

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

PRESENT: Supervisor St. Amour asked Clerk Rillema to roll call attendance.

Roll Call Attendance: Trustee Bard, Trustee Deur, Treasurer Wilks, Trustee Bole, Supervisor St. Amour, Clerk Rillema, Trustee Binns – ABSENT. Trustee Binns arrived at 7:04 PM.

ALSO PRESENT: Attorney Eklund and ten (10) interested parties.

CALL TO ORDER: Supervisor St. Amour called the Monday, July 19, 2010 Regular Meeting to order at 7:00 PM and welcomed those present, led the pledge of allegiance and asked for a moment of silence for those less fortunate.

AGENDA: Supervisor St. Amour asked for the following amendments to the agenda: Committee/Board Updates add Curators Report, Citizen's Advisory Regulatory Ordinance Committee- revised Nestrom Park Ordinance, NB #6 Budget Amendments - revised amendment listing, Consent Agenda – add member & alternate from City of Montague and Minutes – add motion 07-10-02(a) correction of date on February 15, 2010 minutes.

Motion by Trustee Binns, second by Clerk Rillema, **ADOPTED**, to accept the amended July 19, 2010 Regular Township Board Meeting Agenda.

Upon Voice Vote: **7 AYES**

PUBLIC COMMENT:

1. Tom Hamilton, 2785 Weesies Rd, Montague – Stated that he is active with the DNR Fisheries and conducts water samples of White Lake. Communication of White Lake having an algae bloom was of area concern. He at this time feels that White Lake is okay. Also communicated concern regarding resident Mike Ward, who resides next to the Nestrom Road End and his aggressive behavior towards Mr. Hamilton's removing litter/trash from the road end. A police report has been filed and Mr. Hamilton will provide Fruitland Township with a copy. Supervisor St. Amour stated that he had received communication last week from the Muskegon County Health Department to post near the White Lake Channel of high levels of e-coli. That ban has been lifted.

MINUTES:

Motion by Clerk Rillema, second by Trustee Binns, **ADOPTED**, to accept the June 14, 2010 Work Session Minutes and June 21, 2010 Regular Meeting Minutes.

Upon Voice Vote: **7 AYES**

Motion by Clerk Rillema, second by Trustee Deur, **ADOPTED**, to correct the date to reflect February 15, 2010 instead of January 18, 2010 in the Public Budget Hearing/Regular Meeting Minutes under the section – Call to Order.

Upon Voice Vote: **7 AYES**

RECEIPTS & DISBURSEMENTS:

Motion by Treasurer Wilks, second by Trustee Binns, **ADOPTED**, to accept the Receipts of \$80,993.52 and Bank Balance and Certificate of Deposits of \$1,112,478.08 for the period of June 1, 2010 through June 30, 2010 as reported by Melissa Wilks, Fruitland Township Treasurer and approve General Fund 101 Disbursements in the amount of \$69,353.09 and Fund 701 Disbursements in the amount of \$2,997.50 for the period of June 1, 2010 through June 30, 2010, as reported by Karolyn Rillema, Fruitland Township Clerk.

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

ANNOUNCEMENTS:

Supervisor St. Amour stated that well over 500 recipients receive e-news at the present time. The 10th Anniversary White Lake Community Library is holding an open house on August 15, 2010 from 2:00 – 4:00 PM. Dr. Holly is hosting a cruise of White Lake on July 21, 2010 at 4 PM for those interested. At this time, seven interested officials will be attending.

CONSENT AGENDA :

Motion by Trustee Bard, second by Trustee Bole, **ADOPTED**, to accept the following members to serve on the White River Light Station Citizen's Advisory Committee – Amy VanLoon-WLCOC, Cindy Larson-MCOC, Dennis Atkinson-Whitehall Twp, Laura Shields-Parks & Recreation Commission, John McGarry-Muskegon County Museum, Tanya Cabala-City of Whitehall, Sam St. Amour-Fruitland Twp, Bob Suits-White River Twp, Deb Harris (alternate) -White River Twp, Tom Lohman – City of Montague, Leslie Chase (alternate) – City of Montague.

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

COMMITTEE/BOARD UPDATES –

- White Lake Ambulance Authority – Trustee Bard had no report.
- White Lake Fire Authority – Trustee Bole stated he had no additional information on the installation of the dry hydrants and Supervisor St. Amour stated that the roof repairs on the Duck Lake Fire Station were complete.
- Parks and Recreation Commission – Trustee Binns had no report.
- Planning Commission –

Motion by Trustee Deur, second by Trustee Bole, **ADOPTED**, to suspend open floor discussion for Chairperson Kooistra to speak.

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

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Planning Chairperson Kooistra stated that the intent of this language is to protect the health, safety and welfare of the public. She witnessed the WLFA fighting a fire near her home in which the WLFA could not access the burning home because of the size of his driveway. She asked Trustee Bole to inform the WLFA of the great job of fighting the fire under the difficult circumstances. She stated that the language does not comply fully with the WLFA but will help fire truck access on future driveways.

Motion by Trustee Deur, second by Supervisor St. Amour, **ADOPTED**, to unsuspend open floor discussion.

Upon Voice Vote: 7 AYES

Trustee Bard asked if existing driveways or driveways that get updated are grandfathered.

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to suspend open floor discussion to allow Chairperson Kooistra to speak.

Upon Voice Vote: 7 AYES

Chairperson Kooistra stated that she had a conversation with Zoning Administrator Sandel and all existing driveways are grandfathered.

Motion by Trustee Bard, second by Trustee Bole, **ADOPTED**, to unsuspend open floor discussion.

Upon Voice Vote: 7 AYES

Clerk Rillema asked if additional language of maintaining driveway to these standards was necessary. Trustee Deur stated that the last sentence implies that language. Trustee Bole was not in agreement with a driveway in a subdivision having to be 12 feet with 3 feet cleared on each side. Trustee Deur explained that zoning ordinances are developed for a whole community and that we don't have different driveway standards for different zoning districts.

Motion by Trustee Deur, second by Treasurer Wilks, **ADOPTED**, to approve zoning ordinance Article III, Section 3.32 Driveways as presented by the Planning Commission.

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

- Zoning Board of Appeals – Trustee Bole stated that two hearings were held at the July meeting. Both requests were approved.
- Citizen's Advisory Wireless Committee – Trustee Deur stated that discussions with Frontier Communications employees continue to be optimistic regarding the potential for

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expanded DSL coverage for Muskegon County. Azulstar is awaiting information on grant money which should be decided by September 2010.

- Citizen's Advisory Regulatory Ordinance Committee – Supervisor St. Amour stated that several changes have been suggested to the cemetery ordinance. All members agreed to discuss in detail at the August work session along with the fee and escrow deposit schedule.

Motion by Trustee Bole, second by Trustee Binns, **FAILED**, to approve the Nestrom Road Park Ordinance – Article R21 as presented by the Regulatory Ordinance Citizen's Advisory Committee.

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

Motion by Supervisor St. Amour, second by Trustee Bole, **FAILED**, to approve the Nestrom Road Park Ordinance – Article R21 as presented by the Regulatory Ordinance Citizen's Advisory Committee with changes in Section R21.05, item C to read Hunting, shooting, archery and golfing with real golf ball activities.

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

Motion by Clerk Rillema, second by Trustee Deur, **ADOPTED**, to approve the Nestrom Road Park Ordinance – Article R21 as presented by the Regulatory Ordinance Citizen's Advisory Committee with changes in Section R21.05. item C to read Hunting, shooting, archery or golfing activities.

Upon Voice Vote: **7 AYES**

- Citizen's Advisory Residential Rental Committee – Trustee Deur stated that he would request Attorney Eklund to research if State Law implies that the Property Maintenance Code may have been indirectly adopted with the adoption of the State Building Code.
- Citizen's Advisory McMillan Road End Committee – Supervisor St. Amour stated that \$1,410.00 has been received to date. A interested citizen had inquired about a possible fund raiser for the road end but no further communication has been received to date.
- Citizen's Advisory Law Enforcement Committee –

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to adopt the Fruitland Township Uniform Traffic Code Ordinance 98. This authorizes the Attorney, Clerk and Supervisor to complete all steps required.

Upon Voice Vote: **7 AYES**

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- Fred Meijer Berry Junction Rail Trail – Supervisor St. Amour stated they are working with MDOT engineering. 2010 budgeted money will not be available. Funding from 2011 is forthcoming. Supervisor St. Amour continues to be optimistic to see this project through completion.
- White Lake Public Advisory Council – Trustee Deur stated that good dialogue between the WLPAC and Dupont was facilitated at a recent meeting by Representative Mary Valentine on the continued cleanup of the DuPont Property.
- WRLS Blue Ribbon Committee – Supervisor St. Amour stated that the first meeting of the committee will be held on July 27, 2010 at 7:00 PM at the Fruitland Township Hall. Curator McDonnell was not present to report on the Museum activities.

OLD BUSINESS -

1. 1562 Duck Lake Road –

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to allow the Supervisor and Attorney Eklund to execute the Restrictive Covenant Agreement for the parcels listed in Exhibit A owned by Lisa Stewart and Karl Holmstrom of 1530 Duck Lake Road, Muskegon, MI 49445.

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

2. 5623 Murray Road – Supervisor St. Amour stated that no information from the Appellate Court has been received at this time.
3. Condemnation Hearings – Supervisor St. Amour stated that 6168 & 6188 Murray Road may have been sold and the next hearing date is scheduled in late July. Nord Road has received permits and will need to be inspected and the house on Scenic Drive has been taken down but not fully removed.
4. Township Property (Harvest) – Supervisor St. Amour stated that Attorney Eklund is reviewing the contract and will report at the August work session.
5. Community Building Drain – Supervisor St. Amour has been in contact with the MCRC Whitehall Garage Supervisor Doug Davis and repair work of this drain cover is scheduled.
6. Moratorium for the Sale or Dispensation of Medical Marijuana – Attorney Eklund recommends taking no action at this time.

NEW BUSINESS:

1. Policies & Procedures – Clerk Rillema stated that current language in our policies and procedures 2.4(d) Public Participation should be changed to avoid discrimination as we offer only one public comment at our meetings.

Motion by Clerk Rillema, second by Trustee Binns, **ADOPTED**, to change the Policies and Procedures 2.4(d) Public Participation to read –

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Members of the public shall have an opportunity, under Public Comment, to address the Board for no more than three (3) minutes, or Supervisor's discretion on any item.

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

Clerk Rillema stated that inquires with how the interview committee is created resulted in the following change in our Policies and Procedures 3.6(d).

Motion by Clerk Rillema, second by Trustee Bard, **ADOPTED**, to change Policies & Procedures 3.6(d) of the Employee Selection to read – The Supervisor will appoint a committee of township elected officials and/or other appointed board members to conduct interviews. Any additional screening procedures, such as employment testing or an assessment center shall be done prior to and with Board approval. At least three non-related references shall be contacted.

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

Trustee Deur disagreed. Trustee Deur pointed out that this proposed policy change is in conflict with our existing policy manual, paragraph 1.3(i), which says that the Supervisor will appoint members of commissions, committees, etc., but that the township board must approve all appointments. Supervisor St. Amour said this would have to be addressed.

2. Ordinance Enforcement – Supervisor St. Amour stated that the ticket was dismissed for 4540 Weber Road due to extenuating circumstances. The owner of 1490 W. Duck Lake Road has a court date scheduled. The owner at 1424 W. Duck Lake Road has been given a conditional agreement with a final date for cleanup.
3. Plaques at Channel – Supervisor St. Amour stated that he has had conversation with the Corp of Engineers and it is possible to engage in a real estate agreement which could cost as much as \$1000.00. Trustee Binns stated that she spoke with the Village of Pentwater and City of Grand Haven and neither jurisdiction has allowed any markers at this time. The City of Muskegon did not respond. Trustee Deur asked whether there would be a written agreement with the Smith family to ensure they will absorb all costs of installation and maintenance, and Supervisor St. Amour indicated the agreement would be in writing.

Motion by Trustee Bard, second by Trustee Bole, **ADOPTED**, to allow the two memorial plaques of Christopher Jay Smith II be placed on township property by the steps at the White River Light Station in the grass in proper concrete foundations. The Supervisor shall instruct the parties that they will absorb all costs with installation and maintenance of such plaques.

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

4. White River Light Station – Supervisor St. Amour stated that a correction letter was received from the Friends of the White River Light Station stating that the artifacts

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purchased by the Friends of the White River Light Station are indeed donated to the Museum and are the property of the township. At this time, signatures on deeds of donation are being completed. The past practice of free admission to members of the Friends of the White River Light Station will not be honored at this time but will be discussed in the future due to the uncertainty of finances for the WRLS. An additional porta-jon was delivered to the parking lot at the White River Light Station for the remainder of the summer. Employee action remains under investigation at this time. Supervisor St. Amour stated that the foundation of the White River Light Station appears to be okay at this time. Installing a dehumidifier in the basement was recommended and Supervisor St. Amour will purchase and install. The Parks & Recreation Commission solicited quotes for gutters prior to the jurisdiction change over to the Board of Trustees and Supervisor St. Amour has been receiving quotes for sidewalk repair. Discussion will occur at the August work session.

5. Secretary/Receptionist Position – Treasurer Wilks stated that the position of secretary/receptionist is currently being filled by temporary help. An advertisement was placed in the Muskegon Chronicle and resumes will be taken until Monday, July 26, 2010. Trustee Deur indicated that he was advised by MTA that an Interview Committee acting on behalf of a public body is subject to the Open Meetings Act. Attorney Eklund will investigate and advise.
6. Budget Amendments –

Motion by Clerk Rillema, second by Trustee Bard, **ADOPTED**, to authorize the Clerk to make the budget amendments listed on the attached listing named Fruitland Township, 1st Quarter Budget Amendments, April 1, 2010 – June 30, 2010.
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**
7. Camera/Recording System – Trustee Bole spoke to a City of Whitehall Police Officer who suggested a handheld recorder. Deputy Jake Ashker was in the audience and suggested that a decision of whether just a voice recording is enough or if a camera recorder should be added too. Trustee Bole was tasked to solicit quotes for both.
8. Parks & Recreation – Master Plan – Trustee Binns and Trustee Deur suggested that discussion occur at the August work session due to the number of changes necessary. Trustee Deur spoke with Erin Kuhn of the WMSRDC and suggested some changes that would help with future grant applications.
9. Board Comments – Trustee Deur was pleased to see that the health insurance premium was lowered but cautioned that the reduction in benefits and no increase in pay may jeopardize employees wanting to be employed by Fruitland Township. He encouraged the Board to look this over when budgeting for 2011-12.

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ADJOURNMENT:

Motion by Treasurer Wilks, second by Trustee Bard, ***ADOPTED***,
to adjourn the July 19, 2010 Regular Meeting of the Township of
Fruitland at 8:35 PM.

Upon Voice Vote: 7 AYES

Respectfully Submitted,

Karolyn Rillema, Clerk
Township of Fruitland