

The Fruitland City Council met in Regular Session at City Hall on Tuesday, August 8, 2017 at 7:30 p.m. with the following members present:

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

Also present at the table were:

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

Our guests included:

Public Works Director Mike Gibbons, Bob Marvel, Katherine McAllister, Mike Hammond, Benjamin Etherton, Mac Pusey, Cornella Harmon, Stan Johnson, Kathy Johnson, Bryan Fykes, James Dykes, Ryan and Angela Wagner, Donna Hudson, Debra Lawson, and Doug Brown.

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

Treasurer Ortiz delivered the July Treasurer's Report. For July 2017, the City recorded \$3,382,778 in revenues, including \$2.5 million of real estate taxes and \$670,000 for the first quarter's utility bill. The City incurred \$465,018 of expenses for the month. The net income for the City for the month of July is \$2,917,760. **Councilor Miciotto moved to accept the Treasurer's Report as presented. Councilor Nichols seconded and the motion passed on a vote of five to zero.**

Chief Phillips gave the Police and Code Enforcement reports. He stated that the USSSA tournament had no incidents. National Night Out was a success and well attended. The Council thanked Officer Shellenberger for her hard work organizing the event.

Public Works Director Gibbons gave an update of the ongoing projects within the City. He also stated that well #2 rehab has been completed and should be back on line soon.

UNFINISHED BUSINESS

1. Paid Bills

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

2. Morris Street Drainage Update

City Manager Psota advised he has received the preliminary report for the proposed rain garden on Morris Street from GMB. The preliminary cost is approximately \$30,000 and will impact Mr. Carey's property more than anticipated. Since receiving the report, a company has been hired to flush out the storm drains on Morris Street. There is a large amount of debris and sand in the pipe and hopefully by clearing that out, it will help with the flooding and the road can be paved. **On a motion made by Councilor Palmer to proceed with Morris Street paving and cleaning of the lines and revisit the idea of a rain garden at another time, seconded by Councilor Nichols, the motion was approved by a vote of five to zero.**

3. Water Treatment Upgrade/Well Update

Katherine McAllister from GMB advised that they are still waiting on MDE to approve the test well plan.

4. **Hayward Avenue Parking**

City Manager Psota explained that Hayward Avenue, between Route 13 and Camden Avenue, has been canvassed with a letter to residents notifying them that Hayward Avenue was being considered for no parking on both sides of the street. Donna Hudson, from 113 Hayward Avenue, approached the Council to comment. She stated that she was not aware that Hayward Avenue had been discussed at prior meetings, and was unaware of the one side parking that was approved at the last Council Meeting. She advised that she is not in favor of no parking due to residents not having large enough driveways to accommodate visitors. Bryan Fykes, from 112 Hayward Avenue, was also against the no parking change, he was unaware of the one side parking, and asked why the issue was being discussed; Councilor Miciotto advised that residents were concerned with not being able to get down the street when cars were parked on both sides. Mr. Fykes subsequently agreed with the one side parking only. Ryan and Angela Wagner, from 218 Hayward Avenue, also approached the Council, voicing their opinion on the no parking. They were not in favor but also agreed with the safety issue of making it one side of street parking only. **The consensus of the Council was to leave Hayward Avenue as no parking on the North side of the street and to enforce the ordinance previously approved.** Public Works Director Gibbons will be meeting with Chief Phillips to arrange the placement of the no parking signs.

5. **Campbell Collision**

City Solicitor Mitchell advised Mr. Campbell had made a payment today, but not high enough to accept the agreement offered by the City Council at last month's meeting. At this time, Council will agree to see what payments are made before further action is taken.

6. **2017-2018 Paving Project Update**

City Manager Psota stated that in reporting the amount under budget from the Capital Improvements and Highway Paving funds at the last Council meeting, \$ 63,500 was not deducted from the \$284,100 that was for the Morris Street project; therefore the surplus amount was reduced. The Council had asked City Manager Psota to inquire into the projects that were taken out to see if they could be included now. North Brown Street would cost approximately \$25,800 and the remainder of Morris Street would be over \$40,000. City Manager Psota requested that the paving contact remain as previously approved. Public Works Director Gibbons has looked into the area of the railroad tracks on Morris Street and would like to extend the paving an additional 20 feet for a cost of \$4000. **On a motion made by Councilor Palmer to approve the change order if applicable not to exceed \$4000 regarding the railroad track repair on Morris Street and to allow City Manager Psota to sign, seconded by Treasurer Ortiz, the motion was approved by a vote of five to zero.**

7. **Geo Technical Inspection Services Paving Projects Quote Approval**

Public Works Director Gibbons has obtained three quotes for geo technical inspections on the upcoming paving projects. The low bidder was Hillis Carnes Engineering for \$321.00 a day. His recommendation is to go with Hillis Carnes and the paving should take approximately 12 days for a total cost of \$3852. **On a motion made by Treasurer Ortiz to approve Hillis Carnes for geo technical inspections not to exceed \$5000, seconded by Councilor Palmer, the motion was approved by a vote of five to zero.**

8. **City Hall Exterior Change Order Ratification**

City Manager Psota explained that the City Hall exterior project was approved for \$44,900 with a contingency of \$4490. After an inspection of the wood under the siding some issues have arose. A change order has been suggested which involves wrapping the building in Tyvek and attaching half inch plywood where needed for an additional cost of \$8850. After the contingency \$4360 is still needed to complete the project. **On a motion made by Councilor Palmer to ratify a change order for City Hall not to exceed \$5000, seconded by Treasurer Ortiz, the motion was approved by a vote of five to zero.**

9. **Water Meter Purchase Approval Ratification**

At the last Council Meeting, Council inquired to prices of the meters being purchased in bulk. City Manager Psota advised that a quote was received for additional meters. Ordering 500 offers a \$2.00 discount, and ordering 1400 offers a \$7.00 discount per meter. Since obtaining the quotes, it was discovered that the warranty starts as soon as the meter is received, and the City would be paying for a licensing fee while the meter was on the shelf. City Manager Psota is asking to purchase 250 cellular meters with lids at a cost of \$74,727.50 from Badger Meter Inc. doing business as National Meter Automation. This purchase coupled with the \$5000 starter package, approved at last Council

Meeting brings the total amount to \$79,727.50. **On a motion made by Councilor Nichols to approve the ratification to purchase 250 cellular water meters from Badger, as presented by City Manager Psota, seconded by Councilor Palmer, the motion was approved by a vote of five to zero.**

10. City Health Care Plan Amendment #6 Signature Approval

City Manager Psota advised that this is the third year the City has used Integra as the administrator for the Health Care Plan for employees. There have been five different amendments through the years that cover housekeeping issues. Since renewing the Health Care Plan, amendment #6 has been sent and City Manager Psota is asking permission to sign said amendment. This amendment adds language for the MACB2 program, removes ERISA language from the plan, and adds Maryland state mandated benefits. **On a motion made by Councilor Palmer to approve City Manager Psota to sign amendment #6, seconded by Treasurer Ortiz, the motion was approved by a vote of five to zero.**

11. ENR Upgrade Change Order #4 Update

City Manager Psota advised that at last Council Meeting, approval was obtained for screens for the digester, in reference to the ENR upgrade. It was approved for \$115,000, with Chris Derbyshire to submit the change order to MDE, to see if any of the amount could be covered under a grant. MDE has responded and advised that 62.69% is grant eligible and 37.31% is loan eligible. Out of that amount \$71,690.50 will be paid by grants and the City's share through loan is \$42,666.65 and Bearing Construction has been given notice to proceed.

NEW BUSINESS

1. Appointment of Debra Larson to Board of Zoning Appeals

City Manager Psota introduced Debra Larson and City Clerk Thomas then administered oath of office to her.

2. Impact Fee Discussion

City Manager Psota reminded all that the moratorium on impact fees expired December 31, 2016. Recently he was contacted by Jim Stinchcomb and Doug Brown in regards to Creekside East and Hunt Club. City Manager Psota read an email sent by Mr. Stinchcomb; who owns Beacon Asset Managers. He is trying to develop the remaining 46 residential lots at both Creekside and Hunt Club. Council President Kerr advised that when the moratorium expired in December, it had already been extended six months. Mr. Stinchcomb suggested that the City drop the impact fee by half. That way Mr. Stinchcomb could possibly retain the builders he has and entice others to come in and finish out these subdivisions in the next 18 months. The City would receive over \$200,000 in impact fee plus the benefit of an additional 46 homeowners. Mr. Brown addressed the Council with his concerns about the impact fees and how the builders will not want to build in the City due to the high cost. Council President Kerr asked for the Council's suggestions. All Council members were in agreement with keeping the impact fees in place and no change in the amount of that fee.

3. Energy Cost Contract Renewal

City Manager Psota stated that the current 3 year contract with Washington Gas, obtained by the City's energy broker APPI, is set to expire in April 2018. That contract is set at \$0.072 per kWh. Ben Etherton from APPI Energy approached the Council with a new quote of \$0.48 for a 48 month contract, through Direct Energy, which based on usage, would result in an estimated annual cost reduction of 26%. Mr. Etherton also stated a quote for 60 months, through Nextera at \$0.5423. After Council discussion, **on a motion made by Councilor Miciotto to allow City Manager Psota to sign energy contract with Nextera at \$0.05423 per kWh for 60 months, seconded by Councilor Nichols, the motion was approved by a vote of four to one, with Councilor Palmer opposed.**

4. Filter Belt Press Bid Approval

Public Works Director Gibbons advised that GMB developed a scope of work to hire a firm for dewatering the sludge at the Waste Water Treatment plant. Three bids were received. The lowest bidder is Synagro Central for the amount of \$29,855. **On a motion made by Councilor Palmer to award Synagro Central the bid not to exceed \$30,000, seconded by Councilor Nichols, the motion was approved by a vote of five to zero.**

5. Budget Amendments

Deputy Treasurer Swift read Resolution 13-2017 and Resolution 14-2017. Resolution 13-2017 amends the General Fund Budget and Resolution 14-2017 amends the Utility Fund Budget. **On a motion made by Treasurer Ortiz to approve Resolution 13-2017 as read by Deputy Treasurer Swift, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero. On a motion made by Treasurer Ortiz to approve Resolution 14-2017 as read by Deputy Treasurer Swift, seconded by Councilor Palmer, the motion was approved by a vote of five to zero.**

6. Police Department Camera Software Upgrade Purchase Approval Ratification

Chief Phillips advised that the software for the cameras needed to be updated. Absolute Security updated the software for the amount of \$3750.79. **On a motion made by Councilor Miciotto to approve the ratification of the Police Department Camera Software Upgrade not to exceed \$4000.00, seconded by Councilor Nichols, the motion was approved by a vote of five to zero.**

7. Morris Street Jet Vac Service

City Manager Psota advised that Clarke Environmental Services has been hired to jet vacuum the Morris Street drainage system. While draining, problems have occurred and more time is needed for the project. It was approved for \$2500 to pay the services, however due to the problems that amount has increased. City Manager Psota is requesting additional funds in the amount of \$6720.00 to cover the additional services. **On a motion made by Councilor Miciotto to approve \$6800.00 to continue the cleaning of the Morris Street drains, seconded by Councilor Palmer the motion was approved by a vote of five to zero.**

8. Clyde Avenue Pump Station Auto Dialer Upgrade Purchase Approval

Public Works Director Gibbons advised that he would like to purchase a high tide technology auto dialer. This auto dialer will monitor the run times of the pumps, the start times of the pumps, real time of flow and wet well levels. This will keep the operators more informed and reduce overtime costs. **On a motion made by Councilor Palmer to approve the upgrade at Clyde Avenue pump station for a cellular auto dialer not to exceed \$5000, seconded by Councilor Nichols the motion was approved by a vote of five to zero.**

9. Surplus Property

City Manager Psota is asking permission to surplus the following items:

<u>Description</u>	<u>Manufacturer</u>	<u>Model & Serial #</u>
Road Saw Runs	Equipment Development Corp	SS 36 -65
Steam Cleaner	Landau	Hot 4-2000A/PO 406-126862
Salt Spreader	Air Flow	N/A
Miscellaneous File Cabinets (7)	N/A	N/A
Freezer	GE	F22 CW12/ WB30540204
Freezer	GE	R22CW10/SWA25100382
Paper Shredder	N/A	SPL-TXC15A
Snow Plows (2)	Western	N/A
Cement Mixers (2)	N/A	N/A
Bush hog 6 feet	N/A	N/A
Utility Trailers (2)	N/A	N/A

These items have been listed on govdeals.net. If the items are not sold, City Manager Psota is asking permission to destroy. **On a motion made by Treasurer Ortiz to approve the above items into surplus and either sold or destroyed, seconded by Councilor Palmer, the motion was approved by a vote of five to zero.**

10. Other

Council President Kerr advised that the City’s Charter allows the City Manager to approve expenditures up to \$2500.00 without Council’s prior approval. Due in part to natural inflationary cost since that amount was set; the Council would like to revise the amount to \$5000.00. This will involve changing the City Charter. A discussion followed deciding to increase the amount to \$7000.00. City Solicitor Mitchell advised that he will draft something to be discussed at the September meeting so that if the amount needs to be changed in the future, it could be done through a resolution instead of changing the Charter each time.

Public Comment/General Discussion

City Council President Kerr asked if the Parks concession stand could be cleaned.

Cub Scout Master 184 Troop Leader James Dykes would like his Troop to sponsor a Christmas Parade in conjunction with the Tree Lighting. Council President Kerr advised that he would need to speak with City Manager Psota to see what was needed. Katherine McAllister, who assists the Fruitland Chamber of Commerce with the Easter parade, advised that she would share information with Mr. Dykes. Everyone agreed it was a good idea.

Ms. Harmon thanked the Council for fixing her street.

Mac Pusey asked if the minutes could reflect the vote results. He would like to know who abstained and who opposed. It was decided to include the Councilor's name who abstained and/or opposed votes, unless all were in favor.

Donna Hudson asked about the water bills and why the grace period was changed.

With no further business to discuss or comments, **on a motion made by Councilor Palmer to adjourn at 9:29 p.m., seconded by Treasurer Ortiz, the motion passed by a vote of five to zero.**

Raye Ellen Thomas
Raye Ellen Thomas / City Clerk
[Approved, September 12, 2017](#)