

The Fruitland City Council met in Regular Session at City Hall on Tuesday, August 13, 2019 at 7:30 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, Katherine McAllister, J.P. and Stephanie Merritt, Mac Pusey, Bob Marvel, Luzette Jones, Gail Morset, Delegate Carl Anderton and Alexis Dashields.

At 7:30 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 July 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 July 2019, the City recorded \$3,412,590 of revenues including nearly \$2.7 million in real estate taxes and \$670,000 in utility service fees. The City incurred \$980,000 of expenses for the month including \$526,000 in loan payments and \$100,000 in a donation to the Fruitland Fire Department. The net income for the City for the month of July is \$2,432,929. **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 193 cases for the month of July.
- There were 19 part one crimes and 1043 traffic violations cited. There were 2076 total cases in the month of July.
- The routine of #9 PM is still paying off. There will be a drawing for a gas gift card for those sharing the #9PM routine on Facebook.
- National Night Out was held on August 6, 2019. Everyone should watch the You Tube video.
- A 15,000 grant was awarded from the Health Department for a K-9 to the Fruitland Police Department.
- The Maryland Criminal Network Grant was also renewed.
- Sergeant Jackson and Officer Wiersberg will be receiving State DWI Enforcement Awards.
- Officer Wiersberg has also been nominated for the Noah Leona award.

City Manager Psota delivered his report.

- All Church Community held community day on August 3, 2019, they also donated items to the Police Department.
- City Manager Psota recognized the Fruitland Little League Majors as Maryland State Champions in the 11- 12 age group. The City donated \$500 to help offset traveling costs.

Deputy Treasurer Swift had no report.

Public Works Director Gibbons delivered his report.

- The second phase of ditch mowing has been completed.
- Generator has been installed at Clyde Avenue.
- Mosquito spraying continues.
- A Hach maintenance agreement for WWTP equipment has been covered by a grant from MDE.

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. Water Allocation Permit Update

Katherine McAllister from GMB advised that the City was granted approval from MDE for the increase in water allocation. The permit was approved.

3. Water Plant Upgrade Project Update

Katherine McAllister advised that there were two comments from MDE concerning the upgrade and they have been addressed with progress continuing. Project should be bid in September.

4. Solar Panel Project Update

Katherine McAllister advised that this project should receive bids in September.

5. Accounting Software Bid Award Ratification

Deputy Treasurer Swift advised the Council of the bid from Edmunds's GovTech for the City's accounting software at a total cost of \$98,930. Since last speaking about the software, the City has reviewed the optional add-ons that were included in the bid and have decided not to pursue all of them. The actual contract amount will be \$78,555 and Deputy Treasurer Swift is asking for a 10% contingency, not to exceed \$86,500. There will also be costs from the current software vendor to retrieve and provide historical data for the new system. That cost will not be included in the \$86,500 but will remain in the \$100,000 budgeted amount. Deputy Treasurer Swift would also like to ask approval for City Manager Psota to sign any necessary contracts/agreements provided by Edmunds, after review by City Solicitor Mitchell. **On a motion made by Councilor Miciotto to award Edmunds GovTech the accounting software bid at a cost of \$78,555 not to exceed \$86,500, including 10% contingency, and other costs within the \$100,000 budget, and to permit City Manager Psota to sign any paperwork regarding the software bid, seconded by Treasurer Carey. The motion was approved by a vote of five to zero.**

6. Code Enforcement Board of Appeals Appointment

Council President Kerr advised the Code Enforcement Board of Appeals which when created had appointed a Council Member to the Board and that Council member has asked that he not server on that board. Council President Kerr nominated Roland Palmer to replace Councilor Outen on the Board. **On a motion made by Treasurer Carey to appoint Roland Palmer to the Code Enforcement Board of Appeals, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.**

7. Service Line Replacement Bid Approvals

Public Works Director Gibbons advised that bids were received for the service line replacement work on Cartwright Avenue, Clyde Avenue and Squires Court. Cartwright Avenue received two bids with the lowest bid being in the amount of \$47,200 submitted by Underground Facilities Utilities. He requested to add 10% contingency making the amount \$52,000 and to award the bid to Underground Facilities Unlimited. Underground Facilities Unlimited was also the low bidder for Clyde Avenue in the amount of \$13,600. Public Works Director Gibbons requested to add 10% contingency bringing the amount to \$15,000 and to award the bid to Underground Facilities Unlimited. One bid was received for Squires Court in the amount of \$72,000 from W.M. Water and Sewer, Public Works Director Gibbons requested 10% contingency bringing the amount to \$79,500. **On a motion made by Councilor Miciotto to award to Underground Facilities Unlimited \$52,000, including a 10% contingency for Cartwright Avenue and \$15,000 including a 10% contingency for Clyde Avenue, totaling \$67,000, seconded by Treasurer Carey, the motion was approved by a vote of five to zero. On a motion made by Councilor Outen to award the bid to W. M. Water and Sewer for Squires Court in the amount of \$79,500, including 10% contingency, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.**

Public Hearing – Ordinance # 293 Prohibit the Delivery of Publications to Private Property Owners Who Have Not Requested the Service

City Solicitor Mitchell read Ordinance #293, which is an ordinance of the City Council, to prohibit the delivery of publications to private property owners who have not requested the service. Since there were no questions or comments, Council President Kerr called for a motion. **On a motion made by Councilor Miciotto to accept Ordinance #293 as read by City Solicitor Mitchell, seconded by Treasurer Carey, the motion was approved by a vote of five to zero and Ordinance # 293 passed.**

First Reading – Ordinance # 294 Shopping Carts

City Solicitor Mitchell read Ordinance # 294, which is an ordinance of the City Council, declaring the unauthorized removal or abandonment of shopping carts to be a municipal infraction and establishing a procedure for dealing with abandoned carts. A discussion was held concerning contacting the owners of the carts, if a cart is not marked, how is it claimed and how long will they be stored were posed. Chief Swafford answered the questions. Signage will be posted in the City's easement advising of the removal restrictions. **On a motion made by Councilor Miciotto to accept the first reading of Ordinance # 294 as presented by City Solicitor Mitchell, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.** The Public Hearing will be held on September 10, 2019 at 7:40 p.m.

NEW BUSINESS

1. Custodian Contractual Position

Chief Swafford updated the Council on the part time custodian position for the Police Department and City Hall. He has received several applications and will begin interviewing after August 15th and the position should be filled by September 1st.

2. Cedar Commons

City Manager Psota advised that there are eight unbuildable lots in Cedar Commons that are being charged water and sewer reserve fees. The Cedar Commons HOA has asked that they be exempt from the fees. City Manager Psota would like to create a Memorandum of Understanding (MOU) like the one prepared for Colonial Village that states the City will waive the fees, however, if the lots become buildable, the HOA is to contact the City Manager and the fees will go back into effect. City Manager Psota requested authority to create similar MOUs to be reviewed by City Solicitor Mitchell should similar situations come to light elsewhere. **On a motion made by Councilor Miciotto to allow City Manager Psota to proceed with the MOU for Cedar Commons using the template from the Colonial Village MOU, regarding water and sewer reserves fees for unbuildable lots, owned by the HOA or Common areas, if anything further than that needs to come before the Council and the authority to proceed if a situation arises in the future, seconded by Councilor Outen, the motion was approved by a vote of five to zero.**

3. **Tuxent Branch Drainage Plan**

City Manager Psota presented a slide show showing the Tuxent Branch drainage system and the issues that are occurring. City Manager Psota and Katherine McAllister from GMB are looking into future funding to try and help with drainage in this area. In the meantime, City Manager Psota stated that Public Works will be working to remove the trash and debris from the area of Linda Drive to help with the drainage.

4. **Vehicle Replacements Approval**

City Manager Psota requested authority to purchase two Ford F150 vehicles for Public Works not to exceed \$30,000 each. Public Works Director Gibbons has obtained quotes with the lowest quote being from Stafford Ford in the amount of \$28,472.40 each. City Solicitor Mitchell started a discussion concerning the need to fully satisfy the purchasing requirements as stated in the City's purchasing policy ordinance. Councilor Outen requested that this request be approved now if Public Works Director Gibbons obtains a quote from NJPA (National Joint Powers Alliance/Source Well) or another Government contract bid source. City Solicitor Mitchell advised that could be an acceptable course of action. **On a motion made by Councilor Miciotto to authorize the purchase of two Ford F150 trucks that are the same price or lower than a Government contract that fits the City's ordinance, obtained by Public Works Director Gibbons, not to exceed \$30,000 each, seconded by Councilor Outen, the motion was approved by a vote of five to zero.**

5. **Surplus Property**

Public Works Director Gibbons advised that the generator at Clyde Avenue is not functionable and parts are not able to be obtained. He is asking to surplus the generator. City Manager Psota showed a slide show of the new generator at Clyde Avenue. **On a motion made by Treasurer Carey to surplus the generator from the Clyde Avenue pump station to be used as scrap, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.**

6. **Sewer Line and Storm Drain Point Repair Equipment Purchase Approval**

This item was tabled.

Public Comment/General Discussion

Gail Morset from Park Avenue wanted to thank Public Works Director Gibbons for having the trash removed after the vegetation was cut down across from her residence.

With no further business to discuss, **Treasurer Carey made a motion to recess at 8:45 p.m., as the Council will be going into Closed Session seconded by Councilor Miciotto, the Council reconvened and Councilor Outen made a motion to proceed with Closed Session at 8:52, seconded by Councilor Hammond. During Closed Session the Council obtained legal advice. Councilor Outen made a motion to return to Open Session at 9:09, seconded by Treasurer Carey, with no further business to discuss, Treasurer Carey made a motion to adjourn at 9:13, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.**

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