

**FRUITLAND TOWNSHIP BOARD
REGULAR MEETING
APRIL 19, 2010
MINUTES**

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

ALSO PRESENT: Two (2) interested parties.

CALL TO ORDER: Supervisor St. Amour called the Monday, April 19, 2010 Regular Meeting to order at 7:02 PM and welcomed those present, led the pledge of allegiance and asked for a moment of silence.

AGENDA: Supervisor St. Amour asked for the agenda to be amended by the following: adding under announcements information received from Dr. Leland Holly regarding a possible group to be formed to support the White River Light Station, OMA pamphlet, deleting under committee/board updates: Citizen's Advisory Rental Committee and moving Old Business Item #7 under committee/board reports under White Lake Public Advisory Council.

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to amend the April 19, 2010 Regular Township Board Meeting Agenda.
Upon Voice Vote: 7 AYES

PUBLIC COMMENT: There was no public comment. Muskegon County Commission Ken Mahoney was in the audience and handed out to the Board of Trustees a copy of the 2010 Muskegon County Directory.

MINUTES:

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to accept the March 9, 2010 Work Session Minutes, March 15, 2010 Regular Meeting Minutes and the March 31, 2010 Special Meeting Minutes.
Upon Voice Vote: 7 AYES

RECEIPTS & DISBURSEMENTS:

Motion by Treasurer Hepler, second by Trustee Deur, **ADOPTED**, to accept the Receipts of \$66,585.95 and Bank Balance and Certificate of Deposits of \$1,181,579.95 for the period of March 1, 2010 through March 31, 2010 as reported by Melissa Hepler, Fruitland Township Treasurer and approve General Fund 101 Disbursements in the amount of \$89,983.59 and Fund 701 Disbursements in the amount of \$1272.50 for the period of March 1, 2010 through March 31, 2010, as reported by Karolyn Rillema, Fruitland Township Clerk.
Upon Voice Vote: 7 AYES

Clerk Rillema noted that our internal financial reports still contain some inconsistent totals. This matter will be discussed with our auditor.

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ANNOUNCEMENTS:

Supervisor St. Amour announced that several additional people have signed up for enews. A resident has requested the information regarding special assessment for the maintenance of Nord Road. Supervisor St. Amour has requested this information from Attorney Eklund. Dr. Leland Holly provided the Board of Trustees an information sheet regarding a possible group to be put together to help the White River Light Station future funding dilemma. Supervisor St. Amour has provided the Parks and Recreation Commission with a copy of this at this time. A pamphlet regarding the Open Meeting Act was also provided to each member of the Board of Trustees for informational purposes only.

COMMITTEE/BOARD UPDATES:

- White Lake Ambulance Authority – Trustee Bard stated that the last meeting was held on March 31, 2010 @ 7:00 PM. The WLAA continues to rent month to month from the City of Whitehall the building they are currently in until the building committee has a chance to look into other options. No lease agreement has been signed at this time. They adopted their 2010-2011 fiscal year budget. A new ambulance is being purchased to replace a 2001 Ford Ambulance. They received 118 calls received in the month of March and blood pressure checks will continue to be held at the Fruitland Township Hall until further notice.
- White Lake Fire Authority – Trustee Bole reported that the fire station grant they applied for was denied for new construction of a fire station. The National Guard is unable to provide the labor for the installation of the dry hydrants but the WLFA continues to seek other help.
- Parks and Recreation Commission – Trustee Binns reported that she was unable to attend and asked Supervisor St. Amour to comment. Supervisor St. Amour stated that he has encouraged the Parks & Recreation Commission to be engaged in the process of future funding for the White River Light Station. All information received regarding the WRLS is forwarded on to the Commission. The Parks & Rec Master held a public hearing on their Master Plan and received several suggestions from the public to possibly incorporate into the language and the township FOIA coordinator received a large FOIA request regarding Marcus Park which has involved the assistance of Attorney Eklund.
- Planning Commission – Trustee Deur stated that at the meeting held April 7, 2010 their current officers were re-elected – Chair Kooistra, Vice Chair Thompson and Secretary Lernowich. Discussion on accessory building ordinance resulted in the Planning Commission taking no action to change the language at this time to allow accessory buildings on lots without a primary use. Trustee Deur commented that no formal action was taken by the Planning Commission on the driveway specifications. The Planning Commission does recommend that the Board of Trustee approve the Special Land Use Permit for the building of a Veterinary Hospital on Whitehall Road for Brad VanBergen of Winberg Development, LLC and Trent & Amy Kidder.

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, as recommended by the Planning Commission, I move that we approve a Special Land Use Permit according to Section 11.03 (K) for Brad VanBergen from Winberg Development, LLC and Trent and Amy Kidder in order to operate a Veterinary Hospital and Animal Clinic South of

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White Lake Drive on Whitehall Road, Whitehall, Michigan, Parcel
Identification Number: 61-06-101-100-0002-02

Upon Voice Vote: 7 AYES

- Muskegon County Regional Water System Board – Clerk Rillema stated that she has received information from the Muskegon County Treasurers Department that they will be issuing a check to Fruitland Township in the amount of \$3,911.56 for the monies collected for the local water fund.
- Citizen’s Advisory Wireless Committee – Trustee Deur stated that great support from the community for AzulStar was received and announcements to award the recipients is scheduled in September. Trustee Deur reported that Verizon had installed equipment in Area 6 of Fruitland Township to help enhance coverage but unfortunately they ran short and will not be reordering any equipment to finish.
- Citizen’s Advisory Regulatory Ordinance Committee – Trustee Bole reported that this group of individuals is finding difficulty in agreeing on meeting dates. Supervisor St. Amour asked Trustee Bole to schedule a meeting with him to discuss re-energizing this committee to continue forward as our ordinances need reviewing and updating.
- Citizen’s Advisory Residential Rental Committee - Supervisor St. Amour stated that he has invited Steve Nagengast of the committee to attend the May Work Session to discuss his recommendations to the Board of Trustees.
- Citizen’s Advisory McMillan Road End Committee – Supervisor St. Amour reported that \$1,410.00 has been received to date towards the stairway/landing project.
- Citizen’s Advisory Law Enforcement Committee – Trustee Bard reported that all members of the committee have agreed to continue and will be reviewing and making recommendations regarding civil infractions.
- Zoning Board of Appeals - Trustee Bole reported that they had a meeting on April 12, 2010 and election of officers were held and denied a property owner on Duck Lake Road a variance due to side line set backs.
- Fred Meijer Berry Junction Rail Trail – Supervisor St. Amour stated that engineering is currently being redrawn with help from MDOT for this project.
- White Lake Public Advisory Council – Trustee Deur stated that a public meeting on the Occidental Chemical site clean up plan is scheduled for April 29, 2010 at the White Lake Community Library. The EPA has scheduled a second meeting to be held on May 13, 2010 at the Montague Township Hall and public comment ends on May 15, 2010. Trustee Deur also stated that the WLPAC is hosting a Earth Day clean up at the White River Light Station on Saturday, April 24, 2010 and Claire Schlaff is organizing a White Lake Area Cancer Mapping Project to determine whether or not we have a larger than expected number of certain types of cancer in the White Lake area or in particular neighborhoods within the area.

OLD BUSINESS:

1. 1562 Duck Lake Road – Supervisor St. Amour was advised the Board of Trustees to continue with the condemnation hearing that has been put on hold to close out that

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process. The outcome of the condemnation hearing will determine which steps will need to be taken whether it is deemed condemnable or in violation of our ordinance.

- 2. 5623 Murray Road – Supervisor St. Amour stated that the ruling from Judge Hicks on the appeal trial is expected within the next two weeks.
- 3. 2745 Lorenson Road – Supervisor St. Amour stated that he will continue open communication with the property owner to make sure the rest of the equipment and materials are cleaned up and removed from the property. He has spoken with them and extended them 30 days to complete. Supervisor St. Amour will report his findings at the May work session.
- 4. 3350 Bard Road – Supervisor St. Amour stated that the property owner spent 10 days in jail for failure of cleanup. Judge Ladas-Hoopes ruled that the property be cleaned up in 60 days or an additional 80 days will be spent in jail. The deadline date for cleanup is June 8, 2010. Supervisor St. Amour will check the status of cleanup and report at the May work session.
- 5. Condemnation Hearings – Supervisor St. Amour stated that the Murray Road hearings are scheduled for a meeting in July, Nord Road properties have been issued demolition and repair permits, Scenic Drive (garage) has been issued a demolition permit and Scenic Drive (house) may be a WLFA burn prospect. The position of Building Hearing Officer still remains unfilled.
- 6. Township Property –

**FRUITLAND TOWNSHIP
RESOLUTION 2010-17
ADOPTION OF ORDINANCE NO. 100-96**

WHEREAS, Fruitland Township adopts Ordinance No. 100-96 which is an ordinance for the property owned by Fruitland Township to regulate hunting related activities, and

WHEREAS, Fruitland Township prohibits rifle possession and/or discharge on any property owned by Fruitland Township. No hunting or shooting of guns shall be permitted on any property owned by Fruitland Township with the exception of those listed under allowed activities. Allowed activities are listed as hunting with bows, shotguns or muzzle loaders in accordance with all applicable state and local laws, rules and regulations that pertain to hunting and the use of weapons and firearms, only on the following property owned by Fruitland Township:

- Parcel No. 06-115-100-0002-00 (63.75 acres on W. Michillinda Road)
- Parcel No. 06-103-400-0002-00 (68.10 acres on W. Lakewood Road)
- Parcel No. 06-103-300-0004-00 (42.34 acres on W. Lakewood Road)
- Parcel No. 06-118-400-0001-00 (38 acres on Nestrom Road)
- Parcel No. 06-116-300-0002-00 (80 acres on Orshal Road)
- Parcel No. 06-116-400-0001-00 (158 acres on Simonelli Road)
- Parcel No. 06-121-100-0002-00 (except the south 1,300 feet thereof the 60+ acres on W.Duck Lake Road)

NOW THEREFORE BE IT RESOLVED, that Fruitland Township adopts Ordinance No 100-96 at a meeting held on Monday, April 19, 2010.

BE IT FURTHER RESOLVED, that the Clerk be instructed to publish Ordinance No. 100-96 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 Bard, Supervisor St. Amour
“Nay”: Trustee Deur
“Abstention”: None

BE IT RESOLVED THAT, the Board of Fruitland Township adopted Resolution 2010-17 at a Regular Meeting of the Fruitland Township Board at 7:00 PM on Monday, April 19, 2010.

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Karolyn Rillema, Clerk
Township of Fruitland

Dated: _____

Trustee Deur presented a motion to increase the general liability insurance to \$5 million but it did not get support and failed. He asked Supervisor St. Amour what policies and procedures would be put into place for enforcement. Supervisor St. Amour responded that no additional procedures were being considered at this time. At this time, the Board of Trustees is not interested in any sale of property, but will be advised by a contractor on the harvesting of trees on some of its property. Supervisor St. Amour will be meeting with Dave Wilson who will make a recommendation. Supervisor St. Amour will advise the Board at the May work session.

7. Community Building Drain – Supervisor St. Amour stated that Drain Commissioner Hepler has been working on the drain but failed to complete. Drain Commissioner Hepler is securing a drain cover that will fit this drain at a cost not to exceed \$100.00.

8. Pressure Washer Purchase –

Motion by Trustee Bole, second by Trustee Deur, **ADOPTED**, to move to authorize the purchase of a 2700 PSI Troybilt Pressure Washer from Lowe’s Home Centers, Inc., not to exceed \$279.00

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**

9. Reduced Dump Day –

Motion by Trustee Bard, second by Clerk Rillema, **ADOPTED**, to authorize reduced dump days from June 2, 2010 – July 31, 2010 for one trip only with a maximum cost of \$5.00. A coupon will be mailed to Fruitland Township residents/property owners only and must be presented to the Ecology Station attendant at time of use.

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

10. Ordinance Enforcer –

Motion by Trustee Binns, second by Trustee Bard, **ADOPTED**, to authorize the Ordinance Enforcer Position for Zoning Administrator Sandel to enforce Zoning Ordinances and Supervisor St. Amour to enforce Regulatory Ordinances. The use of the township truck will be used on Wednesdays or as needed for enforcement.

Upon Voice Vote: **7 AYES**

NEW BUSINESS –

1 Road Ends –

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Motion by Trustee Binns, second by Clerk Rillema, **ADOPTED**, to authorize the Supervisor to sign the agreements with the Muskegon County Road Commission for authorization to place and maintain a portajon, trash barrel and dock within the Scenic Drive Right-of-Way and place and maintain a trash barrel and mow grass within the Nestrom Road Right-of-Way for 2010.

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

Supervisor St. Amour stated that the Scenic Drive Road end dock has been pulled because of safety issues. Attorney Eklund has been researching whether or not we can put a dock out with never having had an election with 3/5 of the registered voters according to State Law MCLA 41.429. Attorney Eklund will report his findings at the May work session. Supervisor St. Amour received a request to dredge Scenic Drive Road End. At this time, the Board is not interested in dredging until the matter of the dock is closed.

2. Building Official/Inspector Position –

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to authorize Supervisor St. Amour to hire a Building Official/Inspector for a 90 day trial period.

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

3. Candidate Forum – Supervisor St. Amour will be attending a breakfast hosted by the Muskegon County Chamber of Commerce in which candidates vying for the 91st and 92nd House Districts and 32nd Senate Districts will participate in a question/answer forum. Supervisor St. Amour will investigate if any would be interested in attending if Fruitland Township would sponsor the conference/meeting space. He will report his findings at the May work session.

4. Michigan Lake Association Nuts & Bolts Book Purchase –

Motion by Clerk Rillema, second by Trustee Binns, **ADOPTED**, to authorize the Clerk to order two copies of the book, “Michigan Lake Associations – The Nuts and Bolts” at a total cost of \$37.00. Attorney Eklund will reimburse Fruitland Township at a cost of \$18.50 for one copy of the book.

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

5. MCRC Road Project Update – Supervisor St. Amour stated that the road work authorized by the township for Simonelli and Dame Road would be starting within the next few weeks. MCRC informed Supervisor St. Amour that asphalt pricing is expected to be lower than anticipated for the projects scheduled for this year.

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6. Sign Request – Do Not Litter – McMillan & Weber – Supervisor St. Amour will inform the persons requesting this do not litter sign that the Board of Trustees is not interested in placing such sign at this time.
7. Boy Scout Project – Treasurer Hepler reported that a request from a local boy scout troop has been received and they are looking for meaningful projects to take on as part of their work towards earning their rank of Eagle Scout. Please forward any ideas to her and she will act as the liaison for communication.
8. Clerks Education Day in Lansing – 4/15/10 –

Motion by Trustee Deur, second by Trustee Binns, **ADOPTED**, to authorize the payment to Michigan Association of Municipal Clerks for \$120.00 for Deputy Garvey and Clerk Rillema to attend an Electronic Poll Book, Receiving Board and QVF Demonstration in Lansing, Michigan on April 15, 2010.

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

9. Fruitland Township Parking Lot Quote – Supervisor St. Amour will seek quotes for the restoration and repair of the parking lot at the township hall.
10. North Central Muskegon County Joint Planning Commission –

**FRUITLAND TOWNSHIP
RESOLUTION 2010-18
PARTICIPATION IN THE NORTH CENTRAL MUSKEGON COUNTY
JOINT PLANNING COMMISSION**

- WHEREAS**, the townships of Blue Lake, Dalton, Fruitland, Laketon, and Muskegon have established the North Central Muskegon County Joint Planning Commission under the State of Michigan’s Joint Municipal Planning (Act 226 of 2003); and
- WHEREAS**, the Township of Fruitland has appointed a member of the Township Board of Trustees and a member of the Township Planning Commission to serve on the North Central Muskegon County Joint Planning Commission; and
- WHEREAS**, the North Central Muskegon County Joint Planning Commission, with assistance provided by the West Michigan Shoreline Regional Development Commission, has prepared a comprehensive land use plan for a defined area; and
- WHEREAS**, the Township of Fruitland, which has a township comprehensive plan and zoning ordinance to guide its growth and development recognizes that many land use, zoning, and growth management issues transcend township boundaries and need to be coordinated with neighboring townships in the study area; and
- WHEREAS**, the Township of Fruitland has endorsed the North Central Muskegon County Comprehensive Plan as a vision for the future of the Joint Planning Commission area and has agreed to incorporate the general principles, policies and vision identified in the North Central Muskegon County Comprehensive Plan in its Township Comprehensive Master Plan and Zoning Ordinance as these documents are updated and implemented; and
- WHEREAS**, the Township of Fruitland has determined that cooperation and collaboration with neighboring townships is best addressed under Public Act 281, Regional Planning Commission Act, rather than Public Act 226, Joint Municipal Planning Act; and
- NOW, THEREFORE, BE IT RESOLVED**, that the Township of Fruitland hereby reorganizes the North Central Muskegon County Joint Planning Commission consisting of the townships of Blue Lake, Dalton, Fruitland, Laketon, and Muskegon under Public Act 281, Regional Planning Commission Act.

Upon a roll call vote, with all members present, the members voted as follows:
“**Aye**”: Treasurer Hepler, Clerk Rillema, Trustee Binns, Trustee Deur, Supervisor St. Amour
“**Nay**”: Trustee Bole, Trustee Bard
“**Abstention**”: None

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BE IT RESOLVED THAT, the Board of Fruitland Township adopted Resolution 2010-18 at a Regular Meeting of the Fruitland Township Board at 7:00 PM on Monday, April 19, 2010.

Karolyn Rillema, Clerk
Township of Fruitland

Dated: _____

11. 2009-10 PINS Agreement – Budget Adjustment – Clerk Rillema stated that she received a letter from Muskegon County stating that the 2009-2010 PINS Agreement was under in actual expenditures last year by \$614.05. Fruitland Township’s portion of this adjustment is \$219.22 and will be deducted from our next billing in July, 2010.

12. Board Comments – Supervisor St. Amour received a request from a resident of Dalton looking for support to host a 5k walk/run in Dalton and Fruitland townships to raise funds for the Fred Meijer Berry Junction Rail Trail. The Board of Trustees was supportive in his efforts. Trustee Deur asked if the information from Dr. Leland Holly was given to the Parks & Recreation Commission. Supervisor St. Amour stated that the MCRC is doing some road work on the south side of White Lake Drive. Supervisor St. Amour also stated that Jon Metsaar’s will be returning as our seasonal part time employee. Trustee Bole suggested that Mr. Metsaar’s receive another physical prior to re-employment. All agreed to another physical prior to employment.

ADJOURNMENT:

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to adjourn the Monday, April 19, 2010 Regular Meeting of the Township of Fruitland at 8:45 PM

Upon Voice Vote: 7 AYES

Respectfully Submitted,

Karolyn Rillema, Clerk
Township of Fruitland