

The Fruitland City Council met in Regular Session at City Hall on Tuesday, March 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, Donnell Schweitzer, Charles and Patricia Livesay, Bob Janeski, Jay Disharoon, Darvis and Charlene Brittingham and Cornella Harmon.

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 February 10, 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 February Treasurer's Report.

Cash on Hand 2/01/15	\$ 381,465.36
Deposits	\$ 977,176.30
Subtotal	\$ 1,358,641.66
Disbursements	\$ <u>(989,397.42)</u>
Total Ending 2/28/15	\$ 369,244.24

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

Chief Phillips gave the Police and Code Enforcement reports. During the Police report Chief Phillips presented the Council with the yearend report from 2014.

City Manager Psota gave his report and made an emergency purchase request to rebuild a shredder at the Nina Lane pump station for a cost of \$16,155.00. The shredder recently went down and was sent to Hill's Electric to be diagnosed. Hill's Electric's recommendation was that it be rebuilt. City Manager Psota explained why the shredder is needed and asked for authorization to make the emergency purchase. On a motion made by Treasurer Ortiz to allow City Manager Psota to proceed with rebuilding the shredder not to exceed \$16,300.00, with the money coming from the sewer reserve fund, seconded by Councilor Palmer, the motion was approved with all in favor. City Manager Psota stated that while receiving the estimate for the rebuild, the City also got a quote for a new shredder which would cost approximately \$24,000.00. Public Works Director Gibbons believes that the City should purchase a new shredder which could be used in case of an emergency. City Manager Psota is asking to purchase a new shredder not to exceed \$24,000.00 from the sewer reserve fund after obtaining bids. President Kerr asked if the new shredder would be placed in the Nina Lane pump station and the rebuilt shredder be used as a spare. City Manager Psota responded yes, the new one would be placed in Nina Lane. President Kerr asked if the other pump stations had backups. Public Works Director Gibbons advised that some do and some don't, he will provide the Council with a count. On a motion made by Councilor Palmer to have City Manager Psota obtain phone bids for purchasing a new shredder, not to exceed \$24,000.00, seconded by Treasurer Ortiz, the motion approved with all in favor. City Manager Psota reminded everyone of the Easter Parade and Egg Hunt on March 28, 2015 beginning at 10:00 a.m. Public Works Director Gibbons gave his report.

UNFINISHED BUSINESS

1. Paid Bill Report

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

2. Zoning for Churches

City Solicitor Mitchell stated that zoning for Churches was mentioned at the previous Council meeting. The Planning Commission, while considering a request by Trinity Baptist Church, had asked the Council for authority to take up a text amendment and the Council had agreed. Upon further review, the Planning Commission determined that there was not enough acreage available to Trinity Baptist Church to allow its request. The Planning Commission is still looking into the possibility of allowing churches in commercial areas under certain conditions.

3. Priority Funding Areas

City Solicitor Mitchell stated that the priority funding area is important to the City. State funding may not be available for various growth related projects unless they are in priority funding areas. All of the City's annexations have been priority funding area certified. City Solicitor Mitchell has contacted MDP in reference to Rowen's Mill status as a priority funding area "comment area".

4. Flood Plain Ordinance

City Solicitor Mitchell stated that the City of Fruitland is in a tidal zone due to a piece of Sharps Creek near Riverside Drive. The flood plain ordinance has to be passed by August 17, 2015 and City Solicitor Mitchell is working on it at this time and should have it ready by June or July for the first reading.

5. Sustainable Communities

City Solicitor advised this program is part of Maryland updated smart growth initiative. If a City participates in sustainable communities and priority funding areas they can earn points, which allow the City to qualify for more loans or grants. The Planning Commission is working on making Main Street more commercial with a downtown atmosphere and sustainable communities could assist with that. The Planning Commission is looking into the matter.

6. EnerNOC

EnerNOC Electric has proposed a new contract. City Solicitor Mitchell has spoken with EnerNOC and the contract should renew on its own, however at a different time than all others. EnerNOC will issue an amendment and the contract will be renewed.

7. Basic Water and Sewer Service Agreement

City Solicitor Mitchell stated that the basic water and services service agreement that was reached in December of 2001, has a provision that if the City is required to upgrade the sewer plant or its well fields, the County is supposed to reimburse a share. City Solicitor Mitchell is asking permission to draft a letter to the County putting the County on notice. **On a motion made by Councilor Nichols to allow City Solicitor Mitchell to move forth with the letter to the County, seconded by Councilor Palmer, the motion was approved with all in favor.**

NEW BUSINESS

1. Uncontested Council Elections and Filling Council Vacancies

City Solicitor Mitchell mentioned this has been brought up numerous times for inquiry. One question was whether the City could cancel an election if it is uncontested. That the City allows for write in candidates makes that a problem. City Solicitor Mitchell suggested that the Charter could be changed to state that if a vacancy arose the Council members could elect someone to fill the seat until the next election, at which time that seat would be up for re-election. The Council agreed to let City Solicitor Mitchell look into options for upcoming elections.

2. International Building Code

City Solicitor Mitchell advised that the 2015 International Building Code was adopted by the State of Maryland effective January 1, 2015. The City has six months to adopt the 2015 edition with any permitted changes. City Solicitor

Mitchell has met with Code Enforcement Officer Ron Ciszewski, who has gone through the previous ordinance adopting the 2012 International Building Code. The City has to adopt an ordinance for the new building codes. Code Enforcement Officer Ciszewski has come up with changes for the new ordinance and City Solicitor Mitchell will meet with him and Nick McLeod to discuss the change and prepare an ordinance for first reading.

Public Comment/General Discussion

Jay Disharoon from Fruitland Little League thanked the Council for letting the Little League use the Council room for little league signups. There are approximately four hundred kids signed up.

Donnell Schweitzer from South Brown Street stated he had moved to Fruitland in 2012 and has really enjoyed the Fruitland Recreation Park and neighborhood. He requested a complaint that pet owners are not picking up the waste from the animals where the adults and children exercise and play. He believes that that the pet owners who do not pick up waste should be fined. He would like to implement that as a new ordinance. The Council believed that there was already a rule in effect however, Mr. Schweitzer had inquired about the matter before with the Police and Code Enforcement Offices and was told that there is not one. City Manager Psota advised Mr. Switzer that he and Public Works Director Gibbons had walked the park earlier this week and were working on a plan to arrange for more frequent inspections of the park by Public Works employees.

Charles Lipsay from East Main Street stated he has lived in Fruitland for four years and would like to know the last time that Main Street was paved and if there are any plans for having it paved. Council President Kerr explained that the State Highway Revenue funding has been drastically reduced and the City does not want to increase taxes for paving. When the revenue becomes available the paving will be done.

Cornella Harmon expressed her concerns about Morris Street being one of the last roads to be plowed during the snow. Public Works Director Gibbons addressed the way in which street plowing is scheduled.

With no further business to discuss or comments, **Councilor Palmer made a motion to adjourn, seconded by Treasurer Ortiz, all were in favor and the meeting was adjourned at 8:39 p.m.**

Raye Ellen Thomas

Raye Ellen Thomas / City Clerk

Approved, April 14, 2015