

**FRUITLAND CITY COUNCIL
TUESDAY, OCTOBER 14, 2008
MINUTES**

The Fruitland City Council met in regular session at City Hall on Tuesday evening, October 14, 2008 with the following members present: President Gregory J. Olinde, Treasurer Gloria J. Ortiz, Councilman Raymond D. Carey, Councilman Theodore O. Lokey and Councilman Richard F. Tull. Also present were City Manager John F. McDonnell, Assistant City Manager Joyce E. Crouch, City Solicitor Andrew C. Mitchell, Jr., Chief of Police Michael J. Phillips, Deputy Treasurer Polly Caton, Director of Public Utilities Joseph P. Derbyshire, Public Works Director Cooper Townsend, Code Enforcement Officer Danny Scholl, and City Clerk Diane Nelson. Our guests included County Executive Richard M. Pollitt, Jr., Peter Bozick of George, Miles and Buhr, Annette Noble, Paul Bradshaw, Bob and Dee Marvel, Jim and Jon Crouch, Judy Carey, Lorece Bounds, John and Florence Thomas, Donald Williams, Bunky Carew, and Joe Albero.

President Olinde called the meeting to order at 7:32 p.m. and welcomed all in attendance, especially family and friends of soon to be retired Assistant City Manager Joyce Crouch as she was participating in her last council meeting. President Olinde requested a moment of silence be observed acknowledging Chief Mike Phillips' loss of his grandfather Mr. Hastings and Recreation Commission Chairman Bob Janeski's loss of his wife, Janice. Treasurer Ortiz then delivered the opening prayer and all recited the Pledge of Allegiance. Mr. Olinde continued by acknowledging receipt of the minutes of the regular meeting of September 9, 2008, the closed meetings of August 4, 12, and 25, 2008, and the special meeting of August 4, 2008 and called for additions or corrections. As there were none, Councilwoman Ortiz moved to adopt the minutes as presented. Councilman Tull seconded and the motion passed unanimously.

Treasurer Ortiz then delivered the Treasurer's Report as follows:

Cash on Hand 9/1/08	\$ 241,711.64
Deposits	<u>1,079,507.63</u>
SUBTOTAL	\$1,321,219.27
Disbursements	(685,667.75)
Transfer to Savings	<u>(550,000.00)</u>
TOTAL ENDING 9/30/08	\$ 85,551.52

As there were no questions, Councilman Tull moved to accept the Treasurer's Report as presented. Councilman Lokey seconded and the motion passed without dissent.

City Manager McDonnell reported on upcoming meetings of the Fruitland Chamber of Commerce on October 15, 2008 with speaker Bill McCain from the Wicomico County Council, the Lower Eastern Shore Mayors Association October 16, 2008 hosted by the Town of Hebron, and the Recreation Commission on October 21, 2008 at 7:00 p.m. Mr. McDonnell further advised that he would be representing the City at the Fall Maryland Municipal League Conference being held in Cambridge on October 23-24, 2008. He also noted that a new employee had started in Finance that fills one of the recent openings.

Police Chief Phillips stated that September marked a 550% increase in warrants served, a 19% increase in arrests and a 140% increase in traffic enforcement from this time last year. Assaults decreased by 31%, thefts by 21%. Of the three robberies and three burglaries occurring during September, Chief Phillips reported headway had been made on two of the three robberies, and all three of the burglaries had fortunately been solved.

Director of Utilities Derbyshire reported that the sanitary sewer rehabilitation project was begun this week by Spectra Shield of South Carolina. Half of Clyde Avenue has been completed and a construction progress meeting is scheduled for Wednesday, October 15, 2008 at 2:00 p.m. at City Hall. This project has a 120

consecutive day contract. City staff also began the fuel storage upgrade project with both electrical and concrete work currently underway at the Waste Water Treatment Plant/Public Works Compound. In response to President Olinde's question, Mr. Derbyshire further clarified that the tanks would be installed in two to three weeks after the concrete poured today had cured; the software management of the project would probably initiate during the next budget year due to the significant cost of this aspect of the project.

Code Enforcement Officer Scholl presented his building permit report for September 2008, stating 13 permits were issued for a total value of \$589,800 and \$4,485 collected in fees. He stated that 6 of the 13 permits issued represented new dwellings; five of those six permits were renewals of permits issued prior to the County assessing the school tax/impact fees.

President Olinde redirected a question back to the Finance Department and Deputy Treasurer Caton regarding the insurability of City Funds at the Bank. Deputy Treasurer Caton stated that the bank posts collateral to cover the City's deposits. Given the current economic climate it was determined that Mrs. Caton would verify and advise the council which securities the bank actually posts to cover the deposits.

PRESENTATIONS

On behalf of the Council and Staff, President Olinde spread upon the minutes **Resolution 8-08** honoring Assistant Manager Joyce Crouch that was initially presented to her at a retirement dinner held on Oct. 9, 2008 in her honor. Mr. Olinde thanked Mrs. Crouch for her nearly 34 years of exemplary service to the City as well as her community; he then presented the framed copy of the resolution to Mrs. Crouch, inviting all council members to come forward for a commemorative photo with Mrs. Crouch. All in attendance applauded Assistant Manager Crouch's accomplishments. Mrs. Crouch then went on to make a few presentations of her own, the most significant being a winter coat worn by her father as a member of the 101st Airborne in the Battle of the Bulge which she presented to City Solicitor Mitchell since his son Drew is presently serving in the 101st Airborne in Afghanistan. Mrs. Crouch further commented that Fruitland would always be her hometown and that she appreciated the show of support by all in attendance this evening. She concluded her remarks by thanking everyone again for their show of support.

Unfinished Business

Mr. Olinde acknowledged receipt of the **paid bill report**. As there were no questions, Councilman Tull moved to approve all paid bills as listed. Councilman Carey seconded and the motion passed unanimously.

President Olinde then proceeded to the second item under unfinished business, **review of the most current City Hall Floor Plan** as submitted by George, Miles, and Buhr after several meetings with the Council, City Manager and Department Heads. Councilman Lokey suggested the Council should be seated in a curved formation as opposed to a straight line to allow for easier viewing/communication with other council members; President Olinde agreed. City Solicitor Mitchell voiced concerns regarding Planning Commission Meetings with the raised platform Council in conjunction with the table set up for plat review; Mr. Mitchell suggested either increasing the table size and then have the meeting at the table or incorporating an overhead projection system for easier access/review/presentation. Councilman Lokey agreed with having the meeting at a larger table. President Olinde also acknowledged the need for the overhead projection system or ample time for copies to be distributed to the council to offset the disparity in seating locations as well. Councilman Carey had concerns about the Finance waiting area being too large. Both City Manager McDonnell and Deputy Treasurer Caton responded that they had already addressed that same issue with Morgan Helfrich, Project Architect at GMB. Mrs. Caton also raised the issue of establishing an IT location. Mr. Carey had further concerns about the size of the mechanical room. Mgr. McDonnell stated that the server equipment room was slated to be several times what is presently being used. Mr. Carey also suggested paring down the Finance Department's work area to increase Council Room seating capacity by eight seats, citing President Olinde's original desire for ample seating capacity for meetings. Solicitor Mitchell also mentioned designating a planning and zoning location as presently none existed;

being mindful of logistics in keeping key staff in close proximity with each other. Assistant Manager Crouch stated her recommendation had been to have planning and zoning in the upstairs corner office near the map room, shifting the Clerk to a slightly larger middle office. Discussion wound down with Mgr. McDonnell authorized to set up another meeting between Council, staff, and GMB for further discussion whereby a consensus could be reached prior to initiating any final changes to the plan. Code Enforcement Officer Scholl then suggested that in conjunction with building the new City Hall, the council should consider moving the Nutters Election House Museum presently located behind the water plant to a designated park area at the new city hall location; Mr. Scholl suggested having future city elections in this building, incorporating the local historical significance of the building into modern day government.

New Business

President Olinde called for the **City Council Election Report**; City Clerk Diane Nelson recapped Assistant Manager Crouch's report from the September 9, 2008 meeting regarding the election schedule and brought the information to date as follows:

On Sunday, September 21, 2008 a Public Notice detailing date, time and location of the election was published in *The Daily Times*. On Sunday, October 5, 2008 a Sample Ballot was published in *The Daily Times*.

The election took place as advertised at the Fruitland City Hall on Monday, October 6, 2008. Polls were open between 7:00 a.m. and 8:00 p.m. Of the 2,542 voters registered to vote in Fruitland City elections, 300 voted at City Hall and 5 voted by absentee ballot; voter turnout was just under twelve percent (12%). At the conclusion of the voting, the ballots were counted by the three members of the Fruitland Board of Supervisors of Elections in the presence of the city manager, assistant city manager, city solicitor, city clerk, and a number of citizens. The official vote totals were as follows:

Raymond D. Carey	142
Gloria J. Ortiz	141
Edwin A. Cowell	127
Mark D. Miciotto	88
Algy F. Giles, Jr.	44

One ballot, included in the 300 cast at City Hall, was disallowed and not counted. The voter's competency was in question and she was not able to vote her ballot nor instruct someone else to do so for her despite clear oral instructions. Marlene Ellison and Mike Ellison were the only two names received as write-in votes.

Accordingly, the Board of Election Supervisors unanimously certified the election of Raymond D. Carey and Gloria J. Ortiz to the Fruitland City Council. They will be administered the Oath of Office by the city clerk in public session at the regular City Council meeting of October 14, 2008.

The next regular election for the Fruitland City Council will be held on Monday, October 4, 2010. At that time the seats now held by Councilmen Olinde, Lokey and Tull will be up for contest.

President Olinde then called for the **induction of the newly elected city council members**. Councilman Raymond D. Carey and Councilwoman Gloria J. Ortiz were then duly sworn in by Clerk Nelson and President Olinde turned the meeting over to Solicitor Mitchell.

Pursuant to Fruitland Charter 2-2B City Solicitor Mitchell then presided over the meeting while **reorganization of the council took place**. Mr. Mitchell opened the council floor to nominations for the office of Council President. Mr. Lokey nominated Mr. Olinde and Mr. Tull seconded that nomination; Mr. Lokey moved to close the nominations, Mr. Tull seconded and all unanimously voted to close nominations. Mr. Olinde was then unanimously voted in as Council President. Mr. Mitchell then opened the council floor to nominations for the office of Council Treasurer. Mr. Olinde nominated Mrs. Ortiz and Mr. Lokey seconded that nomination; Mr. Lokey moved to close the nominations, Mr. Olinde seconded and all unanimously voted to close nominations. Mrs. Ortiz was then voted in as Council Treasurer by a 4-1 vote with Councilman Tull as the only dissenting vote; Mr. Mitchell then turned the meeting back over to President Olinde.

President Olinde then moved on to **Council Assignments** to the various boards and committees within the

city government. After some discussion, a motion was made by Councilman Tull to accept the following recommendations that Mr. Olinde remain on the Fruitland Economic Development Commission, Mr. Lokey remain on the Planning Commission, Mr. Tull remain on the Noise Control Board, and Mr. Carey now serve on the Recreation Commission. Mr. Lokey seconded that motion and all commission assignments unanimously passed as stated.

City Solicitor Mitchell presented and read aloud **Resolution No. 9-08**, which authorizes the City to obtain funding for the New City Hall from the United States Department of Agriculture Rural Housing Service in the form of a loan. President Olinde noted for the record that the city had received a confirmatory letter from Senator Mikulski's office that the federal funds had indeed been set aside for the construction of the new city hall. Mr. Olinde further clarified that interim financing would be obtained from local banks for the actual construction but that the federal funding would pay back the local banks and become the permanent funding source for the new city hall since the government does not finance construction. Councilman Lokey moved to adopt Resolution No. 9-08 as presented. Councilwoman Ortiz seconded and the motion passed unanimously.

President Olinde stated that staff had determined additional discussion and review was needed prior to making a recommendation to the council regarding **outsourcing payroll** and suggested tabling the issue at this time. Councilman Tull so moved, Councilwoman Ortiz seconded and the motion unanimously passed.

President Olinde then invited Donald Williams and Bunky Carew to the table to discuss the next agenda item, **Camden Landing**. Solicitor Mitchell briefly summarized that while approval had already been given for the Camden Landing Project, there were still drainage issues to be resolved and dealt with as a result of a recent drainage study. Pete Bozick with George, Miles, and Buhr, then summarized GMB's position regarding the project stating there were technical comments still outstanding on these construction drawings relating to storm drains, manholes, slopes, and some technical items. Mr. Bozick particularly mentioned an issue with offsite drainage improvements in front of the elementary school on Main Street. Mr. Carew then summarized the approval process gone through with respect to the offsite storm drainage issue, citing the Main Street location as the agreed upon one and only location that needed to be dealt with by the developers. He further stated that this is the only project since the late 90's and the completion of the original study that any developer/project has been required to deal with an offsite drainage issue in the City. Mr. Carew continued to explain that in order to move forward with the project and comply with both his financial deadline to commence construction by the first of November (meaning early November) and the City's Main Street offsite drainage issue, Mr. Carew and Mr. Williams had originally offered to give the City the \$85,000.00 Mr. Carew's contractors estimated the Main Street work would cost. The City could then contract for the work to be done, Mr. Carew's contractor would then remove the \$85,000.00 from the overall quoted contractor price, and the Camden Landing Project would break ground. However, the additional issues raised by GMB as a result of the most recent drainage study being incorporated into the overall project review of the ongoing drainage issues adds additional developer costs to the project that were not part of the original Planning Commission approval of the project and inhibits the developer's ability to meet the November project commencement deadline. After a very lengthy discussion Solicitor Mitchell offered the following summary of the issues:

Mr. Carew and Mr. Williams had obtained approval for the development contingent upon GMB's review of the plans; GMB recommended minor changes after review of the plans. Mr. Bozick maintains that since the minor changes are still under review and the new study has now been done, the whole project should be reviewed incorporating findings from the newest drainage study, to include the T-junction and replacement of a designated amount of corrugated metal pipe with box culvert. Mr. Carew and Mr. Williams maintain that the plan should stand approved with only the initial minor changes and not any additional changes as a result of the newest study.

President Olinde indicated that in the spirit of compromise the council would like to cooperate to help Mr. Carew and Mr. Williams meet their November deadline, however there were issues still to be resolved. After further discussion it was determined that the Council approving a design-build scenario to ensure November project commencement was not possible since there had been no consensus reached

between the City's engineers, GMB, and the developers as to the implementation of GMB's recommendations to deal with the offsite drainage problem. Given that the Council had given approval for the project contingent upon GMB's review and acceptance of the project plans, President Olinde recommended that GMB, City Staff and City Solicitor meet with the developers to work out the differences; the project would either happen or it wouldn't depending on the ability to resolve the issues. Bunky Carew then stated that he felt it would benefit everybody to work things out; this would be the first time since 1996 that the town would have the opportunity to have offsite drainage work done at no charge to the city. Richard Tull moved to allow City and GMB staff, along with Solicitor Mitchell, to work in concert with Mr. Carew and Mr. Williams to resolve the issues that would allow the Camden Landing Project to move forward by the November deadline. Councilwoman Ortiz seconded and the motion passed unanimously.

OTHER

President Olinde stated that Mt. Calvary Church is honoring twenty-one of its senior citizens, seventy-five years or older, at a banquet to be held Saturday, November 8, 2008 at Salisbury University and has asked the council to **purchase an ad** in the souvenir booklet. Councilman Lokey moved that the City place a full page ad for \$75.00 in the souvenir booklet congratulating the citizens on their dedicated service; Councilman Tull seconded, and the motion passed without dissent.

President Olinde continued with other business stating that **Chief Phillips had submitted a request to restructure his department** that involved hiring a civilian Criminal Administrator in a supervisory capacity that would not impact the existing hierarchy of the current police force. Chief Phillips stated that many police departments throughout the United States utilize civilian employees to assist with administrative duties not only because of their cost effectiveness in lowering overtime and in-service training costs but also because of their ability to lessen the administrative burden on sworn police officers which directly increases the time officers are visible in patrol sectors. Chief Phillips continued with his presentation, detailing his intention to pursue a retired police officer with the ability to come in and direct the management of the criminal investigations by supervising, training, and monitoring all efforts in the department. Chief Phillips further explained that he would like to bring this person on board in conjunction with implementing a crime analysis system, COMPSTAT, in January 2009; he indicated funding for this position would come from money saved that had been budgeted for vehicle purchase. President Olinde acknowledged Chief Phillips initiative in assessing the department's needs and making appropriate recommendations given his limited tenure in the position and his working with an inherited budget. Councilman Lokey moved to approve the Chief's proposal to hire a civilian Criminal Administrator as presented; Councilman Carey seconded and the motion passed unanimously.

PUBLIC COMMENT

President Olinde thanked County Executive Rick Pollitt for being in attendance this evening. Mr. Pollitt congratulated both Councilman Carey and Councilwoman Ortiz on their reelection to the City Council, acknowledging County Councilwoman Stevie Prettyman's best wishes on behalf of the entire County Council that she had extended during last week's County Council meeting.

Councilwoman Ortiz thanked all for their support in her recent reelection to the City Council. She reaffirmed her heartfelt commitment to the City, underscoring her intent to stand behind her oath of office.

Ms. Annette Noble offered a suggestion regarding raising the presentation table to the same level as the circular council raised platform in the new city hall thus eliminating the multi-level issue. Joe Albero suggested the recently remodeled County Council table was phenomenal, describing the curved layout that afforded everyone a view of one another at the table; President Olinde recommended City staff take a look at the county facilities since the curved layout was also desired in Fruitland.

Councilman Tull requested mosquito spraying on behalf of a resident on Oaklee Drive; Public Works

Director Townsend acknowledged he would take care of the request. With no further business to discuss, Councilman Lokey moved to adjourn. Councilwoman Ortiz seconded, the motion passed unanimously, and the meeting adjourned at 9:30 p.m.

Respectfully submitted,

Diane C. Nelson
City Clerk