

**FRUITLAND TOWNSHIP BOARD
REGULAR MEETING
JUNE 16, 2014
MINUTES**

PRESENT – Trustee Bard, Trustee Deur, Trustee Rissi, Clerk Rillema, Treasurer Beegle, Trustee Hampel, Supervisor St. Amour

ALSO PRESENT – (Six) 6 interested parties.

CALL TO ORDER – Supervisor St. Amour called the Monday, June 16, 2014 Regular Meeting to order at 5:02 PM, Commissioner Sabo led the pledge of allegiance and a moment of silence was observed.

AGENDA – Supervisor St. Amour asked to amend the agenda to add New Business #4 - Resolution 2014-11 and New Business #5 - Resolution 2014-12.

Motion by Trustee Bard, second by Trustee Rissi, **ADOPTED**, to accept the amended June 16, 2014 Regular Township Board Meeting Agenda.

Upon Voice Vote: **7 AYES – motion carried**

PUBLIC COMMENT –

1) Terry Sabo, County Commissioner - Stated that County Administrator Hammersley is leaving Muskegon County. A search firm will be hired for a replacement and sometime next week an interim administrator will be appointed until the replacement is hired.

MINUTES –

Motion by Clerk Rillema, second by Treasurer Beegle, **ADOPTED**, to accept the May 12, 2014 Work Session Minutes and May 19, 2014 Regular Meeting Minutes.

Upon Voice Vote: **7 AYES – motion carried**

RECEIPTS & DISBURSEMENTS –

Motion by Treasurer Beegle, second by Trustee Deur, **ADOPTED**, to accept the Receipts of \$24,396.14 and Bank Balance and Certificate of Deposits of \$954,440.38 for the period of May 1, 2014 through May 31, 2014 as reported by Melissa Beegle, Fruitland Township Treasurer and approve General Fund 101 Disbursements in the amount of \$54,678.23 for the period of May 1, 2014 through May 31, 2014 as reported by Karolyn Rillema, Fruitland Township Clerk.

Upon Voice Vote: **7 AYES – motion carried**

ANNOUNCEMENTS/COMMUNICATIONS – Supervisor St. Amour stated that 803 tires were collected from Fruitland Township at the Five Township Tire Collection Event at the end of May. Treasurer Beegle and her husband, Jeff, Trustees Deur and Hampel along with Supervisor St. Amour volunteered at the event. Supervisor St. Amour will be updating the Board with Ordinance

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Enforcement now on a quarterly basis. Muskegon County Public Health has secured funding to monitor the public bathing beaches from the start of June through the end of August. Sylvan Beach has been selected as one of the monitoring sites. The Muskegon County Chapter of Michigan Townships Association meeting is scheduled on June 30, 2014 at 7:00 PM at Sullivan Township. The Muskegon County Northside Water System has provided a copy of the annual water quality report for the member municipalities of Dalton, Fruitland, Laketon and Muskegon Charter Townships. Copies are available in the lobby of the township hall. Sheriff Roesler provided a copy of the May 2014 Statistics for our P.I.N.S. (Partners In Neighborhood Safety). A copy is available in the Clerk's office.

COMMITTEE/BOARD UPDATES –

- Parks & Recreation Commission - Trustee Hampel stated that many projects are in the works and better communication between P&R and the township board is making positive progress. The Commission is working on their master plan and will be in contact with the Planning Commission to inquire about partnering on sharing costs for a survey to be mailed to residents later this year on a number of topics.
- Planning Commission - Trustee Deur stated that language recommended by the Planning Commission on Wireless Communication Equipment and Wireless Communication Support Structures is being put on hold until Attorney Even can review for consistency on the lease with Verizon and federal/state requirements recently amended. The proposed amendments to Swimming Pools and Application Submittal Requirements are being recommended at this time in the following motion.

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to accept the recommendations of the Planning Commission to amend the following language:

Swimming Pools

Amend Article III, General Provisions, Section 3.27 Swimming Pools (B).

Application Submittal Requirements

Amend Article XIV, Special Land Uses, Section 14.02 Application and Review Procedures B.

Amend Article XV, Site Plan Review, Section 15.04 Application and Review Procedures A. to strike twenty (20) days and replace with thirty (30) days.

Amend Article XIX, Board of Zoning Appeals, Section 19.05 Applications and Hearings A. to strike twenty (20) days and replace with thirty (30) days.

Roll Call Vote: Trustee Bard **AYE**, Trustee Deur **AYE**, Trustee Rissi **AYE**, Clerk Rillema **AYE**, Treasurer Beegle **AYE**, Trustee Hampel **AYE**, Supervisor St. Amour **AYE** - **motion carried 7-0**

- Zoning Board of Appeals - Clerk Rillema stated that the ZBA met on Monday, June 9, 2014. Two hearings were scheduled but one was withdrawn prior to the meeting. Applicant Douglas McNeil, Legal Counsel on behalf of LSI Real Estate, LLC, (Buzz's Lakeside Inn) 5700 Scenic Drive, 61-06-012-300-0018-00 requested an appeal of the Zoning Administrator's decision that the proposed use of the patio represents an expansion of an existing use and therefore not allowed. The Zoning Board of Appeals upheld Zoning Administrator's decision 4-1 that the patio use was an expansion.

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SPECIAL GUEST - Drain Commissioner Brenda Moore presented the Board of Trustees with an overview of her department and shared ideas on how to change the way we manage our drains regarding water quality. She is visiting as many municipalities to educate residents on drainage affairs.

OLD BUSINESS –

1. State of Michigan Licensing & Regulatory Affairs/McMillan Road End Stairs - Supervisor St. Amour stated that a response letter was sent to the State of Michigan requesting that the repairs to the stairway would take up to 45 days. A quote from Muskegon Conservation District is forthcoming for costs to repair.
2. Wireless Tower - Trustee Deur stated that the lease is in its final draft and Attorney Even is awaiting a copy to review before the township can accept.

NEW BUSINESS -

1. Policies & Procedures/Employee Handbook -

Motion by Clerk Rillema, second by Treasurer Beegle, **ADOPTED**, to authorize Clerk Rillema to make the amendments to the Policies & Procedures and Employee Handbook regarding the new Snow Day Policy.

Roll Call Vote: Trustee Hampel **AYE**, Treasurer Beegle **AYE**, Clerk Rillema **AYE**, Trustee Rissi **AYE**, Trustee Bard **AYE**, Trustee Deur **AYE**, Supervisor St. Amour **AYE** - **motion carried 7-0**

2. Tax Sale Properties - Treasurer Beegle stated that two properties (Plymouth Street & Nord Road) were in the tax sale. The Plymouth parcel was not contiguous with any current township property and after review with Zoning Administrator Sandel on the Nord Road parcel; it was found the property could be developed without adding to other parcels. She recommended no purchase at this time as the board in the past has not wanted to be in the real estate business and favored getting it back on the tax roll. The board agreed.

3. Land Conservancy Letter of Support -

Motion by Supervisor St. Amour, second by Trustee Deur, **ADOPTED**, to authorize Supervisor St. Amour to write a letter of support for the grant reapplication for the Duck Creek Conservation Easement Project to Nonpoint Source Program for the 319 grant funding.

Roll Call Vote: Trustee Bard **AYE**, Trustee Deur **AYE**, Trustee Rissi **AYE**, Clerk Rillema **AYE**, Treasurer Beegle **AYE**, Trustee Hampel **AYE**, Supervisor St. Amour **AYE** - **motion carried 7-0**

4. MCRC Performance and Indemnification - Resolution 2014-11 -

Roll Call Vote: Trustee Hampel **AYE**, Treasurer Beegle **AYE**, Clerk Rillema **AYE**, Trustee Rissi **AYE**, Trustee Bard **AYE**, Trustee Deur **AYE**, Supervisor St. Amour **AYE** - **motion carried 7-0**

MCRC FORM
P2000-001

FRUITLAND TOWNSHIP
RESOLUTION 2014 - 11

PERFORMANCE AND INDEMNIFICATION

RESOLUTION

This Resolution is required by the Muskegon County Road Commission to enable it to issue to a governmental body Permits for Use of Muskegon County Roads, or Permits for Miscellaneous Operations within Muskegon County Roads. It must be renewed annually.

RESOLVED

WHEREAS, the TOWNSHIP OF FRUITLAND
(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL BODY", from time to time makes application to the Muskegon County Road Commission, hereinafter referred to as the "COMMISSION", for permits, hereinafter referred to as "PERMIT", to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and/or under Muskegon County Roads at various locations within and adjacent to its corporate limits;

NOW, THEREFORE, in consideration of the COMMISSION granting such PERMIT, the GOVERNMENTAL BODY agrees that:

1. It will faithfully fulfill all permit requirements and will indemnify, save harmless, represent and defend the Muskegon County Road Commission, and all officers, agents, and employees thereof, and those governmental bodies performing permit activities for the COMMISSION, and all officers, agents and employees thereof, pursuant to any activity for which the commission may require a PERMIT, from any and all claims of every kind for injuries to, or death of any and all persons, and for loss of or damage to property, and environmental damage or degradation, and from attorney's fees and related costs arising out of, under, or by reason of the presence of the GOVERNMENTAL BODY'S facilities and/or its installation, construction, operation, maintenance, or other activities which are being performed under the terms of the PERMIT on, over, and/or under Muskegon County Roads, except claims resulting from the sole negligence or willful acts or omissions of said COMMISSION, its officers, agents, employees, and contracting governmental bodies and officers, agents, and employees thereof, performing permit activities.

2. The COMMISSION shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors, or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.

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3. It will, by its own volition and/or request by the COMMISSION, promptly restore and/or correct physical or operating damages to any Muskegon County Road resulting or arising out of the installation, construction, operation, and/or maintenance of the GOVERNMENTAL BODY'S facilities pursuant to a PERMIT issued by the COMMISSION.

4. The incorporation by the COMMISSION of this Resolution as part of the PERMIT does not preclude the COMMISSION requiring additional performance security or insurance when deemed necessary by the COMMISSION.

5. This Resolution shall continue in force from the date hereof until canceled by the GOVERNMENTAL BODY or the COMMISSION with no less than thirty (30) days prior written notice to the other party. It will not be canceled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position or positions, are hereby authorized to make application to the Muskegon County Road Commission for the necessary permit to work within County Road rights of way on behalf of the GOVERNMENTAL BODY.

Name	and/or	Title
<u>D & B BRINE INC</u>		

I HERBY CERTIFY that the foregoing is a true copy of a resolution adopted by the FRUITLAND TOWNSHIP BOARD OF TRUSTEES
(Name of Board, etc.)

of the TOWNSHIP OF FRUITLAND of MUSKEGON
(Name of GOVERNMENTAL BODY) (County)

Michigan, at a REGULAR meeting held on the 16th day of JUNE

A.D. 2014

Signed Kandice Rullena
Title Clerk, Fruitland Township

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5.

**FRUITLAND TOWNSHIP
RESOLUTION 2014 – 12**

SUPPORT OF THE LITTLE RIVER BAND OF OTTAWA INDIANS CASINO PROJECT LOCATED IN FRUITPORT MICHIGAN

WHEREAS, the Little River Band of Ottawa Indians propose to construct a Casino in Fruitport Charter Township, County of Muskegon, and;

WHEREAS, the Fruitland Township Board of Trustees believes this project will be a catalyst that will assist economic issues that exist in Muskegon County,

Motion by Trustee Bard, second by Treasurer Beegle, **ADOPTED**, Resolution 2014-12 to support the Little River Band of Ottawa Indians Casino Project located in Fruitport Charter Township, Muskegon, Michigan.

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

“**AYE**”: Trustee Bard, Trustee Rissi, Treasurer Beegle, Supervisor St. Amour

“**NAY**”: Trustee Deur, Clerk Rillema, Trustee Hampel

“**ABSENT**”: None

BE IT RESOLVED THAT, the Board of Fruitland Township, **ADOPTED**, Resolution 2014-12 to Support of the Little River Band of Ottawa Indians Casino Project located in Fruitport Charter Township at a Regular Meeting of the Fruitland Township Board at 5:00 PM on Monday, June 16, 2014.

Karolyn Rillema, Clerk
Township of Fruitland

6. Board Comments – Trustee Bard asked what happens to building plans after given to the building Inspector? Supervisor St. Amour suggested she speak to Building Official Siegel. She also asked why information supplied to the Zoning Board of Appeals was inaccurate (relating to LSI - ZBA meeting). Clerk Rillema replied that the information provided to the ZBA members was the information supplied by the applicant and/or legal counsel with the application. Trustee Deur stated that starting Tuesday, September 9 from 6:30 PM - 9:30 PM, the Citizen Planner course will be taking place at Laketon Township for seven weeks. He has emailed all attendees the dates scheduled. Clerk Rillema stated that information has been received that the City of North Muskegon has a new City Manager - Sam Janson. A request from the Montague-Whitehall Rotary Club for financial support for the 2014 4th of July fireworks was received earlier today.

Motion by Clerk Rillema, second by Supervisor St. Amour, **ADOPTED**, to authorize the Clerk to donate \$100.00 toward the Montague-Whitehall Rotary Club Fireworks for services rendered subject to adding our name as a sponsor in the minutes or advertisement.

Roll Call Vote: Trustee Hampel **AYE**, Treasurer Beegle **AYE**, Clerk Rillema **AYE**, Trustee Rissi **AYE**, Trustee Bard **AYE**, Trustee Deur **AYE**, Supervisor St. Amour **AYE** - **motion carried 7-0**

Treasurer Beegle reported that all 2014 Personal Property Tax was collected. She will be printing the summer 2014 tax bills in the near future. Treasurer Beegle reported that she will be transferring banks from PNC to Shelby State Bank. She thanked those members that were able to participate in the tour of the White Lake Fire Authority facilities. Trustee Hampel reported that she will be attending a free seminar on Assets - Roads in Big Rapids.

Marcia Hovey-Wright was in attendance and reported several items that the legislature has been working on. Roads were not an item that any vote was taken on favorably unfortunately.

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ADJOURNMENT –

Motion by Trustee Rissi, second by Trustee Bard, ***ADOPTED***, to adjourn the June 16, 2014 Regular Meeting of the Township of Fruitland at 6:30 PM.

Upon Voice Vote: **7 AYES – motion carried**

Respectfully Submitted,

Karolyn Rillema, Clerk
Township of Fruitland