

The Fruitland City Council met in Regular Session at City Hall on Tuesday, March 8, 2016, at 7:30 p.m. with the following members present:

*President Darlene Kerr, Councilor Raymond Carey, Councilor Roland Palmer and Councilor Charles Nichols.*

Also present at the table were:

*Public Works Director Gibbons, Lieutenant Brian Swafford, City Clerk Raye Ellen Thomas and City Solicitor Andrew Mitchell.*

Our guests included:

Bob Marvel, Cornella P. Harmon and Brock Parker.

President Kerr called the regular Council meeting to order at 7:30 p.m. and welcomed all in attendance. President Kerr 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 Carey moved to adopt the minutes as presented; Councilor Palmer seconded and the motion passed on a vote of four to zero.**

President Kerr delivered the February Treasurer's Report. For February 2016, the City recorded revenue of \$271,055, \$73,000 of which was income taxes, as well as \$139,000 received for the ENR upgrade. This brings the total revenues to just over \$7 million for the fiscal year to date, including real estate taxes and three quarters of utility billing. The City has also incurred \$629,811 of expenses for the month of February, including \$82,000 for the ENR upgrade, and the workers compensation premium renewal payment of \$160,000. The total expenses for the fiscal year to date are \$5.3 million, including \$1,868,649 related to the ENR upgrade. The net deficit for the City for the month of February is \$358,757 and the net income for the fiscal year to date is \$1,785,120. **Councilor Palmer moved to accept the Treasurer's Report as presented. Councilor Nichols seconded and the motion passed on a vote of four to zero.**

**Lieutenant Swafford gave the Police and Code Enforcement reports. He stated that he and Chief Phillips had attended a two day course on fair and imperative policing, which was an excellent course. The Police Department is preparing for the Easter Parade on March 19<sup>th</sup>.**

**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 the roof replacement project for an outbuilding at the Water and Wastewater Treatment Plant is complete.**

**City Solicitor Mitchell mentioned the bills that were brought before the Legislation. Highway Revenue Funds, Election, Speed Monitoring Cameras and Water Cut offs were some of the items being discussed.**

#### **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 Palmer, the paid bills were approved by a vote of 4 – 0.**

#### **7:40 p.m. Public Hearing – Ordinance # 283 Chesapeake Utilities Amended Franchise Agreement**

City Solicitor Mitchell stated this was a public hearing for 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 timely 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 and stated that he will change the title to say repealing Ordinance #281 and enacting Ordinance # 283. Since there were no questions or

comments, **Councilor Nichols made a motion to accept Ordinance # 283 with the change made to the title as read by City Solicitor Mitchell, seconded by Councilor Carey, the motion passed on a vote of 4 – 0.**

## **NEW BUSINESS**

### **1. Recreation Commission/Department Ordinance**

City Solicitor Mitchell announced this would be the first reading of Ordinance # 284. Ordinance # 284 will be used to dissolve the Fruitland Recreation Commission by repealing Ordinance # 96. The Recreation Commission will now be a bureau of the department of Public Works. City Solicitor Mitchell read Ordinance # 284. Since there were no questions or comments, **Councilor Nichols made a motion to accept the first reading of Ordinance # 284 as read by City Solicitor Mitchell, Councilor Palmer seconded, the motion passed on a vote of 4 – 0.** The public hearing will be held April 12, 7:40 p.m. at the City Council meeting.

### **2. Corrected Plat – Holly Hill Section 2 – Lots 8-14 – Final Approval**

Brock Parker explained the plat to the Council. The purpose is to remove the possible violations with the Forest Conservation. There is an easement with the Forest Conservation on the back lots of this property, which reduces the usable lot area. Brock has been working to establish a landscape easement buffer in place of and smaller than the Forest Conservation easement. The Bank that owns the property has agreed to the buffer and signs will be in the yards noting that it is a forest conservation area. This has been before the Planning Commission which unanimously approved the 12 ½ foot landscape easement buffer. **On a motion made by Councilor Palmer to accept and give final approval to Holly Hill Section 2 Lots 8-14, seconded by Councilor Carey, the motion passed on a vote of 4 -0.**

### **3. Camden Corner re-subdivision and Easement Plat – Final Approval**

Brock Parker explained that a re-subdivision plat removes all interior lot lines to establish one large lot. This will house a large commercial building. It is also an easement plat for a storm water easement to an adjoining lot. Public Works Director Gibbons and Mr. Parker both advise that the storm water easement has been approved by GMB. City Solicitor Mitchell questioned if the plat makes it clear that the easement on the other lot is for the benefit of the larger lot. Mr. Parker will make it clear on the plat. This has also been before the Planning Commission and was approved. **On a motion made by Councilor Carey for final approval on Camden Corner re-subdivision and easement plat, to be amended by Mr. Parker on the plat, seconded by Councilor Palmer, the motion passed on a vote of 4 -0.**

### **4. Camden Corner Comprehensive Development Plan – Final Approval**

Mr. Parker stated that this has been before the Planning Commission numerous times. It has been granted text amendments, special exceptions, height limits and variance of setbacks. It will be a unique location in Fruitland due to its mixed use. It will be a three story building, housing retail and two warehouses on the bottom floor. The commercial parking was approved by the Planning Commission on a 2 per 100 basis square feet, with additional parking for the apartments. The second and third floor will be two bedroom apartments, with a stairs access. All the plans have been approved by the various agencies. **On a motion made by Councilor Palmer to accept final approval of Camden Corner comprehensive development plan, seconded by Councilor Carey, the motion was passed on a vote of 4 – 0.**

## **Public Comment/General Discussion**

Mrs. Harmon questioned when the paving will be complete on Morris St. It was started over fifteen years ago. Public Works Director Gibbons explained that it would depend on the highway revenue.

With no further business to discuss or comments, **Councilor Carey made a motion to adjourn at 8:41 p.m, seconded by Councilor Nichols.**

*Raye Ellen Thomas*

Raye Ellen Thomas / City Clerk

Approved, April 12, 2016

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