

The Fruitland City Council met in Regular Session at City Hall on Tuesday, March 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 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, Cornella Harmon, Jeff Merritt and Joe Smith.*

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 February 11, 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. For February 2020 the City recorded \$204,000 of revenues. Expenses for the month totaled \$748,000. For the month of February, the City had a net deficit of \$544,000. Year to date the City has recorded \$6 million in revenues and \$5.4 million in expenses for a net surplus of \$600,000. **Councilor Miciotto moved to accept the Treasurer's Report as presented, Councilor Outen 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 had 15 new building permits issued year to date.
- There were 24 part one crimes and 1166 traffic violations cited. There were 2568 total calls for the month of February.
- If anyone sees anything unusual in their neighborhood, please call the Police Department.
- K-9 Spence and Corporal Shellenberger starting training and should be ready for service April 1, 2020.

**City Manager Psota** delivered his report.

- Little League Parade will be held on April 4<sup>th</sup>.
- Easter Parade will be held on March 28<sup>th</sup> starting at 10:00 A.M followed by an Easter egg hunt.
- There will be a Census Party also on March 28<sup>th</sup> from 12:00 P.M. – 2:00 P.M. at City Hall.
- The Chamber of Commerce is selling banners for Veterans, if anyone is interested see City Manager Psota for a form.
- Fruitland Lions Club will be holding a spaghetti dinner on Saturday, April 18, 2020.
- Katherine from GMB had advised City Manager Psota that the well project contracts have all been signed and approved. The final submittal was sent to MDE for the solar project last week.

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

- The new pump and motor for Well # 4 has been installed.
- The Tuxent Branch drainage ditch project has started and should be finished by the end of the week with one section that can't now be done because the owner has not agreed to sign the easement.

## **UNFINISHED BUSINESS**

### 1. **Paid Bills**

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

## **Public Hearing – Ordinance # 298 – Adoption of ICC Codes 2018**

City Solicitor Mitchell advised that ICC Codes are adopted regularly every three years and Code Enforcement Officer Henderson had requested a way to have the codes adopted without having to pass a full ordinance each time. Now the codes will be adopted by resolution instead of ordinance. City Solicitor read Ordinance # 298 which is an ordinance repealing ordinance # 273 which adopted the 2015 edition of the international building code; the international residential code for one and two family dwellings; the international energy conservation code; the international existing building code; and the swimming pool and spa code and replacing them with the 2018 editions of the same. Since there were no public comments or questions, **on a motion made by Councilor Outen to approve Ordinance # 298 as read by City Solicitor Mitchell, seconded by Treasurer Carey, the motion was approved by a vote of five to zero.**

## **NEW BUSINESS**

### 1. **Seized Funds**

Chief Swafford provided a video for the Council to review featuring BOLA Wrap devices. Chief Swafford then requested permission to utilize \$11,653.11 from seized funds. With those funds he would like to purchase fourteen BOLA Wrap devices, as well as holster and cartridges. The seized funds have been forfeited by the courts for use by the Fruitland Police Department. The total transaction cost is \$14,157.80. Operation We Care will provide a \$2,500.00 donation and the remaining amount, \$4.69 to cover the purchase, would come from the Fruitland Police Department guns and ammunition budget. Chief Swafford asked that East Coast Tactical be considered a sole source provider as they have the exclusive distribution rights for Bola Wrap in this area. The property records will be available if needed from the City Clerk. **On a motion made by Councilor Miciotto to utilize \$11,653.11 from seized funds, \$2500.00 from Operation We Care and \$4.69 from the police department guns and ammunition budget, acknowledging East Coast Tactical as a source sole as stated by City Manager Psota, seconded by Treasurer Carey.** Jeff Merritt from Operation We Care then presented Chief Swafford with the donation.

### 2. **WWTP SBR Controller Retro Fit Assembly Approval Ratification**

Council President Kerr advised that the SBR controller retro fit assembly that was previously approved needs ratification not to exceed \$10,000. **On a motion made by Treasurer Carey to ratify the prior action not to exceed \$10,000, seconded by Councilor Outen, the motion was approved by a vote of five to zero.**

### 3. **WWTP HACH Maintenance Contract Approval**

City Manager Psota advised that this is a yearly renewal of the contract with HACH for the maintenance of sensors and probes at the wastewater treatment plant. He is asking to renew the maintenance contract in the amount of \$14,379. **On a motion made by Councilor Outen to approve renewing the maintenance contract with HACH in the amount of \$14,379 and allowing City Manager Psota to sign any needed paperwork, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.**

**4. Nutter's Election House Deed Gift Memorandum Signature Approval**

City Manager Psota asked approval for City Council President Kerr to sign a deed of gift from the Wicomico Historical Society, Inc for the "Nutter's Election House" to make it official since it was gifted to the City of Fruitland. City Solicitor Mitchell has reviewed the memorandum of transfer and deed of gift and would like it to be noted that even though it is called a deed that since the Election House is located on City property it is a deed of personal property only. **On a motion made by Councilor Miciotto to accept the memorandum of transfer and deed of gift for the Nutter's Election House and allow City Council President Kerr to sign, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.**

**5. Resolution 2-2020 Amend General Fund Budget**

Deputy Treasurer Swift read resolution 2-2020 which amends the fiscal year 2019-2020 general fund budget. **On a motion made by Councilor Outen to accept resolution 2-2020 as read by Deputy Treasurer Swift, seconded by Treasurer Carey, the motion was approved by a vote of five to zero.**

**6. Resolution 3-2020 Amend Utilities Fund Budget**

Deputy Treasurer Swift read resolution 3-2020 which amends the fiscal year 2019-2020 utilities fund budget. **On a motion made by Councilor Miciotto to accept resolution 3-2020 as read by Deputy Treasurer Swift, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.**

**7. Re-Zoning Application (Mary Scarborough)**

Ms. Scarborough was not in attendance; therefore, no action was taken.

**8. Truck Hoist Cylinder Replacement**

Public Works Director Gibbons asked for approval to repair the truck hoist cylinder on the 2003 International truck. The main cylinder failed and was diagnosed by Meadows Hydraulics. Meadows Hydraulics has no mechanical parts for this cylinder. An estimate was received for a new cylinder in the amount of \$5847.12. **On a motion made by Councilor Hammond to approve the purchase of truck hoist cylinder from Meadows Hydraulics not to exceed \$6000.00, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.**

**Public Comment/General Discussion**

Joe Smith asked if Brown Street was going to be a permanent closure. Councilor Outen advised that the developer does not have to develop the road so therefore it will remain closed. City Solicitor Mitchell pointed out that it has not been abandoned, simply closed to traffic. It remains a City road. Mr. Smith then thanked the Council for the great job they have been doing.

With no further business to discuss, **Councilor Miciotto made a motion to adjourn at 7:59 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, April 14, 2020](#)