

The Fruitland City Council met in Open Session at City Hall on Tuesday, March 11, 2014 at 6:30 p.m., and then proceeded with the regularly scheduled Council meeting with the following members present:

President Richard Lee Outen Jr., Treasurer Darlene Kerr, Councilor Gloria Ortiz, Councilor Ed Cowell and Councilor Raymond Carey.

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.

Also present in the audience were:

Deputy Treasurer Marcie Wooters, PFC Officer Mills, Mike Wilson and Dominic Dilegge from the Public Works Department.

Our guests included:

Bob Marvel, Rosalee Johnson, Mary Chaser, Melanie Turner, Mildred Wallop, Juanita Beasley, Regina Shields, Shirley Fagans, Karen Cluff, Jeanette Mitchell, Gary Cluff Sr., Marvin Jackson, Chuck Nichols, Joan Strang, Tyler Long, Rodney Long, Shannon Smith, Peter Bozick, Chris Derbyshire, Richard Insley Jr., Jeff Phillips, Christopher Adams, Donna Harrington, Evelyn Kelley, Richard Tull, Julius Merschke, Jerome Vinson, Robert Bumbrey, , Brenda Cakerav, Pecola Stevens, Mary Stevens, Charles Dennis, Jesse Watson, Florence Bombary, Cornella Harmon, and Susan Mecargee.

During the Open Session held at 6:30 p.m. a discussion was held regarding funding the grant position for the Police Department and also funding the grant position to a fulltime position. Also discussed was the Code Enforcement Department and what extra personal would be needed if the ordinance passed.

On a motion made by Councilor Cowell to fund current grant position beyond the June 30, 2014 budget until October 31, 2014, and seconded by President Outen, the motion passed on unanimous vote in favor.

On a motion made by Councilor Carey to fund a full time position for the Police Department once the grant cycle expires, Councilor Ortiz seconded, Treasurer Kerr approved, Councilor Cowell and President Outen both opposed, the motion passed with the majority in favor.

President Outen called the regular Council meeting to order at 7:50 p.m. and welcomed all in attendance; Councilor Ortiz offered prayer and all recited the Pledge of Allegiance.

President Outen acknowledged receipt of the minutes of the Regular Meeting of February 11, 2014, and Work Sessions from February 18, 2014 and February 26, 2014 and called for additions or corrections. As there were none, **Councilor Ortiz moved to adopt the minutes as presented; Treasurer Kerr seconded and the motion passed on unanimous vote in favor.**

Treasurer Kerr delivered the Treasurer's Report.

Cash on Hand 02/01/14	\$ 144,996.85
Deposits	<u>588,174.42</u>
Subtotal	\$ 733,171.27
Disbursements	<u>(557,722.85)</u>
Total Ending 02/28/14	\$ 175,448.42

Councilor Carey moved to accept the Treasurer's Report as presented. Councilor Ortiz seconded and the motion passed on unanimous vote in favor.

At this time, City Manager Psota introduced Michael Gibbons and Marcie Wooters and welcomed them to their positions with the City. City Clerk Thomas proceeded to swear in Marcie Wooters as Deputy Treasurer, and Michael Gibbons as the Public Works Director.

Chief Phillips gave the Police and Code Enforcement reports and City Manager Psota gave the City Manager's report and the Public Works report.

UNFINISHED BUSINESS

1. Paid Bill Report

President Outen acknowledged receipt of the paid bill report; as there were no questions, **on a motion made by Councilor Cowell, which was seconded by Councilor Ortiz, the paid bills were unanimously approved as listed.**

2. Water Wastewater Treatment Plant Upgrade

Chris Derbyshire and Pete Bozick advised that GMB had submitted a letter to the City dated March 6, 2014 regarding the upgrade bids received. Mr. Derbyshire advised that three bids had been received for the water and wastewater treatment plant upgrade and ranged in price. Bearing Construction was the lowest bidder; Harkins Construction was the second lowest bidder. Bearing Construction won the bid for a previous upgrade and completed within a timely matter and everything was up to standard. It is GMB's suggestion to accept Bearing Construction's bid. Mr. Derbyshire then proceeded to explain that there are two bid options. Option one incorporates the ENR upgrade and the solids handling, Option two eliminates the solids handling. GMB recommends the City to use option one. **On a motion made by Treasurer Kerr to issue a letter of intent for option one, to Bearing Construction, subject to MDE approval, seconded by Councilor Ortiz, the motion was unanimously approved.** Mr. Bozick advised that MDE internally modified regulations after 2011, requiring every phase of the engineering work to have a competitive selection process. City Manager Psota advised that due to the new regulation, the contract administration engineering work was also advertised; as a result the only bid submitted was GMB. City Manager Psota would like to request the Council to approve GMB as the engineer for the administrative process. **On a motion made by Councilor Cowell to award the engineering bid to GMB as the administrator of the project, subject to MDE approval, seconded by Treasurer Kerr, the motion was unanimously approved.** Per City Solicitor Mitchell's advice, **Treasurer Kerr made a motion to authorize City Manager Psota to sign the letters of intent, seconded by Councilor Cowell, the motion was unanimously approved.**

8:36 Public Hearing for Proposed Landlord Licensing Ordinance #266

City Solicitor Mitchell advised that the ordinance was available for the public to read along with him, however, there was one change on the copy provided. The change is on page 7 A-E, which is now A-D, C was eliminated on the old copy so all lines were moved up. C previously stated that the Appeals board would follow procedures set by the ordinance; however the board sets its own procedures. City Solicitor Mitchell then proceeded to read the proposed ordinance. **Councilor Carey made a motion to accept the second reading of Proposed Ordinance 266, Landlord Licensing, which was seconded by Treasurer Kerr, the motion was unanimously approved. Treasurer Kerr made a motion to limit the comments to four minutes, Councilor Cowell seconded and the motion was unanimously approved.** The following individuals presented comments, Rodney Long, Richard Tull, Susan Megargee, Christopher Adams, Shannon Smith, Tyler Long, Richard Insley Jr., Brett Davis, Shirley Fagans, Florence Bombary and Regina Shields. The Council then presented their comments. **Treasurer Kerr made a motion to add third party manager to the ordinance, Councilor Ortiz seconded, and the motion was unanimously approved.** President Outen expressed his concerns on how this will affect the City. More questions and comments were discussed. **Treasurer Kerr made a motion to pass the ordinance as amended involving the third party verbiage, Councilor Ortiz seconded, and on roll call Councilor Carey was in favor, Councilor Cowell was in favor, President Outen was opposed, however the motion passed by majority vote.**

9:59 Public Hearing for Proposed Ordinance # 267 Discontinuing the Collection of Impact Fees

City Solicitor Mitchell read the proposed amendment to Impact Fees, discontinuing the collection of Impact Fees by the imposition of a moratorium on the enforcement of certain provisions of chapter 54 of the City code of ordinances. Council asked for public comments, and the public agreed this was a great ordinance. **Councilor Carey made a motion to accept the second reading amending the Impact Fees Ordinance, to discontinue the collection of fees, which was seconded by Councilor Cowell, and the motion was unanimously approved.**

10:06 Public Hearing for Proposed Ordinance # 268 Allocation and Retention of Equivalent Dwelling Units

City Solicitor Mitchell read the proposed ordinance amending the City's code of ordinances, chapter 156, and section 156.03: new subdivisions or developments, subsections (C) (5) and (6), dealing with the allocation and retention of equivalent dwelling units of water and sewer. City Solicitor Mitchell advised that if this ordinance is approved it will go in

effect April 1, 2014. Council President Outen asked for public comments or Council comments, there were none. **On a motion made by Councilor Ortiz to accept the second reading amending the allocation and retention of Equivalent Dwelling Units, which was seconded by Treasurer Kerr, the motion was unanimously approved.**

NEW BUSINESS

1. Waste to Energy Plant

President Outen advised that due to the length of agenda for this month, the Director of Public Works for Wicomico County will explain this next month.

2. Cash Register for Recreation Commission

Chuck Nichols from Recreation Commission is requesting permission to purchase a cash register that would keep inventory and have a running total with receipt. Mr. Nichols advised the reason for this purchase is due to leasing out the concession stand this year. **On a motion made by Councilor Cowell to purchase a new cash register in the amount of \$495.97 plus tax, Treasurer Kerr seconded and the motion was unanimously approved.**

3. Other

City Solicitor Mitchell advised that contracts between the Recreation Commission and the vendors who will be using the fields and or concession stand will need to include insurance liabilities and specifications.

City Solicitor Mitchell advised that he was contacted by the Texas Law Firm Funk and Bolton regarding water contamination levels and inquired if he could speak with them and report back to the Council their concerns. The Council all agreed to allow City Solicitor Mitchell to speak with the attorney.

City Manager Psota advised he was contacted by Mickey Buck asking permission for her son Douglas, to place a "Little Free Library" box in the playground area of the park, as an Eagle Scout Project. The Council approved the idea and asked Chuck Nichols from Recreation Commission about the placement of the box. The location is to be determined.

Public Comment/General Discussion

Christopher Adams thanked the Council for his opportunity to speak, and the seniors from the Center would like to extend an invitation to the Council to visit them.

Treasurer Kerr thanked the employees in the audience for their hard work and dedication.

Treasurer Kerr made a motion to adjourn, seconded by Councilor Ortiz; the meeting was adjourned at 10:32 p.m, with all in favor.

Raye Ellen Thomas

Raye Ellen Thomas / City Clerk

Approved, April 8, 2014