

**FRUITLAND PLANNING COMMISSION  
TUESDAY, MAY 5, 2009  
MINUTES**

The Fruitland Planning Commission met at City Hall on Tuesday, May 5, 2009 at 7:00 p.m. with the following 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, Utilities Director Joseph P. Derbyshire, Public Works Director P. Cooper Townsend, and Councilor Richard F. Tull.*

Our guests included:

*Robert Marvel and Andy Phillips.*

Chairperson Bonneville called the meeting to order at 7:02 p.m. and asked for comments or changes to the minutes of April 7, 2009. There being none, Mr. Lokey moved to adopt the minutes as written. Mr. Bland seconded and the motion was approved by a unanimous vote.

There being no Old Business to discuss Mr. Bonneville proceeded on to New Business.

**NEW BUSINESS**

**1. Proposed Fiscal Year 2009-2010 Capital Improvements Budget**

City Manager McDonnell presented Draft Six of the Capital Improvements Budget, summarizing additional reductions the City Council made at a May 4, 2009 Budget Work Session.

- ENR WWTP Upgrade Expansion reduced to Fifty Thousand Dollars (\$50,000.00) for Preliminary Engineering only
- New elevated water storage tank and rehab of existing tank reduced to Twenty Thousand Dollars (\$20,000.00) for Preliminary Engineering only

After discussion that included questions about the paving slated for North Division Street and the purchase of unmarked police vehicles, Ms. Noble moved to recommend to the City Council that the Council approve Draft Six of the Proposed Fiscal Year 2009-2010 Capital Improvements Budget as presented; Mr. Bland seconded and the motion carried on a unanimous vote.

**2. Proposed Fiscal Year 2009-2014 Five-Year Capital Improvement Plan**

City Manager McDonnell presented Draft Six of the Five Year Capital Improvement Plan as more of a wish list for projects beyond Fiscal Year 2009-2010 as already presented.

*Discussion centered on capital improvements slated for various roads. Mr. Robin Townsend voiced specific concerns about Brown and Main Streets both needing to be paved, with Main Street in dire need because so many cuts to the road have given it a cobblestone-like appearance. Public Works Director Cooper Townsend cited high paving costs as the reason for the delay in capital improvements to Fruitland's roads.*

After discussion that centered on capital improvements slated for various roads, Mr. Bland moved to recommend to the City Council that the Council approve Draft Six of the Proposed Fiscal Year 2009-2014 Five-Year Capital Improvement Plan as presented; Ms. Noble seconded and the motion carried on a unanimous vote.

### General Discussion

City Solicitor Mitchell distributed to commission members a draft copy of Ordinance No. 241 for their review prior to a first reading that could occur as soon as the May 12, 2009 Council Meeting; Ordinance No. 241 amends Zoning Ordinance No. 67, by adding language to permit various types of windmill and small wind energy systems as a use permitted, or use permitted by special exception.

Solicitor Mitchell then reported that a major complaint had been lodged by Restaurant 213 owner Jim Hughes regarding the parking situation at the Black Diamond Lodge Catering Facility. Discussion ensued regarding the original parking plan submitted by Mr. Roskovich for his facility, and his effort (or lack thereof) in complying with issues raised by the Planning Commission at the time the original parking plan was presented.

Code Enforcement Officer Scholl summarized key issues regarding the parking complaint lodged by Mr. Hughes.

- Building capacity at the lodge is posted at 240 seats; parking spaces available should be a corresponding 120.
- Inadequate lighting in the lodge parking lot is a problem.
- There is too narrow of an entryway from Rt. 13 into the lodge parking lot.
- The original plan for the catering facility did not include an onsite kitchen; food was to be transported from Mr. Roskovich's adjacent restaurant, Adam's Ribs. Mr. Roskovich then installed a kitchen without coming before the Planning Commission; he did, however, obtain the requisite Health Department approval.
- Drainage problems exist from Rt.13 onto the parking lot at Adam's Ribs and the adjacent Black Diamond Lodge [the northernmost catch basin on Rt.13 is located in front of the Laundromat, which is directly South of Restaurant 213]

Solicitor Mitchell advised Commission Members that he and Mr. Scholl would review previous Planning Commission minutes regarding the parking plan at Black Diamond Lodge Catering Facility to determine if Mr. Roskovich is indeed in violation and will report their findings back to Commission Members at the next Planning Commission meeting.

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

*Diane C. Nelson*  
Diane C. Nelson, City Clerk  
*Approved, June 2, 2009 dcn*

