

The Fruitland City Council met in Regular Session at City Hall on Tuesday, December 13, 2016, at 7:30 p.m. with the following members present:

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

Also present at the table were:

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

Our guests included:

Bob Marvel, Cornella Harmon, Prentice Griffin and Tom Russum from Comcast, Chris and Joe Gilkerson, Brock Parker, Senator Addie Eckert from District 37 and three others who did not sign in.

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

Treasurer Ortiz delivered the November Treasurer's Report. For November 2016, the City recorded \$327,000 in revenues. Of that total, \$150,000 was for income taxes. The total billed revenues for the fiscal year are now \$5 million, including real estate taxes and two quarters of utility billing. The City incurred \$551,000 of expenses for the month, including \$88,000 of expenses for the Main Street paving project. The total expenses for the fiscal year to date are \$2.3 million bringing the net revenue for the fiscal year to date is \$2.6 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 updated the Council on a recent homicide investigation in which a suspect has been arrested. He also reminded the Council that on December 17th the Police Department and Fruitland Volunteer Fire Department will again, be conducting their "Christmas for Kids" annual event.

City Manager Psota stated that the Christmas lighting was a success and had a large turnout. City Manager Psota advised the Council that for the convenience and the safety of the public a drop box for utilities payments is going to be installed at City Hall near the mailbox. City Manager Psota read a letter from the Maryland Comptroller's Office in which it explained that due to an error in their property tax calculating software some municipalities were due a refund. Accordingly, the City received approximately \$64,000. Lastly, City Manager Psota advised that because of the continual misuse of the recycle center next to City Hall, he is working with Wicomico County on relocating the center to another site. The City has notified the Fruitland Volunteer Fire Department who owns the property where the center is located, and there has been no objection to this plan.

Public Works Director Gibbons stated that the ENR project is concluding with Bearing working on punch list and warranty items. In reference to the Shady Lane water tank project, Public Works Director Gibbons stated that the completion date should be within the first two weeks of January 2017, weather permitting. Sidewalk, curb and gutter concrete repair work is continuing along West Main Street, and paving along South Brown Street should resume next week. Councilor Palmer inquired about the Morris Street paving progress. City Manager Psota advised that the City needs to meet with one or two property owners in the area of where the placement of a rain garden/retention pond is being considered to relieve ponding in the area of Ms. Harmon's house. This project needs to be addressed prior to any paving as to not tear up the street. The plan is to have the paving project resume in the spring.

UNFINISHED BUSINESS

1. Paid Bills

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

2. Water Plant Upgrade

City Manager Psota advised that a request for qualifications advertisement will be submitted to the appropriate outlets including The Daily Times beginning December 19th. The City is seeking request for qualifications statements from engineering firms for planning, design, bidding and construction services for a water supply well and water treatment plant upgrade.

3. IT Discussion

Chief Phillips advised that he has contacted all vendors in the area that service Cisco computer equipment on which the City's computer system runs. Those vendors are Vantage Point and Maloney Telecom. The other vendor, who services Cisco, is the City's current IT provider, Inacom. Maloney Telecom was unresponsive in providing a quote, and Inacom is not being considered due to the City's history of problems and desire to move forward with another IT firm. City Manager Psota laid the foundation for Vantage Point being considered a sole source provider for this service, and in the best interest of the City, he recommended that they be considered same. **On a motion made by Councilor Miciotto to declare Vantage Point as a sole source provider for the City and authorize Chief Phillips and or City Manager Psota to negotiate a contract, seconded by Treasurer Ortiz, the motion was approved by a vote of five to zero.**

4. City Hall LED Sign Update

City Manager Psota stated that an advertisement was placed in the paper accepting bids for an LED message sign to Replace the current City Hall sign. Sealed bids are to be submitted by January 5th, 2017.

5. Final Comprehensive Site Plan and Re-subdivision and Easement Plat Approval Dollar General

Brock Parker, of Parker and Associates, provided the Council with a recap of all the developmental requirements that the Dollar General project had to meet prior to the request for final approval. He stated that the project required a request for two variances (for building setback and parking spaces), rezoning of a parcel from residential to commercial use and other infrastructure amenities and, for which, all have received approval from all applicable boards commission and/or agencies. He further stated that the Planning Commission had given its approval of the final comprehensive site plan for the Dollar General at their last meeting that final approval was now needed from the Council to proceed. **On a motion made by Councilor Palmer to accept the re – subdivision and easement plat approval for Dollar General as presented by Brock Parker, seconded by Treasurer Ortiz, the motion was approved by a vote of 5 – 0. On a motion made by Treasurer Ortiz to approve the final comprehensive site plan for Dollar General as presented by Brock Parker, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.**

6. Handbook Clarification

City Manager Psota submitted a replacement for a portion of the Employee handbook regarding the clarification in Holiday pay calculations. He has spoken with all Department Heads and they all are in agreement to the clarification. **On a motion made by Treasurer Ortiz to replace the wording in the handbook on section 6.7 regarding Holiday with the revised copy as of December 2016, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.**

7. Change Order

City Manager Psota stated that as designed, the South Brown Street project requires a trench drain for the length of Colonial Village to the City's pump station to improve drainage. The scope of the project originally called for a pedestrian rated drain; however the drain will have six driveways over it. The City would now like to change the trench drain to a vehicle rated trench drain. This will result in a price increase of \$8965.00. City Manager Psota is requesting approval for a change order not to exceed \$9000.00 to Chesapeake Paving. **On a motion made by Councilor Miciotto to accept the change order for the vehicle rated trench drain as requested on Brown Street not to exceed \$9000.00 taken from the projects contingency fund, seconded by Councilor Nichols, the motion was approved by a vote of five to zero.** City Manager Psota stated that another change order for this project may follow

regarding swale work to improve drainage. Public Works Director Gibbons will be looking into this matter further.

NEW BUSINESS

1. Cedar Commons Development

Chris and Joe Gilkerson approached the Council in reference to Cedar Commons Development. They are interested in purchasing the property. Chris asked if the City would be willing to extend the moratorium on impact fees for the development and if there was any willingness to offer incentives from the City which may benefit them should they purchase the development. Council President Kerr stated that the moratorium on impact fees will expire at the end of this month and would not be extended. City Manager Psota explained why it could not be extended. Chris asked about items that were listed on the punch list and if the City had any suggestions at this time. Council President Kerr asked if they had actually purchased the property or were they just looking into it at this time. Joe stated that the bank is interested in how the City would work with the purchaser to complete the punch list items. Council President Kerr advised that the punch list items have to be completed as previously outlined for the development. City Solicitor Mitchell advised that the Council could have a meeting discussing Cedar Commons and the punch list, but at this time the Council should not decide what action to take. Chris and Joe inquired as to what would be their next step if they continue to pursue and progress with this project. Councilor Palmer stated that until they actually purchase the property and send something to the Council with their intentions and what will be needed, the Council will not discuss the matter. Chris and Joe will continue to correspond with Linda Powell with any additional information.

2. Fiber Optic Presentation

City Manager Psota presented the Council the results of the research into the possibility of providing fiber optic internet service to all the City owned buildings. Fiber optic cable would provide the City a fast and secure internet service. To that end, the City has been working with Comcast, who is the only fiber optic cable provider in the area, on the cost. Comcast is providing incentives, and is offering to waive approximately \$60,000 in construction costs. Additionally, they are offering incentives on a bundling package for the hard line phone system, currently with Verizon, in order to save money to offset the increased cost in internet service with fiber optics. As a result, by bundling the phone lines with fiber optic internet cable, there would only be an approximately \$520 month increase over what the City currently pays for phone and internet, but with better and more secure service. When spread over each department, the cost would increase for some and decrease for others. Comcast representatives, Thomas Russum and Prentice Griffin were present and answered any questions offered by the Council. After discussion, including information on sole source issues City Manager Psota recommended that the City move forward with the fiber optic and phone bundling package offered by Comcast. **On a motion made by Councilor Palmer to proceed with Comcast as sole source provider for the City's phones and fiber optic internet, seconded by Treasurer Ortiz, the motion was approved by a vote of five to zero. On a motion made by Treasurer Ortiz to enter into a contract with Comcast and approval for City Manager Psota to sign, after City Solicitor Mitchell reviews, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.**

3. Police Department Vehicle Purchases

Chief Phillips explained that he has identified a need to purchase a vehicle to replace a damaged vehicle used by the Criminal Investigation Division. The vehicle was recently damaged in a deer accident. Estimates to repair the vehicle exceed the worth of the high mileage formally seized vehicle. Therefore, in addition to the two Chevrolet Tahoe's already approved in the FY 16-17 budget for purchasing. He requested the approval for the purchase of a Ford Fusion, not to exceed \$18,000. The funds will come from the Breckford speed camera account. Also Chief Phillips read into the record the surplus of the following vehicle from the Police Departments fleet.

Car # 218 2006 Ford Crown Victoria CVPI VIN # 2FAFP71W86X110487

Car # 221 2006 Ford Crown Victoria CVPI VIN # 2FAFP71W96X114208

Car # 238 2007 Nissan Altima VIN # 1N4AL21E17N436053

Chief Phillips noted that the two Chevrolet Tahoe's have been purchased to replace the surplused Crown Victoria's. **On a motion made by Councilor Miciotto to surplus the items read by Chief Phillips and the money from the sales be placed in the surplus fund, seconded by Treasurer Ortiz, the motion was approved by a vote of five to zero. On a motion made by Councilor Palmer to ratify the purchase of a Ford Fusion in an amount not to exceed \$18,000.00, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.**

4. General Liability Insurance Renewal

City Manager Psota stated that the current General Liability Insurance expires on January 9th, 2017. The General Liability Insurance includes commercial liability and worker's compensation insurance. Cooper Insurance, our current insurance broker, obtained quotes and in doing so it is recommended by City Manager Psota that the City renew with its current insurance carrier, The Travelers. The quote from Travelers for a renewal policy is \$213,000. The current policy's premium was \$201,000 and the FY 16-17 budget included a 5% increase. The increase is largely due to the increase in the workers' compensation insurance as a result of approved employee salary adjustments. **On a motion made by Treasurer Ortiz to proceed with General Liability and Worker's Compensation Insurance Renewal as put forth by City Manager and authorizing him to sign, seconded by Councilor Palmer, the motion was approved by a vote of five to zero.**

5. Flood Plain

City Solicitor Mitchell advised that on December 5th, the City received a notice stating that on January 1st, 2017 a new set of requirements will be necessary for accessory structures in flood plains within the City. City Solicitor Mitchell stated that he has been in contact with the State, and that the City will have time to construct an ordinance for the changes.

6. Small Cell Communication Poles

The City was contacted by Verizon to place a small cell communication pole in the parking lot of Denny's. City Solicitor Mitchell will participate in a conference call with the Maryland Municipal Attorney's Association on December 20th in regards to the rules for such requests. He will advise further at the next Council meeting.

7. Community Center Donation Discussion

City Manager Psota has received a request to consider increasing the amount of the donation from the City to the Fruitland Community Center. The City currently donates \$1500.00 a year to the Center. The City does not make annual donations to any other nonprofit organizations other than to Fruitland Volunteer Fire Company in the City. Councilor Miciotto stated he had spoken with Mrs. Deshields, of the Community Center, and there is no heat in the building because they cannot afford the propane. Councilor Miciotto and Councilor Palmer both stated what the program does for area children and how it helps keep them off by the streets by providing a safe learning environment. Councilor Palmer is on the Board of the Community Center and therefore abstaining. Council President Kerr asked if the Councilors would be willing to increase the donation, and if so how much, Councilor Miciotto stated he was not asking to increase the donation for every year; the Center was in need of extra monetary assistance now for heat. Councilor Nichols suggested a one time extra donation of \$500, Councilor Miciotto suggested \$1000. **On a motion made by Councilor Nichols to donate a one time donation increase of \$500.00 to the Fruitland Community Center, seconded by Treasurer Ortiz, the motion was passed by a vote of three to one, with one abstention.**

8. Other

Council President Kerr introduced Senator Addie Eckert from District 37. Senator Eckert briefly discussed State Legislative items with the Council.

Public Comment/General Discussion

Cornella Harmon thanked City Manager Psota for his help on the streets.

With no further business to discuss or comments, **on a motion made by Councilor Palmer to adjourn at 9:35 p.m., seconded by Treasurer Ortiz the motion passed by a vote of five to zero.**

Raye Ellen Thomas

Raye Ellen Thomas / City Clerk

Approved, January 10, 2017
