

The Fruitland City Council met in Regular Session at City Hall on Tuesday, February 10, 2015, at 7:30 p.m. with the following members present:

*President Darlene Kerr, Treasurer Gloria Ortiz, Councilor Raymond Carey, Councilor Charles Nichols and Councilor Roland Palmer.*

Also present at the table were:

*Chief Michael Phillips, City Manager John Psota, City Clerk Raye Ellen Thomas, Public Works Director Michael Gibbons and City Solicitor Andrew C. Mitchell Jr.*

Our guests included:

Bob Marvel, Katherine McAllister and Chris Comer from Comcast.

President Kerr called the regular Council meeting to order at 7:30 p.m. and welcomed all in attendance. Treasurer Ortiz offered prayer and all recited the Pledge of Allegiance.

President Kerr acknowledged receipt of the minutes of the Regular Meeting of January 15, 2015 and called for additions or corrections. As there were none, **Councilor Nichols moved to adopt the minutes as presented; Treasurer Ortiz seconded and the motion passed on a vote of five to zero.**

**Treasurer Ortiz** delivered the December Treasurer's Report.

Cash on Hand 1/01/15	\$ 481,124.81
Deposits	\$ <u>1,305,560.36</u>
Subtotal	\$ 1,786,685.17
Disbursements	\$ <u>(1,405,219.81)</u>
Total Ending 1/31/15	\$ 381,465.36

**Councilor Carey moved to accept the Treasurer's Report as presented. Councilor Nichols seconded and the motion passed on a vote of five to zero.**

**Chief Phillips gave the Police and Code Enforcement reports. During the Code Enforcement report, Chief Phillips explained that the State of Maryland requires all Municipalities to adopt the 2015 Building and Residential Code by June of 2015. The codes are updated every three years and he would like it to be included in the budget for upcoming years. City Manager Psota gave his report and during that time he explained that the previous LED electric contracts with McIntyre Electric need to be ratified. The Council unanimously ratified the LED electric contract with McIntyre Electric to include cost to the City of up to \$8545.00. Public Works Director Gibbons gave the Public Works report.**

#### UNFINISHED BUSINESS

##### 1. Paid Bill Report

President Kerr acknowledged receipt of the paid bill report; as there were no questions, **on a motion made by Councilor Palmer and seconded by Councilor Carey the paid bills were approved as listed by a vote of five to zero.**

##### 7:40 Ordinance # 272 Comcast Franchise Agreement

City Solicitor Mitchell reminded everyone that the ordinance was necessary to adopt the agreement. He proceeded to read Ordinance # 272 with the changes that had been made. City Solicitor Mitchell advised that the agreement has been reviewed and if there is a motion to approve, it should include authorization for the City Manager to sign on behalf of the City. Since there were no comments, **on a motion made by Councilor Palmer to pass Ordinance # 272 as presented by City Solicitor Mitchell with the agreement that City Manager Psota has the authority to sign agreement, Treasurer Ortiz seconded and the motion passed with a vote of five to zero.**

#### NEW BUSINESS

##### 1. Minor Subdivision Plat Approval (Estate of Mattie Brown)

City Solicitor Mitchell explained that when Mattie Brown died her estate became the owner of a large parcel located at the corner of East Main and N. Brown Street. On the parcel are Ms. Brown's former residence which faces Main Street

and two houses that front N. Brown Street. The Planning Commission, at its meeting on March 3, 2015, reviewed and recommended approval of a subdivision plat to create two separate lots for the houses that front N. Brown Street. It was established that the lots met all the requirements except the front yard setbacks, which cannot be changed because the houses pre-exist the zoning. **On a motion made by Councilor Nichols to have Council President Kerr sign and approve, on behalf of the Council, the Plat for the Estate of Mattie Brown, Councilor Carey seconded, and the motion passed with a vote of five to zero.**

2. **Zoning Ordinance C-4 Proposed "Text Amendment"**

City Solicitor Mitchell stated this was brought to Council from the Planning Commission on request of Trinity Baptist Church of Deliverance of Salisbury. Their church is a very old building in need of repairs located on the corner of King and Park Avenues, Fruitland. They would like to raze it and relocate a new building, however, their property is zoned C-4 Highway Business, which does not permit churches. Their current use is grandfathered, until such time as the structure is demolished. They have been before the Planning Commission to see what can be done. They are not qualified for a special exception or for a variance. The Planning Commission advised that a text amendment is needed; this would require changing the wording of C-4 district to permit, in general or by special exception, churches. City Solicitor Mitchell suggested having the Planning Commission look into all the various zones and see which ones should under which conditions be permitted to have a church. All the residential zones, with the exception of R1 D – special residential and R4 –mobile home residential, permit churches requiring three acres, except R1 C and R2 which require an acre and a half. Some items to look at in a text amendment are ingress, regress, parking, traffic flow and the hours that it would be operating. The Planning Commission is asking permission from the Council to look into this matter. **On a motion made by Treasurer Ortiz to allow the Planning Commission to further investigate the various zones, regarding churches in those zones, Councilor Nichols seconded, and the motion passed with a vote of five to zero.**

3. **Approval To Bypass Commission Hearings on Minor Subdivision Plats**

City Solicitor Mitchell explained that the current ordinance requires that a potential developer attend a Planning Commission meeting with a proposed plan. When an application for pre-approval is filed, seven copies are to be mailed seven days in advance of meeting. After the Planning Commission has finished reviewing the plat, it is forwarded to the staff for report to Council. The Planning Commission is suggesting that for a minor subdivision, the plat just go to Planning Commission with a check off list of what is required. Once all requirements are satisfied the Planning Commission would approve it instead of being brought before the Council. There would still be exceptions that the Council would need to see. The Planning Commission is asking permission to look into information on that procedure. **On a motion made by Treasurer Ortiz to allow the Planning Commission approval to look into the possibility to bypass the Council on minor subdivision plats, and report back to the City Council on their findings, Councilor Carey seconded, and the motion passed with a vote of five to zero.**

4. **Authority To Sell Surplus Vehicle As Parts**

Chief Phillips explained that two years ago a 1995 Jaguar was stopped and was found to be stolen. The vehicle was impounded and when the case was concluded no one wanted the vehicle, resulting in it becoming abandoned property. The Fruitland Police Department applied for a salvage title and received it; therefore, the vehicle can only be sold as scrap. Prices were obtained and it was found that more revenue could be made from selling individual parts instead of selling the whole vehicle intact. Chief Phillips asked permission to sell the vehicle for parts. **On a motion made by Councilor Carey to allow Chief Phillips to sell the surplus vehicle referred to for parts, seconded by Treasurer Ortiz, the motion passed on a vote of five to zero.**

**Public Comment/General Discussion**

Katherine McAllister from GMB stated that construction had started on the Morris Mill project. With no further business to discuss or comments, **Councilor Palmer made a motion to adjourn, seconded by Councilor Nichols, and with all in favor and the meeting was adjourned at 8:33 p.m.**

Raye Ellen Thomas  
Raye Ellen Thomas / City Clerk  
*Approved, March 10, 2015*