

FRUITLAND PLANNING COMMISSION

The Fruitland Planning Commission met at City Hall on Tuesday, November 1, 2016, at 7:00 p.m. with the following members present:

Leland Bonneville, Derek Bland, Jason Pearce and Darlene Kerr.

Also present were:

City Solicitor Andrew C. Mitchell Jr. and Administrative Assistant Linda Powell.

Our guests included:

Bob Marvel.

Chairman Leland Bonneville called the meeting to order at 7:00 p.m. and acknowledged receipt of the minutes of the October 4, 2016 Planning Commission Meeting, calling for additions or corrections. As there were none, **Mr. Pearce moved to adopt the minutes as presented; Mr. Bland seconded and the motion was approved by three votes in favor. Mr. Bonneville abstained from the vote as he was not present at the October 4th meeting.**

OLD BUSINESS

1. Public Hearing: City of Fruitland Proposed Amendment, SB236 Septic Tier Map to 2008 Comprehensive Development Plan

Solicitor Mitchell gave the Commission a brief explanation of the steps that had been taken to comply with the State's mandate to have the Septic Tier Map incorporated into the City's Comprehensive Development Plan and the significance of the City's compliance. He stated that the Commission was basically adopting the tier map and the accompanying exhibit that changes the page in the Comprehensive Plan to attest that the map is a part of the Plan. He further stated that once the Planning Commission had approved the proposed amendment, then it would go before the City Council to enact.

Mr. Bland moved to recommend approval of incorporating the SB236 Tier Map into the 2009 Comprehensive Development Plan as proposed; Mrs. Kerr seconded and the motion was approved by four votes in favor.

2. Wicomico County Housing Rehab Project - Update

Administrative Assistant Powell informed the Commission that rehab of the nine Wicomico County Housing Authority properties was going well. She stated that one home, on Cartwright Avenue, was near completion and the other eight (four on Ogle Avenue and four on N. Dulany Avenue) have had significant repairs such as new roofs, siding, windows and decks installed. She also stated that the contractor, who initially had plans to only replace the roofs and construct decks, later found the need to gut the interior of all the properties on N. Dulany Avenue due to unforeseen deterioration. She stated that no specific completion date for all the properties was provided.

3. Morris Mill Project – Update

Solicitor Mitchell stated that the Morris Mill project had 370 EDUs allocated for water service and that 70 homes had been connected. He stated that it was thought that the plumber was

the reason for the slow hookup process, however, it had since been determined that the holdup was due to property owners not being at home when the plumber showed up to connect their service. He further stated that the County had requested bids for additional plumbers but did not receive any responses.

4. WWTP Project – Update

Solicitor Mitchell reported that the contractors were working on punch list items and that they were almost finish with the project.

5. Brown Street & E. Main Street Improvement Project – Update

Solicitor Mitchell reported that the concrete work, on E. Main Street, was due to be completed by Friday (4th) even though extra areas of repair were added to the project. He stated that milling of the asphalt was scheduled to start on Monday (7th). No completion date for the project was known at the time.

Solicitor Mitchell reported that rehab of S. Brown Street was scheduled to begin on Tuesday (2nd). Mr. Bonneville then asked if the drainage issue had been resolved on Brown Street. It was stated that the drainage issue had been somewhat addressed, however, the City was not able to implement its original plan due to the high cost. Solicitor Mitchell stated that the alternative plan was to build up the shoulders of the street and to lower the small berm along the Falcons' property to reduce storm water runoff into the street.

6. Comprehensive Plan/Zoning Ordinance Review – Discussion Item

Solicitor Mitchell brought up the following infrastructure issues before the Commission that he thought should be addressed: (1) Rehabbing of water treatment plant which is already underway; (2) the need for a new well and possible location for its placement; and (3) an issue involving the establishment of how many EDUs that are currently available for new development. He stated that we currently have adequate flow capacity but 200,000 gallons per day was reserved for the County. The City has to account for all allocated EDUs for approved subdivisions as well as all in-fill lots or vacant lots that have accessible water and sewer in order to get an accurate count of available capacity. He further informed the Commission that the city is currently low on available sewer capacity and that the reason for bringing this issue to their attention is based on Environmental Article 9512B, which prohibits jurisdictions to issue building permits if sewer capacity is not available.

Mr. Bonneville then asked if the City had taken back EDUs from any other subdivisions aside from Camden Landing. Solicitor Mitchell stated that our procedure is that if a development has paid to install infrastructure, then we allow them to keep their EDUs.

Mr. Bland asked the Commission if they had any more thoughts as to how they wanted to proceed with the review process as it related to the zoning spreadsheets he had drafted. Mrs. Kerr stated that she would not be available for the December meeting for any discussion on the topic, however, she didn't want that to prevent the rest of the Commission from discussing the matter in December. Finally, it was agreed that the beginning of the new year (2017) would most likely be a good time to get back into the review. Mr. Bland then stated that if the Commission was going to wait until January to begin the review, he would try to do a little more in depth work on the spreadsheets.

NEW BUSINESS

1. New Proposed Legislation to Address Request for Special Permits to Raise Chickens

Mr. Bonneville brought up an item of interest related to the residents of Fruitland, which involves the raising of chickens in residential districts. He stated that due to the number of requests that are starting to come before the Commission and Board of Zoning Appeals, he thought it would be more feasible to eliminate the public hearing process currently required to obtain the special permit to raise chickens. He then made a motion to recommend that the City Council consider approving the raising of chickens as a permitted use in residential districts.

Mrs. Kerr then asked if the City would be permitting residents to keep chickens as pets or raise chickens which could lead to more ramifications. Brief discussion ensued as to the criteria that had to be met for the approval of previous special permits.

Finally, Solicitor Mitchell suggested that the Planning Commission take the position that if an individual wants to raise chickens, then he or she cannot have more than six (6) chickens, no roosters, and must be able to meet all other established conditions required to avoid any adverse environmental issues. The Commission then discussed the matter further.

Finally Mr. Bonneville, again, motioned to recommend that the City Council approve the raising of no more than six chickens, excluding roosters, under established environmental conditions, in residential districts; Mr. Bland seconded. There was one opposed vote and one abstained.

The voting results was then followed by further discussion at which time Mr. Bland withdrew his vote in favor of the motion. He further suggested that the Commission take more time to consider the matter and to possibly invite the public for their input. Mrs. Kerr stated that in the meantime, the city would continue to approach all future request to raise chickens in residential districts on a case by case basis.

General Discussion

Mr. Bland asked if the City or the Recreation Commission would consider hosting annual Halloween events as an alternative to kids going door to door throughout the neighborhoods. Mrs. Kerr stated that an activity of that nature could pose liability issues for the City and that funding for such events would be another issue of concern. She also informed Mr. Bland that the city no longer had a Recreation Commission.

Mr. Bland stated that while our recreational facility is the site of a lot of activity, more City sponsored events could be good way to attract more people and businesses to our community. The Commission then made various suggestions as to where and how certain Halloween sites could be constructed.

With no further business to discuss, **Mrs. Kerr moved to adjourn and Mr. Bland seconded. The motion was approved by a four to zero vote in favor and the meeting adjourned at 7:47 p.m.**

Submitted by,

*Linda J. Powell
Administrative Assist.*

Approved 12/6/16