

The Fruitland City Council met in Work Session at City Hall on Tuesday evening, November 9, 2010 at 5:30 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 were:

City Manager Rick D. Konrad, Assistant City Manager/City Clerk Diane C. Nelson, Code Enforcement Officer Joe Vogel, and City Solicitor Andrew C. Mitchell Jr.

President Outen convened the Work Session at 5:35 p.m. for the purpose of discussing Council's position and intended course of action regarding the recently enacted Sign Ordinance No. 248, in preparation for the Regular Meeting at 7:30 p.m.

Discussion included the following:

- comparison of the Old and New Sign Ordinances, Nos. 164 and 248 respectively, and circumstances that led Code Enforcement Officer Vogel to review the Old Sign Ordinance for potential revisions to areas in need of improvement
- clarification that "exempt" in Old Ordinance No. 164 meant exempt from permit but not fee
- plans for the revenues generated by the New Sign Ordinance
- definitions of billboard, portable, temporary, and exempt signs, and associated fees
- definition of billboard in Zoning Ordinance
- "permit fee" part of zoning and "sign fee" part of licensing
- sign inspection schedule and imposition of penalties
- specific examples of recent sign/billboard "issues"
- Planning Commission's recently acknowledged need for a more comprehensive Sign Ordinance to include electronic/lighted/flashing signs
- whether to institute penalty fines instead of license type fees
- including banner and group signs in a comprehensive sign ordinance

After discussion, Council determined by consensus, but without vote, at the Regular Meeting to follow, to move forward with Ordinance No. 252 which will repeal Ordinance No. 248 and reinstate the provisions of Ordinance No. 164, which had previously been repealed by Ordinance No. 248; the issue of a comprehensive sign ordinance would then be referred back to the Planning Commission for its review, deliberation, and subsequent recommendation to Council regarding any future sign legislation to be considered.

Messrs. Konrad, Vogel, and Mitchell gave Council a brief update on communications with the Humane Society and other affected municipalities in conjunction with Dog Ordinance No. 247 slated for Final Approval at the 7:30 p.m. Regular Council Meeting; given all the confusion and misinformation between Agencies yet to be resolved, they recommended Council defer Final Approval until a specified future date, thereby eliminating the need for an additional Public Hearing. Council determined by consensus, but without vote, that at the Regular Meeting to follow, it would defer Final Approval until the January 11, 2011 Regular Council Meeting.

Final Discussion included comments regarding the Tax Differential Issue with the County and the Highway User Revenues Issue with the State of Maryland.

Council recessed the Work Session at 6:45 p.m. in preparation for the Staff Meeting scheduled at 7:00 p.m., just prior to the Regular Council Meetings at 7:30 p.m.

The Fruitland City Council met in regular session at City Hall on Tuesday evening, November 9, 2010 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, Code Enforcement Officer Joe Vogel, Sergeant Christopher D. Shockley, and Officer Jerome Andrew Will

Our guests included:

Tina Callery, Marianna Bromley, Jane and David Bennett, Richard and Margaret Hall, Spencer Rains, Bob Marvel, James A. East, Cameron Meadows, Tom Meadows, Clyde Stevenson, Sherry and John Kolbush, Nancy Chernoff, Dale M. Jones, Ronald Wood, John McIntyre, Richard F. Tull, Rev. Anna M. Foster, Emil Kasper, and John Bonas.

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President Outen called the meeting to order at 7:30 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 October 12, 2010, calling for additions or corrections. As there were none, **Councilor Carey moved to adopt the minutes as presented; Councilor Ortiz seconded and the motion passed on a unanimous vote in favor.**

President Outen then yielded the floor to Chief Phillips and Asst. City Mgr./City Clerk Nelson, who introduced and Administered the Oath of Office respectively to Fruitland Police Officer Jerome Andrew Will.

Treasurer Kerr delivered the Treasurer’s Report.

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| Cash on Hand 10/01/10 | \$ 160,301.37 |
| Deposits | 265,687.61 |
| Transfer from Savings | <u>150,000.00</u> |
| Subtotal | \$ 575,988.98 |
| Disbursements | <u>(377,033.17)</u> |
| Total Ending 10/31/10 | \$ 198,955.81 |

President Outen called for a motion to accept the Treasurer’s Report and Councilor Cowell so moved; as the report was met with general favor by all Councilors, President Outen called for the vote and the Treasurer’s Report was unanimously adopted as presented. *[The vote actually took place at the conclusion of the City Manager’s Report]*

City Manager Rick Konrad delivered the City Manager’s Report which included updates on several ongoing projects, scheduled meetings and events pertinent to Fruitland, and mention of the IT and Website Maintenance Bids to be discussed later during the meeting under New Business, at which time he hoped to secure Council approval to move forward with the contracts.

Chief Phillips delivered his report for the month of October 2010, noting fluctuations in crime statistics and service calls from prior periods, and updates on several open cases.

Utilities Director Derbyshire delivered his monthly report by first noting that AM Liner had completed the Sanitary Sewer Sliplining Project for the City of Fruitland, with the exception of a punch list for repair to several manholes damaged by a previous contractor’s sliplining. Compared to this time last year, the City is experiencing a One Hundred Nine Thousand Gallon (109, 000 gal) reduction in flows, which translates into Two Million Dollars (\$2,000,000) in capital cost savings toward future expansion.

Code Enforcement Officer Vogel delivered his report for the month of October 2010 which included statistics for all types of correspondence, meetings, housing inspections, building permits, certificates of occupancy, code violations, and violation notifications.

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 Carey that was seconded by Councilor Cowell, the paid bills were approved as listed by a unanimous vote in favor.**

2. Sign Ordinance No. 248 –FIRST READING ORDINANCE NO. 252

City Solicitor Mitchell provided background information prior to presenting Ordinance No. 252, which repeals Ordinance No. 248 and enacts in its stead the provisions of Ordinance No. 164, as if Ordinance No. 164 had not been repealed by Ordinance No. 248.

President Outen entertained Public Comment which included a request for advance communication to the Business Community when Council is considering legislation affecting them, community responsibility to participate and keep informed, appreciation for Council's prompt response to the Business Community's concerns, a request for a copy of the Old Sign Ordinance No. 164, and Council's intention to solicit Planning Commission input prior to enacting a new updated and more comprehensive sign ordinance.

There being no further comments, **on motion made by Councilor Ortiz that was seconded by Treasurer Kerr and approved by a unanimous vote in favor, Council moved to adopt the First Reading of Ordinance No. 252 as presented , with a Public Hearing for the Second Reading of Ordinance No. 252 scheduled for Tuesday, December 14, 2010 at 7:40 p.m.**

3. Ordinance No. 247 – Dog Ordinance-Final Approval – Action Item

Solicitor Mitchell provided background information regarding Ordinance No. 247, which amends Ordinance No. 186, which regulates dogs and other animals. He noted that the Ordinance was given First Reading at the September 14, 2010 Council Meeting, followed by a Second Reading given during the October 12, 2010 Public Hearing held to discuss the Ordinance, which resulted in Council deferring final approval of the Ordinance until the November 9, 2010 Council Meeting when the New City Council could render a decision after reviewing the Ordinance inclusive of City Solicitor Mitchell's modifications to sections of the ordinance dealing with temporary housing of animals, newborn animals, and owner responsibility for cleaning up after pets, with the ordinance becoming effective upon completion of Animal Control Officer training.

Since the October Meeting, issues have arisen with the Humane Society in conjunction with the proposed ordinance. Messrs. Konrad and Mitchell summarized the issues that need to be resolved prior to enacting the new legislation and then recommended Council defer Final Approval until a specified future date, thereby eliminating the need for an additional Public Hearing, yet allowing sufficient time to resolve the outstanding issues.

As discussion concluded, **on a motion made by Treasurer Kerr that was seconded by Councilor Cowell and approved by a unanimous in favor, Council deferred final approval of Ordinance No. 247 until the January 11, 2011 Council Meeting.**

4. Recreation Commission Bank Account MOU Approval and Transfer of Building Funds – Action Item

City Manager Konrad presented the Recreation Commission's request for permission to establish a separate bank account to receive, hold, track, and solicit Building Fund Donations for the new Fruitland Recreational Center Project that Recreation Commission Chair Janeski is coordinating; the request came in the form of a Memorandum of Understanding (MOU), submitted for Council approval. Almost Sixteen Thousand Dollars (\$16,000) already collected will be transferred to establish an interest bearing account that is earmarked for the new Recreational Center, yet still under City control; City Manager Konrad requested permission to move forward with the MOU at the next Recreation Commission Meeting and to have Deputy Treasurer Caton prepare to open the account.

On a motion made by Councilor Ortiz that was seconded by Treasurer Kerr and approved by a unanimous vote in favor, Council approved the MOU as presented, authorizing City Manager Konrad and Deputy Treasurer Caton to move forward as requested.

5. New Police Building –Update

Chief Phillips reported that submitted bids were presently being reviewed for award of the contract.

Public Comment included one question regarding the type of building to be constructed, in an attempt to determine if the cost or construction of the roof would be a feasible donation for one president of a local company. *[Council and Staff acknowledged the potential donor's generous offer, but also indicated that the City may not be able to accept the donation as the cost of the roof was part of the bid package]*

NEW BUSINESS

1. City Proclamation for Municipal Government Works Month

City Manager Konrad summarized Fruitland's participation in the Maryland Municipal League's (MML's) Banner City Program and outlined the requirements set forth by the League for qualification as a Banner City, acknowledging that the Proclamation satisfies one such requirement. He then read the City Proclamation declaring November 2010 as Municipal Government Works Month.

On a motion made by Councilor Carey that was seconded by Treasurer Kerr and approved by a unanimous vote in favor, Council adopted the Proclamation as presented.

2. First Reading Ordinance No. 251 – Fruitland Economic Development (FrED) Ordinance

City Solicitor Mitchell summarized that the Commission has requested that Council pass an ordinance approving its mode of operation. Solicitor Mitchell then presented Ordinance No. 251 for First Reading, an ordinance recognizing, ratifying, and authorizing The Fruitland Economic Development Commission (FrED), and providing a framework for operation.

As there were no comments, **on motion made by Councilor Carey that was seconded by Treasurer Kerr and approved by a unanimous vote in favor, Council moved to adopt the First Reading of Ordinance No. 251 as presented, with a Public Hearing for the Second Reading of Ordinance No. 251 scheduled for Tuesday, December 14, 2010 at 7:45 p.m.**

3. Bridge Loan for Police Station – Action Item

City Manager Konrad reported that the City had received Five (5) proposals for Bridge Loan Financing for the New Police Station, which is necessary during the construction period because the United States Department of Agriculture (USDA) loan does not fund until construction is completed; bid tabulations showed Hebron Savings Bank (HSB) to have the most favorable rate. City Manager Konrad requested Council permission to move forward with the paperwork to secure the interim financing for the New Police Station from HSB.

Public Comment and discussion focused on the outcome of the bid opening in conjunction with the USDA loan itself, specifically whether the loan was guaranteed, and if the usage of funds extended to renovations at the existing City Hall.

As discussion concluded, **on a motion made by Councilor Ortiz that was seconded by Councilor Cowell and approved by a unanimous vote in favor, Council authorized City Manager Konrad to proceed as requested in securing the Bridge Loan Financing for the New Police Station from HSB.**

PUBLIC COMMENT/GENERAL DISCUSSION

Recreation Commission Chairman Janeski thanked the Council for establishing the separate Building Fund Account and then provided updates on several of the Commission's ongoing projects; residents' comments included a question about the status of the tax differential issue with Wicomico County.

Final comments led to discussion of the IT and Web Maintenance Bid Awards as mentioned in the City Manager's Report to be awarded later in the meeting under New Business. The question arose as to whether Council had actually approved the bid awards as recommended by City Manager Konrad earlier in the meeting; consensus among Council and Staff was that Council had already approved the Bid Awards as presented. However, to be sure, thereafter **on a motion made by Councilor Cowell that was seconded by Treasurer Kerr and approved by a unanimous vote in favor, Council authorized City Manager Konrad to proceed as requested in awarding the It and Web Maintenance Bids.**

With no further business to discuss, **President Outen called for a motion to adjourn and Councilor Cowell so moved; as the motion was met with general favor by all Councilors, President Outen called for the vote and the meeting was adjourned by a unanimous vote in favor at 8:25 p.m.**

Diane C. Nelson

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

Approved, December 14, 2010 dcn