

The Fruitland City Council met in Regular Session at City Hall on Tuesday, February 12, 2019 at 7:30 p.m. with the following members present:

President Darlene Kerr, Treasurer Ray Carey, Councilor Mark Miciotto, Councilor Lee Outen Jr. and Councilor Mike Hammond.

Also present at the table were:

City Manager John Psota, Lieutenant Dan Holland, Deputy Treasurer Mark Swift and City Solicitor Andrew Mitchel.

Our guests included:

Public Works Director Michael Gibbons, Bob Marvel, Bunky Luffman from Congressman Harris's Office, Katherine McAllister from GMB, Patricia Attiwoto, Amare Attiwoto and Roland Palmer.

At 7:30 p.m. President Kerr called the regular Council meeting to order. President Kerr led all in the Lord's Prayer and all recited the Pledge of Allegiance.

President Kerr acknowledged receipt of the minutes of the Regular Meeting of January and called for additions or corrections. As there were none, **Councilor Outen moved to adopt the minutes as presented; Councilor Hammond seconded, and the motion passed on a vote of five to zero.**

Reports- Treasurer, City Manager and Department Heads

Treasurer Carey delivered the Treasurer's Report. For January 2019, the City recorded \$668,000 of revenues, including \$611,000 in utility billings. The total billed revenues for the fiscal year are \$5.7 million, including real estate taxes and three quarters of utility billing. The City incurred \$5833,000 of expenses for the month including \$155,000 in loan payments. The total expenses for the fiscal year to date are \$5.2 million. The net deficit for the City for the month of January is \$84,000 and the net income for the fiscal year to date is \$475,000. **Councilor Miciotto moved to accept the Treasurer's Report as presented, Councilor Hammond seconded, and the motion passed on a vote of five to zero.**

Lieutenant Holland delivered his report on behalf of the Police Department and Code Enforcement.

- Code Enforcement completed 6 rental inspections, 12 follow up inspections and 23 follow up violations in the last 30 days. Opened 11 cases and closed 55 cases in the month of January.
- There were 34 Part 1 crimes reported. 15 occurred in Wal Mart and 26 have been cleared within the month.
- 75 traffic violations were issued. 70 people were charged with criminal or civil violations and there were 2002 total calls for service in December.
- License plate reader equipment has been received and installed today, the next step is software download and getting the officers trained.
- Reminder for all citizens to lock vehicles due to recent break ins.

City Manager Psota delivered his report.

- The Easter Parade is scheduled for Saturday, April 6th, line up at 9:00 a.m., parade starts at 10:00 a.m.
- Following the parade is an Easter Egg hunt, assisted by All Community Church volunteers.
- Little League Parade is the week after the Easter Parade, unsure of start time as of now.
- LESMA dinner will be held Thursday, February 21st, in Princess Anne.
- Katherine McAllister from GMB gave an update on Water Treatment Plant and Solar Panel projects.

- The plans had been submitted to MDE for the Water Treatment Plant during the Holidays and word has been received to correct and finalize a few items.
- Plans will be submitted to Wicomico County and MDE for the Solar Panel project.
- On April 6th, the Eastern Shore Running Club is having a second annual marathon, which runs through a section of Fruitland. It starts at 7:00 a.m.
- Roland Palmer asked if the financial side of the Water Treatment Plant has been approved, Katherine McAllister advised that yes it has.

Deputy Treasurer Swift had nothing to report.

Public Works Director Gibbons had nothing to report.

UNFINISHED BUSINESS

1. Paid Bills

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

2. Rowens Mill – Surrender of EDUs

City Solicitor Mitchell advised that when Rowens Mill was first developed, the developer agreed to purchase and paid for a force main and sewer under the round a bout and 80 units. It was agreed upon if they did not use all the units or could not develop that many lots, he could move them to another development in the City or sell them back to the City. The developer paid full price for water and sewer units at \$2500, due to the time length he can only turn in one of each EDU at this time for that price. The price the County charges the City is \$5000 per unit. The City had agreed to purchase back one water EDU and seven sewer EDUs, including the one required to turn in. The developer asked if the City will buy the other 6 water EDUs at half price of \$1250. The total price would be \$5000 for two EDUs the City is required to take, and an additional \$22,500 for the other EDUS for a total of \$27,500. **On a motion made by Councilor Outen to allow City Manager Psota and City Solicitor Mitchell to proceed with the buyback of EDUs for a total of \$27,500 seconded by Councilor Carey, the motion was approved by a vote of five to zero.**

3. Fruitland Water Tower Bill of Sale

City Solicitor Mitchell advised the Council had acted upon this in July, and the County has not acted yet. When Rowens Mill water, tower was put in it was agreed that it would be under the County for financial reasons, however when the water tower was active it would be sold to the City for \$1. The agreement also included a lease of land under the tower and easement. The land owners will not sell the land out right, so it is considered an easement. The easement has been signed. The Wicomico County Council is requesting a change which reads: "City accepts the Slab Bridge elevated storage tank and related infrastructure in its present condition without warranty or guaranty by the County". There is a hearing scheduled for the 19th of this month at Wicomico County. **On a motion made by Councilor Outen to allow Council President Kerr to sign the Fruitland Water Bill of Sale as prepared by Wicomico County for the second time, seconded by Councilor Carey, the motion was approved by a vote of five to zero.**

NEW BUSINESS

1. GIS (Geographic Information Systems) Quote Approval

City Manager Psota is asking permission to approve a quote from Eastern Shore Regional GIS Cooperative. In 2004 and 2011 they did studies of the City's GIS infrastructure. City Manager Psota has asked them to do an updated study and to provide a study of the City's impervious surfaces to comply with MS4 permitting. The quote was received in the amount of \$5484 City Manager Psota would like to include a 10% contingency not to exceed \$6500 and authorization to sign quote. **On a motion made by Councilor Miciotto, to approve the quote received by Eastern Shore Regional GIS Cooperative in the amount of \$5484 including 10% contingency not to exceed \$6500 and authorize City Manager Psota to sign, seconded by Councilor Carey, the motion was approved by a vote of five to zero.**

2. **Colonial Village/Unbuildable Lots**

The new Colonial Village homeowner's association has brought it to the City's attention that there are outstanding water/sewer reserve bills in the amount of \$900 on six deemed unbuildable lots. City Solicitor Mitchell is requesting documentation from the homeowner's association that the lots are not buildable and if they should be sold the fees would apply in return for the City crediting the amount owed at this time and not billing the unbuildable lots from this point on. **On a motion made by Councilor Hammond to waive the \$900 water/sewer reserve charge billed to Colonial Village for unbuildable lots and have City Solicitor Mitchell prepare a document as to the time frame and arrangements, seconded by Councilor Carey, the motion was approved by a vote of five to zero.**

3. **Ordinance # 210 Zoning Ordinance Discussion/Repeal**

City Solicitor Mitchell advised that this Ordinance was passed in 2003 due to the Planning Commission and Board of Zoning Appeals getting lots of requests for zoning flexibility changes. The language added stated "Such other temporary or permanent use of land, buildings or structures as may be in keeping with the general tenor and character of uses permitted either by right or by special exception, and which are found not to be harmful, detrimental or contrary to the general character and purpose of uses within the district" to all but four zones in the City. The language is too broad and needs to be detailed more. City Solicitor Mitchell proceeded to read the new language that would repeal Ordinance # 210 and replace it with Ordinance # 291. Ordinance # 291 is an Ordinance of the City Council amending Ordinance # 67, the Zoning Ordinance, to delete those uses permitted by special exception as was enacted by Ordinance # 210 and similar such uses permitted by special exception in the C-2, C-4 and C-7 districts. This Ordinance will affect special exceptions in every zoning district, except W-1 Conservation District. **On a motion made by Councilor Carey to accept the first reading of repeal of Ordinance # 210 and the Public Hearing of Ordinance # 210 for March 12, 2019 at 7:40, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.**

4. **Surplus Items City Hall**

City Manager Psota advised that the City auction will be held on March 9, 2019 at the Police Department. City Manager Psota would like to add five former Council Chamber chairs to surplus for auction. **On a motion made by Councilor Miciotto to surplus the five Council Chamber Chairs for auction, seconded by Councilor Carey, the motion was approved by a vote of five to zero.**

5. **Resolution 1-2019 Amend General Fund Budget**

Deputy Treasurer Swift read Resolution 1-2019 which amends the Fiscal Year 2018 – 2019 General Fund Budget. **On a motion made by Councilor Miciotto to accept Resolution 1-2019 as presented by Deputy Treasurer Swift, seconded by Councilor Carey, the motion was approved by a vote of five to zero.**

6. **Resolution 2-2019 Amend Utilities Fund Budget**

Deputy Treasurer Swift read Resolution 2-2019 which amends the Fiscal Year 2018-2019 Utilities Fund Budget. **On a motion made by Councilor Outen to accept Resolution 2 -2019 as presented by Deputy Treasurer Swift, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.**

7. **Other**

City Manager Psota advised that a shredder pump from the pump station on St. Luke's Road is at Hill's Electric getting evaluated. A preliminary quote has been obtained in the amount of \$28,000, a new one would be \$45,000. City Manager Psota would like the Council to be aware that they would like to rebuild the shredder and he will contact the Council if a final quote is received before the next Council meeting.

In November of 2017, Administrative Assistant Powell was approached by Dr. Zomenou, UMES Professor of Dietetics and Nutrition, to lead the Fruitland Community "Healthy U" Initiative. This initiative is funded by a grant awarded to the National 4-H Council and the University from the Robert Wood Johnson Foundation, the nation's largest health philanthropy organization. The \$4.6 million grant was awarded to five U.S. Land Grant Universities (UMES being one)

with a goal of implementing initiatives to improve the health of one thousand communities across the nation over the next ten years, with Fruitland being selected as one of the communities.

The coalition's first project was a collaborative effort with the Fruitland Community Center, in which their existing community garden was enlarged (3 additional garden boxes) through resources provided by the Salisbury Rotary Club. The project provided an educational and physical activity for youth and adults. The second project is a program that provides healthy afterschool activities/training and dinner provided by UMES Extension Staff for youth twice a month at one of Fruitland's local churches.

The coalition wants to put "Fruit" back in Fruitland and is asking for the City's help by allowing them to use an ideal space at the park for a proposed mini fruit orchard. This project proposed to utilize the current horseshoe pit area. The enclosed area will consist of five rows for apples and two rows for grapes. The Well-Connected Communities budgeted cost for this project was \$1000, \$600 for trees and \$400 for related supplies. If the site is okay and the soil is suitable, labor for the implementation of the project will be provided by adult and youth volunteers from the Fruitland Community Coalition members and general community youth and adult volunteers under the supervision of Dr. Naveen, assistant professor of horticulture at UMES.

City Manager Psota is asking permission to utilize the City's property to plant the trees. **On a motion made by Councilor Miciotto to allow the Well-Connected Communities Initiative to use the horseshoe pit area to plant the trees, seconded by Councilor Outen, City Manager Psota will check to see if that area is program open space and if so that it can be used for the fruit trees, the motion was approved by a vote of five to zero.**

Councilor Miciotto asked if the Officers patrolling at night could write down the street lights that are out so Delmarva Power can be made aware. City Manager Psota advised that is in effect now. A list of light poles out is compiled by the Police Department, which Public Works Director Gibbons sends to Delmarva Power quarterly. City Manager Psota also advised that the City is working with Delmarva Power on a plan to replace the current street lights with LED lights.

Public Comment/General Discussion

Roland Palmer approached the Council inquiring if he could place a mailbox in front of his residence on Main Street. Discussion was held regarding the placement of mailboxes and how they should be installed. City Solicitor Mitchell advised that the sidewalk belongs to the City. Currently there are no Ordinances regarding location of placement on mailboxes. The Council agreed to let Mr. Palmer place a mailbox in front of his house and will deal with other mailboxes on a case by case basis. Mr. Palmer also asked about salary increases for the Council. Council President Kerr advised that it has to be reviewed in the budget process.

Bunky Luffman advised that he is now working with Congressman Harris. If you need anything feel free to contact him.

With no further business to discuss or comments, Council President Kerr advised the Council will take a short recess and then reconvene for a closed session to discuss personal matters. At 8:45 p.m., the Council reconvened back into open session, on motion made by Councilor Carey to proceed to closed session, seconded by Councilor Miciotto, the Council proceeded to closed session at 8:46 p.m. While in closed session the Council discussed personal matters involving purchasing issues at the advice of Council. Councilor Hammond made a motion at 9:00 p.m. to reconvene back to open session, seconded by Councilor Miciotto. With no further business to discuss, Councilor Hammond made a motion to adjourn at 9:01 p.m., seconded by Councilor Carey, the motion was approved by a vote of five to zero.

Raye Ellen Thomas
Raye Ellen Thomas / City Clerk
[Approved, March 12, 2019](#)