

The Fruitland City Council met in Regular Session at City Hall on Tuesday, July 14m 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 and City Solicitor Andrew Mitchell.*

Our guests included:

Bob Marvel, Benjamin Powell, Mark Apolenis, Paul Bradshaw and Brian Whitman.

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

President Kerr acknowledged receipt of the minutes of the Regular Meeting of June 9, 2015 and called for additions or corrections. As there were none, **Councilor Carey 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 June Treasurer's Report.

Cash on Hand 6/01/15	\$ 292,986.84
Deposits	\$ 856,477.06
Subtotal	\$ 1,149,463.90
Disbursements	\$ <u>(761,022.79)</u>
Total Ending 6/30/15	\$ 388,441.11

**Councilor Palmer moved to accept the Treasurer's Report as presented. Councilor Carey seconded and the motion passed on a vote of four to zero, with one abstained.**

**Chief Phillips gave the Police and Code Enforcement reports.**

**City Manager Psota stated that Public Works Director Gibbons is on vacation and he is seeking approval for a pump and repacking of three pumps for the Water Plant. The pumps have been in service since 1978, at this time one is leaking, and with the distribution of Morris Mill it will impact the pumps further. Quotes were received for a Goulds Turbine Pump and the repacking of the three existing high booster pumps. The lowest bidder was Somerset Well Drilling for \$19,700.00. City Manager Psota is requesting Somerset Well Drilling to purchase pump and do the repacking not to exceed \$20,000.00. Councilor Nichols questioned if that price included installation, City Manager Psota explained that the new pump will be purchased and not put into service as of yet, when it is needed then it would be installed for an additional cost. On a motion made by Councilor Carey , seconded by Councilor Nichols to award the bid to Somerset Well Drilling for the purchase of one Goulds Turbine pump and the repacking of three other pumps for the Water Plant not to exceed \$20,000.00, the motion was passed on a vote of five to zero.**

**City Manager Psota asked the Council to ratify the renewal of the City's Health Insurance Plan which had an August 1<sup>st</sup> renewal. Currently the City is with Hollister, which is administered through Integra, the provider is First Network. The renewal package from Hollister will include 5.85% increase, while reviewing the budget only 5% increase was included and City Manager Psota asked that the City absorb the .85%. City Manager Psota's recommendation was to renew the health insurance which includes vision and dental with Hollister Insurance, as has been done and he sought ratification of the prior informed authority. City Manager Psota also asked permission for him to sign the paperwork from Hollister. On a motion made by Councilor Palmer and seconded by Treasurer Ortiz to continue the insurance plan the City currently has with Hollister including vision and dental and allow City Manager Psota to sign necessary paperwork, the motion was approved on a vote of five to zero.**

## 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 Carey the paid bills were approved as listed by a vote of four to zero, with one abstained.**

### 2. Dog Waste Ordinance

City Solicitor Mitchell did the first reading of the Dog Waste Ordinance. This ordinance will amend the code of ordinances, chapter 90, animals by the addition of section 90.06 to establish as unlawful any person allowing animal waste to be deposited in certain location or to accumulate on their property, and chapter 91, nuisances by amending the title and text of section 91.01 and 91.02. City Solicitor Mitchell advised that if accepted the Public Hearing would be held in August and the ordinance would go into effect September 1, 2015. **On a motion made by Treasurer Ortiz and seconded by Councilor Palmer to accept the first reading of the dog waste ordinance as read by City Solicitor Mitchell, the motion was approved by a vote of five to zero.**

### 3. Uncontested Elections Charter Amendment

Council President Kerr advised that this is a discussion at this time. The Charter would have to be amended to permit the City to cancel uncontested elections. City Solicitor Mitchell advised that cancelling uncontested elections sounds like a good idea; however, there are several issues. The City would have to deal with write-in candidate issues. Another concern is how to fill a vacant seat depending on the length of term left. A question was posed to what happens if there are three seats open and only two people choose to run. The issue of appointing someone was also discussed. President Kerr advised the Council will hold a work session to discuss the matter further. City Solicitor Mitchell also stated that, if the Charter is amended, it will not be final for fifty days and that those opposed may petition referendum during the forty days after approval.

### 4. Set Speed Limit

Due to the opening of the new Bennett Middle School in the fall with students that walk to school, the Council sees a need to set a reduced speed limit in that area. City Solicitor Mitchell advised that he had drafted the ordinance to cover all of South Division Street, because he had misinterpreted the June minutes as to what areas would be affected. Council President advised that the Chief would review the area to determine what streets would be affected. City Solicitor Mitchell suggested that a first reading could be held now with him inserting the new areas and when the areas are finally determined he can amend the ordinance. City Solicitor Mitchell then proceeded to read the ordinance. The ordinance would establish a new reduced speed limit along those streets known as South Division Street, between its intersection with South Camden Avenue on the West and South Fruitland Boulevard, also known as U.S. Route 13, on the East and South Camden Avenue from Main Street on the North to its intersection with the aforesaid U.S. Route 13 on the South. **On a motion made by Treasurer Ortiz and seconded by Councilor Carey to accept the first reading to set the speed limit (25 mph) for South Division and Camden Avenue as read by City Solicitor Mitchell and with the changes provided by Chief Phillips, the motion was approved by a vote of five to zero.**

## NEW BUSINESS

### 1. Recommendation for Ethics Commission

City Manager Psota introduced Mark Apolenis who is interested in serving on the Ethics Commission. Mr. Apolenis expressed his interest and his background along with the length of time he has lived in Fruitland. **On a motion made by Councilor Palmer and seconded by Councilor Carey to accept the recommendation for Mark Apolenis to serve on the Ethics Commission, the motion was approved by a vote of five to zero.**

### 2. Swear in New Police Officer

Chief Phillips introduced new Officer Brian Whitman and City Clerk Thomas administered the oath of office to him.

**Public Comment/General Discussion**

Paul Bradshaw approached the Council regarding a business being run out of a residence in Meadowbrook. He advised that the problem had been brought to the attention of the Council before and he would like it to be on record again. He provided the Council with pictures. The vehicles being used for the business are parked on the street and causing traffic concerns. Mr. Bradshaw stated that the Homeowner's Association has spoken with the resident. City Solicitor Mitchell also reported having witnessed the vehicles blocking the road. Chief Phillips stated that he will have the area patrolled and if the vehicles are causing traffic problems they can be ticketed. City Solicitor Mitchell stated that an ordinance is currently in the works regarding home occupations and businesses run from a residence. Chief Phillips will make Code Enforcement aware and once the ordinance passes, then businesses will have to comply. The new ordinance will be brought before the Council on August 11, 2015.

Benjamin Powell asked if the area near the new Bennett Middle School could be blacktopped on the shoulder from his house extending to the mobile home park so the children walking to school would not be in the roadway. Questions were posed as to if there would be an easement. City Manager Psota will have Public Works Director Gibbons look into the matter. He also questioned who is responsible for cutting the weeds on Malone Street (a paper street). The ditch bank is in need of bush hogging. City Manager Psota will have Public Works Director Gibbons look into the matter of the weeds.

With no further business to discuss or comments, **Treasurer Ortiz made a motion to adjourn at 8:53 p.m., seconded by Councilor Palmer, the motion passed with all in favor.**

*Raye Ellen Thomas*  
Raye Ellen Thomas / City Clerk  
*Approved, August 11, 2015*