

**FRUITLAND PLANNING COMMISSION
TUESDAY, SEPTEMBER 1, 2009
MINUTES**

The Fruitland Planning Commission met at City Hall on Tuesday, September 1, 2009 at 7:00 p.m. with the following members in attendance:

Chairperson Leland Bonneville, Derek Bland, Theodore O. Lokey, Annette Noble, and Robin Townsend.

Also present were:

*City Manager John F. McDonnell, City Solicitor Andrew C. Mitchell Jr, City Clerk Diane C. Nelson,
Code Enforcement Officer Daniel M. Scholl Jr, Public Works Director P. Cooper Townsend,
Utilities Director Joseph P. Derbyshire, Councilor Richard F. Tull, and Chief of Police Michael J. Phillips.*

Our guests included:

*Administrative Assistant Linda J. Powell, Tim Bourcier of Davis, Bowen & Friedel (DBF), Robert Marvel,
Robert Cannon, Pastor Lilton Powell†, and Amy Bechard of AWB Engineers.*

~~[*Administrative Assistant Linda J. Powell advised City Clerk Nelson that Pastor Lilton Powell was not present.]~~

~~Diane C. Nelson, September 30, 2009 (change made prior to approval of the minutes on October 6, 2009)~~

~~†[City Clerk Nelson reinstated Pastor Lilton Powell as a guest at the meeting after verification of the Meeting Attendance Roster, advising Administrative Assistant Linda J. Powell of the reinstatement on October 5, 2009 prior to approval of the minutes on October 6, 2009]~~

Chairperson Bonneville called the meeting to order at 7:02 p.m. and asked for comments or changes to the minutes of August 4, 2009. There being none, **Mr. Robin Townsend moved to adopt the minutes as written. Mr. Bland seconded and the motion was approved by a four to zero vote in favor.**

Ms. Noble arrived after the vote was taken.

OLD BUSINESS

1. Zoning Ordinance Update-Tim Bourcier, Davis, Bowen, and Friedel (DBF)

Tim Bourcier asked for questions or comments regarding the memorandum of review and subsequent recommendations for the City's Zoning Ordinance that he had distributed to Commission Members at the August 4, 2009 Planning Commission Meeting for all to review; there were no new questions posed since the August meeting.

Mr. Bourcier plans to meet with City Staff to discuss the memorandum and recommendations prior to coming back before the Planning Commission at the October 2009 meeting with a marked up copy of the Zoning Ordinance for Commission Members review.

2. Status Update on Pending Ordinances

a. Sign/Billboard

City Solicitor Mitchell reported that he was still awaiting information from a trade association site that Clear Channel Outdoor Sign Company had referred him to in response to his initial request for information pertinent to the sign industry.

b. Windmills

City Solicitor Mitchell reported that he and Mr. Bland had only had limited time to discuss the windmill ordinance and would continue to schedule more time in the future for discussion.

c. Subdivision

City Solicitor Mitchell reported that he has completed some work on this ordinance, but that he will continue his research in an effort to determine the areas that should be addressed or updated and bring them back before Commission Members.

d. Impact Fees

As with the Subdivision Ordinance, City Solicitor Mitchell reported that he has completed some work on this ordinance, but that he will continue his research in an effort to determine the areas that should be addressed or updated and bring them back before Commission Members.

City Solicitor Mitchell hopes to bring all the pending ordinances back before the Planning Commission at the October 2009 Meeting.

3. Status Update – Bennett Middle School

City Solicitor Mitchell reported that a fourth draft of a Memorandum of Understanding between the City of Fruitland and the Wicomico County Board of Education (WCBOE) has been generated for consideration should the WCBOE choose South Division Street in Fruitland over Snow Hill Road in Salisbury as the site for the new Bennett Middle School; the WCBOE has indicated its desire to purchase whichever property is selected now, even though construction of the school may have to wait until money is available.

Solicitor Mitchell highlighted key points of the Memorandum of Understanding that dealt primarily with establishing water and sewer service to the school as well as preparations to offset the impact increased traffic would have in the community; the Memorandum of Understanding provides that there will be virtually no cost to the City of Fruitland should the WCBOE choose to build the school in Fruitland.

City Solicitor Mitchell anticipates that a decision will be forthcoming from the WCBOE as to which construction site will be chosen.

NEW BUSINESS

1. Rose of Sharon Church – Re-subdivision (211 Leslie Street)

Pastor Lilton Powell's wife Linda Powell presented the re-subdivision request on behalf of Rose of Sharon Church and Mr. Robert Cannon, the adjacent property owner of 209 Leslie Street; she explained that a property dispute had evolved because there was a duplicate deed reference for two properties, specifically Mr. Cannon's Parcel 386 and Rose of Sharon's Parcel 384.

Mrs. Powell credited Mr. Cannon with finding a win-win solution to the problem that involved Rose of Sharon re-subdividing 211 Leslie Street adjacent to Mr. Cannon's 209 Leslie Street, in effect providing a driveway for Mr. Cannon's property in between 211 and 209 Leslie Street; Mr. Cannon in return, would relinquish all rights and claims to the duplicate referenced property at the rear of his 209 Leslie Street Property.

Mrs. Powell also acknowledged that approval of their re-subdivision request would allow the Church to move forward with its proposed project to build a multipurpose facility with the requisite parking on a five parcel

piece of property that they had originally brought to the Planning Commission for a feasibility discussion at the December 2, 2008 meeting.

Excerpt from the December 2, 2008 Planning Commission Minutes:

Pastor Lilton Powell and his wife Linda Powell presented their proposed project of building a multipurpose facility with the requisite parking on a five parcel piece of property; the church presently owns three of the parcels and is prepared to purchase the other two parcels if the Planning Commission concedes to the feasibility of the proposal. Pastor Powell explained how the new facility would expand the church's outreach ministry and benefit the local community. Mrs. Powell explained how the property met the R1-C zoning requirements for similar use as opposed to the one and one half acre land requirement for a new church facility. Discussion continued regarding the best use of the five parcels, four adjacent parcels in the shape of a backward "L" and the one other parcel separated by Seabrook Avenue (unimproved). The Planning Commission ultimately reached consensus that it was feasible to erect a multi-purpose facility on three adjacent parcels (383,384,388) while using the remaining two parcels (387,379) for parking. Pastor and Mrs. Powell were encouraged to before the Commission at a later time with a more formal proposal.

Mr. Bland moved to approve and recommend to the City Council for approval the re-subdivision of 211 Leslie Street as requested, abandoning the disputed section of the property for Parcels 384 and 386 and allowing it to become part of Parcel 384, and then allocating approximately five (5) feet along the northern property line of Parcel 387 to Parcel 386; Mr. Lokey seconded and the motion carried on a five to zero vote in favor.

2. Other – New Police Building

City Manager McDonnell invited Chief Phillips and AWB Engineers Representative Bechard to the table as he distributed to Commission Members for their review, copies of the most recent schematic plans for the proposed New Police Building received today at City Hall; Mr. McDonnell explained that this topic was not specifically on the agenda because it was uncertain if Friday afternoon's Building Committee Meeting would prompt plan revisions that would be available for review at tonight's meeting.

Mr. McDonnell further explained that the Building Committee was now submitting the final schematic drawings to the Planning Commission for their approval and recommendation to the City Council for approval at the September 8, 2009 Council Meeting so that the Building Committee may then move forward with the next phase of the project, the Mechanical and Electrical Drawings.

Chief Phillips gave a project status report, summarizing all activity to date; Ms Bethard of AWB Engineers discussed the schematic drawings previously distributed to Commission Members.

Chief Phillips acknowledged that plans have been drawn cognizant of accreditation compliance.

Discussion included storm water management, floor plan details and structural aesthetics, sprinkler system and hydrant location, storage, and parking.

Mr. Bland moved to accept and to recommend to the City Council for acceptance the Schematic Design as presented by AWB Engineers for the New Police Building, thereby authorizing AWB to move forward with the Mechanical and Electrical design phase of the project; Mr. Robin Townsend seconded and the motion carried on a four to one vote in favor, with Ms. Noble the only dissenting vote.

Ms. Noble voiced concern that Commission Members had not had adequate time to review the plans prior to voting on them, having just received a copy of the plans as the New Police Building simultaneously became Other-New Business; she thought that more time should have been given to presenting the plans than pushing the project along. Commission Members should be given adequate time to review the plans for approval.

General Discussion

Ms. Noble voiced her concern about last minute items, like the addition of the New Police Building this evening, which are added to the agenda after the agenda has been published and circulated to Commission Members. If something unavoidable does surface to be added to the agenda, it should be brought up to Commission Members for consideration to be added to the agenda at the beginning of the meeting, not during General Discussion at the end of the meeting. Commission Members would then have the option to allow or disallow addition of the item to the agenda based on the complexity of the issue and the necessity for Commission Members to have sufficient time to review any accompanying documentation prior to the item being placed on the agenda.

Mr. Robin Townsend echoed Ms. Noble's concern and concurred with her proposed recommendation for consideration of a last minute item to be added to the published agenda.

City Manager McDonnell clarified why the New Police Building had been a last minute addition to the agenda, explaining that the Building Committee was trying to maintain the momentum on the New Police Building in order to take advantage of lower construction prices available in today's market; documentation for Commission Members' review just became available today.

With no further business to discuss, **Mr. Robin Townsend moved to adjourn and Mr. Bland seconded. The motion was approved by a five to zero vote in favor and the meeting adjourned at 7:45 p.m.**

Diane C. Nelson, City Clerk