

The Fruitland City Council met in Regular Session at City Hall on Tuesday, March 13, 2018 at 7:30 p.m. with the following members present:

President Darlene Kerr, Treasurer Gloria Ortiz, Councilor Roland Palmer, Councilor Chuck Nichols and Councilor Mark Miciotto.

Also present at the table were:

City Manager Psota, Lieutenant Brian Swafford, Deputy Treasurer Mark Swift, City Solicitor Andrew Mitchell and City Clerk Raye Ellen Thomas.

Our guests included:

Public Works Director Michael Gibbons, Katherine McAllister, Kip and Sharon Powers, Mike Hammond, Bret Davis, Marissa Metcalf, Lorace Bounds, Thelma Scott, Roland Somers, Pastor Dana Stauffer, Tracey Gordy from Maryland Department of Planning, Sarah Rayne and Joel Mahler from Coastal Association of Realtors of Maryland, Patricia Frapp, Code Enforcement Officers Marc Henderson and Matt Solava, Administrative Assistant Linda Powell, Alexis Dashield, Ms. Mack and three others who did not sign in.

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 February and called for additions or corrections. As there were none, **Councilor Miciotto moved to adopt the minutes as presented; Councilor Nichols seconded and the motion passed on a vote of five to zero.**

Reports- Treasurer, City Manager and Department Heads

Treasurer Ortiz delivered the February Treasurer's Report. For February 2018, the City recorded \$151,079 of revenues, including \$86,000 in income taxes. The total billed revenues for the fiscal year are \$6.1million, including real estate taxes and three quarters of utility billing. The City incurred \$786,371 of expenses for the month, including \$196,000 for insurance renewals and \$139,000 for water meters. The total expenses for the fiscal year to date are \$5 million. The net deficit for the City for the month of February is \$635,292 and the net income for the fiscal year to date is \$1 million. **Councilor Nichols moved to accept the Treasurer's Report as presented, Councilor Palmer seconded and the motion passed on a vote of five to zero.**

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

- Lieutenant Swafford gave a report on how many calls of service the Police Department handled and the amount of Rental Registrations that Code Enforcement handled.
- Lieutenant Swafford reminded everyone to keep their vehicles locked due to numerous reports of vehicle break ins.
- Lieutenant Swafford advised that if you are using a social media network for buying or selling items to meet in a well lighted area the Police Department is always available for meets and an officer can be present if needed.

City Manager Psota delivered his report.

- Easter Parade will be held Saturday, March 24, 2018. Lineup is at 9:00 a.m., Parade starts at 10:00 a.m. immediately following will be an Easter egg hunt.
- City Manager Psota thanked Katherine McAllister from GMB for her help in obtaining the City's reimbursement of cost for the Morris Mill project.

Public Works Director Gibbons delivered his report on the Water and Sewer Departments.

- Cellular Meters are being installed on the East Side of the City.
- The concerns for the blockage on Main Street have been addressed and taken care of.

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

2. Plumbing Issues Police Department – Lieutenant Swafford

- Lieutenant Swafford advised that three bids have been received since the last Council Meeting. The lowest bid received was \$7602, the second lowest bid was \$8244 and the highest bid was over \$25,000.
- The recommendation is for the second bid since the contractor was the foreman for the original job and has been spearheading the repairs up to now.
- The second bid is from Evans Builders
- City Manager Psota advised to add a 5% contingency to the amount of the bid.

On a motion made by Councilor Miciotto to award the repairs to Evans Builders Inc. not to exceed \$8500 with a 5% contingency on top, seconded by Councilor Palmer, the motion was approved by a vote of five to zero.

3. ICC Agreement – Code Enforcement Officers

- Code Enforcement Officer Solava advised that the ICC License Agreement will give the City the ability to modify the ICC Property Maintenance Code book, which will then be Fruitland’s Property Maintenance Code book.
- The license fee is \$1500 for three years, after the third year a new book will be released for adoption.
- The license gives the right to put the code on the internet, and the ability to modify or change and remove things that do not pertain to Fruitland.

On a motion made by Councilor Miciotto to accept the ICC License Agreement and to allow City Council President Kerr permission to sign agreement, seconded by Treasurer Ortiz, the motion was approved by a vote of five to zero.

7:40 Public Hearing – Ordinance # 287 Adoption of the 2018 Property Maintenance ICC Code

Code Enforcement Officer Solava advised that the ICC License Agreement that was just signed allows the City of Fruitland to legally adopt and make a Fruitland Property Maintenance Code. It will be posted online so citizens can check on violations. Two things that have changed. The first item is the Storm Drains. It will be a violation as directed by the State Storm Water Management to blow grass clippings, pine needles, etc into the storm drain. The second change is the fine schedule attached to the back of the ordinance. The time frame for posting property ID numbers on your residence is now 10 days instead of 30 days. If the ordinance is approved it will go into effect as of tonight. **On a motion made by Treasurer Ortiz to adopt the code Ordinance #287 Property Maintenance Code for the City of Fruitland as presented, seconded by Councilor Palmer, the motion was approved by a vote of five to zero.**

7:45 First Reading – Ordinance # 288 Canine Day Care Ordinance

City Solicitor Mitchell advised that this was requested by Bret Davis. This ordinance will establish that in every business zoning district in the City, with the exception of central business and neighborhood business, and every industrial zone in the City, a dog day care can be established by special exception. City Solicitor then proceeded to read Ordinance # 288 amending zoning ordinance # 67 Section V, Subsections 1.3, J.3, K.3, KL.3, L.3, M.2 and N.2 by adding language to permit dog daycare facilities by special exception in the following zoning districts: C-3 general business, C-4 highway business, C-5 shopping center business, C-6 service business, M-1 light industrial, M-2 industrial park and M-3 heavy industrial. **On a motion made by Treasurer Ortiz to accept the first reading of Ordinance # 288 as read by City Solicitor Mitchell, seconded by Councilor Nichols, the motion was approved by a vote of five to zero.** The second reading/public hearing will be held at 7:40 p.m. on April 10, 2018 at the next Council Meeting.

NEW BUSINESS

1. Coastal Association of Realtors of Maryland – Sarah Rayne

Sarah Rayne introduced Joel Mohar, President of the Association. Mr. Mohar gave a quick overview of the Association and the state of real estate for the Fruitland area. The Council thanked Mr. Mohar and Mrs. Rayne for their presentation.

2. MDP Sustainable Communities Presentation – Tracey Gordy

Tracey Gordy, the director of the Maryland Department of Planning for the Eastern Shore region, presented the Council with information on becoming a sustainable community. The sustainable communities program is designed to encourage interagency and cross-governmental collaboration by providing designated Sustainable Communities with the opportunity to access an interagency revitalization toolbox of financing programs and tax credit incentives. The Maryland Department of Housing and Community Development and its partners support the development and prosperity of Sustainable Communities by providing several benefits for Sustainable Communities. The Council will discuss the benefits of being a sustainable community at another time and will let Ms. Gordy know what is decided.

3. Resolution 1 – 2018 Budget Amendment – Deputy Treasurer Swift

Deputy Treasurer Swift read Resolution 1- 2018 which is a resolution of the City Council of the City of Fruitland, Maryland, to amend the fiscal year 2017 -2018 general fund budget. **On a motion made to Councilor Miciotto to accept Resolution 1-2018 as presented by Deputy Treasurer Swift, seconded by Treasurer Ortiz, the motion was approved by a vote of five to zero.**

4. Resolution 2 – 2018 Budget Amendment – Deputy Treasurer Swift

Deputy Treasurer Swift read Resolution 2-2018 which is a resolution of the City Council of the City of Fruitland, Maryland to amend the fiscal year 2017-2018 utilities fund budget. **On a motion made by Councilor Palmer to accept Resolution 2-2018 as presented by Deputy Treasurer Swift, seconded by Councilor Nichols, the motion was approved by a vote of five to zero.**

City Manager Psota asked Katherine McAllister to give an update on the test wells. Katherine advised that a three day test was done last week. The pump data has been received and is very favorable for 500 gallons per minute. Katherine advised that they are still waiting on water quality but all good news up to this point.

5. WWTP Wind Damage – City Manager Psota

City Manager Psota advised that during the high winds, the roof over the drying beds at the Waste Water Treatment Plant blew off damaging two beds. Additionally, the roof was lifted off the salt bin. The roof on the salt bin had been discussed previously and was to be added to the budget. City Manager Psota advised that contractors have been out to look at these items and once he receive estimates he will inform the Council.

6. EDU Capacity Discussion – City Manager Psota

City Manager Psota advised that the City is re calculating the EDU capacity based on latest figures. The City is at or below EDU capacity, which if someone would like to develop property, the City would have to buy EDUs from Wicomico County. One sewer EDU is \$5072 from the County. An agreement will need to be reached with Wicomico County as to how to purchase the EDUs. Since the cost of an EDU from the County is \$5,072, but the current cost of an EDU from the City is only \$4500, the City is looking into raising the cost to \$5300. It also needs to be decided if funds need to be placed in the budget from the Sewer Reserve to purchase EDUs from Wicomico County.

Public Comment/General Discussion

Thelma Scott and her two neighbors, Ms. Mack and Ms. Bounds, questioned Code Enforcement about the conditions of Dulany Avenue. Code Enforcement Officer Solava will check out the conditions tomorrow. Code Enforcement Officer Henderson advised that some of the properties mentioned have been addressed. Ms. Scott questioned as to whether Dulany Avenue will be paved. City Manager Psota advised that it is in the upcoming budget. Ms. Scott also questioned why Dulany Avenue was not plowed during the recent snow storm. Council President Kerr advised that it took a while due to the amount of snow in the last snow storm, and City Manager Psota advised to call City Hall, if the street was not plowed. Katherine McAllister from GMB advised that the Morris Mill Project came in under budget.

Mr. Somers advised that a house on Morris Street has been boarded up and is believed to have asbestos shingles on it, that were removed and he would like to know what is happening with that residence. Code Enforcement Officer Henderson advised that a demolition permit is in the process of being obtained.

Councilor Miciotto advised that he had a great time at the Police Officers banquet.

Mr. Somers asked if there was a way to acknowledge the award that Mary Gladys Jones received from the City of Salisbury. City Manager Psota advised that was a separate award and on May 10th, the dedication will be held for the road in Fruitland. City Manager Psota and Alexis Dashield will speak after the meeting in reference to the dedication.

With no further business to discuss or comments, on a motion made by Councilor Nichols to adjourn at 9:09 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, April 10, 2018](#)