

The Fruitland City Council met in Regular Session at City Hall on Tuesday, April 10, 2018 at 7:30 p.m. with the following members present:

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

Also present at the table were:

City Manager Psota, Police Chief Michael Phillips, Deputy Treasurer Mark Swift, City Solicitor Andrew Mitchell and City Clerk Raye Ellen Thomas.

Our guests included:

Public Works Director Michael Gibbons, Katherine McAllister, Marissa Metcalf, Bob Marvel, Bobby Leath III, Wayne Lewis, Timothy Morgan, Chris Welch, Delegate Carl Anderton, Adam Crandall and two 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. All recited the Lord's Prayer and the Pledge of Allegiance.

President Kerr acknowledged receipt of the minutes of the Regular Meeting of March and called for additions or corrections. As there were none, **Councilor Nichols moved to adopt the minutes as presented; Councilor Palmer seconded and the motion passed on a vote of four to zero.**

Reports- Treasurer, City Manager and Department Heads

President Kerr delivered the March Treasurer's Report. For March 2018, the City recorded \$134,394 of revenues, including \$86,000 in income taxes. The total billed revenues for the fiscal year are \$6.2 million, including real estate taxes and three quarters of utility billing. The City incurred \$548,728 of expenses for the month, including a \$45,000 donation to the Fruitland Volunteer Fire Department, \$40,000 in loan payments and \$40,000 for the ENR upgrade. The total expenses for the fiscal year to date are \$5.6 million. The net deficit for the City for the month of March is \$414,334 and the net income for the fiscal year to date is \$600,000. **Councilor Miciotto moved to accept the Treasurer's Report as presented, Councilor Nichols seconded and the motion passed on a vote of four to zero.**

Chief Phillips delivered his report on behalf of the Police Department and Code Enforcement.

City Manager Psota delivered his report.

- City Manager Psota thanked Katherine McAllister and the Fruitland Chamber of Commerce for the great job on the Easter Parade.
- May 10th will be the Mary Gladys Jones Way dedication at 4:30 p.m.
- April 21st the Lions Club will hold their annual Spaghetti dinner at St. Johns Church.
- City Manager Psota recognized City Clerk Thomas for achieving her CMC designation.

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

- A 70 gallon lift station was replaced by a 100 gallon lift station at the Parks concession building. The project was 90% funded by program open space.
- Public Works Director Gibbons has received three bids for the wind damage to the drying beds, however the last bid was received this morning and missing some information. The lowest bid was around \$10,000 at this point. City Manager Psota advised that at this time the City will only be replacing the damage at this time.

UNFINISHED BUSINESS

1. **Paid Bills**

President Kerr acknowledged receipt of the paid bill report. **On a motion made by Councilor Palmer and seconded by Councilor Nichols, the paid bills were approved by a vote of four to zero.**

2. **Computer Request Update**

Chief Phillips advised that he is coordinating an effort with the computers and the camera system from Absolute Security. Once it has been determined what is needed, then he will obtain prices to present to the Council.

3. **Building Repair Update**

Chief Phillips advised that on April 10th the carpet will be removed and then each day another stage will begin. Code Enforcement Officers are currently working out of their vehicles.

4. **K-9 Update**

Chief Phillips advised that the K-9 is now in the United States and in training at this time. Once the preliminary training is completed the K-9 will start training with Officer Hogan. Public Works assisted with pouring the cement pad for the dog kennel.

5. **Other**

City Manager Psota and Katherine McAllister discussed, at last month's meeting, the test well for the water plant. Since the meeting a payment authorization has been received which requires a change order. There has been an overall increase of \$1,502.50 over the previous approved contract amount of \$74,563.65. City Manager Psota is asking permission to sign Change Order #1, and to sign the payment authorization in the total amount of \$76,066.15 to Somerset Well Drilling, regarding the test well. **On a motion made by Councilor Palmer to allow City Manager Psota to sign Change Order #1 in the amount of \$1,502.50 and sign the authorization for \$76,066.15 to Somerset Well Drilling, seconded by Councilor Nichols, the motion was approved by a vote of four to zero.**

Council President Kerr advised that at last month's meeting Tracey Gordy from Maryland Department of Planning had spoken of the City possibly participating in Sustainable Communities Program. The Council has discussed the matter and would like to pursue that issue. Any Council members interested in participating should let Council President Kerr know.

7:40 **Public Hearing – 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 I.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. City Solicitor Mitchell advised that this ordinance is just a general ordinance and each person who wishes to have a dog daycare facility will have to appear before the Board of Zoning for a special exception. **On a motion made by Councilor Miciotto to accept Ordinance #288, as read by City Solicitor Mitchell, seconded by Councilor Palmer, the motion was approved by a vote of four to zero.** Ms. Metcalf asked if her next step is to contact the Board of Zoning and Council President Kerr advised yes.

7:45 **First Reading – Ordinance # 289 Flea and Farmers' Market**

City Council President Kerr advised this was discussed at the Planning Commission and invited the two members of the Redmen's Lodge to discuss what they would like to do. Bobby Leath III and Wayne Lewis explained that they were approached by members of the community to hold a flea market in the parking lot of Redmen's. Council President Kerr advised that the Planning Commission was in favor; however the City did not have an ordinance in reference to flea and farmers' markets. This will also be a City wide ordinance not just pertaining to Redmen's. City Solicitor Mitchell read Ordinance #289, which is an ordinance of the City of Fruitland to be known as the ordinance regulating flea and farmers' markets, requiring a license for the host entity, and penalizing violations as a municipal infraction. Councilor Miciotto asked if the ordinance can be regulated to not sell knives, brass knuckles, etc. City Solicitor Mitchell stated that he will have to look into the matter to see if the City could regulate it. Councilor Palmer asked how this will affect yard and produce stand sales in the City. Some of the produce stands in the City have been

grandfathered in. Council President Kerr advised that the second reading/public hearing of Ordinance #289 Flea and Farmers' Market will be held on May 8, 2018 at 7:40 p.m.

NEW BUSINESS

1. **Resolution 3-2018 Ronnie Price**

Chief Phillips asked to table this matter.

2. **Clerk of Court Candidate Introduction**

Chief Phillips introduced Chris Welch whom is a Clerk of Court candidate. Mr. Welch gave information on himself and what he would like to do if elected.

3. **Badger Daylighting-Water Use Agreement**

Adam Crandall from Badger Daylighting Inc. advised that they are a construction company that uses high pressure water and a vac system. They are trying to establish a business in the Fruitland area. After speaking with the landlord, Timothy Morgan, Public Works and some others, Badger is requesting to have a meter and field hydrant installed on the location in Fruitland, It will pay for the water. City Manager Psota advised that a draft agreement had been prepared by City Solicitor Mitchell and sent to Mr. Crandall. Mr. Crandall advised he had just received the agreement yesterday and has sent the agreement for review to the Badger Contract department. City Solicitor Mitchell advised that the Council may wish to table this matter until the agreement terms have been resolved. The Council decided to table the matter. Once Badger has had a chance to review the agreement and speak with City Solicitor Mitchell, it can be taken up again.

4. **Other**

Delegate Carl Anderton advised that this year Highway User Revenue has passed. In the budget Fruitland will receive \$214,000.

City Solicitor Mitchell advised that the same people that are requesting the Dog Daycare are also requesting an easement in the City's King Street right of way. City Solicitor Mitchell passed around the plat and will work on the easement if the Council approves. **On a motion made by Councilor Miciotto to allow City Solicitor Mitchell to word the agreement, seconded by Councilor Palmer, the motion was approved by a vote of three, with Councilor Nichols having no opinion.**

Public Comment/General Discussion

Council President Kerr reminded everyone of the Little League Parade on Saturday.

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 four to zero.

Raye Ellen Thomas
Raye Ellen Thomas / City Clerk
[Approved, April 10, 2018](#)