budget. **On a motion made by Councilor Palmer to approve Resolution 16-2017, seconded by Councilor Miciotto, the motion was approved by a vote of four to zero.**

6. **Other**

City Solicitor Mitchell presented information about the EDU buyback from Wicomico County.

Public Comment/General Discussion

Sarah Rayne from the Costal Association of Realtors asked if the Council would be interested in a presentation on what the real estate market for the City of Fruitland did in 2017 and what is projected in 2018. City Manager Psota advised he would contact her later for a date.

Sarah Rayne also questioned why during the reading of Ordinance # 286 the Code Enforcement fines would be doubled and if the moratorium would be reinstated on impact fees. City Manager Psota advised that the moratorium on Impact Fees has been thoroughly discussed and at this time it will not be reinstated. City Solicitor Mitchell advised that the doubling of fines has not been approved yet, it was a first reading of the Ordinance, and City Manager Psota advised that the City is not increasing the fee to make money for the City, but to offset costs and to encourage compliance.

Alexis Dashield read a thank you note to the Council for the donation to the Community Center.

City Manager Psota introduced Salisbury Councilman Jack Heath. Mr. Heath advised he would be attending more Council Meetings in the future.

Cornelia Harman thanked the Council for paving her street.

Mike Hammond thanked the Council for the great job they do for the City. He also asked how a person would be notified if there are openings on a committee. City Manager Psota advised that there is an opening on the Ethics Commission and he will contact Mr. Hammond after the meeting for his information.

With no further business to discuss or comments, **on a motion made by Councilor Nichols to adjourn at 8:20 p.m., seconded by Councilor Miciotto, the motion passed by a vote of five to zero.**

Raye Ellen Thomas
Raye Ellen Thomas / City Clerk
[Approved, January 9, 2017](#)