

**FRUITLAND CITY COUNCIL  
JUNE 10, 2008  
MINUTES**

The Fruitland City Council met in regular session at Fruitland City Hall on Tuesday, June 10, 2008.

**MEMBERS PRESENT**

President Gregory J. Olinde, Treasurer Gloria J. Ortiz, Councilman Raymond D. Carey, Councilman Theodore O. Lokey, and Councilman Richard F. Tull.

**IN ATTENDANCE**

Staff present were City Manager John F. McDonnell, Assistant City Manager/Clerk Joyce E. Crouch, City Solicitor Andrew C. Mitchell, Deputy Treasurer Amy B. Caton, Chief of Police Paul R. Jackson, Director of Utilities Joseph P. Derbyshire, Public Works Director Cooper Townsend, and Code Enforcement Officer Daniel M. Scholl, Jr. Guests included Delegate Page Elmore, Wicomico County Executive Rick Pollitt, Micki Buck, Amanda Pollack, Kim Marshall, Donna Hudson, Bob Marvel, Paul Bradshaw, Frances Mezick, Diane Nelson, Mary Stevens, Glendola Stevens, Eric Grant, Joe Albero, Jim and Jon Crouch, and other interested citizens.

**CALL TO ORDER/OPENING**

President Olinde called the meeting to order at 7:33 p.m. Treasurer Ortiz offered the opening prayer and all recited the Pledge of Allegiance.

**ADOPTION OF THE MINUTES**

President Olinde acknowledged receipt of the minutes of the special work sessions of March 24, 2008, April 4, 2008, April 25, 2008, April 29, 2008, and May 8, 2008, closed session of April 4, 2008, and regular meeting of May 13, 2008 and asked if there were any changes. As there were none, Councilman Tull moved to approve the minutes as written. Councilman Lokey seconded and the motion was unanimously approved.

**TREASURER/STAFF REPORTS**

Treasurer Ortiz presented the Financial Report for May 2008 as follows:

Cash on Hand 5/1/08	\$ 27,452.24
Deposits	483,196.36
Transfer from Savings	<u>250,000.00</u>
SUBTOTAL	\$760,648.60
Disbursements	<u>(619,393.02)</u>
TOTAL ENDING 5/31/08	\$141,255.58

As there were no questions or comments, Councilman Lokey moved to accept the Financial Report as presented. Councilman Tull seconded and the motion was unanimously approved.

City Manager McDonnell then reported on Chief Paul Jackson's retirement as of July 1, 2008, at which time Mike Phillips will become Fruitland's new police chief, upcoming meetings of the

Wicomico Council of Governments, Fruitland Chamber of Commerce, Lower Eastern Shore Mayors Association, St. Luke's Road paving project pre-construction meeting, and the Maryland Municipal League Convention in Ocean City. Manager McDonnell also requested Council's approval to act on their behalf as administrative proxy for Fruitland at the Maryland Municipal League business meeting on Tuesday, June 24, 2008.

Councilman Tull moved to approve Manager McDonnell acting on behalf of the City Council as a proxy during the Maryland Municipal League Convention's business meeting on Tuesday, June 24, 2008. Councilman Carey seconded and the motion was unanimously approved.

Deputy Treasurer Caton requested a Fiscal Year 2007-2008 budget adjustment for Council consideration. The four adjustments included the computer network project, the master drainage study, the new City Manager vehicle, and the Finance Department computers and equipment, which total \$198,250. Caton stated the total amount will be taken from the prior year's (Fiscal Year 2006-2007) surplus.

With no questions or comments, Councilman Lokey moved to approve the budget adjustment as presented. Treasurer Ortiz seconded and the motion was unanimously approved.

Code Enforcement Officer Scholl reported there were 16 building permits issued in May 2008. The total value of improvements was \$1,036,120 and \$5,844 was collected in fees.

Mr. Scholl then requested that the Council approve paying the contractor for the demolition of a house at 610 Clyde Avenue, explaining that the cost would be placed as a lien on the property. He added that Bennett Construction offered the low bid at \$6,900 for demolition.

Councilman Tull moved to approve paying \$6,900 to Bennett Construction for the demolition of 610 Clyde Avenue. Treasurer Ortiz seconded and the motion was unanimously approved.

There were no reports from the Police, Utilities or Public Works Departments.

## **PRESENTATIONS**

1. Officer Nick McLeod, coordinator of this year's "Click It or Ticket" program, reviewed the history of the program and statistics of seat belt use and then presented an award to Officer Dan Holland for issuing 37 citations during this year's campaign.
2. President Olinde read aloud Resolution No. 5-08, recognizing and honoring Micki Buck for serving 24 years on Fruitland's Board of Supervisors of Elections, along with presenting Mrs. Buck with a fruit basket as a token of our appreciation. All applauded in gratitude of Mrs. Buck's many years of dedicated service to our community.
3. President Olinde read aloud Resolution No. 6-08, recognizing with deep respect and appreciation retiring Police Chief Paul Jackson for serving the citizens of Fruitland for more than 15 years. Those present stood and applauded Chief Jackson for his many accomplishments and dedicated service as Fruitland's Police Chief.
4. President Olinde then introduced and formally welcomed new Fruitland Police Chief Mike Phillips, adding that Chief Phillips has come highly recommended and with a decorated record with the Maryland State Police. Chief Phillips thanked all for giving him the opportunity to serve Fruitland, comparing the excitement of his new position as when he entered the Maryland State Police 23 years before. Phillips also stated that he looked forward to the new challenges ahead.

5. Delegate Page Elmore read aloud and presented Chief Paul Jackson with a Senate Resolution on behalf of Senator J. Lowell Stoltzfus, who regretted not being able to attend to present the Resolution himself. Delegate Elmore also read aloud a Resolution from the Maryland House of Delegates on behalf of the entire Membership congratulating Chief Jackson on his retirement and recognizing his many years of faithful service with the Maryland State Police and dedicated leadership as Fruitland's Police Chief. Delegate Elmore also stated that he and his wife wished Mr. and Mrs. Jackson many happy years of retirement together. Delegate Elmore added that he has had the privilege of knowing Fruitland's new police chief for many years and that he has known Phillips to have been dedicated to law enforcement his entire adult life and believed Fruitland made a great choice to replace Chief Jackson. President Olinde thanked Delegate Elmore for his endorsement of our new police chief and for his support of Fruitland since his joining the General Assembly.

### **PUBLIC HEARING: CONSTANT YIELD TAX RATE FOR FISCAL YEAR 2008-2009**

President Olinde convened a public hearing at 8:00 p.m. on the Constant Yield Tax Rate for Fiscal Year 2008-2009 and read the public hearing notice published in *The Daily Times* describing the Constant Yield Tax Rate of \$.619 would generate revenue in the new fiscal year equal to that raised in the current year. Olinde stated that the City of Fruitland is not proposing to decrease the tax rate but maintain the current \$.70 per assessable one hundred dollars, which will result in \$221,842 of new real property tax revenues. The only question came from Paul Bradshaw, who asked if the increase in total tax revenues was due to more houses being constructed or the higher assessments. President Olinde replied both conditions increase our tax revenues. With no further comments or questions, President Olinde closed the public hearing.

### **UNFINISHED BUSINESS**

1. FY 2008-2009 City Budget - City Manager McDonnell offered a brief statement that there are no increases in fees or rates in the FY 2008-2009 budget. President Olinde added that there was a public hearing held during the May City Council meeting and this budget, if approved, will take effect July 1, 2008. Olinde described the highlights of the budget, including the construction of a new City Hall, the completion of the paving of St. Luke's Road, preliminary design work for the upgrade and expansion of our wastewater treatment plant, electric saving system proposal, additional elevated water storage tank, Salisbury/Fruitland emergency water interconnection, and equipment and vehicle purchases. Olinde also described the increase in salaries and wages as a result of the Council's desire to support the City's dedicated staff of more than 40 employees and the increases in energy costs. Olinde then called for motions to adopt the budget as follows:
  - a. Treasurer Ortiz moved to adopt the water budget and fees as proposed. Councilman Tull seconded and the motion was unanimously approved.
  - b. Councilman Tull moved to adopt the sewer budget and fees as proposed. Councilman Lokey seconded and the motion was unanimously approved.
  - c. General Operating Budget
    - (1) Councilman Lokey moved to adopt the property tax rate of \$.70 per assessable \$100 as proposed. Councilman Carey seconded and the motion was unanimously approved.
    - (2) Councilman Tull moved to adopt the personal property tax rate of \$1.66 per \$100 assessed value. Treasurer Ortiz seconded and the motion was unanimously approved.

- (3) Treasurer Ortiz moved to adopt the sanitation fee of \$44.25 per quarter for residential customers and \$132.75 per quarter for commercial customers. Councilman Carey seconded and the motion was unanimously approved.
- (4) Councilman Tull moved to adopt the water and sewer impact fees of \$3,750 per EDU for both. Councilman Lokey seconded and the motion was unanimously approved.
- (5) Councilman Tull moved to adopt the Capital Improvements Budget as proposed. Treasurer Ortiz seconded and the motion was unanimously approved.
- (6) Treasurer Ortiz moved to approve the Five-Year Capital Improvements Plan as proposed. Councilman Carey seconded and the motion was unanimously approved.

President Olinde noted that it was necessary to balance the budget with \$113,000 of prior years' surplus.

Finally, Treasurer Ortiz moved to adopt the General Operating Budget for Fiscal Year 2008-2009. Councilman Carey seconded and the motion was unanimously approved.

2. Approve paid bills – Councilman Carey moved to approve the paid bill report. Treasurer Ortiz seconded and the motion was unanimously approved.
3. Employee Handbook - City Manager McDonnell requested Council's approval of the revised Employee Handbook with the exception of Section 10, regarding grievance procedures, as discussed during the staff meeting. Olinde commented about questions regarding the proposed drug policy and McDonnell stated that section would be an addendum as well. Solicitor Mitchell described the proposed grievance board changes and advised he would make those changes as directed. Councilman Carey then moved to approve the revised Employee Handbook incorporating the changes described by Solicitor Mitchell. Councilman Tull seconded the motion and all approved. Solicitor Mitchell added that although a safety plan is mentioned in the Handbook, the department heads actually need to spell out details as insurance carriers are requesting.
4. Property Maintenance Ordinance No. 236 – As additional work is needed to be completed on the proposed Property Maintenance Ordinance, Councilman Carey tabled discussing the Ordinance until the July, 8, 2008 City Council meeting. Councilman Tull seconded and the motion was unanimously approved.
5. Recommendation to Award Bid for Manhole I&I Project once Approved by MDE – Amanda Pollack, of George, Miles & Buhr, described the bid process including the results of the bid opening on May 13, 2008. Mrs. Pollack reviewed the City's award of a grant in the amount of \$600,000, with \$300,000 budgeted toward this particular project. She described that the low bidder, Pro-Coat, LLC, submitted a base bid of \$267,986 but one of the specifications could not be met. Mrs. Pollack then asked that the Council consider awarding the contract to the second lowest bidder, SpectraShield of the Carolinas, in the amount of \$271,520. She added that SpectraShield's bid was found to be consistent with the bidding requirements that were approved by MDE. If the Council would concur with her recommendation, Mrs. Pollack asked that a letter of concurrence from the City be forwarded to her office in order for the necessary information to be forwarded to MDE for their approval. Solicitor Mitchell asked about the difference in the contingent items. Mrs. Pollack stated that the difference was in the price per gallon for grout for sealing the liners. With no further comments, Councilman Lokey moved to approve GMB's recommendation to approve SpectraShield's bid in the amount of \$271,520 for the Manhole Infiltration and Inflow Reduction Project and provide a letter of

concurrence and intent to award upon MDE's approval. Councilman Tull seconded and the motion was unanimously approved.

6. Other

- a. President Olinde advised he had meant to mention earlier in discussing the budget that the range in pay scale changes was 3% to 6% for employees.
- b. Olinde also stated that during budget preparation, when the Council met with staff and our auditor Jack Layton, the topic of using prior years' surplus was mentioned as not being a good practice for balancing the budget. But Council and staff believed with the current challenging economic times, that any increase in rates and fees should be held and the budget was once again balanced using surplus. Olinde also stated it is the intent of the Council and staff to look at all the operational costs in the months ahead and advised that, although it is hopeful we will find areas of spending to cut to avoid any increases, it is almost certain that user fees will need to be increased next year because of our own increase in operational costs.

## **NEW BUSINESS**

1. Councilman Tull moved to appoint Kim Marshall to replace Micki Buck on the Board of Supervisors of Elections. Councilman Lokey seconded and the motion was unanimously approved. President Olinde added that a City election will be held this October with the terms of Treasurer Ortiz and Councilman Carey expiring. Olinde noted that candidates may begin filing in July with a deadline of Labor Day.
2. Solicitor Mitchell described a lease agreement with the Fruitland Falcon Football League and recommended adopting a version which would allow the Recreation Commission to make decisions involving the League, including the term of contract. Janeski advised that the League requested, and the Recreation Commission agreed, to allow a start-up six-year lease. Councilman Carey asked if the League would take away from the Salvation Army's football league. Janeski stated he did not know what the results would be but stated that the Fruitland league will involve not only the actual athletic training, but also would include an academics side. Kerry Nelson, president of the football league, then described the various local football leagues and the number of children turned away from playing football. Nelson described the league's desire to also intercede in the discipline of middle-school aged children. He also stated that at the Little League's opening day this year, over 40 children surveyed said they were interested in playing in a Fruitland football league. A question of insurance liability was made and Manager McDonnell advised that he has a Certificate of Insurance coverage paid for by the football league and covering the players and City. Answering other questions of Council members, Mr. Nelson advised the football league will be supplying all equipment, and whether or not to renew the lease annually, as the City does with the Little League. Because of the League's investment in improvements at the park, it was suggested that the lease be reviewed annually, but the lease agreement would be allowed for six years. Councilman Tull moved to approve the Fruitland Falcons Football Lease Agreement for six years. Councilman Carey seconded and the motion was unanimously approved.
3. Olinde invited all to remain following the meeting for refreshments and fellowship honoring retiring Chief Jackson and welcoming Chief Phillips.
4. Recreation Commission Chairman Janeski asked about the proper procedure for accepting bids for the installation of a new well at the Park Annex. After a brief clarification of procedure, Councilman Lokey moved to approve the Recreation Commission's decision to accept the low bidder to install a new well for irrigation of

the softball fields at the Park Annex. Councilman Tull seconded the motion, which was unanimously approved.

### **GENERAL DISCUSSION/PUBLIC COMMENT**

Eric Grant came forward and expressed his desire for the City to assist him with a recreational area for local children since the basketball court was removed from the Wicomico Housing Authority lot and advised that he was disappointed with the lack of the City's response to help so far.

Mary Stevens stated that she resigned from serving on the Fruitland Recreation Commission for more than ten years after she did not receive support to replace the basketball court. Ms. Stevens also stated she had submitted a letter requesting the same and thought her letter would be shared in the meeting, but it was not. She continued to share her other beliefs with Council members, namely the support needed by everyone to accomplish her goal. Ms. Stevens also stated that Chief Jackson had always been fair and it was an honor for her to have worked with him for many years and his concern for the community was obvious due to the involvement of Capt. Sandy Bradley and Corporal Sheila Johnson meeting with neighborhood residents and being involved with their issues. Ms. Stevens advised of the necessity of a basketball facility for the black community.

Mr. Grant further expressed his desire for more than a basketball facility and stated he will continue to seek help until results are realized. Councilman Tull asked about the winter basketball program. Ms. Stevens replied that the program is limited, only two nights per week, and there are age limits. Treasurer Ortiz advised that the former basketball court was closed down because of the violence that occurred there and advised there needed to be further discussion between different parties to deal with Ms. Stevens' and Mr. Grant's concerns. Further discussion described other possible locations for a facility and all agreed that citizens should meet with Fruitland Recreation Commission to come up with a solution.

Mr. Grant asked about holding a tournament on the former basketball court site and he was reminded that the City does not own the property, but to contact the Wicomico Housing Authority. Ms. Stevens further commented that she was concerned that the topic does not continue to be ignored and was assured it would not be.

Treasurer Ortiz commented to Code Enforcement Officer Scholl to check the property beside her church's community center for the abandoned cars and grass grown around them. Mr. Scholl advised the cars have current tags on them. Solicitor Mitchell described that they asked permission to run a repair shop, but the owner did not complete what they were supposed to do, so any repair operation is a zoning violation but the owner is claiming they are not running a repair shop.

Treasurer Ortiz also commented on a couple of motorcycles traveling on South Camden Avenue that sound as if they have no mufflers. Police personnel agreed to respond.

President Olinde acknowledged and welcomed County Executive Rick Pollitt.

Paul Bradshaw expressed his appreciation for the quick response and courteous service of members of the Fruitland Police and Utilities Departments, who helped several Meadowbrook residents with a problem last week.

Glendola Stevens, of Cartwright Avenue, asked Public Works Director Townsend about cutting the grass in the ditch by her residence. Mr. Townsend advised he had requested the County's boom ax to cut the ditch a couple of weeks ago.

Finally, President Olinde again expressed best wishes for a happy retirement to Chief Jackson and welcomed him to return to Fruitland anytime.

As there was no further business to discuss, Councilman Lokey moved to adjourn the meeting. Councilman Tull seconded and the motion was unanimously approved.

Respectfully submitted,

Joyce E. Crouch  
Asst. City Manager/Clerk