

The Fruitland City Council met in Regular Session at City Hall on Tuesday, March 8, 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, Code Enforcement Officer Joe Vogel, and Wastewater Superintendent George Calloway*

Our guests included:

*Bob Marvel, Janet and David Bennett, Amanda Pollack of George, Miles, and Buhr (GMB) and the Fruitland Chamber of Commerce, Dizzy Brombley of the Fruitland Chamber of Commerce, Darren Disney, Richard F. Tull, Earl Holland of the Daily Times, John Bonas, and Fruitland Volunteer Fire Company Chief Robin Townsend*

President Outen 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 Outen yielded the floor to Dizzy Brombley and Amanda Pollack, President and Vice President respectively of the Fruitland Chamber of Commerce, who presented a Five Hundred Dollar (\$500.00) Chamber donation to Fruitland Police Chief Phillips for the Police Department K-9 Fund.

President Outen then acknowledged receipt of the minutes of the Regular Meeting of February 8, 2011, 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.**

<b><u>Treasurer Kerr</u></b> delivered the Treasurer's Report.	Cash on Hand 2/01/11	\$ 521,116.50
	Deposits	<u>728,758.06</u>
	Subtotal	\$ 1,249,874.66
	Disbursements	(428,778.56)
	Transfer to Savings	<u>(645,000.00)</u>
	Total Ending 2/28/11	\$ 176,096.10

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

**City Manager Konrad** delivered the City Manager's Report, which was followed by presentation of Departmental Reports from **Chief Phillips, Deputy Treasurer Caton, Utilities Director Derbyshire, and Code Enforcement Officer Vogel.**

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

### **2. Ordinance No. 253 – 2009 Edition of the International Building Code – Final Approval**

City Solicitor Mitchell presented Ordinance No. 253 for Council consideration for Final Approval, highlighting proposed amendments in general, as well as amendments dealing specifically with provisions, and notification to the Public of those provisions, which require the installation of residential automatic fire sprinkler systems in newly constructed single family dwellings, but permit an Owner/Buyer Opt-Out provision.

**On a motion by Councilor Carey which was seconded by Treasurer Kerr and approved by a unanimous vote in favor becoming effective April 1, 2011, Council adopted Ordinance No. 253 as presented.**

### **3. Resolution No. 01-11 – Establishing School Zones for Purpose of Speed Enforcement**

City Solicitor Mitchell presented for Council consideration Resolution No. 01-11, which establishes school zones which are compliant with current laws governing speed enforcement and placement of signs designating the enforcement areas.

**On a motion by Councilor Cowell which was seconded by Treasurer Kerr and approved by a unanimous vote in favor becoming effective March 8, 2011, Council adopted Resolution No. 01-11 as presented.**

### **4. Resolution No. 02-11 – Bond Anticipation Note (BAN) Resolution – New Police Building**

City Solicitor Mitchell presented for Council consideration the *Reasonable Summary* contained in the title of Resolution No. 02-11 as is customarily allowed for presentation of a lengthy Bond Anticipation Note (BAN), summarizing that the Resolution sets out the specifics of the BAN pursuant to Ordinances No. 237 and No. 250, which established the legal requirements for the BAN which would be adopted by Resolution at some future date.

**On a motion by Treasurer Kerr which was seconded by Councilor Cowell and approved by a unanimous vote in favor becoming effective March 8, 2011, Council adopted Resolution No. 02-11 as presented.**

### **5. Bid for City Hall Electrical Improvement – Action Item**

City Manager Konrad presented the final bid tabulation which supported his request to Council to award the bid to Eastern Shore Electrical for the City Hall Electrical Improvements Project, which will allow around the clock lighting of the flagpole, upgrades to the City signage lighting, and installation of new outlets to accommodate the new lighting to be purchased by the Fruitland Chamber of Commerce for the City of Fruitland.

**On a motion by Councilor Carey which was seconded by Councilor Ortiz and approved by a unanimous vote in favor, Council awarded the bid to Eastern Shore Electrical for the City Hall Electrical Improvements as requested.**

## **6. Facilities Rental Agreement Approval – Action Item**

City Manager Konrad presented for Council consideration a comprehensive Facilities Use Agreement, endorsed by the Recreation Commission for use in conjunction with requests to use Fruitland Recreational Facilities, highlighting components of the agreement aimed at garnering funds for future maintenance and repairs as well as components aimed at maintaining public safety.

**On a motion by Councilor Ortiz which was seconded by Treasurer Kerr and approved by a unanimous vote in favor becoming effective April 1, 2011, Council approved the Facilities Rental Agreement as presented.**

## **7. Other**

City Manager Konrad provided background information and summarized the need to formally award the Construction Contract for the New Police Building to M. L. Blades at their original bid price submitted and tabulated at the bid opening on December 16, 2010; Mr. Konrad explained that the company had been the low bidder prior to the completion of the extensive review process, that although customary to projects associated with the United States Department of Agriculture (USDA), had overrun the 60-Day window on the original bid; he outlined the recommended course of action endorsed by the City's Solicitor and the City's Project Engineer.

**On a motion by Treasurer Kerr that was seconded by Councilor Ortiz and approved by a unanimous vote in favor, Council formally awarded the Construction Contract without "acceptance contingencies" to the low bidder, M. L. Blades, at its original December 16, 2010 bid price on which the contract was to be awarded, and if M. L. Blades fails to comply with the terms of the bid, which are to execute the contract and supply a performance bond within Ten (10) Days, the City may then move directly on to formally award the Construction Contract to the second low bidder, Harkins, at its bid price on which the contract was to be awarded, whereby Harkins would be bound to comply with the same terms of the bid, which are to execute the contract and supply a performance bond within Ten (10) Days, and whereby Harkins would also be requested to agree to hold the bid price for at least Thirty (30) Days and possibly up to Sixty (60) Days, to allow for the United States Department of Agriculture (USDA) to clear Harkins as the Construction Contractor.**

*City Solicitor Mitchell acknowledged for the record that should the City be unable to award the Construction Contract as outlined above and end up with no bidder to be awarded the contract, City Bond Counsel Lindsey Rader of Funk & Bolton is aware that the BAN Resolution may have to be amended or possibly even rescinded, since the project may not move forward at all.*

## **NEW BUSINESS**

### **1. Recreation Commission Expenditure Requests – Action Item**

City Manager Konrad provided background information and then presented Recreation Commission Expenditure Requests to Council for the purchase of Easter Eggs for the Annual Easter Egg Hunt and the Field Improvement Rehabilitation of Two (2) Fields at the Park Annex.

**On a motion by Councilor Ortiz which was seconded by Councilor Carey and approved by a unanimous vote in favor, Council approved the Field Improvement Rehabilitation expenditure for Two (2) Fields as requested, at a maximum cost of Three Thousand Dollars (\$3,000.00) per field, not to exceed a combined Project Expenditure of Six Thousand Dollars (\$6,000.00).**

**Thereafter on a motion by Councilor Cowell which was seconded by Treasurer Kerr and approved by a unanimous vote in favor, Council approved the Five Hundred Fifty Dollar (\$550.00) expenditure for the purchase of Easter Eggs as requested.**

**2. Electric Demand Response Proposal – Action Item**

City Manager Konrad presented for Council consideration the proposal submitted from ENERNOC for the City's Waste Water Treatment Plant (WWTP) to participate in a regional energy grid management program which would pay the City for taking itself off the grid upon request, and then running on its own generator to help prevent regional black outs during periods of high demand; there would be no penalty assessed should the City be unable to comply with any given request. The City Manager also discussed Two (2) other similar proposals and why they were less favorable to the City.

**On a motion by Councilor Ortiz which was seconded by Councilor Carey and approved by a unanimous vote in favor, Council approved the ENERNOC Electric Demand Response Proposal as presented.**

**3. Bid for City Signage Replacement – Action Item**

City Manager Konrad outlined his plan for replacement of City Signage as he recommended Council move forward with Redwood Burl Woodworks, Inc. in replacing the City's Northern Entrance Sign located on Rt. 13 and installing the City Seal Sign on City Hall, reflected as *the Base Bid 4 X 6 Cedar Sign* and *the Alternate 4' Sign* respectively, on the Signage Bid Tabulation sheet; Mr. Konrad suggested deferring the replacement of the City's Southern Entrance Sign located on Rt. 13 until next year's budget cycle.

**On a motion by Treasurer Kerr which was seconded by Councilor Ortiz and approved by a unanimous vote in favor, Council approved the bid award to Redwood Burl Woodworks, Inc. for the Base Bid 4 X 6 Cedar Sign and the Alternate 4' Sign as presented.**

**4. Fire Loss – Equipment Replacement Purchases – Action Item**

City Manager Konrad first summarized the progress to date in repairing and/or replacing City vehicles and equipment damaged during the January 2011 Fire at the Public Works Facility on Shady Lane and then presented his detailed recommendations to Council for the purchase of replacement mowers and tractors prior to the start of this year's grass cutting season soon to be underway. His recommendations compared the pros and cons of various vendor proposals.

**On a motion by Councilor Cowell which was seconded by Councilor Carey and approved by a unanimous vote in favor, Council approved the Burke Equipment expenditures as requested, authorizing the City Manager to purchase Two (2) Mowers, a Diesel Tractor and a Flail mower, utilizing Maryland State Contracts as presented.**

**5. Eastern Shore Regional GIS (Geographic Information System) Cooperative [ESRGC] – Proposal to Provide Updates to Municipal GIS Layers for Fruitland, Maryland – Discussion/Action Item**

City Manager Konrad provided background information on the GIS Spatial Data Layers originally established by Salisbury University for the City of Fruitland, which include computer access to City Boundaries, Water, Sewer, and Storm Water System Configurations, and Tax Parcel Boundaries, and recommended the City move forward with Part A of the proposal, which would update the GIS Layers of the aforementioned City Infrastructures which have not been updated in Three (3) years; Chief Phillips, Utilities Director Derbyshire and Amanda Pollack of GMB shared additional comments regarding how utilization of the GIS Layers could positively impact the City. They also provided information concerning the proposed system's compatibility with other systems which the Police and Utility Departments may want to review In the future.

**On a motion by Councilor Ortiz which was seconded by Councilor Cowell and approved by a unanimous vote in favor, Council approved Part A of the Proposal as requested.**

## 6. Other-Announcement

City Solicitor Mitchell announced that he will be relocating his office to 311 E. Main Street in Fruitland, effective May 1, 2011, but anticipates that he will be at that location on a part-time basis sometime in April.

### PUBLIC COMMENT/GENERAL DISCUSSION

Public Comments included a question in reference to project expenditures approved during this meeting and whether money was allocated in the budget for these expenditures, a request for assistance with a Noise Ordinance related issue, a request for assistance with eliminating unwanted free newspapers tossed in yards, a question about the status of Police Inter-Agency communications, questions regarding front foot assessments on the property slated for the new Bennett Middle School and the status of the Camden Interceptor pumping station in light of the Bennett Middle School Project being potentially stalled\*, and an expression of gratitude for Council's position on the Residential Sprinkler Issue.

*\*President Outen acknowledged for the record that a Pre-Bid Meeting was scheduled this week and that the City continues to be advised by the Wicomico County Board of Education (WCBOE) to proceed.*

Closing comments from Council included final remarks regarding the Residential Sprinkler Issue.

With no further business to discuss, **Councilor Carey moved to adjourn. Treasurer Kerr seconded, and with a unanimous vote in favor, the meeting adjourned at 9:05 p.m.**

*Diane C. Nelson*

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

*Approved, April 12, 2011 dcn*