

**FRUITLAND CITY COUNCIL
TUESDAY, AUGUST 11, 2009
MINUTES**

The Fruitland City Council met in regular session at City Hall on Tuesday evening, August 11, 2009 at 7:30 p.m. with the following members present:

Treasurer Gloria J. Ortiz, Councilor Raymond D. Carey, Councilor Theodore O. Lokey, and Councilor Richard F. Tull.

Also present were:

City Manager John F. McDonnell, City Solicitor Andrew C. Mitchell Jr., Chief of Police Michael J. Phillips, Director of Public Utilities Joseph P. Derbyshire, Public Works Director P. Cooper Townsend, Code Enforcement Officer Daniel M. Scholl, and City Clerk Diane C. Nelson.

Our guests included:

Amanda Pollack of George, Miles, and Buhr (GMB), Bob Marvel, Chuck Nichols, Leland Bonneville, Elizabeth Bussells, George Mason, Donald Williams, Earl Holland of the Daily Times, and Tracy Peterson.

Treasurer Ortiz called the meeting to order at 7:30 p.m., welcomed all in attendance, delivered the opening prayer, and led all in reciting the Pledge of Allegiance.

Treasurer Ortiz acknowledged receipt of the minutes of the Regular Meeting of July 14, 2009, calling for additions or corrections. As there were none, **Councilor Lokey moved to adopt the minutes as presented; Councilor Carey seconded and the motion passed on a four to zero vote in favor.**

Councilor Carey delivered the Treasurer's Report.

Cash on Hand 7/01/09	\$	245,382.48
Deposits		132,624.48
Transfer from Savings		<u>100,000.00</u>
Subtotal	\$	478,006.96
Disbursements		<u>(458,913.54)</u>
Total Ending 7/31/09	\$	19,093.42

As there were no questions, **Councilor Tull moved to accept the Treasurer's Report as presented. Councilor Lokey seconded and the motion passed on a four to zero vote in favor.**

City Manager McDonnell reported on upcoming meetings and events, noting that both the Fruitland Chamber of Commerce and the Fruitland Recreation Commission are still on hiatus through August; the Town of Crisfield is hosting the September meeting of the Lower Eastern Shore Mayors Association.

Fruitland City Offices will be closed on Monday, September 7, 2009, in observance of the Labor Day Holiday; trash collection will proceed as usual.

Dave Morgan, owner of the Unfinished Furniture Warehouse in Fruitland, Maryland prior to its closing, has resigned from the Fruitland Economic Development Committee as a result of his relocation to North Carolina.

Code Enforcement Officer Scholl presented his report for July 2009, stating that sixteen building permits had been issued for a total value of One Hundred Thirty-two Thousand Eight Hundred Forty-two Dollars (\$132,842.00) and Nine Hundred Seventy-seven Dollars (\$977.00) collected in fees; none of the permits issued were for new dwellings.

Chief Phillips delivered his report for the month of July 2009, noting fluctuations in crime statistics and service calls from prior periods. He noted that the Police Department had successfully hosted their Sixth Annual National Night Out on Tuesday, August 4, 2009, and thanked all those that had assisted with the event.

Chief Phillips then presented three separate items for Councilors to consider for approval.

- Capital Wireless Information Net (Cap-Win)

Currently the Fruitland Police Department (FPD) shares a system with the Salisbury Police Department (SPD) that allows computer access for in-car requests for registration or wanted information; the system is routinely used in an effort to minimize calls for this type of information during periods when Fruitland does not have staffed dispatch and calls are routed through the Wicomico County Sheriff's Department.

The system continues to become more unreliable, down more often than it is up and running.

Chief Phillips requested that Councilors approve the purchase of a software system that is available at a discounted price through the University of Maryland that would be more reliable and give officers the ability to scan registrations and drivers licenses into the system as well as provide officers broader overall communication with other law enforcement agencies throughout the State of Maryland, the District of Columbia, and the State of Virginia; this software system is also compatible with the *e-ticket* software that FPD purchased with grant money in response to District Court requirements..

The discounted cost to the City would be One Thousand Six Hundred Seventy-five Dollars (\$1,675.00) to become fully operational now, with the one-year renewal price to be renegotiated at the beginning of a full year period; this purchase would be funded by contingency computer funds available in the current year FPD Budget.

On motion made by Councilor Lokey that was seconded by Councilor Tull and approved by a four to zero vote in favor, Councilors approved the Chief's request to purchase Cap-Win Software using contingency computer funds from the current year FPD budget.

- Criminal Analyst

Chief Phillips reported that a recent home invasion on Clyde Avenue prompted him to seek assistance from a Criminal Analyst in an effort to help identify criminal patterns in the Salisbury-Fruitland area; grant money was available to consult with the analyst on a contractual basis.

Within a week from after initially consulting with the Criminal Analyst, FPD was notified that their recent grant request for funding for a permanent Part-Time Criminal Analyst had been approved in the amount of Sixteen Thousand Dollars (\$16,000.00); the grant money would fund the salary and ancillary costs associated with the part-time position for one year, resulting in no out of pocket cost to the City.

Chief Phillips requested Councilors approve accepting the grant money, noting that DeputyTreasurer Caton and City Auditor Layton of Wigglesworth, Layton and Moyers were in agreement with establishing the Criminal Analyst position as a permanent part-time position with the City of Fruitland.

On motion made by Councilor Tull that was seconded by Councilor Lokey and approved by a four to zero vote in favor, Councilors approved accepting the grant money that would fund the permanent part-time Criminal Analyst position for one year at no out of pocket cost to the City.

- SCATT Laser Training Device

Chief Phillips requested Councilors consider the purchase of a Laser Training Device that would be used in-house for improving firearms proficiency within the department in an effort to minimize the department's liability when using firearms; the cost of the device is One Thousand Five Hundred Dollars (\$1,500.00) and money is available for the purchase under the current year FPD budget allocation for ammunition.

The firing range at Eastern Correctional Institution (ECI) is currently available to the FPD for live ammunition practice, supervised by a trained firearms instructor on regular or overtime duty; the SCATT Laser Training Device could be used for practice in the Council Chambers.

On motion made by Councilor Lokey that was seconded by Councilor Carey and approved by a four to zero vote in favor, Councilors approved the Chief's request to purchase the SCATT Laser Training Device with funds allocated in the current year FPD ammunition budget.

UNFINISHED BUSINESS

1. Paid Bill Report

Treasurer Ortiz acknowledged receipt of the paid bill report. As there were no questions, **on a motion made by Councilor Carey that was seconded by Councilor Lokey, the paid bills were approved as listed by a four to zero votes in favor.**

2. New Police Department Building

Chief Phillips summarized that the initial floor plan has been reviewed, with the Committee recommending minor changes for the engineers to incorporate into the plan prior to the next Committee review of a more detailed floor plan (including elevations) that is scheduled for Friday, August 14, 2009 at 1:00 p.m.

3. Bennett Middle School

On motion made by Councilor Tull that was seconded by Councilor Lokey and approved by a four to zero vote in favor, discussion of the Bennett Middle School Project was tabled until Tuesday, August 18, 2009 at 6:30 p.m. when the Council will meet in Special Session to specifically discuss the project.

4. Property Upkeep Ordinance - First Reading

City Solicitor Mitchell presented Ordinance No. 236 which amends Ordinance Nos. 129, 155, and 160 and enacts in their stead a new property maintenance ordinance to promote the public health, safety, and general welfare of the residents and property owners of the City of Fruitland, Maryland, by the regulation, preventing, reducing, or eliminating unreasonable accumulation of weeds, litter, garbage, rubbish, refuse, abandoned and/or junk vehicles, and other causes of blight within the City, and to provide for the enforcement penalties for the violation thereof, pursuant to Sections FC3-1 and FC3-2(18) of the City Charter of the City of Fruitland, Maryland which vests authority for the City Council to enact such an ordinance.

On motion made by Councilor Tull that was seconded by Councilor Carey and approved by a four to zero vote in favor, Councilors accepted the first reading of the Property Maintenance Ordinance, Ordinance No. 236.

A Public Hearing and Second Reading of the Property Upkeep Ordinance will be scheduled on Tuesday, September 8, 2009 at 7:40 p.m.; the ordinance will become effective immediately if passed.

[City Solicitor Mitchell chronicled the events that led to a "new" first reading of this ordinance.]

NEW BUSINESS

1. Proposed Additional Parking – East Field Development – Cedar Commons

Tracy Petersen, on behalf of Brian Lloyd who had taken ill and was unable to attend, summarized current and potential parking issues that need to be addressed in Cedar Commons and presented a detailed drawing that creates an additional forty (40) parking spaces by using private property common areas of the development as well as a portion of Brown Street; all agreed that this was only a starting point in trying to alleviate the parking issues in Cedar Commons.

The Planning Commission recommended City Councilors consider permitting yellow striping of designated parking spots on Brown Street as well as any other measures that attempt to alleviate excessive parking on city streets in Cedar Commons at the August 4, 2009 Planning Commission Meeting.

Discussion ensued regarding parking issues pertinent to specific streets, parking issues pertinent to townhomes versus duplex homes, the HOA's designation of a Parking Committee, and the Committee's efforts thus far in resolving parking issues.

Concerns were also raised regarding the visibility of fire hydrants and the ability of fire equipment to navigate streets with parking on both sides of the street; Mr. Petersen noted that during discussion at the August Planning Commission Meeting, Mr. Robin Townsend had requested reflector markings in the roadway to denote fire hydrant locations as a way to eliminate the visibility of fire hydrants issue.

Councilor Carey voiced concern that Brian Lloyd had not yet followed through on his verbal agreement with the Wicomico County Board of Education (WCBOE) to landscape from Brown Street to the fence line behind the school; Mr. Petersen was not aware of the agreement but acknowledged that he would remind Mr. Lloyd of the agreement.

On motion made by Councilor Lokey that was seconded by Councilor Tull and approved by a four to zero vote in favor, Councilors permitted yellow striping of designated parking spots on Brown Street, yellow painted curbing designating *No Parking* areas and reflector markings in the roadway to denote fire hydrant locations on city streets in Cedar Commons as approved by Public Works Director Townsend according to City of Fruitland Code.

2. Impact Fee Ordinance

City Solicitor Mitchell requested permission to explore the feasibility of expanding the ordinance to address several issues pertinent to commercial/industrial property owners. Areas to be researched include but are not limited to adjusting the impact fee up or down based on an average of Equivalent Dwelling Units (EDUs) used over a designated time period, rescinding EDUs if they are not used in a timely fashion or not at all, refunding impact fees if applicable, a sunset provision on grandfathered commercial/industrial uses, revision of Schedule A, and how these issues interface with the Subdivision Ordinance.

On motion made by Councilor Lokey that was seconded by Councilor Tull and approved by a four to zero vote in favor, Councilor authorized Solicitor Mitchell to explore the aforementioned areas and to prepare a document for their review at a later date.

3. Subdivision Ordinance

City Solicitor Mitchell requested permission to explore the feasibility of expanding the ordinance to address several issues, including but not limited to, instituting finite approval for subdivisions with a designated expiration of the approval, defining or redefining the meaning of subdivision approval, permitting a phased approval process when EDUs are not available, instituting a queue for assigning of EDUs when they become available, and designating a finite time period for the developer to act on the newly assigned EDUs or face forfeiture of the EDUs.

Solicitor Mitchell indicated that he would obtain input from the Planning Commission as well, acknowledging the importance of the Commission's input for this particular ordinance.

On motion made by Councilor Lokey that was seconded by Councilor Carey and approved by a four to zero vote in favor, Councilors authorized Solicitor Mitchell to explore the aforementioned issues with input from the Planning Commission, and to prepare a document for Councilors' review at a later date.

4. Camden East

City Solicitor Mitchell reported that Camden East, a Fruitland subdivision that has already received final plat approval from the City, has been notified that at least one resident on Tuxents Branch Lane has requested a Public Hearing as allowed under a new process instituted during the Construction Phase of a development; the new process allows anyone to request a Public Hearing that has concerns regarding the manner in which the development impacts soil conservation and storm water management.

A Public Hearing has been scheduled for Tuesday, September 15, 2009 at the District Court Building in downtown Salisbury; Solicitor Mitchell questioned whether or not the City Council wished to take a position on the issue or abstain from any involvement with the Public Hearing.

On motion made by Councilor Tull that was seconded by Councilor Lokey and approved by a four to zero vote in favor, Councilors agreed to abstain from any involvement with the Public Hearing as they did not want to declare an official position on the issue at this time.

PUBLIC COMMENT/GENERAL DISCUSSION

With no further business to discuss, **Councilor Lokey moved to adjourn. Councilor Tull seconded, and with a four to zero vote in favor, the meeting adjourned at 8:26 p.m.**

Diane C. Nelson

Diane C. Nelson, City Clerk

Approved, September 8, 2009 dcn