

The Fruitland City Council met in Regular Session at City Hall on Tuesday, November 12, 2019 at 7:00 p.m. with the following members present:

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

Also present at the table were:

City Manager John Psota, Chief Brian Swafford, Deputy Treasurer Mark Swift, City Clerk Raye Ellen Thomas and City Solicitor Andrew Mitchell.

Our guests included:

Public Works Director Michael Gibbons, JP and Stephanie Merritt, Tyler Long, Chris Gilkerson, Brock Parker, Mr. and Mrs. John Fields and Delegate Carl Anderton.

At 7:00 p.m. President Kerr called the regular Council meeting to order. President Kerr led all in prayer, and all recited the Pledge of Allegiance.

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

Reports- Treasurer, City Manager and Department Heads

President Kerr delivered the Treasurer's Report. For October 2019, the City recorded \$793,000 of revenue and \$502,000 of expenses for a net income of \$291,000. Year to date the City has recorded \$4.6 Million in revenues and \$2.5 million in expenses for a net surplus of \$2.1 million. **Councilor Miciotto moved to accept the Treasurer's Report as presented, Councilor Hammond seconded, and the motion passed on a vote of four to zero.**

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

- Code Enforcement has completed 750 cases year to date and 1322 rental inspections since Landlord Tenant started.
- There were 22 part one crimes and 831 traffic violations cited. There were 1848 total calls for the month of October.
- The routine of #9 PM is still paying off, however in September there was another round of vehicle break ins.
- Halloween went well and there was a huge crowd in East Fields and on Main Street.
- Street Parking for Halloween next year on Main Street will have to addressed.

City Manager Psota delivered his report.

- The tree lighting will be held on December 2, 2019 at 6:30 p.m.

Deputy Treasurer Swift had no report.

Public Works Director Gibbons delivered his report.

- Concrete work is complete on Cartwright Avenue and Clyde Ave and milling will be started soon.

UNFINISHED BUSINESS

1. **Paid Bills**

President Kerr acknowledged receipt of the paid bill report. **On a motion made by Councilor Outen and City Council**

Regular Meeting Minutes

11/13/19

seconded by Councilor Hammond the paid bills were approved by a vote of four to zero.

Public Hearing - Ordinance # 295 Repeals Ordinances # 122 & # 239 Alcoholic Beverage Violations

City Solicitor Mitchell read ordinance # 295 which repeals ordinance # 122 and # 239, which deals with alcoholic beverage violations, and codified as chapter 130 of the City Code. Open alcohol containers and consuming alcohol in public is now a fine instead of a criminal charge for adults. There were no public comments. **On a motion made by Councilor Miciotto to accept Ordinance # 295 as read by City Solicitor Mitchell, which repeals ordinance # 122 and # 239 which deal with alcoholic beverage violations, and codified as chapter 130 of the City code, seconded by Councilor Hammond the motion was approved by a vote of four to zero.**

NEW BUSINESS

1. Propose City Ordinance Regarding Marijuana

Chief Swafford introduced proposed ordinance# 296. This ordinance would make marijuana use in public a misdemeanor with a fine that could range from \$50 - \$500 and no more than 90 days incarceration. City Solicitor Mitchell proceed to read Ordinance # 296 for a first reading. Ordinance # 296 is an ordinance of the City Council to prohibit the consumption of marijuana in public areas. **On a motion made by Councilor Miciotto to accept the first reading of Ordinance # 296 as read by City Solicitor Mitchell, seconded by Councilor Hammond, the motion was approved by a vote of four to zero.** The second reading and public hearing will be December 10, 2019 at 7:10 p.m.

2. Convert Seized Funds

Chief Swafford requested authority to transfer \$4000 from seized funds to Peninsula Mental Health services. The payment will cover a retainer for critical incident consultations, 24/7 on call availability, priority scheduling and support training. The seized funds will be from case # 2018 – 0561 and recorded on property held record P- 01755. **On a motion made by Councilor Miciotto to convert \$4000 in seized funds as stated by Chief Swafford to Peninsula Mental Health Services from case # 2018-0561, seconded by Councilor Outen, the motion was approved by a vote of four to zero.**

3. Final Plat for Minor Re-subdivision of Land (215 & 217 Hayward Avenue) – Rodney Long

Tyler Long presented the Council with copies of a plat for minor re-subdivision involving lots 215 & 217 Hayward Avenue. Council President Kerr advised that the plat had been before the Planning Commission and they had recommended the approval. **On a motion made by Councilor Outen to approve the final plat for minor re-subdivision of 215 and 217 Hayward Avenue as presented by Mr. Long, seconded by Councilor Miciotto, the motion was approved by a vote of four to zero.**

4. Cedar Commons Re-subdivision Plat – Chris Gilkerson

Brock Parker and Chris Gilkerson approached the Council requesting approval to make the remaining lots in Cedar Commons single family homes instead of townhouses. They have been before the Planning Commission regarding this request and received approval. They are currently seeking a variance from the Board of Zoning Appeals. **On a motion made by Councilor Outen for approval of Cedar Commons re-subdivision plat, contingent upon approval of a variance from Board of Zoning Appeals to reduce the minimum lot bulk development requirements, seconded by Councilor Miciotto, the motion was approved by a vote of four to zero.**

5. Well # 1 and # 4 Rehabilitation Bid Approval

Public Works Director Gibbons advised that a formal bid opening was held on Wednesday, October 9, 2019 with A. C. Schultes being the low bidder for the rehabilitation of wells # 1 and # 4. The bid amount was \$43,000 for both wells and Public Works Director Gibbons would like to include a 10% contingency bringing the requested amount to \$47,300. **On a motion made by Councilor Miciotto to award the bid to A.C. Schultes for rehabilitation to well # 1 and # 4 at \$21,500 per well including 10% contingency not to exceed \$ 47,300, seconded by Councilor Hammond, the motion was approved by a vote of four to zero.**

6. **Other**

City Manager Psota introduced John Fields. Mr. Fields has had several discussions with City Manager Psota and Administrative Assistant Powell regarding 132 East Cedar Lane and a proposed yard sign. The property is zoned both commercial and residential. Due to that zoning, the sign cannot include advertising on it. The property is currently used as an "Air BNB" as a memorial to his daughter. City Manager Psota advised that Mr. Fields was given three recommendations of what to put on the sign. The three examples were: JF, Fields or 132 (the house number). Mr. Fields presented the Council with what he would like to have. After discussion, the Council decided that Mr. Fields could include on his sign, the words "The JF House, the curly cue and house design, the house number on the brick on the bottom and a small spotlight to shine on the sign. **On a motion made by Councilor Miciotto to allow Mr. Fields to have his sign that he presented to the Council, removing the established and 2019, City Manager Psota clarified that the established and 2019 will be removed, the curly cue design and house design will remain along with the words "The JF House", seconded by Councilor Outen, the motion was approved by a vote of three with one opposed.** Council President Kerr expressed her concern on future signage in the City. **On a motion made by Councilor Miciotto allowing lighting, such as a small spotlight on the sign, seconded by Councilor Hammond, the motion was approved by a vote of four to zero.** City Manager Psota clarified that 132 would be on the brick on the bottom, the Council decided that the house number could be anywhere on the sign. City Solicitor Mitchell advised that there should be no problem with Mr. Fields having an 8 1/2 inch by 11 inch or smaller plaque on the sign, not as part of the sign but on the structure, to honor his daughter.

7. **Other**

Chief Swafford requested Authorization to complete the purchase for a Code Enforcement vehicle. He would like to purchase a 2019 Chevrolet Silverado from I. G. Burton, which has the Delaware State contract pricing, and the City recently purchased two vehicles from them. The price of the Silverado would be \$32, 545. **On a motion made by Councilor Miciotto to approve the completion of the purchase of a 2019 Chevrolet Silverado, from I. G. Burton not to exceed \$33,000, seconded by Councilor Hammond, the motion was approved by a vote of four to zero.**

Public Comment/General Discussion

President Kerr wished everyone Happy Thanksgiving.

With no further business to discuss, **Councilor Outen made a motion to adjourn at 8:04 p.m., seconded by Councilor Hammond, the motion was approved by a vote of four to zero.**

Raye Ellen Thomas
Raye Ellen Thomas / City Clerk
[Approved, December 10, 2019](#)