

The Fruitland City Council met in Regular Session at City Hall on Tuesday, June 11, 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 from GMB, J.P. and Stephanie Merritt, Alexis Dashield, Mac Pusey, Lou Haut from Gannett, Andrew and Melinda Preller, Bowser Jones, Mike and Marlene Ellison and two unknown people.

At 7:30 p.m. President Kerr called the regular Council meeting to order. Council President Kerr led all in The Lord's Prayer, and all recited the Pledge of Allegiance.

President Kerr acknowledged receipt of the minutes of the Regular Meeting of May and called for additions or corrections. As there were none, **Councilor Miciotto 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 May 2019, the City recorded \$188,000 of revenues. The total billed revenues for the fiscal year are \$6.9 million, including real estate taxes and four quarters of utility billing. The City incurred \$415,000 of expenses for the month. The total expenses for the fiscal year to date are \$7.2 million. The net deficit for the City for the month of May is \$227,000 and the net income for the fiscal year to date is \$275,000. **Councilor Outen moved to accept the Treasurer's Report as presented, Councilor Hammond 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 has closed 291 cases to date.
- There were 22 part one crimes, 16 cleared and over 500 traffic violations cited. There were 1731 total cases in the month of May.
- The routine of #9 PM is still paying off. Crime is down.
- Several Officers were recognized by Wicomico County Health Department for their involvement with Underage Alcohol, Tobacco and Drug Enforcement. Sergeant Jackson, Corporal Shellenberger, Officer Weldon, Corporal Arnold, Corporal Mills and Officer Weisberg.

City Manager Psota had no report.

Deputy Treasurer Swift had no report.

Public Works Director Gibbons delivered his report.

- Mosquito spraying continues.
- Councilor Miciotto asked about the ditch bank cutting. Public Works Director Gibbons advised it should start this week.

UNFINISHED BUSINESS

1. Paid Bills

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

2. Clyde Avenue Pump Station Generator

Public Works Director Gibbons advised that the 30-year old emergency generator is unrepairable. Advertising for bids to replace the generator and an automatic transfer switch (ATS) resulted in two bids being received. The low bid was from Barnes Electric in the amount of \$32, 082. Public Works Director Gibbons requested approval to award Barnes Electric the project in the amount of \$32,082 and include a 5% contingency, not to exceed \$34,000. Barnes Electric will install the generator and (ATS). **On a motion made by Treasurer Carey to award the bid to Barnes Electric not to exceed \$34,000 including a 5% contingency, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.**

Public Hearing – Fiscal Year 2019 – 2020 Budget

Council President Kerr turned the floor to Deputy Treasurer Swift present the Fiscal Year 2019 -2020 Budget.

a. Adopt General Fund Operating Rates and Fees

Deputy Treasurer Swift advised that the Real Estate Tax rate will decrease from \$0.9326 to \$0.9200 per \$100 of assessed value however, the rate is above the Constant Yield Rate which will result in an increase in taxes for the current year. **On a motion made by Councilor Outen to approve the Real Estate Property Tax Rate for Fiscal Year 2019 – 2020 as presented, seconded by Treasurer Carey, the motion was approved by a vote of five to zero.**

Deputy Treasurer Swift advised that the Personal Property Tax Rate will remain the same. **On a motion made by Councilor Hammond to approve the Personal Property Tax Rate for Fiscal Year 2019-2020 as presented, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.**

Deputy Treasurer Swift advised that the Mobile Home Park Tax Rate will stay the same. **On a motion made by Treasurer Carey to approve the Mobile Home Park Tax Rate for Fiscal Year 2019-2020 as presented, seconded by Councilor Outen, the motion was approved by a vote of five to zero.**

Deputy Treasurer Swift advised that the Military Veteran Rebate has been increased from \$50.00 to \$100.00, which was part of the Real Estate Property Tax approved previously.

b. Adopt General Fund Operating Budget

Deputy Treasurer Swift advised that the General Fund Operating Budget is on page four, five and six. **On a motion made by Councilor Miciotto to approve the General Operating Budget for Fiscal Year 2019-2020 in its entirety as presented, seconded by Treasurer Carey, the motion was approved by a vote of five to zero.**

c. Adopt Sanitation Department Budget and Fees

Deputy Treasurer Swift advised that the Sanitation Budget is on pages seven and eight. There will be no changes to the rates this year. **On a motion made by Treasurer Carey to approve the Sanitation Department Budget and Fees for Fiscal Year 2019- 2020 as presented, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.** City Manager Psota advised that the Sanitation Rate remains at \$44.25 a quarter and that is a great rate.

d. Adopt Water Department Budget and Fees

Deputy Treasurer Swift advised that the Water Department Budget is on pages nine, ten and eleven. Water Rates will all remain the same. **On a motion made by Councilor Miciotto to approve the Water Department Budget and Fee for Fiscal**

Year 2019 -2020 as presented, seconded by Councilor Outen, the motion was approved by a vote of five to zero.

e. Adopt Sewer Department Budget and Fees

Deputy Treasurer Swift continued the Budget Adoption process with the Sewer Department Budget and Fees found on pages twelve, thirteen and fourteen. All rates will remain the same. **On a motion made by Councilor Hammond to approve the Sewer Department Budget and Fees for Fiscal Year 2019 – 2020 as presented, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.**

f. Adopt Capital Improvement Budget

Deputy Treasurer Swift advised that the Capital Improvement Budget can be found on page fifteen and sixteen. **On a motion made by Treasurer Carey to approve the Capital Improvement Budget for Fiscal Year 2019 -2020 as presented, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.**

g. Adopt Five-Year Capital Improvement Plan

Deputy Treasurer Swift advised that the Capital Improvement Budget can be found on page seventeen broken down by department. **On a motion made by Councilor Outen to approve the Five- Year Capital Improvement Plan as presented, seconded by Councilor Hammond, the motion was approved by a vote of five to zero.**

NEW BUSINESS

1. City Hall Concrete Work

Public Works Director Gibbons advised he had received three quotes for replacing four ADA ramps at City Hall. STS Concrete and Hauling was the low bidder in the amount of \$6200.00. Public Works Director Gibbons would like to add a 10% contingency to the amount. **On a motion made by Councilor Miciotto to award the bid to STS Concrete and Hauling not to exceed \$6800 including contingency for the four ADA ramps at City Hall, seconded by Treasurer Carey, the motion was approved by a vote of five to zero.**

2. City Hall Parking Lot

Public Works Director Gibbons received three quotes for the paving and striping of the parking lot at City Hall. Public Works Director Gibbons recommends going with the low bidder, Asphalt Maintenance, LLC. The bid was in the amount of \$12,900 and he would like to include a 10% contingency. **On a motion made by Treasurer Carey to award the bid to Asphalt Maintenance, LLC., not to exceed \$14,200, for the paving of City Hall lot, seconded by Councilor Miciotto, the motion was approved by a vote of five to zero.**

3. Free Newspaper/Advertisement Ordinance Discussion

City Manager Psota advised that there has been an ongoing problem with unsolicited newspaper deliveries throughout the City. Homeowners are complaining that they do not want the delivery, but their efforts to be taken off the delivery list have not been successful. Additionally, the papers are ending up in the storm drain system causing issues. City Manager Psota introduced Lou Haut from Gannett Publishing Company. Mr. Haut advised that the Baltimore Sun is now contracting the delivery drivers and there has been a turnover in deliverers. Mr. Haut acknowledged the issues addressed and did not want the papers to be causing drain issues, or the delivery list not being followed. The Council suggested that the papers be placed in City Hall and various businesses throughout the City. Marlene Ellison from Main Street advised that she called four years ago to be removed from the list but continues to receive them and presented three papers that were received this week. Mac Pusey advised that he called to be removed and he still receives the newspapers. He contacted the publisher and asked if someone would come and pick up the papers that are being delivered to him and was advised 'no'. Mr. Haut advised that he will look into the issues and the Council will continue to work on the problem which may include an ordinance to ban future deliveries of unsolicited publications to private property owners. City Manager Psota thanked Mr. Haut for attending and explaining the situation.

4. Other

City Manager Psota explained that the previous week, Public Works personnel, acting on a complaint, removed produce advertising signs from State Highway right of ways in the City. City Manager Psota introduced Andrew "Larry" Preller who owns the produce stand on Division Street in Wicomico County just outside of the City. He placed a few signs throughout the City to let people know that his produce stand was still open despite the ongoing County work resulting in the closure of Division Street in front of his stand. He had permission from all homeowners to place the signs on their property except for the sign at the roundabout. Mr. Preller is upset that the signs were removed, and he would like permission to place them back where they were. Mr. Preller recognized that he had not obtained permission from the State Highway or Wicomico County to place signage in their right of way. City Solicitor Mitchell advised that the City's ordinance is not specific to Mr. Preller's situation. Council President Kerr advised that the signs would have not been taken down, however, a complaint had been received. City Manager Psota advised that he would call the State and see if they will allow Mr. Preller to place his signs in their right of way. Council President Kerr advised that she believes Mr. Preller is indeed incurring a hardship due to the road closure. Treasurer Carey, Councilor Miciotto, President Kerr, Councilor Outen and Councilor Hammond all advised that they see no problem with the signs if the State grants permission to Mr. Preller. City Manager Psota will call the State and contact Mr. Preller to let him know the outcome.

Public Comment/General Discussion

City Manager Psota advised that the Fruitland Community Center planted their annual community garden last Saturday.

With no further business to discuss, Council President Kerr advised that in order to discuss litigation and obtain legal advice the Council will take a short recess and then convene into a closed session.

The Council reconvened and with nothing to discuss, **Councilor Outen made a motion to proceed into Closed Session, which was seconded by Treasurer Carey. On a motion made by Treasurer Carey to close the Closed Session and to proceed back to Open Session at 9:02 p.m., seconded by Councilor Hammond, the Council was in Open Session.**

While in Closed Session, legal advice was obtained in regard to litigation.

With no further business to discuss, **Treasurer Carey made a motion to adjourn at 9:12 p.m., seconded by Councilor Hammond, the motion was approved by a vote of five to zero.**

Raye Ellen Thomas
Raye Ellen Thomas / City Clerk
[Approved, July 9, 2019](#)