

The Fruitland City Council met in Regular Session at City Hall on Thursday, January 13, 2011 at 7:30 p.m. with the following members present:

President Richard Lee Outen, Jr., Treasurer Darlene Kerr, Councilor Gloria J. Ortiz, Councilor Raymond D. Carey, and Councilor Edwin A. Cowell

Also present at the table were:

City Manager Rick D. Konrad, Assistant City Manager / City Clerk Diane C. Nelson, Deputy Treasurer Amy B. Caton, Chief of Police Michael J. Phillips, and City Solicitor Andrew C. Mitchell Jr.

Also present in the audience were:

Utilities Director Joseph P. Derbyshire and Code Enforcement Officer Joe Vogel

Our guests included:

Bob Janeski, Sheila Nichols, Earl Holland of the Daily Times, Spencer Rains, and Fruitland Volunteer Fire Company Chief Robin Townsend

President Outen called the meeting to order at 7:38 p.m. and welcomed all in attendance. Councilor Ortiz delivered the opening prayer, and all recited the Pledge of Allegiance.

President Outen acknowledged receipt of the minutes of the Regular Meeting of December 14, 2010, calling for additions or corrections. As there were none, **Councilor Ortiz moved to adopt the minutes as presented; Treasurer Kerr seconded and the motion passed on a unanimous vote in favor.**

<u>Treasurer Kerr</u> delivered the Treasurer's Report.	Cash on Hand 12/01/10	\$ 194,096.69
	Deposits	<u>578,304.20</u>
	Subtotal	\$ 772,400.89
	Disbursements	<u>(522,795.69)</u>
	Total Ending 12/31/10	\$ 249,605.20

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

City Manager Rick Konrad delivered the City Manager's Report which included updates on several ongoing projects, staff communications, and upcoming meetings and events pertinent to Fruitland; discussion ensued relative to ongoing projects.

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

Chief Phillips then reported that the funds conversion request Council had granted him in December 2010, One Thousand Six Hundred Ninety-three Dollars (\$1,693.00) from *Forfeited Funds* to the Department's Fundraising *K-9 Fund*, could not take place as planned since it was discovered that those same funds had been converted at an earlier date by a previous Council for the acquisition of a refurbished police vehicle to replace damaged vehicle #216.

Chief Phillips provided background information and highlights of his communication with Delmar Chief of Police Hal Saylor just prior to presenting a request to Council for the City of Fruitland to accept a donated K-9 vehicle from the Town of Delmar; the Chief also requested Council authorize surplus funds raised for the K-9 Unit to be used to refurbish the donated K-9 vehicle.

After discussion, **on a motion by Treasurer Kerr that was seconded by Councilor Cowell and approved by a unanimous vote in favor, Council accepted the donation of the K-9 vehicle from the Town of Delmar, authorizing the use of surplus funds raised for the Fruitland K-9 Unit for refurbishment of the vehicle.**

Chief Phillips then gave a status report which led to discussion on the repair of the RedSpeed camera equipment which is presently *out of service*.

Chief Phillips acknowledged the recent swearing in of the City's newest Police Officer Tracy Ilczuk.

Utilities Director Derbyshire delivered his monthly report which included mention of the new discharge permit effective January 1, 2011 for the Wastewater Treatment Plant (WWTP) and its anticipated effect on WWTP operations. He also reported that with the onset of the new Legislative Session in Annapolis came discussion of an increase in the Flush Tax from \$30 to \$60; he provided background information on the Flush Tax and again, the anticipated effect on Fruitland operations *plus* the public perception of the same, should the increase come to pass.

Code Enforcement Officer Vogel delivered his report for the month of December 2010 which included information on all types of correspondence, meetings, housing inspections, building permits, certificates of occupancy, code violations, and violation notifications; he also commented on ongoing Code Enforcement related projects.

UNFINISHED BUSINESS

1. Paid Bill Report

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

2. New Police Building – Updates and Action Items

City Manager Konrad reported on the second round bid opening which took place on Thursday, December 16, 2010 at 3:00 p.m. at City Hall, acknowledging Council's receipt of AWB Engineers' endorsement of M L Blades as the low bidder; Mr. Konrad requested Council authorize the City of Fruitland to move forward with M L Blades as the Contractor for the New Police Building, contingent upon United States Department of Agriculture's (USDA's) approval of the Contractor as well as the City's Bridge Loan Financing being fully in place.

After discussion, **on a motion made by Councilor Ortiz that was seconded by Councilor Cowell and approved by a unanimous vote in favor, Council awarded M L Blades the Construction contract for the New Police Building, contingent upon USDA approval and the City's Bridge Loan Financing being fully in place.**

City Manager Konrad continued by summarizing the bid request process and bids received for Builders' Risk Insurance for the New Police Building, requesting Council authorize the City of Fruitland to move forward with the low bid contract quoted through Cooper Insurance.

After discussion **on a motion made by Treasurer Kerr that was seconded by Councilor Ortiz and approved by a unanimous vote in favor, Council approved the purchase of Builders' Risk Insurance from Cooper Insurance as quoted.**

On advise of Counsel, **Treasurer Kerr amended her motion approving the purchase of Builders' Risk Insurance from Cooper insurance as quoted to include *contingent upon USDA approval and the City's Bridge Loan Financing being fully in place*; Councilor Ortiz again seconded the motion and the amended motion carried on a unanimous vote in favor.**

City Manager Konrad continued by summarizing the bid request process, bids received for Construction Inspection Services and the USDA requirements for Construction Inspection, requesting Council authorize the City of Fruitland to move forward with the low bid quoted by Gary Bullard Construction.

After discussion, a motion was made by Councilor Ortiz that was seconded by Councilor Carey and then aborted before the vote was taken on whether to award Gary Bullard Construction the contract for Construction Inspection Services.

On advice of Counsel, Councilor Cowell then moved to award Gary Bullard Construction the contract for Construction Inspection Services *contingent upon USDA approval and the City's Bridge Loan Financing being fully in place*; Councilor Ortiz seconded the motion and the amended motion carried on a unanimous vote in favor.

City Manager Konrad continued by summarizing issues raised and recommendations made by the City's Bond Counsel regarding the Bridge Loan Financing the City wishes to secure from Hebron Savings Bank (HSB); City Solicitor Mitchell clarified and expounded on Bond Counsel's recommendations as presented by Mr. Konrad, particularly the Bond Anticipation Note (BAN) . Messrs. Konrad and Mitchell will continue to report back to Council as updates become available.

3. Maryland Municipal League (MML) Fourth Grade Essay Contest – Banner City Update

City Manager Konrad provided an update on the Fourth Grade Essay Contest, "If I Were City Manger," sponsored by the City of Fruitland as part of the City participating in the MML Banner City Program; Mr. Konrad summarized his request for Council to review the essays in preparation for awarding prizes for the top Three (3) essays submitted.

Mr. Konrad summarized additional MML Banner City requirements and outlined Fruitland's plans to achieve this designation and also to participate in the *2011 Parade of Flags Event* at the MML Convention slated for this June in Ocean City, Maryland, noting that this June may represent Fruitland's first participation in this event.

NEW BUSINESS

1. First Reading Ordinance No. 253 – Adoption of 2009 Edition of the International Building Code

City Solicitor Mitchell provided background information prior to presenting Ordinance No. 253, which repeals Ordinance No. 227 (which adopted the 2003 and 2006 Editions of the International Building Code) and enacts the 2009 Edition of the International Building Code, as amended by the Maryland Building Performance Standards and by the City of Fruitland, highlighting proposed amendments as part of his presentation of the Ordinance.

Discussion centered around the sprinkler requirement which is associated with the 2009 Edition of the International Building Code and included comments regarding Builder, Buyer, Council, and Fire Fighter perspectives on considerations of cost, safety, installation, maintenance, and potential for a *buyer opt-out option* provision.

As discussion concluded, **on motion made by Councilor Ortiz that was seconded by Councilor Carey and approved by a unanimous vote in favor, Council moved to adopt the First Reading of Ordinance No. 253 as presented , with a Public Hearing for the Second Reading of Ordinance No. 253 scheduled for Tuesday, February 8, 2011 at 7:40 p.m.**

2. Facilities Rental Agreement – Discussion Item

City Manager Konrad summarized and presented for discussion a proposed Facilities Rental Agreement which the Recreation Commission endorsed at its December 2010 meeting as a method to generate revenue to pay for maintenance, clean up and trash removal at City facilities. He outlined plans for implementing the proposed new fee structure which goes hand in hand with the City reclaiming the rental of its own fields back from the County, which the City had previously ceded to the County; he also clarified the reciprocity of City fees waived for the County and County assistance to the City for designated tasks, i.e. lining the fields.

Mr. Konrad made special mention that this Facilities Rental Agreement DOES NOT include the Fruitland Falcons Field.

Discussion included insurance requirements, hold harmless wording in the agreement, discounted fees for residents, non-profit organizations and churches, and the impact, if any, on Program Open Space (POS) funding already allocated or potentially available in the future.

Mr. Konrad also summarized for Council recent requests received by the City and the Little League respectively to rent their Concessions to an entrepreneur for onsite and offsite catering; the request was denied because offsite catering has the potential to jeopardize POS funding.

PUBLIC COMMENT/GENERAL DISCUSSION

President Outen commended the combined efforts of the Fruitland Police Department and the Fruitland Fire Company as they dealt with the serious train/auto accident which recently occurred in Fruitland.

Public comments also recognized both departments as "Heroes in the Community."

With no further business to discuss, **Councilor Ortiz moved to adjourn. Councilor Cowell seconded, and with a unanimous vote in favor, the meeting adjourned at 9:08 p.m.**

Diane C. Nelson

Diane C. Nelson, Asst. City Mgr. / City Clerk

Approved, February 8, 2011 dcn