

**FRUITLAND CITY COUNCIL
TUESDAY, DECEMBER 9, 2008
MINUTES**

The Fruitland City Council met in regular session at City Hall on Tuesday evening, December 9, 2008 with the following members present:

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

Also present were:

City Manager John F. McDonnell, 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, Wastewater Superintendent George Calloway, and City Clerk Diane Nelson.

Our guests included:

Dee McDonnell, Paul Bradshaw, Bob Marvel, and Frances Mezick.

President Olinde called the meeting to order at 7:31 p.m. and welcomed all in attendance; he stated that Councilwoman Ortiz was absent due to her husband being ill. He requested prayer for both her husband and her son, as well as his own mother that was going through a difficult time with chemotherapy. Mr. Olinde then led all in reciting the Lord's Prayer and the Pledge of Allegiance.

Mr. Olinde then acknowledged receipt of the minutes of the regular meeting of November 11, 2008 and called for additions or corrections. As there were none, Councilman Carey moved to adopt the minutes as presented. Councilman Lokey seconded and the motion passed by a four to zero vote.

Deputy Treasurer Caton then delivered the Treasurer's Report as follows:

Cash on Hand 11/1/08	\$ 64,962.53
Deposits	451,257.91
Transfer from Savings	<u>250,000.00</u>
SUBTOTAL	\$ 766,220.44
Disbursements	<u>(598,278.35)</u>
TOTAL ENDING 11/30/08	\$ 167,942.09

As there were no questions, Councilman Tull moved to accept the Treasurer's Report as presented. Councilman Carey seconded and the motion passed without dissent by a four to zero vote.

City Manager McDonnell reported on upcoming meetings of the Fruitland Chamber of Commerce, the Lower Eastern Shore Mayors Association and the Recreation Commission; President Olinde noted that Chief Phillips would be the speaker at the Chamber meeting. Mr. McDonnell also stated that he, Joe Derbyshire, George Calloway, and Police personnel would be representing Fruitland in a meeting sponsored by the Wicomico County Department of Emergency Services and Beck Disaster Recovery (a private company); the purpose of the meeting was to establish a Continuity of Operations/Continuity of Government Planning Program with regard to emergency services. Mr. McDonnell then announced that City offices would be closed as follows: Wednesday and Thursday, December 24-25, 2008 in observance of the Christmas holiday, Friday, December 26, 2008 because of this years' 100% employee participation in the United Fund Campaign, and on Thursday, January 1, 2009 in observance of the New Years holiday.

Police Chief Phillips reported that the Police Department had recently been honored with several officers

receiving awards as follows: Nick McLeod from the Maryland Department of Safety for Seatbelt Enforcement, Chris Shockley from the Fruitland Chamber of Commerce for Officer of the Year, and Brian Swafford from Mothers Against Drunk Drivers for his enforcement efforts with intoxicated drivers. Chief Phillips further reported that the two officer candidates presently enrolled in the Police Academy will be graduating on Thursday, December 18, 2008 and are then slated for eight weeks of field training prior to becoming fully operational as police officers. Two other officers remain on light duty with resolution of those situations expected this month and the Criminal Administrator is expected to start the first of the year after the background check has been completed. Chief Phillips advised all in attendance to spread the word reminding citizens to lock their vehicles and keep their lights on at night in an effort to discourage criminal activity; a recent rash of criminal activity (rifling through vehicles for change and in some cases actually stealing the vehicle) may have been prevented had the vehicles been locked and had keys not been left with the vehicle. Chief Phillips briefly summarized recent criminal activity reported to the department citing most notably a significant decrease in serious crimes, as well as a significant increase in service calls without a significant increase in crime. President Olinde then inquired about potential criminal activity anticipated at Wal-Mart during the coming holiday season. Chief Phillips responded that tripling manpower on Black Friday at Wal-Mart and surrounding shopping centers had resulted in no thefts being reported at Wal-Mart (or anywhere else in Fruitland) during that twenty-four hour period, thus illustrating the direct impact increased police presence has on reducing criminal activity. Councilman Lokey then inquired whether Fruitland Wal-Mart had experienced a problem similar to Wal-Mart North and Giant shopping centers where thieves would pose as employees gathering carts in order to rob patrons. Chief Phillips stated that Fruitland Wal-Mart Manager Dave Young had increased internal security at Wal-Mart and so far had no reports of "parking lot attendant" thieves.

Deputy Treasurer Caton reported that Thursday, December 11, 2008 was water cut-off day in the Finance Department for non-payment of water bills.

Director of Public Utilities Joseph Derbyshire reported that Spectrashield has utilized 54% of its contract time and has completed 47% of the one hundred twenty-two manholes; coating of the manhole structures could not be performed during rainfall events. He further reported that calendar year 2008 Wastewater Treatment Plant flows through the end of November had averaged 452,000.00 gallons which is approximately 100,000.00 gallons less than our three year average. *Infiltration & Inflow* work appears to have reduced flows by 100,000.00 gallons or 20%. Mr. Derbyshire also stated the bid opening for the Salisbury-Fruitland emergency water line connection had taken place on Wednesday, November 26, 2008. Eleven bids were received with the apparent low bidder being Drill-Tech, Inc. of Chester, MD, submitting a bid of \$247,210.00. The city is responsible for one half of the project cost (\$123,605.00) which would provide a \$101,395.00 savings on our budgeted \$225,000.00 cost share. There was then some discussion regarding the vetting process of the low bidder as well as the project timeline. Manager McDonnell said that the revised memorandum of understanding between Salisbury and Fruitland had been sent by Karen Redderson (City of Salisbury) and was ready for President Olinde's signature; Solicitor Mitchell then summarized the minor revisions that included adding a date, updating Ms. Redderson's title, and rewording of the text to reflect that the bidding had taken place, rather than were to be done.

Public Works Director Townsend reported that due to the upcoming holidays and City closings, trash pickup for Thursday, December 25, 2008 would be moved to Tuesday, December 23, 2008, and trash pickup for Wednesday, December 24, 2008 would remain unchanged (in effect a working holiday); trash pickup for Thursday, January 1, 2009 would be moved to Wednesday, December 31, 2008.

Code Enforcement Officer Scholl presented his building permit report for November 2008, stating 4 permits were issued for a total value of \$19,900.00 and \$163.00 collected in fees. Councilman Lokey then asked Mr. Scholl for a status report on Chestnut Street involving complaints the former Councilman Miciotto is operating a business in a residential district. That generated a somewhat lengthy discussion between councilmembers, staff, and Solicitor Mitchell regarding a possible zoning violation if in fact a business was being run from a particular Chestnut Street property. Solicitor Mitchell and Code Enforcement Officer Scholl

reported that Mr. Micotto reported that he is not operating such a business and that there had been no recent indication of the same. Councilmen Lokey and Carey inquired about information on this subject developed by the Police Department. This matter is concluded unless there are future complaints].

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 by a four to zero vote.

City Manager McDonnell requested **payroll outsourcing** continue to be tabled until he and Deputy Treasurer Caton could better evaluate revenues after December semi-annual tax payments had been received, as well as schedule a site visit to observe another municipality already outsourcing payroll. Ms. Caton also advised that other price estimates were still needed regarding computer interface programs for transfer of information between systems. Councilman Tull moved to table payroll outsourcing; Councilman Carey seconded and the motion passed by a four to zero vote.

OTHER

City Solicitor Mitchell summarized that councilmembers were aware of the litigation in progress resulting from a claim filed against the City, and that the claim was in a very specialized field of law. Mr. Mitchell then requested permission to retain a local attorney with considerable experience in this specialized field to assist and/or takeover the case as may be necessary; he further outlined his plans for incorporating the local attorney's expertise in as cost effective a manner as possible. Solicitor Mitchell's request was granted on a motion by Councilman Lokey that was seconded by Councilman Tull and passed by a four to zero vote.

New Business

President Olinde reported that since the last council meeting two residents, Derek Bland and Ed Cowell, had provided background information and letters of interest in serving on the Planning Commission. As a result of Council review and consideration, President Olinde recommended Derek Bland be appointed to fill the **Planning Commission vacancy**; Mr. Bland's architectural/engineering background was cited as a positive contribution to the Planning Commission. Councilman Lokey then moved to appoint Derek Bland to the Planning Commission; Councilman Tull seconded the motion and Mr. Bland was appointed by a four to zero vote.

Surplus Property-Utilities Department

Wastewater Superintendent George Calloway presented the following items to be declared surplus property:

- 1 – 2000 gallon used gasoline storage tank (*leaks*)
- 1 – 1000 gallon used diesel pump and storage tank
- 1 – 2000 gallon used diesel storage tank (*condition unknown*)
- 1 – used 15 inch computer monitor (*not working*)
- 1 – used desktop PC – brand unknown (*software problems not working*)
- 1 – used Gateway desktop PC (*no hard drive, parts only*)
- 1 – used Toshiba BD5120 copier (*working, needs work*)

President Olinde confirmed with Mr. Calloway that there were no environmental issues with the storage tanks as they were all "above the ground" tanks. After minimal discussion Councilman Tull moved to declare the aforementioned items surplus property and for Messrs. Calloway, Derbyshire, and Townsend to

dispose of the property as they collectively deemed fit, in the best interest of the City. Councilman Lokey seconded and the motion passed on a vote of four to zero.

OTHER

City Solicitor Mitchell reported that Chief Phillips had asked him to look into the possibility of developing an Open Container Law. With Council permission, Mr. Mitchell was prepared to review the Chief's documentation in conjunction with the City's current system, and then prepare a document for first reading or at least consideration at the January 2009 council meeting. Permission was granted by consensus, but without vote, that Mr. Mitchell would proceed as outlined above.

PUBLIC COMMENT

Mr. Bob Marvel offered comment in conjunction with prior discussion regarding the possible business on Chestnut Street, comparing it to a previous situation on Camden Avenue. A modicum of discussion took place between Messrs. Lokey, Marvel, and Mitchell.

With no further business to discuss, President Olinde invited all in attendance to remain for refreshments and fellowship; on behalf of the City and Council he wished everyone a Merry Christmas and a safe and Happy New Year. Councilman Lokey then moved to adjourn. Councilman Tull seconded, and the meeting adjourned at 8:11 p.m. by a four to zero vote.

Respectfully submitted,

Diane C. Nelson
City Clerk