

The Fruitland City Council met in Regular Session at City Hall on Tuesday, February 9, 2016, at 7:30 p.m. with the following members present:

President Darlene Kerr, Treasurer Gloria Ortiz, Councilor Raymond Carey, Councilor Roland Palmer and Councilor Charles Nichols.

Also present at the table were:

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

Our guests included:

Bob Marvel, Katherine McAllister, Jay Disharoon and Cornella P. Harmon.

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 January and called for additions or corrections. As there were none, **Councilor Carey 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 January Treasurer's Report. For January 2016, the City recorded revenue of \$857,755, \$632,000 of which was the quarterly utility billing, as well as \$164,000 received for the ENR upgrade. This brings the total revenues to \$6.8 million for the fiscal year to date, including real estate taxes and three quarters of utility billing. The City has also incurred \$535,437 of expenses for the month of January, including \$100,000 for the ENR upgrade. The total expenses for the fiscal year to date are \$4,660,189, including \$1,786,453 related to the ENR upgrade. This brings the net income for the City for the month of January to \$322,317 and net income of \$2,146,776 for the fiscal year to date.

Councilor Palmer moved to accept the Treasurer's Report as presented. Councilor Carey seconded and the motion passed on a vote of five to zero.

Chief Phillips gave the Police and Code Enforcement reports. During his report he presented the Council with the Fruitland Police Department annual report for 2015.

City Manager Psota gave the City report. During his report he requested approval to pay an invoice from July 2014. The invoice is for the emergency asphalt work that was done to the railroad crossing on Main Street and Route 13. Public Works Director Mike Gibbons contacted EFG, the subcontractor for the asphalt work, to obtain a corrected invoice. The original invoice was for \$17,225.00 and has now been adjusted to \$14,750.00. On a motion made by Councilor Palmer to approve the payment of \$14,750.00 to EFG paving with money coming from prior years surplus, the general fund for 14/15, seconded by Treasurer Ortiz, the motion was approved on a vote of 5-0. City Manager Psota reminded everyone that the Easter parade will be held on March 19, 2016.

Public Works Director Mike Gibbons gave the Public Works Department report including updates on the new water tower, the Morris Mill project, Water Plant and Waste Water Treatment Plant. He stated that bid opening for a water plant piping replacement project is this Thursday at 10:00 a.m. Council President Kerr asked about the progress of the roof replacement project for an outbuilding at the Water and Wastewater Treatment Plant. Public Works Director Gibbons stated that there have been issues with the subcontractors, but GMB and Bearing Construction will work together for a speedy project completion.

UNFINISHED BUSINESS

1. Ordinance # 283 Chesapeake Utilities Amended Franchise Agreement

City Solicitor Mitchell stated this would be a first reading of Ordinance # 283 Chesapeake Utilities Amended Franchise Agreement. Ordinance #281 was recently passed regarding the same issue; however Ordinance #281 had an automatic kick out provision, if no payment was made by Chesapeake Utilities, or if they did not accept the agreement. Chesapeake Utilities agreed with and signed the agreement, but did not pay the first annual fee by the stated deadline. As a result, Ordinance # 281 was no longer valid. Ordinance #283 was created to repeal and re-enact the provisions outlined in ordinance # 281 to confirm and ratify the granting of a non-exclusive natural, mixed or manufactured gas distribution franchise to Chesapeake Utilities Corporation. City Solicitor Mitchell proceeded to read the changes. Since there were no questions or comments, **Treasurer Ortiz made a motion to accept the first reading of Ordinance # 283 , seconded by Councilor Palmer and the motion passed on a vote of 5-0.** The second reading will be held on March 8, 2016 at 7.40 p.m.

7:40 p.m. **Public Hearing – Revised Home Occupation Ordinance # 278**

City Solicitor Mitchell read Ordinance # 278. This ordinance amends the definition of “Home Occupation” by restating the opening phrase of ordinance #67, section XVIII.S., entitled “home occupation,” and repealing sections 1 through 11 thereof, and further amending section VI, entitled “supplementary district regulations of the aforesaid ordinance by the addition of a subsection X, setting forth the regulations in regard to home occupations, including yard sales and produce stands. There were no questions or comments from the public. **On a motion made by Councilor Palmer to accept Ordinance # 278 as read by City Solicitor Mitchell, Councilor Nichols seconded and the motion was approved by a vote of 5-0.**

NEW BUSINESS

1. Other

City Manager Psota advised the Council that he will be asking the City Solicitor to create an ordinance dissolving the Recreation Commission and replacing it as a department under the Public Works Department. City Manager Psota is looking into the possibly of having previous Recreation Commission members still be volunteers to represent , to provide ideas and suggestions and to represent the City’s interest at the County Parks and Recreation committee meetings. Jay Disharoon, who would have been the incoming Recreation Commission President, said that there has been very little member participation in the last few months, and he supports the proposal. Jay is also willing to participate as needed. City Manager Psota advised that efforts will be made to notify the Recreation Commission members of the proposed restructuring. City Solicitor Mitchell will prepare the ordinance for next meeting.

Public Comment/General Discussion

With no further business to discuss or comments, **Councilor President Kerr stated that a short adjournment to be followed by a closed session. After the adjournment, the Council sent back into open session and Treasurer Ortiz made a motion to go into closed session to discuss personnel matters, which motion was seconded by Councilor Nichols. Upon returning to open session, it was stated that the Council discussed and took action in a personnel matter, no other matters were discussed. Since there was no further business to discuss, Treasurer Ortiz made a motion to adjourn at 9:06 p.m, seconded by Councilor Palmer.**

Raye Ellen Thomas

Raye Ellen Thomas / City Clerk

Approved, March 8, 2016
