

The Fruitland City Council met in Regular Session at City Hall on Tuesday, December 10, 2019 at 6:58 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 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, Bob Marvel, Bill McDermott from Wicomico County States Attorneys Office, and Katherine McAllister from GMB.*

At 6:58 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 November and called for additions or corrections. As there were none, **Councilor Outen 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 November 2019, the City recorded \$238,000 of revenue and \$654,000 of expenses for a net deficit of \$416,000. Year to date the City has recorded \$4.8 Million in revenues and \$3.1 million in expenses for a net surplus of \$1.7 million. **Councilor Miciotto moved to accept the Treasurer's Report as presented, Councilor Hammond seconded, and the motion passed on a vote of five to zero.**

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

- Code Enforcement has completed 776 cases year to date.
- There were 28 part one crimes and 930 traffic violations cited. There were 2336 total calls for the month of October.
- Sergeant Jackson and Officer Weisberg received awards from Mothers Against Drunk Drivers.
- Officer Weisberg was awarded Fruitland Police Officer of the year at the Chamber banquet.
- Tree Lighting went well.
- If you see anything strange in your neighborhood, please report it, and remember to lock your vehicles.

**City Manager Psota** delivered his report.

- The tree lighting went well and City Manager Psota thanked everyone for their participation.
- The Fruitland Chamber of Commerce banquet was great. Senator Carozza and Delegate Anderton attended.
- City Manager Psota thanked Administrative Assistant Powell for the new City website.

Katherine McAllister updated the Council on the Solar Panel project. She advised it will go for bid soon and should start construction in the Spring. Katherine advised that the Well Project went to bid in November and the bid packet has been sent to Maryland Department of Environment (MDE) for their review and approval.

**Deputy Treasurer Swift** advised that the annual audit, which is conducted by Wigglesworth, Layton, Moyers & Chance, P.C., was concluded in October and shows the City continues to be financially strong. In the last five years the City has been able to decrease the audit fee from \$64,000 to \$29,000.

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

- Paving contracts are complete for Cartwright, Clyde, Cedar and Squires Court.
- Well rehabilitation contract was awarded and should start on December 23, 2019.
- City Manager Psota thanked Public Works Director Gibbons for obtaining the paving contracts and advised that all came in under budget.

## **UNFINISHED BUSINESS**

### **1. Paid Bills**

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

### **2. Other**

City Solicitor Mitchell advised that he received the finalized Public Works agreement between the City and Amber Ridge II, LLC concerning the remaining lots in Cedar Commons. It has been reviewed by Public Works Director Gibbons and signed by the developer, Chris Gilkerson. City Solicitor Mitchell informed the Council on a variation from the standard requirements for posting security, and the reason for the variation. **On a motion made by Councilor Outen to authorize President Kerr to sign and accept the Public Works agreement for the remaining lots in Cedar Commons Subdivision as presented by City Solicitor Mitchell, seconded by Treasurer Carey, the motion was approved by a vote of five to zero.**

### **Public Hearing - Ordinance # 296 Prohibit the Consumption of Marijuana in Public Areas**

City Solicitor Mitchell read Ordinance # 296 which is an Ordinance of the City Council of the City of Fruitland, Maryland to prohibit the consumption of marijuana in public areas. There were no public comments. **On a motion made by Treasurer Carey to accept Ordinance # 296 to prohibit the consumption of marijuana in public areas, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.**

## **NEW BUSINESS**

### **1. Public Works Surplus Property**

Public Works Director Gibbons requested authority to surplus items from Public Works. Among the items were a Public Works Department truck, golf cart, sign board, electric pumps, generator and asphalt milling equipment. The City Clerk was provided a list available for review. Public Works Director Gibbons advised that he is working with the Police Department on possibly having an auction and what is not sold will be otherwise disposed of. **On a motion made by Councilor Miciotto to surplus and auction the items requested by Public Works Director Gibbons and to dispose of unsold items, with list available from City Clerk, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.**

### **2. General Liability/Workers Compensation Renewal Approval**

City Manager Psota asked for authority to approve a renewal for the expiring General Liability and Workers Compensation Insurance policies with "The Travelers" as brokered by Cooper Insurance. The policy expires January 9, 2020 and a renewal quote of \$265, 000 for the combined policies was brokered. Due largely to increased Workers Compensation claims, this is an increase over what was budgeted, however, the contingency accounts throughout all departments can absorb this increase. City Manager Psota advised that past policy renewals have not required signatures, but should that change, he requested approval to sign any associated documents. **On a motion made by Treasurer Carey to renew the General Liability and Workers Compensation through Travelers Insurance with Cooper Insurance as the broker and authority for City Manager Psota to sign any documents if needed, not to**

exceed \$265,000, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.

**3. Resolution # 5 – 2019 Amend General Fund Budget**

Deputy Treasurer Swift read Resolution # 5-2019 which amends the fiscal year 2019-2020 General Fund budget. **On a motion by Councilor Outen to accept Resolution #5-2019 to amend the General Fund budget, seconded by Treasurer Carey, the motion was approved by a vote of five to zero.**

**4. Resolution # 6-2019 Amend Utilities Fund Budget**

Deputy Treasurer Swift read Resolution # 6-2019 which amends the fiscal year 2019-2020 Utilities Fund budget. **On a motion made by Councilor Miciotto to accept Resolution # 6-2019 to amend the Utilities Fund budget as presented, seconded by Treasurer Carey, the motion was approved by a vote of five to zero.**

**5. WWTP- Lab Spectrophotometer Purchase Approval**

This item was tabled.

**6. Other**

City Manager Psota advised that in 1997, the engineering firm, George, Miles and Buhr (GMB), prepared a report detailing a master plan for the City's drainage and storm water system. This report was updated in 2008. City Manager Psota requested authority to approve GMB's quote of \$55,000 to provide another updated report. He advised that the report cost was accounted for in this current year's budget. **On a motion made by Treasurer Carey to approve the expenditure of \$55,000 for the Drainage Facility Master Plan report update as presented by City Manager Psota, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.**

**Public Comment/General Discussion**

President Kerr wished everyone a Merry Christmas.

With no further business to discuss, **Councilor Outen made a motion to adjourn at 7:23 p.m., seconded by Treasurer Carey, the motion was approved by a vote of five to zero.**

*Raye Ellen Thomas*  
Raye Ellen Thomas / City Clerk  
[Approved, January 14, 2020](#)