

The Fruitland City Council convened for a Special Meeting at City Hall on Tuesday, September 27, 2011 at 6:30 p.m. with the following members present:

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

Also present were:

City Manager Rick D. Konrad, Assistant City Manager / City Clerk Diane C. Nelson, Chief of Police Michael J. Phillips, Public Works Director Joseph P. Derbyshire, and City Solicitor Andrew C. Mitchell Jr.

Also present in the audience was: *Sgt. Christopher D. Shockley*

Our guests included:

Bill Hearne, Bob Marvel, Gary and Lisa Pusey, Steve Wallace, Kenny Mills, and Ed Tindoll

President Outen called the special meeting to order at 6:32 p.m. and immediately acknowledged a request received to switch the order of the agenda items to allow the *Crown Sports Request* to follow the *Towing Fees* on the Agenda.

On a motion by Councilor Ortiz which was seconded by Treasurer Kerr and approved by a four to zero vote in favor, Council approved the request to switch the order of the agenda items as requested.

1. Towing Fees

Gary Pusey and Kenny Mills, each representing his respective Fruitland tow company, came forward to speak to Council. Acknowledging the attendance of other tow company representatives in the audience, they spearheaded the tow operators' presentation which continued discussion begun at the July 12, 2011 Council Meeting. That discussion dealt with towing fees in conjunction with applicable ordinances and agreements, the City's historical treatment of towing fees, and their request at that meeting that Council consider increasing the tow fee for non-accident calls from Eighty-Five Dollars (\$85.00) as reflected in the July 2005 Towing Agreement to Two Hundred Dollars (\$200.00) because of rising fuel and equipment costs.

Discussion points included:

Fee schedule submitted by tow companies currently eligible to operate in Fruitland applies to Non-Accident tows for Police purposes or abandoned vehicles when owner is unavailable;

Should the Police choose not to keep a vehicle, the same company that towed the vehicle in, will pick the vehicle up and consider it payment in lieu of the City paying for the tow call;

Tow companies must be Maryland State Police (MSP) certified to be eligible for the Fruitland Tow List Rotation;

There will be Two (2) Rotation Lists – Police and Code Enforcement – all tow companies meeting eligibility requirements to operate in Fruitland must participate on BOTH lists;

Tow companies will tow police vehicles and code violation vehicles at NO CHARGE to the City;

The contract will be open to all tow companies which meet eligibility requirements per ordinance to operate in Fruitland, including "grandfathered" companies, on the two (2) rotation lists anytime during the life of the contract

After discussion, **on a motion made by Councilor Carey which was seconded by Treasurer Kerr and approved by a four to zero vote in favor, Council approved the fee schedule submitted by the tow companies currently eligible to operate in Fruitland and agreed to absorb City Solicitor Mitchell's fee for contract preparation for tow company signatures of those companies currently eligible or those companies which become eligible to operate in Fruitland during the life of the contract; Council authorized Solicitor Mitchell to prepare the three year contract pursuant to discussion at tonight's meeting, with the expectation that it will be reviewed upon its expiration for revisions and/or updates.**

2. Crown Sports Request

Messrs. Bill Hearne and Dan Williams came forward to continue discussion from previous Council meetings regarding Crown Sports Center obtaining Sewer Service from the City of Fruitland; they presented their estimate of costs Crown Sports would incur, along with their concession requests related to those estimated costs for Council consideration should the Crown Sports property be annexed by the City of Fruitland.

As discussion concluded, City Manager Konrad indicated he will prepare a spreadsheet with a twenty year projection, using *real number costs/revenues* obtained from Deputy Treasurer Caton, for Council and Crown Sports to review in conjunction with the concession requests put forth from Crown Sports this evening; both parties could then consider the annexation with *real number costs/revenues* and determine the financial impact a potential annexation would have on each entity should the City annex the Crown Sports property.

With no further business to discuss, **Treasurer Kerr moved to adjourn. Councilor Ortiz seconded, and with a four to zero vote in favor, the meeting adjourned at 8:40 p.m.**

Diane C. Nelson

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

Approved, November 8, 2011 dcn