

The Fruitland City Council met in Regular/Virtual Session at City Hall on Tuesday, October 13, 2020 at 7:00 p.m. with the following members present:

President Darlene Kerr, Treasurer Ray Carey, Councilor Mark Miciotto, Councilor R. Lee Outen and Councilor Mike Hammond.

Also present at the table were:

City Manager Marc Henderson, Chief Brian Swafford, Deputy Treasurer Mark Swift and City Clerk Raye Ellen Thomas.

Our guests included:

Public Works Director Michael Gibbons, Katherine McAllister from GMB, Mary Stevens, Cornella Harmon, Tracy Duquette, Bowser Jones Sr. and City Solicitor Mitchell.

Attending virtually was:

Administrative Assistant Linda Powell.

At 7:00 p.m. President Kerr called the regular Council meeting to order. Council President Kerr recited the Lord's Prayer and Council President Kerr led the recitation of the Pledge of Allegiance.

President Kerr acknowledged receipt of the minutes of the Regular Meeting of September 8, 2020 and called for additions or corrections. As there were none, **Councilor Hammond moved to adopt the minutes as presented; Treasurer Carey seconded, and the motion passed on a vote of five to zero.**

Reports- Treasurer, City Manager and Department Heads

Treasurer Carey delivered the Treasurer's Report. For September 2020 the City recorded \$ 439,000 of revenues, including \$210,000 of impact fees. The City also recorded \$676,000 of expenses for net deficit of \$237,000 for the month. Year to date the City has recorded \$4.68 million in revenues and \$1.7 million in expenses for a net surplus of \$2.98 million.

Councilor Outen moved to accept the Treasurer's Report as presented, Councilor Miciotto seconded, and the motion passed on a vote of five to zero.

Chief Swafford delivered his report on behalf of the Police Department.

- Crime is still below normal amounts due to Covid.
- There were 23 part one crimes. 1080 Traffic violations and 2539 total calls for the month of September.
- There will be coverage for Halloween as usual.
- In January the coding will be changed making serious crimes stats higher.

City Manager Henderson delivered the Code Enforcement and City Manager's report.

- There were 59 new building inspections for the month of September.
- The City won the case against Richard Insley in reference to a Code violation charge.

Public Works Director Gibbons delivered his report.

- Work will be done on the potholes next week.
- Camden Avenue service line replacement is complete.
- Progress is going well at the water treatment plant and the reclaim tank has been installed and completed.

UNFINISHED BUSINESS

1. **Paid Bills**

President Kerr acknowledged receipt of the paid bill report. **On a motion made by Councilor Outen and seconded by Councilor Hammond the paid bills were approved by a vote of five to zero.**

2. Resolution # 8-2020

Deputy Treasurer Swift read Resolution # 8-2020 which is a resolution of the City Council to amend the Fiscal Year 2020 -2021 General Fund Budget. **On a motion made by Treasurer Carey to approve Resolution # 8 – 2020 as presented by Deputy Treasurer Swift, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.**

3. Resolution # 9 – 2020

Deputy Treasurer Swift read Resolution #9-2020 which is a resolution of the City Council to amend the Fiscal Year 2020-2021 Utilities Fund Budget. **On a motion made by Treasurer Carey to approve Resolution # 9-2020 as presented by Deputy Treasurer Swift, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.**

4. Drainage Project

Katherine McAllister from GMB advised that the drainage study was done in 2008. The City is now updating the study. Katherine advised that there are two main watersheds, Tuxent Branch and Sharps Point and she explained the flow of each. The City is in the process of obtaining the MS4 permit. Katherine provided information to the Council on the project and will update at the December Council meeting.

5. Solar Panel Project

Katherine McAllister from GMB advised that this is an ongoing project and is progressing very well. She presented the Council with packets on the progress. Bids were recently received for the solar panels. It was the recommendation to go with McIntyre’s Electric. This information would then be forwarded to MDE recommending McIntyre’s Electric if approved. City Manager Henderson then stated that he recommends McIntyre for the project contingent upon the full funding of the grant including the additional cost but not including the five-year maintenance agreement as described. The five-year maintenance warranty would be paid separately. **On a motion made by Councilor Hammond to award the bid to McIntyre’s Electric contingent upon receiving full amount of grant, seconded by Treasurer Carey. On a motion made by Councilor Hammond to award the technical services to GMB contingent to receiving the full amount of the grant, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.**

6. Wastewater Plant Capacity Analysis

Katherine McAllister advised that GMB has been contracted to look into the capacity of the wastewater plant. She advised that they have done a quick analysis but will need more time to review in detail, it will be presented at the next Council meeting.

NEW BUSINESS

1. Certified Election Results

City Manager Henderson read the certified Election Results which stated the final vote count. The results were as follows:

Darlene Kerr 96
Mark Miciotto 68
Bowser Jones 63

Accordingly, the Board of Supervisors of Elections unanimously certified the election of Darlene Kerr and Mark Miciotto to the Fruitland City Council.

2. Council Oath of Office

City Clerk Thomas administered the oath of office to newly elected Councilors, Darlene Kerr and Mark Miciotto.

3. Council President and Council Treasurer Oath of Office

City Solicitor Mitchell asked the Council for nominations for Council President. Michael Hammond nominated Mark Miciotto and Raymond Carey nominated Darlene Kerr. Councilor Outen asked if the decision had to be made tonight. City Solicitor Mitchell advised that the Charter stated that it must be done at this meeting. City Solicitor Mitchell then

asked for a motion to close the nominations. **On a motion made by Councilor Hammond to close nominations, seconded by Councilor Kerr, the motion was approved by a vote of five to zero.** City Solicitor Mitchell called for all in favor of Mark Miciotto raise their hands. Mark Miciotto and Michael Hammond both raised hands. City Solicitor Mitchell then called for all in favor of Darlene Kerr to raise hands, Darlene Kerr, Raymond Carey and R. Lee Outen all raised hands. Darlene Kerr was elected as Council President and City Solicitor Mitchell turned the meeting over to President Kerr. President Kerr then asked for nominations for Treasurer. Mark Miciotto nominated Michael Hammond; Michael Hammond declined. Councilor Outen nominated Raymond Carey for Treasurer. President Kerr called for all in favor for Raymond Carey to be Treasurer to raise their hand. Four Councilors raised their hand, with Councilor Miciotto not responding.

4. Board of Elections Chairperson Oath of Office

Council President Kerr introduced Mary Stevens and advised that she is the chairperson of the Board of Elections for the City of Fruitland. City Clerk Thomas administered the oath of office to Mary Stevens. All Council Members thanked Mary Stevens for her service.

5. Communications Upgrade/Remodel

Chief Swafford advised that the communication room will be remodeled to provide dispatch consoles for the upcoming 24 hours dispatching and to meet ADA compliance. Chief Swafford had contacted three companies with Watson Consoles being the only company that could meet the requirements. Watson Consoles is out of New Jersey and provides a lifetime warranty and a ten (10) year labor and mechanical. Chief Swafford recommended Watson Consoles and would like to use funds that are reimbursed to the City from DEA. City Solicitor Mitchell advised that if City Manager Henderson would deem Watson Consoles as a sole source provider so that it could be on record and recording would not be required. City Manager Henderson deemed Watson Consoles as a sole source provider. **On a motion made by Treasurer Carey to award the contract to Watson Consoles in the amount of \$21,234.68, using funds from DEA reimbursement, seconded by Councilor Outen, the motion was approved by a vote of five to zero.**

6. Ordinance # 254 Ethics Ordinance Report

City Solicitor Mitchell advised that the Ethics Commission requirements have changed per State laws. The City of Fruitland's ordinance # 254 does not meet two of the required provisions of HB879. The City's ordinance provides twenty (20) days rather than eight (8) days for a candidate to file an overdue disclosure after notices. In addition, the City's ordinance does not contain the provision for denying public access to home addresses. The first change will not affect the City until the 2022 election. City Solicitor Mitchell informed the Ethics Commission that the Council would direct Clerk Thomas not to disclose home addresses for candidates without referring such request to him. City Solicitor Mitchell reported that he took these steps after learning the Commission was a comprehensive review and these actions would prevent Fruitland from having to change its ordinance twice.

7. Critical Area Ordinance

City Solicitor Mitchell advises that the Planning Commission has adopted a critical area map developed by the Maryland Department of Planning and it will be presented to the Council. City Solicitor Mitchell asked to accept his summary of the main ordinance as a first reading and be presented with the map. **On a motion made by Councilor Outen to accept this as a first reading, with the Public Hearing to be held on November 10th at 7:15 p.m., seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.**

8. Sanitation Outsource Discussion

City Manager Henderson explained how outsourcing the sanitation will affect the City in regard to the City keeping sanitation and having to hire new employees. The City has not increased sanitation fees for seventeen (17) years even though the tipping fees through Wicomico County have increased five (5) times during the seventeen (17) years. The sanitation fee will be raised beginning next fiscal year regardless of the outcome. Public Works Director Gibbons held a pre bid meeting and received quotes from five (5) different companies. Chesapeake Waste Industries, LLC. was the lowest bidder. The contract for outsourcing sanitation would include one (1) ninety-six (96) gallon can and residents still being able to use one (1) thirty-five (35) gallon trash can or three (3) additional trash bags of household trash.

At this time the Council opened the floor for public comments regarding the sanitation.

Tracy Duquette asked if the City would receive the help from ECI later in the year and if the extra employees would be needed if the help from ECI was to return. City Manager Henderson advised that at this time we are not aware of the status of obtaining the help from ECI or if it will resume. She also asked what would happen to the equipment and employees that are used by the City at this time. City Manager Henderson advised that the City's employees will still use the equipment for bulk, limbs, and brush pick-ups.

Councilor Miciotto asked if residents of the City could opt out of the sanitation if they wished too, it was stated that they cannot because if they are provided with water service they are also provided with sanitation.

Bowser Jones asked if the schedule for pick up will remain the same. The City will provide a schedule to Chesapeake if it is approved and they will determine the pick-up days.

Mary Stevens advised that she thinks the large trash can is a good idea and it will take away from residents putting all the bags out. She is not in favor of a large increase. City Manager Henderson advised that it is an estimated cost of \$3.00 extra a month at this time. The cost increase will be looked into later once it is determined the cost of outsourcing and the City saving on the cost of fuel, expenses etc.

Council President Kerr advised that the Council feels if the sanitation is outsourced then the two (2) extra positions that had been allocated for the sanitation department should be reduced to one (1) position instead to save from the cost increasing the sanitation fees more. It was determined that the one position would be eliminated. Deputy Treasurer Swift advised that he could not determine what the increase would be until later.

On a motion made by Councilor Outen to move forward with outsourcing the sanitation to Chesapeake Waste Industries, LLC, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.

Public Comment/General Discussion

Mary Stevens asked Katherine McAllister about the drainage problem on Poplar, Anderson and Main Street and if the drainage study project she was working on will help with the flooding there. Katherine and City Manager Henderson advised that it all related and it will help.

Katherine McAllister advised that it was voted on that the Fruitland Chamber will not hold the annual banquet or the Christmas lighting.

Bowser Jones brought before the Council the issue of take-home vehicles. He does not feel as though every employee needs a take home vehicle. It is wear and tear on the vehicles and a big expense to the City. Councilor Outen stated that is a good point and he would like to discuss it further. Council President Kerr advised that it does need to be looked into. Councilor Hammond agreed. Councilor Miciotto advised that there are too many vehicles going home. City Manager Henderson stated that it also needs to be looked into increasing the employee's salaries. Council President Kerr advised that a work session will be scheduled to discuss the matter further. Councilor Miciotto advised that he would like the work session to be held sometime before the next week, he would like to also discuss bulk and limb pickup. It was decided the work session would be held Wednesday, October 28 at noon.

Council President Kerr advised that a food drive was held at the Rose of Sharon Church.

With no further business to discuss, **Councilor Outen made a motion to adjourn at 8:14 p.m., seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.**

Raye Ellen Thomas
Raye Ellen Thomas / City Clerk
[Approved, November 10, 2020](#)

