

The Fruitland City Council met in Regular Session at City Hall on Tuesday, September 8, 2015, at 7:30 p.m. with the following members present:

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

Also present at the table were:

City Manager John Psota, Chief Michael Phillips, City Clerk Raye Ellen Thomas and City Solicitor Andrew Mitchell.

Our guests included:

Delegate Carl Anderton Jr., Bob Marvel, Katherine McAllister, Terri Westfall and Penny Walters.

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

President Kerr acknowledged receipt of the minutes of the Regular Meeting of August 11, 2015 and called for additions or corrections. As there were none, **Councilor Palmer moved to adopt the minutes as presented; Councilor Carey seconded and the motion passed on a vote of four to zero.**

Treasurer Ortiz delivered the June Treasurer's Report.

Cash on Hand 8/01/15	\$ 869,299.97
Deposits	\$ 1,496,429.92
Subtotal	\$ 2,365,729.89
Disbursements	<u>\$(1,973,243.52)</u>
Total Ending 8/31/15	\$ 392,486.37

Councilor Carey moved to accept the Treasurer's Report as presented. Councilor Palmer seconded and the motion passed on a vote of four to zero.

Chief Phillips gave the Police and Code Enforcement reports. President Kerr asked when the Dog Waste Ordinance signs would be in, and asked that the Council be sent an email when they are in place.

City Solicitor Mitchell added to the Code Enforcement report by stating that there were a number of violations that were scheduled to go to court. Only three individuals were involved, however, there several more violations due to the process of having to register the owner and each property. Two individuals had 6 violations in total which were all paid. The third individual had four violations and was fined \$200.00 plus court costs.

City Manager Psota gave the City report including dates to remember. November 19th will be the Awards dinner held at the Black Diamond Lodge, December 7th, will be the Christmas Lighting at City Hall, and the City of Fruitland will be hosting the LESMA dinner for the month of October.

Public Works Supervisor Mike Gibbons gave the Public Works Department report. During his report the traffic pattern for Bennett Middle School was discussed and also the progress of the Water Tower.

UNFINISHED BUSINESS

1. Paid Bill Report

President Kerr acknowledged receipt of the paid bill report. **On a motion made by Treasurer Ortiz and seconded by Councilor Carey the paid bills were approved as listed by a vote of four to zero.**

2. Home Occupation Ordinance #278

City Solicitor Mitchell stated this was a discussion item, and wanted to make note that last time it was discussed, Bob Marvel raised the issue of not forgetting about home daycare businesses. The Planning Commission is trying to

modernize the definition of home occupation. A lot of the businesses listed in the zoning ordinance are not operated in the same fashion anymore and nor is the impact that the businesses have on the neighborhood the same. The Planning Commission has come up with three different levels of impact for the neighborhood. Zero to minimal impact which requires no intervention from the City; Low impact where only people in the residence work in the business and it does not disturb the neighborhood. Moderate impact which allows one outside employee and high impact mostly by special exception and only in certain zones. City Solicitor Mitchell explained the different zones. President Kerr stated the Council will be continuing to discuss this and bring back their comments at the next meeting.

3. Amend Landlord Ordinance

City Solicitor Mitchell stated Code Enforcement Officers Ron Ciszewski and Nick McLeod are looking into the idea of imposing a late fee on all landlords who fail to register by March 1st of each year instead of saying the landlords are in violation and have to go to court. If the landlords have not paid after second date, then they would be cited for violation of the ordinance, which may lead to court action. The idea of random inspecting was also discussed, however, that is still being researched. The Council agreed to have City Solicitor Mitchell amend the ordinance.

4. Other

City Solicitor Mitchell stated that the City is required by October 1st to certify compliance with State Ethics Commission and he has done that.

City Manager Psota delivered to City Solicitor Mitchell the American Code Publishing supplements; which he had reviewed before they were published. It was decided when speaking with American Code Publishing that anything passed since June the 10th 2014, would be copied by the City and put in a pocket of the code, in order that it may stay correct.

Administrative Assistant Powell and City Manager Psota had been approached by a company called Mobilitie. The company would like to install a pole at or near the intersection of Cartwright and Edgewood Avenues. The proposed pole will be a communication tower of some sort. The person from the Company was very vague and City Solicitor Mitchell has also contacted them trying to find out more information. A concern was regarding the Comcast franchise within the City.

NEW BUSINESS

1. Resolution 2015-2 (Enterprise Zone Re-designation)

City Solicitor Mitchell stated that there are some changes to the company documents, all being minor. The resolution is unchanged. City Solicitor Mitchell proceeded to read the resolution, stating that the City has been in an enterprise zone for at least 10 years and is applying for a renewal. **On a motion made by Councilor Palmer to pass Resolution 2015-2, seconded by Treasurer Ortiz, the motion was approved by a vote of four to zero.**

2. K-9

Chief Phillips called Penny Walters and Brooklyn Westfall to the front. Penny is the Girl Scout troop leader of Brooklyn's troop. Brooklyn presented a check for the donation of \$200.00 to the K-9 unit at Fruitland Police Department. Penny explained that Brooklyn did several activities that raised money to provide the donation to the Fruitland Police Department and also to the Wicomico County Sheriff's Office.

3. Other

Chief Phillips was approached by Dianne Atkins of 309 Elizabeth Street. She has a two year old that is hearing impaired and is requesting a hearing impaired sign near that residence. Chief Phillips is asking permission to purchase two signs and have the Public Works Department install them. **On a motion made by Councilor Carey to allow Chief Phillips to purchase the signs designating hearing impaired on Elizabeth Street in the City of Fruitland, seconded by Treasurer Ortiz, the motion was approved by a vote of four – zero.**

City Solicitor Mitchell raised that the Planning Commission has asked the City Council to take up zoning of churches, in highway business and shopping centers. The Council will review in October.

Public Comment/General Discussion

Delegate Carl Anderton gave his cell phone number to the Council for any questions they may have and he is always willing to help out in any way.

Bob Marvel questioned Delegate Anderton in reference to the funding for roads. Delegate Anderton stated that the Governor is expecting to have it fully funded in seven years.

With no further business to discuss or comments, **Councilor Palmer made a motion to adjourn, seconded by Treasurer Ortiz, the motion passed with all in favor.** The meeting was adjourned at 8:35 p.m.

Raye Ellen Thomas

Raye Ellen Thomas / City Clerk

Approved, October 13, 2015
