

The Fruitland City Council met in Regular Session at City Hall on Tuesday, September 11, 2018 at 7:30 p.m. with the following members present:

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

Also present at the table were:

City Manager Psota, Lieutenant Daniel Holland, Public Works Director Michael Gibbons, City Solicitor Andrew Mitchell and City Clerk Raye Ellen Thomas.

Our guests included:

Ray Carey, Bob Marvel, Katherine McAllister, Code Enforcement Officer Marc Henderson, Cornella Harmon, Merry Stimis, Fred Vanderveen, Jack Heath and wife and Pastor Dana Stauffer.

At 7:30 p.m. President Kerr called the regular Council meeting to order. 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 August and called for additions or corrections. As there were none, **Councilor Palmer moved to adopt the minutes as presented; Councilor Nichols seconded and the motion passed on a vote of five to zero.**

Reports- Treasurer, City Manager and Department Heads

Treasurer Ortiz delivered the August Treasurer's Report. For August 2018, the City recorded \$250,000 of revenues, including \$190,000 in business taxes. The total billed revenues for the fiscal year are \$3.6 million, including real estate taxes and one quarter of utility billing. The City incurred \$381,000 of expenses for the month and the total expenses for the fiscal year to date are \$2.2 million. The net deficit for the City for the month of August is \$131,000 and the net income for the fiscal year to date is \$1, 376, 000. **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.**

Lieutenant Holland delivered his report on behalf of the Police Department and Code Enforcement.

- Lieutenant Holland advised that Code Enforcement completed 24 Rental Inspections, issued 52 Code violations and there were 27 new Building Permits issued.
- Lieutenant Holland stated that if at all possible try to avoid the area of Fruitland Immediate School during opening and closing of the school day. Traffic is heavy in that area and the Department is having Officers patrol during those hours to make the traffic flow smoothly.
- Lieutenant Holland advised that Sergeant Jackson, Officer Hogan and Officer Wiersberg were recognized for their outstanding accomplishments by MADD. Officer Wiersberg received the award after only being on patrol for two months.
- Lieutenant Holland advised that storm preparations are being made as a precaution for the weather.
- Reminder for all residents to lock their vehicles.

City Manager Psota delivered his report on behalf of City Hall.

- The General/Special Election for City Council will be held on October 1, 2018.
- City Manager Psota read the candidates that filed for office. Candidates for the two year term as a result of the special election are Darlene Kerr, Wayne Parsons and Charles Nichols. Candidates for the four year term are Richard Outen Jr., Michael Hammond Sr., Bowser Jones Sr. and Raymond Carey.
- A meet and greet for the candidates is scheduled for September 19, 2018 from 6 p.m. – 7 p.m. at City Hall.
- City Manager Psota will keep the Council up to date with the storm conference call results.

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

- Crews have been working on cleaning out the drainage ditches on South Division Street and Camden Avenue for the last two weeks.
- Brush and trees have been cleared in the Nentengo Areas and crews are also cleaning out the drainage ditches for the contractor to get started on that project.
- Wicomico County's Morris Mill Dam project should start any day.
- Updated the Council on preparations taken ahead of any storm effects due from Hurricane Florence.

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 Nichols, the paid bills were approved by a vote of five to zero.**

2. IT Update

Lieutenant Holland stated that all new Mobile Data Terminals (MDT's) are at Vantage waiting to get updated and then will be installed when returned. Three desktops and one laptop have been upgraded and the data transfer for the new server should be complete soon.

3. Water Treatment Plant/Well Update

Katherine McAllister advised that GMB has heard favorably from MDE and will be sending out certified letters to all contiguous property owners in the area advising them of the project. An advertisement will also be sent to the Daily Times newspaper. Things are moving forward with the engineering phase of the project.

4. Water Treatment Plant Solar Project Update

City Manager Psota advised the project to install solar panels at the water treatment which was approved at the last Council Meeting has been awarded a grant was awarded in the amount of \$440,000. There was a question as to whether any funds were left from that project could be used to cover the design phase. Katherine McAllister and City Manager Psota contacted MDE and it was understood that any funds leftover could be used. City Manager Psota has received a quote from GMB regarding the design and setting forth items that are not included with the work that GMB bid. **On a motion made by Treasurer Ortiz to allow City Manager Psota to sign contract from GMB in the amount of \$12,850 and move forward with the project, seconded by Councilor Nichols the motion was approved.**

5. **MS4 Permit**

City Manager Psota advised that over the last four Council Meetings he has mentioned the City obtaining a MS4 permit. The Maryland Department of the Environment, Water and Science Administration has reached a final determination to issue a National Pollutant Discharge Elimination System general permit for discharges from Small Municipal Separate Storm Sewer Systems (MS4s). The MS4 general permit requires implementation of stormwater management programs and restoration actions to control the discharge of pollutants from regulated MS4s. Compliance with the general permit will reduce stormwater pollutants to local waterways and the Chesapeake Bay. As an owner or operator of a designated MS4 to be regulated under this general permit, the City must submit a Notice of Intent (NOI) to the department. A notice of intent serves as notification that the City intends to comply with the terms and conditions of the general permit. Conditions of the general permit are effective for a five-year term unless administratively continued by the Department. City Manager Psota asked permission to sign the notice of intent. **On a motion made by Councilor Miciotto to authorize City Manager Psota to sign the MS4 permit paperwork and notice of intent, seconded by Councilor Nichols, the motion was approved by a vote of five to zero.**

6. **Sustainable Communities**

Council President Kerr advised that she would like to set aside the sustainable communities project until the new Council is elected. The Council agreed.

7. **Amendment to March Minutes**

City Solicitor Mitchell advised that Councilor Ortiz had stated in March that she would resign from the Council in October. City Solicitor Mitchell recommended that the Council revise the minutes to include that discussion. City Solicitor read the proposed amendment to the March minutes as follows:

During the early meeting of the Fruitland City Council on March 13, 2018 with the full Council, City Manager and City Solicitor in attendance, Councilor Reverend Gloria announced that she intended to remain on the Council until October 2018 at which time she would resign, as she will be moving out of the City. The City Solicitor's opinion had been sought concerning whether a Special Election would be necessary. The purpose of Councilor Ortiz's March statement was to advise the Council that by staying on Council until closer to the General Election, in keeping with the City Solicitor's opinion of March 7, 2018, the City could avoid holding two separate Elections in the ensuing months, and could schedule a Special Election to fill the remainder of her term and the general Election for three full term seats for the same date, October 1, 2018. During the regularly scheduled City Council meeting commenced thereafter, the same statement was made by Councilor Ortiz. It was then understood that a separately scheduled Special Election would not be required to fill Council Ortiz's seat and the Council by consensus, but without a formal vote, agreed that the Election to fill the seat of Councilor Ortiz, when vacated, would be held on October 1, 2018 at the same time as the regularly scheduled General Election.

On a motion made by Councilor Nichols to amend the March 13, 2018 minutes to reflect what City Solicitor read regarding Treasurer Ortiz's statement, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.

NEW BUSINESS

1. **Youth Exercise Services (YES) Code Violations'**

Fred Vanderveen and Merry Stimis approached the Council asking for an extension of time to make repairs to the Youth Exercise Services Gym (YES). Mr. Vanderveen had received violation notices and per Marc Henderson of Code Enforcement he has fixed the other violations but has two violations still needing to be brought to code. They are replacing the roof and fixing the ends of the rafters. Code Enforcement Officer Henderson advised that the roof structure was good. Mr. Vanderveen has obtained quotes for labor and materials. Ms. Stimis advised that they would not have enough time to complete the projects before the deadline and would like an extension before going any further. Mr. Vanderveen advised that he is in the process of reinstating his non-profit status paperwork. A lengthy discussion followed

and it was determined to extend the deadline as long as progress is being made. The Council agreed to extend the deadline six months as long as there are benchmarks and if need be to extend it from there. It was agreed that shingle removal and replacing of 1/6 of the roof would be a good benchmark. Council President Kerr advised that Council gave approval for six months deadline with the benchmark and Mr. Vanderveen will work with Code Enforcement Officer Henderson.

Public Comment/General Discussion

There were no comments from the audience.

Councilor Ortiz thanked the City for her twenty years of service four of which she served on the Planning Commission. At this time she resigned from the Fruitland City Council as she will be moving out of the City.

At 8:36 p.m. the regular Council session was adjourned, but Council President Kerr advised that the Council take a brief recess thereafter convene in open session for a Special Meeting.

At 8:38 p.m. City Council President Kerr called a special meeting to order, City Solicitor Mitchell advised a special meeting has been called and all Council and staff are present. City Solicitor Mitchell advised that the Charter states that once a seat has been vacated at a regular meeting, a special meeting must be held to set a date for the election to fill the vacancy. **On a motion made by Councilor Palmer to set a Special Election for the vacated seat on October 1, 2018 from 7:00 a.m. – 7:00 p.m. at City Hall to fill the remainder of Councilor Ortiz seat, at City Hall, seconded by Councilor Nichols, the motion was approved by a vote of five to zero.** City Solicitor Mitchell advised that this seat will be up for election again the first Monday of October 2020.

Council President Kerr thanked Treasurer Ortiz for all of her service.

With no further business to discuss or comments, on a motion made by Councilor Nichols to adjourn at 8:40 p.m., seconded by Councilor Palmer, the motion passed by a vote of five to zero.

Raye Ellen Thomas
Raye Ellen Thomas / City Clerk
[Approved, October 9, 2018](#)