

The Fruitland City Council met in Regular Session at City Hall on Tuesday, June 9, 2015, at 7:30 p.m. with the following members present:

President Darlene Kerr, Councilor Raymond Carey, Councilor Charles Nichols and Councilor Roland Palmer. Councilor Gloria Ortiz and City Solicitor Andrew Mitchell were absent.

Also present at the table were:

Lieutenant Brain Swafford, City Manager John Psota, City Clerk Raye Ellen Thomas and Public Works Director Michael Gibbons.

Our guests included:

Donnell Schweitzer, Cornella Harmon, Jay Disharoon, Carla Gibson, Judy Watson, Jack Hershberger, Chris Brasure, Andy Kitzrow and Billy Atkinson.

President Kerr called the regular Council meeting to order at 7:30 p.m. and welcomed all in attendance. President Kerr led all in the Lord's Prayer and all recited the Pledge of Allegiance.

President Kerr acknowledged receipt of the minutes of the Regular Meeting of May 12, 2015 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 May Treasurer's Report.

Cash on Hand 5/01/15	\$ 155,541.75
Deposits	\$ 1,101,627.92
Subtotal	\$ 1,257,169.67
Disbursements	\$ <u>(964,182.83)</u>
Total Ending 5/31/15	\$ 292,986.84

Councilor Palmer moved to accept the Treasurer's Report as presented. Councilor Carey seconded and the motion passed on a vote of three to zero, with one abstained.

Lieutenant Swafford gave the Police reports.

City Manager Psota will report on the budget.

Public Works Director Gibbons gave his report. He presented four proposals. The first proposal was in reference to having an outside contractor repair a sewer tap on School Street. Public Works Director Gibbons advised that the staff is short handed and he has received bids for the job. Reynolds Excavating had the lowest bid for \$5417.00. On a motion made by Councilor Palmer to award the School Street sewer tap job to Reynolds Excavating not to exceed \$5500.00, seconded by Councilor Carey, the motion was approved on a vote of four to zero.

The second proposal was for three electric heaters at the Water Plant. Public Works Director Gibbons explained that the heaters will replace old heaters that are not working. He has received a bid from McIntyre Electric in the amount of \$2990.00. On a motion made by Councilor Carey to purchase three electric heaters for the Water Plant from McIntyre Electric not to exceed \$3100.00, seconded by Councilor Nichols, the motion was approved on a vote of four to zero.

Public Works Director Gibbons advised for the third proposal, he had received three bids for a trench box. The lowest bid was \$6003.50. The trench box is 6ft tall and 8ft long and is adjustable. Council President Kerr stated that the Council had previously requested a trench box be purchased. On a motion made by Councilor Nichols to award the bid to Trench Tech Incorporated not to exceed \$6200.00 for an aluminum trench box, seconded by Councilor Carey, the motion was approved on a vote of four to zero.

The fourth proposal was for a yearly contract providing concrete work to the City as needed. Public Works Director Gibbons had received three bids with Worth Concrete as the lowest bidder. On a motion made by Councilor Carey to

award the concrete needs contract to Worth Concrete for the upcoming fiscal year with no one project to exceed \$7500, seconded by Councilor Palmer, the motion was approved on a vote of four to zero.

Public Works Director Gibbons advised that Ron Deal had been awarded water/waste water specialist of the year by Rural Water Association.

UNFINISHED BUSINESS

1. Paid Bill Report

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 as listed by a vote of three to zero, with one abstained.**

2. Adoption of Fiscal Year 2015-2016 Budget

President Kerr asked City Manager Psota to present the budget.

a. Adopt Water Department Budget and Fees

City Manager Psota then presented the Water Rates and Fees, which will remain the same as last year:

Water Rates and Fees

Base Rate-first 8,000 gallons (minimum):

Overage Rate per 1,000 gallons (over minimum):

Residential

\$50.00 per quarter

\$3.00 per 1,000 gallons

Non-Residential

\$50.00 per quarter

\$6.00 per 1,000 gallons

There was no discussion. **On a motion made by Councilor Nichols and seconded by Councilor Carey, the Water Department Budget and Fees for Fiscal Year 2015-2016 were approved as presented by a four to zero votes in favor.**

b. Adopt Sewer Department Budget and Fees

City Manager Psota then presented the Sewer Rates and Fees imposed to balance the budget, which remain the same as last year:

Sewer Rates and Fees

Base Rate-first 8,000 gallons (minimum):

Overage Rate per 1,000 gallons (over minimum):

Residential

\$100.00 per quarter

\$4.00 per quarter

Non-Residential

\$100.00 per quarter

\$7.00 per quarter

After discussion, **on a motion made by Councilor Carey and seconded by Councilor Nichols, the Sewer Department Budget and Fees for Fiscal year 2015-2016 were approved as presented by a four 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 Councilor Palmer and seconded by Councilor Carey, the Real Estate Property Tax Rate for Fiscal Year 2015-2016 was approved as presented by a four 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 Councilor Carey, the Personal Property Tax Rate for Fiscal Year 2015-2016 was approved as presented by a four 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 Councilor Carey and seconded by Councilor Palmer, the Mobile Home Park Tax Rate for Fiscal Year 2015-2016 was approved as presented by a four to zero vote in favor.**

IV) **Adopt Sanitation Fees:**

Residential

\$44.25 per quarter

Non-Residential

\$132.75 per quarter

City Manager Psota stated that as a result of the Landlord Licensing Ordinance passed last year, the City has an annual rental unit dwelling registration fee of \$40.00 per unit per year, with a violation fine of \$100.00. There is also an annual License Fee for Rental Dwelling Unit Owners of \$40.00, with a violation fine of \$100.00. **On a motion made by Councilor Nichols and seconded by Councilor Carey, Sanitation Fees for Fiscal Year 2015-2016 was approved as presented by a four 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 Councilor Carey and seconded by Councilor Palmer, the General Operating Budget for Fiscal Year 2015-2016 in its entirety was approved as presented by a four to zero vote in favor.**

d. **Adopt Capital Improvements Budget**

City Manager Psota continued the budget adoption process by presenting the Five-year Capital Improvement Plan for Fiscal Year 2015-2016, which includes finishing the rehabilitation of City Hall and two new vehicles for the Police Department.

As there was no discussion, **on a motion made by Councilor Palmer and seconded by Councilor Carey, the Capital Improvements Budget for Fiscal Year 2015-2016 was approved as presented by a four 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 2016-2020.

As there was no discussion, **on a motion made by Councilor Carey and seconded by Councilor Palmer, the Five-Year Capital Improvement Plan for Fiscal Year 2016-2020 was approved as presented by a four to zero vote in favor.**

3. **F.O.R.C.E.**

City Manager Psota explained that Billy Atkinson has a lease with the City and FORCE, however he also has Fruitland Baseball which is a for profit. Per the last Council meeting, the Council remanded the matter to the Recreation Commission for a recommendation. The Recreation Commission recommended to the Council that for the remainder of this year, since there are only four tournaments left, to let the FORCE lease remain on field 8 and the concession stand continue. For Fruitland Baseball the recommendation is to enter into a contract with the City for the fields that will be used in addition to field 8. Once the season is completed, all groups will meet and come up with a plan for the next year. Councilor Palmer questioned Billy Atkinson about FORCE receiving donations from other organizations. Billy Atkinson was not aware of any donations, except a \$400 check for a player. Councilor Palmer then asked why Billy Atkinson needed a nonprofit and a for profit organizations. Billy Atkinson then stated the costs associated with each and that he wants the two separate accounts. President Kerr stated that if the Council votes to proceed, a better understanding is needed for next year due to the fact that the lease was for nonprofit not a for profit. **On a motion made by Councilor Carey to proceed with using the City of Fruitland's Facility Use Agreement for Fruitland Baseball to use fields 6 and 7 for the remainder of the tournament season, at which time the Council will review next year, seconded by Councilor Nichols, the motion passed by a four to zero vote in favor.**

7:40 p.m. **Public Hearing – Ordinance #273 2015 Edition of International Building Code**

Ordinance #273 is an ordinance repealing ordinance #265 which adopted the 2012 edition of the International Building Code; International Residential Code for one and two family dwelling; and the International Energy Conservation Code and replacing them with the 2015 edition of the same; and repealing ordinance #77; the swimming pool ordinance, and replacing it with the 2015 edition of the swimming pool and spa code; and further adopting the 2015 edition of the international existing building code, all as amended by the Maryland performance standards and the City of Fruitland.

City Manager Psota stated the City adopted the 2012 Editions of several Building Codes published by the International Code Council, by Ordinance #265. As a City which exercises building inspections and related authority, the City is required to adopt those Building Codes adopted by the State of Maryland, within six months of the State's adoption of any new building code. The City is now required to adopt various IBC Codes to comply with Maryland law. The City has amended the IBC standard language where appropriate and permitted. If passed, it will become effective July 1, 2015 to coincide with the FY and the County's adoption of the IBC. **On a motion made by Councilor Palmer to adopt Ordinance #273 2015 Edition of International Building Code as read in second reading by City Manager Psota which was seconded by Councilor Carey, the motion was approved as presented by a four to zero vote in favor.**

7:45 p.m. Public Hearing – Ordinance # 274 Zoning Text Amendment

Ordinance #274 is an ordinance of the City of Fruitland, Maryland, amending zoning ordinance #67, section V., subsection C.4 to permit various types of commercial uses by special exception in R1-C, General residential district, and subsection G.4 by adding language to permit various types of residential uses by special exception in C-1, central business district. City Manager Psota stated this ordinance is an amendment to the text of uses permitted by special exception in R1-C, general residential, and C-1, central business, districts, as opposed to amending the zoning map. The Ordinance will permit, by special exception, the development of first floor commercial uses, which would be permitted in the central business district, with those residential uses which would be permitted in the general residential district, on the second floor. This mixed use is in keeping with the desire to re-establish a true Main Street, which was set out in the comprehensive plan. Since such uses will require a special exception, the Board of Zoning Appeals will have the ability to review and regulate such uses. **On a motion made by Councilor Carey to adopt Ordinance #274 Zoning Text Amendment as read in second reading by City Manager Psota which was seconded by Councilor Nichols, the motion was approved as presented by a four to zero vote in favor.**

7:55 p.m. Public Hearing – Ordinance #275 Floodplain Ordinance

Ordinance #275 is an ordinance of the City of Fruitland, Maryland, repealing Ordinance #165 and replacing it with ordinance #275 to establish and regulate the lands, development and construction within floodplain zones, special flood hazard areas, and other related matters necessary to comply with the National Flood Insurance program, as set forth in the Code of Federal Regulations, and establishing a program for the administration of the same and penalties for failure to comply with the provisions of the ordinance. City Manager Psota explained that in 1985, the City agreed to participate in the Nation Flood Insurance Program. By doing so, those within the City who purchase flood insurance are able to take advantage of somewhat lower premiums. In many cases such insurance would be very difficult to get, were the City not in the program. The program has adopted new floodplain maps and new regulations, so the City must update its ordinance to stay in compliance. If approved ordinance #275 will become effective July 1, 2015. **On a motion made by Councilor Palmer to adopt Ordinance #275 Floodplain Ordinance as read in second reading by City Manager Psota, which was seconded by Councilor Nichols, the motion was approved as presented by a four to zero vote in favor.**

NEW BUSINESS

1. Annual Planning Report to State

City Manager Psota advised that Administrative Assistant Powell has reviewed all building permits and records in order to report changes in the Annual Planning Report to the Maryland Department of Planning. That information is used to analyze growth and development. The annual planning report was reviewed and approved by the Planning Commission. **On a motion made by Councilor Nichols to accept the annual planning report to the State as submitted by the Planning Commission, which was seconded by Councilor Carey, the motion was approved by a four to zero vote in favor.**

Public Comment/General Discussion

Jack Hershberger and Chris Brasure both residents of South Camden Avenue expressed concerns to the Council in reference to traffic problems they anticipate when the new Bennett Middle school opens. Mr. Hershberger has spoken to the Police Department also regarding the matter. Both stated they reside within walking distance to the school and there are no sidewalks. They also expressed concerns over dump trucks that speed in that area not being able to stop quickly if something was to occur. Lieutenant Swafford stated that he had spoken with both of the gentlemen before the meeting and he was not aware of the situation. Council President Kerr questioned who controls the speed limit on that street. Lieutenant Swafford suggested the Council pass a resolution to reduce the speed limit. City Manager Psota stated that someone will contact the

local area construction companies and advise them that the speed limit will be reducing in the school zone and to have their drivers slow down. Mr. Brasure suggested having a speed camera placed in his yard since it will soon be a school zone. The Council will have City Solicitor Mitchell look into preparing a resolution for reducing the speed limit and the Police Department will look into having speed cameras placed in that area. Council President Kerr thanked both gentlemen for bringing the issue to the Council.

Cornella Harmon stated that Morris Street is still flooding. Public Works Director Gibbons advised that the drain pipes have been cleared out and the problem is that the pipe circumference is not the correct size. Councilor Palmer suggested that Public Works Director Gibbons take another look into the problem himself and Councilor President Kerr will also ride with him to review the situation.

Don Schweitzer advised that on Brown Street there are very large holes being filled with gravel mix and it is not helping the problem. Public Works Director Gibbons explained that holes were temporarily patched during the cold weather and will be done again.

Judy Watson and Carla Gibson from West Main Street approached the Council about whether the City is becoming a rental city. There is one house in particular that is really run down and looks bad. There are a lot of problems with people coming and going and many people living in the house. Mrs. Watson suggested raising the rental fees for landlords. One of her main concerns was cosmetic issues and Code Enforcement does not have the jurisdiction to enforce cosmetic issues. Both ladies have called the police department numerous times for noise and behavior problems. Mrs. Gibson also stated there was a problem with speeding on the street and suggested a speed camera in her yard. Both ladies thanked Lieutenant Swafford for the police responding to the previous calls. Lieutenant Swafford indicated that when the rent is being paid on a rental house then it is hard to remove the tenants from a residence. Lieutenant Swafford will speak with the ladies after the meeting.

Mrs. Watson also questioned why there are not many sidewalks in the City. She explained that she knows they are expensive and taxes are high, but it would be nice to have them.

With no further business to discuss or comments, **Councilor Palmer made a motion to adjourn at 8:44 p.m., seconded by Councilor Carey, the motion passed with all in favor.**

Raye Ellen Thomas

Raye Ellen Thomas / City Clerk

Approved, July 14, 2015