

**FRUITLAND PLANNING COMMISSION
TUESDAY, NOVEMBER 3, 2009
MINUTES**

The Fruitland Planning Commission met at City Hall on Tuesday, November 3, 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,
and Councilor Richard F. Tull.*

Our guests included:

Bob Marvel.

Chairperson Bonneville called the meeting to order at 7:00 p.m. and asked for comments or changes to the minutes of October 6, 2009 other than those already circulated to Commission members. There being no additional changes, **Mr. Robin Townsend moved to adopt the minutes as presented; Mr. Bland seconded and the motion passed on a four to zero vote in favor.**

Ms. Noble arrived after the vote was taken.

OLD BUSINESS

1. Zoning Ordinance Update

City Solicitor Mitchell reported that Tim Bourcier of Davis, Bowen & Friedel (DBF) had forwarded a draft of the proposed Zoning Ordinance to Solicitor Mitchell for review and to Administrative Assistant Powell as well as Messrs. McDonnell, and Scholl for their comments on the various parts that are pertinent to them on a daily basis; attempts have been made to schedule a meeting with all parties and Mr. Bourcier, who is now working out of the Annapolis DBF Office.

Once a meeting can be scheduled to review comments for incorporation into the next draft of the ordinance, that draft will be circulated to Commissioners for review, ideally two to three weeks prior to the next scheduled meeting.

2. Status Update – Bennett Middle School

City Solicitor Mitchell reported that Fruitland has been notified that the Wicomico County Board of Education (WCBOE) has chosen Fruitland as the site for the New Bennett Middle School.

Prior to the selection of the Fruitland site, the County, WCBOE, and City had reached an agreement concerning Equivalent Dwelling Units (EDUs), and the WCBOE and City had in place a Memorandum of Understanding (MOU) regarding water, sewer, and roads issues. The current property owners of the site were prepared to donate a specific lot for the placement of a lift station as well as pay a Ten Thousand Dollar (\$10,000.00) prior obligation to the City.

Since the selection of the Fruitland site, the WCBOE has requested that the lot stipulation be deleted from the MOU and the property owners' attorney has indicated that Fruitland will be deeded the lot; however, Fruitland will agree in writing to the removal of the lot stipulation from the MOU only after the lot has been deeded to the City for the placement of a lift station.

Solicitor Mitchell will continue to monitor the situation and report back to Commissioners as new information becomes available regarding the status of the intended lot transfer to the City.

NEW BUSINESS

1. Rotary Foundation Annexation Request

City Solicitor Mitchell summarized that Council had accepted the Rotary Foundation's *Petition for Annexation* at the October 2009 Council Meeting and part of that petition includes a proposal that a new zone be established in Fruitland that will specifically mirror the County's R-20 Zone in which the Rotary Building is located; this new zone could also be used elsewhere in the City as a floating or overlay zone.

Mr. Mitchell acknowledged that the Rotary Foundation is aware that enabling legislation amending the Comprehensive Plan must be in place prior to any approval of their annexation request, which allows sufficient time for the Planning Commission to consider all ramifications of establishing a new zone to mirror the County's R-20 Zone. Mr. Mitchell proposed inviting the Rotary Foundation's spokesperson to the December 2009 Planning Commission Meeting to present the Rotary's thoughts and ideas for establishing this new zone in Fruitland, explaining what is involved, how the new zone is potentially beneficial to the City in addition to the Rotary Foundation Annexation, and whether to establish the zone as an overlay, floating, or stand alone zone.

Discussion included protocol for administering a floating zone, issues inherent to creating a new stand alone zone, Commissioners' desire to review the specific characteristics of the County's R-20 Zone, and the benefits to the City should the City grant the *Petition for Annexation*. Benefits to the City include a lot to locate a pump or lift station, a park with a playground, and an anchor position for the City should others in the area seek City services under the Urban Services Agreement presently in place between the City and Wicomico County. Under this agreement, if capacity is available, the City must provide the requested service, and at the City's discretion may only force annexation in lieu of urban services if the property is contiguous to the City.

Commission members planned to review in detail the County's R-20 Zone in preparation for considering the Rotary Foundation's request for establishing a new zone in Fruitland.

General Discussion

City Manager McDonnell reported that in conjunction with House Bill No. 66 that pertains to the Comprehensive Plan, Maryland Department of Planning (MDP) had notified the City that Senate Bill No. 280 and House Bill No. 297 have been passed that deal with educational requirements for local jurisdictions' members of planning boards and commissions, as well as boards of zoning appeals. MDP is tasked with providing online access to the required education course by December 31, 2009 so that all those required to obtain the education may meet the July 1, 2010 deadline for course completion. The education pertains to the role of the Comprehensive Plan, proper standards for special exceptions and variances (if applicable), jurisdiction zoning ordinance and regulations, plan development ordinances and regulations, subdivision ordinances and regulations, and other land use ordinances and regulations. Mr. McDonnell will continue to update Commissioners as additional information becomes available.

City Solicitor Mitchell reported on correspondence recently received that dealt with Critical Areas and Storm Water Management, noting that Fruitland has a Streamlined Critical Areas Program and that the County (not the City) is responsible for Storm Water Management. Mr. Mitchell will continue to update Commissioners as additional information becomes available.

Ms. Noble voiced concerns and initiated discussion regarding the traffic light at Rt. 13 and Main Street; traffic backs up due to an excessively long red light on Main Street, east and west. City Manager McDonnell, aware of the problem, had already contacted State Highway Administration about the traffic light; he will continue to monitor the situation to ensure resolution of the problem.

Relative to the same traffic signal in the same direction, Mr. Robin Townsend acknowledged that the Fruitland Fire Department is securing emitter devices that automatically change red traffic signals to green for approaching ambulances; when these devices become fully operational, they will impact the traffic signal east and west on Main Street in the same manner the traffic signal is already impacted north and south on Rt.13.

With no further business to discuss, **Mr. Bland moved to adjourn and Ms. Noble seconded. The motion was approved by a five to zero vote in favor and the meeting adjourned at 7:21 p.m.**

Diane C. Nelson

Diane C. Nelson, City Clerk

Approved, December 1, 2009, dcn