

The Fruitland City Council met in Regular Session at City Hall on Tuesday, December 13, 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:

Bob Marvel, Amanda Pollack of George, Miles, and Buhr (GMB) and the Fruitland Chamber of Commerce, Adam Tully, and Mabel Marshall

President Outen called the meeting to order at 7:34 p.m. and welcomed all in attendance; Councilor Ortiz delivered the opening prayer, and all recited the Pledge of Allegiance.

President Outen recognized Assistant City Manager Nelson for recently achieving the designation of *Certified Municipal Clerk* as conferred by the International Institute of Municipal Clerks (IIMC.)

President Outen then acknowledged receipt of the minutes of the Regular Meeting of November 8, 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.

Cash on Hand 11 /01/11	\$	132,541.79
Deposits		<u>736,962.33</u>
Subtotal	\$	869,504.12
Disbursements		(638,389.43)
Transfer to Savings		<u>(100,000.00)</u>
Total Ending 11/30/11	\$	131,114.69

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 during which he recognized the Fruitland Chamber of Commerce for a successful Lighting Ceremony and its donation of new outdoor lighting for City Hall; Mr. Konrad's report was followed by presentation of Departmental Reports from **Chief Phillips, and Public Works Deputy Director Calloway.**

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 which was seconded by Councilor Cowell, the paid bills were approved as listed by a unanimous vote in favor.**

2. Police Building

a. Change Orders – Action Items

**Exchange Window/Evidence Locker/Addition to Security System (Interview Room)/
Concrete Reinforcement to SWM Pipe/Credit to Landscaping and Irrigation Design**

City Manager Konrad and Chief Phillips summarized Add Change Order #4 as submitted by the General Contractor M. L. Blades for Council consideration; it includes the following specific add change orders (5-8) and deduct change order (9):

Exchange Window Change Order #5	\$ 3,391.00
Evidence Locker Change Order #6	5,762.00
Security Camera Change Order #7	2,970.00
Concrete Pad Change Order #8	2,024.00
Credit for Irrigation Change Order #9	(3,351.00)

Messrs. Konrad and Phillips then spoke to an Add Change Order with no numerical designation as submitted by the Architect/Engineer *AWB Engineers* for a Server Room Redesign of the air conditioning and electrical requirements in the amount of Two Thousand Six Hundred Dollars (\$2,600.00,) which would accommodate housing the City Hall server in the same IT room as the new Police server; the change order does not include the actual cost of relocating the City Hall server which will be bid separately.

After discussion, on a motion by Councilor Ortiz which was seconded by Treasurer Kerr and approved by a unanimous vote in favor, Council approved Add Change Orders #5, #6, #7, and #8, Deduct Change Order #9, and the Server Room Redesign as presented.

Prior to proceeding to the Telephone System Bid Award President Outen acknowledged that the approved change orders fell within the overall project budget and then City Manager Konrad confirmed the status of the budget contingency.

b. Telephone System Bid Award – Action Item

City Manager Konrad summarized and presented the bid tabulation for the Telephone System for the new Police Building, acknowledging that bids consisted of a base bid and an optional bid for a soft phone feature which allows communication through laptops in patrol vehicles; the apparent low bidder with a base bid of Twenty Thousand Seven Hundred Forty-Three Dollars and Seven Cents (\$20,743.07) and the optional bid of Four Thousand Six Hundred Eighty-Eight Dollars and Fifty-Two Cents (\$4,688.52) for a Total Bid of Twenty-Five Thousand Four Hundred Thirty-One Dollars and Fifty-Nine Cents (\$25,431.59) was Inacom.

Mr. Konrad's recommendation was to award the base bid now and revisit the optional bid at a later time, after Chief Phillips had reviewed the merits of adding the soft phone feature to the telephone system package.

After discussion, on a motion by Councilor Ortiz which was seconded by Councilor Carey and approved by a unanimous vote in favor, Council approved the bid award to Inacom for the base bid in the amount of Twenty Thousand Seven Hundred Forty-Three Dollars and Seven Cents (\$20,743.07) as presented and recommended.

3. Resolution No. 8-2011 -Sprinkler Infrastructure Upgrade Cost Sharing – Action Item

Since the passage of Ordinance No. 253 which requires residential sprinklers in all new construction served by City water, absent the homeowner opt out provision, City Solicitor Mitchell summarized that circumstances have arisen which have demonstrated the need for the City to establish a cost sharing formula for sprinkler infrastructure upgrades when new construction takes place at a service location which is serviced by City water but at an insufficient pressure for the sprinkler system; previous discussions resulted in Council consensus for the City Solicitor to draft a resolution for the establishment of such a cost sharing formula which he then presented to Council for consideration.

On motion made by Treasurer Kerr which was seconded by Councilor Carey and approved by a unanimous vote in favor becoming effective December 13, 2011, Council moved to adopt Resolution No. 8-2011 as presented.

4. **Enhanced Nutrient Removal (ENR) Upgrade – Engineering Bid Award – Action Item (Added December 12, 2011)**

City Manager Konrad provided background information regarding the Maryland Department of the Environment (MDE) requirement for an ENR Upgrade by January 2015 at the Waste Water Treatment Plant (WWTP), acknowledged that several sources of State Grant money would fund the upgrade, and then summarized the bid and review process which led him and fellow Interview Committee members Valerie Mann and Deputy Director of Public Works George Calloway to present the bid tabulation to Council along with the accompanying recommendation to award the Engineering Bid to George, Miles, and Buhr (GMB) in the amount of Two Hundred Sixty-Four Thousand Eight Hundred Fifty Dollars (\$264,850.00); Mr. Konrad acknowledged that GMB's familiarity with the WWTP's needs relative to the required ENR Upgrade, having built the existing plant, weighed heavily in the Committee's recommendation.

After discussion, **on a motion by Councilor Ortiz which was seconded by Treasurer Kerr and approved by a unanimous vote in favor, Council approved the ENR Upgrade Engineering Bid Award to GMB in the amount of Two Hundred Sixty-Four Thousand Eight Hundred Fifty Dollars (\$264,850.00) as presented and recommended.**

5. **Other -Crown Sports Center – Update – City Solicitor Mitchell**

City Solicitor Mitchell summarized key points of an email received from Pete Bozick of GMB in conjunction with Council's recent directive that the City Solicitor draft a letter to MDE outlining the City's intentions regarding Crown Sports Center's pursuit of annexation in tandem with the City's willingness to give some of the City's annual nitrogen output allocation to Crown Sports Center for calendar years 2011 and 2012. Messrs. Mitchell and Konrad will review the consent order contained in the email and then update the Council and Wicomico County Executive Pollitt accordingly, as additional information becomes available.

NEW BUSINESS

1. **Recreation Commission**

a. **New Appointment (1) – (Jay Disharoon) - Action Item**

City Manager Konrad presented the Recreation Commission's recommendation for the appointment of Jay Disharoon as another Fruitland Little League Representative on the Recreation Commission, explaining that multiple representatives from any given organization should promote more consistent organizational representation at the monthly Recreation Commission meetings.

After discussion, **on a motion by Councilor Carey which was seconded by Councilor Ortiz and approved by a unanimous vote in favor, Council appointed Jay Disharoon to the Recreation Commission as presented.**

b. **Re-Appointments (2)– (Shelia Nichols, France Jean Tull) - Action Item**

City Manager Konrad presented the Recreation Commission's recommendation for the re-appointments of Shelia Nichols and Frances Jean Tull to the Recreation Commission.

After discussion, **on a motion by Treasurer Kerr which was seconded by Councilor Cowell and approved by a unanimous vote in favor, Council re-appointed Shelia Nichols and Frances Jean Tull to the Recreation Commission as presented.**

c. **Concrete Apron for Park Annex – Action Item**

City Manager Konrad summarized the Recreation Commission's request to install a concrete apron between the pavilion and the concession stand with adjacent ramps on each end so that both the pavilion and concession stand are handicap accessible; he provided the November 2011 Recreation Commission Treasurer's Report to establish the source of funds for the project. He recommended approval of the request, acknowledging that the work will be completed by the City's

locally contracted *Concrete Needs Vendor* Worth Construction, for the sum of One Thousand Eight Hundred Seventeen Dollars and Twenty-Five Cents (\$1,817.25.)

On motion made by Councilor Cowell which was seconded by Treasurer Kerr and approved by a unanimous vote in favor, Council approved the bid award for the concrete apron to Worth Construction in the amount of One Thousand Eight Hundred Seventeen Dollars and Twenty-Five Cents (\$1,817.25) as presented.

d. Security Lights for Park Annex – Action Item

City Manager Konrad summarized the Recreation Commission's request to spend no more than Three Hundred Dollars (\$300.00) for the purchase of solar powered lights for the Pavilion and Concession No. 3 to help combat vandalism which has historically been a problem at the Park Annex.

After discussion, **on motion made by Councilor Ortiz which was seconded by Councilor Cowell and approved by a unanimous vote in favor, Council authorized the expenditure of funds not to exceed Three Hundred Dollars (\$300.00) for the purchase of solar powered security lights at the Park Annex as requested.**

e. Basketball Program Update – New Fee

City Manager Konrad summarized the Recreation Commission's request to institute a new Two Dollar (\$2.00) Fee for participants in the Basketball Program who are high school age or older in an effort to help defray increasing operational costs associated with the program.

After discussion, **on motion made by Councilor Carey which was seconded by Councilor Ortiz and approved by a unanimous vote in favor, Council approved the new Two Dollar (\$2.00) Fee for the Basketball Program as presented.**

2. Board of Zoning Appeals (BZA) Appointment (1) - (Greg Olinde) - Action Item

City Manager Konrad reported that Greg Olinde had been approached about filling a vacancy on the BZA and in response submitted a letter of interest, detailing his experience and qualifications supporting his desire to serve on the BZA.

After discussion, **on a motion by Councilor Ortiz which was seconded by Councilor Carey and approved by a unanimous vote in favor, the Council appointed Greg Olinde to the BZA for a five-year term as presented.**

3. Camden Interceptor Project – Temporary Paving – Action Item

Public Works Deputy Director Calloway summarized the technical aspects of and pressing need for the temporary paving proposed for the Camden Interceptor Project, City Manager Konrad acknowledged Council's receipt of the bid tabulations, and then Messrs. Calloway and Konrad collectively endorsed awarding the project to the apparent low bidder Chesapeake Paving and Sealing in the amount of Seven Thousand One Hundred Sixteen Dollars (\$7,116.00), inclusive of a one-year warranty; liquidated damages which the City is accruing by virtue of the contractor default on the project are expected to pay for the temporary paving.

After discussion, **on a motion by Treasurer Kerr which was seconded by Councilor Cowell and approved by a unanimous vote in favor, Council awarded the paving bid for the Camden Interceptor Project to Chesapeake Paving and Sealing in the amount of Seven Thousand One Hundred Sixteen Dollars (\$7,116.00) as presented.**

4. Other – Surplus Property - Action Item – Chief Phillips

Chief Phillips summarized the circumstances which resulted in a 1997 Honda Accord and a 1989 XR100 Dirt Bike going through the forfeited property process to become City owned property; he then requested Council declare the items surplus property, to be disposed of through a Citywide employee bid process purchase.

After discussion, **on a motion by Councilor Cowell which was seconded by Councilor Ortiz and approved by a unanimous vote in favor, Council declared the property surplus and authorized Chief Phillips to offer the items to City employees through the bid process as requested.**

Public Comment/General Discussion

Public Comments included questions which generated discussion about dog leash legislation in conjunction with irresponsible non-resident pet owners leaving dog waste on Squires Court property, and Green Street safety and property upkeep issues in conjunction with speeding vehicles, rentals, and other foot traffic cutting through from the convenience store on Rt. 13 near Green Street.

Closing comments from Council included appreciation for the donation of lights from the Fruitland Chamber of Commerce, the efforts put forth from the City Public Works Department in displaying those lights, and the temporary paving solution for the Camden Interceptor Project.

With no further Public Comment or General Discussion, President Outen called for a short recess at 9:01 p.m. to clear the Council Chambers so the Council could go into Closed Session to discuss personnel matters.

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At 9:15 p.m. the City Council reconvened in open session 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 was:

City Manager Rick D. Konrad

There were no guests in the meeting.

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

On motion made by Treasurer Kerr which was seconded by Councilor Cowell and approved by a unanimous vote in favor, Council reconvened in open session at 10:00 p.m. where it was reported that while in Closed Session the Council along with the City Manager had completed the City Manager’s Annual Evaluation; then on motion made and seconded with a unanimous vote in favor, the meeting adjourned.

Diane C. Nelson, CMC
Diane C. Nelson, Asst. City Mgr. / City Clerk
Approved, January 10, 2012 dcn