

The Fruitland City Council met in Regular Session at City Hall on Tuesday, February 14, 2017 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, Deputy Treasurer Mark Swift, City Clerk Raye Ellen Thomas and City Solicitor Andrew Mitchell.

Our guests included:

Public Works Director Mike Gibbons, Bob Marvel, Katherine McAllister, Ted Lokey and wife, Mary Stevens, Cornella Harmon, Faye Banks, two unidentified women and one unidentified man.

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 January 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 January Treasurer's Report. For January 2017, the City recorded \$673,000 in revenues. Of that total, \$613,000 was utility billings. The total billed revenues for the fiscal year are now over \$5.71 million, including real estate taxes and three quarters of utility billing. The City incurred \$736,000 of expenses for the month, including \$370,000 of expenses for the Main Street and Brown Street paving projects. The total expenses for the fiscal year to date are \$4.1 million. The net loss for the City for the month of January is \$63,000 and the net income for the fiscal year to date is \$1.61 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. Chief Phillips presented the annual 2016 Police Department report to all Council Members.

City Manager Psota stated that the drop box is now in use beside the driveway. The LED sign should be installed by the first or second week of March. April 1st will be the Easter parade and April 8th will be the Little League Parade. City Manager Psota advised that he will meet with the Director of Wicomico County Landfill on Friday to determine a spot to relocate the recycling bins.

Public Works Director Gibbons gave an update of the ongoing projects within the City. He also advised that Main Street will be closed from Camden Avenue to Moore Street on Monday, February 20th to connect the sewer line for Dollar General.

Deputy Treasurer Swift stated that in December letters were sent to businesses that had delinquent tax accounts, and the City has been able to collect \$5000.00. A second letter has been sent out this week to the businesses that have still not paid. He also stated that the on line payment site should functional this week; however residents will not be able to use it until the next utility billing in April.

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

2. **Water Plant Well Upgrade Update**

City Manager Psota stated that requests for qualifications submittals were due on January 10, 2017. Since that time a six person reviewing committee has reviewed and scored the submissions. The Engineering Firm with the highest score was GMB. City Manager Psota requested a motion to award GMB the project. **On a motion made by Councilor Nichols to award the contract to GMB and allow City Manager Psota to sign said contract, seconded by Treasurer Ortiz, the motion was approved by a vote of five to zero.**

3. **IT Discussion**

City Manager Psota advised that he and Chief Phillips met with Dana Seiler from Vantage Point on Thursday, January 12, to discuss contract terms and to plan for the transition. City Manager Psota sent a copy of the retainer engagement agreement to all Council members that he would like approval to sign. **On a motion made by Treasurer Ortiz to accept the contract from Vantage Point as reviewed and to authorize City Manager Psota to sign same, seconded by Councilor Palmer, the motion was approved by a vote of five to zero.** Chief Phillips advised that Delmarva Tele Plus will be handling the Avaya phone system should we have any problems. They will bill on an hourly basis with no contract required, thus saving us money by not having Vantage Point being the middle man. Chief Phillips requested approval to use Delmarva Tele Plus as the vendor for our phone system. The Council unanimously approved.

4. **Budget Amendment Approval**

Deputy Treasurer Swift read Resolution 2 – 2017 and Resolution 3 – 2017. Resolution 2-2017 amends the General Fund Budget and Resolution 3-2017 amends the Utilities Fund Budget. **On a motion made by Councilor Palmer to pass Resolution 2-2017, a Resolution of the City Council to amend the Fiscal year 2016-2017 General Fund Budget as presented by Deputy Treasurer Swift, seconded by Councilor Nichols, the motion was approved by a vote of five to zero. On a motion made by Councilor Miciotto to pass Resolution 3-2017, a Resolution of the City Council to amend the Fiscal year 2016-2017 Utilities Fund Budget, seconded by Treasurer Ortiz, the motion was approved by a vote of five to zero.**

5. **North Brown Street One Way Discussion**

City Manager Psota stated that a Resolution will be ready for reading at the next Council Meeting. Before then, he advised that he would take steps to notify North Brown Street Residents of the proposed Resolution should they wish to express their opinion at the March 14th meeting.

6. **South Brown Street Change Order # 2**

Public Works Director Gibbons requested a second change order to address the grading of the swale at the end of the trench drain along South Brown Street. The first change order was for \$9000.00 upgrading the trench drain from pedestrian to vehicular. After research with the contractor, a credit was issued resulting in the upgrade costing \$6611.00 instead of \$9000.00. The second change order would cost \$3750.00. Three bids were obtained to complete the trench drain installation, which will complete the project, with Freedom Landscaping being the lowest bidder. **On a motion made by Councilor Palmer to approve change order # 2 on South Brown Street for \$3750.00 for Freedom Landscaping to complete the trench drain, seconded by Treasurer Ortiz, the motion was approved by a vote of five to zero.**

NEW BUSINESS

1. **Re-appointment of Derek Bland to Planning Commission**

President Kerr had spoken with Derek Bland and he agreed to remain on the Planning Commission. **President Kerr nominated Derek Bland to the Planning Commission, seconded by Treasurer Ortiz, and the nomination was approved by a vote of five to zero.**

2. **729 South Camden Avenue Utility Connection**

City Solicitor Mitchell advised that there is a house located at 729 South Camden Avenue that sits approximately 475 feet from the road and has never been connected to water and sewer. Due to a failed septic system the owner is faced with the prospect of having to hook up to the City's utilities. Wicomico County through the Health Department has offered financial assistance to bring water to the property, and the owners have saved for the water tap. The property owner, Faye Banks has asked whether the City would waive the impact fees for water and sewer. Faye Banks

and other family members including Ted Lokey spoke with the Council regarding history of the property and right of way/easement issues. After a lengthy discussion, City Solicitor Mitchell advised the family that legal documentation was needed for the right of way before discussing waiving the impact fees. The family will try to obtain proper paperwork and present to the Council at the March 14th Council meeting.

3. Portable TSS Meter Purchase

Public Works Director Gibbons requested authority to purchase a portable total suspended solid meter. He has received three bids with Hach Manufacturer being the lowest bidder at \$2883.00. This meter would allow reading results within minutes, whereas the current readings take 24 hours for the results. The meter can also be used at different locations. **On a motion made by Councilor Miciotto to purchase a portable TSS meter manufactured by Hach Manufacturer in the amount of \$2883.00, seconded by Treasurer Ortiz, the motion was approved by a vote of five to zero.**

4. Power Washer Purchase Request

Public Works Director Gibbons request approval to purchase a power washer for the Sanitation Department. This power washer heats water and is used to clean the City's Sanitation/Trash Trucks. The current power washer is 12 years old and is out of service due to a pump failure. It will require \$700.00 to repair before it can be determined whether additional repairs are needed. Public Works Director Gibbons advised that there is no guarantee that this repair will fully restore the washer to operate functionality. Public Works Director Gibbons stated it was his recommendation was for the City to purchase a new power washer. He has obtained three bids with Peninsula Pressure Systems being the lowest bidder at \$4995.00. A discussion followed regarding the need for this item. **On a motion made by Treasurer Ortiz to approve \$4995.00 to Peninsula Pressure System to purchase a new power washer, there was no second, so the motion died on the floor.**

[See Below]

5. Surplus and Donate Basketball Hoops to EPOCH Dream Center

Chief Phillips stated he had been approached by a former employee of the City, Bobby Gannon, regarding two standing basket ball hoops the Police Department has in their possession. Mr. Gannon asked if they could be donated to the EPOCH Dream Center that is a 501 (c) 3 non-profit organization providing after-school and summer programming to under-resourced children. Mr. Gannon is a mentor for the EPOCH Dream Center. The basketball hoops have been in the possession of the Fruitland Police Department for two years and are considered abandoned property. Chief Phillips requested that the two basket ball hoops be surplus and donated to the EPOCH Dream Center. **On a motion made by Councilor Miciotto to surplus two standing basketball hoops and donate same to the EPOCH Dream Center, which was seconded by Treasurer Ortiz, the motion was approved by a vote of five to zero.**

6. Wicomico County School Board Nomination Commission Name Submission

City Manager Psota advised that Wicomico County School Board has requested two names be submitted to the Wicomico County Council President by the City for the School Board Nomination Commission to be added to a pool of names to be considered in case of a vacancy. City Manager Psota requested authority to submit the names of Edwin A. Cowell and Dennis A. DiCintio. **On a motion made by Councilor Palmer to approve the names of Edwin Cowell and Dennis DiCintio to be submitted to the Wicomico County School Board Nomination Commission , which was seconded by Councilor Nichols, the motion was approved by a vote of five to zero.**

7. DOC MOU

City Manager Psota advised that the Maryland Department of Corrections is in the process of re doing the memorandum of understanding (MOU) with the City regarding the pre release inmates the City uses for labor. The initial draft of which has been reviewed by City Solicitor Mitchell. He stated that the MOU will consist of standard operating procedures as well as a structured daily rate monetary calculation sheet. The indication is that there will now be \$72.11 a day charge to deliver and pickup the inmates but that the daily rate will decline from \$4.00 to \$2.60 per inmate. City Manager Psota proceeded to advise how this extra cost, approximately, \$15,399 yearly, would impact each department, but stating that it was still cost effective to have inmate labor instead of hiring full time employees. He requested that when the final MOU is delivered that President Kerr be given the approval to sign same. **On a motion made by Treasurer Ortiz to allow Council President Kerr to sign the MOU between the City of Fruitland and the Maryland Department of Public Safety and Correctional Services as presented with the daily rate calculation, seconded by Councilor Palmer, the motion was approved by a vote of five to zero.**

Public Comment/General Discussion

Mary Stevens approached the Council and advised that she feels that she was targeted by the City for a Code Enforcement violation. She wanted to know if other properties near her had received violation letters for the trash and the poor condition of their properties. And, if so, why have they not been corrected. Chief Phillips stated that she was not being targeted, that the letters she received were sent prior to her making complaints earlier this year. Chief Phillips explained the procedures by which Code Enforcement operates and invited Ms. Stevens to come to the Code Enforcement Department so they could address her concerns. City Manager Psota and City Solicitor Mitchell advised Ms. Stevens that the allegations she had made were serious and further questioned why she would not then accept Chief Phillips' offer to meet with her and explain why her allegations were unfounded. Whereupon, Ms. Stevens softened her stance and advised that she would deal with the Chief.

Bob Marvel requested that the Council re-consider the decision about the power washer for the Sanitation Department. Council President Kerr asked if the Council was interested in reconsidering the purchase of the power washer. Councilor Palmer would like to investigate prices and washers further. Councilor Miciotto stated that he would like to re-consider as did Councilor Ortiz. Councilor Miciotto stated that he has seen the operation of cleaning the truck and earlier while discussing this, he was asking if the old power washer was worth putting the \$700.00 into if that might not fix the problem. City Manager Psota advised that the money was available in the budget to purchase the power washer. Councilor Palmer stated that he would like to wait and see if the old power washer could be repaired and not buy the new one yet, Councilor Nichols agreed. **On a motion made by Councilor Miciotto to purchase the hot water power washer for the Public Works from Peninsula Pressure in the amount of \$4995.00, seconded by Treasurer Ortiz, the motion was approved by a vote of three in favor with two opposed.**

Treasurer Ortiz asked if the Sanitation Department could place the trash cans further back in the yard and if the truck could slow down so all the trash is emptied from the trash can. President Kerr also stated that residents are placing the trash cans out earlier than they should.

With no further business to discuss or comments, **on a motion made by Treasurer Ortiz to adjourn at 9:27 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, March 14, 2017
