

**FRUITLAND CITY COUNCIL
TUESDAY, APRIL 13, 2010
MINUTES**

The Fruitland City Council met in regular session at City Hall on Tuesday evening, April 13, 2010 at 7:30 p.m. with the following members present:

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

Also present were:

City Solicitor Andrew C. Mitchell Jr., Chief of Police Michael J. Phillips, Deputy Treasurer Amy B. Caton, Director of Public Utilities Joseph P. Derbyshire, Public Works Director P. Cooper Townsend, Wastewater Superintendent George Calloway, Code Enforcement Officer Joe Vogel, Dominic Dilegge from Utilities, and City Clerk Diane C. Nelson.

Our guests included:

Mike and Nicole Bruno, Earl Holland of the Daily Times, Amanda Pollack of George, Miles, and Buhr (GMB), Kimberly Marshall, Donna Hudson, Jeff Shrieves, Robin Townsend, Kerry Nelson, Sheila Nichols, Steven Hoehn, John Bonas, Frances Mezick, and Chuck Nichols.

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

President Olinde acknowledged receipt of the minutes of the Regular Meeting of March 9, 2010, calling for additions or corrections. As there were none, **Councilor Carey moved to adopt the minutes as presented; Treasurer Ortiz seconded and the motion passed on a unanimous vote in favor.**

Treasurer Ortiz delivered the Treasurer's Report.

Cash on Hand 3/01/10	\$ 98,520.05
Deposits	396,787.38
Transfer from Savings	<u>50,000.00</u>
Subtotal	\$ 545,307.43
Disbursements	<u>(408,119.42)</u>
Total Ending 3/31/10	\$ 137,188.01

Councilor Lokey moved to accept the Treasurer's Report as presented. Councilor Carey seconded and the motion passed on a unanimous vote in favor.

Prior to the presentation of Departmental Reports, President Olinde announced that the City had accepted City Manager John McDonnell's resignation, acknowledging the recent article that had appeared in the *Daily Times*. Mr. McDonnell was wished well and the City will now move forward to fill the vacated City Manager position.

City Clerk Nelson delivered the City Manager's Report which included upcoming meetings and events during the month of April 2010 and made special mention of the Fruitland Little League Parade to be held on Saturday, April 17, 2010.

Director of Public Utilities Derbyshire reported on the status of the slip-lining project currently under way, and water turn off in the 400 Block of W. Main Street slated for 6:00-10:00 p.m. on Wednesday, April 14, 2010 to facilitate repairs in and around Walden and Camden Avenues; he noted that the Police Department had been alerted to the street closing.

Public Works Director Townsend reported that mosquito larvicide purported to be effective for Six (6) months, had been applied last week.

Code Enforcement Officer Vogel delivered his report for the month of March 2010 which included statistics for all types of correspondence, meetings, housing inspections, building permits, certificates of occupancy, code violations, and violation notifications. Twenty-three (23) Building Permits were issued for a total value of One Million Five Hundred Fifteen Thousand Six Hundred Ninety-six Dollars (\$1,515,696.00) and Thirteen Thousand Five Hundred Fifty-eight dollars (\$13,558.00) collected in fees; Seventeen (17) of the permits issued were for new dwellings.

Chief Phillips delivered his report for the month of March 2010, noting fluctuations in crime statistics and service calls from prior periods.

UNFINISHED BUSINESS

1. Paid Bill Report

President Olinde acknowledged receipt of the paid bill report. As there were no questions, **on a motion made by Councilor Tull that was seconded by Councilor Carey, the paid bills were approved as listed by a unanimous vote in favor.**

2. Acquisition of Refurbished Police Vehicle

Chief Phillips reported that a company had been located in San Antonio, Texas that could provide a refurbished vehicle within the general parameters that were approved by Council at the March 9, 2010 meeting.¹ All equipment from damaged vehicle #216 was salvaged and can be installed in the refurbished vehicle by City employees. The estimated purchase price of Fourteen Thousand Five Hundred Dollars (\$14,500.00) is Five Hundred Dollars (\$500.00) more than approved at the March 2010 Meeting, but still within the combined total funds of insurance company proceeds and seized drug money which in effect facilitates a cash purchase of the vehicle.

On motion made by Treasurer Ortiz that was seconded by Councilor Carey and approved by a unanimous vote in favor, Council authorized the acquisition of a refurbished Police Vehicle as presented by Chief Phillips.

3. Conversion of Seized Drug Money

Chief Phillips presented his request to convert seized drug money, forfeited through the court system or considered abandoned after a one (1) year period, in the amount of Six Thousand Six Hundred Two Dollars and Forty-three Cents (\$6,602. 43), into City cash funds to be used to purchase the aforementioned refurbished police vehicle.

On motion made by Councilor Tull that was seconded by Councilor Carey and approved by a unanimous vote in favor, Council authorized the conversion of seized drug money to an asset with purchasing power that will enable the acquisition of a refurbished Police Vehicle as presented by Chief Phillips.

4. Adult Business Ordinance No. 246-First Reading

City Solicitor Mitchell read Ordinance No. 246 which reinstates the moratorium on adult oriented businesses established by Ordinance No. 229, as amended by Ordinance No. 233, and previously

¹ Additional information: Minutes March 9, 2010 Council Meeting

extended by Resolutions 3-07, 4-07, and 4-08. The moratorium expired Eleven (11) months ago and the Planning Commission at its April 6, 2010 meeting recommended to the City Council reinstatement of the moratorium.²

On motion made by Councilor Tull that was seconded by Councilor Carey and approved by a unanimous vote in favor, Council moved to adopt the first reading of Ordinance No. 246 as presented, with a Public Hearing for the second reading of Ordinance No. 246 scheduled for Tuesday, May 11, 2010 at 7:40 p.m.

5. Tax Differential

President Olinde summarized the combined efforts of the Town of Delmar, City of Salisbury, and City of Fruitland that began in 1993 toward pursuing a tax differential for taxes paid to the municipality as well as the County for duplicate services such as municipal police officers and county sheriff deputies.³

The Municipal and Financial Services Group (MFSG) completed the study and found a differential amount that could be justified for each of the municipalities, \$0.075 for Salisbury, and \$0.051 for both Delmar and Fruitland.

President Olinde requested permission to send a letter on behalf of the Fruitland City Council to Wicomico County Executive Pollitt, copied to the Wicomico County Council, which would state the City of Fruitland's case for a tax differential.

On motion made by Councilor Tull that was seconded by Treasurer Ortiz and approved by a unanimous vote in favor, Council authorized President Olinde to a send a letter stating Fruitland's case for a tax differential to the County Executive and County Council as presented.

6. Other

Councilor Tull provided an update on the Daily Times practice of throwing out newspapers for household delivery and the litter issue created when additional newspapers are distributed when the first newspaper has never been retrieved; the Daily Times has been contacted about this issue.

NEW BUSINESS

1. Stormwater Regulations

Excerpt from the April 6, 2010 Planning Commission Meeting Minutes:

City Solicitor Mitchell summarized the status of an objection to developer Eric Davis' Camden East storm water management plan (NOI). The City Council has previously supported the developer's plan and thereafter agreed to withdraw a request that the developer deepen and widen Tuxents Branch on the Mills property, in return for the developer posting sufficient funds to do the work later, but only if in making the concession, the parties objecting to the NOI are willing to withdraw their objections. Mr. Mitchell will monitor the progress of the administrative review.⁴

Solicitor Mitchell reported that the issue did go to trial because the objecting party did not accept the City's concession to withdraw the aforementioned developer request, therefore the concession is now void; Mr. Mitchell also summarized correspondence received from Mrs. Littlefield, who had voiced concerns regarding this issue at previous meetings.⁵

² Additional information: Minutes April 6, 2010 Planning Commission Meeting

³ Additional information: Minutes March 9, 2010 Planning Commission Meeting

⁴ Excerpt: Minutes April 6, 2010 Planning Commission Meeting

⁵ Additional information: Minutes April 6, 2010 Planning Commission Meeting

Amanda Pollack of GMB, subpoenaed as a witness at the trial, confirmed that the settlement was definitely not accepted and that the trial is ongoing. Solicitor Mitchell will continue to monitor the proceedings and report back to Council.

2. Nominations for Re-appointments (3) to the Recreation Commission

Recreation Commission Chairman Kerry Nelson nominated Melanie Donophan, Jennifer Scott, and Allen Seaton for re-appointment to the Recreation Commission, noting that all terms had expired March 2010.

There being no comments and with the Recreation Commission's endorsement of the nominees, **on a motion made by Councilor Tull that was seconded by Councilor Carey and approved by a unanimous vote in favor, the Council re-appointed all three (3) nominees to new terms on the Recreation Commission.**

3. Pre-Approval New Announcers Booth

Recreation Commission Chairman Kerry Nelson came forward to endorse and present the Fruitland Falcons request to construct a two-story building at Redmen Field that will presently function as a press box and storage facility that could accommodate the addition of restrooms at a later date; he sought Council approval prior to securing architectural and engineering drawings for the project. Like the several other enhancements to the property that have occurred over the last Two (2) years, the Falcons presented their request already having the funds in place for the Fifty Thousand Dollar (\$50,000.00) project that will become an asset for the City at no cost to the City.

On a motion made by Councilor Carey that was seconded by Treasurer Ortiz and approved by a unanimous vote in favor, the Council granted pre-approval to the Fruitland Falcons for a new announcers booth at the Fruitland Recreation Park.

PUBLIC COMMENT/GENERAL DISCUSSION

Mike Bruno of Redwing Drive followed up on concerns he had shared with the Council at its March 2010 meeting, asking for a designated contact person now that Mr. McDonnell had resigned as City Manager. City Clerk Nelson offered to assist. Council determined by consensus, but without vote, that the Administrative contact person at City Hall would be City Clerk Nelson and acknowledged that Chief Phillips and Code Enforcement Officer Vogel would continue their efforts in resolving the Brunos' concerns.

Kim Marshall of the Recreation Commission reported that she was resuming her secretarial duties for the Commission and also asked for a designated contact person for Recreation Commission issues in light of Mr. McDonnell's resignation; she was directed to City Clerk Nelson. Ms. Marshall then discussed upcoming fundraisers to various events in Fruitland, making tickets available to Council for purchase.

With no further business to discuss, **on motion made by Treasurer Ortiz that was seconded by Councilor Carey and approved by a unanimous vote in favor, the meeting adjourned at 8:07 p.m.**

Diane C. Nelson
Diane C. Nelson, City Clerk
Approved, May 11, 2010 dcn