

**FRUITLAND TOWNSHIP BOARD
REGULAR MEETING
MAY 18, 2009
MINUTES**

PRESENT: Trustee Bard, Trustee Binns, Trustee Bole, Trustee Deur, Clerk Rillema, Supervisor St. Amour

ALSO PRESENT: Twenty five (25) interested parties

ABSENT: Treasurer Boyer

CALL TO ORDER: Supervisor St. Amour called the Monday, May 18, 2009 Regular Meeting of the Township of Fruitland Board to order at 7:00 PM and welcomed those present, led the Pledge of Allegiance and asked for a moment of silence.

AGENDA: Accept or amend the Monday, May 18, 2009 Agenda. Supervisor St. Amour asked the Board to amend the following on the agenda: under Old Business add item #25 – Dry Hydrant with motion #05-09-20 and under New Business add item #9 – Orshal Road Bridge Construction.

Motion by Trustee Binns, second by Trustee Deur, **ADOPTED**, to accept the amended May 18, 2009 Regular Township Board Meeting Agenda.

Upon Voice Vote: **6 AYES, 1 ABSENT**

PUBLIC COMMENT:

1. Gayle Donovan, 5629 Murray Road – Commented on the building at 5623 Murray Road compromising their view. Would like to look at the file regarding 5623 Murray Road.
2. Carl Holmstrom, 1530 Duck Lake Road – Would like to keep the garage up on the property at 1562 Duck Lake Road where the house has been demolished. Would like this Board to approve the garage to remain even though it is non-conforming with our ordinances.
3. Bob Domiter, 2720 Nestrom Road – Would like his road upgraded to a better condition.
4. Kim McGee, 6166 Murray Road – Asked if Public Comment will also be at the end of the agenda. Supervisor stated that it was missed but will be available at the end of the meeting.

MINUTES:

Accept or amend the April 14, 2009 Work Session minutes, April 20, 2009 Regular Meeting minutes, May 1, 2009 Special Work Session minutes.

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to accept the April 14, 2009 Work Session minutes, April 20, 2009 Regular Meeting minutes and May 1, 2009 Special Work Session minutes.

Upon Voice Vote: **6 AYES, 1 ABSENT**

RECEIPTS & DISBURSEMENTS: Accept or amend report of Receipts of \$12,959.22 and total Bank Balance and Certificate of Deposits in the amount of \$1,038,038.35 as of April 30, 2009, as reported by Debbie Boyer, Fruitland Township Treasurer CPFA and approve or amend

FRUITLAND TOWNSHIP MAY 18, 2009 REGULAR MEETING MINUTES

General Fund 101 Disbursements in the amount of \$66,395.92 and Fund 130 Disbursements in the amount of \$2,190.60 for the period of April 1, 2009 through April 30, 2009, as reported by Karolyn Rillema, Fruitland Township Clerk. Trustee Deur asked that the Receipts not be approved due to questions he had for the Treasurer regarding Fund Balance and would like it to be discussed at the next work session.

Motion by Trustee Deur, second by Trustee Binns, ***ADOPTED***, to approve General Fund 101 Disbursements in the amount of \$66,395.92 and Fund 130 Disbursements in the amount of \$2,190.60 for the period of April 1, 2009 through April 30, 2009, as reported by Karolyn Rillema, Fruitland Township Clerk.

*Upon Voice Vote: **6AYES, 1ABSENT***

SPECIAL GUESTS –

- Citizens Advisory Law Enforcement Committee – Supervisor St. Amour stated that Chairperson Kevin Even was unable to make the meeting but would be rescheduled for the next meeting to present the Board with the committee's recommendations.
- Citizens Advisory McMillan Road End Committee – Chairperson Nancy Johnson updated the Board on the happenings at the road end. Currently Jeff Auch and herself are working on applying for grants before any further township money would be considered for expenditure.

ANNOUNCEMENTS – Supervisor St. Amour announced that Free Dump Day is Saturday, May 30, 2009 from 8:00 AM – 4:00 PM. Postcards have been sent to all residents/taxpayers of Fruitland Township with the ability to visit the Ecology Station twice that day at no charge. Fruitland Township has been asked to sponsor a blood drive through the Red Cross. At least 25 interested parties are necessary to be considered. All interested parties should contact Becky Dahl at the township hall or email her at secretary@fruitlandtwp.org. Supervisor St. Amour encouraged all to sign up for enews at www.fruitlandtwp.org. Supervisor St. Amour commented that Mark Lewis of the White Lake Beacon and County Commissioner Ken Mahoney were in the audience.

COMMITTEE/BOARD UPDATES:

- White Lake Ambulance Authority – Trustee Bard reported that 120 calls were received last month. The open house for National EMS week is scheduled for tomorrow evening, May 19, 2009 at the Ambulance Station at 119 Baldwin Street in Whitehall.
- White Lake Fire Authority – Supervisor St. Amour stated that our newly appointed representative for Fruitland Township is Laura Castonia.
- Parks and Recreation Commission – Trustee Binns reported that the Parks & Recreation Commission met on May 4, 2009. A security system was purchased for the White River Lighthouse Station. Newly designed brochures were printed and will be distributed around the area to promote the visitation of the Lighthouse. The Parks and Recreation Commission continues to work on its master plan.

FRUITLAND TOWNSHIP MAY 18, 2009 REGULAR MEETING MINUTES

- Planning Commission – Trustee Deur reported that it was a very busy month for the Planning Commission. A new sub-committee for Duck Lake State Park Zoning has been formed consisting of Carol Kooistra, Sue Hertel and Tom Thompson.
- Fred Meijer Berry Junction Rail Trail – Supervisor St. Amour reported that unless matching funds in the amount of \$350,000.00 is met, this plan will be dismissed.
- Muskegon County Regional Water System Board – Supervisor St. Amour stated that a presentation to the Board of Trustees will be at our June meeting.
- Citizen’s Advisory Dry Hydrant Committee – Trustee Binns reported that the committee did a presentation at the work session and made recommendations to the board to consider dry hydrants at two locations which would help lower response times in areas on the west side of the township.
- Citizen’s Advisory Community Building Committee – Supervisor St. Amour stated that the 2008 Polling Place Grant is ready to be sent to the State for reimbursement and the 2009 Polling Place Grant Application has been sent for consideration of building a new ramp to the building.
- Citizen’s Advisory Wireless Committee – Trustee Deur reported that the Committee has been in talks with ATT who may be interested in placing a tower for additional coverage in the township. Trustee Deur also mentioned that Verizon has sold its landlines to Frontier Communication who is very interested in expanding DSL coverage.
- Citizen’s Advisory Marcus Park Committee – Clerk Rillema reported that the committee met on March 14 and has been tasked with developing a proposal to present to the Board of Trustees regarding the use of the west end of Duck Lake by property owners of Marcus Dunes and Winterwood Shores.
- Zoning Board of Appeals – Trustee Bole reported that there was no meeting scheduled.
- Muskegon Area First – Trustee Deur and Supervisor St. Amour continue to assess our membership in this organization.

OLD BUSINESS –

1. Scenic Drive Special Assessment (St. Amour) – Supervisor St. Amour reported that approximately 250 surveys were mailed to residents/taxpayers with Scenic Drive addresses. Of the 250 mailed, approximately 150 were returned with little support for the assessing of the 3’ paved shoulders.

Motion by Trustee Bard, second by Trustee Deur, ***ADOPTED***, to move that the procedure for creating a special assessment for the paving of the 3’ shoulders on Scenic Drive be stopped as the results of the mail survey does not support continued activity.

*Upon Voice Vote: **6 AYES, 1 ABSENT***

2. Parks & Recreation – Authority/Road Ends - No report at this time.
3. Policies & Procedures (Sections 4.0 – 4.11) – Clerk Rillema stated that discussion of these sections will take place at the June work session.

FRUITLAND TOWNSHIP MAY 18, 2009 REGULAR MEETING MINUTES

4. Nord Road – Trustee Bole reported that a meeting with the Nord Road property owners will take place on May 20, 2009 at 6:30 PM to discuss options for maintaining the road.
5. 1562 Duck Lake Road – Supervisor St. Amour stated that information received during Public Comment tonight would result in continued discussion occurring at the next work session to pursue options regarding the garage at 1562 Duck Lake Road.
6. 5623 Murray Road – Supervisor St. Amour reported that a second lawsuit by the Gardner’s has been received by the Township.
7. 1990 Truck Status – Supervisor St. Amour reported that the truck has been sold in the amount of \$4050.00.
8. Maintenance Help – Supervisor St. Amour stated that he would like to hire seasonal workers or use the Pay It Back Program to help maintain the grounds of the township.

Motion by Trustee Binns, second by Trustee Bard, **ADOPTED**, to move to allow at the Supervisor’s discretion the hiring of seasonal maintenance workers as budgeted at minimum wage by advertising in the White Lake Beacon and use the Pay It Back Program.

Upon Voice Vote: **6AYES, 1ABSENT**

Ecology Station –

Motion by Trustee Binns, second by Trustee Bard, **ADOPTED**, to move to authorize the purchase of the approved signage for the Ecology Station in the amount of up to \$1044.80.

ROLL CALL VOTE: Trustee Bole **AYE**, Clerk Rillema **AYE**, Trustee Binns **AYE**, Trustee Deur **AYE**, Trustee Bard **AYE**, Supervisor St. Amour **AYE**, Treasurer Boyer **ABSENT**

Maintenance/Ecology Station Attendant –

Motion by Trustee Deur, second by Trustee Binns, **ADOPTED**, to move to authorize the hiring of the maintenance/ecology station attendant candidate subject to the passing of the physical examination and background check at the budgeted amount.

Upon Voice Vote: **6AYES, 1ABSENT**

9. Cemetery Sexton – Discussion amongst the board about the continuation of our Zoning Administrator and Zoning Coordinator performing some of the duties of the cemetery sexton resulted in the following:

Motion by Trustee Binns, second by Trustee Bard, **ADOPTED**, to move to authorize the Clerk, Treasurer and Supervisor to begin search for a Cemetery Sexton or look to combine services with another municipality. The Cemetery Sexton’s position would be to open/close gravesites and place/coordinate

FRUITLAND TOWNSHIP MAY 18, 2009 REGULAR MEETING MINUTES

headstones and all administrative duties/communications would be handled at the township with township staff. Supervisor St. Amour will gather details of the job description for the sexton and has the approval of the board to advertise for this position.

*Upon Voice Vote: **6AYES, 1ABSENT***

10. Fruitland Township Representation (Joint Planning Commission/West Michigan Shoreline Regional Development Commission) – Trustee Deur reported that Attorney Eklund is working on language changes and recommendations for the bylaws of the Joint Planning Commission.
11. West Michigan Coast Riders - Supervisor St. Amour reported that the certificate of insurance has been received and Attorney Eklund has approved. The event is scheduled for June 7, 2009.
12. Simonelli-Dame-Nestrom-Simonelli Roads – Supervisor St. Amour reported that quotes have been received and would like to discuss possible options at the next work session in June.
13. 2745 Lorenson Road -

Motion by Clerk Rillema, second by Trustee Bole, ***ADOPTED***, to move to advise Attorney Eklund to proceed with Circuit Court proceedings versus Hitsman/Cooper at 2745 Lorenson Road immediately.

*Upon Voice Vote: **6AYES, 1ABSENT***

14. McMillan Road End – No further report.
15. Brine – Supervisor St. Amour reported that MCRC and Fruitland Township split the cost 50/50. Brine will be applied during the first three weeks of June. We are listed as 9th out of 16 and the cost will be approximately \$6000.00.
16. Wind Energy Ordinance -

Motion by Trustee Deur, second by Clerk Rillema, ***ADOPTED***, to suspend open floor discussion.

*Upon Voice Vote: **6AYES, 1ABSENT***

Resident Kim McGee asked for clarification of size of lots, height of towers. Trustee Deur explained the process and parameters that would have to be met.

Motion by Trustee Bard, second by Trustee Deur, ***ADOPTED***, to close open floor discussion.

*Upon Voice Vote: **6AYES, 1ABSENT***

Motion by Trustee Deur, second by Trustee Bard, ***ADOPTED***, as recommended by the Planning Commission, I move to approve that the Board approve the Wind Energy System (WES) Ordinance.

*Upon Voice Vote: **6AYES, 1ABSENT***

FRUITLAND TOWNSHIP MAY 18, 2009 REGULAR MEETING MINUTES

17. Plastic Shredder –

Motion by Trustee Bard, second by Clerk Rillema, **ADOPTED**, to move to allow the spending of no more than \$50.00 for the MTA magazine or their website classified ad for the sale of a plastic shredder no longer in use at the Ecology Station and charge the revenue to 101-526-956-000 (miscellaneous).

ROLL CALL VOTE: Trustee Bard **AYE**, Trustee Deur **AYE**, Trustee Binns **AYE**, Clerk Rillema **AYE**, Trustee Bole **AYE**, Supervisor St. Amour **AYE**, Treasurer Boyer **ABSENT**

18. Township Liability Waiver – Will be added to the Policies and Procedures.

19. Marcus Park – No further report.

20. Prein & Newhof – Supervisor St. Amour is awaiting final recommendation from John Warner. Trustee Deur commented that he is concerned with the amount of cost involved for this project.

21. 3350 Bard Road (St. Amour) – Supervisor St. Amour reported that he has been in contact with Mrs. Pyle and cleanup is currently taking place. He will assess the progress at this property and report back to the Board.

22. Free Dump Day – Supervisor St. Amour reported that Free Dump Day will be on Saturday, May 30, 2009. Post cards have been sent out and he has been in touch with Allied Waste to order extra roll off containers at the lower negotiated pricing.

23. Brickley DeLong Contract – Clerk Rillema reported that Brickley DeLong is willing to look over our policies and procedures regarding our financial section at no additional cost and will offer assistance to Treasurer Boyer in reconciling the bank statements as needed.

24. Network Access – Supervisor St. Amour reported that Trustee Deur, Clerk Rillema and he have been in contact with Attorney Eklund to discuss actions regarding the alleged personal material found on township computers of an elected official. Further investigation will need to be taken and a report back to the Board of Trustees will be forthcoming.

25. Dry Hydrants - Motion by Trustee Binns, second by Trustee Bard, **ADOPTED**, to move to authorize the Supervisor to assist Fire Chief Don Hulbert to install two dry hydrants, one at Scenic Drive Road End and one at Marcus Park Township Property.

Upon Voice Vote: **6 AYES, 1 ABSENT**

NEW BUSINESS –

1. State Shared Revenue - Supervisor St. Amour reported that State Shared Revenue has been decreased immediately by approximately 5% and future decreases may also need to be taken. It is his recommendation that we review the 2009-10 Fiscal Year Budget at the next work session.

FRUITLAND TOWNSHIP MAY 18, 2009 REGULAR MEETING MINUTES

Motion by Clerk Rillema, second by Trustee Binns, **ADOPTED**, to move that a budget amendment for the State Shared Revenue #101-000-574-000 be lowered by 4.8% or \$17,280.00 for a new fiscal year total of \$342,710.00 in light of reductions made by the State of Michigan.

Upon Voice Vote: **6 AYES, 1 ABSENT**

2. Community Building – Grants – No further report.

3. White Lake Area Visitors Center Pamphlet –

Motion by Trustee Binns, second by Trustee Deur, **ADOPTED**, to move that the Fruitland Township Board allow the pamphlets be available at the township hall for the White Lake Area Visitors Center for our residents use.

Upon Voice Vote: **6 AYES, 1 ABSENT**

4. Heritage Route Resolution –

**FRUITLAND TOWNSHIP
RESOLUTION 2009-10
WEST MICHIGAN PIKE
Heritage Route**

WHEREAS, the Michigan Department of Transportation (MDOT), pursuant to the Heritage Route Act of 1993 (P.A. 69 of 1993), is empowered to designate scenic, recreational and historic highways in the state, and

WHEREAS, the public highway known as Old US 31 exhibits exceptional scenic/recreational/historic quality and passes through an area of significant regional importance, and

WHEREAS, a study has been undertaken by Preserve America which assesses the quality of and documents the character and features of the Old US 31 highway corridor, and

WHEREAS, it is intended that the study be forwarded to MDOT in order to nominate Old US 31 as a heritage route,

NOW, THEREFORE, BE IT RESOLVED that the Township of Fruitland supports the nomination of Old US 31 as a heritage route and authorizes including this resolution with the nomination documents, and

BE IT FURTHER RESOLVED that the Township of Fruitland hereby requests and encourages the MDOT to quickly designate Old US 31 as a heritage route.

IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of the Township of Fruitland to be affixed this 18th day of May, 2009.

Sam St. Amour, Supervisor
Township of Fruitland

Karolyn Rillema, Clerk
Township of Fruitland

Motion by Clerk Rillema, second by Trustee Binns, and thereafter adopted by the Board of Fruitland Township, at a regular meeting held Monday, May 18, 2009 at 7:00 PM.

6 AYE, 0 NAY, 1 ABSENT

FRUITLAND TOWNSHIP MAY 18, 2009 REGULAR MEETING MINUTES

5. Veterans Memorial Park Resolution –

FRUITLAND TOWNSHIP
RESOLUTION 2009 – 11
VETERANS MEMORIAL PARK

- WHEREAS, the creation of Veterans Memorial Park, encircled by the arms of the Veterans Memorial Causeway between the Cities of Muskegon and North Muskegon, was the result of a New Deal Public Works Administration project in the year 1934; and
- WHEREAS, manual labor created a place of reverence and for reflection on those who made the ultimate sacrifice in our nation's defense; and
- WHEREAS, these 75 years later, the foundation and purpose of the Park continue to be reinforced through the commitment and contributions of service and governmental agencies, private businesses, groups and individuals, civilians and veterans alike; and
- WHEREAS, the year 2009 marks the 75th Anniversary of Veterans Memorial Park, a place of quietude within which to remember all who have served, and are currently serving, in our nation's armed forces; and
- WHEREAS, a committee has been formed to arrange a celebration of the 75th Anniversary of Veterans Memorial Park in 2009.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Fruitland and our citizens do hereby wholeheartedly support the 75th Anniversary celebration for Veterans Memorial Park in 2009.

IN WITNESS WHEREOF, I hereunto set my hand
and cause the seal of the Township of Fruitland to
be affixed this 18th day of May, 2009.

Sam St. Amour, Supervisor
Township of Fruitland

Karolyn Rillema, Clerk
Township of Fruitland

Motion by Clerk Rillema, second by Trustee Bard and thereafter adopted by the Board of Fruitland Township, at a regular meeting held Monday, May 18, 2009 at 7:00 PM.

6 AYE, 0 NAY, 1 ABSENT

6. Planning Commission Recommendations –

- Motion by Trustee Deur, second by Trustee Binns, **ADOPTED**, as recommended by the Planning Commission, I move to approve the request from owner Gilbert Norwick to add Agricultural Overlay to parcel 61-06-108-300-0002-00 located on the Northeast corner of Michillinda and Nestrom Road.
*Upon Voice Vote: **6** AYES, **1** ABSENT*
- Motion by Trustee Deur, second by Clerk Rillema, **ADOPTED**, as recommended by the Planning Commission, I move that we approve the site plan as submitted, with the following two conditions: 1) the wellhead to be moved ten (10) feet to the south, and 2) agreement between Zoning Administrator and applicant regarding location of possible future connecting driveways to adjacent parcels on the east and south, should applicant and future adjacent landowners mutually deem such access desirable.
*Upon Voice Vote: **6** AYES, **1** ABSENT*
- Motion by Trustee Deur, second by Trustee Bole, **ADOPTED**, to suspend open floor discussion.
*Upon Voice Vote: **6** AYES, **1** ABSENT*

FRUITLAND TOWNSHIP MAY 18, 2009 REGULAR MEETING MINUTES

Mr. Hobby was asked by the Board on his progress. He commented that several of the conditions requested by the Planning Commission have been met and that he is continuing to try to complete those conditions promptly.

Motion by Trustee Deur, second by Trustee Bole, **ADOPTED**, to close open floor discussion.

*Upon Voice Vote: **6AYES, 1ABSENT***

Motion by Trustee Deur, second by Trustee Binns, **ADOPTED**, as recommended by the Planning Commission, I move to approve Special Land Use Permit Application received from Gerald Hobby requesting to operate a sub, pizza and ice cream shop in the Neighborhood Commercial District at 5706 Whitehall Road, Whitehall Michigan subject to the following conditions: 1) Approval from Muskegon Conservation District, White Lake Fire Authority, Muskegon County Health Department, 2) Meet conditions established by the Muskegon County Road Commission and Muskegon County Drain Commissioner, 3) Construction of adequate barriers north of entrance area and in front of building to eliminate parking, 4) Work with Zoning Administrator and Planning Commissioner to modify the existing site plan to an “as built” showing the existing conditions of the site.

*Upon Voice Vote: **6AYES, 1ABSENT***

- Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, as recommended by the Planning Commission, I move to approve Article II, Definitions – B, Section 2.03 Building Height – AMEND, Article II, Definitions-G, Section 2.08 Grade – AMEND, Article II, Definitions-G, Section 2.08 Grade, Average Existing – NEW, Article IV, Rural Residential District, Section 4.04, Article V, Low Density Residential District, Section 5.04, Article VI, Medium Density Residential District, Section 6.04, Article Via Lake Michigan Shoreline District, Section 6.04a, Article VII, Medium High Density Residential District, Section 7.04, Article VIII, High Density Residential District, Section 8.04, Article VIIIa, Inland Lakes District, Section 8.02a, Article X, Waterfront Marine District, Section 10.04, Article XI, Neighborhood Commercial District, Section 11.04, Site Development Standards, Building Height – AMEND.

*Upon Voice Vote: **6AYES, 1ABSENT***

7. White Lake Ambulance Authority Blood Pressure Check –

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to move to allow White Lake Ambulance to schedule on a monthly basis one day to perform blood pressure checks at the Township Hall on a temporary trial basis of six months.

*Upon Voice Vote: **6AYES, 1ABSENT***

8. Friends of the White River Light Station – Supervisor St. Amour reported that this group is asking for authorization to apply for a temporary liquor license for a gathering at the Lighthouse this summer. Supervisor St. Amour stated that our rental agreements clearly state no alcohol. This will be discussed at our June work session.

FRUITLAND TOWNSHIP MAY 18, 2009 REGULAR MEETING MINUTES

9. Orshal Road Bridge Construction – Supervisor St. Amour reported that the construction will be starting around May 26. The road will be closed approximately four (4) months.

PUBLIC COMMENT:

1. Irene Pierson, 6100 Murray Road – Asked for clarification on the Heritage Route Resolution and also commented on the status of Murray Road’s unsafe driving condition at the hairpin. Clerk Rillema stated that the resolution was for Old US 31 which consisted of many roads in Fruitland Township but did not include Murray Road. Supervisor St. Amour stated that all secondary roads need to be addressed as to funding for repairs.
2. Mary Eley, 3550 Jones Road – Asked about the status of drain work on Jones Road and wanted information on the Network Access Investigation. Supervisor St. Amour provided Ms. Eley with a short synopsis of items found and that investigative steps were now being taken and a future report would be forthcoming.
3. Mary Lee McGee, 6166 Murray Road – Asked when the benches at the pier would be reinstalled, when would unsightly snow fences be taken down and removal of beach sand should be taken care to widen the narrow walkway in areas. Supervisor St. Amour reassured Mrs. McGee that he would look into all three items.
4. Dave Burns, 3385 W. Lakewood Road – Asked the board to resolve at little cost to the township an agreement with the property at 1562 Duck Lake Road and asked the board if they would consider looking to combine services with other municipalities to save money.
5. Carl Holmstrom, 1530 Duck Lake Road – Reiterated that the Board of Trustees has options to work with him on keeping the garage at 1562 Duck Lake Road.

ADJOURNMENT –

Motion by Trustee Bard, second by Clerk Rillema, **ADOPTED**, to adjourn the Monday, May 18, 2009, Regular Meeting of the Township of Fruitland at 9:38 PM.

Upon Voice Vote: **6AYES, 1ABSENT**

Respectfully submitted,

Karolyn Rillema, Clerk
Township of Fruitland