

The Fruitland City Council met in Regular Session at City Hall on Tuesday, March 12, 2019 at 7:30 p.m. with the following members present:

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

Also present at the table were:

*City Manager John Psota, Lieutenant Dan Holland, Deputy Treasurer Mark Swift and City Solicitor Andrew Mitchell.*

Our guests included:

*Public Works Director Michael Gibbons, Bob Marvel, Katherine McAllister from GMB, Chris Gilkerson, JP Merritt, Stephanie Merritt, Sarah Rayne, Pastor Dana Stauffer, Alexis Dashield, Julie Bellamy, Kip and Sharon Powers, Julia Mann and Sheila Hammond.*

At 7:30 p.m. President Kerr called the regular Council meeting to order. Pastor Dana Stauffer gave a Prayer, and all recited the Pledge of Allegiance.

President Kerr acknowledged receipt of the minutes of the Regular Meeting of February 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 February 2019, the City recorded \$186,500 of revenues, including \$90,000 in income taxes. The total billed revenues for the fiscal year are \$5.9 million, including real estate taxes and three quarters of utility billing. The City incurred \$532,000 of expenses for the month including \$154,000 for insurance policy renewals. The total expenses for the fiscal year to date are \$5.7 million. The net deficit for the City for the month of February is \$345,500 and the net income for the fiscal year to date is \$159,000. **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.**

**Lieutenant Holland** delivered his report on behalf of the Police Department and Code Enforcement.

- Code Enforcement opened 15 new cases and closed 19 old cases.
- There were 1720 total calls for service in February.
- An auction was held March 9, 2019 and all items were sold.
- Chief Swafford will be graduating on Friday from the National Academy.
- Reminder for all citizens to lock vehicles due to recent break ins.
- Lieutenant Holland thanked the community for all their help and support with Officer Weisberg.

**City Manager Psota** delivered his report.

- The Easter Parade is scheduled for Saturday, April 6<sup>th</sup>, line up at 9:00 a.m., parade starts at 10:00 a.m.
- Following the parade is an Easter Egg hunt, assisted by All Community Church volunteers.
- Little League Parade is the week after the Easter Parade, April 13<sup>th</sup> starting at 8:30 a.m.

**Deputy Treasurer Swift** had nothing to report.

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

- Piping for the service line replacement on Main Street was completed today.
- All pump stations are controlled by cellular service now.

## **UNFINISHED BUSINESS**

### **1. Paid Bills**

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

### **2. Colonial Village/Unbuildable Lots Update**

City Solicitor Mitchell advised that the Council voted to not bill water and sewer reserve fees for the six unbuildable lots in Colonial Village and to waive the approximately \$900 in combined outstanding fees for those lots. The Homeowners Association for Colonial Village has been advised that it needs to present a memorandum of agreement setting forth that if the lots are sold or attached or built on, then the fees will apply. As of this time, they have not responded.

### **3. Rowens Mill – Surrender of EDUs**

City Solicitor Mitchell gave an update regarding approval granted at the February 12, 2019 Council meeting authorizing continued negotiation with Rowens Mill Subdivision developer, Bair Rinner, regarding the City's offer to buy back EDUs. The City agreed to purchase the EDUs at a cost of \$27,500 which consist of 7 water EDUs and 7 sewer EDUs and Mr. Rinner also agreed. City Solicitor Mitchell has a list of the EDUs returned.

### **4. Fruitland Water Tower Bill of Sale**

City Manager Psota advised that on March 5, 2019 the Wicomico County Council Resolution 50-2019 was passed dealing with the Morris Mill Water Tower easements and the sale of the tower for \$1.00 each. When the Wicomico County met as an Urban Service Commission, they passed resolution 1-2019 for the deed of easement and agreement with the City of Fruitland. City Solicitor Mitchell advised that in July the bill of sale was signed by President Kerr, however, language had been changed by the County. City Solicitor Mitchell has the bill of sale and deed of easement to be signed tonight. **On a motion made by Councilor Outen to allow the Council President to sign the bill of sale and deed of easement, seconded by Treasurer Carey, the motion was approved by a vote of five to zero.**

### **5. MDE Water Treatment Plant Well Upgrade Application Update**

City Manager Psota advised that as a result of the new well, MDE has proposed new requirements. In the proposal if there are any complaints dealing with wells or from residents the City would be responsible. Katherine McAllister from GMB advised that GMB's suggestion would be to propose a change to the language and limit the amount of time to a period of two years without complaints as a statute of limitations. City Solicitor Mitchell advised that the City should have a definition but would like to consult with the City Solicitor of what the impact on the wells means, Katherine McAllister advised that there is a definition. GMB would also like to limit it to a one-mile area from the new well.

## **PUBLIC HEARING – Ordinance 291**

City Solicitor Mitchell read Ordinance 291 which amends Ordinance 67, the Zoning Ordinance, in order to delete those uses permitted by special exception as were enacted by Ordinance 210 and similar such uses permitted by special exception in the C-2, C-4, and C-7 districts. This Ordinance will affect special exceptions in every zoning district, except W-1, conservation district. Julia Mann asked if by passing the Ordinance would there be no special exceptions available, City Solicitor Mitchell advised no that was not the case. **On a motion made by Treasurer Carey to accept Ordinance 291 as read by City Solicitor Mitchell, seconded by Councilor Outen the motion was approved by a vote of five to zero.**

## NEW BUSINESS

### 1. Coastal Association of Realtors of Maryland Presentation

Sarah Rayne, Government and Public Affairs Director of Coastal Association and Austin Whitehead, co-director and board of directors' member presented a power point involving the real estate market for the City of Fruitland and Wicomico County.

### 2. Cedar Commons/Public Works Agreement to Remove Completion of Brown Street

Chris Gilkerson stated that he had attended the Planning Commission and was advised to come to the Council Meeting due to one punch list item needing to be completed on the agreement with Public Works regarding paving of Brown Street. Mr. Gilkerson would like relief from paving Brown Street and he will finish building the buildable lots. If relief is not obtained, then Mr. Gilkerson will not finish building. The Planning Commission determined that Brown Street did not need to be completed. Councilor Outen asked if the road needs to be paved to complete the drainage, City Solicitor Mitchell and Public Works Director Gibbons will look into that matter. The Council is in favor of not requiring Brown Street absent of finding the need of a cul de sac or drainage issue. All the Councilors would love to see the development finished. **On a motion made by Councilor Outen for the City to agree to remove the completion of Brown Street from the Developer obligations absent the finding of significant need of a cul de sac or finding of a drainage issue and if there is a letter of credit the City will discuss how to handle the same, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.**

### 3. Sale of City Owned Parcel – Hayward Avenue Consideration/Discussion

This item was tabled.

### 4. Surplus Items

City Manager Psota advised five water tanks were obtained while doing the Morris Mill Water Tank, permission has been given to dispose of the tanks from the Federal Government. EPA sent the water tanks to Fruitland. The five tanks, two were 550-gallon plastic/polymer water tanks and the other three were 1550-gallon plastic/polymer water tanks, were sold at auction on Saturday. City Manager Psota had previously requested to dispose and is asking ratification. **On a motion made by Councilor Miciotto to ratify the disposal of the water tanks already sold, seconded by Treasurer Carey, the motion was approved by a vote of five to zero.**

### 5. SBR Motive Pump Repair Ratification

City Manager Psota was advised at the November 2018 Council Meeting that a spare Flygt pump may need to be repaired at a cost of \$22,000, which he would discuss the need for repair with the Waste Water staff. Also, one of the other pumps in operation was exhibiting signs that it needed to be examined. They are both critical pumps that operate the 2 SBRs at the Waste Water Treatment Plant and need to have spares for. A quote was received for repairing the spare pump at Hill's Electric in the amount of \$23,513.56 and would take approximately four weeks for repair with a standard one-year warranty on repairs. A new replacement pump would cost approximately \$40,000. The plan is to remove the pump that is in need of inspection and send out for review, while placing the spare pump in its place. City Manager Psota is requesting authority to approve the quote for the repair not to exceed \$25,000 as a ratification. **On a motion made by Treasurer Carey to accept the ratification for repairs of the SBR motive pump as presented by City Manager Psota, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.**

### 6. Grinder Pump Repair St. Luke's Road Pump Station Ratification

City Manager Psota advised at last Council Meeting that there was a need to repair the grinder pump located at the St. Luke's Road pump station. The pump seized and became inoperable. It was removed and sent to Hill's Electric for evaluation and he was awaiting a quote. Hill's Electric has submitted a quote of \$28,233.38, with a one-year warranty. A new pump would cost approximately \$54,000. City Manager Psota is seeking approval for ratification to approve the quote from Hill's, plus 5% not to exceed \$29,700. **On a motion made by Councilor Hammond to approve the ratification of the Grinder pump at St. Luke's Road, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.**

7. **Clyde Avenue Pump Repair Ratification**

City Manager Psota advised that most of the pumps go to Hill's Electric for repair. Pump N Power is a company out of Jessup, Maryland that can repair the pump at Clyde Avenue since Hill's is unable to repair. A decrease has been noticed in the amount of flow from the Clyde Avenue pump station and Pump N Power has the ability to test the flow of the pump. City Manager Psota had requested approval in the amount of \$13,449 to Pump N Power to repair the pump. Repair time will be approximately four weeks and a new pump would be \$25,000. City Manager Psota is requesting ratification for Pump N Power to repair and test the flow of the Clyde Avenue Pump not to exceed \$14,800 including 10% contingency. **On a motion made by Councilor Miciotto to accept the ratification of the Clyde Avenue Pump Repair, seconded by Treasurer Carey, the motion was approved by a vote of five to zero.**

8. **Electrical Work Quote Approval Shady Lane Water Tower**

City Manager Psota advised there was a short in the line a while back. One phase was worn out, the problem needs to be found and fixed. City Manager Psota advised he has received three different quotes. The lowest bidder was John Tieder in the amount of \$7450. City Manager is requesting John Tieder to repair and include 10% contingency not to exceed \$8300. **On a motion made by Treasurer Carey to award the bid to John Tieder not to exceed \$8300 including a 10% contingency, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.**

9. **Other**

City Manager Psota advised that the City has fifty-seven Devices that include fifty-two phones and five air cards. The City contacted Verizon who advised to contact VT Communications. VT Communications advised they could surplus the phones in the amount of \$600. City Manager Psota advised that he will provide a list of the phones to the Clerk and the phones have been wiped clean except for two which will be destroyed. City Manager Psota is asking to surplus the fifty-seven devices. **On a motion made by Councilor Hammond to allow City Manager Psota to surplus the fifty-two phones and five air cards to VT Communications, seconded by Treasurer Carey, the motion was approved by a vote of five to zero.**

City Manager Psota advised the HACH Maintenance is up for renewal. This will be the third year that we have had the agreement which is needed for ENR upgrade probes and sensors. The renewal is \$15,145. City Manager Psota is asking for approval to sign the maintenance agreement. By having a maintenance agreement, the City may qualify for State funding to offset the cost. **On a motion made by Councilor Miciotto to continue the HACH maintenance agreement in the amount of \$15,145 and allow City Manager Psota to sign agreement, seconded by Treasurer Carey, the motion was approved by a vote of five to zero.**

**Public Comment/General Discussion**

Gail Moorestat advised that she owns a house on Park Avenue. She is concerned about the standing water in her ditch and thinks that there is a clog in the pipe or the ditch needs to be cleaned out. City Manager Psota advised that if Ms. Moorestat will provide her number to him or Public Works Director Gibbons they will look into the matter.

Kip Powers from Main Street advised that he had a water leak and was notified by his water bill. He feels that he should be notified another way, such as a door hanger or phone call. City Manager Psota advised that a leak check is conducted during the quarters, but they have not been completed lately due to installing new water meters throughout the City, however, the process will continue. City Manager Psota advised that no other municipalities perform these checks. The new meter software that will be installed will monitor leaks more closely.

Alexis Dashield from the Community Center thanked the Council for the donation. She also advised that there was water standing on her street and it could possibly be the catch basins.

Pastor Dana Stauffer thanked the Police Department for helping her with a safety matter.

A concerned citizen asked if Brown Street Extended was on the comp plan.

Councilor Outen gave an update on the Morris Mill Dam project. The timeline is still intact and should be open within the year time.

Council President Kerr requested everyone to continue to pray for Officer Weisberg.

**With no further business to discuss, Councilor Hammond made a motion to adjourn at 9:20 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 9, 2019](#)