

**Fruitland Township Board  
Regular Meeting  
Minutes  
June 11, 2008**

**PRESENT:** Supervisor Gregory R. Boughton, Treasurer Debbie Boyer, Trustee Mary Ann Bard, Trustee Gary Bole and Trustee Mary Eley.

**ALSO PRESENT:** Recording Secretary Ericka DeCair, Township Attorney Robert Eklund, Township Ordinance Enforcer Don Carrier and 11 interested parties.

**NOT PRESENT:** Clerk Janell Beard and Trustee Norma Binns.

**CALL TO ORDER:** Supervisor Boughton called the Wednesday, June 11, 2008 Regular Meeting of the Fruitland Township Board to order at 4:05 p.m.

**ACTION**

- 1) **Ordinance Enforcer Report** – Don Carrier, Ordinance Enforcer, reported nine cases and corrected thirteen cases. He reported that there is a problem with 3767 Scenic Drive because they have two rental houses on the property and at least one building needs to be condemned. Don stated that he has received a call regarding putting a time limit on when the building needs to be torn down or brought up to code. He stated that Building Official Troy DeBrot visited the site and placed a dangerous building sign at the site. Supervisor Boughton suggested starting the condemnation procedure on the first building where Building Official Troy DeBrot has posted a dangerous building sign

**Motion by Trustee Bole, second from Trustee Bard, *ADOPTED* to direct Supervisor Boughton to inspect the second building and if he feels it is a dangerous building, direct the Building Inspector to visit the site.**

**5 AYES, 2 ABSENT**

- 2) **Judy Marcinkowski (4:00 p.m.)** – Judy Marcinkowski stated that she would like some answers and she would like to make the Township Board aware of her situation. She thanked the members of the Township Board who visited her property. Jeff Marcinkowski passed out two packets of information to each board member. The packets included correspondence between Fruitland Township and Marcinkowski/Schaub regarding their accessory building, and correspondence between Fruitland Township and Terry Graham regarding his accessory building. Judy Marcinkowski explained the information to the Township Board and stated that she would like to know what the difference is between the two situations. Treasurer Boyer stated that there are always two sides to a story and Supervisor Boughton would need time to review minutes and paperwork in order to properly respond.

**Motion by Trustee Eley, second from Trustee Bard, *ADOPTED* to direct Supervisor Boughton to review the paperwork and prepare a response to Mrs. Marcinkowski's questions for the July meeting and to identify if there is a policy or procedure in place that would prevent a similar situation in the future, and if not, to direct a committee at the next meeting to develop one.**

**5 AYES, 2 ABSENT**

### 3) Planning Commission

- **Regulatory Ordinance Section 41.06 – Don Sandel**

Zoning Administrator Sandel stated that while looking through the ordinances he found that there is a survey ordinance. He stated that he has not been aware of this ordinance and he has not been requiring a survey. He would like direction from the Township Board on whether or not they would like him to require surveys with all new construction. The Township Board directed Zoning Administrator Sandel to draft some Standards of Interpretation language and submit it to the Township Board for consideration.

- **Meeting recommendation – MDR Survey**

Trustee Eley stated that there were three recommending resolutions at the last Planning Commission meeting. Two of the recommendations were to add Inland Lakes District, Lake Michigan Shoreline District, and North Duck Lake Overlay District to Article III Section 3.23 and Article XX Section 20.02. The third recommendation was to adopt the amendment in the Medium Density Residential Site Development Standards to change the minimum lot area for the MDR zoning to two (2) acres instead of one (1) acre and the minimum lot width to one hundred fifty feet (150) instead of one hundred five (105) feet. The Planning Commission also recommends that the Township Board make these changes effective January 1, 2009, which would give property owners plenty of time to do a lot split before the zoning changes. The Planning Commission directed Chairperson Eley to work with the Township Board to write a press release to place in the Beacon, Chronicle, newsletter, and Web site to make people aware of these upcoming changes. Treasurer Boyer suggested putting a notice in with the summer tax bills. Trustee Eley will bring language to the Monday regular meeting.

*(Place on Monday, June 16, 2008 Meeting Agenda)*

- **Noxious Weeds**

Trustee Eley stated that she found an ordinance online that she feels is what the committee is looking for. She will get copies of the ordinance to committee members.

### 4) Roads

- **Committee Report**

Trustee Eley stated that she is still working on this and will have it ready for the July work session.

- **MCRC invoice 700662 – Lamos Road**

Supervisor Boughton stated that he has received explanation regarding the Lamos Road invoice and it should be discussed when a full Board is present.

- **MCRC invoice 3452 – Nord Road**

Supervisor Boughton stated that the Muskegon County Road Commission is dropping service on Nord Road.

- **Roads ending at water**

Supervisor Boughton stated that he wrote a paper regarding roads ending at water in order to facilitate discussion with the Parks and Recreation Commission.

- **Scenic Drive parking**

Supervisor Boughton reported that the Muskegon County Road Commission is currently posting signs on Scenic Drive and the Township will incur the cost for this.

### 5) Parks and Recreation Plan – Supervisor Boughton stated that the Parks and Recreation Commission would like the Township Board to vote on the Recreation Plan. Consensus of the Board was to table this issue to a future meeting date when there is a full Board.

- 6) **Rissi request/Winterwood Shores** – Attorney Robert Eklund explained what has been happening with the litigation regarding Marcus Park and dockage issues. Judge Mariotti ruled in favor of Marcus Dunes’ right to dockage on Duck Lake, but not in favor of Winterwood Shores. Mr. Rumps, President of Winterwood Shores Association, handed out packets of information to the Township Board and explained the information. He gave an overview of the situation and explained the current situation with the appeals that are taking place. The Winterwood Shores Association would like the Township to take no action regarding Judge Mariotti’s decision until the appeal process runs its course and if the appellate court upholds Judge Mariotti’s decision, they ask the Township to work with The Winterwood Shores Association to honor the intent of Mignon Dake and the generosity of Ben and Ruth Marcus. Trustee Bole stated that he would consider selling that portion of Township Property where the docks are located; Trustee Bard agreed. A Winterwood Shores resident asked whether or not they could put their boats out during the appeals process.

**Motion by Trustee Eley, second from Treasurer Boyer, *ADOPTED* to direct Attorney Eklund to draft language for a motion allowing Winterwood Shores residents to utilize dock facilities on Duck Lake and present that to the board at the Monday regular meeting.**

**3 AYES** (Boughton, Boyer, Eley)

**2 NAYS** (Bard, Bole)

**2 ABSENT** (Beard, Binns)

**Motion by Trustee Bard, second from Trustee Bole, *FAILED* to allow Winterwood Shores residents with boats to dock their boats as of June 12, 2008.**

**2 AYES** (Bard, Bole)

**3 NAYS** (Boughton, Boyer, Eley)

**2 ABSENT** (Beard, Binns)

Trustee Bole left at this time (5:20 p.m.).

*(Place on Monday, June 16, 2008 Meeting Agenda)*

- 7) **Policies and Procedures Manual** – Supervisor Boughton stated that Trustee Binns is to report back to the Township Board on this matter. Treasurer Boyer stated that she has been working with Trustee Binns on this and Trustee Binns has the written notes and changes that need to be typed and presented to the Township Board for review. Supervisor Boughton will ask Trustee Binns give her hand written notes to Secretary Ericka DeCair so that they can be typed.
- 8) **MTA discussion** – No discussion.
- 9) **Western Insurance Presentation (5:00 p.m.)** – Joseph Hunt and Melissa Swims from Western Insurance Agency, L.L.C. gave an overview of the Township’s current plan and explained the new proposal which included options for increased deductibles which would lower the premium. They stated that their program is made especially for townships. Supervisor Boughton stated that he has received two other quotes from Selective and EMC. He stated that Selective has pulled their quote, but might possibly submit a new quote before the Monday meeting.

**10) Adjournment –**

**Motion by Trustee Bard, second from Trustee Eley, *ADOPTED* to adjourn the Wednesday, June 11, 2008 Regular Meeting of the Fruitland Township Board at 6:34 p.m.**

**5 AYES, 2 ABSENT**

Respectfully Submitted,

Ericka DeCair  
Recording Secretary

ENROLLED