

**FRUITLAND TOWNSHIP BOARD
REGULAR MEETING
JANUARY 18, 2010
MINUTES**

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

ALSO PRESENT: Five (5) interested parties.

CALL TO ORDER: Supervisor St. Amour called the Monday, January 18, 2010 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, January 18, 2010 Agenda. Supervisor St. Amour asked for the following to be amended on the agenda. Add under New Business: Fruitland Township Investment Policy.

Motion by Trustee Bard, second by Trustee Bole, **ADOPTED**, to amend the January 18, 2010 Regular Township Board Meeting Agenda.
Upon Voice Vote: 7 AYES

PUBLIC COMMENT:

- 1) Irene Pierson, 6100 Murray Road – Ms. Pierson thanked the Supervisor for assisting with the parking issues on Murray Road with respect to the ice fisherman.

MINUTES:

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to accept the December 15, 2009 Work Session minutes, December 21, 2009 Regular Meeting minutes and January 6, 2010 Budget Work Session minutes of the Township of Fruitland.
Upon Voice Vote: 7 AYES

RECEIPTS & DISBURSEMENTS:

Motion by Treasurer Hepler, second by Trustee Deur, **ADOPTED**, to accept the Receipts of \$115,378.35 and Bank Balance and Certificate of Deposits of \$1,004,015.22 for the period of December 1, 2009 through December 31, 2009 as reported by Melissa Hepler, Fruitland Township Treasurer and approve General Fund 101 Disbursements in the amount of \$78,990.10, Fund 130 Disbursements in the amount of \$2,200.00, and Fund 150 Disbursements in the amount of \$7,000.00 for the period of December 1, 2009 through December 31, 2009, as reported by Karolyn Rillema, Fruitland Township Clerk.
Upon Voice Vote: 7 AYES

ANNOUNCEMENTS: Supervisor St. Amour encouraged all to sign up for e-news at enews@fruitlandtwp.org and made mention that County Commissioner Ken Mahoney is in

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attendance this evening. Supervisor St. Amour stated that MCRC is anticipating a start date in May for the repaving of Scenic Drive.

COMMITTEE/BOARD UPDATES –

- White Lake Ambulance Authority – Trustee Bard stated that the lawsuit has been settled, approximately 95 calls were received in December and location (s) for the blood pressure checks is still being sought.
- White Lake Fire Authority
 - a) Monthly Report – Trustee Bole stated that utilities for the Fire Station #2 on Duck Lake Road were discussed and Captain Holman has taken measures to help decrease and will monitor future use.
 - b) Dry Hydrants – Trustee Bole stated that WLFA was asked to supply the labor to install the dry hydrants and they seemed receptive.
- Parks and Recreation Commission
 - a) Monthly Report – Trustee Binns was unable to attend the last Parks & Recreation Commission meeting.
 - b) Joint Meeting – Trustee Binns stated that the meeting was a bit contentious and felt personalities were getting in the way but felt it was a step in the right direction.
- Planning Commission
 - a) Monthly Report – Trustee Deur stated that a Public Hearing will be held on February 3, 2010 for the Master Plan. An error occurred in the advertisement but measures were taken to correct.
 - b) Ordinance Amendments -

**FRUITLAND TOWNSHIP
RESOLUTION 2010-01
RECOMMENDATIONS FOR ZONING ORDINANCE AMENDMENTS**

WHEREAS, Fruitland Township adopts Resolution 2010-01 of Fruitland Township which is the Planning Commission’s recommendations of Zoning Ordinance Amendments.

WHEREAS, Fruitland Township adopts the following:

- ARTICLE II** Definitions, Section 2.16 Definitions (O) and Section 2.19 Definitions (S)
- ARTICLE III** General Provisions, Section 3.18 Filling of Land, amend (C) (10) and (11).
- ARTICLE III** General Provisions, Section 3.23 Non-Conforming Buildings, Structures and Uses; amend (B) (1).
- ARTICLE IV** Rural Residential District (RR), Section 4.04, amend Streams and Creeks.
- ARTICLE V** Low Density Residential District (LDR), Section 5.04, amend Streams and Creeks.
- ARTICLE VI** Medium Density Residential District (MDR), Section 6.04, amend Streams and Creeks.
- ARTICLE VIa** Lake Michigan Shoreline District (LMSD), Section 6.04a, amend Streams and Creeks.
- ARTICLE VII** Medium High Density Residential District (MHDR), Section 7.04, amend Streams and Creeks.
- ARTICLE VIII** High Density Residential District (HDR), Section 8.04, amend Streams and Creeks.
- ARTICLE VIIIa** Inland Lakes District (ILD), Section 8.02a, amend Streams and Creeks.
- ARTICLE XI** Neighborhood Commercial District (NC), Section 11.04, amend Streams and Creeks.
- ARTICLE XI** Neighborhood Commercial District, Section 11.04, amend minimum front yard setback
- ARTICLE XIV** Special Land Uses, Section 14.04, amend (GG) Vehicle service stations, excluding body shops (3).
- ARTICLE XX** Administration and Enforcement, Section 20.09, amend.

BE IT FURTHER RESOLVED, that the Clerk be instructed to publish the Ordinance Amendments as required by law.

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

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

“**Nay**”: None

“**Abstention**”: None

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BE IT RESOLVED THAT, that Fruitland Township adopts Resolution 2010-01 Adoption of Planning Commission Recommendations for Zoning Ordinance Amendments at the Regular Meeting of the Fruitland Township Board at 7:00 PM on Monday, January 18, 2010.

Karolyn Rillema, Clerk
Township of Fruitland

Motion by Trustee Deur, second by Trustee Bole, **ADOPTED**, to suspend the rules to allow open floor discussion and permit Planning Commission Chairperson Carol Kooistra to speak.

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

Chairperson Kooistra stated that the error that occurred in the advertisement had been corrected in the Muskegon Chronicle and will also be re-advertised in the White Lake Beacon. Meeting the deadline for the date of the Public Hearing for the Master Plan was critical. She thanked the Board for its consideration of the ordinance amendments and stated that two issues presented to the Planning Commission were being worked on – rental ordinance being reviewed by Tim Johnson of Main Street Planning and one other issued to be looked at the February meeting.

Motion by Trustee Deur, second by Trustee Bole, **ADOPTED**, to unsuspend the rules.

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

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to adopt Resolution 2010-01 Planning Commission Zoning Ordinance Amendment recommendations except Article III General Provisions, Section 3.32 Driveways to be referred back to the Planning Commission for further review.

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

- Muskegon County Regional Water System Board – Supervisor St. Amour had no report.
- Citizen’s Advisory Wireless Committee – Trustee Deur stated that the petitions sent out with the winter tax bill are being returned with favorable response. The Committee has written Verizon a second letter regarding the interest in DSL and expanded broadband coverage.
- Citizen’s Advisory Regulatory Ordinance Committee – Trustee Bole stated that the group is having difficulty scheduling a time for all to meet. Supervisor St. Amour and Trustee Bole will get together and discuss how to get this group focused.
- Citizen’s Advisory Residential Rental Committee – Supervisor St. Amour met with Steve Nagengast and Planning Commission Chairperson Kooistra and have referred their recommendations to the Planning Commission for review even though it is a regulatory ordinance.
- Citizen’s Advisory McMillan Road End Committee – Treasurer Hepler reported that approximately \$250.00 has been received to date on this fundraiser.
- Zoning Board of Appeals – Trustee Bole stated that there was no meeting.

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- Fred Meijer Berry Junction Rail Trail – Supervisor St. Amour stated that the Rail Trail committee members are in continuing negotiations with the DNR and the Coalition regarding funding for the bike trail.
- White Lake Public Advisory Council – Trustee Deur stated that this council is very active to help restore the Great Lakes Region and is currently seeking grant money to help White Lake become delisted.
- White Lake Community Library – Clerk Rillema stated that she received a letter stating that 2010 was the library's tenth year and a number of anniversary events are being planned. They continue to increase in circulation and traffic. They are preparing the weekend of August 13-15, 2010 to celebrate White Lake area's lumbering history as part of the Sesquicentennial Celebration. Digitization of the White Lake newspapers (the *Whitehall Forum*, the *White Laker* and the *White Lake Beacon*) will be available on-line to everyone. A Headlee Over-ride ballot issue is planned to ask for the full amount (.7) mills to present to the voters. Direct state aid is being decreased.

OLD BUSINESS:

1. 1562 Duck Lake Road – Supervisor St. Amour sent the 2nd letter and they have 30 days to respond.
2. 5623 Murray Road – Supervisor St. Amour stated that the transcripts of the October ZBA hearing have been completed and filings are being completed to Judge Hicks.
3. Fruitland Township Representation (Joint Planning Commission/West Michigan Shoreline Regional Development Commission) –

Motion by Supervisor St. Amour, second by Trustee Deur, **ADOPTED**, to authorize a \$500.00 payment to West Michigan Shoreline Regional Development Commission for Joint Planning Commission 2010 dues and review on June 1, 2010 to see if first six months of activities of the JPC warrant remaining \$500.00 payment owed for dues for 2010.

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

Trustee Bole was against this membership with WMSRDC still being involved. Supervisor St. Amour stated that it is a harsh reality but they are the group that requests grant monies and has a great deal of influence in what happens in our area.

4. Road Improvements (MCRC Strategy) – Supervisor St. Amour and Trustee Deur have received the asset management report from MCRC and reported a five year plan at a cost of approximately \$300,000.00 for the first year to include portions of McMillan Road, Simonelli Road, Nestrom Road and Dame Road. Supervisor St. Amour tasked the Board to review and discuss at the February work session.

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5. 2745 Lorenson Road – Supervisor St. Amour stated that they were ordered by court to clean up the property and pay \$500.00 to the township.
6. 3350 Bard Road – Supervisor St. Amour stated that they were ordered by court to clean up the property.
7. Condemnation Hearings – Supervisor St. Amour stated that the next hearing for 6106-245-003-0003-00 – 6168 & 6188 Murray Road is scheduled in March, 2010. The hearings for Nord Road properties and Scenic Drive are scheduled for Thursday, January 21, 2010.
8. Township Property (Hunting) – Supervisor St. Amour stated that Attorney Eklund is researching this topic and will report back to the Board of Trustees his findings.
9. Assessor –
Motion by Clerk Rillema, second by Trustee Deur, **ADOPTED**, to pay a monthly salary of \$500.00 to the Assessor to sign the Tax Roll and pay the remainder of contracted amount through Accounts Payable to the Assessing Firm beginning fiscal year 2010-2011.
Roll Call Vote: Trustee Binns **AYE**, Trustee Deur **AYE**, Trustee Bard **AYE**, Trustee Bole **AYE**, Treasurer Hepler **AYE**, Clerk Rillema **AYE**, Supervisor St. Amour **AYE**
10. Risk Assessment Insurance Report – Clerk Rillema stated that the list of items suggested to Fruitland Township to reduce liability is being addressed and several items were presented to the Parks and Recreation Commission at the joint meeting. Trustee Deur and Clerk Rillema will review the suggestions for the Policy and Procedures Manual and Employee Handbook and report back to the Board.

NEW BUSINESS:

1. 2010-2011 Updated Proposed Budget – Clerk Rillema stated that she hand wrote the Parks & Recreation Commission budget items on the proposed 2010-2011 budget report. Those items will be discussed at the February work session. A copy of the 2010-2011 Proposed Budget is available on-line for public review and copies are available at the township hall.
2. Community Building Drain – Supervisor St. Amour stated that he has spoken with Drain Commissioner Hepler and materials are available and he is waiting on workable weather.
3. Mason Drain – Supervisor St. Amour stated that there is an outstanding invoice between the County of Muskegon and the Drain Commission from the work completed on the Mason drain several years ago. Supervisor St. Amour stated that he provided the Drain Commission with our historical paperwork on the drain and is awaiting clarification.
4. Brine (2010) –
Motion by Clerk Rillema, second by Trustee Bole, **ADOPTED**, to authorize Supervisor St. Amour to contract with Muskegon County Road Commission for the Dust Control Program for 2010 at a cost not to exceed \$7,000.00. The

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first brining will be billed 50/50 and any additional brining is 100% township cost.

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

5. White Lake Area Chamber of Commerce –

Motion by Clerk Rillema, second by Trustee Bard, **ADOPTED**, to authorize payment of \$220.00 to the White Lake Area Chamber of Commerce for our 2010 dues.

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

Supervisor St. Amour will check with the Chamber of Commerce regarding the health care packages through member agents.

6. Fruitland Township Investment Policy –

Motion by Treasurer Hepler, second by Trustee Bard, **ADOPTED**, to authorize adding Family Financial Credit Union and Muskegon Co-Op Federal Credit Union to the Fruitland Township Investment Policy in Resolution 2009-15.

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

7. Board Comment – No board comment.

ADJOURNMENT:

Motion by Treasurer Hepler, second by Trustee Bard, **ADOPTED**, to adjourn the Monday, January 18, 2010 Regular Meeting of the Township of Fruitland at 8:20 PM.

Upon Voice Vote: **7 AYES**

Respectfully Submitted,

Karolyn Rillema, Clerk
Township of Fruitland