

**FRUITLAND TOWNSHIP BOARD
REGULAR MEETING
APRIL 16, 2012
MINUTES**

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

ALSO PRESENT – Sixty four (64) interested parties.

CALL TO ORDER – Supervisor St. Amour called the Monday, April 16 2012 Regular Meeting to order at 7:00 PM, led the pledge of allegiance and asked for a moment of silence.

AGENDA – Supervisor St. Amour asked to amend the agenda by adding New Business Item 5.5 – Local Government Approval for Liquor License Request.

Motion by Trustee Bard, second by Trustee Bole, **ADOPTED**, to accept the amended April 16, 2012 Regular Township Board Meeting Agenda.

Upon Voice Vote: **7 AYES**

PUBLIC COMMENT –

1. Dave Pequet – does not support the land transfer and informed the board that DLROA will continue its lawsuit with additional items and the potential for additional parties suing may happen. He presented the board with Fruitland Township Petitions signed by 135 residents and 49 non-residents.
2. Lee Holly, 6830 South Shore Drive - concerned for welfare of Duck Lake. Dr. Holly sees a need for an organized control method in place.
3. Bill Strang, 5841 Lamos Road – does not support the Resolution of land transfer because of what happened at Lamos Road End with public property loss.
4. Bruce Rissi, 5820 Duck Lake Road – questioned the rationale including the public expenditure of public funds on the maintenance costs/improvements of the strip compared to the discovery proceedings that said zero funds were expended and asked for a reconciliation. Also questioned the soliciting of funds from Blue Lake Township to Fruitland Township.
5. Tim McGarry, 8380 Laingsbury – retired DEQ litigator sees safety issues and increased boat traffic by allowing this transfer which will take away township resident's privileges.
6. Judy Trainor, 6305 Sheltering Way – supports the Resolution for transfer of land
7. Val Rissi, 5820 Duck Lake Road – does not support the Resolution of transfer of land and gave a brief history of the State of Michigan's rationale for parking spots at Duck Lake State Park.
8. Paul Derks, 3081 Duck Lake Road – does not support the Resolution of transfer of land.
9. Doug Zwemer, 6335 Sheltering Way – supports the Resolution for transfer of land.
10. Wayne Thuma, 4515 Orshal Road – does not support the Resolution of transfer of land.
11. Brett DeAugustine, 5131 Bard Road –compared the controversy of the 500 feet of wetlands with the wrongs of our country today. Stated that politicians take care of the people with the big bank rolls.

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12. Laura Shields, 5225 W. McMillan Road – Stated she serves as the Chair of the Parks and Recreation Commission and stated the history and reasoning for presenting the Resolution for conveyance of land transfer with Marcus Dunes to the Board of Trustees.
13. Loni Ward, 5854 Duck Lake Road – does not support the Resolution of transfer of land and would like the courts to decide.
14. Chris Pequet, 5650 Duck Lake Road – does not support the Resolution of transfer of land and stated it was sinful.
15. Lynn Knopf, 4328 Mystic Lane – does not support the Resolution of transfer of land and will continue to gather additional petition signatures if necessary.
16. Bill Trainor, 6305 Sheltering Way – supports the Resolution of transfer of land which upholds their easement confirmed by the Circuit Court.
17. Dick Durell, 4325 Scenic Drive – does not support the Resolution of transfer of land.
18. John Spooner, 5117 Duck Lake Road – cares about the environment and asked the board to tread lightly and move slow. Suggested outlawing gasoline engines on boats in Duck Lake.
19. Ron Peel, 6405 Sheltering Way – supports the Resolution of transfer of land and stated that he served on the Citizen’s Advisory Committee in which all were asked to take an oath and Bruce Rissi refused.
20. Don Irwin, 5823 Lamos Road – informed the audience that nobody cares and protect what you have.
21. Sharon Genter, 5800 Duck Lake Road – requested the board to not act on the Resolution and let the courts decide.

Public Comment closed at 8:00 PM.

MINUTES - Motion by Trustee Bard, second by Trustee Bole, **ADOPTED**, to accept the March 12, 2012 Work Session Minutes, March 19, 2012 Regular Meeting Minutes and March 30, 2012 Special Meeting Minutes
Upon Voice Vote: 7 AYES

RECEIPTS & DISBURSEMENTS –

Motion by Treasurer Beegle, second by Trustee Binns, **ADOPTED**, to accept the Receipts of \$103,885.63 and Bank Balance and Certificate of Deposits of \$1,172,108.71 for the period of March 1, 2012 through March 31, 2012 as reported by Melissa Beegle, Fruitland Township Treasurer and approve General Fund 101 Disbursements in the amount of \$227,048.07 for the period of March 1, 2012 through March 31, 2012 as reported by Karolyn Rillema, Fruitland Township Clerk.
Upon Voice Vote: 7 AYES

ANNOUNCEMENTS/COMMUNICATIONS – Supervisor St. Amour announced that Sable Point Lighthouse Keepers Association has taken over White River Light Station as of April 1, 2012 and is getting the building ready for a May opening. Wilson Forestry is securing a logging contract for the Simonelli property for Red pines. The road behind Fire Station #2 will be repaired by our Forester now that it has had time to dry out. The Michigan Township Association quarterly meeting is scheduled for April 30th at 7:00 PM at Laketon Township.

COMMITTEE APPOINTMENTS-

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- Planning Commission alternate to Joint Planning Commission --term ending at pleasure of the board – Willie Josephson.

Motion by Trustee Deur, second by Trustee Binns, **ADOPTED**, to approve appointing Willie Josephson as an alternate to the Joint Planning Commission at the pleasure of the board.

Upon Voice Vote: 7 AYES

COMMITTEE/BOARD UPDATES –

- White Lake Ambulance Authority – Trustee Bard reported that the WLAA met on March 28 at 7:00 PM. There have been 85 calls since April 1st. The WLAA is the official owner of the Gerry & Ellie Krause Memorial Public Safety Building located in Whitehall Township donated by the Krause family. Employees were not given salary increases and medical insurance premiums are expected to increase 15-17%.
- White Lake Fire Authority – Treasurer Beegle that a March meeting was not held but conversation with the WLAA regarding sharing their new building continues. The next meeting of the WLFA is May 10, 2012.
- Parks & Recreation Commission – Supervisor St. Amour presented history and background on the Marcus Park issue leading up to the Resolution presented tonight for adoption by the Board of Trustees from the Parks & Recreation Commission.

**FRUITLAND TOWNSHIP
RESOLUTION 2012-14**

CONVEYANCE OF A CERTAIN PORTION OF MARCUS PARK TO THE MARCUS DUNES CONDOMINIUM ASSOCIATION

WHEREAS, A resolution providing for the conveyance of a certain portion of Marcus Park to the Marcus Dunes Condominium Association in order to remove existing easements over, across and on the functional portions of Marcus Park, and

WHEREAS, The Board of Trustees of Fruitland Township has reviewed the Resolution of the Fruitland Township Parks and Recreation Commission dated December 5, 2011 and deems it in the interest of the public health, safety, morals, comfort, and general welfare of the township and its residents to make such conveyance to allow for the Public's exclusive use of the functional portions of Marcus Park, and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Fruitland Township that the Township Supervisor is hereby empowered, on behalf of Fruitland Township, to enter into a certain agreement to transfer a certain parcel of property for the extinguishment of certain easement rights, a copy of which is attached hereto. A majority of the Township Board members find that the parcel of property referred to in said agreement as the "Narrow Strip" is not needed for public purposes. The Board of Trustees of Fruitland Township further finds that the conveyance of said Narrow Strip to the Marcus Dunes Condominium Association and the Unit Owners thereof, in exchange for the surrender of all easement rights currently held over the balance of Marcus Park to be in the best interest of Fruitland Township residents. This resolution is adopted pursuant to MCL § 41.2.

Motion by Trustee Binns, supported by Trustee Bole, **ADOPTED**, Resolution 2012-14 for Conveyance of a certain portion of Marcus Park to the Marcus Dunes Condominium Association.

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

"AYE": Trustee Bole, Treasurer Beegle, Clerk Rillema, Trustee Bard, Trustee Deur, Trustee Binns, Supervisor St. Amour

"NAY": None

"ABSENT": None

BE IT RESOLVED THAT, Resolution 2012-14, Conveyance of a certain portion of Marcus Park to the Marcus Dunes Condominium Association was **ADOPTED** at the April 16, 2012 Regular Meeting of the Township of Fruitland.

Karolyn Rillema, Clerk

Trustee Comments: Trustee Deur stated that this is probably the toughest issue this board has had to handle during our administration. Not being able to broker a positive negotiation between all parties

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is disappointing, but feels it is in the best interest of Fruitland Township to remove itself from further litigation. Also, this issue has been very costly to the Fruitland Township taxpayers. Legal counsel has stated that this is our best attempt to protect the vast majority of the park for the public. Trustee Binns stated that she is confident that the property owners in Marcus Dunes have negotiated in good faith and will be conscious of not placing too many docks on the property. Trustee Bole has served on this board for all seven years of the litigation and would have liked to put the money expended on court costs towards road improvements and was disappointed in the half truths in the ad placed in the White Lake Beacon by DLROA. Clerk Rillema thanked the Parks & Recreation Commission along with the current Township Board for their continued efforts and felt that Winterwood Shores probably had the same rights as Marcus Dunes but because of documentation not being recorded correctly did not enable the Board to honor. Clerk Rillema supported the Resolution presented tonight. Treasurer Beegle stated that it is unfortunate that a global resolution was unable to be reached but is supportive of the Resolution.

- Planning Commission – Trustee Deur reported that the slate of officers for fiscal year 2012-13 were elected as follows: Chair Dave Roesler, Vice Chair Tom Thompson and Secretary Willie Josephson. A public hearing for a Special Land Use is scheduled for the May meeting.
- Zoning Board of Appeals – Clerk Rillema reported that the Zoning Board of Appeals heard two applicants on April 9, 2012. The first applicant, Christopher Campeau, 4753 W. Bard requested a variance of Article III, General Provisions, Section 3.08 E. Detached accessory buildings (2) be placed at least 200 feet from the road right-of-way if located in the front yard between the house and road in the RR, LDR, MDR, MHDR and HDR Districts. His variance request was to place an accessory building 135 feet from the road right-of-way. The Zoning Board of Appeals denied his request due to lack of hardship (4-1). The second applicant, White Lake Golf Club, 6777 South Shore Drive requested a variance from Article III, General Provisions, Section 3.08 G. Accessory building sizes, heights and setbacks and Article XVI, Special Land Uses, Section 14.04 Special Land Use Specific Requirements K. Golf Course (5) A driving range may be included as an accessory use subject to the following requirements (d) The driving range shall not include separate public facilities for vehicle access, circulation or parking. Such amenities shall be combined with the primary vehicle access, circulation and parking facilities for the golf course. The Zoning Board of Appeals adopted unanimously to approve the variance requests for the construction of an accessory building and parking for a proposed practice facility including driving range, putting green(s) and sand traps with entrance off of Michillinda Road.
- Citizens Advisory Wireless Committee – Trustee Deur reported Agri-Valley is interested in possible usage of an existing tower for broadband use off Michillinda.
- McMillan Road End Update – Supervisor St. Amour stated that the stairway and fencing is nearing completion. Signage has been ordered.
- White Lake Public Advisory Committee – Trustee Deur reported that the committee endorsed the Mute Swan Cull presented by the Muskegon Conservation District.

OLD BUSINESS –

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1. Ordinance Enforcement – Supervisor St. Amour stated that letters have been written and are ready to be sent for ordinance enforcement issues.
2. Life Ring Options – Supervisor St. Amour stated that he has received one of two quotes requested for the security of the life rings at the pier which will be discussed at the May work session.

NEW BUSINESS –

1. Discount Dump Day –

Motion by Trustee Bard, second by Trustee Bole, **ADOPTED**, to authorize Discount Dump Days from Saturday, July 7, 2012 – Saturday, July 28, 2012 for one trip with a maximum cost of \$5.00. Residents/property owners may pick up their coupon at the township office and must be presented to the Ecology Station Attendant at the time of use.

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

2. Section 125 Cafeteria Plan –

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to move to establish the Cafeteria Plan Section 125 and authorize the Clerk to sign such document and place on file at Fruitland Township.

Upon Voice Vote: **7 AYES**

3. Township Hall Friday Office Hours –

Motion by Trustee Binns, second by Trustee Bard, **ADOPTED**, to continue the reduced Township Hall Friday office hours until further notice or at the discretion of the board.

Upon Voice Vote: **7 AYES**

4. Muskegon County 1st Qtr PINS Payment –

Motion by Clerk Rillema, second by Treasurer Beegle, **ADOPTED**, to authorize the Clerk to pay the 1st Qtr PINS Invoice to Muskegon County in the amount of \$10,065.50.

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

5. Cemetery Crypt –

Motion by Clerk Rillema, second by Trustee Binns, **ADOPTED**, to amend motion 3-12-07 adding to that motion that all work must be completed July 1, 2013.

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Upon Voice Vote: 7 AYES

6. Local Government Approval for Liquor License – Allen-Nishyama Corporation

Motion by Clerk Rillema, second by Treasurer Beegle, **ADOPTED**, to authorize the Clerk to sign Resolution 2012-13, Michigan Department of Licensing and Regulatory Affairs request for Local Government Approval from applicant Allen-Nishyama Corporation, 2988 Scenic Drive, Muskegon, Michigan for a Class C license with dance permit upon approval from both the Zoning Administrator and Building Official of Fruitland Township.

Upon Voice Vote: 7 AYES

7. Board Comments – All board members thanked the Parks & Recreation and the Board of Trustees for the courage to tackle the Marcus Park issue that has been active for over seven years.

ADJOURNMENT –

Motion by Treasurer Beegle, second by Trustee Bard, **ADOPTED**, to adjourn the April 16, 2012 Regular Meeting of the Township of Fruitland at 8:55 PM.

Upon Voice Vote: 7 AYES

Respectfully Submitted,

Karolyn Rillema, Clerk
Township of Fruitland