

The Fruitland City Council met in Regular Session at City Hall on Tuesday, December 9, 2014, at 7:30 p.m. with the following members present:

*President Darlene Kerr, Treasurer Gloria Ortiz, Councilor Nichols and Councilor Palmer.*

Also present at the table were:

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

Our guests included:

Bob Marvel, Cornella Harman, Katherine McAllister, Bowser Jones, Mr. Les Katona (APPI), and Chris Comer (Comcast).

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

President Kerr acknowledged receipt of the minutes of the Regular Meeting of November 11, 2014 and called for additions or corrections. As there were none, **Councilor Nichols moved to adopt the minutes as presented; Treasurer Ortiz seconded and the motion passed on a vote of four to zero.**

**Treasurer Ortiz** delivered the October Treasurer's Report.

Cash on Hand 11/01/14	\$ 232,277.83
Deposits	\$ <u>1,004,908.08</u>
Subtotal	\$ 1,237,185.91
Disbursements	\$ <u>(792,297.61)</u>
Total Ending 11/30/14	\$ 444,888.30

**Councilor Palmer 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 gave the Police and Code Enforcement reports, City Manager Psota gave his report and Public Works Director Gibbons gave the Public Works report. During City Manager Psota's report he requested approval to purchase thermo plastic material for stop bars and pedestrian cross walks for the paving project on North Division Street. Those items were not included when prices were given for the initial project and will be an additional \$5200.00. On a motion made by Treasurer Ortiz to purchase the thermo plastic material, not to exceed \$5300.00, which was seconded by Councilor Nichols, the motion passed with all in favor. Secondly, Public Works Director Gibbons has been made aware of two leaks at the Water Plant that need to be addressed as soon as possible. He has obtained three bids, the lowest being from Hopkins Construction for \$7200.00. On a motion made by Councilor Palmer to not exceed \$7300.00 and allow Hopkins Construction to fix leaks, which was seconded by Treasurer Ortiz, the motion passed with all in favor.**

**At this time, President Kerr requested a motion to end paid administrative leave for Chief Phillips and to restore him to full duty as of this date. On a motion made by Treasurer Ortiz, which was seconded by Councilor Palmer, the motion passed with all in favor.**

#### **UNFINISHED BUSINESS**

##### **1. Paid Bill Report**

President Kerr acknowledged receipt of the paid bill report; as there were no questions, **on a motion made by Treasurer Ortiz and seconded by Councilor Palmer the paid bills were approved as listed by a vote with all in favor.**

## 2. APPI

City Solicitor Mitchell had previously stated APPI basically serves as the City's broker for electricity and that it is not necessary to bid this type of service. APPI representative, Mr. Les Katona, proceeded with a brief history of what APPI's association has been with the City over the past 6 years. He provided the Council with packets that contained prices he had received from bidders for a new contract. The current contract ends with the June 2015 meter reading. His recommendation is signing with the lowest bidder, Washington Gas Energy Services Supplier (WGES) for a three year contract. The three years will average 0.0726 cents per KWh. Our current rate is 0.07959 averaged over three years ending in June. Over the three year period, 2015-2018, based on our historical usage, the City could see a \$46,918.00 reduction in energy costs over the current contract. **On a motion made by Treasurer Ortiz to request that Mr. Katona (APPI) proceed with having the documents drawn up for Washington Gas Energy Services on a 36 month contract, to begin when the previous contract runs out, and the authority for Council President Kerr to sign the papers when received, seconded by Councilor Nichols, the motion was approved with all four in favor.**

## 8:08 p.m. Public Hearing – Comcast Franchise Ordinance # 272

City Solicitor Mitchell explained that the City is enabled and powered by the State of Maryland through statute to grant franchises by ordinance. Comcast uses contracts instead of ordinances; therefore our ordinance would be to adopt the Comcast contract. City Solicitor Mitchell then read Ordinance # 272 and the changes that have been made from the previous contract with Comcast. Chris Comer, director of Government Affairs for Comcast, was present to represent Comcast. A discussion followed concerning the changes that the City had requested. Mr. Comer will have Comcast's legal department review the changes. Several issues were raised with the service Comcast provides concerning the speed, prices and bills. Since Mr. Comer had not had a chance to review the changes, the Council wishes to postpone any action until the February 10, 2015 Council Meeting.

## NEW BUSINESS

### 1. Fruitland Little League

City Solicitor Mitchell explained that M & T Bank is lending money to Fruitland Little League for lights and is requesting the City sign a Landlord's consent and waiver of lien. This would waive the City's right to interfere with the retrieving of the items in case of default. **On a motion made by Treasurer Ortiz to sign and accept the Landlord's Bank Consent and Waiver of Lien regarding the lights for Recreation Committee and authorize the City Manager to sign on behalf of the City, seconded by Councilor Palmer, the motion was approved with all four in favor.**

### 2. Re-appointment of Francis Jean Tull and Jay Disharoon to Recreation Commission

**Council President Kerr nominated Francis Jean Tull and Jay Disharoon to the Recreation Commission. Both have agreed to accept re-appointment. All four Council Members were in favor.**

### 3. Other

Chief Phillips asked for a conversion of funds. The department sold two surplus vehicles on eBay for a total of \$3107.00, and he would like that amount to be transferred from the General Fund to the Fruitland Police Department Guns and Ammo account. That amount will be used to offset the cost of purchasing two tazers, holsters, 50 cartridges, 50 practice cartridges and two "pinky" extenders totaling \$5837.58. **On a motion made by Councilor Palmer to convert \$3107.00 from the vehicle sales to the firearms account to purchase the tazers and equipment, seconded by Treasurer Ortiz, the motion passed with all four in favor.**

## Public Comment/General Discussion

City Solicitor Mitchell wanted to make note that the City had received a request from a citizen in reference to their water and sewer bill. The citizen was notified to put the request in writing, which has been done, and the matter has been referred to the Public Works Department. The Public Works Department will investigate the problem and will notify the City Manager of their findings, and he will advise the Council.

Council President Kerr reminded everyone to keep Councilor Carey in their prayers.

Bob Marvel thanked the City Manager and Public Works department for responding to the flood on his street.

With no further business to discuss or comments, **Treasurer Ortiz made a motion to adjourn, seconded by Councilor Nichols, and with all in favor and the meeting was adjourned at 8:53 p.m.**

*Raye Ellen Thomas*

Raye Ellen Thomas / City Clerk

*Approved, January 13, 2014*