

**FRUITLAND CITY COUNCIL  
MONDAY, SEPTEMBER 29, 2008  
SPECIAL MEETING  
MINUTES**

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The Fruitland City Council met in special session at City Hall on Monday evening, September 29, 2008 at 7:00 p.m. 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, City Solicitor Andrew C. Mitchell Jr., and City Clerk Diane Nelson.*

Our guests included:

*Bob Marvel.*

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President Olinde called the special meeting to order at 7:01 p.m. for the purpose of conducting a Public Hearing to discuss Ordinance No. 238 pertaining to the Board of Election Supervisors that was given first reading by the City Council at a special meeting that was held on September 17, 2008.

City Solicitor Mitchell proceeded to read Ordinance No. 238, an ordinance pursuant to Fruitland Charter Section 4-2 to authorize the Board of Election Supervisors to appoint such other persons to officiate at registration and elections as may be required.

*Solicitor Mitchell noted that it is already known that Board of Elections Supervisor Alexis Dashield is unable to be present for the duration of the upcoming election to be held on Monday, October 6, 2008, thereby creating a need for enabling legislation to effectively deal with this circumstance as well as other circumstances that may develop from time to time.*

President Olinde then opened the Public Hearing to comments from the floor.

**Bob Marvel of W. Main Street** questioned whether the ordinance would be permanent and why the Board of Election Supervisors did not already have the authority to appoint other persons as may be required.

City Solicitor Mitchell explained that the City Charter did not give the Board the authority to appoint other persons and that the ordinance was necessary to convey the authority to the Board; the ordinance would be permanent, remaining in effect unless the City Council chose to abolish it by ordinance at a later date.

As there was no one else wishing to address the Council, President Olinde closed the Public Hearing, thanked Mr. Marvel for his comments, and then called for questions or comments from the Council prior to the vote.

There being no questions or comments from the Council, **on a motion by Treasurer Ortiz that was seconded by Councilor Tull and approved by a unanimous vote in favor, Ordinance No. 238 was adopted as read becoming effective, September 29, 2008.**

*City Manager McDonnell noted that the Board of Elections Supervisors had proactively scheduled a meeting for September 30, 2008 at 6:30 p.m. in anticipation of the Council adopting Ordinance No. 238.*

Discussion then moved to compensation for Board of Elections Supervisors and included the budget line item for elections, the manner in which the supervisors' daily pay is determined and who has the authority to make that determination according to the City Charter, the procedure for paying an election supervisor for a partial day, and prior years' practices in handling elections in conjunction with budgets and expenses.

After discussion, **on a motion by Councilor Tull that was seconded by Councilor Lokey and approved by a unanimous vote in favor, Council designated One Hundred Fifty Dollars (\$150.00) as the daily pay rate for a full day worked by an Election Supervisor; an Election Supervisor working less than a full day will be paid on a pro-rated basis for the total number of hours worked.**

A five minute recess was declared at 7:20 p.m., at which time City Council President Olinde asked that the City Clerk and the one guest, Bob Marvel, withdraw so that the Council could go into a closed meeting. At 7:25 p.m. the City Council reconvened in open session. Councilman Lokey made a motion to go into closed session to deal with personnel matters and possibly seek legal advice, and the same was seconded by Councilwoman Ortiz, and adopted on a 5-0 favorable vote. At 8:00 p.m. the Council returned to open session from its closed meeting and City Solicitor Mitchell advised that the Council had discussed a personnel matter during closed session.

Thereafter an open discussion ensued between Council Members and City Manager McDonnell concerning the fact that the City had ordered cell phones from Verizon to replace the Nextel models. Each phone would get 200 shared minutes so that the City will have over 9,000 total minutes, and the phones will have the push to talk feature, which Chief Jackson had always thought was a safety concern, especially in an emergency. Council Member Carey advised that he had not needed the old phone and had given it to George Callaway in the Utilities Department. He suggested that his personal telephone number, and that of Councilman Tull, be added to the City's list since they would normally be carrying their own personal Verizon phones and would not incur minutes for talking on City business or other Verizon phones. Council President Olinde stated that he had put his phone in a drawer since he did not have a need to carry two phones or check messages on two phones, but all seemed to agree that they should have a phone available because of the need for the push button feature during an emergency.

City Manager McDonnell explained that Police Chief Phillips has the ability to program the phones to block out improper uses so that the City should not incur large minute uses by people who have no City business need for the same. Council President Olinde and others indicated that all Department Heads, Council Members, City Solicitor, and at least one or two people in the Finance Department should have these phones. The finance clerks use phones to talk with utilities and public works employees in the field, especially when checking meters. City Manager McDonnell indicated that the phones would be free since they were ordered before October 1, 2008, and they anticipated saving Nine Thousand Dollars (\$9,000.00) in usage expense.

City Manager McDonnell stated that the energy savings unit installed at the wastewater treatment plant for a price of approximately Thirty Thousand Dollars (\$30,000.00) was already showing significant savings, and that they anticipate getting the money back in the first two and a half years. They do not expect to place one of these units in the water treatment plant because it would take approximately five or more years to have a return on the money, and they thought it too much. In that time some other device might come along and would be even better.

There was also discussion concerning the fact that Joe Derbyshire's department had just been given a stellar inspection report by the United States Department of Agriculture (USDA). There was a general agreement that Joe's department should be taken to dinner at the Texas Roadhouse at the City's expense. Council President

Olinde suggested that in addition to all of the department members, including Joe and George, City Manager McDonnell should attend. It was also suggested that the Council Members attend, but that was left up in the air, being permissible but not mandatory. The Council suggested trying to get some publicity for this report, and if *The Daily Times* would not run an article about it, City Manager McDonnell has been directed to write a letter to the editor complimenting Joe's department.

Councilman Lokey raised a question as to why Council Members were no longer being invited to the various events such as SWED and Greater Salisbury. Council President Olinde reported that he gets invited to most of those through the bank and never thought about the fact that it was not being passed on to the City. City Manager McDonnell said he would be sure that was taken care of.

Councilman Lokey requested permission to enter the new City property purchased from the Metz family with his metal detector. He agreed that anything of value he finds on the property would belong to the City, and the permission was granted.

Finally, there was some discussion about what to do with the Metz house. City Manager McDonnell was told to look into that. Consideration is to be given to either selling it for salvage, finding someone who might want to buy it to move it, or having people come through the house and buy it piecemeal with the balance to be salvaged.

At 8:27 p.m. Councilman Lokey made a motion for adjournment, which was seconded by Councilman Carey, and passed on a 5-0 vote.

Diane C. Nelson, City Clerk