

The Fruitland City Council met in Regular Session at City Hall on Tuesday, October 11, 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, Chief of Police Michael J. Phillips, Public Works Deputy Director George A. Calloway, and City Solicitor Andrew C. Mitchell Jr.

Our guests included:

T. Jan Wiseman of the Greater Salisbury Committee, Peter Bozick of George, Miles, and Buhr (GMB), Amanda Pollack of GMB and the Fruitland Chamber of Commerce, Gary and Lisa Pusey, Kenny Mills, John Bonas, and Kenneth and Faye Banks

President Outen called the meeting to order at 7:31 p.m., welcomed all in attendance, and immediately acknowledged the passing of Wicomico County Councilor Bob Caldwell; Councilor Ortiz delivered the opening prayer, and all recited the Pledge of Allegiance.

President Outen then acknowledged receipt of the minutes of the Regular Meeting of September 13, 2011, calling for additions or corrections. As there were none, **Councilor Carey 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.

Cash on Hand 9 /01/11	\$ 218,240.52
Deposits	<u>1,724,997.13</u>
Subtotal	\$ 1,943,237.65
Disbursements	(604,342.09)
Transfer to Savings	<u>(1,150,000.00)</u>
Total Ending 9/30/11	\$ 188,895.56

Councilor Ortiz moved to accept the Treasurer's Report as presented. Councilor Carey 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, and Public Works Deputy Director Calloway.**

Public Hearing – Ordinance No. 254 – Public Ethics Ordinance – 7:45 p.m.

At 7:45 p.m. President Outen convened a Public Hearing on the Public Ethics Ordinance, which was given First Reading at the August 12, 2011 Council Meeting after City Solicitor Mitchell provided background information regarding the City's existing Ethics Ordinance, Maryland State Code dealing with conflicts of interest, financial disclosure, and lobbying, and the State's requirement effective October 1, 2010 that municipalities certify their compliance with the new Maryland State ethics law on or before October 1st of each year with the first required report date being October 1, 2011; at the time of First Reading, Mr. Mitchell also recommended adoption of the Model State Ordinance, with deviations specific for Fruitland as appropriate, noting that such deviations could be easily pointed out to the State Ethics Commission upon the occasion of the City's annual certification of compliance with the Maryland State ethics law.

City Solicitor Mitchell then provided an update on the status of the State Ethics Commission review of Fruitland's proposed Public Ethics Ordinance, Ordinance No. 254, which repeals Ordinance No. 193, the Ethics Ordinance, and enacts in its stead a new ethics ordinance, to be known as the Public Ethics Ordinance, and which also adopts almost verbatim the State

Ordinance which is found in Maryland Code, State Government Article §§ 15-803 through 15-808, except as to those Fruitland specific changes.

Solicitor Mitchell recommended Council postpone the vote on the ordinance until the November 8, 2011 Council Meeting in order to allow time for the State to ratify the ordinance prior to Council adoption of the same. He advised that the State Ethics Commission is aware that the City has not met the October report date, but said the Commission was not able to complete its review of the ordinance in a timely fashion; we did not have to meet the date.

At the conclusion of the Public Hearing, **on motion made by Treasurer Kerr which was seconded by Councilor Cowell and approved by a unanimous vote in favor, Council postponed the vote on Ordinance No. 254 until the November 8, 2011 Council Meeting as recommended.**

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 Ortiz which was seconded by Treasurer Kerr, the paid bills were approved as listed by a unanimous vote in favor.**

2. Police Station Change Orders

- **#3 Concrete Base and Conduit from Tower to Mechanical Room and IT Room**

City Manager Konrad summarized Add Change Order #3 as submitted by the General Contractor M. L. Blades in the amount of Ten Thousand One Hundred Sixty-Eight Dollars and Forty-Nine Cents (\$10,168.49) for the installation of the concrete base and the conduit infrastructure from the Tower to the Mechanical and Information Technology (IT) Rooms at the new Police Station.

On a motion by Councilor Carey which was seconded by Councilor Ortiz and approved by a unanimous vote in favor, Council approved Add Change Order #3 as submitted by the General Contractor M. L. Blades in the amount of Ten Thousand One Hundred Sixty-Eight Dollars and Forty-Nine Cents (\$10,168.49) as presented.

- **#4 Well and Irrigation System**

City Manager Konrad provided background information on the bid process which resulted in Add Change Order #4 in lieu of separate bids for the installation of the Well and Irrigation System at the new Police Station; he then summarized Add Change Order #4 as submitted by the General Contractor M. L. Blades in the amount of Thirty-Three Thousand Seven Hundred Twenty-Six Dollars and Five Cents (\$33,726.05.)

On a motion by Treasurer Kerr which was seconded by Councilor Ortiz and approved by a unanimous vote in favor, Council approved Add Change Order #4 as submitted by the General Contractor M. L. Blades in the amount of Thirty-Three Thousand Seven Hundred Twenty-Six Dollars and Five Cents (\$33,726.05) as presented.

3. Towing Agreement – Action Item

City Solicitor Mitchell provided background information and then summarized the draft Towing Agreement before Council for consideration this evening, highlighting components of the new agreement and sections which still needed to be finalized, as well as comparisons to the previous agreement; Gary Pusey and Kenny Mills, each representing his respective Fruitland tow company and acknowledging the attendance of other tow company representatives in the audience, continued to spearhead the tow operators' input/contribution to the ongoing towing agreement discussions begun at previous Council Meetings.

Discussion included the following suggested amendments to the agreement:

Sec. 8 - Add within Thirty (30) minutes

Sec. 12 – Delete “consecutive” from consecutive occasions

Sec. 13 – Insert Fifteen (15) Miles in the “_____” space

After discussion, **on a motion made by Councilor Carey which was seconded by Treasurer Kerr and approved by a unanimous vote in favor, Council approved the Towing Agreement as amended.**

NEW BUSINESS

1. Municipal Homestead Property Tax Credit Ordinance No. 257 – First Reading

City Solicitor Mitchell provided background information clarifying the need for Fruitland to enact its own ordinance in order to retain the previously enforced percentage and not to follow the recent change enacted by Wicomico County which reduced the County's percentage; he then presented for First Reading Ordinance No. 257, an ordinance of the City of Fruitland, Maryland to establish a Municipal Homestead Property Tax Credit at a rate different from that established by Wicomico County, Maryland, all pursuant to Maryland Annotated Code, Tax-Property Article, Section 9-105.

After discussion, **on a motion by Treasurer Kerr which was seconded by Councilor Ortiz and approved by a unanimous vote in favor, Council moved to adopt the First Reading of Ordinance No. 257 as presented, with a Public Hearing for the Second Reading of Ordinance No. 257 scheduled for Tuesday, November 8, 2011 at 7:40 p.m.**

2. Waste Water Treatment Enhanced Nutrient Removal (ENR) Upgrade Design Report-Action Item

Peter Bozick and Amanda Pollack of George, Miles, and Buhr (GMB), the City's Engineer, provided background information chronicling GMB's twenty year association with the Fruitland Wastewater Treatment Plant (WWTP) prior to outlining GMB's proposed course of action with a project timeline to facilitate the State mandated ENR upgrade at the WWTP, while maximizing the use of all financial, material and labor resources available.

City Manager Konrad requested Council permission to draft and sign a contract with GMB for the completion of an ENR Project Engineering Design Report as outlined above, at an estimated fixed cost of Forty-Three Thousand One Hundred Dollars (\$43,100.00) for the report and an estimated variable cost of Six Thousand Dollars (\$6,000.00) for fact finding visitations to other facilities.

After discussion, **on a motion by Councilor Cowell which was seconded by Treasurer Kerr and approved by a unanimous vote in favor, Council approved the ENR Project Engineering Design Report as presented, authorizing City Manager Konrad to draft and sign a contract with GMB for execution of the report at a total contract price not to exceed Fifty-Thousand Dollars (\$50,000.00.)**

3. Other- Camden Interceptor Update

Amanda Pollack of GMB updated Council on the status of the project in conjunction with the contractor's progress to date as well as communications with the contractor regarding liquidated damages should the contractor *not* meet the contract specified deadline.

Public Comment/General Discussion

Public comment included appreciation for Council's responsive action to Meadowbrook Homeowners' Association's (HOA's) request for assistance with traffic calming measures in the development.

With no further business to discuss, **Councilor Ortiz moved to adjourn. Councilor Cowell seconded, and with a unanimous 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