

**FRUITLAND CITY COUNCIL
TUESDAY, SEPTEMBER 14, 2010
MINUTES**

The Fruitland City Council met in regular session at City Hall on Tuesday evening, September 14, 2010 at 7:30 p.m. with the following members present:

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

Also present 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.

Utilities Director Joseph P. Derbyshire, Public Works Director P. Cooper Townsend, and Code Enforcement Officer Joe Vogel.

Our guests included:

Mac A. Dale, Chuck Nichols, Sheila Nichols, Darlene Kerr, Bob Marvel, Amanda Pollack of George, Miles, and Buhr (GMB), Bob Janeski, Joe Jimmerson, R. Lee Outen, Spencer Rains, Charles Carroll, Kerry Nelson, Dale M. Jones, John E. Bonas, Frances Mezick, Leland Bonneville, and Earl Holland of The Daily Times.

President Olinde called the meeting to order at 7:35 p.m. and welcomed all in attendance; he then invited all to join him in reciting The Lord's Prayer followed by The Pledge of Allegiance.

President Olinde acknowledged receipt of the minutes of the Regular Meeting of August 10, 2010, calling for additions or corrections. As there were none, **Councilor Lokey moved to adopt the minutes as presented; Councilor Carey seconded and the motion passed on a four to zero vote in favor.**

Deputy Treasurer Caton delivered the Treasurer's Report.

Cash on Hand 8/01/10	\$ 249,354.36
Deposits	938,690.19
Transfer from Savings	<u>150,000.00</u>
Subtotal	\$ 1,338,044.55
Transfer to Savings	(700,000.00)
Disbursements	<u>(495,089.42)</u>
Total Ending 8/31/10	\$ 142,955.13

Councilor Tull moved to accept the Treasurer's Report as presented. Councilor Carey seconded and the motion passed on a four to zero 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.

Chief Phillips delivered his report for the month of August 2010, noting fluctuations in crime statistics and service calls from prior periods, and updates on several departmental sponsored projects.

Utilities Director Derbyshire delivered his monthly report which included updates on several ongoing projects, the most notable being the additional One Hundred Thousand Dollars (\$100,000.00) of grant funding awarded the City of Fruitland from the State of Maryland Department of Public Works for additional pipelining as part of the Infiltration and Inflow (I & I) Project; a related budget amendment request will be addressed under New Business.

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

Public Hearing Ordinance No. 248 – Sign Ordinance - 7:40 p.m.

At 7:40 p.m. President Olinde convened a Public Hearing to discuss Ordinance No. 248, which was given First Reading at the August 10, 2010 Council Meeting, and which repeals Ordinance No. 164 and enacts in its stead an ordinance providing for a new annual license fee scheme for advertising signs within the City, including signs which are mobile, and/or temporarily providing for limitation of placement of said signs, and providing penalties for violation of the ordinance as municipal infractions.

After City Solicitor Mitchell presented Ordinance No. 248 for Second Reading, President Olinde opened the floor for public comment; after discussion, President Olinde closed the Public Hearing and called for the motion.

On a motion by Councilor Carey that was seconded by Councilor Tull and approved by a four to zero vote in favor becoming effective September 14, 2010, Ordinance No. 248 was adopted with modifications to Section I, Paragraph 3 and Section IV as articulated by Solicitor Mitchell.

First Reading Ordinance No. 247 – Dog Ordinance - 7:50 p.m.

City Solicitor Mitchell provided background information prior to presenting Ordinance No. 247, which amends Ordinance No. 186, which regulates dogs and other animals by retaining certain rights, and authorizing concurrent jurisdiction with Wicomico County, Maryland.

After discussion, **on motion made by Councilor Tull that was seconded by Councilor Lokey and approved by a four to zero vote in favor, Council moved to adopt the First Reading of Ordinance No. 247 as presented with clarification in Section VI as to what constitutes the wearing of a license, with a Public Hearing for the Second Reading of Ordinance No. 247 scheduled for Tuesday, October 12, 2010 at 7:40 p.m.**

First Reading Ordinance No. 249 – Property Upkeep - 8:00 p.m.

City Solicitor Mitchell presented Ordinance No. 249, which amends Property Maintenance Ordinance No. 236, by requiring property owners whose property abuts a sidewalk or curb to maintain same free of grass and weeds.

On motion made by Councilor Carey that was seconded by Councilor Lokey and approved by a four to zero vote in favor, Council moved to adopt the First Reading of Ordinance No. 249 as presented, with a Public Hearing for the Second Reading of Ordinance No. 249 scheduled for Tuesday, October 12, 2010 at 7:45 p.m.

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 four to zero vote in favor.**

2. Tax Differential-Update

City Manager Konrad reported that the City of Salisbury has rescheduled the meeting slated to discuss the conclusions of the Tax Differential Study from Thursday, September 30, 2010 to Thursday, October 28, 2010. Street); a representative from the consulting firm which conducted the Study is expected to be in attendance to summarize the study findings and address any questions.

3. Election Update

Assistant City Manager / City Clerk Nelson summarized the 2010 Election Schedule and then the Ethics Commission's certification of the final Seven (7) Candidates for Election to the City Council; the Candidates were named and those in attendance were invited to stand and be recognized.

4. Credit Card Processing Update

City Manager Konrad summarized the activity, cost analysis, and discussion of benefits to residents and the City which has been undertaken in preparation for initializing Credit Card Processing at the City, beginning with water bills and later expanding to include tax bills and online payment processing for both bill types; Mr. Konrad requested permission to sign the contract and move forward with the project.

After discussion, **on a motion made by Councilor Tull that was seconded by Councilor Lokey and approved by a four to zero vote in favor, Council authorized City Manager Konrad to sign the contract and move forward with the project as requested.**

5. New Police Building

a. Resolution 02-10 Intent to Reimburse (Update Amount)

City Manager Konrad and City Solicitor Mitchell summarized and explained the need to update by legislation the amount the City of Fruitland is allowed to reimburse itself from bond money whenever funds are borrowed for a particular project, in this case the New Police Building and site development to allow for expansion of the facility to potentially house a future City Hall; Resolution 02-10 increases the project amount from Two Million Five Hundred Thousand Dollars (\$2,500,000.00) as stated in Resolution 02-09, to Two Million Eight Hundred Thousand Dollars (\$2,800,000.00).

After discussion, **on a motion made by Councilor Carey which was seconded by Councilor Lokey and approved by a four to zero vote in favor becoming effective today's date, September 14, 2010, Council moved to adopt Resolution 02-10 as presented.**

b. General Update

Chief Phillips reported that the City is awaiting notification from the United States Department of Agriculture (USDA) before proceeding to the next phase of the project; City Manager Konrad acknowledged receipt of USDA communication which he and the Chief will review tomorrow as there had not been sufficient time to do so prior to tonight's meeting; Council will be updated accordingly.

6. New Bennett Middle School – Progress Update

A progress meeting is scheduled for Tuesday, September 28, 2010 at 7:00 p.m. at City Hall which will include representatives from the Wicomico County Board of Education (WCBOE), the Fruitland Fire Company, and City Officials and Staff in order to review the Memorandum of Understanding (MOU) between the City and the WCBOE in conjunction with the results of the completed Traffic Study, overall Fire Company concerns, and a tentative timetable for completion of the project; the public is invited to attend.

NEW BUSINESS

1. Fruitland Primary School Traffic Plan – Discussion Item

2. Fruitland Intermediate School Traffic Plan – Discussion Item

City Manager Konrad summarized traffic control and safety issues which WCBOE engineers, the Fruitland Fire Company and Chief Phillips are actively addressing for both schools, with total resolution of these issues expected sometime next year.

3. **Wicomico County Radio Tower donation to/acceptance by Fruitland Police – Discussion Item**

Chief Phillips summarized events which led to Wicomico County authorizing the donation of surplus property, a One Hundred foot (100-foot) tall radio communications tower, to the City of Fruitland, subject to a signed agreement designating the City responsible for all costs associated with the relocation of the tower. Chief Phillips presented Three (3) cost estimates for disassembly and relocation of the tower to Fruitland, to be stored until reassembled at a later date for installation at the New Police Building.

After discussion and confirmation from Chief Phillips that there was money available in the Police Department Budget to support the lowest cost estimate of One Thousand Four Hundred Fifty Dollars (\$1,450,00) for tower relocation, **on a motion made by Councilor Tull which was seconded by Councilor Lokey and approved by a four to zero vote in favor, Council approved the acceptance of the tower donation and the expenditure of funds for tower relocation as presented, with Chief Phillips authorized to sign the donation agreement with the County and to expend funds to relocate the tower.**

4. **Wicomico County Housing Authority Owned Homes – Update**

City Manager Konrad summarized the Housing Authority's plans for rehabilitation of its Seven (7) Fruitland homes, which is contingent solely upon the Housing Authority being awarded grant funding to finance the rehabilitation of these homes.

5. **Surplus Equipment – Police Department**

a. **Firearms – Sale to Sworn Officers**

Chief Phillips presented his request to declare outdated departmental firearms as surplus property and to make those firearms available for sale to sworn officers within the department, to be purchased for use as their own personal back up weapon on or off duty; leftover firearms, damaged or otherwise function, would be disposed of through the sale of the firearms to a Federal Firearms Dealer.

After discussion, **on a motion made by Councilor Tull which was seconded by Councilor Lokey and approved by a four to zero vote in favor, Council declared the firearms surplus property as requested, authorizing Chief Phillips to offer the weapons for sale to sworn officers within the department for Two Hundred Fifty Dollars (\$250.00), with any leftover firearms being sold to a Federal Firearms Dealer at the best prevailing rate.**

b. **ID Machine and cameras**

Chief Phillips presented his request to declare an ID Machine, camera equipment and accessories as surplus property, to be destroyed because they are broken and cannot be used.

On a motion made by Councilor Tull which was seconded by Councilor Lokey and approved by a four to zero vote in favor, Council declared the ID Machine, camera equipment and accessories surplus property as requested, authorizing Chief Phillips to destroy the already broken and inoperable items.

6. **Budget Amendment – Infiltration and Inflow (I & I) Project-Action Item**

Utilities Director Derbyshire summarized the need for a budget amendment authorizing the use of Fourteen Thousand Dollars (\$14,000.00) of Sewer Impact Fee Reserves for additional engineering fees as proposed by GMB which are directly associated with the additional One Hundred Thousand Dollars

(\$100,000.00) of grant funding awarded the City of Fruitland for additional pipelining mentioned earlier in the meeting; the engineering fees are not covered in the grant nor were they allocated in the current budget. City Auditor Jack Layton recommends the budget amendment which will re-allocate the funds as presented.

On motion made by Councilor Tull which was seconded by Councilor Carey and approved by a four to zero vote in favor, Council moved to accept GMB's additional engineering proposal, and authorized the budget amendment as recommended by City Auditor Jack Layton with Deputy Treasurer Caton re-allocating the funds from Sewer impact Fee Reserves to Engineering Expense, making the appropriate notations in the General Ledger to the original budget.

7. Fruitland Economic Development Commission (FRED) - Update

City Solicitor Mitchell summarized that the Commission met earlier today and determined that it would like to request Council pass an ordinance approving its mode of operation. Solicitor Mitchell would like to present it for First Reading at the October 12, 2010 Council Meeting and President Olinde scheduled it for 7:50 p.m.*

[Since the September Meeting, a Public Hearing for Ordinance No. 250 has been advertised for October 12, 2010 at 7:50 p.m., therefore the First Reading will be re-scheduled for 7:55 p.m.]

PUBLIC COMMENT/GENERAL DISCUSSION

One Fruitland resident addressed the Council regarding an ongoing property upkeep/parking issue in his neighborhood.

With no further business to discuss, **Councilor Lokey moved to adjourn. Councilor Carey seconded, and with a four to zero vote in favor, the meeting adjourned at 9:10 p.m.**

Diane C. Nelson
Diane C. Nelson, Asst. City Mgr. /City Clerk
Approved, October 12, 2010 dcn