

The Fruitland City Council met in Session at City Hall on Tuesday, August 12, 2014, at 6:30 p.m., with the following members present:

*President Darlene Kerr, Treasurer Gloria Ortiz, Councilor Raymond Carey, City Manager John Psota, Code Enforcement Officer Ron Ciszewski, and Nick McLeod.*

*President Kerr called the meeting to order and then stated since it was discussing personnel matters, the meeting should be closed, on a motion made by Councilor Carey, which was seconded by Treasurer Ortiz, all agreed in favor, and the meeting was then conducted as a closed session at 6:32 p.m. The meeting was adjourned at 6:50 p.m. and personnel matters dealing with the Code Enforcement Office were discussed.*

The Fruitland City Council met in Regular Session at City Hall on Tuesday, August 12, 2014, at 7:30 p.m. with the following members present:

*President Darlene Kerr, Treasurer Gloria Ortiz and Councilor Raymond Carey.*

Also present at the table were:

*Lieutenant Brian Swafford, City Manager John Psota, City Clerk Raye Ellen Thomas, Public Works Director Michael Gibbons and City Solicitor Andrew C. Mitchell Jr.*

Our guests included:

Bob Marvel, Katherine McAllister, Chuck Nichols, John Frederickson, and Lee Outen.

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

President Kerr acknowledged receipt of the minutes of the Regular Meeting of July 8, 2014 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 three to zero.**

<b>Treasurer Ortiz</b> delivered the Treasurer's Report.	Cash on Hand 07/01/14	\$ 75,502.30
	Deposits	<u>401,685.07</u>
	Subtotal	\$477,187.37
	Disbursements	<u>(378,217.43)</u>
	Total Ending 07/31/14	\$ 98,969.94

**Councilor Carey moved to accept the Treasurer's Report as presented. President Kerr seconded and the motion passed on a vote of three to zero.**

**Lieutenant Swafford gave the Police and Code Enforcement reports, Public Works Director Gibbons gave the Public Works report and City Manager Psota gave the City Manager's report.**

## UNFINISHED BUSINESS

### 1. **Paid Bill Report**

President Kerr stated that due to the bills not available for review, they will be reviewed in September.

**2. Morris Mill – Urban Service Agreement Amendment.**

City Solicitor Mitchell reported that he, City Manager Psota and two people from MDE participated in a conference call on how to resolve problems with the State grant. Wicomico County is handling the project however the grant money was given to the City of Fruitland, and all are trying to work on a solution how to handle the problem. City Solicitor Mitchell advised that the proposal from MDE is for the County was going to handle all the obligations, and when the County is ready for a payment request, the City would sign off but payment would go to the County. City Solicitor Mitchell said that a hold harmless agreement needed to be in place, so if there problems, the City would not be harmed. City Solicitor Mitchell will follow up with the others involved to see where the project is at this time.

**3. Update of MWQFA bonds**

City Manager Psota stated that the City closed on the bonds, July 30, 2014 and has received the first cash draw. City Manager Psota stated that with the help of City Solicitor Mitchell and Mrs. Rader the paperwork was handled quickly and efficiently. City Solicitor Mitchell made the statement that we should receive a bond book from Mrs. Rader.

**4. Report on Planning Commission Matters**

City Solicitor Mitchell advised that the Planning Commission has taken up two issues. One is to change the text in the Home Occupation section, and establish a text amendment to come before the Council. The general idea is due to changing technology there needs to be some change in aspects of the definition, for example, with the percentage of the house that can be used as a home occupation and how many home occupations can be at a residence. The second issue is the Windmill Ordinance which was started and not finished. The Commission will be researching information for public safety and noise concerning windmills and report back to the Council.

**5. Other**

City Solicitor Mitchell stated he had presented the Council with information due to a proposed settlement on a bond claim concerning an employee theft. If the Council wishes to take the settlement then City Manager Psota would need authorization to sign the documents. **On a motion made by Councilor Carey to allow the City Manager to sign the release on the bond claim as previously discussed, which was seconded by Treasurer Ortiz, the motion passed on a vote of three to zero.**

**NEW BUSINESS**

**1. Amendment to Noise Ordinance**

City Solicitor Mitchell reported that Ordinance # 271 an Ordinance of the City of Fruitland, Maryland amending Ordinance # 221, the Noise Ordinance, by changing the hours between which certain levels of noise are permitted or prohibited. It has come to the attention of the City Council that certain activities conducted early before 8:00 a.m. or continuing beyond 8:00 p.m., as currently permitted, is disturbing the quiet enjoyment of a number of residents and citizens who have requested that the hours be changed. The changes suggested would be; change the quiet times from between the hours of 10:00 p.m. and 7:00 am. to between the hours of 9:00 p.m. and 8:00 a.m., changing the times for normal activity between the hours of 7:00 a.m. and 10:00 p.m. to between the hours of 8:00 a.m. and 9:00 p.m. Therefore the Daytime hours would be 8:00 a.m. to 9:00 p.m. and Nighttime 9:00 p.m. to 8:00 a.m. City Solicitor Mitchell advised this was the first reading and if accepted a time will be needed for second reading/public hearing. **On a motion made by Treasurer Ortiz to accept the first reading of Noise Ordinance # 271, which was seconded by Councilor Carey, the motion passed by a vote of 3, 0 were opposed.** President Kerr then advised that the second reading would be September 9, 2014 at 7:50 p.m. A question was posed as to how it would affect the Fruitland Falcons. They will be advised of the proposed changes.

**2. Planning Commission's request to revisit Adult Business Ordinance**

City Solicitor Mitchell stated that several years ago there was a rush on the Lower Shore to pass Ordinances that prohibit or limit certain adult businesses, due to the fact that developers were interested in places to hold such businesses. City Solicitor Mitchell advised that in 2006, Ordinance # 229 was enacted to place a six month renewable moratorium on such businesses. The moratorium was renewed several times with the last time being in May of 2010. The Planning Commission asks whether the Council wishes the Commission to proceed to work on the Ordinance. President Kerr asked the question whether it was legal to prohibit those types of businesses in a town, and City Solicitor Mitchell advised no, however it can be zoned to not be near Churches, Schools, Kids Sports Areas and ball

fields. It was decided that the Council would like the Planning Commission to proceed with work on an Adult Business Ordinance.

**3. Community Parks & Playground Grant for Recreational Park Bleachers**

City Manager Psota advised that the City would like to have permission to apply for a grant from the Community Parks and Playground through the Maryland Department of Natural Resources. The grant is for funding bleachers throughout the park and benches in the dugouts. The total amount for the grant is \$ 131,196.00. The bleachers will be moveable and there is no match to the City for the grant. The City will pay for the bleachers and benches and then be reimbursed by the State. **On a motion made by Treasurer Ortiz to pursue the grant opportunity for bleachers and benches in the park areas, which was seconded by Councilor Carey, the motion passed by a vote of 3, 0 were opposed.**

**4. Surplus Property –request to dispose of via internet sales/destroy.**

Lieutenant Swafford stated that there are three different categories of items. The first is nine items from the bike shed, all unclaimed after notification, two vehicles that will be retired and request to be sold in an online auction, and two PBT's, which are the preliminary breath test devices, as the cost to recharge is not efficient.

The following is a list of the bikes to be disposed:

2012-1735 Item 1  
2013-6391 Item 1  
2013-639 Item 2  
2013-778 Item 4  
2013-889 Item 1  
2013- 889 Item 2  
2013- 950 Item 1  
2013-950 Item 2  
2014-0076 Item 3

The following are the vehicles:

Vehicle 204  
Vehicle 222

The following are the PBT's:

Serial Number 1057221  
Serial Number 1226778

**On a motion made by Councilor Carey to allow the Police Department to declare the above list as read to surplus property to be disposed, either by sales or destroy, which was seconded by Treasurer Ortiz, the motion passed on by a vote of 3 in favor, 0 opposed.**

**5. Other**

Dr. John Frederickson, Wicomico County Board of Education Superintendent, approached the Council and wanted to state some changes for the new school year. He said that the new Bennett Middle School is approximately one year away from occupying students. It was then discussed of possibly naming the school Fruitland Middle School and Dr. Frederickson said he would have to speak with the board and comment back at a later time. The Board will be doing an attendance area process, to determine the appropriate capacity is in the schools. There will be a new discipline and food policy. Cell phones will be allowed for classroom use and allowed out in plain view; the reason is for cutting down on bullying. Transportation will be reviewed for students having a shorter bus ride. Dr. Frederickson then presented papers on the future plans for the schools. City Manager Psota thanked Dr. Frederickson for making the Council aware of the changes happening.

**Public Comment/General Discussion**

Bob Marvel stated that there was still a problem with speeding traffic on West Main Street and would like to know if a camera could be installed in that area. Lieutenant Swafford will look into the matter.

With no other comments, **Councilor Carey made a motion to adjourn, seconded by Treasurer Ortiz; the meeting was adjourned at 8:46 p.m., with all in favor.**

*Raye Ellen Thomas*

Raye Ellen Thomas / City Clerk

*Approved, August 12, 2014*