

**FRUITLAND PLANNING COMMISSION  
TUESDAY, SEPTEMBER 2, 2008  
MINUTES**

The Fruitland Planning Commission met at City Hall on Tuesday, September 2, 2008, with the following in attendance:

MEMBERS

Leland Bonneville  
Councilman Theodore Lokey  
Annette Noble  
Robin Townsend

*Chairman Charles Shores was absent.*

CITY OFFICIALS AND STAFF

Councilwoman Gloria Ortiz  
Councilman Richard Tull  
City Manager John McDonnell  
Asst. City Manager/Clerk Joyce Crouch  
City Solicitor Andy Mitchell  
Utilities Director Joe Derbyshire  
Public Works Director Cooper Townsend  
Code Enforcement Officer Danny Scholl  
Acting Clerk Diane Nelson

GUESTS

Tim Bourcier of Davis, Bowen & Friedel  
Michael Hickson and Steve Capelli of the Rotary Club of Salisbury  
Council Candidate Edwin Cowell

Bob Marvel	Henry Vineyard	Jim Hughes	Bob Lawrence
Terry Greenwood	Allen Brown	John Burket	Howard Agnew
Audrey Orr	Marion Keenan	Gail Anderson	

Mr. Bonneville called the meeting to order at 7:07 p.m. and asked for comments or changes to the minutes of August 5, 2008. There being none, Ms. Noble moved to adopt the minutes as written. Mr. Townsend seconded and the motion was approved by a four to zero vote.

**Old Business**

**1. Comprehensive Plan – Draft Approval (DB&F Consultants)**

Tim Bourcier of Davis, Bowen & Friedel, acknowledged that corrections made by Clerk Crouch and members of the Commission at last week's public input meeting on August 26, 2008 had been made to the plan. The revised draft was returned to Clerk Crouch for review on behalf of the Commission given the time constraints imposed by the long Labor Day weekend. Clerk Crouch reviewed the draft noting that one picture needed to be verified and that all references to U.S. Rt.13 needed to be consistent throughout the document. Mr. Bourcier indicated that Solicitor Mitchell wanted to further discuss a few minor points pertaining to the draft, but that the draft was ready to be approved by the Commission for submission to the State for their 60 day review. Mr. Bourcier also indicated that the Municipal Growth Element of the Plan had been submitted last week to the County for a 30 day review. Mr. Bonneville questioned whether submitting the Plan for State review was contingent upon the completion of the County review of the Municipal Growth Element. Mr. Bourcier indicated that it was not since each was a distinct and separate review of different elements of the plan; the reviews just happened to be occurring simultaneously. Solicitor Mitchell inquired about the wording regarding the adult business issue and appropriate zones. Mr. Bourcier indicated that generally adult businesses would be in an industrial zone, but pending a full study regarding this issue, a floating zone was incorporated to deal with adult businesses. A floating zone with appropriate setbacks from a residential zone (i.e. 500-1000 ft) would be defined by the Commission and then used for the adult business until completion of a full scale study. Solicitor Mitchell also raised the issue of certain verbiage that could change pending the outcome of the Rotary Annexation, i.e. no septic systems within City of Fruitland. Clerk Crouch stated that had already been changed because there were septic systems on Sharps Point Road. Mr. Bourcier indicated that the County was aware that this was a growth area and that the verbiage that would have to change should

be able to evolve with no problem. Mr. Bonneville called for comments/questions from Clerk Crouch as well as the audience. Clerk Crouch indicated that her minor changes had already been submitted.

Councilman Lokey then moved to approve the Draft 2008 Comprehensive Plan. Ms. Noble seconded the motion. The motion was approved by vote of four to zero. Mr. Bourcier indicated that the plan would be sent off by the end of the week and the Commission could expect some 30 pages of comment to be generated by the State as a result of their review.

**2. Rotary Scout House/Community Building-Adopt Finding of Fact and Reasoning:**

Solicitor Mitchell suggested that the Commission members complete their review of the Findings prior to the vote. Solicitor Mitchell summarized the events of the August 26, 2008 hearing, indicating that tonight was the first chance the Commission had had to review all the testimony. Solicitor Mitchell indicated that a three of four vote was sufficient to carry the motion since Mr. Townsend was absent during the hearing on August 26th, and Chairman Shores was absent for tonight's vote. After review of the findings, Councilman Lokey questioned the sign and shrubbery; specifically could the shrubbery be cut back and the sign moved back from the road? On behalf of the Rotary, Mr. Hickson indicated that, yes that was an option; the shrubbery adjacent to the Hearn property had already been cut back. Both Solicitor Mitchell and Ms. Noble stated that moving the sign and cutting the shrubbery were already conditions of the agreement. Councilman Lokey asked if the Rotary would be responsible for its own trash removal or would be paying the City the commercial rate for City trash removal. Mr. Hickson was unaware that City trash removal was an option for commercial, church, etc. Ms. Noble stated that the document specifies private trash removal and Solicitor Mitchell concurred that private trash removal would be simpler. Mr. Hickson indicated that the Rotary would in fact be responsible for its own trash removal.

Mr. Bonneville called for a motion to adopt the Findings of Fact and Decision for the Rotary Club of Salisbury to use their facility at 1715 Riverside Drive as a community building for non-profit civic and patriotic clubs. Councilman Lokey so moved. Ms. Noble seconded and the motion was approved by a vote of three to zero. Mr. Townsend abstained since he was not present for the August 26, 2008 hearing.

With no further business to discuss, Councilman Lokey moved to adjourn. Ms. Noble seconded and the motion was approved by a four to zero vote. The meeting adjourned at 7:30 p.m.

Respectfully submitted,

Diane C. Nelson  
City Clerk