

The Fruitland City Council met in Regular Session at City Hall on Tuesday, June 14, 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, Deputy Treasurer Mark Swift, City Clerk Raye Ellen Thomas and City Solicitor Andrew Mitchell.

Our guests included:

Priscilla D. Black, Tannie Fleming, Kevin Opper, Bob Marvel, Steven Rumney, Teresa Mueller, Eddie Porter, Dick Carey, Jennifer Darcy, Darius Brittingham, Katherine McAllister and Andy Phillips.

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

Treasurer Ortiz delivered the May Treasurer's Report. For May 2016, the City recorded \$294,618 of revenues for the month; this includes \$73,000 of income taxes. This brings the total revenues to just under \$8.1 million for the fiscal year, including real estate taxes and four quarters of utility billing. The City incurred \$494,913 of expenses for the month of May including \$100,000 for the ENR upgrade. The total expenses for the fiscal year to date are \$6.8 million, including \$2,113,000 related to the ENR upgrade. The net deficit for the City for the month of May is \$200,296 and the net income for the fiscal year to date is \$1,256,298. **Councilor Carey moved to accept the Treasurer's Report as presented. Councilor Palmer seconded and the motion passed on a vote of five to zero.**

Chief Phillips gave the Police and Code Enforcement reports. During his police report he stated that Corporal Jackson was named Officer of the year.

City Manager Psota gave his report as part of the budget.

Public Works Director Mike Gibbons gave the Public Works Department report. During his report he stated that the ENR upgrade will be completed by July 16, 2016.

UNFINISHED BUSINESS

1. **Paid Bills**

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

2. **Irl Lane**

City Manager Psota asked the Council to decide the status of Irl Lane. He stated that the City has temporarily repaired the road by placing stones in pot holes and by plowing the lane during snow. There is no record of whether Irl Lane is a City Street or a privately owned street. City Manager Psota has researched previous minutes and it has been mentioned before by posing the same question but there is not a solid answer. Andy Phillips, who owns the property at 319 S. Division Street, had previously spoken with past Public Works Director Joe Derbyshire over the ownership of the street. Mr. Derbyshire had also relayed that it was not clear as to who owned the street, however Mr. Phillips, believes that once the City put the sign up for Irl Lane, the City was responsible for ownership. Mr. Phillips stated it was not a good image for the people coming to do business in the Industrial Park with Irl Lane in such bad shape. City Council President Kerr stated that all businesses located in that Industrial Park were accessible by South Brown and

South Division Streets. Mr. Phillips and Teresa Mueller, owner of Beach Bounders, stated that Irl Lane has a lot of traffic on it, not only due to the Industrial Park, but for people going to Crown or Falcons events. City Council President Kerr stated that there is no money in the budget at this time for paving of Irl Lane.

Mrs. Mueller asked if the ownership of Irl Lane could at least be determined, to see who is responsible and if funds become available for paving who would be responsible. Councilor Carey asked how many businesses were in the park, there are 18 total, and all are accessible by other accesses. Nine face South Brown and Nine face South Division.

Eddie Porter, president of Peninsula Leasing and owner of Peninsula Water Conditioning, presented the Council with pictures of the condition of Irl Lane. He stated that with Beach Bounders, Falcons and Crown the traffic has increased on Irl Lane. People using the lane try to avoid potholes and cut through parking lots of the businesses. He has contacted the Police Department in reference to the matter and the Police Department has witnessed the cars cutting through the parking lot. It is the matter of a safety issue.

Steven Rumney from Millennium Microwave stated that his potential customers complain about the road conditions. He also stated that people cutting through the parking lot is a hazard due to other businesses working in the parking lot on cars.

City Solicitor Mitchell stated that in 1999 a letter was sent to the abutting property owners for comments concerning stabilizing and widening Irl Lane and Mr. Phillips was the only person that responded. The City can document a 10 foot wide strip that has been since 1951, but more than 10 feet are being used. Mr. Phillips stated that he represented 75% of the owners, and they were willing to donate whatever was needed.

Council President Kerr stated that possibly a sign could be placed at each end advising that it was not a thru road. At this time, there is no money in the budget for the City to fix the lane, Councilor Carey suggested having the property owners pay to tar and chip the lane. Mr. Phillips stated that the owners had suggested that to City Manager Psota. City Manager Psota stated that it still comes down to the ownership of the lane. Council President Kerr stated that at this time the City will still maintain the lane and have the police department enforce that it is not a thru road. Mr. Phillips does not want it enforced as not being a thru road. Ms. Mueller stated that it is a road and should be able to be used; she understands that there is no money. Council President Kerr stated that the developer is usually responsible for the infrastructure of the road and it was not completed here.

3. Morris Street Discussion

Chief Phillips stated that he and Public Works Director Gibbons conducted a site survey of Morris Street and Dulany Avenue. They also contacted Mr. Carey, who provided insight. Mr. Carey explained that when he first had the business the area was commercial but has since changed to residential. Mr. Carey explained that he has instructed his workers to not use Dulany Avenue, the street by the Post Office, due to cars backing out. The loaded trucks use Dulany Avenue, north of the Post Office and the unloaded trucks use Morris Street. The trucks are small tractor trailer trucks that do not carry great weight. Jennifer Darcy, Mr. Carey's daughter, also stated that all drivers are warned to be careful on Morris Street due to children playing in the roadway when school is out. Mr. Tannie Fleming, resident of Morris Street, stated that the damage is already done to Morris Street and the street has a terrible flooding problem. Council President Kerr stated that paving the street will help, and the flooding issue can be heard during public comments. After further discussion, it was decided that the trucks will continue to use the routes they are currently using.

4. Information Tech Assessment

Chief Phillips stated that he previously spoken with the Council regarding having an assessment performed on the internet system the City currently has. It would be less than \$5000.00 to have the assessment performed. The assessment will provide the City with areas that have weak spots, what is needed to improve service, when the servers need to be updated and a blueprint of how the system is laid out throughout the City. This could be used if bidding out for another provider. City Council President Kerr asked if a contact could be obtained and reviewed by the Council. Chief Phillips will contact the company for the contract.

At this time Council President Kerr stated that she would like to change the order of agenda and have the swearing in of

Thomas Brannon, so he can return to duty.

1. **Swearing in of Thomas Brannon**

Police Chief Phillips introduced Officer Brannon and City Clerk Thomas administered the oath of office to him.

7:40 p.m. **Public Hearing – Proposed Fiscal Year 2016-2017 Budget**

Adoption of Fiscal Year 2016 -2017 Budget

President Kerr asked City Manager Psota to present the Fiscal Year 2016-2017 Budget.

a. **Adopt Water Department Budget and Fees**

City Manager Psota then presented the Water Rates and Fees, which have been updated to reflect tier rates for low usage residents.

Water Rates and Fees	
Residential and Non- Residential	
First 1,000 gallons:	\$ 25.00
1,001 to 3,000 gallons:	\$ 33.33
3,001 to 8,000 gallons:	\$ 50.00
Residential rate per 1,000 gallons (over 8,000)	\$ 3.00 per 1,000 gallons
Non-Residential rate per 1,000 gallons (over 8,000)	\$ 6.00 per 1,000 gallons
Water Replacement Reserve:	\$ 15.00 flat fee (per quarter)

Morris Mill Urban Service District	
Fee calculation is based on 1.5 the residential rates	
First 1,000 gallons:	\$ 37.50
1,001 to 3,000 gallons:	\$ 50.00
3,001 to 8,000 gallons:	\$ 75.00
Rate per 1,000 gallons (over 8000):	\$ 4.50 per 1,000 gallons
Water Replacement Reserve:	\$ 15.00 flat fee (per quarter)

There was no discussion. **On a motion made by Councilor Palmer and seconded by Councilor Carey, the Water Department Budget and Fees for Fiscal Year 2016 – 2017 were approved as presented by a five to zero vote in favor.**

b. **Adopt Sewer Department Budget and Fees**

City Manager Psota then presented the Sewer Rates and Fees, which also reflect tier rates for low usage residents.

Sewer Rates and Fees	
Residential and Non – Residential	
First 1,000 gallons:	\$ 50.00
1,001 to 3,000 gallons:	\$ 66.67
3,001 to 8,000 gallons:	\$ 100.00
Residential rate per 1,000 gallons (over 8,000):	\$ 4.00 per 1,000 gallons
Non-Residential rate per 1,000 gallons (over 8,000):	\$ 7.00 per 1,000 gallons
Sewer Replacement Reserve:	\$ 20.00 flat fee – per quarter

There was no discussion. **On a motion made by Treasurer Ortiz and seconded by Councilor Carey, the Sewer Department Budget and Fees for Fiscal Year 2016 – 2017 were approved as presented by a five to zero vote in favor.**

c. **Adopt General Operating Budget**

City Manager Psota advised that the Real Estate Property Tax Rate, Personal Property, Tax Rate, Mobile Home Park Tax Rate and Sanitation Fees Rates will remain the same as last year.

- I) **Adopt Real Estate Property Tax Rate:** \$.96 per \$100.00 assessed value
As there was no discussion, on a motion made by Treasurer Ortiz and seconded by Councilor Palmer, the Real Estate Property Tax Rate for Fiscal Year 2016-2017 was approved as presented by a five to zero vote in favor.
- II) **Adopt Personal Property Tax Rate:** \$1.92 per \$100.00 assessed value
As there was no discussion, on a motion made by Councilor Palmer and seconded by Treasurer Ortiz, the Personal Property Tax Rate for Fiscal Year 2016-2017 was approved as presented by a five to zero vote in favor.
- III) **Adopt Mobile Home Park Tax Rate:** 15% of Gross Monthly Charges (excluding tax)
As there was no discussion, on a motion made by Treasurer Ortiz and seconded by Councilor Carey, the Mobile Home Park Tax Rate for Fiscal Year 2016-2017 was approved as presented by a five to zero vote in favor.
- IV) **Adopt Sanitation Fees:**
- | | |
|----------------------------------------------------------|--------------------------------|
| Residential: | \$ 44.25 per quarter** |
| Non-Residential: | \$ 132.75 per quarter** |
| Bulk Pickup: | \$ 35.00 |
| Freon Items (i.e. Refrigerators, freezers, etc.): | \$ 35.00 per item |
- **Fee is included on the quarterly utility bill**

Military Veteran's Tax Rebate: \$50.00 per residence, per year*

***Requirements to receive Military Veteran's Tax Rebate:**

- Veteran must be an owner of the residence;
- Must be the Veteran's primary residence;
- Form DD-214 verifying honorable discharge must be presented to City Hall;
- All City accounts must be current;
- Only one rebate per residence, per year.

City Manager Psota explained that new this year are the freon fee of \$35.00 and the Military Veteran's Tax rebate. Landlord Licensing fees will remain the same as last year. As there was no discussion, on a motion made by Councilor Palmer and seconded by Councilor Carey, the Sanitation Fees for Fiscal Year 2016-2017 was approved as presented by a five to zero vote in favor.

- v) **Adopt General Operating Budget in its Entirety**
After adopting the individual components of the General Operating Budget, on a motion made by Treasurer Ortiz and seconded by Councilor Palmer the General Operating Budget for Fiscal Year 2016 - 2017 in its entirety was approved as presented by a five to zero vote in favor. City Manager Psota wanted to mention that the moratorium on impact fees was extended until December 31, 2016. A Certificate of Occupancy must be issued by that date.

d. Adopt Capital Improvements Budget

City Manager Psota continued the budget adoption process by presenting the Five-Year Capital Improvement Plan for Fiscal Year 2016 – 2017, which includes much needed paving projects. As there was no discussion, on a motion made by Treasurer Ortiz and seconded by Councilor Nichols the Capital Improvements Budget for Fiscal Year 2016 – 2017 was approved as presented by a five to zero vote in favor.

e. Adopt Five – Year Capital Improvement Plan

City Manager Psota continued the budget adoption process by presenting the Five – Year Capital Improvement Plan for Fiscal Year 2017 – 2021. Councilor Palmer asked if the Brown Street project included the dirt road that runs through part of Cedar Commons development. That is not included; it is to be completed by the developer. On a motion made by Treasurer Ortiz and seconded by Councilor Carey the Five – Year Capital Improvement Plan for Fiscal Year 2017 – 2021 was approved as presented by a five to zero vote in favor.

NEW BUSINESS

2. Surplus Property

Chief Phillips advised that he would like to add the following items from the property room to department use.

Item: 2016-0088 40' flat screen Element television

Item: 2016-0089 32' flat screen Element television

The items will be used in conjunction with the security cameras as larger monitors. On a motion made by Treasurer Ortiz seconded by Councilor Palmer to add the two televisions from the property room into department use, the

motion was approved by a five to zero vote in favor.

3. **Manpower Strength / Hiring**

Chief Phillips advised that the department has had several employees leave, and two spots are currently open, with another position opening in August. He would like to hire someone that will attend the Police Academy and sign a contract stating the officer would stay for three years employment. The officers that have attended the academy are the ones who have remained employed. Councilor Palmer asked about the contract that officers sign when hired, City Solicitor Mitchell explained the contract. **On a motion made by Councilor Carey, seconded by Councilor Palmer to allow Chief Phillips to hire an officer to attend the Police Academy, the motion was approved by a five to zero vote in favor.**

4. **Other**

Chief Phillips had previously mentioned purchasing a tag reader for the City. He would like to create a safe area barrier around the City within the next five to six years, by placing tag readers at the exits and entrances of the City. The device would be \$20,000.00 to purchase and Chief Phillips would like to use the speed camera funds to purchase it. Councilor Palmer and Treasurer Ortiz questioned if there is an annual maintenance fee, Chief Phillips advised that it will have to be maintained every two years for a fee of \$50.00 to \$60.00. **On a motion made by Councilor Palmer, seconded by Councilor Carey to allow the Police Department to purchase the tag reader using Brekford funds, the motion was approved by a five to zero vote in favor.**

Chief Phillips explained that there are several cameras placed around the City. The cameras are still in good quality and he would like to have the cameras taken down by using a bucket truck. He has contacted McIntyre Electric and was quoted a price of \$100.00 per camera; there are currently seven cameras that would need to be taken down for a total of \$700.00. After the cameras are accessed he would like to have the cameras reinstalled. **On a motion made by Councilor Palmer seconded by Councilor Carey to approve expenditure for McIntyre Electric to remove cameras for further evaluation, the motion was approved by a five to zero vote in favor.**

Public Works Director Gibbons would like to ask the Council for permission to purchase three items with surplus funds from this fiscal year. The first item would be an electronic gate for the Water Wastewater Department not to exceed \$11, 000.00 as previously discussed. Council President Kerr asked if bids had been obtained for these items and yes three bids were received per Public Works Director Gibbons. **On a motion made by Treasurer Ortiz, seconded by Councilor Carey to purchase an electronic gate not to exceed \$11,000 for the Water Wastewater Department, the motion was approved by a five to zero vote in favor.**

The second item is a snow plow for the new truck that will be purchased next fiscal year. The snow plow will cost \$5300.00. No motion was made; City Manager Psota explained that the snow plow will be purchased now from the current fiscal year funds for the new truck. **Treasurer Ortiz made a motion to approve, however a second was not obtained.** Councilor Carey stated that there is already a snow plow and salt spreader at the shop. Public Works Director Gibbons advised that currently there are two, however the old snow plow that would go on the new truck needs to be replaced, due to age and need for numerous repairs, and both the new snow plow and salt spreader would be fitted for the new truck. Councilor Palmer asked what the new truck would be. A small F450 four wheel drive dump truck. **Councilor Carey agreed to second the motion. On a motion made by Treasurer Ortiz seconded by Councilor Carey to purchase a snow plow not to exceed \$5300.00, the motion was approved by a vote of three to one, Councilor Nichols abstained.**

The third item is a salt spreader also for the new truck to be purchased in next fiscal year. The salt spreader is expected to cost \$6600.00. **On a motion made by Councilor Carey, seconded by Treasurer Ortiz to purchase a salt spreader not to exceed \$6600.00, the motion was approved by a vote of four to one.**

Chief Phillips advised that he was asked to look into the towing contract for the City. He has worked with City Solicitor Mitchell to compose a letter to Randy Campbell removing him from the tow list because of his violations of the terms.

Public Comment/General Discussion

Mr. Marvel questioned why if no one is aware of who owns Irl Lane, why can't it be given to the property owners. City Solicitor Mitchell stated that could not be done. Kevin Opper stated that someone should go to the Land Records office to look up ownership. City Solicitor Mitchell stated it is not that easy. It is necessary to track references to Irl Lane through deeds to adjoining property. In 1951 it was referenced as a "road", however five years later it was referenced as a "private road".

Kevin Opper stated that he has been dealing with Public Works Director Gibbons in regard to a utility cut that was done on Murray Drive back in December. It was supposed to be paved once spring arrived, however it has not been done at this time. The debris is still lying on the cul de sac and Mr. Opper has called about that being removed, Public Works responded, however it was not cleared away. He stated that when the crew arrived they did not get out of the truck; he would clean it up himself but cannot due to a disability.

Kevin Opper also suggested that the potholes in the City be thoroughly looked at, instead of doing temporary patches, the City should consider permanent patches.

Kevin Opper asked if something could be done about Bennett Construction. Since they have started the recycling, they should have been made to have a commercial entrance. The amount of dust that is generated from the entrance driveway is a concern due to the contaminations coming in from the trucks. Also, rocks are being pushed out into the street posing a problem and the trucks are causing extra wear and tear on Camden Avenue. Council President Kerr advised that it will be looked into.

With no further business to discuss or comments, **Treasurer Ortiz made a motion to recess at 9:24 p.m., seconded by Councilor Nichols, with the Council to return for a closed session. At 9.30 p.m., the Council reconvened in open session, at which time Treasurer Ortiz made a motion to go into closed session to discuss personnel matters and seeking legal advice seconded by Councilor Carey. After discussing the personnel matters and seeking legal advice Councilor Palmer made a motion at 10:50 p.m. to return to open session, seconded by Councilor Carey. With no further business to discuss, Treasurer Ortiz made a motion to adjourn the open session at 10:55 p.m., seconded by Councilor Carey. The motion was approved with a vote of five to zero in favor.**

Raye Ellen Thomas

Raye Ellen Thomas / City Clerk

Approved, July 12, 2016
