

The Fruitland City Council met in Regular Session at City Hall on Tuesday, April 12, 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:

Bunky Nielsen, Donnie Williams, Rick Insley, Richard Insley, Jr., Dizzy Bromley of the Fruitland Chamber of Commerce, Bob Marvel, Amanda Pollack of George, Miles, and Buhr (GMB) and the Fruitland Chamber of Commerce, Kris Adams, Ingrid H. Balea, Spencer Rains, Erika Campbell, John Bonas, and Earl Holland of the Daily Times

President Outen called the meeting to order at 7:39 p.m. and welcomed all in attendance; Councilor Ortiz delivered the opening prayer, and all recited 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 trophies for First, Second, and Third Place in the Annual Fruitland Chamber of Commerce Easter Parade which was held on Saturday, April 9, 2011.

President Outen then read a Proclamation from the City Council recognizing the week of May 1 through May 7, 2011, as Municipal Clerks' Week, and extending appreciation to City Clerk Nelson and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

President Outen then acknowledged receipt of the minutes of the Regular Meeting of March 8, 2011 and the Special Meeting of February 22, 2011, calling for additions or corrections. As there were none, **Councilor Ortiz moved to adopt the minutes as presented; Councilor Cowell seconded and the motion passed on a unanimous vote in favor.**

Treasurer Kerr delivered the Treasurer's Report.

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|----------------------|----|---------------------|
| Cash on Hand 3/01/11 | \$ | 176,096.10 |
| Deposits | | <u>689,038.11</u> |
| Subtotal | \$ | 865,134.21 |
| Disbursements | | (477,746.28) |
| Transfer to Savings | | <u>(200,000.00)</u> |
| Total Ending 3/31/11 | \$ | 187,387.93 |

Councilor Carey moved to accept the Treasurer's Report as presented. Councilor Ortiz 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 Ortiz, the paid bills were approved as listed by a unanimous vote in favor.**

2. Well Rehabilitation Project Bid Approval – Action Item

City Manager Konrad acknowledged Council's receipt of the Bid Tabulation for the Well Rehabilitation Project and Utilities Director Derbyshire's recommendation to award the contract to the low bidder, A. C. Schultes of Delaware, Inc.

Mr. Derbyshire acknowledged that the low bidder's proposal to utilize "high velocity jetting" as the method of well screen and gravel pack cleaning to restore well hydraulic capacity represents a significant cost savings to the City; Mr. Konrad also acknowledged that there is money in the current fiscal year budget for this project .

On a motion by Councilor Carey which was seconded by Councilor Cowell and approved by a unanimous vote in favor, Council awarded the contract for Well Rehabilitation to A. C. Schultes of Delaware, Inc., in the amount of Thirty-six Thousand Nine Hundred Dollars (\$36,900.00) as presented and recommended.

On an additional motion by Treasurer Kerr which was seconded by Councilor Ortiz and approved by a unanimous vote in favor, Council authorized City Manager Konrad to sign the recently awarded contract for Well Rehabilitation with A. C. Shultes of Delaware, Inc.

3. Other?

City Solicitor Mitchell acknowledged the correction of a typographical error on a recently passed ordinance which became effective April 1, 2011; the date of the Public Hearing was corrected from February 22, 2011 to February 8, 2011 and Council signatures were obtained on the corrected copy of the ordinance.

NEW BUSINESS

1. Homeowners' Request for Front Footage Adjustment – Brian Campbell and Paul Curtis

Messrs. Campbell and Curtis were not in attendance to present their request; therefore **on a motion by Councilor Ortiz which was seconded by Councilor Cowell and approved by a unanimous vote in favor, Council tabled consideration of their Front Footage Adjustment Request until such time as both gentlemen could be in attendance at a meeting.**

2. W. Main Street Storm Drain Improvement (Extension for Easement Agreement – Donnie Williams)

Donnie Williams presented his request for a waiver of the portion of the Public Works Agreement which requires the offsite storm drain improvements be completed prior to the City issuing Occupancy Permits for the Camden Landing development, given the current status of obtaining the necessary easement agreements, the Wicomico County Board of Education's (WCBOE's) stipulations for completion of the offsite work, changes in storm water regulations and Notice of Intent (NOI) permit requirements for

discharge of service water since the issuance of the Maryland Department of the Environment (MDE) stormwater permit which expires April 2012, and most importantly the inability to secure project financing without the waiver.

City Manager Konrad provided an update regarding the WCBOE's stipulations for completion of the offsite work, which included a Memorandum of Understanding (MOU) indicating that the work would be completed outside of the academic year and before or in conjunction with the planned upgrade for the school's parking lot, and the progress to date in obtaining the easement agreements.

On a motion by Councilor Cowell which was seconded by Councilor Ortiz and approved by a unanimous vote in favor, Council authorized Solicitor Mitchell to develop a new Public Works Agreement incorporating Council's discussion this evening of allowing the issuance of Building and Occupancy Permits until such time as easements are in place and the window of opportunity is available from the WCBOE for completion of the offsite work; once the offsite work begins, no new Building permits will be issued until the offsite work is completed.

Solicitor Mitchell acknowledged that preparation of the Public Works Agreement would be at the developer's expense, that the amount of the letter of credit would be verified as still sufficient to guarantee the project. The developer acknowledged that he would have to appear before the Council at a later time should he still wish to transfer unallocated Equivalent Dwelling Units (EDUs) from his Camden Landing Project to his Camden Station Project, since that procedure had not progressed beyond the Planning Commission.

3. 207-209 N. Dulany Avenue – Rezoning Request – Bunky Nielsen

Mr. John "Bunky" Nielsen of BN Properties presented his request that 207-209 N. Dulany Avenue be rezoned from C-2, Neighborhood Business, to R-2, Multi-Family Residential, to accommodate construction of a duplex unit if possible on his L-shaped lot at 207-209 N. Dulany Avenue; the property is presently zoned C-2 *Neighborhood Business*, but slated, in accordance with the City's Comprehensive Plan, to be designated a *Residential Zone* at some unspecified date in the future.

Upon presenting his request at the April 5, 2011 Planning Commission Meeting, Mr. Nielsen received a favorable recommendation from the Planning Commission to the City Council for approval of his request.

After discussion, **on a motion by Councilor Cowell which was seconded by Councilor Ortiz and approved by a unanimous vote in favor, Council approved the rezoning of the 207-209 N. Dulany Avenue property from C-2, Neighborhood Business, to R-2, Multi-Family Residential.**

Solicitor Mitchell clarified later in the meeting that Council approval of the Rezoning Request, because it is a Proposed Zoning Change, must be treated as an adoption of the First Reading of the Proposed Zoning Change, followed by the scheduling of a Public Hearing; President Outen set the Public Hearing for Tuesday, May 10, 2011 at 7:45 p.m.

4. Fire Loss – Equipment Replacement Purchase(s)

Utilities Director Derbyshire summarized the operational necessity for replacement of the Portable Emergency Bypass Pump; Messrs. Konrad and Calloway summarized the operational method for obtaining competitive pricing for the specialty item pump, followed by a recommendation to purchase from the lowest priced vendor, Godwin Pump, contingent upon insurance proceeds being used for the purchase.

On a motion by Councilor Ortiz which was seconded by Treasurer Kerr and approved by a unanimous vote in favor, Council approved the Thirty-five Thousand Seventy-six Dollar and Ninety Cent (\$35,076.90) Godwin Pump purchase, contingent upon receipt of the insurance proceeds prior to the purchase of the pump.

5. Recreation Commission

a. Basketball Program Expenditure Request – Action Item

City Manager Konrad provided background information and then presented the Recreation Commission’s budgeted expenditure request for Two Thousand Six Hundred Ninety-three Dollars and Seventy-six Cents (\$2,693.76) for the rental of Fruitland Primary School, the venue for the Commission’s annual Basketball Program.

After discussion, **on a motion by Councilor Carey which was seconded by Councilor Cowell and approved by a unanimous vote in favor, Council approved the Basketball Program Expenditure Request as presented.**

b. Appointment of New Member(s) – Action Item

City Manager Konrad presented the Recreation Commission’s unanimous recommendation for the appointment of Stephen Brown to the Commission; Mr. Brown will be Fruitland Little League’s Representative on the Commission, replacing outgoing representative Chris Tyler.

After discussion which included the manner in which representation is solicited on the Recreation Commission, **on a motion by Councilor Ortiz which was seconded by Councilor Cowell and approved by a unanimous vote in favor, Council appointed Stephen Brown to the Recreation Commission, as the Fruitland Little League Representative on the Commission as presented.**

6. Landlord Licensing – Discussion Item

City Manager Konrad initiated discussion by acknowledging that Council’s request for information to review in conjunction with Landlord Licensing resulted in their receipt of statistical data regarding the *Number of Landlords* and the *Number of Rental Units* in Fruitland, as well as documentation from the *City of Salisbury* pertaining to the administration of Landlord Licensing in its municipality.

Councilors then shared their views and concerns regarding the necessity for Landlord Licensing.

Several people spoke to the Council and shared their views and concerns from a Landlord/Rental Industry/Mobile Home Park Owner perspective; one Homeowner raised a concern regarding vacant properties which are bank owned due to foreclosure.

With no further Public Comment, General Discussion, or business to discuss, President Outen thanked all for attending prior to calling for a motion for a short recess at 10:00 p.m. to clear the Council Chambers so the Council could go into Closed Session to discuss personnel matters; Councilor Cowell so moved, Treasurer Kerr seconded, and the motion passed on a unanimous vote in favor.

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At 10:15 p.m. the City Council reconvened in open session **on a motion made by Treasurer Kerr which was seconded by Councilor Cowell and approved by a unanimous vote in favor.**

Then on motion made by Councilor Ortiz which was seconded by Treasurer Kerr and approved by a unanimous vote in favor, Council moved to go into closed session to discuss salaries and personnel issues.

The following members were 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, Utilities Director Joseph P. Derbyshire, Wastewater Superintendent George Calloway and City Solicitor Andrew C. Mitchell Jr.

There were no guests in the meeting.

On motion made by Councilor Ortiz which was seconded by Councilor Cowell and approved by a unanimous vote in favor, Council reconvened in open session at 11:25 p.m. where it was reported that while in a fairly lengthy Closed Session the Council along with the City Manager, Assistant City Manager/City Clerk, City Solicitor and Two (2) employees, Joe Derbyshire and George Calloway, went through a proposed reorganization of the Public Works Department and associated personnel issues that come with that.

Then on a motion by Treasurer Kerr which was seconded by Councilor Ortiz and approved by a unanimous vote in favor, Council approved the Public Works Reorganization Plan as presented by City Manager Konrad, promoting Joe Derbyshire to Director of Public Works and George Calloway to Deputy Director of Public Works, and authorizing City Manager Konrad to fill Three (3) New Bureau Supervisor Positions, in the Utilities Bureau, the Public Works Bureau, and the Fleet and Equipment Maintenance Bureau.

With no further business to discuss, **Councilor Ortiz moved to adjourn. Treasurer Kerr seconded, and with a unanimous vote in favor, the meeting adjourned at 11:29 p.m.**

Diane C. Nelson

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

Approved, May 10, 2011 dcn