

**FRUITLAND TOWNSHIP BOARD
REGULAR MEETING
JULY 18, 2011
MINUTES**

PRESENT – Trustee Bard, Trustee Deur, Trustee Binns, Trustee Bole, Clerk Rillema, Treasurer Wilks, Supervisor St. Amour

ALSO PRESENT – Nine (9) interested parties.

CALL TO ORDER – Supervisor St. Amour called the Monday, July 18, 2011 Regular Meeting to order at 7:00 PM and welcomed those present, led the pledge of allegiance and asked for a moment of silence.

AGENDA – Motion by Trustee Bard, second by Trustee Binns, **ADOPTED**, to accept the July 18, 2011 Regular Township Board Meeting Agenda.

Upon Voice Vote: 7 AYES

PUBLIC COMMENT –

- 1) **Carol Kooistra**, 2553 Scenic Drive – In attendance tonight as the Chairperson of the Planning Commission requesting that the Board accept the recommendation of the Planning Commission on Article III, Section 3.23 Non-Conforming Buildings, Structures and Uses. Members of the sub-committee have been working over two years and are pleased with the language that was reviewed by our prior attorney and current attorney.. Two public hearings were held and she publicly thanked all the members of the Planning Commission for their hard work.

- 2) **Jane Gardner**, 5625 Murray Road – Stated that she feels she is a victim because the intent of the lakeshore ordinance was not enforced. Stated that she would like the township to uphold its ordinances and have someone follow up on the neighboring property for excessive fill and trees/air conditioning units in the lake setback area.

- 3) **Jeff Marcinkowski**, 3767 Jay Road – Stated that the proposed 5k run which was going to be run in conjunction with the Fruitland Evangelical Church's Blueberry Pancake Breakfast was not going to be held due to the MCC athletic department seeking additional fundraising avenues for 2011. Mr. Marcinkowski also publicly apologized for past behavior on verbally attacking prior board members with uncharacteristic action and unlike Christ behavior.

MINUTES –

Motion by Trustee Bard, second by Trustee Bole, **ADOPTED**, to accept the June 13, 2011 Work Session Minutes and June 20, 2011 Regular Meeting Minutes.

Upon Voice Vote: 7 AYES

RECEIPTS & DISBURSEMENTS –

Motion by Treasurer Wilks, second by Trustee Deur, **ADOPTED**, to accept the Receipts of \$91,870.07 and Bank Balance and Certificate of Deposits of \$1,180,768.24 for the period of June 1, 2011 through June 30, 2011 as reported by Melissa Wilks, Fruitland Township Treasurer and approve General Fund 101 Disbursements in the amount of \$45,595.83 for the period of June 1, 2011 through June 30, 2011 as reported by Karolyn Rillema, Fruitland Township Clerk.

Upon Voice Vote: 7 AYES

ANNOUNCEMENTS/COMMUNICATIONS – Supervisor St. Amour reported that some damage occurred at the cemetery because of a tree that fell from the recent storm. Our maintenance crew cleared the tree and limbs. Treasurer Wilks reported that our revenue sharing payment was higher due to the 2010 census. An adjustment of over \$14,000.00 was received and another future adjustment may be forthcoming. Supervisor St. Amour received communication from a concerned resident regarding spray painting on newly paved roads by private groups. Supervisor St. Amour responded to the resident by email that sometimes those types of activities are necessary to bring people into our community which overall helps our local businesses.

COMMITTEE/BOARD UPDATES –

- White Lake Ambulance Authority – Trustee Bard reported that over 142 calls were received in the month of June and so far the month of July has exceeded that number. The board voted to hold monthly meetings once again versus every other month. A business meeting to discuss the upcoming millage renewal will be hosted by Fruitland Township on August 24, 2011 @ 1:00 PM.
- White Lake Fire Authority – Treasurer Wilks stated that the WLFA board adopted the 2009 International Fire Code. Captain Holman has offered to help research the cost of a cistern and requested an ISO rating update for Fruitland Township. As the Fire Chief remains on medical leave, the WLFA Board has developed criteria for that position moving forward.
- Parks & Recreation Commission – Supervisor St. Amour stated that a special meeting to discuss the recent Marcus Park Lawsuit is scheduled for Thursday, July 21, 2011 @ 4:00 PM. The Clerk will post such meeting notice.

Parking on Scenic Drive –

Motion by Trustee Binns, second by Trustee Bole, **ADOPTED**, to accept Ordinance No. 100-106 Amendment for Parking on Scenic Drive and instruct the Clerk to publish the amendment in the newspaper.

Upon Voice Vote: 7 AYES

- Planning Commission –

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Motion by Clerk Rillema, second from Treasurer Wilks, **ADOPTED**, to reject the amendment to Article III, Section 3.23 Non-Conforming Buildings, Structures and Uses as proposed.

Roll Call Vote: Trustee Bard **NAY**, Trustee Deur **NAY**, Trustee Binns **NAY**, Clerk Rillema **AYE**, Treasurer Wilks **AYE**, Trustee Bole **AYE**, Supervisor St. Amour **AYE**

DISCUSSION – Trustee Deur stated that he felt that the Planning Commission worked very hard over the last two years and addressed the concerns of the judge of the lawsuit involving the township at 5624 Murray Road. He stated that both Attorney Eklund and Attorney Even approved of the amended language and pointed out that there is an appeal mechanism via the ZBA. Trustee Bard favors the adoption of the amended language recommended by the Planning Commission. Clerk Rillema thanked the Planning Commission for its hard work but could not support such language due to a one size fits all approach which is not acceptable for a township that consists of many non-conforming structures. She stated that a list of criteria should be developed to consider non-conforming structures on what would be acceptable because she doesn't feel that Fruitland Township has the right to either hurt or deny the right for improvement to anyone's property. Trustee Bole didn't like the 50% enlargement restriction. Treasurer Wilks was concerned about limiting our tax base. Supervisor St. Amour didn't feel that all concerns were addressed such as the 5 day appeal process and which ordinance trumps which.

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to unsuspend for open floor comment from Chairperson Kooistra.

Upon Voice Vote: **7 AYES**

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to suspend from open floor comment.

Upon Voice Vote: **7 AYES**

- Zoning Board of Appeals – Clerk Rillema reported that the ZBA held hearings on July 11, 2011 for 3897 Scenic Drive and Vacant Parcel 61-06-108-300-0002-00. The ZBA upheld Zoning Administrator Sandel's decision to approve a zoning application on the basis of a fence installation westward of the bluff as submitted by Roger Sorokin, according to Article XIX, Section 19.07A. The ZBA granted a variance for Vacant Parcel 61-06-108-300-0002-00 for J. Gilbert Norwick with the exception that the structure would be 125' from east property line and that no animals/livestock would be allowed to be housed in such structure.
- Citizens Advisory Wireless Committee – Trustee Deur reported that a meeting with Muskegon County officials to discuss use of the county-owned fiber ring was positive and continued discussion will take place.
- Citizens Advisory McMillan Road End Committee – Supervisor St. Amour reported that the project is scheduled to start in early October under the direction of Jeff Auch of Muskegon Conservation District.
- White Lake Public Advisory Committee – Trustee Deur reported that the White Lake Shoreline Habitat Restoration Project kickoff is scheduled for Wednesday, July 20 from 9:30

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AM – 11:00 AM at Goodrich Park. Various speakers will be in attendance and the end result of the project is to have increased diversity of wetland plants, healthier habitat for fish and wildlife, improved water quality and a more aesthetically pleasing shoreline.

- Fred Meijer Berry Junction Rail Trail – Supervisor St. Amour reported that a ribbon cutting ceremony is planned for August 19, 2011 @ 10:00 AM for the grand opening of the Fred Meijer Berry Junction Rail Trail.
- White River Light Station – Curator McDonnell reported that she is very low on the WRLS brochures and received a quote for reprinting.

A motion by Clerk Rillema, second by Trustee Deur, **ADOPTED**, to authorize the Curator to purchase 2,500 brochures from GH Printing at a cost not to exceed \$338.00 and make necessary budget amendment in 1st Qtr Budget Amendments.

Roll Call Vote: Trustee Bard **AYE**, Trustee Deur **AYE**, Trustee Binns **AYE**, Clerk Rillema **AYE**, Treasurer Wilks **AYE**, Trustee Bole **AYE**, Supervisor St. Amour **AYE**

Curator McDonnell stated that attendance is very close to last year's attendance. The flagpole has been damaged by high winds and should be removed as it is a safety issue at this time. Supervisor St. Amour tasked the curator to request quotes on a replacement flagpole. Clerk Rillema inquired about the status of the deeds of donation/items on loan signatures that are required. Curator McDonnell stated that she is gathering signatures slowly. Family members of Francis Marshall will be at the WRLS for a memorial tribute on July 30, 2011 @ 1:00 PM.

OLD BUSINESS –

1. Ordinance Enforcement – Supervisor St. Amour stated that:

1490 W. Duck Lake Road – has until August 1, 2011 to finish siding or will be jailed.

4965 Duck Lake Road – has been cleared and is now in compliance.

Multiple Worden St. Properties – seven of ten have been cleared and Deputy Ashker will be involved on the remaining three.

4427 McMillan – fallen barn has been cleaned up and is now in compliance..

2737 Scenic Drive – Supervisor St. Amour continues to be a liaison between Fruitland Township & WLFA for the property owner at 2737 Scenic Drive for a structure being considered “condemnable” or “potential training” site for WLFA. Supervisor St. Amour stated that by year end the structure needs to be removed by either condemnation process or removal by owner with WLFA assistance.

2596 Lakewood – exceeds limit of dogs allowed, has been referred over to Deputy Ashker.

4656 Lorenson – turkeys are domestic, has goat and chickens, unable to reach owners, referring to Deputy Ashker for assistance.

2. WRLS – Sable Point Lighthouse Keeper's Association – Supervisor St. Amour received a revised agreement reviewed by Attorney Even.

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Motion by Treasurer Wilks, second by Trustee Bard, **ADOPTED**, to authorize the Supervisor and Clerk to sign the Concession Agreement between Fruitland Township and Sable Points Lighthouse Keepers Association to operate a museum gift shop on a portion of the White River Light Station located at 6199 Murray Road. This agreement shall terminate May 31, 2012, unless otherwise extended by the parties by written agreement.

Roll Call Vote: Trustee Bard **AYE**, Trustee Deur **AYE**, Trustee Binns **AYE**, Clerk Rillema **AYE**, Treasurer Wilks **AYE**, Trustee Bole **AYE**, Supervisor St. Amour **AYE**

3. Land Conservancy – Supervisor St. Amour had a scheduled tour date but it was postponed by the Land Conservancy group.
4. Master Contract for the Muskegon County Wastewater System –

Motion by Trustee Bole, second by Trustee Deur, **ADOPTED**, to authorize the Supervisor and Clerk to sign the Master Contract for the Muskegon County Wastewater System which will foster the continued relationship between the County and the Local Units in a broad fashion that will provide flexibility to meet the changing needs of the community.

Roll Call Vote: Trustee Bole **AYE**, Treasurer Wilks **AYE**, Clerk Rillema **AYE**, Trustee Binns **AYE**, Trustee Deur **AYE**, Trustee Bard **AYE**, Supervisor St. Amour **AYE**

5. Duck Lake Road Reduce Speed Limit Request – Supervisor St. Amour stated that the MCRC denied the lower speed limit request based on their engineering study. MCRC has offered to review possibly cutting back hillside at the corner of Duck Lake Road/Scenic Drive for safety. MCRC will also quote costs for a possible special assessment for a sidewalk for those residents on Duck Lake Road between Scenic Drive and Nestrom Road.

NEW BUSINESS –

1. Forestry Contract – Supervisor St. Amour requested Attorney Even to review the contract. No action taken at this time.
2. Fund Balance Policy – Clerk Rillema stated that auditor Brickley DeLong suggested that Fruitland Township adopt such policy

RESOLUTION 2011-14
Fund Balance Policy in Accordance with GASB Statement No. 54

WHEREAS,

The purpose of the following policy has been adopted by the Board of Trustees of Fruitland Township in order to address the implications of Governmental Accounting Standards Board (“GASB”) Statement No. 54, *Fund Balance Reporting and Governmental Fund Definitions*. The policy is created in consideration of unanticipated events that could adversely affect the financial condition of Fruitland Township and jeopardize the continuation of necessary public services. This policy will ensure that Fruitland Township maintains adequate fund balances and reserves in order to:

- a. Provide sufficient cash flow for daily financial needs,
- b. Secure and maintain investment grade bond ratings,
- c. Offset significant economic downturns or revenue shortfalls, and
- d. Provide funds for unforeseen expenditures related to emergencies.

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WHEREAS, This policy and the procedures promulgated under it supersede all previous regulations regarding Fruitland Township's fund balance and reserve policies.

WHEREAS, The following definitions will be used in reporting activity in governmental funds across Fruitland Township. The Fruitland Township may or may not report all fund types in any given reporting period, based on actual circumstances and activity.

The general fund is used to account for all financial resources not accounted for and reported in another fund.

Special revenue funds are used to account and report the proceeds of *specific revenue sources* that are *restricted* or *committed* to expenditure for *specific purposes* other than debt service or capital projects.

Debt service funds are used to account for all financial resources restricted, committed or assigned to expenditure for principal and interest.

Capital projects funds are used to account for all financial resources restricted, committed or assigned to expenditure for the acquisition or construction of capital assets.

Permanent funds are used to account for resources restricted to the extent that only earnings, and not principal, may be used for purposes that support the government's purposes.

WHEREAS, Fund balance will be reporting in governmental funds under the following categories using the definitions provided by GASB Statement No. 54:

Nonspendable fund balance

Definition – includes amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained in-tact.

Classification – Nonspendable amounts will be determined before all other classifications and consist of the following items (as applicable in any given fiscal year):

- Fruitland Township will maintain a fund balance equal to the balance of any long-term outstanding balances due from others (including other funds of the government)
- Fruitland Township will maintain a fund balance equal to the value of inventory balances and prepaid items
- Fruitland Township will maintain a fund balance equal to the corpus (principal) of any permanent funds that are legally or contractually required to be maintained in-tact
- Fruitland Township will maintain a fund balance equal to the balance of any land or other nonfinancial assets held for sale

Restricted fund balance

Definition – includes amounts that can be spent only for the specific purposes stipulated by the constitution, external resource providers, or through enabling legislation.

Committed fund balance

Definition – includes amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority.

Authority to Commit – Commitments will only be used for specific purposes pursuant to a formal action of Board of Trustees of Fruitland Township A majority vote is required to approve a commitment and a majority vote is required to remove a commitment.

Assigned fund balance

Definition – includes amounts intended to be used by the government for specific purposes but do not meet the criteria to be classified as restricted or committed. In governmental funds other than the general fund, assigned fund balance represents the remaining amount that is not restricted or committed.

Authority to Assign – The Board of Trustees of Fruitland Township delegates to the Treasurer and Clerk or his/her/their designee the authority to assign amounts to be used for specific purposes. Such assignments cannot exceed the available (spendable, unrestricted, uncommitted) fund balance in any particular fund

Unassigned fund balance

Definition – includes the residual classification for the government's general fund and includes all spendable amounts not contained in the other classifications. In other funds, the unassigned classification should be used only to report a deficit balance from overspending for specific purposes for which amounts had been restricted, committed, or assigned.

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WHEREAS, The following guidelines address the classification and use of fund balance in governmental funds:

Classifying fund balance amounts – Fund balance classifications depict the nature of the net resources that are reported in a governmental fund. An individual governmental fund may include nonspendable resources and amounts that are restricted, committed, or assigned, or any combination of those classifications. The general fund may also include an unassigned amount.

Prioritization of fund balance use – When an expenditure is incurred for purposes for which both restricted and unrestricted (committed, assigned, or unassigned) amounts are available, it shall be the policy of the Fruitland Township, Muskegon County, Michigan to consider restricted amounts to have been reduced first. When an expenditure is incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used, it shall be the policy of the Fruitland Township, Muskegon County, Michigan that committed amounts would be reduced first, followed by assigned amounts and then unassigned amounts.

THEREFORE, LET IT NOW BE RESOLVED, Upon adoption of this policy, the Board of Trustees of Fruitland Township authorizes the Treasurer and Clerk to establish any standards and procedures which may be necessary for its implementation. The Treasurer and Clerk shall review this policy at least annually and make any recommendations for changes to the Board of Trustees of Fruitland Township

Motion by Clerk Rillema, second by Trustee Bole, **ADOPTED**, Resolution 2011-14 to approve Fund Balance Policy in Accordance with GASB Statement No. 54.

Upon a roll call vote, with all members present, the members voted as follows:

“**AYE**”: Trustee Bole, Treasurer Wilks, Clerk Rillema, Trustee Binns, Trustee Deur, Trustee Bard, Supervisor St. Amour

“**NAY**”: None

“**ABSENT**”: None

BE IT RESOLVED THAT, Resolution 2011-14, Fund Balance Policy in Accordance with GASB Statement No. 54 was adopted at the July 18, 2011 Regular Meeting of the Township of Fruitland.

Karolyn Rillema, Clerk
Township of Fruitland

3. 1st Qtr 2011-12 Budget Amendments –

Motion by Clerk Rillema, second by Trustee Bole, **ADOPTED**, to authorize the Clerk to make the necessary 1st Quarter 2011-12 Budget Amendments as listed.

*Upon Voice Vote: **7 AYES***

ACCOUNT NUMBER	DESCRIPTION	AMOUNT	INCREASE/ DECREASE	EXPLANATION OF BUDGET AMENDMENT NECESSITY
REVENUES				
FUND 101				
101-000-622.001	Zoning - ZBA	\$ 700.00	increase	under budgeted
101-000-622.002	Zoning - PLZ	\$ 950.00	increase	under budgeted
101-000-651.000	Museum Gift Shop Receipts	\$ 78.13	increase	under budgeted
101-000-671.000	Other Revenues	\$ 203.94	increase	under budgeted
		\$ 1,932.07		
FUND 101				
APPROPRIATIONS				
101-101-861.000	Governing Body - Transportation	\$ 11.58	increase	under budgeted
101-265-801.000	Township Hall - Contracting (cleaning services	\$ 2,200.00	increase	not budgeted
101-458-990.001	Special Assessment - Tranquil Trail	\$ (100.00)	decrease	over budgeted
101-458-990.002	Special Assessment - 1845 Whitehall LLC	\$ 200.00	increase	under budgeted
101-526-930.000	Ecology Station - Repairs & Maintenance	\$ 915.24	increase	under budgeted
		\$ 3,226.82		
FUND 120				
120-000-664.000	Public Roads Fund - Interest on Deposit	\$ 102.60	increase	under budgeted
FUND 140				
140-000-575.000	Metro Authority - Funds Deposit	\$ 227.03	increase	under budgeted

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FUND 812				
812-000-999.000	Special Assessment - Transfer to Other Funds	\$ 2,106.70	increase	under budgeted

4. ISO Rating Request – Supervisor St. Amour reinstated what Treasurer Wilks reported earlier that WLFA Captain Holman will request an updated ISO Rating for Fruitland Township at the request of this Board.
5. City of Muskegon Water Proposal –

**FRUITLAND TOWNSHIP
RESOLUTION 2011-15
INTEREST IN A CONSOLIDATED WATER SERVICE WITH
CITY OF MUSKEGON**

WHEREAS, the Cities of Muskegon and Muskegon Heights sell water to a number of municipalities;

WHEREAS, City of Muskegon has made a proposal providing for Consolidated Water Services, dealing with the supply of water;

WHEREAS, additional staff time and possible consultants are necessary to evaluate the City of Muskegon Consolidated Water Services Proposal;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Fruitland Township determine that it supports the general framework of the City of Muskegon Consolidated Water Services Proposal and is interested in further evaluating the technical details and directs staff to evaluate the Proposal. Staff is further authorized to seek outside assistance as it deems necessary.

Motion by Clerk Rillema, second by Trustee Binns, **ADOPTED**, Resolution 2011-15 to approve Interest in a Consolidated Water Service Proposal with City of Muskegon.

Upon a roll call vote, with all members present, the members voted as follows:

“**AYE**”: Trustee Bole, Treasurer Wilks, Clerk Rillema, Trustee Binns, Trustee Deur, Trustee Bard, Supervisor St. Amour

“**NAY**”: None

“**ABSENT**”: None

BE IT RESOLVED THAT, Resolution 2011-15, Interest in a Consolidated Water Service Proposal with City of Muskegon was adopted at the July 18, 2011 Regular Meeting of the Township of Fruitland.

Karolyn Rillema, Clerk
Township of Fruitland

6. Charter Township – Fun Facts – Attorney Even is reviewing the requirements of Fruitland Township in regards to a letter received from the State of Michigan announcing that we are eligible to become a charter township.
7. Chipper – Supervisor St. Amour reported that we no longer can burn the brush pile at the ecology station so Trustee Bole volunteered to solicit quotes on new and used chippers for use at the Ecology Station. Clerk Rillema inquired if it would be more economical to hire a firm to chip the brush pile periodically versus investing in equipment to maintain and repair.
8. Board Comments – Clerk Rillema stated that she received the Resolution Calling for Election from the White Lake Ambulance Authority. Trustee Deur thanked his fellow Planning Commission members and apologized for the failed effort in passing at this board meeting their recommendation on Article III, Section 3.23 Non-Conforming Buildings, Structures and Uses.

ADJOURNMENT –

Motion by Treasurer Wilks, second by Trustee Bard, **ADOPTED**, to adjourn the July 18, 2011 Regular Meeting of the Township of Fruitland at 8:20 PM.

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*Upon Voice Vote: **7 AYES***

Respectfully Submitted,

Karolyn Rillema, Clerk
Township of Fruitland