

FRUITLAND TOWNSHIP BOARD
REGULAR MEETING
November 19, 2007
MINUTES

PRESENT: Supervisor Gregory R Boughton, Treasurer Debbie Boyer, Trustee Mary Eley, Trustee Norma Binns, Trustee Mary Ann Bard, Trustee Gary Bole, and Clerk Janell Beard

ALSO PRESENT: Township Attorney Robert Eklund and 17 interested parties.

CALL TO ORDER -

Supervisor Boughton called the Monday, November 19, 2007 Regular Meeting of the Fruitland Township Board to order at 7:00p.m., welcomed guests and led those in attendance in the pledge of Allegiance.

PUBLIC COMMENT -

1. Ron Forbes 2785 White Lake Drive, Whitehall, MI 49461 stated he held confidence that Supervisor Boughton would address their concerns of preventing accidents on White Lake Drive due to excessive speed, traffic volume and hazardous semi truck traffic. Mr. Forbes stated the speed limit should be reduced to a safe level and encouraged the Fruitland Township Board to address the issue as soon as possible.
2. Alan McCabe 3764 W. River Road, Muskegon, MI 49445 distributed information he wished to share with the Fruitland Township Board regarding the status of Temporary Occupancy and extension of Building Permit for 3764 W River Road, Muskegon, MI 49445. Mr. McCabe also distributed an opinion from Frederic Grimm, Jr, 60th District Court Judge, 94-31953-CM regarding Village of Lakewood Club vs. Alan McCabe.

MINUTES -

Motion by Trustee Eley, second from Trustee bard, **ADOPTED**, to amend the Wednesday, October 10, 2007 Regular Meeting minutes with item 19 reflecting resident Nancy Johnson's comment regarding compliance with the Open Meeting Act for Township Board Minutes, and amend the Monday, October 15, 2007 Regular Meeting Minutes that Supervisor Boughton advised Mrs. Knopf that the Fruitland Township Board is not likely to support the Duck Creek Watershed in the future.

Upon Voice Vote:

6 **AYES** *Trustee Bard, Trustee Binns, Trustee Bole, Trustee Eley,
Supervisor Boughton, Treasurer Boyer*

1 **NAYS** *Clerk Beard*

RECEIPTS and DISBURSEMENTS -

Motion by Trustee Binns, second from Trustee Bole, **ADOPTED**, to accept the report of receipts in the amount of 93,325.59 for Fund 101, for a General Fund Balance (Funds 101, 120, 130, 145, 470 and 812), Metro Authority Fund (Fund 140) 7,852.56, Nestrom Park Improvement / Blueberry Fund (Fund 150) 4,430.83, for a Total Balance of 491,821.70 (liquid balance), and Total Bank Balances and Certificate of Deposits in the amount of 1,086,676.47 as of November 16, 2007 as reported by Debbie Boyer, Fruitland Township Treasurer CPFA; and approve or amend for Total General Fund Disbursements the amount of 38,773.19 for the period of October 16, 2007 through November 19, 2007 as reported by Janell Beard, Fruitland Township Clerk CMC.

Upon Voice Vote: **7 AYES.**

CORRESPONDENCE:

1. White Lake Ambulance Authority Annual Report
Trustee Mary Ann Bard read a statement from Brain Binns, Director of the White Lake Ambulance Authority which stated the Authority has a staff of 34, 12 serving as paramedics and 22 are EMT and EMT-S status; there are two advanced life support ambulances scheduled 24 hours a day, 7 days a week, and 365 days a year; each ambulance is staffed by 1- Paramedic and 1- EMT or EMT-S. If the patient is in critical condition the ambulance is staffed with additional personnel. Two additional advanced life support ambulances are available as call in responses as well as advanced life support non-transporting e-unit and mass casualty disaster trailer; Total calls for fiscal year 2006 / 2007 were 1,812 down 2 calls from previous year; in 2003 the authority made a promise to the White Lake Community to ask voter's for enough funding to cover the gap between the authority's operational costs and the under funded reimbursements it receives from Medicare and Medicaid. That promise was fulfilled with a reduced millage request this year of .55 mills down from the .625 mills approved in 2005. A promise made, a promise kept.

2. Supervisor Boughton acknowledged receipt of materials from Kim McGee regarding concerns for the water quality of White Lake which included a Draft Proposal for Mandatory Sewage Disposal System, an Ottawa County Health Department "Real Estate Transfer Evaluation Policy, and a full set of Ottawa County Environmental Health Regulations which were amended to include the Ottawa County Health Department Real Estate Transfer Evaluation Policy. Mr. McGee sent same materials to Vicky Webster at Muskegon County Health Department for her review and comment and suggested the Fruitland Township Board invite Ms Webster to a future meeting to discuss.

3. Dale Augustin, Letter of Resignation as representative White Lake Fire Authority
Motion by Trustee Bole, second from Trustee Bard, ***ADOPTED***, to accept with regret the resignation of Dale Augustin, as a Fruitland Township representative, from the White Lake Fire Authority, and direct Supervisor Boughton to send letter of appreciation for his service to the township.
Upon Voice Vote: **7 AYES.**

4. Muskegon Area First
Rich Houtteman, Business Development Specialist for Muskegon Area First, a non-profit, 501 (c) (6), organization that specializes in county-wide economic development whose core function is to enhance the economic vitality of Muskegon County and meet with existing and perspective business and industry to locate within Muskegon County to provide opportunities for the residents of Fruitland Township and the other communities within Muskegon County. Current projects include Muskegon County Wastewater and prospective greenhouse farmers at the site, Primestar Solar conducts advanced finishing and will provide 20 – 30 jobs, and Aerofoil may provide up to 30 jobs. Muskegon Area First has engaged a Mainstreet Manager to work in conjunction with the Cit of Muskegon and the Muskegon Community Foundation for the development of the downtown area of Muskegon.

NEW BUSINESS -

1. 07-11-01 **Request to Muskegon County Road Commission RE: Nestrom Road
Regarding 61 06 131 400 0026 20**

Amended motion by Trustee Bole, second from Treasurer Boyer, ***ADOPTED***, to include parcel number 61 06 131 400 0026 20, that the

Fruitland Township Supervisor be authorized to sign a letter to the Muskegon County Road Commission requesting that the commission relinquish its claim of public easement for the west 33 feet of the former Nestrom Road, at River Road, along the township owned parcel property line.

Upon Voice Vote: 7 AYES.

2. 07-11-02 Resolution of Case 06-44788 Macejewski v. Muskegon County Road Commission

Amended motion by Trustee Eley, second from Trustee Bard, **ADOPTED**, to insert settlement approved by Muskegon County Road Commission for Simonelli Road, north of Duck Lake Road, and South of Riley-Thompson Road, that the Fruitland Township Board accept the recommendation of Township Attorney Robert Eklund regarding the settlement of Case 06-44788CH and communicate said action to the attorneys for the Plaintiff and Defendant of said case.

ROLL CALL VOTE:

Trustee Bard, AYE Trustee Bole, AYE Trustee Binns, AYE
Trustee Eley, AYE Treasurer Boyer, AYE Clerk Beard, AYE
Supervisor Boughton, AYE

3. 07-11-03 Planning Commission

a. **Special Land Use Permit for Cellular Tower** - Application for Site Plan Review and Special Land Use Permit received from Haley Law Firm, PLC, on behalf of Tower Co to construct a 199' monopole cellular tower within a 75' X 75' fenced in compound with ground equipment at base of tower to be located on a parcel of land in the Township with Permanent Parcel Number 61-06-113-100-0005-00 at the Lincoln Golf Club located on Whitehall Road, Whitehall, Michigan

Motion by Trustee Eley, second from Trustee Bard, **ADOPTED**, to concur with the Fruitland Township Planning Commission recommendation and approve Special Land Use Permit applied for by Haley Law Firm, PLC, on behalf of Tower Co to construct a 199' monopole within a 75' X 75' fenced in compound with ground equipment in a shelter at the base of tower to be located on a parcel of land in the Township with Permanent Parcel Number 61-06-113-100-0005-00 at the Lincoln Golf Club located on Whitehall Road, Whitehall, Michigan upon receipt of 1.) A copy of the letter of intent from the carrier; 2.) Approval by the FAA; and 3.) That the fence erected shall not exceed 10 feet in height.

Upon Voice Vote: 7 AYES.

b. **Amendment to Article VI Medium Density Residential Section 6.04**

Motion by Supervisor Boughton, second from Trustee Eley, **FAILED**, to concur with Fruitland Township Planning Commission recommendation to amend Article VI Medium Density Residential Zoning District, Section 6.04 Site Development Standards to increase Minimum Lot Area from one acre (43,560 square feet) to a two acre standard for residential uses; and amend to increase the Minimum Lot Width from the one hundred five (105) feet, to one hundred fifty (150) feet.

ROLL CALL VOTE:

Trustee Bard, NAY Trustee Bole, NAY Trustee Binns, NAY
Trustee Eley, AYE Treasurer Boyer, NAY Clerk Beard, NAY
Supervisor Boughton, AYE

**c. Amendment to Article VIII a. Inland Lake District Section 8.01a
Intent and Purpose and Section 8.02a Site Development Standards**

Motion by Trustee Bole, second from Trustee Eley, **ADOPTED**, to concur with the Fruitland Township Planning Commission recommendation and amend Article VII a. Inland Lakes Zoning District, Section 8.01 a. purpose, Intent and Covered Areas, and Section 8.02 a. Site Development Standards (5).

Upon Voice Vote: **7 AYES**

**d. Amendment to Zoning District – Northeast corner of Section 4, and
Northwest corner of Section 3 Rezone from Light Industrial Zoning
District to Medium Density Residential**

Motion by Trustee Eley, second from Trustee Bard, **ADOPTED**, to concur with the Fruitland Township Planning Commission recommendation to amend and rezone the Light Industrial Zoning District in the northeast corner of Section 4, and the northwest corner of Section 3 of Fruitland Township to a Medium Residential Zoning District.

ROLL CALL VOTE:

Treasurer Boyer, AYE Clerk Beard, NAY Trustee Bard, AYE
Trustee Bole, NAY Trustee Binns, AYE Trustee Eley, AYE
Supervisor Boughton, AYE

e. Amendment to Fruitland Township Zoning Map –

Motion by Trustee Eley, second from Trustee Binns, **ADOPTED**, to amend the Fruitland Township Zoning Map to reflect the approved amendments to the Zoning Districts by the Monday, November 19, 2007 action of the Fruitland Township Board.

Upon Voice Vote: **7 AYES.**

4. 07-11-04 Appointment to White Lake Fire Authority

Motion by Supervisor Boughton, second from Clerk Beard, **ADOPTED**, to appoint Treasurer Debbie Boyer as a Fruitland Township representative to the White Lake Fire Authority.

Upon Voice Vote:

AYE: Trustee Binns, Trustee Eley, Treasurer Boyer, Clerk Beard, Supervisor Boughton

NAY: Trustee Bard, Trustee Bole

5. 07-11-05 Land Conservancy Resolution of Support

Motion by Trustee Bole, second from Trustee Eley, **ADOPTED**, to enact the Resolution of Support for the Land Conservancy of West Michigan No. 09170701 to support acquisition of 64 acres, within Laketon Township, from the Mierendorf family to add and expand the Muskegon State Park, enveloping all of Lost Lake, preserving open space, protect an environmentally sensitive area of wetlands and dune ecosystem, and to preserve the land for outdoor recreation and education of the general public.

ROLL CALL VOTE:

Treasurer Boyer, AYE Clerk Beard, AYE Trustee Bard, AYE
Trustee Bole, AYE Trustee Binns, AYE Trustee Eley, AYE
Supervisor Boughton, AYE

6. 07-11-06 Amendment to Uniform Water Rate Ordinance

Motion by trustee Bole, second from Trustee Binns, **ADOPTED**, to approve recommendation for change to the Regional Water System Uniform Water Rate Ordinance that was previously adopted by Fruitland Township that amends requirements for hook up to the system.

ROLL CALL VOTE:

Treasurer Boyer, AYE Clerk Beard, AYE Trustee Bard, AYE
Trustee Bole, AYE Trustee Binns, AYE Trustee Eley, AYE
Supervisor Boughton, AYE

7. Adjournment

Motion by Trustee Binns, second from Trustee Bard, **ADOPTED**, to adjourn the Monday, November 19, 2007 Regular Meeting of the Fruitland Township Board at 8: 30 p.m.

Upon Voice Vote: 7 AYES.

Respectfully Submitted,

Janell Beard, CMC
Township Clerk
Fruitland Township