

Wicomico County Council
Open Work Session
August 5, 2014

Work sessions require written minutes that reflect each item that the public body considered, the action that the public body took on each item and each vote that was recorded. **It should be noted that at work sessions, the Wicomico County Council does not take formal action, nor is a vote taken on any item discussed.**

In attendance: Matt Holloway, President; John B. Hall, Vice President; Bob Culver, Sheree Sample-Hughes, Stevie Prettyman, Gail M. Bartkovich and Joe Holloway.

Present: Matthew E. Creamer, Council Administrator; Edgar A. Baker, Jr., County Attorney; Wayne Strausburg, Director of Administration and Melissa Holland, Recording Secretary.

Land Preservation Parks and Recreation Update : Keith Hall, Planning and Zoning; Gary Mackes, Director of Recreation, Parks and Tourism and Jack Lenox, Director of Planning and Zoning came before Council.

Mr. Keith Hall said the Planning and Zoning staff went through the plan thoroughly and made a few housekeeping changes. He said that the dates are consistent and the update has been worked on for three years. Mr. Keith Hall said they looked at all of the data tables. Mr. Hall said they went through the policy recommendations. He said based on a previous work session there were concerns of any recommendations that would increase the real estate tax have been removed. He said that this document had things carried over from 2005 plan and 1998 comprehensive plan which was different times as the economy was better. He said since the economy down turned and said that words such as "required" were removed. He said they will make sure that the numbers in this plan match the comprehensive plan.

Mrs. Bartkovich thanked the staff for going over the plan and making corrections to the information. Mrs. Bartkovich asked about the section regarding cluster provisions and said on the third line says it reads "which is one equivalent dwelling unit per acre" and Mr. Keith Hall said that is incorrect. He said non-cluster subdivisions are one unit per fifteen acres and that will be changed. Mrs. Bartkovich said she enjoyed reading the plan and all of the information provided.

Mr. Joe Holloway said that a statement made before at a previous meeting that only 14% of the land in Wicomico County is able to be developed. Mr. Mackes said it was a process looking at land use maps and the data provided. He said that the high 40% of land is in forest land.

Mrs. Sample-Hughes asked about green infrastructure. Mr. Keith Hall said the Natural Resources Conservation Advisory Committee is meeting regarding this very issue and are very engaged. He said the agendas and minutes are available on the website. This will be placed as a resolution for approval at the next Council meeting.

Comprehensive Plan/Tier Map :

Mr. Culver would like to put this issue aside and allow the next sitting Council to work on and adopt the comprehensive plan and tier map. He said there are only seven meetings including this meeting and there is a lot of things to go through and does not feel this Council has time to complete this plan and map. Mrs. Prettyman said she was voted for a four year term which is up December 2, 2014 at 6:00 p.m. and she is still serving the citizens. She said that some of the Council members have worked on the comprehensive plan in the past and she feels it would be irresponsible to put in a new Council's lap when there could be five new Council members. She said the Council needs to look at the comprehensive plan and feels the Council needs to adopt the plan with possible adjustments. She said the tier map can be discussed with the new Council. Mrs. Sample-Hughes said she wanted to see the timeline. Mr. Keith Hall said the draft plan is complete and requires a public hearing and action by resolution. He said the tier map has to go to the Maryland Department of Planning for review and if they feel there are inconsistencies they will require the Council to hold a public hearing. He said the county would need to submit a tier map to the Maryland Department of Planning by October 13th which includes a review period and no special meetings and a November 18th sunset date as this is the last legislative meeting for this Council. Mrs. Prettyman said because the Council does not adopt the comprehensive plan it has no bearing on the tier map. Mr. Keith Hall said this plan is just an update and there is already a plan that the tier map would be evaluated against as well as a Water and Sewer Plan and Zoning. He said the adoption of this plan is less restrictive as a Tier 4 area than the current 1998 plan. Mr. Lenox said they followed the 2004 zoning and that map was in certain places more permissive than the 1998 comprehensive plan.

Mr. Keith Hall said rural villages are very small in the 1998 plan in comparison to the 2004 zoning code. He said the area between Willards and Pittsville in unincorporated areas it is Ag resource but zoning shows as town transition. He said these areas were A-1 and now has a less restrictive use. Mrs. Bartkovich said she was pushing the Planning Commission to have this to Council so they had enough time to adopt before the new Council comes in.

Mr. Culver said he can't agree with the Priority Preservation Area recommendation to which Mrs. Bartkovich said the Planning Commission had already held its public hearing and then the addendum was given to them. Mr. Keith Hall said the addendum is a necessary part of the comprehensive plan for seeking certification from the Maryland Agriculture Land Preservation Foundation. He said they are not saying that all of the land will be preserved by regulation or policy but are trying to get certified to receive more than the 33% which the county is currently receiving. He said they didn't want to restrict or limit it to certain property owners. Mrs. Bartkovich said the new plan can be discussed by the new Council. Mr. Keith Hall asked that the addendum be included into the plan.

Pete Richardson said he is concerned that if the Council adopts the comprehensive plan there will be no negotiation level with the tier map. He said the comprehensive plan becomes the tier map. He said that this should wait until a new Governor is elected and

a new Council. He said the county should work on a satisfactory tier map and comprehensive plan and asked the Council to not vote on this plan and wait to see what new officials will be in the State. He feels that the tier map and comprehensive plan should be adopted simultaneously.

Mr. Keith Hall said the comprehensive plan is a component which goes into the tier map as it relates to land use. He said if the Council won't move the plan forward because of the tier map the Council already has a comprehensive plan that is adopted.

Robert Taylor said the comprehensive plan has a lot of potential problems and should not be adopted as is and he feels the next Council should work on this plan. He said the new Council would have plenty of time to work on the plan. Mr. Taylor said there was a Terrapin Run Case in Western Maryland in court and in that decision the Court of Appeals ruled that the comprehensive plan is just a plan and does not need to be followed in zoning decisions. He said in the next legislature there was anti Terrapin Run legislation. He said the legislation states that the comprehensive plan has to be considered. Mr. Taylor feels the plan needs a lot of work. He said the metro core is the same as it has been and has not changed and feels that in the past thirty years there has been expansion of the metro core. He said he suggested that on page 416 it talks about cooperating environmental groups and lists certain groups and said it gives them in a zoning preceding a special status as they are mentioned in the plan. He said the Chesapeake Bay Foundation is supporting the TMDL plan and said that one of the groups is a political action group and does not feel they should be mentioned.

Mr. Joe Holloway asked if other counties comprehensive plans include groups mentioned by name. Mr. Keith Hall said it is not uncommon to list the name of groups as partners and does not give them an advantage. He said this is a non binding policy document. Mrs. Prettyman said the County Council never adopted the metro core plan. Mr. Keith Hall said the 1997 metro core plan was never adopted by the county but was adopted by the City of Salisbury and has been replaced by the City of Salisbury, Fruitland and Delmar have their own plans. He said that in the Land preservation plan any reference to metro core have been called the metropolitan growth area. Mr. Baker said the comprehensive plan is a policy document.

Mary Ashanti asked why Planning and Zoning recommended passing this plan to which Mrs. Bartkovich said they make a favorable recommendation to send the plan to Council. Mrs. Ashanti asked what the benefit is of passing the comprehensive plan without the tier map and addendum. Mr. Keith Hall said if the plan was adopted with out the addendum it could be perceived that the "can is being kicked down the road" as the foundation, the preservation area was adopted. He said if the county doesn't adopt the Priority Preservation Area then the county can't apply to have their Ag program certified. He said for any Ag transfer tax that occurs to a more intense or non Ag use the county gets 33% and being in the program the county gets 75% of the tax. Mrs. Ashanti asked the Council to schedule a public hearing and allow the public to comment. She said she is concerned about pushing it aside and waiting for a new Council. She also said this is August and she hopes that the Council doesn't let the fact that an election is upcoming that the Council won't continue to work and that they still work on issues.

Karen Luckas, Wicomico Environmental Trust, said she does not feel this needs to be kicked down the road. She said a lot of thought has been put into this plan. She asked the Council to move the plan forward. She said that she is frustrated when people say there are many things in the plan that need to be changed as the plan has been online for quite a while. She said she does not feel the tier map and comprehensive plan have to go together. She said the zoning reflects the plan.

Mr. Joe Holloway said he read through the comprehensive plan and did not see any mention of the opt out requests for the tier maps and wanted to know why. Mr. Keith Hall said that is something that the county is working on and could be an option the county decides to go or not to go that route. Mr. Hall said that states the law and not the efforts to comply with the law.

John Cannon said this is an excellent document with in-depth detail. He said he is concerned that the Council is being asked to pass something with their eyes closed. He said this should be treated as if a legally binding document. He said the comprehensive plan is as important as the budget. He feels with the institutional knowledge this Council has he would like to see this Council make the decision.

Ms. Holland will check the calendar to see which dates are available. The Council would like to hold evening work sessions.

Mrs. Sample-Hughes said when the Council was running for office the comprehensive plan was one of the main issues and she is in favor of completing this task. She said that she suggests the Council not just set meetings but truly look at the reality that some people have families and work other jobs. She said she is willing to see this through but feels that this needs to be done in a fashion to get the job done and she can't commit herself to any days at this time.

The first open work session will be August 19, 2014.

Tracey Gordy, Maryland Department of Planning, came before Council. Mr. Joe Holloway asked what substance this has for what the county is trying to do with the tier map. He asked if the Council approves the comprehensive plan and the tier map is different, how the State of Maryland will view that. Ms. Gordy said the state would be looking at the land use plan in the comprehensive plan and the priority preservation element. She said they would look at the tier map based on consistency with the comprehensive plan and other elements of the plan. Ms. Gordy asked if the Planning Commission reviewed MDP's comments to which Mrs. Bartkovich said they did and she asked if the Council has reviewed the MDP comments and suggested they read the comments. Mrs. Prettyman said that all sides need to be considered. Mr. Joe Holloway asked why the MDP comments were not presented to the Council. Mr. Keith Hall said they incorporated the comments in the plan and the majority of the comments were typos. He said they were discussed with the Planning Commission and will be released to the Council. Ms. Gordy said all departments review the plan and said she spent a great deal of time looking at the plan and did a thorough analysis. Mr. Keith Hall asked

Ms. Gordy if the plan was consistent with the land use plan and municipal growth elements, zoning and water and sewer plan. Ms. Gordy said there was consistency in some areas and some inconsistencies in other areas. She said there were some areas of concern for municipal growth areas for low density residential.

Mrs. Prettyman said one of her goals is to adopt the comprehensive plan before her term is over and to make sure it is consistent. She feels that work sessions need to be held and all groups heard from.

Open Work Session adjourned.