

The Fruitland City Council met in Regular Session at City Hall on Tuesday, November 10, 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, Bob Marvel, Katherine McAllister from GMB, Sam Grahovac from the Finance Department, Elvira Ogburn, Annette Noble, Tracy Duquette, Marissa Carey and City Solicitor Mitchell.*

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 October 13, 2020 and called for additions or corrections. As there were none, **Councilor Outen moved to adopt the minutes as presented; Councilor Hammond 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. During the month of October, the City recorded \$974,000 of revenues, including \$647,000 for the second quarter utility billing. The City also recorded \$737,000 of expenses for the month, including \$117,000 for the Water Treatment plant and Well project, for a net surplus of \$237,000. Year to date the City has recorded \$5.65 million in revenues and \$2.48 million in expenses for a net surplus of \$3.17 million. **Councilor Hammond 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.

- There were 24 part one crimes. 623 Traffic violations and 2381 total calls for the month of October.
- Halloween was uneventful with very small crowds.
- The Police Department will be participating in No Shave November again.
- Christmas for Kids will still be happening this year.

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

- There were 34 new building inspections for the month of October. Year to date is 291 inspections.
- There were 49 Code Enforcement cases for the month of October.
- There were 3 rental registrations inspections.
- The Clean Street program just finished and have had several compliments

**Public Works Director Gibbons** delivered his report.

- Dulany Street slip line project is complete.
- Camden Avenue curb and gutter is complete.
- Progress is going well at the water treatment plant.
- Chesapeake Waste started this week with the trash service and there have only been a couple of bumps.

**Deputy Treasurer Swift** delivered his report.

- The audit has been completed ahead of schedule and there were no issues.

## 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. Drainage Project

Katherine McAllister from GMB advised that last month she provided a draft of drainage study project and it has been completed. She has been working with City Manager Henderson and Public Works Director Gibbons on the MS4 permit.

### 3. Solar Panel Project

Katherine McAllister from GMB advised that two packages were submitted to MDE. One was the on-call engineer contract and the other was to award the project to McIntyre Electric. She has not heard back from MDE yet.

### 4. Wastewater Plant Capacity Analysis

Katherine McAllister advised that the analysis had not been fully completed but GMB has started to look at the water/wastewater flows. She presented the Council with charts and explained the chart that included three (3) years of data. The major rain events are having an extreme impact on the capacity. MDE starts monitoring at 80% capacity. Katherine recommended to apply for projects in December and January through MDE.

## PUBLIC HEARING – Ordinance # 300 Critical Area Ordinance

City Solicitor Mitchell advised Ordinance # 300 is an ordinance to repeal Ordinance # 194 to update the City's Chesapeake Bay Critical Area Program. City Solicitor Mitchell read the changes and stated that a new map will be provided with the ordinance. This ordinance shall become effective fifteen (15) days following notification of acceptance and approval by the Maryland Chesapeake Bay Critical Area Commission, provided however that if such approval be not acknowledged on or before the 31<sup>st</sup> day of January, 2021 this ordinance shall be null and void unless the time for Commission approval shall have first been extended not more than sixty (60) days by the City Council. **On a motion made by Councilor Outen to accept Ordinance # 300, Critical Area Ordinance, that repeals Ordinance # 194 the City's Chesapeake Bay Critical Area Program, as presented by City Solicitor Mitchell, seconded by Treasurer Carey, the motion was approved by a vote of five to zero.**

## NEW BUSINESS

### 1. King Street Property – Bret Davis

This item was deleted from the agenda.

### 2. 133 Paddock Drive, Lot 29 (Corrected Plat)- Forest Conservation Mitigation – Brock Parker

Elvira Ogburn, homeowner of 133 Paddock Drive, advised that Brock Parker was not available this evening and she was in his place. City Manager Henderson gave a description of the property and how part of the lot is a forest conservation area, however, when the homeowners purchased the properties, they were not aware of the forest conservation area. Wicomico County has agreed to terminate the forest conservation area in return for a mitigation payment and planting of trees in a designated area off site. Ms. Ogburn has been before the Planning Commission and the matter has been approved, signed off by the County and the forest conservation area has been reassigned. The plat needs to be signed by President Kerr to move forward. **On a motion made by Councilor Miciotto to allow Council President Kerr to sign the plat, seconded by Councilor Outen, the motion was approved by a vote of five to zero.**

### **3. Sanitation Ordinance # 301 – First Reading**

City Manager Henderson advised that the old ordinance referred to garbage and trash. It will be referred to as only trash and the ordinance will state the description of what trash is and what is not included. The container section in the old ordinance is also removed since Chesapeake is now serving the City. City Solicitor Mitchell advised that Ordinance # 301 is an ordinance of the City Council of the City of Fruitland, Maryland repealing Ordinance # 235 and Enacting this “Trash Collection Ordinance” in its stead; establishing a method to regulate how and when items may be set out for collection; designating items which will not be collected; and establishing a method to charge for collection and penalties for violations of this ordinance. Council President Kerr advised that this is a first reading and changes can be made anytime before the Public Hearing/second reading which will be held on December 8, 2020 at 7:10 p.m. Annette Noble asked if this ordinance was posted on the website and would the violations be sent to the homeowners. City Manager Henderson advised that this ordinance is not official at this time and would not be posted yet. City Manager Henderson advised that a letter had been sent out to residents, Ms. Noble advised that she had received the letters, however, it was hard to understand for “seasoned” residents. City Manager Henderson described the changes that the letter had included. Council President Kerr called for a motion to accept first reading at this time. **On a motion made by Councilor Outen to accept the first reading of Ordinance # 301 as described by City Manager Henderson and City Solicitor Mitchell, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.** Dr. Marissa Carey questioned why she is only allowed the Large trashcan and a 35-gallon trashcan when she pays a commercial rate. Dr. Carey’s address is zoned as residential and commercial. The rate she is paying applies to anyone in her situation since the City has gone with Chesapeake. She was advised that the City is looking into the situation and will get back to her once the details has been determined.

### **4. Phone Plan**

Sam Grahovac from the City’s Finance Department approached the Council with a new phone plan that he has been working on for three (3) years. Sam stated that the current phone system that was installed in 2012 has not had any upgrades and the server is currently expiring. Sam has had numerous meetings with various phone vendors that also included participation from the Police Department and City Hall. The system that Sam is currently recommending would provide additional lines and recording for the Police Department. There would be an increase of \$9000 but that would also include the recording platform. Council President Kerr asked if the system that Sam is currently looking at would be a sole source. Sam advised that yes, the system is through Mitel and they are the only compatible system in this area. City Manager Henderson asked for permission to move forward with purchasing the phone system. Council President Kerr asked for a proposal contract to be presented at the December Council meeting and to have copies sent to the Council prior to the meeting.

### **5. Other**

Council President Kerr advised that she attended a concert at the All Church Community and a plaque was awarded to the City of Fruitland. She presented the plaque that will be hung in City Hall.

### **Public Comment/General Discussion**

Tracy Duquette stated that she is unhappy with the proposed trash service, especially the limb/leaves pick up. She enjoyed the flexibility of being able to have the limbs/leaves picked up every Friday. She feels that people will put out more than allowed and it will be left sitting out on the sidewalk. She feels that it is an inconvenience to have to call in to have it scheduled. Council President Kerr advised that the City is now being charged by the County so in order to not pass the fee on to the residents it was decided to cut the benefit in half. Ms. Duquette stated she did not feel that it is fair to cut the benefit in half. Council President Kerr advised that as of right now this is the way this will work; it may be revisited later.

Annette Noble asked if the leaves must be bagged or can they just be loose in the can. She was advised that it was easier on Fridays to have the leaves in cans not bagged. Ms. Noble advised that was not what she was told when she called in. Ms. Noble also stated that she has several other issues, one being the phone system and not being able to get through to the office. Ms. Noble stated that with the time change, she feels that it is not safe to put the trashcans out at 6:30 p.m. and she would like the times changed and to have a 24 hour window, she has researched several companies and most adhere to the 24 hour period. She was advised that the phone system was being worked on and the time period for the cans has not changed.

With no further business to discuss, **Councilor Outen made a motion to recess for a quick break at 8:14 p.m., seconded by Councilor Miciotto, the motion was approved by a vote of five to zero. The Council reconvened at 8:20 and with no further business to discuss, Councilor Miciotto made a motion to proceed into closed session at 8:23 p.m. to deal with personnel matters involving legal advice. The motion was recorded, and the Council proceeded to a closed session with the full Council present as well as City Manager Henderson and City Solicitor Mitchell. On a motion made by Councilor Miciotto to adjourn the closed session and proceed back into open session, seconded by Councilor Hammond, the motion was approved. During the closed session personnel issues were raised and legal advice sought. With no further business to discuss, Treasurer Carey made a motion to adjourn at 9:20 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, December 8, 2020](#)